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DISCRIMINATION IN EMPLOYMENT (OVERSIGHT)

HEARINGS BEFORE THE GENERAL SUBCOMMITTEE ON LABOR OF THE COMMITTEE ON EDUCATION AND LABOR HOUSE OF REPRESENTATIVES NINETY-SECOND CONGRESS SECOND SESSION ON OVERSIGHT HEARINGS ON UNEMPLOYMENT AND DISCRIMINATION IN EMPLOYMENT

HEARINGS HELD IN
CHICAGO, ILL., OCTOBER 20, 21; CLEVELAND, OHIO, OCTOBER 23, 1972

Printed for the use of the Committee on Education and Labor
CARL D. PERKINS, *Chairman*



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DISCRIMINATION IN EMPLOYMENT (OVERSIGHT)

FRIDAY, OCTOBER 20, 1972

HOUSE OF REPRESENTATIVES,
LABOR SUBCOMMITTEE ON UNEMPLOYMENT
AND DISCRIMINATION IN EMPLOYMENT,
Chicago, Ill.

The subcommittee met, pursuant to notice, at 9:30 a.m., in room 204, Everett McKinley Dirksen Building, Hon. Augustus Hawkins presiding.

Present: Representatives Hawkins (presiding), Pucinski, Scheuer, and Metcalfe.

Mr. HAWKINS. Ladies and gentlemen, this hearing in Chicago is under the jurisdiction of the General Subcommittee on Labor of the House Education and Labor Committee. The issues under consideration are unemployment and racial discrimination in employment.

Last week the Department of Labor announced with pride that 900,000 black people have obtained jobs or job training during fiscal year 1972. This statement belies true conditions among minorities. Official unemployment among blacks, for example, has been around 10 percent since 1971, and remains there. This means that as of August 1972, at least 932,000 black people were actively but unsuccessfully looking for work. In addition, the so-called discouraged workers or hidden unemployed added another 185,000 to the total number of jobless blacks in 1971.

Actually, most minorities and women are not significantly better off now than in 1940. The economic progress made since that date has been more symbolic than real. Both groups are highly concentrated in low-paying, dead end jobs. The employment rate is misleading when one considers the earnings derived. Qualitatively, some jobs should not even be counted, or, if so, only on a percentage basis—as part-time jobs.

At a time when jobs are as scarce as they are now and people of all ethnic groups and both sexes are scrambling for work, we must endeavor to see that minorities and women have a fair chance for employment and advancement in a society which has traditionally discriminated against them. In spite of 7 years of Federal effort, blacks are still the last hired and the first fired, and for Americans of Spanish descent, the employment picture is no better than its second largest employer, the State and local government, as well as educational institutions.

The law regarding employment discrimination is clear. It is the administration of the law that has caused controversy and given rise to questions that these hearings will seek to answer. The President's recent statements concerning "quotas" and "merit hiring" have left an air of confusion in Federal agencies that recruit, hire and promote

minorities and women in affirmative action programs. Private corporations with Federal contracts are also questioning the administration's policy statements regarding contract compliance.

The Congress cannot sit back, content in the belief that new legislation has solved the problems which have faced the Nation for over a hundred years. It is incumbent upon Congress to oversee the implementation of its policies and to be continually vigilant to the need for new legislation.

This is why we are here today. We want to see what has been done and what needs to be done. Here in Chicago today we are beginning a series of regional hearings. On Monday the Subcommittee will be in Cleveland. In the next few months we will travel to such cities as Los Angeles, Philadelphia, New York, and Atlanta.

Although we do not wish to preclude testimony in any area relevant to equal employment opportunity, it is the intention of the Subcommittee to pay particular attention to the progress and problems of the EEOC and Civil Service Commission as they attempt to implement the directives of Title VII and to the efforts of the Office of Federal Contract Compliance in insuring equal employment opportunity for blacks.

Discriminatory practices against women and certain ethnic groups are accepted as the normal way of life. Their rationale is based on the alleged inferior qualifications of members of these groups and they are perpetuated systematically by propaganda campaigns centered on such emotional issues as quotas, preferential treatment, busing, and the work ethic.

In Chicago, last year, the unemployment rate for whites was 3.3 percent. Chicago blacks were officially unemployed at a level of 5.4 percent. Although minorities represent 24.5 percent of the civil service employment in Illinois, these employees are concentrated in the lower level jobs. For example, in Illinois, blacks comprise only 1.3 percent of the employees at the GS 16 through 18 levels, and only 5.7 percent of grades 14 and 15. But in the lowest GS levels, 1 through 4, blacks represent almost 35 percent of the total number of employees. These persistent disparities must be eliminated.

Congressional passage of the Equal Employment Opportunity Act of 1972 last March marked a new era of Federal commitment to solving the problems of employment discrimination. For the first time, an agency of the Federal Government, the EEOC, was given authority to bring suits on behalf of aggrieved employees and applicants for employment. For the first time, the commitment to equal employment in the Federal civil service has been expanded to permit Federal employees to sue in Federal courts. In addition, the guarantees of the Civil Rights Act of 1964 are extended to employees of the Nation's Federal contractors.

The Federal Government is a system where equal employment opportunity is of critical importance. We must insist that Government agencies enforce the law, that they seek affirmative compliance agreements from non-complying employers and unions, and that they invoke without prolonged procrastination, sanctions against those who engage in discriminatory lawlessness with regard to employment.

At this time, I would like to introduce the other members of the committee and those who are present with us today. To my immediate right is a member of the subcommittee, Congressman Roman Pucinski

of the Chicago area, and I wish to certainly pay a personal tribute to Congressman Pucinski, because he has been an articulate spokesman for civil rights as a member of the subcommittee and was certainly one of the active members of the subcommittee in reporting out the recent bill to strengthen the Equal Employment Opportunity Commission, and it is certainly a pleasure to have Mr. Pucinski with us at this time.

Roman, if you would like to make a statement, we would be very glad to have a statement from you.

Mr. PUCINSKI. Thank you, Mr. Chairman. I'm pleased to welcome you here to Chicago today. I think that these are long overdue hearings, and I'm glad that we finally have an opportunity to get down to the whole business of how well the Equal Employment Opportunity Act has been enforced and implemented and closing the gap of discrimination.

When we first introduced this legislation—and I am pleased to have been a cosponsor of this bill when it first came before the committee—we limited the Equal Employment Opportunity Commission to searching out discrimination because of race, religion, and national origin. It became quite obvious to us that there were two other very significant factors of discrimination, and that was sex and age, and I am pleased that in the ensuing years we were able to amend the bill to give the Commission broad powers.

The history of this legislation also showed that in the first instances the Commission really had no significant powers. It was helpless to apply any real leadership to this problem because of the nature of its jurisdiction, and I am pleased that we were able over the years to strengthen the Commission and give it additional powers.

I am most anxious to see from these oversight hearings how well the Equal Employment Opportunity Commission has been performing its duties, and I am sure that as the hearings proceed and we hear the witnesses appearing before us today and the record they will lay before us, and based on the preliminary statistics introduced into the record by the distinguished Chairman, Mr. Hawkins of California, my judgment is that the Equal Employment Opportunity Commission is not doing the job that it ought to be doing and that it could be doing, and that we have a continuation of discrimination in job hiring and promotions.

We are going to find it is probably because the Commission, particularly under this administration, has not been moving as zealously as it ought to. It occurs to me that what can come out of these hearings is a set of new guidelines and new directions either to strengthen the Commission's powers itself or to find out why the Commission continues to tolerate a pattern of discrimination, not only because of race, religion or national origin, but because of sex and age.

We, I hope, are going to have some testimony to indicate the degree of continuing discrimination because of sex in this country, and I must say that I have had over the years the great pleasure of working with Mr. Hawkins on this subcommittee, but I think that we can indeed be proud of the contributions we have made. But these hearings are important because they will serve notice on the Commission that the committee is not only interested in passing legislation, but then takes on the additional responsibility of seeing how well this legislation is being implemented, to see that it does the job that we had hoped to do.

I remember when we first got involved in this. Congressman Roosevelt of California was still the chairman of this subcommittee, and while I think we made some very significant progress, I think that the continuing pattern of discrimination is a source of concern to all Americans, black, brown, or white, rich or poor, male or female.

And so, Mr. Hawkins, I welcome you to Chicago. I'm sure that the testimony here will be a very significant contribution for understanding a little better the needs for continual pressure on the Equal Employment Opportunity Commission to do the job it ought to be doing.

Mr. HAWKINS. I thank you. Gentlemen, if Mr. Scheuer will forgive me, I would like to introduce next the Congressman who is responsible for bringing these hearings to the Chicago area. He is certainly one of the distinguished Members of the House, and one who has set, I think, a most brilliant record, which is nothing unusual for him. In this particular field, in the field of legislation, he is highly rated.

I don't know how Mr. Nader is going to rate you, Mr. Metcalfe, but I can certainly say that the chairman of this subcommittee rates you very highly and I think I speak for all of the Members of the House. We are pleased to be in Chicago at your invitation, and at this time we would like to hear any comments that you may make to the work of the subcommittee.

Mr. METCALFE. Thank you very much, Chairman Hawkins. I want to share with Congressman Collins in extending a very cordial welcome for your coming to Chicago and also for Congressman Scheuer being present and coming all the way from New York, since we have recessed the Congress.

It is most significant to me that there is a wide gap between what we in the House and in the Congress do and the practical implications of it, because this is one of the things that I know that you have been vitally concerned with, not only in regard to unemployment and discrimination, but also on an educational level. And so we are particularly concerned that after we have passed the laws that the laws are actually applied to those who are supposed to benefit from them. Otherwise, America is deluded into thinking that all is well when we know that all is not well.

The whole question of unemployment and racial discrimination transcends itself into many, many areas, because the dollar is still the base of our society and people must work in order to not only provide for their families and their own immediate need, but to have some dignity and be constructive citizens, and as long as there is a discrimination that exists in the area of employment, there are going to be many, many other sociological factors that are going to result from the fact that there is discrimination, the fact that there are two classes of people living in the United States, whether they be members of minority groups, the black and the brown, or whether they be women or youth, and if we can then bring about equal balance where we can remove completely racial discrimination, where we can see that more employment is available, I think the whole fiber of our society is going to be enhanced.

I'm particularly impressed with the very fine and outstanding list of witnesses that have agreed to come before us, all knowledgeable people, all concerned people who will give us the information that I'm sure your committee will want, and I can't be too praiseworthy in expressing our thanks to you for coming from California to Chicago, because

Chicago is the hub of the United States and we feel as though we'd like to set the pace. We are not setting the proper pace, and we think that ought to be corrected and the only way it's going to be corrected is to have concrete testimony as will be presented to this august committee, and as a result of this, hopefully that we'll get some very positive action that will come out of it so that the racial discrimination will be eliminated and so that people can then be able to be employed, because today there pervades throughout our society a feeling that is dangerous to the security of this country, and that is the attitude that certain groups do not want to work.

This is an absolute lie, I mean, because figures will contradict it, but as we think that and implement it, it only means that it brings different groups further apart and in doing so it weakens us.

And so I can't tell you how pleased I am that you have accepted our invitation to come to Chicago and to hold these hearings.

Mr. HAWKINS. Thank you, Mr. Metcalfe.

The next member whom I would like to introduce is Mr. James Scheuer of New York.

I am very pleased that one of the individuals on whom we are able to rely is Mr. Scheuer and certainly want to pay tribute to him for the work that he has done on the Education and Labor Committee in the field of new careers. He is the father of new careers in America. It was the amendment he drafted that was accepted by the committee and eventually became the law.

We are indebted to him for the concept of new careers wherever it appears in Federal laws that are now on the statute books. It is a pleasure, Jim, to have you with us, and at this time we would like to have a comment from you.

Mr. SCHEUER. Well, first of all, I'm going to have to insist that the guilt for the paternity of that particular child must be shared. No Member of Congress contributed more to making the new careers program work, no Member of Congress contributed more creative energy to getting the program passed and getting it operated than you.

It wouldn't have been in existence if it hadn't been for your initial efforts and for your continuing support.

I am very happy to join you at the invitation of Congressman Ralph Metcalfe and his colleagues, Congressman Collins and Congressman Pucinski. They're Members who we all respect and admire, and as for you, there is no Member of Congress who has accomplished more in the field of reforming our manpower programs, being a change agent in our manpower and employment programs to make them sensitive to the needs and aspirations of all members of our society. I think you are performing an enormously important public service in scheduling the oversight hearings to find out, as Congressman Pucinski quite properly emphasized, how the programs that we legislated are actually working in the field.

As Congressman Pucinski so rightly said, there is no more important congressional function than the business of riding herd on the executive branch of Government at the Federal, State, county, and city level to find out how they're administering and sometimes butchering the great programs that we legislate.

And so I'm proud that you asked me here, Gus, and I look forward to today's work.

Mr. PUCINSKI. I would like to point out that the initiative shown by Congressman Metcalfe in inviting this committee here is indicative of the leadership that he is bringing to a very substantial segment of the Chicago community in demanding a whole new era of equal rights opportunity for people that have had those rights denied too long.

Ralph Metcalfe is a new wind that is blowing in Chicago, and he has become the undisputed leader today in demanding that a very substantial part of our community does indeed get the kind of equal treatment that is deserved under the Constitution, and I think that these hearings today are indicative of the new kind of leadership that is emerging in this city to overcome the problems that have plagued a very substantial part of our community much too long. And I believe that we do owe Ralph a great deal of gratitude for the initiative, but more important it is rather significant that he is doing the kind of oversight activity that has been lacking for so very, very long.

So I'd just like you to know that you are sitting next to a gentleman who has very courageously taken on some of the issues that have been plaguing the community much too long, and there is no question that these hearings today are perhaps the first meaningful example at the congressional level, and I am sure that Ralph Metcalfe is going to have many more congressional committees over there looking at programs that were designed to help our citizens but for various reasons have failed to do the jobs.

He deserves the accolades of the entire Congress for this kind of leadership.

Mr. METCALFE. Thank you.

Mr. HAWKINS. The Chair would like to announce that the staff of the Department of Labor were invited to the hearing this morning, but have respectfully declined.

At this time, we would like to call the first witness. It is indeed a pleasure for the Chair to do so, because he is a personal friend of mine, one who is certainly well known throughout America, perhaps as well known in Los Angeles, my own city, as in Chicago and certainly well known and recognized as an authority on the subject matter that is before this committee this morning.

I have often heard him referred to as the country preacher. I'd like to refer to him as the economist for the poor. It is certainly a pleasure for the committee to have Rev. Jesse Jackson as our first witness.

Reverend Jackson, would you kindly take a seat before us there, and we do have your statement in its entirety. You may read it into the record or handle it as you see fit.

Mr. METCALFE. I'd like to have him read it into the record, please.

STATEMENT OF REV. JESSE JACKSON, PRESIDENT, OPERATION PUSH

Reverend JACKSON. Mr. Chairman, I do like your city, but this is the hub. Thank you very much.

A nation with more than \$2 trillion in its economy, utilizing its resources properly, would make these hearings today unnecessary. But the failure of this Nation to equitably distribute and properly utilize its resources makes these hearings not only necessary, but indispensable to any meaningful attempts to shape future public policy.

Black America is plagued presently by a syndrome of worklessness that can be properly called nonemployment. Unemployment suggests a tentative or temporary if difficult inconvenience. Nonemployment suggests a pathology beyond the stage of aberration. It has become a permanent or absolute which one must live with.

The facts are that blacks have not enjoyed normal employment since the Second World War.

This is another way of saying that black Americans do not participate significantly in the economy save as consumers. Their participation in the early years of the 19th century as slaves and then subsequently as cheap labor could well have meant that their participation was greater than it now is as residuals of the work economy.

I base this argument on a series of inescapable realities that determine in black and white, and if you will, three dimension—where we are as black workers:

1. The rate of black participation in the labor market has dropped from 12.8 percent to 8.5 percent within the past 3 years. The drop from 1971 and 1972 resulted in a net deficit of 57,000 workers as entrants into the labor market.

2. The lowest rate of unemployment for blacks was reached in the spring and summer of 1968 when the rate was 6.6 percent—or depression level unemployment.

3. The black rate of unemployment is at least 11 percent and in some urban centers it reaches 28 to 35 percent currently.

In the introductory chapters of the PUSH economic bill of rights, prepared by eight leading black economists under the chairmanship of Dr. Marcus Alexis, the statement is made that "Currently 7 million people in the labor force are either unemployed and seeking work or have despaired of finding work, and another 14 million have only welfare payments to sustain them in poverty." A disproportionate number of those would-be workers are black.

In a study prepared by the U.S. Department of Labor for 1971 (Geographic Profile of Employment and Unemployment, 1971 Report 402) that black joblessness was often as much as nearly three to one compared with white unemployment. It is also noted that where joblessness for blacks was highest nearly two-fifths of the Nation's black labor force resided. In a final explanatory note the study called attention to the fact that in such cities as Chicago, Houston, Washington, Dallas, Cleveland, San Francisco, Oakland, Los Angeles and Detroit, incidence of unemployment among blacks varied substantially—varied, that is, within the city itself.

The numerical estimate provided by this study, one which was admittedly conservative and which was accompanied by charts showing the possible margin of error as substantial, was yet 919,000—or nearly 1 million blacks. In the North Central industrial States where the population of blacks has increased substantially, the rate hovered near 10 percent (9.8 percent). In some industrial centers like Pittsburgh, the rate of labor participation for blacks was as low as 54 percent; nationwide in metropolitan areas it was only 60.4 percent. The highest rates of average participation were in the southwest where it was 67 percent.

The average rate of unemployment in cities like Cleveland was 16.1 percent for blacks; in Chicago, where allegedly good conditions existed it still reached from 9.4 to 11.5 percent.

Teenage unemployment for blacks was a thumping 31.7 percent nationwide.

In most of those areas conditions are worse than they were at the time the report was filed.

This is a problem etched in black and white so that it represents a parasite literally sapping the social infrastructure of black America.

At this very hour while this testimony is being read into your records the ratio of black median family income to white median family income is 60 percent. For blacks 45 years or over the ratio is 57 percent or less.

Moreover, a Department of Commerce (Bureau of the Census) survey reveals that it requires two and one-half black workers (two full time, one part time) to earn the wages received by one white family head. Again, while three black workers receive an average of \$9,027—three white earners receive an average of \$13,978. Similarly, when there are four earners, blacks claim \$11,259 against \$16,243 earned by whites.

At least 32 percent of America's black persons maintain themselves on incomes which are below the Department of Labor "Low Income" category. The Current Population Survey, disclosed that some 7.7 million black families' members, an absolute increase of 450,000 over the previous year—suffered this disability. At least 40 percent of the children in low-income families are black.

The blatant recurrence of unemployment takes place in the black community despite the fact that it is a statutory responsibility for the Federal Government under the Full Employment Act of 1946 to provide the means for alleviating unemployment. The current act, which Dr. Alexis notes, lacks much of the strength of the original bill, is still being grossly violated by under use and the blatant act of ignoring it.

The ostensible reasons for never using this act are largely academic or political in the worse sense of the word. Ivory tower assumptions are brought to bear to provide underpinning for retrograde and largely anachronistic assumptions that expanding an economy to fulfill employment needs will stimulate inflation to necessary levels.

There is now overwhelming price inflation—despite the so-called economic controls inaugurated and administered by the current administration—inflation, we might note on the most essential items of food, clothing, and rent, yet unemployment and economic deprivation continue to exist, quite independent of the rise or fall in employment.

The profile of income disparity in this Nation has not been substantially altered in 25 years. As a matter of fact, the studies of Joseph Pechman, Benjamin Okser, Robert Browne, and Marcus Alexis disclosed that it had increased.

The top 20 percent of this Nation have incomes of 10.4 times the amount of those claimed by the bottom 20 percent. In other words, while the top 20 percent receive 42.7 percent of the income, the bottom 20 percent receive 4.7 percent.

I must here assert, that in my opinion and the opinion of those who advise me, the Federal Government has made racial discrimination and exclusivism a governmental policy.

This is evident in the fact that the administration has fought moves to desegregate school systems in this Nation and now refuses to creatively use options at its disposal to break up unequal education. The few billion dollars offered to equalize inner city educational facilities not only has had no effect upon education of black and other nonwhite children's education, but it barely represents the expenditure for research—one weapon now used in a senseless war 8,000 miles away—and is paltry and anemic when compared to the expenditures on the F-111.

Secondly, the Nixon administration has called for an end to quotas in employment. This declaration essentially abrogates the Philadelphia plan and every other program, including the so-called Chicago plan, which established quotas, therefore requirements that the blacks and nonwhites should participate in the more lucrative contract construction work at something other than the level of common laborers.

To this date blacks average less than 6 percent of the employment in the skilled crafts despite ballyhooed reports of increases in black and other nonwhite entrants to apprenticeships programs.

The sequence of this drama or charade should be understandable. First blacks are blocked out of decent educational opportunities. They are locked out of colleges and vocational schools. As a result this means we are locked out of preparation for a meaningful job. Then, by eradicating quotas the administration conspires with other racist elements to determine that the ability of blacks to work and therefore to function at certain levels of the economy will be by chance, not choice.

Today we would make clear that zero is a number and therefore likewise is a quota. Our population is 12, perhaps even 15 percent of the Nation's. We choose the 12 to 15 percent rather than the zero as our standard and expect the Nation, whose President is the President of all the people, to do likewise.

A survey has come to our attention which does not even argue the existence of discrimination. Rather, it poses the question of how much will it cost the Nation to persist in the illogic of racism. Accordingly, the survey notes that the cost of the racist lockout is estimated at \$40 billion. The black market is estimated at \$42 billion, so what is said here is that blacks could all but double their market GNP or that black total income could no doubt go to \$85 or \$100 billion, if Jim Crow economics did not prevail.

It is against this background that black people should understand and you who are here should understand the accusation that blacks are only interested in getting on welfare. Black people joined other poor persons in America in the mills and the fields to work before there were machines or timeclocks. They lent their muscles and their sweat to the mobilization of American industry before pistons or diesels provided the power.

We have been overworked and underpaid * * * indeed, a paramount concern for all blacks is: "When will we be paid for the work we have already done?" We could neither enter the ranks of skilled

labor nor trained management and we had to scrape for the most tenuous positions on the job ladder.

This is the primary reason for the aggressive program which Operation PUSH is now pursuing in developing agreements with major industries in this Nation that will guarantee jobs, business development, and other economic benefits for black and nonwhite people. We based these agreements on the premises that a corporation, in this instance the Jos. Schlitz Brewing Co., and the General Foods Corp., has an obligation to its nonwhite consumers to enlarge the opportunities for employment and enjoyment of economic benefits, and a proportional share of the philanthropic giving for the united negro college fund.

To date these covenants or agreements have brought commitments worth \$65 million in the instance of General Foods and \$37 million in the instance of the Jos. Schlitz Brewing Co., or over \$100 million to the black community.

We now know that we cannot depend upon the Federal Government to accept a responsible role in bringing black and other nonwhite Americans into the American economic mainstream. This does not mean that the Government should be absolved of any responsibility. It is the duty of the Government to protect and to provide for the welfare of all of its citizens, or those citizens have a right to say "Farewell," to that Government, by ballot when possible, by other means when necessary.

Today, while our Government permits private grain giants to line their pockets while forcing smaller farmers to sell their wheat short and at unreasonably low prices, and permits Boeing Air Co., to enter a massive contractual transaction with the Peoples Republic of China, there is no such program for black businessmen in this Nation. Loans, credits, and other financial arrangements which make these deals possible are not extended to black businesses.

Indeed the Small Business Administration's practices can only be termed stingy and indifferent. Its 1971 report notes that losses from the business loan and investment fund were over \$431.5 million and from business loans alone they totaled \$135.6 million (i.e. under the Section 7(a): Business Loans Program). The total losses for this year's program represent three and a half times more than has been loaned black businesses this year.

Over the past 30 years, the migration of black Americans to the North has served to reduce the population of blacks in the South by nearly 25 percent. At the same time other factors in northern cities have affected the lives of the newcomer black residents.

First, there has been an inverse relationship between blacks moving to northern cities, and jobs existing from those cities into expanding suburbs. A conspiracy of flight and fright has been at least partly responsible for this trend. Whites have fled inner-city areas in galloping thousands, and the jobs have been swept along in pursuit of their previous holders.

For example, less than 20 years ago there were approximately 7 million jobs in the suburbs. During that time there were 11 or 12 million recorded jobs in the inner-cities.

A recent survey (partly reported in this past Sunday's New York Times, Oct. 15, 1972) indicated that of 15 major areas only two.

“had significantly more jobs at the end of the 1960’s than at the start.” At least nine of the 15 areas lost significant numbers of jobs in the inner-cities. In New York the job loss was in excess of 10 percent and in Detroit the loss totaled over 23 percent.

Again, currently 75 percent of the residents of the suburbs also work in the suburbs. In New York, only 22 percent of the workers commute to the city for work.

What this points to is a need for mass transit systems which will permit increased numbers of workers to commute to suburban jobs in the immediate future.

In a larger sense it means constructive planning on the part of city and suburb to integrate low-income housing into the total residential matrix of the suburb, thus making suburb accessible to black and other nonwhite workers.

Jobs must become a larger priority than guns for a war which escalates in cost and thereby drains needed resources—even when there is an apparent lessening of troop involvement. The truth is that the most expensive segment of the war is being waged in the air. Just providing fuel alone for the air war costs at least \$360 per hour, per plane. The F-111 debacle proves again the essentially unsound character of the equipment produced, and engineering done to prop up this war. It proves that guns or butter is not an option but an optical illusion.

We make the following recommendations convinced that action with direction and a revised schedule of priorities is the most necessary step toward the realization of national and world leadership.

1. We recommend the end of the so-called Philadelphia- or Chicago-type plans and in their place, the development of a national plan for placing workers on contract construction jobs. For one basic reason the city plans are largely designed to fail. The President’s address attacking quotas has all but pulverized those plans that are still being utilized. We do not need fragmented programs guaranteeing a minimum of employment. We need national programs that will guarantee equitable participation in the craft and trade unions for blacks and non-whites.

2. We recommend that every American be guaranteed a job or an income as a right. The Full Employment Act of 1946 needs to be strengthened and at least 3 million jobs should be provided immediately. This recommendation is similar to the bill authored by former Senator Joseph Clark of Pennsylvania and is premised upon the belief that unemployment is a national tragedy. It is cynical to offer to alleviate this tragedy with a mere 500,000 temporary public service jobs—many at substandard wages.

3. We recommend a stepped-up program of Federal contract compliance. We recommend accordingly that increased powers be given to the Equal Employment Opportunities Commission to press the enforcement of contract compliance. Hopefully, it will no longer be possible for an angry Senator to call for the dismissal of an Equal Employment Opportunity Commission Chairman because he pursued his job vigorously. (This happened to Clifford Alexander in late 1969).

4. We recommend further a complete review and overhaul of the Current Minority Business Enterprise program including that provided through the Small Business Administration (SBA) and

through the Office of Minority Business Enterprise. The programs are grossly underfinanced. For example, a meaningful partnership between the Federal Government and the business community could be established through the MESBIC program. (Minority Enterprise Small Business Investment Corporation.) These investment corporations should be initially capitalized at much higher levels than they are at present. There should be more of them. There are less than 100 at the present time.

These establishments have the potential for expanding the economy and providing employment where it is needed most; namely, in black and poor ghettos.

Quite apart from these recommendations, we intend to pursue our own course for guaranteeing jobs and business opportunities for blacks.

The SBA's record is etched in disappointment and failure with respect to black businesses. And this should be expected. In Illinois a series of seven loans were made to one company in Joliet worth over \$2 million, while in Chicago's inner city some 145 loans combined totaled only \$1.4 million.

We are urging industries to be willing to confer with us about matters of black and nonwhite advancement, but short of the conferring, we are prepared to confront them with the ultimatum, "Cut us in or cut it out."

We consider the agreements already forged, equitable examples of what American business can do at its best—and the companies themselves as having displayed rare statesmanship and courage. For in each instance the companies engaged in amicable and meaningful negotiations designed to discover ways that a major business could relate to its black consumers.

Ultimately the history of denial cited here can but accrue to the eventual demise of a nation. For when a nation fails to provide for the welfare of its citizens those citizens have a right to bid farewell to that nation. By that same token we know that we represent a significant margin of profit for consumer industries in this Nation. If we walk away from the base of the American or on industry's profit it will suffer a severe setback. Therefore we are stating unequivocally that industry has the obligation to "Cut us in or cut it out." Furthermore, industry and Government are now inseparable partners and both have the moral and, in the instance of Government, the constitutional responsibility to make certain that all citizens participate in the mainstream of the American economy.

Thank you, Mr. Chairman.

Mr. HAWKINS. Thank you, Reverend Jackson. As usual, your contribution is outstanding, and the committee, I think, has profited greatly from the statements which you have documented well and certainly expressed in a most eloquent manner.

I'm sure that there are a lot of questions that the members of the Committee would like to address to you, and I will first call on Mr. Scheuer.

Mr. SCHEUER. I yield to Mr. Metcalfe.

Mr. HAWKINS. Mr. Scheuer yields to Mr. Metcalfe.

Mr. METCALFE. Thank you very much, Mr. Chairman. I share your enthusiasm in the very fine and very learned presentation and

very revealing presentation that you presented to this committee this morning.

The evidence is more shocking than I thought it would be. Reverend Jackson, I'd like to refer you to your first page in which you indicated that the rate of black participation in the labor market has dropped from 12.8 percent to 5.5 percent within the past 3 years and the drop from 1971 and 1972 resulted in a net deficit of some 57,000 people.

This seems to me to portend a very dismal future if we continue on that course.

The question is, What do you attribute to this drop in employment among nonwhites, the blacks?

Reverend JACKSON. Well, one, I would have to attribute it to the priorities of the present administration. I think that these figures jibe considerably with the 3.5 percent unemployment when this administration came into being, and that is 5.5 percent nationally. So unemployment has increased nationally by 2 percent, and certainly those figures, which are Federal figures, jibe with these particular numbers.

The money spent killing in Vietnam in the air should be spent in America healing on the ground, and so I think that it is a decision that the country must make at the executive level whether it's going to spend its money for killing programs abroad or healing programs at home.

Mr. METCALFE. Thank you very much.

May I refer you also to page 2, your second paragraph, in which you indicated a study prepared by the U.S. Department of Labor for 1971. You proceed to show the disparity that exists, particularly in Chicago and other cities.

The major question that I have at this particular juncture is that the figures that you have cited throughout your report are more dismal than those that have been submitted to us that I have read from the Department of Labor.

Now, I certainly do not question the ability of men like Dr. Marcus Alexis and other economists. I think they have given us some factual figures, but these figures do not jibe with the figures that we are getting from the Department of Labor. Why?

Reverend JACKSON. Two reasons: One, the economists are using several other indices. One is the Geographic Profile of Employment and Unemployment. The other is that the Labor Department itself, the figures don't jibe because the Labor Department is jiving. It indicated 9 months ago that unemployment figures were so high it would not present anymore labor statistics for the next 9 months.

So in part we have the figures that were presented when they stopped revealing labor statistics to the public and the projection as a result thereof, and these economists dealt with the Commerce Department, the Labor Department, the Office of Management and Budget, the Geographic Profile on Unemployment as well as the loss of jobs as the economy continues to extend itself abroad rather than to expand itself at home. And this was a team of 10 economists.

Mr. METCALFE. I'm very much concerned about your statement on page 6. You said now that we have—cannot depend upon the Federal Government to accept a responsible role in bringing black and other

nonwhite Americans into the American mainstream, then you go on to explain what is actually happening there and point out that it is the duty of the Government to protect and provide for the welfare of all of our citizens and you further said that this has not been done properly.

Would you be kind enough to elaborate on that statement? Because it is such a potent statement, I'd like to have you expound on it, if you will, please.

Reverend JACKSON. One, Congressman, I would like to indicate that I spoke quite a bit about the black economic woes in this report, but I would like in the expansion to deal with the nature of the economy versus the discrimination within the economy.

Within the economy, needless to say, blacks, women, young people, the Spanish-speaking are being discriminated against, but while we argue, "Shall blacks and browns and women and young people have their share of jobs," jobs in fact are leaving and not being re-created for them. We are not being able to distribute nothing, because there will be nothing to distribute, because the President is more committed at this point to extending the economy to cheap labor markets abroad than to expanding the labor market at home.

The trip to China, which was hailed at one level as a great diplomatic mission for peace, on the other hand right behind that trip we see the Boeing Air plant relationship, and, of course, China has a considerably cheaper labor market, so a few months later he goes to Russia, which has an even cheaper labor market.

Now, what this means to me is that when I see the wages of the poor frozen August 15 and those who are unemployed humiliated and accused of being lazy, and I see the South Korean labor market, the Taiwan labor market, the Chinese labor market, and the Russian labor market being appealed to and given tariff preferences, it seems that the nature of the economy is to extend abroad and to the Caribbean, where there are cheaper labor markets rather than to expand at home.

There is a basic error in the assumption that if the wages are frozen and the profits are released, the businessmen would take this money and put it back into the economy to increase employment. What has in fact happened is that the wages have been frozen of the poor and their families have been frozen in poverty and the rich have taken these profits and they have bought machines to replace employees and to use that money to invest in foreign trade rather than to invest in expanding the American economy. And that is what I see as a danger probably more pervasive than even the discrimination within the economy.

To put it in real common terms, Congressman, there is no Kissinger within America to deal with expanding this economy. There is only a Kissinger abroad to deal with extending the economy, and invariably those economists profit from the new American relationship, but poor black and white Americans don't.

I might add that of the 40 million malnourished in the Nation, 28 million are white, and it is unfortunate that an issue such as quotas, which is essentially raised in a racial context, would blur what's going on. While we argue about 10 percent of the jobs, there may not be any jobs to have a percentage of, because behind Boeing I can virtually

guarantee or at least project you will pretty soon be seeing the Chinese Hilton and the Peking Hilton.

Mr. METCALFE. I have many questions that I would, of course, like to ask. I'm going to confine it to one more, if you will, Reverend Jackson.

You indicated that it was cynical for us to offer a mere 500,000 federally employed jobs. Now, this is what we in the House of Representatives voted for, but are you cognizant of the fact that the President vetoed that bill and then we had to reduce our figures to only 150,000 federally subsidized jobs or jobs federally controlled. That's a long way away from a million, and I don't contest at all your figure of a million, but dealing with realities as we are, we thought that 500,000 would be a step in the right direction and yet we were not able to achieve that and had to settle for a mere pittance of 150,000, which we could use right here in the city of Chicago.

Would you care to comment on the reality of the problem so as to give this committee a direction?

Reverend JACKSON. The fact of the matter is if the 1946 Unemployment Act were enforced, you wouldn't even have to recommend 500,000, because 7 million would be recommended as the number of jobs needed, and then if there were enlightenment coming from the Executive level, we would have what in effect would be a program designed to retrain people at home, and that would be programed where we would deal with a livable job or an income rather than a minimum job and income.

What is ultimately unfortunate about this is that if the bottom fourth of the Nation is locked out of education and jobs, it is locked into crime and locked into despair, and poor people cost more to keep up than enlightened people. Unemployed people cost more to maintain than employed people do, and that is probably the ultimate tragedy. The Nation really must raise the question, Shall we take one-fourth of the Nation and leave it ignorant and thick and unemployed and thereby help pull the top three-fourths down or shall the bottom fourth of the Nation become enlightened and healthy and employed and therefore be able to contribute to the production dimension of the Nation? That becomes the ultimate question in my opinion.

Mr. METCALFE. May I ask one additional question? Something that you said triggered a thought in my mind, because you talked about the unemployed ultimately may be becoming criminals. Have your economists made any study as to what it costs with our inadequate and antiquated penal system today and compare that to what that money could be used for in order to build society with education, with retraining those underemployed and then providing jobs for those unemployed?

Reverend JACKSON. Unfortunately, Mr. Metcalfe, I do not have those statistics with me, but from observation here is what we found after having visited jails and penitentiaries around the Nation. Invariably they are overpopulated with young people between the ages of 20 and 30 who otherwise could contribute to the economy. There appear to be only three places for these young people, either Vietnam, or in jail, or in the streets unemployed. There is not a job alternative for the element that chooses to steal before it will starve, and I think that as we look right now at the possibility of Vietnam

veterans who existed for 3 or 4 years in a false economy, false labor market, that is, they were employed because they were taken off of the American labor scene, as they come back home and as the air war takes over, the question becomes we have more than 500,000 young men between the ages of 18 and 21 who have been trained either to build bridges or to kill their enemies coming back to the American scene, many of them on dope, others of them desperately looking for a job, having been described that they were fighting for a country that was going to protect them.

I think there would possibly be evidence in the coming months that either these people are going to be cut in or there will be no military defense against the kind of sabotage and ambush and terror that they could bring upon this Nation.

I think that we have virtually created a generation of monsters, and if we do not develop some means to humanize those that we have dehumanized in the war process, this civilization is going to corrode from the inside out. That's my own opinion.

Mr. METCALFE. Thank you very much, Mr. Chairman.

Mr. HAWKINS. Dr. Jackson, in your statement in several places you refer to the Chicago-type plan, and that in effect calls for the ending of this so-called concept, hometown plans.

I noticed last night in the Washington Evening Star that a minority hiring plan has been approved in Chicago, and the essential features seem to call for 10,000 minority group worker jobs in Chicago in 1976. This was referred to as proportional to the minority population in Cook County, which raises the question of whether quotas are involved in conflict with the President's statement. Also, the at least alleged plan calls for the employment of 1,693 workers in the building trades by September 30, 1973, with goals increasing annually through 1976 and with a timetable.

Now, in view of some of the alleged benefits that would flow from such a plan, which presumably has been approved in Chicago, would you care to comment on your statement, which seems to be in conflict with this approach which is being at least pursued in this particular area?

Reverend JACKSON. I disagree with the approach. The only thing different about the plan approved a few days ago is that the integrity and the credibility of the Urban League is much greater than the integrity and credibility of those who were responsible for the last plan.

But I would remind you that everything in this Nation that is taken seriously not only is national in its administration but national in its enforcement,—tax laws, drafting laws, public accommodations bills, commerce bills, financial bills, treasury bills—everything in the Nation taken seriously is national, and it is enforceable at a Federal level. Things taken unseriously are local and trial and error.

I have raised a question from the national perspective, given the duties that I have as the president of my organization. What does this do for the black and the Spanish-speaking worker in Miami and in New York and Los Angeles and Mississippi and Louisiana? To me it is another case of a false hope. The administrators have, perhaps, better credibility and greater integrity, but they have no enforcement powers.

Mr. HAWKINS. What type of enforcement powers would you recommend?

Reverend JACKSON. Well, you know when the 1965 voting rights was passed, when they were able to accumulate x amount of violations, we could go directly to the Federal Government and they would bring in marshals to supervise certain elections, and it violates now a Federal law to impede people in pursuit of the right to vote or the exercise of their civil rights.

Now, you don't violate any such serious law, you don't violate any law that would make you criminally responsible if you violated this plan, and if we had just had, suppose we had just had a Birmingham civil rights bill or we just had a Montgomery bus bill or we had just had a Selma voting bill. We needed national bills, because the nature of the problem was national and the nature of the solution had to be national and it had to be enforceable by law, not just by good will.

Mr. HAWKINS. Inasmuch as the plan calls for the employment of a specific number of persons as of a particular time, does this appear to you to be in conflict with the President's position a few weeks ago in which he opposed any preferential treatment or the setting of any quotas?

Reverend JACKSON. The President was more concerned about appealing to people to indicate that he did not want preferential treatment to blacks than he was about quotas. He has established quotas all along in his coming out of Vietnam. The budget that he submits to get passed has quotas x amount of numbers over x period of time.

The question is what will the quota be? Will the quota be a negative, as it was during the period of chattel slavery? Will it be a quota where there is no obligation to employ the blacks and poor or shall there be a 10- to 12-percent quota, which is the figure derived as a result of our percentage in the population? Assuming that we are socially equal and innately capable of functioning and performing as other people do, with other things being equal, we should attain economic and political and social participation in the American social, economic, and political order commensurate with the number of people that we have in the population.

So I think that it is unfortunate that we would now not recognize that the historical zero as a quota is being backed toward and I think the reason it is, is because if we expand the American economy, the quota will not be a problem because we'll have a full employment economy, which will make it all right.

But if we freeze the economy as it is and extend it then it would be necessary to lock groups where they are to keep such groups as have jobs now from not literally destroying each other.

Mr. HAWKINS. Also in your statement, and I think a few minutes ago in answer to a question of Mr. Metcalfe, you said that a fourth of the Nation was locked out of education. Would you amplify that statement and explain in what way a fourth of the Nation is locked out of education?

Reverend JACKSON. All right. There is an education that inner city children, because of the facilities in the school or lack of facilities and the crowded conditions and the general environment out of which they come, means that after about the sixth grade that the longer they go to school the less they tend to learn, and the less they tend to learn,

the less qualified they are for jobs that demand certain educational qualifications.

The second thing is that there is no relationship between the liberal arts education of the public educational system and the vocational needs of the technical society, and so to that extent they are locked out of sound educational opportunity.

Beyond that in many rural areas of the Nation, where the blacks are underrepresented in terms of political representation and thereby cannot control or participate in the control and distribution of the budget of school systems, the all-black schools are qualitatively inferior based upon lack of budget appropriations by and large, and therefore the proposal to move toward one school system if we are to have one Nation with one judicial system and one war system and where the house is not to be divided against itself has been proposed by the NAACP and other groups down through the years. It was raised that in order to have one school system, since we lived in two neighborhoods, black neighborhoods and white neighborhoods, and in some instances brown neighborhoods, that busing as an option to get one school system had to be exercised.

The President has in fact asked for a cease of that method. Now, he is not offering an alternative to that system of busing like using helicopters and airplanes or some other means of transportation. He has virtually accepted locking the black and the poor into the schools that they are already in, and those schools are not producing people capable of getting into the highly sophisticated labor market and the demands it puts on the young American now.

Mr. HAWKINS. Thank you. One final question: Last week the Department of Labor announced with a great deal of pride that 900,000 black people have obtained jobs, or job training in fiscal year 1972. This would appear to be in conflict with the statistics that you have given us this morning showing the dismal record of unemployment and the number of blacks who have lost jobs.

Now, 900,000 alleged new jobs and job training opportunities out of a labor force of about 7 or 8 million perhaps is quite a substantial number. Just how do you explain the difference between the statement being issued by the Labor Department—taking great credit for this alleged accomplishment—and the dismal plight of blacks who are unemployed and living in poverty?

Reverend JACKSON. The most unfortunate thing, Mr. Chairman, perhaps I'll have to say this morning, is that the Labor Department itself no longer has enough credibility to have carte blanche acceptance of its statistics. We must also deal with the delicate letter and the language coming out.

Nine hundred thousand being trained is one thing, and 900,000 men placed on jobs is quite another. But you see, we have a situation where traditional plants in America are being closed down as we give deference to the foreign market where people who are trained are not employed. We have the case of—I don't have the precise statistics—in your own area of Los Angeles where we have a considerable number of people with college degrees driving cabs.

Now, people with college degrees are driving cabs. Consider what those who didn't finish high school, what they must be doing in Los Angeles. That is just an indication somewhere between its public statement some months ago that it was going to stop releasing statis-

tics about the labor market so as to keep people's minds off of the cost of the war is rising, the number of unemployed is rising and the programs to offset the cost of the war and the job creation or recreation is low.

Now, my observations come at least as much from walking the streets of this Nation and flying across it, jetstreaming, if you will, as it does from just reading Labor Department statistics.

Mr. HAWKINS. Thank you, Reverend Jackson.

Mr. Scheuer?

Mr. SCHEUER. In deference to time, Mr. Chairman, we do have a crowded calendar and I'm not going to ask any questions, but I do want to say that your testimony has been most interesting and informative. I would take issue with a few things that you had in your prepared statement that I think are perhaps generalizations that don't quite convey the truth in many circumstances or some at least, and I would take issue with you on the whole question of quotas and I hope that we'll have a congressional hearing with all points of view expressed on this very complicated and sensitive business of quotas, because I think it deserves exploring and I hope that we can achieve some kind of interface between the people who want to right wrongs, and we all do, and overcome the wrongs of the past and create a just and free society and those of us who believe that the Constitution denies equal treatment for all and that you don't achieve equal treatment by using the same tools of discrimination that have been used in the past.

It is an evil tool, and we don't believe that that's the way you right wrongs. It has been used evilly in the past and I feel the business of creating cop rights and group responsibility, that all should be explored at a future hearing.

As I said, well, I may take issue with a few of the things that you said in your prepared testimony. You made some very excellent points in your prepared testimony, and your oral testimony was remarkable. If I were you, at future hearings—I know of very few witnesses who are as well informed and articulate and eloquent in their oral statements. If I were you, in future hearings I would let your prepared statement go into the record and I would just speak off-the-cuff.

You have given us one of the most interesting and informative and knowledgeable and articulate and eloquent statements that I have heard in a long time and I want to thank you for it.

Reverend JACKSON. May I respond, Mr. Chairman?

Mr. HAWKINS. Certainly. Go ahead, Mr. Jackson.

Reverend JACKSON. For the record, on the question of quotas, I hope you all have a hearing on it too, but I hope you deal with the origin of the proposition, that is to say, that on the question of quotas, for a very long period of time zero was a quota. I want you to understand that.

I also want you to understand that black Americans have the unique distinction of being involuntarily brought here, not brought here on our own and put in a state of chattel slavery, which means while the rest of the Nation was moving forward based upon the natural order, we were held back based upon an unnatural social order.

Therefore, a proposition of not reverse discrimination, but based upon that historical fact of compensation for documented racial or slavery discrimination, 40 acres and a mule was proposed and all

those who were socially and unnaturally held back would be brought up to the starting line.

Now, Mr. Metcalfe having had a career in track knows something about the fact that we cannot all of a sudden decide we are going to run the 100-yard dash, but that you have had the chance because you are a white to be at 80 yards, and he, because he is black to be at 10 yards, that somebody is going to fire a gun and that it is unfair to bring him up to your starting blocks. That is not reverse discrimination, which misrepresents the case. It is compensation. It is catchup for the American historical fact that those of us who are black have a responsibility not to let America forget until 40 acres and a mule and its equivalent is dealt with now.

If the 1964 full employment act had been implemented and if the 1954 Supreme Court school decisions spirit and letter had been enforced, it would be unnecessary now, because we have established as a people that once we are given a reasonable chance, not just as to the letter quota, but a reasonable chance, given Mr. Metcalfe's first tenure in office as a Congressman, given a reasonable chance he has attained national stature. Given our chance to get into baseball in 1947 and the role that we played in athletics by 1972, we have established this fact. But before 1947 there was a quota of zero and there had to be established first a law of a minimum. Beyond that is gravy, and we can take care of the gravy. But there had to be a minimum established to offset or compensate the historical wrong.

Mr. SCHEUER. I agree with most of what you have said, and I agree particularly with what you say, that given an equal chance, you can make it on your own.

Reverend JACKSON. We must also have an equal chance not only to start, but an equal chance to get to the starting line.

Mr. SCHEUER. I couldn't agree with you more, and Gus Hawkins and I have been working for 8 years but I have been in Congress on all kinds of programs to open up opportunity programs to assure equal education, programs to create public service jobs with a component of on-the-job training, programs to break down the artificial barriers to work with dignity, in civil service, for instance, barriers that have no relationship to the needs of the job that have kept black people and Chicanos and Puerto Ricans and other minorities out of civil service work.

We have tried to break down some of these artificial credentials of a society that seems to worship a sheepskin and all kinds of credentials that have served as barriers.

We believe in public service employment with dignity. We believe in on-the-job training and promotion and advancement based on talent and not based on artificial education or training requirements that bear no relationship to the job.

We believe in remedial education programs. We believe in the drastic reforms that are necessary to improve and change the elementary and secondary school systems so that every kid who graduates from high school will be able to absorb further education, post-secondary education, whether it be technical education or academic education or whatever. All will be equipped with the skills to go into the world of work and make it on talent and merit.

We believe deeply in these things, and I think that Congressman Hawkins, under whose leadership I have served on the Education and

Labor Committee, has given towering leadership to all of these things, and I have tried to work in the vineyards, too.

Nobody denies the fact that you are presented with a country that has discriminated, that has used the zero quota, no question about it.

I don't want to take up a lot of time. I hope that if we do have these hearings that you will come and testify and give us of your wisdom and experience.

Reverend JACKSON. I really respect you, and I feel the spirit of your words as being genuine. I am really impressed with that response as not being a racist one, but a naive liberal's and one who does not appreciate the innuendos and the way people are boxed out.

I know when you go for appropriations and for your committees and bills, you even have quotas built into every appropriation that you have, x amount as a minimum investment, x amount as a maximum investment. Beyond that you are violating the law. Within this you are within the context of the law. Quotas and digits and equal signs and balance sheets, profit, loss, plus, negative are built into the facets of everything serious in a society.

I am alarmed at both candidates when each one of them says, "We don't want no quotas on the number of votes you all give us, but we do promise you that there has to be a quota on the number of jobs you all can get."

You see, the other way has not worked for us. For instance, based upon talent alone, there is no reason why Carl Stokes shouldn't have been the Democratic nominee for President.

As eloquent and intelligent as I am, I can't be President, because there is a black quota as a reality to me. To that extent we are asserting a proposition that affords us minimal protection by law, and at this point short of law that is enforceable. We do not have minimal protection, and at that point a quota is not ideal, but it is better than the historical or the present real.

Mr. HAWKINS. Reverend Jackson, isn't it really a question of how do you correct the past injustice, or do you let it stand? If an individual has because of, let's say, discrimination been kept out of a union or denied a job at the factory gate and as a result of that does not obtain, let's say, the seniority of another individual, nonminority, is he supposed to persist in his situation without any method of correction?

It just seems to me that none of us really likes the idea of quotas per se. It is rather not a part of our tradition, our faith to believe in quotas, but on the other hand, and I really reason against my colleague, Mr. Scheuer. How do we then correct the past injustice? Do we just let it stand? If we lock a man up in prison falsely for several years and then find out that he is innocent, we just release him and say, "Well, brother, you weren't guilty in the first instance but now you are released. The time you were locked up is just too bad."

Reverend JACKSON. He ought to be paid for that time just as he is paid to serve in any other form of war. Here is the axis point. Even though I enjoy talking with big folks—I could sit down here all day—

Mr. HAWKINS. Mr. Scheuer is one of the fairest members of our committee. He speaks eloquently and honestly, and I think that his views really constitute a challenge, because they are views of an individual.

Reverend JACKSON. I am not challenging, and the reason I was careful, Mr. Chairman, not to deal with the question of race, I am not challenging this as being a race position, frankly, because there are many blacks who coming out of high school, black, white, brown, female, whatever. This is where the international and the national axis meet headon. That's why the American economy, if you will, is on a collision course and the quota argument is just the first evidence of that argument, where labor unions say, "We can't stand quotas, because you are going to take some of the seniors' jobs," why Jews, who are some 3 percent of the population, blacks who are 12 raise the question, "We've got to protect our jobs."

That measure of insecurity is growing not out of the discrimination in the economy as much as the very nature of the economy.

Mr. HAWKINS. Let's hope we get to the day where we have enough jobs not to have to worry about quotas.

Thank you again, Reverend Jackson.

The next witness is Mr. Paul King, executive director of the United Builders Association of Chicago.

Mr. King, it is a pleasure to have you before the committee. We have the highest regard for the United Builders Association, and certainly I know we will profit from the statement which you will present to the committee.

Your statement will be entered into the record in its entirety, and you may either read from it, or handle the subject as you see fit.

STATEMENT OF PAUL KING, EXECUTIVE DIRECTOR OF THE UNITED BUILDERS ASSOCIATION OF CHICAGO

Mr. KING. I will be aware of the fact that we have exceeded our time with the eloquent Reverend Mr. Jackson. However, in due concern for the subject matter I will try to give as much of this in the time that we have before us.

Mr. Chairman and members of the committee:

My name is Paul King. I am the chairman of the labor committee of the National Association of Minority Contractors. This is the largest national organization of minority construction contractors composed of over 2,000 builders of African, Oriental, Spanish, and Native American ancestry.

I am the executive director of the United Builders Association of Chicago, which is an organization of black contractors in this city and the local affiliate of the National Association of Minority Contractors (NAMC). I had the opportunity to participate in the first construction work shutdown here in Chicago in July of 1969, and was a negotiator and signator to the Chicago plan developed in 1970. Since that time, I have been involved in direct action, independent hearings, negotiations, and other related efforts regarding black and other minority construction workers and contractors throughout the country.

I want to thank the committee for inviting me to submit testimony and to commend our local Congressman, Ralph Metcalfe, for hosting this hearing today and for the continued support he has given the struggle we've faced over the years; also, to committee members Gus Hawkins and Bill Clay whose help we received in 1970 when we met with them on the matters regarding the prevention of the transfer of

the Office of Federal Contract Compliance out of the Labor Department. You, along with Bill Clay and Louis Stokes were invaluable in the help and effort you gave us at that time.

My remarks today are intended to focus on, and only on, the employment discrimination in the U.S. construction industry.

The construction industry is important for several reasons. First, because of its size; in 1971, with a total gross national product of approximately \$1,050 billion, the total construction put in place amounted to a volume of \$109 billion. Construction for 1972 is going at a total of around \$120 billion. For the years recently passed, the construction industry has supplied 10 percent of the total GNP.

Second, because as the United States is moving away from its previous posture as an industrial economy toward becoming a service economy, jobs for the entire work force, black and white, are just not being created in numbers equal to those who seek jobs. Hence, we find colleges, as well as the so-called "ghettos," just keeping persons in a "holding pattern," with no promise of jobs. This fact is making the competition for jobs quite fierce. The point here is that the construction industry is one of the few major industries that, in its growth, can provide new jobs.

Third, (A) the rapid flight of factories and other job opportunities away from where black people live, (B) the rise of multinational corporations who manufacture goods in Asia, Europe, and South America, and (C), the automation of plants and other facilities have posed a triple burden on the black worker. Besides the lack of jobs for the Nation as a whole, the location of jobs that do exist are where we cannot live; thus, blacks are saddled with the weight of racism as well.

Fourth, because the Federal Government is one of the major purchasers of construction contractors' services, it must be held responsible for the employment practices of those firms with which it does business. For example, the General Services Administration alone, since last September, has awarded construction management contracts in excess of \$97 million for the construction of three social security payment centers in Philadelphia, Chicago, and San Francisco, respectively and \$84 million for projects in Beltsville, Md., Washington, D.C., and the west coast.

For these reasons that I have mentioned, construction is most important.

Involved in the \$100 billion construction activity are 900,000 construction contractors employing 3.5 million persons. In 1970, Chicago and the remainder of Cook County achieved \$1,287 million, excluding work involving highways, bridges, and dams. Yet, there were only 8,721 out of a total of 130,000 black construction workers participating in this activity, with over 3,000 of these workers relegated to the "laborers" group. Chicago is not alone in the possession of these shameful figures; the black participation in the construction work force around the country hovers around this same miserable level.

Throughout the duration of the current Federal administration, a unique combination of Government effort and various community actions has focused on the discrimination in the industry. Much credit should be given to Labor Secretary James Hodgson for promoting this activity. However, we must clearly see the black team of Arthur Fletcher, as Assistant Secretary of Labor, and John Wilks, as Director

of the Office of Federal Contract Compliance, as the prime movers in getting a job done.

While we were closing down jobs in Chicago, the Labor Department was simultaneously developing plans in Philadelphia and other cities. This situation has created a growing awareness on the part of black people that only if Government is responsive will things get accomplished. But, Government action has not been sufficient; much more must be done. What has been initiated at the Federal level must be proselytized at all levels of government—State, county, and municipal. In other words, I am calling for a heightened “construction consciousness” on the part of all leaders of our country, with greatest emphasis on the Members of Congress.

How should the Congress act then toward correcting this deplorable condition? Let us begin by examining the Office of Federal Contract Compliance. This agency within the Department of Labor is responsible for insuring equal employment opportunity to black and other minority citizens.

Each year, for the past 3 or 4 years, labor unions have lobbied in attempt to transfer OFCC out of the Labor Department into EEOC. This effort has, in some cases, had the support of certain misguided civil rights groups who obviously thought it was expendable and would trade it off for cease-and-desist language in the other forms of legislation.

This past year, only through the last ditch efforts of Senator Charles Percy of Illinois did OFCC survive the pressure. To transfer OFCC would be to rob this agency of its Cabinet level status and eliminate the strength of its enforcement powers. OFCC must not be reduced, but, in fact, expanded if it is ever to do an adequate job.

In 1969, the agency had 26 people. As of March 1972, it had 119 employees responsible for 1,500 people in the various Government agencies. OFCC is responsible for one-third of the 84 million people in the work force. This is the number of workers involved in dollars flowing from Federal contracts; 250,000 Government contractors must be monitored in 1972 by a staff of 119 at OFCC. Any contractor with \$10,000 in Government contracts must sign a statement saying that he will not discriminate. Any contractor having a contract of \$50,000 or with 50 employers must initiate affirmative action efforts. All of this comes under the responsibility of OFCC with this small staff.

The budget and the employees of OFCC must be greatly expanded if we are to expect significant change. The Congress must assist by keeping a close look at all agencies within Government so as to insure that its legislative mandates are carried out as they apply to black and minority employment.

It should also be carefully scrutinized as to who serves as Director of this agency. For the past 3 years, a black man has been the agency's leader. Great pressures have been brought to bear on this office. At present, there is a move on the part of unions and other groups to keep dedicated blacks out of this position. Presently, OFCC has no permanent Director. The “Acting” Director is Phillip Davis, a black man. I implore the members of this committee and the Congress, in general, to keep permanent directorship in the hands of a black man who, in fact, can identify with the problems of other blacks in this critical area.

Let me move along and suggest to you that a strong and definitive position on the matter of quotas must be developed and supported. An elementary law of physics states, in essence, that if an undue stress is applied to one part of a system, so as to create an imbalance, force of equal magnitude must be applied to the remainder of the system in order to restore the initial balance.

Whether we attribute that to Newton, Galileo, or any other physical scientist, it is pretty widely accepted. The current furor over quotas is an attempt to distort the valid concepts to be found in establishing numerical goals. This is no more than an attempt at establishing a very necessary Federal force being applied to relieve the distortions in the construction system created by the racist and discriminatory practices of the construction labor unions. For the sake of added support to my analysis, I refer the committee to court decisions which reflect the thinking that racially oriented harm requires racially oriented relief.

I won't cite all of these court cases, but let me just bring out the essence of these cases:

Citing *Norwalk Core v. Norwalk Redevelopment Agency*, the court has stated, and this is the court's decree:

What we have said may require classification by race. That is something which the Constitution usually forbids, not because it is inevitably an impermissible classification, but because it is one which usually, to our national shame, has been drawn for the purpose of maintaining racial inequality. Where it is drawn for the purpose of achieving equality, it will be allowed, and to the extent that it is necessary to avoid unequal treatment by race, it will be required.

Calling your attention to the Pittsburgh case involving *Childress v. Plumbers Local 27* in 1969, this black plumber claimed that the union's membership restrictions violated the 1964 Civil Rights Act. The court had Childress admitted and required the union's testing patterns changed. The court decreed:

Local 27 will maintain a separate referral list for black journeymen. Black referrals will be made on a one-to-one basis with one black journeyman referred for each white journeyman. Referrals by this method shall continue until the black list is exhausted and shall recommence when any black journeyman is laid off, or otherwise listed. The dual referral system shall continue during the life of this decree, after which time the lists shall be merged.

Another case, *Watson v. Limbach*, a Columbus, Ohio, case, reaches specifically into areas involving the Joint Apprenticeship Committee of the Plumbing and Pipefitting Industry of that city, and I think, Mr. Chairman and members of the committee, that it is important for you to pick up these points.

The decree indicated that:

(1) The 1972-73 apprenticeship class shall be chosen as follows: I, the first 10 accepted shall be black; II thereafter, blacks and whites will be selected on a one-to-one ratio.

(2) Apprenticeship classes for the next 4 years shall be selected according to a one-to-four black-white ratio.

(3) The above system shall continue until the EEOC has indicated to the JAC that whatever future selection criteria are utilized have been validated.

(4) Lowering the high school graduation requirements to completion of the 10th grade.

(5) The placement of one black member on the Joint Apprenticeship Committee.

These and other court decisions validate, in my mind, the legality and necessity of goals and timetables often called quotas. What is

now necessary is that the disadvantaged blacks throughout the country be encouraged, and joined by our elected officials, in waging a war in the courts to achieve racial balance in the construction unions.

Now, you will note that the *Watson v. Limbach* case referred to the Joint Apprenticeship Committee. It should be noted that these committees are usually made up of an equal number of labor union representatives and contractors. This labor-management duo is responsible for the selection of apprentices, administration of the apprenticeship program, arbitration in disputes involving apprentices, and, in general, overseeing all affairs involving new and incoming trade union members.

Though the contractors contribute to the JAC, labor unions generally control them. In practically all cases we've examined, there are no blacks on either side of the JAC. Neither labor or management has any black men making decisions on the future of black youngsters seeking to gain livelihood in the respective crafts.

The importance of black participation in these apprenticeship matters must be clearly understood. Except for the isolated crafts which have the "trainees" category, the only way for an outsider to enter the unions, which allow them to work, is to be trained through the particular craft's apprenticeship program.

The current guidelines generally require persons with certain levels of education, usually between the ages of 17 and 30 years. These rules clearly discriminate against educationally deprived men 35-45 years old. Should the man over 35, who may very well be the father of a family, be told that he is too old to be trained for a job in an apprenticeship program? Can you imagine the chagrin he must feel when he sees construction sites inundated with old nonproductive foreigners 50 and 60 years old, who never were apprentices but who, in fact, got their training on the job "learning while they were earning." These men had the advantage of friends and relatives who would sponsor them. The older black man has none of these and the younger blacks must be accepted, taught, judged, in practically all cases, by an all-white Joint Apprenticeship Committee.

Construction unions have taken advantage of the socioeconomic needs which the construction industry must meet. They have allowed the union's attrition rate to exceed the number of entrants, driven the wages up to a point where the purchaser of construction services must pay in excess of \$12 to \$13 per hour, and convinced their present membership that blacks who opt for entry into the crafts are threatening to take away their (meaning the current white membership's) jobs.

I ask you, is it fair, or by any means just, to allow a white union worker to gain 1,600 hours of work per year at \$8, per hour, while the black worker has no hours of work at \$0 per hour?

In areas such as Chicago, where the nonwhite population approximates 50 percent of the total, 1600 hours should be divided up so that black Americans get at least 800 of these hours along with the opportunity to be trained and upgraded so that they can perform satisfactorily.

Now, you may well ask, who in Government is responsible for these apprenticeship matters? The agency whose primary function is to monitor these apprenticeship affairs is the Bureau of Apprenticeship Training. The personnel makeup of this agency readily points out

one clear reason why we have the racial malpractice in apprenticeship activities.

As of June 30, 1970, the Bureau of Apprenticeship Training showed a total of 234 on its professional staff, with only 10 blacks.

And I just cite for you a couple of statistics.

Region and city	Total	Blacks
I—Boston.....	16	0
II—New York.....	21	2
III—Philadelphia.....	28	1
IV—Atlanta.....	28	0
V—Chicago.....	56	5
VI—Dallas.....	25	1
VII—Kansas City.....	14	0
VIII—Denver.....	18	1
IX—San Francisco.....	14	0
X—Seattle.....	14	0

Small wonder if this kind of disproportionality exists in the hiring practices of the monitoring agency, then those persons, groups or institutions being monitored must feel little urgency in developing programs giving equal opportunity to all.

Allow me to call your attention to the subject of "Plans", developed to increase black and other minority participation in the construction industry.

The Philadelphia Plan is a governmental "imposed" plan. It is a valuable and necessary device in forcing contractors to develop meaningful and productive affirmative action programs.

It was announced earlier this month by Assistant Secretary of Labor Richard Grunewald that a Pennsylvania plumbing contractor was barred from further government work because the firm was found to be in noncompliance with the Philadelphia Plan and to have failed to make good faith efforts to comply with the goals and timetables for hiring minorities.

Debarment took place in connection with a HUD-assisted Turnkey Housing Project in Pottstown, Pa. This action was concurred in by HUD.

The biggest problem with the Philadelphia Plan is that it is not exercised more in the Philadelphia area; and similar plans, which can result in debarment, are not in effect in other areas of the country. I must say that it is encouraging to see this kind of action being taken when there is so much pressure from organized labor and other so-called "liberal" groups against it.

Contractors facing these kinds of sanctions often throw before us their dilemma of having signed collective bargaining agreements with unions which restrict their hiring to union referrals only. Hence, they conclude that the unions, not the contractors, are at fault when no blacks are on the job. This is only partly true.

Federal laws, Presidential Executive orders, and the civil rights acts take precedence over any agreement, and those who sign to illicit covenants are guilty, if no more than by association.

Unions will attempt to use the excuse that there is not enough work for their present members, hence, they can only agree to additional hiring "when economic conditions permit." This argument must also be wiped away. The very institutions who speak out against big business have created a racist elite working group which, in essence,

says that blacks can get an opportunity to work only when they, meaning the unions, have as many full work weeks and as much overtime as they decide they need.

This preposterous attitude must be attacked by all political leaders who would call themselves concerned with black people. The irony of it all is that blacks are not trying to "bust" unions, but to join in order to "build" unions. Blacks are not trying to dismantle apprenticeship programs, but to participate in them in order to become qualified craftsmen. If those who control unions don't see it, I shall tell them and you, as well.

The job picture, with its bleak future outside of construction, is such that unions ought to save their energy in fighting off blacks and pool the resources of white and black workers in an effort to bring respect, dignity, and stability to the construction worker group. This effort is needed, not in any utopian "black and white together" social effort, but in the pure self-interest of each man seeking to provide for his family and himself, and attempting to insure that means of provision.

The Chicago plan, referring to the one of 1970, was the first of the "hometown" solutions. I had an opportunity to participate in the closing of millions of dollars in construction sites, and I might add that the only violence in these actions did not come from the black "teen nations," but from the white union members who violently prevented the Assistant Secretary of Labor from conducting Federal hearings.

It should be noted that there were two important positive features of our activity: First, it was the first time that a sustained formalized relationship between the black community, the construction contractors, and unions was developed.

Second, this effort evoked certain commitments from the contractors, heretofore not present, and, in general, increased the awareness of Chicago's leaders and citizens as to the importance of the black construction issue.

The fundamental weakness of the plans was that black people did not have an adequate voice in the policy and implementation of the program, and there was never an unqualified commitment from the individual craft unions. I would hope that future plans in this city or elsewhere would not suffer from these inadequacies.

Construction contractors and unions should not be the only targets discriminatory practices in construction hiring. I must also call your attention to the vast maintenance construction done by major office buildings, hospitals, schools, and hotels who, by virtue of their receipt of Federal funds, or in the case of some hotels, because their parent corporation does business with the Federal Government, are required to comply with Executive Order 11246 and other affirmative action efforts.

If you were to take a careful look at the maintenance construction personnel employed by the hotels of Chicago, you would find few, if any, blacks. As Congressman Parren Mitchell's Subcommittee on Economic Development points out, hotels award miniscule jobs, if any, to black contractors, do not demand black employees of their white contractors, but continue to benefit from millions of dollars spent by black people.

It would be a mistake on my part to address an appeal to the Congress of the United States relative to employment discrimination

without making some specific references to the Congressional Black Caucus. Community action, protest demonstrations, and like efforts from other pressure groups have their places in trying to bring about change.

It seems to me, however, that if parity for blacks is to ever be a reality, the black political leader must become informed and actively involved in the pursuit.

If we make the assumption that each member of the caucus closely identifies with and represents the interests of all the black people in the counties in which their respective home cities are, the Congressional Black Caucus reflects the concerns of over 6.5 million black people. You, Congressmen Hawkins and Metcalfe, know this is simply an approximate total of the blacks in the several counties, because we know the caucus works in the interest of the entire black population.

However, consider the construction spending that went on in your respective areas in 1970. The fact is that this was a job-producing effort of which your leadership was not found to be substantial enough in Chicago, Cook County. I refer to construction exclusively, where we have two black Congressmen, construction worth over \$1,200 million:

City and county:	Total dollar volume (excluding heavy construction)
Baltimore, Md.: Baltimore.....	\$227,330,000
Chicago, Ill.: Cook.....	1,287,798,000
Cleveland, Ohio: Cuyahoga.....	337,422,000
Detroit, Mich.: Wayne.....	474,415,000
District of Columbia.....	215,986,000
Los Angeles, Calif.: Los Angeles.....	1,524,743,000
New York, N.Y. and Newark, N.J.: Bronx, King, Nassau, New York, Queens, Essex.....	2,034,654,000
Philadelphia, Pa.: Philadelphia.....	354,885,000
San Francisco and Oakland, Calif.: San Francisco.....	185,745,000
St. Louis, Mo.: St. Louis.....	302,451,000

We recognize that \$15 million in construction can generate as many as 400 jobs. Add to that the fact that all field construction jobs are "new" in the sense that unlike a factory, they don't come into existence until a contract is awarded and the ground is broken. Thus, we can see the fantastic opportunities for black workers amongst the constituencies of our black Congressmen and women.

There is ample precedent in the courts, in the Department of Labor and in community action to justify a major thrust toward increased construction hiring by the members of the Congressional Black Caucus.

For added support, we might note a major action by the Justice Department in May of 1971 in California. In this case, the Justice Department filed a suit against eight Ironworker locals and nine joint apprenticeship committees for discriminatory hiring practices. Nine employer associations, Bethlehem Steel, Kaiser Steel, and U.S. Steel were also named as defendants.

The settlement lays down specific guidelines to intergrate the union which was reported to have 15 blacks out of a total 9,000 membership. Under these steps, apprenticeship committees must take a minimum of 170 blacks each year for the next 5 years, with half between the ages of 18 and 30, and the remainder over 30.

Let me just cite here, as I close, some of the content of this suit filed in California: (1) that employer associations take steps to see that black apprentices are provided with a reasonable level of employ-

ment, (2) that unions recruit by advertising once a month for 6 months, and then quarterly in black community newspapers and by contacting black organizations, and (3) that unions report on a quarterly basis to the government and to the court the steps they've taken to comply with the order.

With these precedents and courses of action, the Congressional Black Caucus can initiate a victorious battle for blacks and other minorities in this Nation's construction industry.

So, members of the committee, what does it all mean? It can best be stated by sharing with you a portion of the transcript of one of the labor hearings I chaired on behalf of the National Association of Minority Contractors.

This hearing was held in Seattle, Wash., in January 1971. This is the testimony of a young black lad who had gotten into the union, and over several months had worked less than 100 hours, while white boys worked regularly. He went to the hiring hall each day only to be told there was no work. He was sent all the way to Olympia to work at some times (over 75 miles of travel), when work was going on in the city proper. He could not make proper contact or receive proper assistance from the Apprenticeship Committee.

This is, in fact, a portion of his testimony with questions being asked by one of the members of the committee:

"How do you support yourself? How do you live? You are not working enough time to support one individual. So you have a family?"

The answer was "Yes."

"Are you married?"

The answer was "Yes."

"Do you have children?"

The answer was "Yes."

"How do you support them?"

The answer was "The best way I can, you know. United Construction Workers are offering a few jobs."

A question, "What about your friends? How do they support themselves, those that are in the construction industry if their work habits are much the same as yours? How do you live?"

At that point, I stopped the questioning and had the young man's statement stricken from the record; I said at that time that he ought to invoke the fifth amendment, because the question was kind of sticky.

The essence of his answer was that he would not let his family suffer or starve, and that he would do "Whatever was necessary" to prevent those eventualities from occurring.

A few months ago, I found out that the man was in jail for theft or burglary. A man in jail—not because he was too lazy to work, not because he was a hardened criminal, a hustler or a pimp, but in jail because he was denied the opportunity to work.

And who are the victims of this racism? Certainly he and his family. Certainly the total black community. Ironically, though, the same people who deprived him of the opportunity will have to absorb the weight of another inmate in a corrective institution in their community; a mother and child who may go on welfare; and a man who may end up with a hopeless feeling toward this racist society which could result in a potential lifetime criminal in that community's midst.

That concludes my presentation. Thank you, Mr. Chairman.

Mr. HAWKINS. Mr. King, I think your statement is a very excellent one, and I certainly want to congratulate you on it. It is certainly a pleasure to again be reminded of our conversations in Washington when we were trying to decide on the disposition of the Office of Federal Contract Compliance. We may differ on how it should be handled, but it certainly is a good documentation that you have made here and a good defense of the agency.

I noted very carefully the manner in which you alluded to the failure of compliance enforcement, and I must confess that I just don't know how meaningful your defense of the agency really is, in view of the fact that, as you pointed out, the law is not being complied with by Federal contractors, in spite of the new regulations in the Office of Federal Contract Compliance. The guidelines have been strengthened to call for contract termination when a Government contractor is found twice to be in violation, and yet, in spite of many instances, not only those that you have pointed out, but those in other areas as well, we know that the law is being violated. The Office of Federal Contract Compliance knows that it is not being upheld and yet no sanctions are being invoked.

How do you defend the record of the Office of Federal Contract Compliance? I don't intend to introduce any legislation to transfer it in the near future, but how do you go along with its very pathetic record and defend it in view of what is happening?

Mr. KING. First of all, let's not view my testimony as a defense of any agency or any person. The Department of Labor can be viewed just like anything else going on in these United States. There are elements within the Department of Labor—phenomena, occurrences, and people who, I think, in the past three and a half years, have done something worthwhile.

There are other very dysfunctional and very grossly understaffed and underdeveloped areas of enforcement that that Department needs to have strengthened. The same thing can apply, of course, to the Department of Commerce. However, there are other areas in the Department of Commerce which certainly don't address themselves to the needs of black people. As it relates to the Office of Federal Contract Compliance, what I am saying is that, to my knowledge, when Arthur Fletcher and John Wilks, two black men, were heading up that agency—and that is the point at which I developed my latest relationship with it—it stepped out of the back and began to come into the various local communities to give assistance.

Arthur Fletcher and John Wilks, as individuals representing that agency, came to Chicago and gave us certain counsel and advice which may have not been totally good in the end, but I think it was well intentioned; they tried to develop and negotiate a congressional plan. I think that Congressman Metcalfe, who was present at that negotiation, realizes the naivete that we had at those meetings while trying to debate and negotiate with unions.

I am only saying then that OFCC and certain people within it have done things that I think are worth building upon, and that have started things that I would like to see continued and improved.

On the other hand, I'm also saying that the OFCC has not had the proper kind of staffing. There is no possible way, Mr. Chairman, for the 53 or 59 so-called plans around the country to be effectively monitored by a staff of 119 people, let alone all of the other duties,

such as sex discrimination and other kinds of things, with which that agency is saddled.

So, my concern is to, first of all, give that agency the right kind of leadership—the kind of leadership it has had in the past 3 years since I've been familiar with it. Give it the leadership; give it the budget; give it the staffing; and then have a congressional watchdog on it to see that it does what it is supposed to do. Then, if it doesn't invoke those sanctions then the Congress has the power to invoke them.

I have seen this agency toyed with during different times. I have heard many times that there were certain tradeoffs, that certain people have to be pushed in order to get certain kinds of legislation through. I'm not familiar with all of the details, but I think it is the only office that blacks have going for them out of the Department of Labor, and I believe that we should give it a greater opportunity to function effectively.

Mr. HAWKINS. I don't disagree with most that you have said. I have great respect for some of the persons who have headed the OFCC. I don't know whether this is relevant or not for this discussion, but the fact is that some of the individuals that you referred to are no longer there. The agency has been reorganized three times in 18 months. We might conclude that if a person does a good job, he is eliminated. I think this shows a weakness in the agency—it seems to be built around an individual who can be eliminated if he does a good job.

Obviously, the next person who succeeds to the job isn't going to do the same kind of job if he intends to keep it. This shows a weakness in the organizational structure. We have given the OFCC a rather reasonable trial period. Three or four years is a pretty long time for that poor woman on welfare to suffer, as you indicated, and not get a job at one of the hotels in Chicago, and for the other individuals who are out there looking for jobs who pay taxes but who can't get hired by contractors who are doing business with the Federal Government at the taxpayers' expense.

Mr. KING. I don't want to turn this testimony into a debate on OFCC, but let me say this: I think that, as it relates to black people in this country, there are probably two things we might have going for us that are important things that reach the mutual interest of the majority white interests and the empowerment of our black elected and appointed officials. In examining the last 3 years of OFCC activity, I think that there are some things that black people, black groups, and black elected officials slipped up on.

When I was in Washington, I was astounded to find the number of black elected officials, appointed officials, and other people around the Hill who did not even know our points of view on OFCC as it applied to construction.

In other words, there is an information gap between the people on the Hill that represent us, their constituency. I think that needs to be improved. I believe that we let the OFCC Director just be wiped out. There were no cries of protest, no power being wielded, no pressure forces being exerted by black people during an election year which could have been done to keep anybody we wanted in that office.

Now, all I'm saying is that I think there is some internal homework we need to do on things that are important. These are black elected officials and black people concerned about certain legislative processes,

and I think that the OFCC, as an instrument, as an agency, ought to stick around so that we can tighten our own family and then work collectively to make them do the job. This might be utopian, but this is what I'm thinking about as I make my remarks on that agency.

Mr. HAWKINS. I appreciate the communication we have had Mr. King, although I do have some differences with it. It may be that one of us can convince the other and we can get together eventually.

Mr. METCALFE. Mr. Chairman, I'd like to make my remarks very brief and to thank Mr. Paul King for his very expert testimony and tell him that I am well aware of the fact that it was extremely difficult for him to have briefed the statement that he had, since it was so potent and cogent and relative to the problem.

I would like the record to show that Mr. Paul King has been extremely modest in regard to his background and his concern and his relationship, because, as he indicated, he and I sat for in excess of a hundred hours trying to develop the first Chicago plan, and I publicly commend him for his great dedication and great concern and the contribution that he has made.

I do have one question I'd like to ask you, Mr. King, and that is in regard to the news release that Chairman Hawkins referred to over here when the Reverend Jesse Jackson was present about the recent development of the new second Chicago plan.

Do you read into that any significance as to why a 4-year period was used or is being used? This being a presidential election year, 4 years from now we'll have another presidential election year.

Why not 3 years? Why not 5 years? Why was 4 years read into this since you have been a part of the development of this plan?

Mr. KING. Mr. Congressman, I have developed my astuteness for political activity based on watching and reading what you do and what many of your colleagues do, and, of course, as it relates to things done relative to 4 years, I most certainly must say that that's more than a coincidence.

The fact that it was done in October, the 16th or whenever it was signed, it probably more than a coincidence. I'm sure that all things done by a Government agency tend to want to promote the interests of those Government agencies, particularly partisan groups. I don't know whether that's good or bad, but that seems to be the practice.

What I think is a more important question, however, is what that plan means and what it will do, and I think that's a question that Congressman Hawkins also wanted to deal with a little bit earlier.

As an individual, I really don't believe you need that much planning. Again, I think you need enforcement of the law.

Now, if a trade union does not allow a black person to join this union so that he can work, that union and its representatives are violating a law; and that kind of criminal act ought to be punished the same way I would get punished if I went out and stole something from somebody. However, perhaps cajoling, comraderie, or simply time might bring people together. I am not so optimistic, but I have a good deal of confidence in the Labor Department's Midwest Regional Director Don Irwin. I think he is a fairly smooth and sharp individual that might not want to embarrass himself; therefore he might try to do something with this plan.

I think that the Urban League is an apt fiscal administrator to the plan, and that if Rev. A. I. Donlap and other members of the Coal-

ition are brought into the thing, it might have a chance. I think the key to it lies in two forms of activity: one, that black elected officials watch it and begin to institute court actions and other kinds of enforcement activities if it doesn't work; not at the end of 4 years, but at the end of the next construction season; and that the black community in general be ready to shut down a site any time the statistics come out of the Urban League and the Coalition that what is supposed to happen is not happening.

Second, I think that a report ought to be presented through the Chicago Defender or some other means to your office, Congressman, to let us know each and every month what is happening; and that publicly (in the same way you treated the police question) the black construction issue be heightened to the intensity that we are just as knowledgeable and concerned about what kinds of black employment activity is going on, vis-a-vis that plan, as we are relative to other matters in the city.

Now, I don't believe that these plans are funded, signed and done the way they are by accident. It is a fact that jobs can be shut down in the summer and in the fall, but then that protest and direct action groups go into hibernation during the winter. Now, this pattern has caused us to do a lot of talking during the summer and warm months, and then nothing during the winter months, resuming activity again in the spring.

I don't believe that community groups should have the responsibility of shutting down construction sites forever. Clearly an injunction, a police sergeant or anybody else can come and put people in jail for going on someone else's property. I think, in the final analysis, that it's going to come from the black elected officials that have the concern that you have—the concern that Congressman Hawkins has—that will get in there and use political clout, political muscle and the experience and resources of their offices to protect black people who seek jobs in this industry.

Mr. SCHEUER. Doesn't the witness want the experience and concern and political clout of white Members in Congress working arm in arm, shoulder to shoulder with your black colleagues?

Mr. KING. I would assume your presence on the Committee would indicate that that's already there.

Mr. HAWKINS. The answer is "Yes".

Mr. KING. Of course, everybody.

Mr. METCALFE. I have one question, Mr. Chairman, if you grant me the time. I have been informed that in the office of GAO in Chicago, there are only three blacks employed, one GS-5, one GS-7, and one a GS-9, and we assume that this GS-9 is holding a professional position.

Are you familiar with those facts, that only three out of 109 employees of GAO in Chicago are black?

Mr. KING. I'm not familiar with it, but it would not surprise me, Congressman. As I mentioned to you, the number on the Bureau of Apprenticeship Training was about 10 blacks out of 234. That is another whole area to which, I am saying, we have not paid adequate attention; and we do not have enough black people around through which to funnel this information. What we need, and what I hope we would get out of the emergence of black political leaders like yourself, is someplace to funnel this information, funnel our

grievances and develop, as the Reverend Jackson said, on a national level, some way to get this kind of thing rectified.

Now, theoretically, that's supposed to happen in the Congress. (That's what my civics and history teachers told me.) However, it doesn't seem to go that way. We have to begin to develop a new level of concern and consciousness. It's very clear that you will probably stay in a downtown hotel, spending either your money or the taxpayers' money, in a hotel that discriminates against us. You probably flew into an airport that doesn't sell the Chicago Defender or Jet magazine or many other black publications. You probably have got people painting, in your office building in Washington, that are immigrants who won't let blacks (who were born here) get into that union.

There are so many wrong things that are going on right before us that we have no place to deliver them but to our elected officials who we understand to be concerned about those issues. The day of the preacher, the day of the great civil rights role is rapidly leaving us, if not gone already. We have to direct much of our action, as I see it, via the political route, because it is only when you get into the quid pro quo situation with somebody on the Hill that wants something you've got that you can take care of something I want to happen. Only when I begin to give you the voter and financial support are you going to be able to continue that kind of activity.

It's that level of relationship between elected officials, black pressure groups and black special interest groups that's going to move us off dead center. Otherwise, we'll meet here in another 2 or 3 years and the statistics will probably be the same.

Mr. SCHEUER. I appreciate the witness' testimony very much. I think he has given us all food for thought. It was well prepared. Again, I might say as a footnote, I might take issue with you on the subject of quotas, but this is not the time to hash that out. Perhaps if we ever do have hearings you can come and give us your wisdom. But I very much appreciate your very well prepared and careful and thoughtful testimony.

Mr. HAWKINS. I too want to congratulate you on your testimony and to assure you that at our future hearings in Cleveland, Atlanta, Los Angeles, and elsewhere culminating in Washington, we look forward to further testimony from you so that we can develop some points that you raised this morning.

Mr. SCHEUER. Can I ask the witness one brief question?

On page 6 we are talking about quotas and you state that it is a law of physics that if an undue stress is applied to one part of a system so as to create an imbalance, force of equal magnitude must be applied to the remainder of the system in order to restore the initial balance.

Couldn't you also solve that problem by removing the force that creates the imbalance in the first place?

Mr. KING. Then you would be going against the basic law that says you just eliminate some energy force in the universe.

Mr. SCHEUER. This isn't an energy force. What we are talking about that creates that imbalance is discrimination and artificial barriers. What I am suggesting as at least one approach is to eliminate the artificial barriers and eliminate the discrimination and remove that undue stress which has been applied to a system and has created an imbalance.

Mr. KING. I think that it's just good to be around a Congressman who wants to leave a subject, but can't leave it alone.

Mr. SCHEUER. You're right.

Mr. KING. It goes back to a thing they call Hooke's law which says force equals KX , where K is a constant and X is the displacement of a spring and a coil so that the force makes the spring get out of shape. You cannot eliminate energy. Once that spring is out they are out of shape, it's out of shape. The only way that that displacement could be brought back into balance and have X and K become equal, become an equation, in fact, is that something has to happen on this side of the equation. The displacement has to be reduced or some other force over here has to come back into the force side to make the equation, in fact, true. All I'm saying is that if you bend anything out of shape, the only way you can get it back is to do something to get it back in shape. This is glass, and if you break it up, you've got to get a glazer with some glue to put it back together. We've got a situation here where blacks do not have their share of the jobs. We understand that they should have them. Now, those are givens.

Mr. SCHEUER. I wouldn't contest with you.

Mr. KING. So we are talking, then, about a methodology for bringing into reality what theoretically we are told we are supposed to have. My methodology suggests, as I indicated here, that where there is racially oriented harm, you have to have a racially oriented solution. I see no other way to do it. I cannot depend any longer on the morality of the haves to take care of the depravity and disadvantage of the have-nots. I just can't do it.

Mr. SCHEUER. I just question whether there aren't a great many things that we can do to right the wrongs, to remove the patterns of prejudice and discrimination and to remove those artificial barriers which you quite properly cite very accurately and to engage in positive measures such as you point out, the advertising and recruitment and training and so forth, that would enable talent to vest itself and to achieve the recognition that that individual is entitled to achieve on the basis of his merit, his capability of doing the job.

Mr. KING. Well, you know, quotas seem to be a disturbing word. I don't care if you call them quotas. I tend to view that word "quota" as really some kind of a generalized goal or objective, all right? Now, if you, as a Congressman involved in several areas of this whole committee's work, can ignore the word "quotas" and get something done and prove to me that it works without having quotas, but that still brings us to parity—let's assume that I live for another 4 years—if you can do it in another 3 or 4 years without using the "quotas" and we still get some blacks on construction sites—

Mr. SCHEUER. You are interested in results and you have a right to be.

Mr. KING. Let me tell you what I want to see. I want to see some black boys on the Joint Apprenticeship Council. I want to see some black elevator construction workers. I want to see some black general contractors that are able to build something like the Standard Oil Building by being able to get financing and other kinds of things general contractors need. I want you to show me that black students in the black technical colleges are getting brought up to date on construction training and building prefabricated housing, so they

don't come out of school with anachronistic training. You show me these things and I'll go along with the kind of wording you like.

Until you do that, I'm going to stick to these.

Mr. SCHEUER. You have given us a very legitimate challenge.

Mr. HAWKINS. I assume you fellows agree on physics but you don't agree on quotas.

The next witness is Mr. Charles Hayes of the Amalgamated Meat Cutters and Butcher Workmen of North America.

Mr. Hayes, we have corresponded with you, have never had an opportunity to meet you. It is a pleasure to welcome you before the committee.

STATEMENT OF CHARLES HAYES, VICE PRESIDENT, AMALGAMATED MEAT CUTTERS AND BUTCHER WORKMEN OF NORTH AMERICA

Mr. HAYES. It's my pleasure, Congressman. I'm here as a representative of my own organization, as you said, the Amalgamated Meat Cutters and Butcher Workmen of North America, AFL-CIO, of which I'm a vice president. I am also here and expect to give some testimony on specific forms of discrimination that are prevalent; that have been practiced in the public sector of our society, as a representative and leader of the black labor leaders, which I represent too.

I realize, Congressman, that time is of the essence. I feel that I am encroaching on your lunchtime.

Mr. HAWKINS. We are here to serve you, Mr. Hayes. We want to listen to you.

Mr. HAYES. My own prior commitment is going to make me have to curtail some of the things that I might have said. But I do want to read into the record the testimony from my own organization and probably deal with some of the specific features in the other testimony that I have in respect to specific acts of discrimination.

My own union, the Amalgamated Meat Cutters & Butcher Workmen of North America, AFL-CIO, has little in the way of direct testimony on the discrimination suffered by Blacks, Puerto Ricans, Mexican, or other minority groups in Federal employment. Our members—550,000 of them, in the United States and Canada, work in the private sector of the economies of both nations. What we know of discrimination in Federal employment, therefore, comes to us second hand.

But we recognize also that discrimination and denial of opportunity in Federal employment has its own backlash on private employers. Where the Government, theoretically the leader and the model in the battle against discrimination, fails and betrays this cause, the result is disastrous everywhere. Why should a meatpacker or a retail food chain show concern for fair practices when the Federal Government moves to aline itself with the Governor of Alabama?

That is why we are directly and immediately interested in the problems of our brothers and sisters employed on Federal jobs. That is why we choose to make their grievances and their problems our own and give unlimited support to their demand that the employment patterns and procedures of the Federal Government itself live up to all those good words on the statute books, the words which have been so resonant in sound but so hollow in practice.

There is another aspect of Federal discrimination in employment which does directly concern us. We say that the Federal Government itself is guilty of discriminatory practices not only on the jobs it does provide but just as importantly in the jobs it does not provide.

I think this committee requires no elaborate proof of the employment problems existing for nonwhite workers in this community and other urban communities throughout the country.

The Federal Government, as you know, a few months back gave up providing specific figures on the employment situation in poverty neighborhoods. It was explained that this is being done for the highest of statistical reasons and had nothing whatsoever to do with a public relations coverup.

But even in the absence of current statistics we all know what the reality is. Back in 1970, the city of Chicago, out of a black population of 1,100,000 more than 274,000 persons were listed officially as living in poverty. Although the unemployment rate for the area as a whole was scarcely more than 4 percent at that time, for black workers the rate ran above 77 percent.

And in low-income neighborhoods, unemployment among blacks was close to 13 percent for all age groups. It ran more than 35 percent among young people—both male and female.

I say the Federal policy which tolerates such unemployment and has actually increased the numbers of those living in poverty since 1969 and 1970, is guilty not only of social irresponsibility but of direct overt discrimination against all minority groups. A policy of benign neglect toward poverty and unemployment certainly cannot be defended because it is directly against all workers without regard to race, creed, or color.

The passive acceptance of unemployment is a policy which victimizes most bitterly those sectors of our population who suffer most from this economic malady. When Government refuses jobs to those who vainly seek for work such policy bears most heavily on those who suffer the gravest unemployment—the black and other nonwhite minority groups in our cities.

Gaylord Freeman, chairman of the First National Bank of Chicago, a few days ago spoke to security analysts in London. Freeman told his brothers there that the U.S. interest rate would rise to 6.5 percent in 1973. Such an increase would be acceptable after the election. "I believe that a moderate increase in the interest rates would be a welcome way of restraining inflation once the elections are over."

You don't have to be any expert in fiscal or monetary policy to know exactly what those words mean. They suggest high interest rates and tight money and high profits for American corporations. They imply a return to the 1969 game plan I which for the first time in history of the American economy saw deliberately created unemployment.

This was the administration's first and choice technique for restraining inflation. That game plan worked certainly to create 2,500,000 new recruits for the army of the unemployed while prices continued to escalate.

Such statements as this cannot but create fear for the future—a fear with its heaviest impact on blacks or other minority groups. It suggests a combination of economic strategies. It would continue

that wage freeze from which the poorest workers have suffered most and add to it a second dose of deliberately created unemployment.

For us in the black community, all this spells not simply a continuation of benign neglect but direct and malign action. This could have no effect but to intensify the unemployment and to increase the poverty our people have suffered already far too long.

The position of my union is a clear and direct one; unless there is action by Government to provide jobs for all those willing and able to work . . . unless there is the use of idle manpower and idle resources to win a few battles in the war against poverty . . . unless these things are done the Federal Government itself, becomes guilty of open and flagrant discrimination against all minority groups.

I can tell you that in the city of Chicago there is plenty of need for work by human hands. On the south side and on the west side there are appalling shortages of decent housing, of school rooms for our children and of hospital space for those who are sick. We face the heaviest impact of pollution of the air, of the land, of the water and of the very fabric of our community itself by crime and by drug epidemic which seems incurable at least by any prescription of political rhetoric.

Yes; there are these gigantic needs. Every human skill should be directed toward meeting them into checking the corruption, the decay, and the agony which spread throughout our great cities. Instead, the men and women who could take on this work, who could be mobilized to rebuild cities and restore cultures are imprisoned by unemployment.

They suffer the hidden taxes levied on all minorities, the loss of nearly \$3,000 a year in family income as a penalty for skin color . . . a rate of unemployment double or triple that of the entire community . . . the deprivation of educational opportunity, of medical care and cultural dignity.

A Federal policy which not only tolerates but accentuates all this is a policy of vicious and racist discrimination. It denies black people and brown people, alike, the right to use their own hands and their own skills for the construction of a better life in their own communities.

To this I should add only that such a policy of discrimination in employment directed against any sector of our population threatens the life and the health of our society as a whole. Action to meet the problems of unemployment, of poverty, of decay in our cities is action also on behalf of all workers and of all people whatever their race, color, or national origin.

I urge you as elected representatives of the people in the Congress of the United States to act and act decisively. The battle against unemployment and poverty and misery is not only part of the struggle for the liberation of minority groups; it is the heart and the body of every hope which we have for a strong, healthy, and progressive nation. We count on your support for these purposes.

That represents, Congressman, a statement of our own organization, but as I indicated before, I did want to mention some specific forms of discrimination which have been brought before our group, the black labor leaders whom I represent also in an effort to get some support to help eradicate these forms of discrimination by certain branches of our government.

The first complaint happens to be in a nature racial and sexual discrimination in the Chicago Payment Center and Social Service Administration.

The specific charge and reasons for the complaint are the historic exclusion of nonwhite personnel from holding branch chief positions in the six operating branches of the Chicago Payment Center, also discriminatory recruitment practices, which have prevented the hiring of nonwhites in representative numbers in the claims authorizer position.

These people who are members of the Government Workers' Union, they seek the following relief:

1. Cessation of the tendency of management representatives to jump to the conclusion that non-white employees are responsible for all acts of wrong-doing that occur in or around the Payment Center, e.g., the flooding of the basement in or around August 10, the slashing of the tires on the government vehicle in or around August 10, et cetera.

2. Use of existing regulations where reduction-in-force is necessary with full consideration of the preferential rights of employee, and without regard to race, sex, color, religion or natural origin.

3. Cessation of the inordinately high termination rate of lower grade non-white employees.

4. Establishment of goals and timetables for hiring males in representative numbers on the work force of the Chicago Payment Center.

5. Full regard for the representational rights of employees charged with or being questioned about matters which could lead to disciplinary actions.

6. Relocation of the Payment in quarters managed by parties who fully accept the fact that the U.S. Government is by law an Equal Opportunity employer and can accept the presence of non-whites without hostility.

7. (a) Removal of bars to service by non-whites in Branch Chief positions of the six operating branches of the Chicago Payment Center.

(b) Removal of bars to service by nonwhites on the internal security and investigating staff of the Social Security Administration.

(c) Removal of bars to hiring nonwhites in the claims authorizer position in the Chicago Payment Center.

(d) Removal of all socially and/or sexually discriminatory practices that may exist in the Chicago Payment Center and the Social Security Administration.

8. Imposition of the same rules for behavior and standards of conduct on supervisors as is demanded of nonsupervisors.

9. Censure of payment center management for inviting the local police on to the Federal reservation on August 11, 1972, and effect an apology from the payment center for subjecting the complainants to racist harassment of the Chicago Police Department.

A specific case in point, Mr. Congressman has to do with the Presidential order, I guess, to reduce the size of the number of people employed in the facilities management branch. In order to facilitate the removal of nonwhite employees of the branch, payment center management has inspired acts of vandalism against Government property and has insinuated that members of the nonwhite group of the branch are responsible for such acts. A management official allegedly has admitted that there are nine nonwhite employees in

the branch, and the number must be reduced to three. Consideration of reduction-in-force procedures have been omitted and the one or two whites in the section have been omitted in connection with any need to reduce the force.

The application of the grade and force reduction ordered by the President appears to be disproportionately applied to nonwhites throughout the payment center. What is happening in the facilities management branch is indicative of the practices in the Chicago Payment Center that caused the weight of the reduction-in-force procedures to fall most heavily on nonwhite employees.

Because of race, management has undertaken procedures to deny the nonwhite members of the affected branch the right of representation by the union or other representatives of the nonwhite employees choice.

On Friday, August 11, 1972, after the close of business, all nonwhite employees were detained against their wishes to be queried by members of the Chicago Police Department who were invited to this Federal reservation by the responsible officials of the Chicago Payment Center. The nonwhite members of the group were falsely imprisoned and otherwise abused by this process.

One of the white officers of the police department allegedly was overheard telling a white employee that he need not be intimidated by "these shines" and that he should fight back. By its actions, the Chicago Payment Center has denied employees in the branch regulatory and contractual protection provided in the master agreement and aided the racist inclination of members of the Chicago Police Department. Following the detention of the employees, one, Peter Chatman was followed by all of the 11 policemen involved, arrested for a minor traffic charge and his car was searched. He was then incarcerated and held for 2 hours in a locked room with the 11 policemen and an unleashed police dog.

5. Management solicited complaints from the building management have been used as a basis for asserting that nonwhite members of the facilities management branch are responsible for the acts of vandalism which have recently occurred in that branch. These solicitations and charges are believed to be racially inspired by a payment center management and the lessor's representative both of whom have displayed strong antiblack animus. The building manager allegedly locked the basement washroom so that it could not be used because of the antiblack sentiments.

6. There are two representatives from Baltimore allegedly here to investigate acts of vandalism. They have not consulted with the local in matters concerning working conditions. This omission we believe to be motivated by consideration of race. Further, neither of the representatives from Baltimore is a minority which we consider to be evidence of the possible discrimination against nonwhites in the agency and the Chicago Payment Center.

7. Suspension of one James Crenshaw without full consideration of the facts in the case.

Therefore, we request that appropriate action be taken on this group complaint as provided under Department Personnel Instruction 713.

This complaint is on behalf of the affected nonwhite employees of the facilities management branch from whom we have received authority to file it.

Now, that represents the complaint, the reason for it, the nature of it, of what it consists. This has been filed and signed by representatives of the union, signed by the victims, and they are requesting that at least you Congressmen do something to alleviate this situation which exists within the social security department.

Now, the other thing I wanted to call to your attention, I'll just mention it, Congressman, we have a charge of discrimination in the Division of Telecommunications and Broadcasting of the Chicago Board of Education, which includes both radio and television. The charge is against Miss Carole Nolan who heads both departments. The charge is based on discriminatory employment practices that are prevalent there, and we think much of this stems from the head of the department itself.

We realize that this is not specifically the responsibility of you as being Federal representatives, representatives of the Federal Government and Members of Congress. We know that there are certain regulatory actions that you can take, since these are mediums of communication which are regulated by government, and we think it deserves at least some look-see treatment on your part.

Just to give you an idea of the breakdown and put it in the record, the TV breakdown is as follows:

In terms of employment, producers, there are two, who are white; engineers, there are four white and one black; graphic artists, there is one black; secretaries, there are three white and one black.

The radio staff: Producers, four whites; staff assistants, two whites; engineers, three whites; secretaries, four whites.

As vacancies occurred in the past, the positions were filled by whites, and some of the people who have been, one or two of the black people who have worked in this division of telecommunications and broadcasting left because they could not accept the racist attitude of the young woman who I mentioned that heads these two departments.

So that, gentlemen, represents the extent of my testimony.

Mr. HAWKINS. Thank you, Mr. Hayes. May I ask you just one question.

You are from a union representing over 500,000 members who are employees of a particular industry. What is the situation in the industry with respect to unemployment and racial discrimination? Would you care to comment on it?

Mr. HAYES. Well, obviously we have some unemployment on a percentage basis. When we look at it nationally, I don't think it necessarily reaches the national level, but we do have unemployment of our union members, some resulting from technology and automation and just basic changes in the industry.

Chicago is a case in point. A few years ago—Congressman Metcalfe knows it—we used to have 25,000 people here in Chicago who worked in the meatpacking industry, and when the meatpackers decentralized, and I must say about 65 or 70 percent of that 25,000 were black,

when they decentralized and moved out of the city of Chicago, this meant when you compare the 25,000 to the approximate of 5,000 now who have jobs here, it meant that these blacks and other minorities lost their jobs. They are no longer connected to the industry. They just don't care anymore, and so they either found jobs elsewhere not commensurate with the one they had, because we like to think at least our rates and working conditions have been at least somewhat improved by actions of the union and not necessarily compared to the other industries. But we have been hurt. There is no question about it.

People have moved on into other fields. In terms of numbers, I just can't say other than the statistics I gave you.

Mr. HAWKINS. Thank you.

Mr. Metcalfe?

Mr. METCALFE. I'd like to now thank Mr. Hayes for his expert testimony and his very frank testimony and the fact that he confined it to the areas for which he has expertise, which is to the credit of his leadership, which is not only well known in Chicago but certainly is known throughout the Nation.

And, of course, I need not ask Mr. Hayes many questions, because I worked very closely with him and he with me, but I would like to ask one question in the interest of brevity of time. On page 2, you cited some figures in paragraph 3 as to how many jobs we had in 1970 and the persons who are presently living at the level of poverty. You had already given notice that this was a Federal hearing and therefore we ought to be directing our time and energies to Federal legislation and to take some corrective steps, but Federal is a composite of many communities, 50 states to be precise, and many cities, and you went into the figures of Chicago, which are pretty much average throughout the Nation, the disparity which exists in Chicago.

Do you have any recommendation as to what we in Chicago may be able to do in order to bring a more equitable distribution of jobs and lessen the unequal amount of unemployment?

Mr. HAYES. Well, the main thing that I think needs to be done, which I think you gentlemen can use the influence of your position in Congress to bring about, is the changing of the priority which our money is spent, which the tax dollar is spent. I happen to feel that—and this is not only true in Chicago, I think this is probably true in practically every urban center of this nation—when there is a dense population of blacks and other minorities which make up a good segment of the so-called people of this country, I think there is a consensus to completely write many of them off and make them sort of pawns, and just wait for them to die off rather than to provide a way of life for them.

I think if Federal money has to be appropriated, that would bring jobs. I don't think we can depend any longer on the private sector to concern themselves with a way of life for people.

After all, the main interest of business is profits. If they can make profits without people, they will do it, and I think that when the private sector does not provide employment for people to raise the level of poverty, I think it becomes incumbent upon the Federal Government to do it.

Certainly, there is enough need in terms of housing, schools, and health facilities, but we can't have the money to do that if we continue to fight a war that we are paying for and financing in Southeast Asia.

So it's going to have to be incumbent upon you fellows with others to bring about this type of change in the way we spend money. Spend money to help people who need help, to help to give to those who are the have-nots in our society rather than to fatten up those who are already fat financially.

Mr. METCALFE. Mr. Chairman, I will refrain from asking any other questions.

Mr. HAWKINS. Mr. Scheuer?

Mr. SCHEUER. I just wish to commend the witness for a beautifully prepared testimony. It was a real privilege for us to have heard it.

Mr. HAWKINS. That expresses my views.

Mr. HAYES. I appreciate your indulgence.

Mr. HAWKINS. This afternoon we are going to listen to the rest of the witnesses, Mr. Holden, Mr. Lewis, a representative from the U.S. Civil Service Commission, and Mr. Sam Bell, speaking as a representative of Spanish-speaking persons.

The committee is running much behind in time, but we'll complete our day's schedule this afternoon.

At this time we'll take a recess until 2 o'clock.

The committee stands in recess until 2 o'clock.

AFTERNOON SESSION

Mr. HAWKINS. The committee will reconvene.

The first witness this afternoon will be Mr. William S. Lewis, president of the National Alliance of Postal & Federal Employees.

Mr. Lewis, do we have any prepared testimony from you?

STATEMENT OF WILLIAM S. LEWIS, PRESIDENT, NATIONAL ALLIANCE OF POSTAL & FEDERAL EMPLOYEES

Mr. LEWIS. I submitted them on the 10th.

Mr. HAWKINS. I see it is here. The statement in its entirety will go in the record at this point, and you may summarize the statement or read it, as you desire.

Mr. LEWIS. I'd like to read the prepared statement, and with permission to add something to it.

Mr. HAWKINS. All right.

Mr. LEWIS. Mr. Chairman and members of the subcommittee, my name is William S. Lewis and I am president of the Chicago Local 701, National Alliance of Postal & Federal Employees, commonly known as the Postal Alliance. The Postal Alliance welcomes this opportunity to be represented here today. Our union represents more than 4,000 members in the Chicago Post Office, 95 percent of whom are minority groups and live in the inner city. We have a vital interest in the availability of jobs in the inner city as they pertain to minorities, especially.

In summary, the Postal Alliance, Local 701, is deeply concerned that decentralization of downtown Chicago postal facilities to the suburbs may cost many blacks and other minorities their jobs. Postal decen-

tralization could foreclose job opportunities for blacks by virtue of inadequate public transportation and the lack of low and moderate housing in the area of new postal facilities. The additional cost of getting to these jobs, whenever possible, would fall on those least able to pay.

To place the problem of postal decentralization in perspective, the Postal Alliance would note that jobs are becoming increasingly scarce in the inner city. Jobs, like just about everything else except minority group people, are moving outward. The result is that inner city residents, among whom unemployment levels are distressingly high, find it difficult to follow jobs to suburban areas and thus are increasingly handicapped in their efforts to earn a living.

The Central Region, U.S. Postal Service is participating the movement to the suburbs. Last year, a major bulk mail facility in Forest Park began operations. The enormous size of this bulk mail facility could accommodate virtually all downtown bulk mail facilities. While postal officials maintain that Forest Park facility will employ approximately 1,300 persons, the Postal Alliance believes that the number employed at this location will far exceed current estimates. In addition the continued expansion of suburban bulk mail facilities in the suburb of River Grove could absorb thousands of jobs currently being performed at the downtown post office. Finally, we understand that plans for a major facility to be located in Deerfield, Ill., are currently under discussion.

The effect of decentralization on downtown postal employees is serious.

A number of complex and interrelated factors prevent postal workers from following the relocation of their jobs. First, public transportation to new postal facilities is frequently unavailable. Second, available transportation is both excessively time consuming and expensive. Third, while many postal employees receive low and moderate incomes, low and moderately priced housing is unavailable in the area of new postal facilities. Fourth, while many postal employees are black, housing on a nondiscriminatory basis is unavailable in these areas.

The significance of postal decentralization in terms of the loss of job opportunities to postal employees is substantial, for those in the inner city. The Postal Alliance estimates that between 4,000 and 5,000 jobs in the Chicago Post Office will be lost to the inner city.

As the largest union representing black and minority employees we initiated efforts to obtain detailed information regarding decentralization from the Postal Service. They denied us accurate information and denied that large quantities of mail would be moved from the Chicago Post Office, resulting in large number of job losses.

In 1971, the Chicago local 701 held a series of press conferences which were read in Chicago's major newspapers and broadcasting networks. While this publicity evoked a response from postal officials, postal decentralization policies were not altered.

In conclusion, the Postal Service has repeatedly demonstrated its insensitivity to the problems of its minority employees and has failed to adopt a policy for dealing with the impact of relocation of its facilities on minorities. The Postal Alliance believes this failure violates the right to equal employment opportunity established by

both the Congress and the courts of this Nation. In view of the Postal Alliance's unsuccessful efforts to change the Postal Service's decentralization policy, we call upon you to use your influence to get the Congress to redress this grievous wrong.

Carl Rowan, syndicated columnist, writes:

... In an economy based upon technological change the presence of large numbers of adults whose inadequate level of education or training freezes them out of the new economy becomes a retarding force on the economy.

The country is plagued by high levels of unemployment and we of the inner cities are expendable. The Postal Service, in the past, was a very important bastion of economic strength for the black communities. With that economic pillar being eroded there is little opportunity for many blacks to find employment. Again, quoting Carl Rowan, "There are 1,038,000 jobless black Americans today, whereas there would be only 500,000 if blacks could find work at the same rates as the rest of the population". This is a direct reflection of the fact that we have no training or retraining program for people, whereas the rest of society is happy to dismiss as "welfare types."

In such a situation the National Alliance of Postal & Federal Employees is the only viable organization in the Federal and Postal Service that can and will represent all of the interests of these underprivileged employees.

I thank you for the privilege of bringing this to your attention.

If I may, I would like to add something to this.

Mr. HAWKINS. You may proceed, Mr. Lewis.

Mr. LEWIS. At the time that the decentralization was started a little over 2 years ago, the complement of the Chicago Post Office was 25,520. Today, the complement is 21,138; 4,382 jobs, of course, are no longer under the complement of the Chicago Post Office. However, as of September 30, there were only 20,426 jobs, people working at the Chicago Post Office.

Now, that 4,382 job loss in the Chicago complement does not mean that there were 4,600 jobs lost to the inner city. Approximately 1,000 of those jobs went to O'Hare Field, which at that time, was a part of the Chicago complement.

However, as you see, there are 3,000 jobs that have disappeared as a result of some technological displacement, and, of course, the freeze and the fact that they have begun to move the mail from the Chicago Post Office.

So I think that the seriousness of this should be considered in view of the fact that unemployment in the inner city, particularly among blacks, has reached as high as 30 percent.

Many of the people in the inner city, blacks, Puerto Ricans, and Chicanos have not had training that would fit them for jobs of a technical nature, on the outside, although it was a promise by industry to do so, many years ago. However they could find employment in the Post Office.

Chicago lost the stockyards and other large industries that moved away but the post office remained a bulwark of economic strength for minorities in the inner city, until now. The community is now experiencing an unusually high jobless rate.

I feel as the previous speaker who said that in an economy like this when private business is moving to the suburb and does not accept

the responsibility for finding jobs for people it is the responsibility of Government to do so.

I think the Government has been derelict in their duty in view of the fact they have joined the hordes of others who are moving to the suburbs, and I bring this to your attention especially in view of the large amount of unemployment, the crime situation, et cetera.

Thank you.

Mr. HAWKINS. Thank you, Mr. Lewis, you certainly document the real problem.

The Chair would like as a matter of information to let you know that there is another committee that has jurisdiction over this subject matter and which is at the present time holding hearings on this problem. It is the Postal Facilities Subcommittee, which is headed by Congressman Nix of Philadelphia. I don't know whether or not you have made contact with him or if the Postal Alliance officials have, but I would certainly suggest that they testify before his committee, because the problem directly relates to that committee's jurisdiction.

Now, obviously this is not the only field in which this problem occurs. The location or relocation of Federal facilities by any agency or department would involve the same problem. Some departments do have a policy that they will not relocate into areas where there is discrimination in housing, and I would say that with respect to that issue, this committee might indirectly have some jurisdiction.

You certainly do present a serious problem—one which is directly related to the question of employment, and we are very pleased to get your testimony.

In one paragraph of your statement you indicated that you have tried to obtain information from the Postal Service regarding decentralization and have been unable to do so. Are you still being denied such information?

Mr. LEWIS. Oh, very definitely that has been our experience. In fact, we got two replies. In the one instance we asked about the people in the post office, and it was our understanding that the people in the post office would go with the mail. We were concerned about that, because under present regulations when a separate facility is established like south suburban, north suburban, O'Hare Field, and this, of course, would be west suburban, the employees who would go to that facility would automatically go to the foot of the sublist. Of course, they are called flexibles now. That would include a man maybe with 10 or 12 years, service; later we were told the employees would not go with the mail.

In many areas employees who refused to go to these facilities contrary to the agreement are being suspended and fired. So it's a very complex problem. Either way they handle it, it's going to affect the inner city.

Mr. HAWKINS. Has any effort been made to file a complaint with the Equal Employment Opportunity Commission or any of the other Federal agencies?

Mr. LEWIS. The national office is working on that from a national point of view, and incidentally, they will testify at Mr. Nix's committee hearings, as they have done in the past on other areas of discrimination, wherein they are denying the Alliance their proper rights in the negotiations.

And I might add that the NAACP, with the Alliance as plaintiff, has filed suit charging the postal corporation and the unions with failing to follow the intent of Congress. In fact, they filed a summary injunction to stop the movement of the mail. Now it is in its pretrial hearing, but then that's long and drawn out.

Mr. HAWKINS. We will invite the Postal Alliance to testify at the Washington hearings, which should take place within a matter of several months to see what the present status is as of that particular time.

Again, I wish to thank you for your testimony.

Mr. Scheuer?

Mr. SCHEUER. Well, I appreciate your bringing this to our attention, and I must say that I'm really shocked at hearing this attitude being shown on the part of the Federal Government. There is lots of talk in Government circles in the Congress and elsewhere that private businesses should be held accountable to the community when they make a decision to move and that they should have some minimum responsibility to at least do something to minimize the hardship and tragedy and anguish caused by large-scale relocation.

Now, certainly, if we can hold the private sector up to some standard of civilized conduct and concern for the human effect of these large-scale relocations, we certainly can expect the Federal Government to do it.

Mr. LEWIS. I would think so.

Mr. SCHEUER. And I'm absolutely flabbergasted and astonished and chagrined that the Federal Government isn't even discussing with you ways in which they can minimize the hardships occasioned by this kind of a large-scale move, and it seems to me that they ought to be canvassing all kinds of ways to minimize the hardships, they ought to be discussing ways of creating some kind of mass transportation out there to those jobs, and I remember a very distinguished Member of Congress and a man of great wisdom, who happens to be chairing this hearing today explaining to me that the problem that produced the eruption in Watts was not caused by slums basically, but was caused by the absence of cheap and efficient mass transportation from Watts to where the jobs were elsewhere in the greater Los Angeles area. Is that a correct statement?

Mr. HAWKINS. That is true.

Mr. SCHEUER. Here you are going to have the same kind of frustrations and the same kind of resentment, and it is caused by Government, not by the action of the free enterprise private sector.

I find it absolutely incongruous in this day and age that the Federal Establishment should be so callous and so insensitive to the human values and the human suffering caused by this kind of large-scale relocation, and I certainly would be more than eager to work with Chairman Hawkins and any other Members of Congress to sharpen the perception of the Federal Government as to the human damage that they are doing by such a callous move without taking into consideration the many problems that you have very clearly outlined, and I would hope that we could hold a few feet to the fire and perhaps enlarge that sensibility and sensitivity to this problem.

Mr. HAWKINS. Thank you, Mr. Scheuer.

May I additionally say that one of the purposes of this committee, of course, is to examine the application of laws which are now on the

statute books, and it is somewhat questionable or there is some doubt as to whether or not the Equal Employment Opportunity Act, as it is now drafted actually covers such a Federal facility as the Postal Service.

Be that as it may, certainly I think that your testimony brings out certain documentation of the reasons why it should be, if it is not in fact covered.

This year, as you know, they extended the coverage to educational activities which have heretofore been exempted, and also to State and local employment and other areas of coverage, and I would certainly think that the Postal Service itself should be covered strictly by actual stipulation and the statute itself, and certainly what you have said today, I think will lend some weight to our efforts to do so.

For that reason I commend you on your testimony.

Mr. LEWIS. Thank you very much. Anything that could be done in that area, I'm sure, would give hope to many of the people, because we do have a social problem here, a large number of women working in the Chicago Post Office, a large number of women who are heads of families, and they do have babysitting problems, et cetera, and already the movement of mail that I have just mentioned is causing a great deal of suffering and loss of jobs to women.

Many who had successfully bid on jobs on days thought they were secure with day work and their babysitting problems solved now find themselves shifted to nights and unable to secure babysitters during the night hours.

Some have had to resign and others have secured 30-day "details" in order to solve their babysitting problems. This they must do, not withstanding the higher cost of securing this help if they can secure it.

Anything you might do to help in this area would certainly be appreciated.

Mr. HAWKINS. Some correction, I guess, should be made. Counsel advises me that there is no doubt that the Postal Service is covered under the act. It's a question of jurisdiction, whether you would file the suit with the Equal Employment Opportunity Commission or with the Civil Service Commission, and certainly on that basis it seems rather clear that you can file a suit at the present time under the existing law, but not with the EEOC, rather with the Civil Service Commission.

Mr. LEWIS. Thank you.

Mr. HAWKINS. Thank you.

The next witness is Mr. Joseph Connor, representative from the U.S. Civil Service Commission

Mr. Connor, may I express our appreciation for your appearing at this hearing this afternoon. I think that it is in the spirit of cooperation that we invite Federal agencies to appear, and I certainly want to commend you. If you would first introduce the other witnesses for the record then you may proceed in any way that you care to.

I understand that you do have a written statement, which will be entered in the record in its entirety at this time, and you may either proceed to read it, quote from it, or to brief it and present it as you so desire.

Would you identify the other witnesses at the table, please.

STATEMENT OF JOSEPH CONNOR, REGIONAL DIRECTOR, U.S. CIVIL SERVICE COMMISSION; ACCOMPANIED BY ROBERT LACEY, EQUAL OPPORTUNITY REPRESENTATIVE; AND DELMAR JONES, MEMBER STAFFING DIVISION, U.S. CIVIL SERVICE COMMISSION

Mr. CONNOR. Thank you, Mr. Chairman. My name is Joseph A. Connor. I am the Regional Director of the U.S. Civil Service Commission.

With me on my left is Mr. Robert Lacey, a member of my staff who is the Equal Employment Opportunity representative.

On my right is Mr. Delmer Jones, who is a member of my staffing division.

Mr. Chairman and members of the subcommittee, I am pleased to have the opportunity to appear before this committee to testify on the efforts the U.S. Civil Service Commission has expended and is planning to expend within our six-State region.

The U.S. Civil Service Commission has had responsibility for leadership of the equal employment program in Government since September 1965. It is our considered opinion that true equal opportunity can result only from the closest integration of equal employment opportunity with the personnel management function. Equal opportunity must be involved in every aspect of personnel management, including recruitment, placement, promotion, training, and all other actions taken by agencies which have an effect on their employees.

We recognize full well that employment statistics can never tell the whole story; however, the following data is a demonstration of progress.

Between November 1969 and November 1971 total Federal employment within the Chicago SMSA declined while minority employment increased by 1.8 percent. In the Cleveland SMSA minority employment increased during the same period by 1.7 percent. Region-wide total minority employment remained the same while total employment declined 4 percent.

In general schedule positions, grade 9 through 15 minority employment increased by 9 percent from November 1969 to November 1971.

In general schedule supergrade positions, GS-16 through 18, there are two blacks, one Spanish-surnamed, and one American Indian. In the Postal Service, there are seven blacks and one Spanish-surnamed person at the PFS-17 and higher positions. In other pay systems there are one black and two orientals earning \$26,000 and over.

Mr. SCHEUER. In those three categories where you have given us numbers of minority employees, the increase in number, could you give us the total employment in those three categories so we can figure what the percentages are?

In other words, in the first category, GS-16 through 18, you tell us there are four minority people, if you call an American Indian a minority. That's four out of how many?

Mr. CONNOR. 249.

Mr. SCHEUER. That's a little over 1 percent. Would you consider that a creditable showing?

Mr. CONNOR. For this area, yes.

Mr. SCHEUER. Considering that blacks alone constitute about 11 percent of the population, would you consider a little over 1 percent in those grades is creditable showing?

Mr. CONNOR. Sir, of course you understand that as far as promotion and upward mobility is concerned, that depends upon the action of each agency.

I'm in no position at this point to say whether it is. I think, considering the progress that has been made, we might say good. I wouldn't say we should be satisfied.

Mr. SCHEUER. It seems to me you would be stretching the term "good" to say that when there is only one-tenth of the representation in those grades that you have in the population that you can afford to be very smug about the work that you have been doing.

Let's get to the next one. How about PFS-17 and higher; how many positions are there in that category?

Mr. CONNOR. Thirteen.

Mr. SCHEUER. That's pretty good. You've got eight out of 13. I don't know why there should be over 50 percent in one category and only 1 percent in the other category.

Mr. CONNOR. Because I think in the Postal Service they probably had much greater progress in upward mobility than in the other agencies. I think that's a fact.

Mr. SCHEUER. What are the characteristics or elements in the Postal Service that seem to be helping them mobilize and take advantage of the talents regardless of color so much more effectively than the other agencies?

Mr. CONNOR. Based on the history, we consider the Postal Service a homogeneous agency where people come in at lower and move up through, but it is one type of operation as opposed to the other agencies which are diverse in character, and therefore you have an entirely different system or approach to the upward mobility, some moving a little bit faster than others.

Mr. SCHEUER. They're moving a heck of a lot faster. It seems to me that the type of work, whether it's homogeneous or heterogeneous shouldn't create this extraordinary difference in the degree to which the Federal service is able to mobilize talent and provide opportunity of advancement and on-the-job training and promotion based on merit.

Mr. CONNOR. I'm sure you are aware of the fact that as far as the Commission is concerned, all that we do is to go up to the agencies and try to interest them in further progress in this particular area, that as far as authority to force or to make progress, we do not have such authority.

Mr. SCHEUER. Which are the agencies that you feel are not being cooperative or recalcitrant or insensitive to this problem?

Mr. CONNOR. I wouldn't at this point be able to indicate that any agency has been absolutely recalcitrant or refused to cooperate. They all indicate willingness to cooperate.

Mr. SCHEUER. Wouldn't you say the agency, taking the total agencies that have two blacks, a Spanish-surnamed person and an American Indian out of 229 positions, wouldn't you say there is a certain lack of sensitivity to this problem and a certain reluctance to take the practical steps that are obviously indicated?

Mr. CONNOR. Those figures, two blacks, one Spanish-surnamed, and one American Indian cover all the other agencies except in this instance the Postal Service.

Mr. SCHEUER. Look, it's perfectly obvious the Postal Service is doing a good job or at least superficially it would appear that way,

but in these other services where you have four people out of 229, there is about $1\frac{1}{4}$ or $1\frac{1}{3}$ percent, I think there is a prima facie case of, I would say there is a prima facie case of discrimination, unless you can show that a clear case, there just wasn't enough talent, there wasn't more than 1 or $1\frac{1}{4}$ percent that could have qualified.

Mr. CONNOR. As you know, sir, the number of supergrades is limited by law.

Mr. SCHEUER. I understand that, but the percentage of minorities—I am not a supporter of quotas, but it seems to me that figures often lie, what's the expression, figures don't lie, but liars sometimes figure.

The figures here on their face give a very clear message to me. Now, I would not be in favor of establishing an 11 percent quota of the supergrades. Maybe the minorities, on the basis of merit should be 15 percent or 8 percent or 20 percent, but they shouldn't get 20 percent.

Mr. CONNOR. Sir, I think what you have to think about in terms of supergrades is the total number of supergrades nationwide, and then the figures that we have indicated to you here relate only to this particular area.

Mr. SCHEUER. Look, I understand that. You know, we are capable of reading. You have just told us in this region you have 229 supergrades, right?

Mr. CONNOR. That's right.

Mr. SCHEUER. Now, I'm asking you a simple question. How come only four of those are black, Spanish-surnamed, and one American Indian?

Mr. CONNOR. I can't answer for the agency, sir, because they have the appointing responsibility.

Mr. SCHEUER. I understand that, but we are here trying to get some information from you. We are trying to get the benefits of your insight and your judgment. It seems to me there is an extraordinary and irrefutable presumption here that discrimination is taking place and that roadblocks are there in the path of aspiring blacks and the Spanish-surnamed people and American Indians to advancement.

Don't the figures tell you that story?

Mr. CONNOR. Well, that conclusion is yours, sir, and I don't know at this point I could agree, because I would have to look at the facts in each agency individually and see if they have people who are qualified to move into those supergrades and whether or not they have—

Mr. SCHEUER. Would you be kind enough—and, Mr. Chairman, I would ask unanimous consent that this witness be directed to do this, to submit to us a memorandum at your earliest possible convenience after you have looked into this matter and give us your judgment as to why these minority groups only constitute about one and a quarter or one and a third percent of the supergrade positions. Would you be good enough to do this?

Mr. CONNOR. I'd be happy to look into this.

Mr. HAWKINS. The Chair so directs.

Mr. SCHEUER. \$26,000 and over, how many people in his region make \$26,000 and over? In other words, you have three people, a black and two Orientals. That's out of a pool of how many?

Mr. LACEY. Twenty-seven.

Mr. SCHEUER. That's a little bit over 10 percent. That seems sort of fair on its face.

I think I would be most concerned of the supergrade positions, GS-17 and 18, if you would be good enough—

Mr. CONNOR. We'll look into it and submit a report.

(The report referred to follows:)

U.S. CIVIL SERVICE COMMISSION,
Chicago Region, December 1, 1972.

HON. JOHN H. DENT,
*Chairman, General Subcommittee on Labor,
House of Representatives, Washington, D.C.*

DEAR MR. CHAIRMAN: At the meeting of the Subcommittee on Labor held in Chicago on October 20 and 21, 1972, on the subject of unemployment and discrimination in employment, the Commission was requested to advise the Subcommittee concerning the distribution of minority group persons in Grades GS-16-18 (exclusive of the U.S. Postal Service).

The number of minority persons in these grade levels in the Chicago U.S. Civil Service Region was given in our testimony. We should point out that positions in the supergrades in the competitive service are most often filled by long-term career employees who have gained many years of experience in their respective program areas. A great many of these positions are in the scientific and professional fields. For example, 76% of the GS-16 through GS-18 positions in the Department of the Army are in scientific and engineering fields and require an expertise which can usually be obtained only through long experience in agency programs. In the Department of the Navy, 83% of the GS-16 through GS-18 positions are scientific or engineering. Most of the other positions at these levels are in such areas as budgeting and procurement and also require in-depth knowledge of agency operations. In fact, 90% of all GS-16 through GS-18 career positions are filled from within the service.

We are confident, therefore, that the number of minority employees at these levels will increase as minority employees continue to move into the senior level positions which comprise the pipeline to GS-16 through GS-18 jobs. The accelerated rate of movement of minorities into senior level positions is setting the stage for significant future gains in GS-16 and above.

Upon looking into this matter in this region, we find that the general reasons noted above are pertinent to our situation. Should we be requested to make recommendations to our central office in this regard, they would be to continue to emphasize upward mobility within the career service to assure that minority employees in the service have a full opportunity to compete for the GS-16 through GS-18 jobs. At the same time, we would encourage continuation of the broad-ranged recruitment programs now underway aimed at assuring full opportunity for all persons from outside the Federal service with the requisite skills to compete for positions at these grade levels.

Sincerely yours,

JOSEPH A. CONNOR,
Regional Director.

Mr. HAWKINS. Related to that, Mr. Connor, the last statement on the previous page, that grades 9 through 15, minority employment increased by 9 percent. How many positions are we talking about there?

Mr. LACEY. You are talking about the number of minority employment, the increase numerically in the minority employment or the total employment period?

Mr. HAWKINS. The total employment in grade 9 through 15 and the number of minorities involved, if you have that figure?

You said that was increased by 9 percent, and in absolute terms how many persons are we talking about? This sound like a big percentage, but how many are we talking about? This, of course, would help to answer the second question as to whether or not 16 through 18 are pulled from this group.

Mr. LACEY. In grades 9 through 15 there are, as of November 1971, there are 440 minority persons.

Mr. HAWKINS. 440.

Mr. LACEY. That's only Spanish surnamed.

Now, in order to do this, I have to add the blacks and the American Indians, which is roughly 34—about 4,300 positions.

Mr. HAWKINS. About 4,300 positions.

Mr. LACEY. Plus 440. so we've got 4,600 plus a little less than 200 for American Indians, a little more than 400 for Orientals, so we are talking about somewhere in the range of 5,000, 5,300.

Mr. HAWKINS. 5,300 out of a total of how many in those grades?

Mr. LACEY. The total figures, the printout didn't come through on the total.

Mr. HAWKINS. Do you want to try and figure that out?

We'll go ahead with Mr. Connor and just give it to us sometime.

Mr. CONNOR. Shall I proceed?

Mr. HAWKINS. Would you.

Mr. CONNOR. We have broken the barriers which kept many minority people out of Federal employment; now we need to move forward to new ground. Our current efforts are, therefore focused on upward mobility for lower grade employees; training and educational opportunities so employees may advance to higher grade levels; improvement of our recruitment efforts so that men and women of all ethnic backgrounds may serve at professional levels and assume leadership positions in the future; and the assurance that there is a positive commitment from every Federal manager up and down the line.

Some of the specific steps we have taken under the mandate of the Equal Employment Opportunity Act of 1972, Public Law 92-261 are:

1. Equal Employment Opportunity program administration, coordination and evaluation have been systematized internally to provide for uniform application and treatment of agencies and individuals.

2. Via planned assistance visits and general agency evaluations, agency EEO programs are measured and consultation and direction given. During fiscal year 1972 there were 95 regional planned assistance visits.

During the last half of fiscal year 1972, 15 EEO training programs were conducted by the region covering such subjects as EEO counseling, role of the manager in EEO, Federal women's program, and EEO and the supervisor.

The regional staff members have established ongoing contracts and consultation with minority and women's groups to provide information and to receive their particular concerns and comments.

As an outgrowth of the EEO act of 1972 the region has issued three letters to all agencies dealing with qualifications of EEO staff people, affirmative action plans and goals and timetables in recruitment and placement.

During fiscal year 1972, 25 EEO investigations were conducted and 58 EEO hearings held within the region. Further, seven additional Commission employees were trained to conduct EEO hearings.

In furtherance of the 16-point Spanish-surnamed program the 1970 figures covering the Spanish-surnamed population were compiled and distributed to regional agencies.

In addition to our continued agency involvement and commitment to equal opportunity we have added nine additional professional positions specifically to assist in carrying out the provisions of the EEO act of 1972.

In the upcoming months we plan to further strengthen our efforts in equal opportunity. Some of the steps to be taken are:

1. Effective December 1, we will be receiving for review and approval regional affirmation action plans from agencies and the region. The review will be tailored to individual agencies and will take into account employment figures reflecting minorities and women; training and education programs; identification of problems relating to equal opportunity and actions to be taken to solve or eradicate the problems with the responsible official or officials being identified along with target dates and measurement of results provided for during the life of the affirmative action plan.

On a consultative basis we are going to assist agencies in establishing viable and effective upward mobility programs.

During agency visits we are going to determine the qualifications of EEO staff people to carry out the charter equal opportunity.

We will be actively involved in the resolution of third party allegations of discrimination where agencies do not resolve the matter to the satisfaction of the third party.

Our regulations have been expanded to specifically cover allegations of reprisal or interference in the EEO complaint process.

We will in the review of agency personnel programs continue to insure that equal opportunity is an integral part of all programs.

What we have presented today is a brief outline of past and future actions related to our efforts to further equal opportunity within the Federal family.

Mr. Chairman, thank you for your courtesy. We will be glad at this time to answer any questions.

Mr. HAWKINS. Yes, first, do we have the answer to the question which we asked in terms of the general schedule positions between the grades 9 and 15?

Mr. LACEY. A total of 68,578.

Mr. SCHEUER. We have a little over 5,000, so that's maybe about 8 percent.

Mr. LACEY. The blacks hold 4,447 of those jobs; Spanish-surnamed 236; American indians, 88; orientals, 497.

Mr. SCHEUER. And that's in a category paying how much?

Mr. LACEY. Grades 9 to 15.

Mr. CONNOR. That's paying beginning at \$11,046 through 15, and the top of 15 is \$33,260.

Mr. SCHEUER. So that's somewhere between 15 and 20 percent, 16 or 17 percent, something like that. What would be the percentage of minorities, blacks, orientals, and so forth, in the category from \$9,000 down?

Mr. LACEY. In the category of \$9,000 and down, the black employment figures, they represent 19.5 percent of the work force in that grade level. Then going down to the very bottom at that figure, grades 1 through 4, which are entry level positions, they occupy 29 percent.

Now, we are dealing—I don't have it totaled up except in separate categories. Spanish-surnamed, they have seven-tenths of 1 percent in

grades 1 through 4, and grades 5 through 8, which would be \$9,000 and down, they occupy seven-tenths of 1 percent. The American Indians in grades 1 through 4 have two-tenths of 1 percent—five-tenths of 1 percent. I'm sorry, and two-tenths of 1 percent in grades 1 through 8.

The orientals have two-tenths of 1 percent in grades 1 through 4. They have three-tenths of 1 percent at grades 5 through 8.

Mr. HAWKINS. Mr. Connor, we have received numerous complaints about testing procedures which are employed in Federal civil service. I wonder if you could describe briefly just what efforts have been made to validate the testing procedures in this region.

The complaints center around the question of relevancy of the types questions which are asked in the testing procedure. There are many who claim that some tests have no relevance to the jobs or tasks to be performed on the job. I was wondering just what efforts you make to validate the testing procedures that you use in this particular area?

Mr. CONNOR. Mr. Chairman, in the field we do not make up the tests. The tests are made up in our central office, and we utilize the tests, and validation of all tests is made by our people in the central office.

We just conduct the tests and evaluate——

Mr. HAWKINS. And I assume you wouldn't want to comment on them.

Mr. CONNOR. I'm not in a position to do so, because I'm not a validation expert, sir.

Mr. HAWKINS. Has the region assisted in any validation procedures?

Mr. JONES. We occasionally may be called upon to provide some input from the field; that is, provide some data to the central office to assist in their total validation efforts.

Mr. HAWKINS. And in that capacity can you comment on the extent to which the validation has a rational basis?

Mr. JONES. No, I'm not a test man myself, and these people who do the validation are in Washington. We are not in that field, and I would not care to comment.

Mr. HAWKINS. We'll reserve that question until we get to Washington.

Mr. CONNOR. Mr. Chairman, we don't have anyone qualified in the field of psychology and psychometrics to make validation studies.

Mr. HAWKINS. The new act did cover the question of being able to initiate affirmative action programs. I assume that is what you are in fact answering on page 4 of your statement, the steps that you have taken to carry out that directive.

Mr. CONNOR. That is correct, those are going to be the steps that will be followed under the new plan, and as far as the field or regional affirmative action plans are concerned, the date is December 1.

Mr. HAWKINS. I see. I assume that this is a complete list of the steps which you plan to take, and that none other is contemplated?

Mr. LACEY. We submit this with a view of giving you a sense of some of the directions we plan to take. For example, in the act of approving and reviewing affirmative action plans is a multilayer process. First of all, there is mechanical action of receiving the plans themselves, analyzing the data that is submitted with the plans either by law or by our own requests, and then, of course, there would be the followup concept that would physically have to take place,

on-site visits to see for ourselves that these things are in fact being accomplished, to receive status reports from agencies as to progress in their affirmative action plans.

So there is a wide range of activities all embodied under the concept of review and approving affirmative action plans.

Mr. HAWKINS. I think you were present when Mr. Lewis testified on the relationship of location and relocation of Federal facilities.

Do you care to comment on that testimony as to whether the question of the availability of housing can become discriminatory and should be part of a policy which will affect the location or relocation of Federal facilities?

Mr. CONNOR. Well, Mr. Chairman, as you know, the U.S. Postal Service is now a corporation by itself by act of Congress, and with the effectiveness of that act, we have no responsibility for any of the actions except in two areas, and one is equal employment opportunity and two is veteran's preference.

I heard Mr. Lewis testify. I'm sure that some of the points raised are of very great interest to the membership of his organization and your colleague has already commented on the question of transportation, which, of course, can be very vital when the U.S. Postal Service makes a decision to move a part of their operations into other parts of the suburban area.

But, as far as we are concerned, as the Commission is concerned, we have no legal responsibility. Some of the information that I have heard this afternoon is new to me because it has never been imparted to us up to this point.

Mr. HAWKINS. I was thinking with respect not necessarily to the Postal Service but other agencies over which you do have some responsibility and for whom you recruit the employees, the question of whether the location, the actual location in a sense discourages recruitment efforts or should be considered in terms of the recruitment of Federal employees. I assume this subject has never been treated by the Civil Service Commission, as far as you know.

Mr. CONNOR. We have had it discussed on occasion, but in the Chicago area most of the agencies are concentrated in what we term the Loop area, so that the transportation problem is not a serious one.

Now, if the agencies were to move into the suburban areas, then I would have to agree that you would have a problem of transportation; yes, sir.

Mr. SCHEUER. And housing?

Mr. CONNOR. And housing; yes. It would all depend on what part of the county they move that type of operation into, whether there was available housing.

Mr. HAWKINS. Well, I cannot help but comment on Mr. Metcalfe's reference to Chicago as being the hub. It is not much of a hub if all the jobs are moving to the outer rim of the wheel.

Mr. CONNOR. I don't think that applies generally speaking to the civil service, sir. I think it may apply to certain aspects or parts of the private sector.

Mr. HAWKINS. Mr. Scheuer?

Mr. SCHEUER. Well, it obviously applies to one element that we think of as being the public sector, which is the post office. It is true that it is set up as a private nonprofit corporation, but the perception of most people is that mail delivery is a public service, and here when

you are getting jobs in the dimension of 4,000 to 5,000 jobs moving to the suburbs that have been filled 95 percent by a minority group, you certainly have a massive problem affecting that inner city population.

Mr. CONNOR. If that is going to be true, sir, I would have to agree that there would be a problem, especially in the moving of people and reassignment of people.

Mr. SCHEUER. It seems to me on movement and reassignment of people, if it's difficult, if not impossible to get housing there or transportation from their present housing to go to their jobs, that you would in effect have a problem of job discrimination, don't you think so?

Mr. CONNOR. I don't know whether I would use the term "discrimination" but they certainly would have extreme difficulty in the two areas, one obtaining transportation if there isn't any existing, and two, housing if there weren't available houses.

Mr. SCHEUER. When you take a fellow on the payroll who may have had 10 to 15 years of seniority and tell him his job is going to be in a place where he can get neither busing or transportation, you are in effect firing him, aren't you?

Mr. CONNOR. You are making it very difficult.

Mr. SCHEUER. So it seems to me that the Civil Service Commission ought to have a real interest in that kind of a decision.

Mr. CONNOR. We probably will get involved indirectly, sir, in the event that there is any sizable number who for reasons are unable to move who then come to us to see if there are other opportunities in other agencies. To that effect, we'll be involved.

Mr. SCHEUER. Couldn't you be involved in perhaps a little more positive way in working with the Postal Service to encourage them to use their resources and their influence either to provide some kind of bus transportation from a few key central city locations to where those jobs are going to be or to use their influence with those communities where they're going to get this tremendous influx of Federal dollars and payroll to provide opportunities for moderate income housing being built there that could house some of these workers if they were willing to move.

Mr. CONNOR. At one time we probably would have, but now since they have become a corporation, our assistance and advice is not sought, sir, and we have very little information as to what the plans are of the Postal Service as to the relocation of the workflow.

Mr. SCHEUER. Have you asked for that information?

Mr. CONNOR. We have not asked, and they have not offered.

Mr. SCHEUER. Don't you think as a starter it might make sense for you to at least ask them for the information?

Mr. CONNOR. I'll be very happy to get in touch with the regional postmaster general and ask him.

Mr. SCHEUER. Mr. Chairman, I would make a unanimous request that the gentleman be directed to ask them what their plans are and to ask them what they plan to do about either creating the opportunity or open occupancy, moderate income housing in those locations or some kind of subsidized bus transportation there or preferably both, and if you would, give us a report on that.

Mr. CONNOR. I'd be very happy to ask Mr. Dills and submit a report to the subcommittee.

Mr. HAWKINS. Kindly do that.

(The report referred to follows:)

U.S. CIVIL SERVICE COMMISSION,
Chicago Region, January 15, 1973

HON. JOHN H. DENT,
Chairman, General Subcommittee on Labor,
House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Under date of December 1, 1972 I wrote you concerning the meeting of the Subcommittee on Labor held in Chicago on October 20 and 21, 1972, on the subject of unemployment and discrimination in employment. At that time the Subcommittee requested information on the following points relative to the redistribution of work by the U.S. Postal Service, Chicago, Illinois.

1. To what extent was consideration given to housing and transportation problems of minority employees affected by the work decentralization to suburban locations?

2. What actions were taken to assist employees on these matters?

3. What actions are currently being taken or are planned to help minority employees avoid or alleviate transportation or housing problems?

4. What other problems (such as, seniority provisions which affect retention or assignment to shifts at the old or new worksite) have been identified and what actions are underway or planned to resolve them?

We advised you in our December 1 letter that we had requested the information from Mr. C. B. Gels, Regional Postmaster General, Main Post Office Building, Room 1134, Chicago, Illinois, 60699, who, in reply, advised the matter had been forwarded to his headquarters in Washington, D.C., for the necessary information.

We are now in receipt of a communication from Mr. E. S. Brower, Assistant Postmaster General, Bulk Mail Processing Department, United States Postal Service, Washington, D.C., in reply to the four points raised by the Subcommittee. A copy of his reply is attached hereto. This completes the information requested of the United States Civil Service Commission by your subcommittee at the hearings held here in Chicago.

Sincerely yours,

JOSEPH A. CONNOR,
Regional Director.

MAIL PROCESSING GROUP,
Washington, D.C., January 10, 1973.

Mr. J. A. CONNOR,
Regional Director, U.S. Civil Service Commission,
Chicago, Ill.

DEAR MR. CONNOR: Regional Postmaster General Clarence B. Gels has referred your October 24, 1972 letter to this office for reply.

The testimony you mention concerning "decentralization to suburban locations of Postal Service work described as formerly or now being performed in the central core of Chicago" seems to reflect the same issues raised in a complaint filed on May 11, 1972 by NAACP attorneys in the U.S. District Court, Northern District of Illinois, Eastern Division, on behalf of the National Alliance of Postal and Federal Employees. The suit sought to enjoin the Postal Service from continuing a "policy of decentralization of (postal facilities) until such time as said policy may be implemented without resulting in disparate racial impact." The complaint dealt with the North Suburban and South Suburban facilities as well as the Bulk Mail Center being constructed in Forest Park, Illinois. The suit was dismissed on November 28, 1972. A Notice of Appeal was filed with the Court of Appeals for the Seventh Circuit by the plaintiffs on December 19, 1972.

The Postal Service shares your concern over the various equal employment opportunity issues you raise in your letter. With respect to your request for information to be included in a report to Congressman Hawkins Congressional Subcommittee, a summary description of the postal facilities currently operating in the Chicago area is provided. We have also included a description of some of the operational and employee factors that have been considered in our decision to locate the Chicago Bulk Mail Center in Forest Park, Illinois; an explanation of the National Bulk Mail System, of which the Chicago BMC is an integral part; and our requirements under the current collective bargaining agreement.

The Main Chicago Post Office Building, located at 433 West Van Buren Street, Chicago, Illinois 60607, is reported to be the largest postal facility in the world. The building, located on the western edge of the Chicago Loop area is 13 stories high and over a block long. Some 16,000 postal employees are assigned to work

in this main post office building alone. Approximately 3,114 employees are directly involved in handling bulk or parcel post mail at the Main Post Office, including employees who are classified as mailhandlers, maintenance employees, and motor vehicle drivers. There are a total of 22,499 employees in the Chicago Post Office, including those employed at stations. Postal officials in the Chicago Post Office estimate that some 35 percent of these employees drive to work, and 65 percent use public transportation. Public transportation is available to the Main Post Office.

The North Suburban postal facility, 8999 Palmer, River Grove, Illinois 60199, employs about 1,300 employees in the processing of first class letter mail, flats and newspapers from 113 associate post offices in the north and western suburban areas outside of Chicago. No bulk mail is handled at this facility. North Suburban has been located in the area immediately to the west of the City of Chicago since 1963. The present facility in River Grove was leased and occupied in October 1970; prior to 1970, this facility was located one and one half miles further west in Franklin Park, Illinois. No employee complaints have been received alleging any discrimination in housing. Limited public transportation to this site is available. Ninety-nine percent of the employees drive to this installation. Free parking is provided. About 30 percent of the employees at this installation are minority group employees.

The South Suburban postal facility is located at 7401 South Cicero Avenue, Chicago, Illinois 60499, within the city limits, in the Ford City Shopping Center. The facility employs about 2,400 employees, approximately 80 percent of whom work in the processing of bulk mail. The facility was opened in 1963 in an old Ford Motor Co. plant. It handles all of the bulk mail generated outside of the City of Chicago, and some from major customers from within the city itself, as well as the first class letter mail, flats, and newspapers from the southern and south-western suburbs. Public transportation is available to this facility. About two-thirds of the employees at this installation drive private vehicles to work. Free parking is provided. Over 80 percent of the employees at this facility are minority group employees.

Another large postal facility located in Chicago is the O'Hare Air Mail Facility. This facility is located in the O'Hare Field Complex, technically within the extreme northwestern boundaries of the City of Chicago. Some 906 employees work at this location handling airmail generated from the City of Chicago and all of its suburbs, as well as preferential mail which is airlifted. The Postal Service has had a facility to process airmail at O'Hare Field since 1959. The present building was constructed in 1967, and the Postal Service has a 20-year lease to occupy this building, the lease expiring in 1987. Limited public transportation is available to this facility. Approximately 90 percent of the employees use private vehicles as transportation. Free employee parking is provided. Thirty-six percent of the employees at O'Hare AMF are minority group employees.

The Chicago Bulk Mail Center in Forest Park, Illinois is the second facility being constructed in the National Bulk Mail System currently being implemented by the U.S. Postal Service. The NBMS is an entirely new procedure designed to handle parcel post and most second and third class mail with greatly increased efficiency.

Congress, in the Postal Reorganization Act, PL 91-375, directed the Postal Service to provide and maintain prompt, reliable and efficient mail service to its customers and to apportion its costs fairly among mail users. With respect to parcel post mail, in the last ten years, the Postal Service has gone from a virtual 100 percent of the parcel post market to the point where in 1970 the major competitor in this area, United Parcel Service, passed the Postal Service in parcel post volume. The drastic decline in parcel post business has reduced the number of parcel post jobs in the Postal Service and has resulted in a continuing decline of revenue.

The planned National Bulk Mail System (NBMS) has been designed to solve our service, damage and cost problems anticipating that by improving efficiency and productivity the Postal Service will stabilize its position in the parcel post mail market relative to the competition. The alternative is not to increase efficiency, to continue to lose parcel post volume and revenue, and to continue, therefore, to lose parcel post jobs.

The NBMS, when operational in 1975, will consist of a network of twenty-one Bulk Mail Centers (BMC's) and thirteen Auxiliary Service Facilities (ASF's). These facilities will process bulk mail (fourth class parcels and sacks of third-class mail and non-preferential second-class mail) through these 34 facilities where the Postal Service can make maximum use of modern sortation techniques and where long-haul transportation moves can be consolidated.

With respect to sites for postal facilities, the Postal Reorganization Act provides in section 101(g) as follows:

"In planning and building new postal facilities, the Postal Service shall emphasize the need of facilities and equipment designed to create desirable working conditions for its officers and employees, a maximum degree of convenience for efficient postal services, proper access to existing and future air and surface transportation facilities, and control of costs to the Postal Service."

Pursuant to an agreement with the Postal Service, the Corps of Engineers is responsible for evaluating available sites for BMC's given basic site criteria developed by the Postal Service. The basic criteria, including but not limited to, are: areas of optimum transportation cost and access, site size and configuration, site control timing, local ordinances and EEO considerations.

The site chosen for the Chicago BMC is located just south of Roosevelt Road and east of Des Plaines Avenue in the village of Forest Park in the western suburbs of the Chicago metropolitan area. The BMC is being constructed on the former site of the U.S. Naval Ordnance Plant which recently ceased operations. The facility is scheduled to open in 1974 and is approximately 40 percent complete at the present time.

The Forest Park site selection for the Bulk Mail Center was based on sound, practical business considerations relating to cost, efficiency and improved parcel post service. The site selected meets the size and configuration requirements for a Bulk Mail Center operation and is well situated with respect to highway and rail transportation networks. The building now being constructed will be fully air conditioned and heated to provide greatly improved and desirable employee working conditions over present facilities. Adequate employee parking, eating facilities and other employee services are being planned.

The preliminary search for an appropriate BMC site in the Chicago area began in 1969. Several locations in southwest metropolitan Chicago and nearby suburban areas were rejected primarily because of insufficient size or lack of easy access and traffic congestion. The Chicago BMC required a site of at least 70 acres. The Forest Park site was one of the few areas available within our time constraints within the Chicago area which met our size and transportation requirements. Of major importance in our site selection decision for Chicago was the fact that the Forest Park site involved only a transfer of Government property vacated by the U.S. Navy. In mid-1970, GSA declared the parcel to be excess of the needs of the government and, therefore, available to the Postal Service at no cost. Acquisition of this property by the Postal Service also involved no reduction in the tax rolls, a frequent concern of communities chosen for Federal development projects.

Our subsequent review of the Forest Park site has included considerations of the public transportation, housing, labor force characteristics, employee relocation, and environmental issues. An additional transportation analysis was conducted with the objective of developing plans and programs to provide safe and efficient access for BMC truck and employee traffic without adversely affecting the adjacent neighborhoods. Agreement with officials of the Village of Forest Park has been reached on these issues.

Public transportation serving the BMC site includes the West Towns Bus Company and the Chicago Transit Authority (CTA) rapid transit terminal at Des Plaines Avenue and the Eisenhower Expressway about one half mile from the BMC. West Towns Bus Company has a line which runs on Roosevelt Road past the BMC site and also stops at the CTA terminal. CTA transit is in operation over a 24-hour period. However, the bus does not offer service after 9:00 p.m. and prior to 6:00 a.m. Consideration is being given to creating a free shuttle bus service between the BMC and the CTA station as well as arranging with local transit companies to provide increased service to the site.

Our analysis of other postal facilities in the Chicago area shows that the percentage of employees driving to work ranges from approximately 35 percent at MPO to 99 percent at North Suburban. Adequate employee parking has been planned for the BMC, and we are considering ways to assist employees in the establishment of car pools or other means of increasing access to the new facility.

We have developed information on housing profiles and availability in Chicago communities surrounding the BMC. Minority representation in the communities immediately surrounding the BMC is slight with the exception of the communities of Maywood and Broadview. Housing is available within reasonable commuting distance from the BMC. We are also investigating the feasibility of using services such as the Home Investment Fund. Consequently we do not believe that minority groups in the Chicago metropolitan area will be denied access to jobs at the BMC.

We have also reviewed recruitment problems and minority representation at the recently deactivated Naval Ordnance Station on the site, other industries in the area, and our experience at the North Suburban Facility. The information available on current USPS employees in the Chicago area indicates that the Forest Park site will not necessitate significant relocation of employee domiciles or substantive changes in commuting patterns. Based upon our review of all the factors discussed above, we believe that the location of the Chicago BMC will not create equal employment opportunity problems which cannot be resolved by programs carried out pursuant to the Postal Service's affirmative action plans.

The Chicago BMC is scheduled to be operational in 1974. The complement and level breakdown of jobs by craft for the facility have not definitely been established, nor has the manner in which the facility will be staffed.

However, under the current collective bargaining agreement, which expires on July 20, 1973, if the movement of bulk mail from a particular post office to the Chicago Bulk Mail Center results in an excess of employees at the losing post office, the junior employees will be assigned to the new or another facility. Postal employees who are so assigned will not lose their employment in the Postal Service, their seniority or their salary level. If it is necessary that they move beyond their commuting distance, they will receive certain moving and per diem allowances. The criterion in determining which individual craft employees are excessed is seniority. A senior employee may elect to be reassigned instead of a junior employee. The method of assignment applies not only to the excess employees in the Chicago Main Post Office or the South Suburban facility but also to those in all offices affected by the movement of bulk mail processing to Forest Park, such as the post offices in Peoria, Bloomington, Champaign, Illinois, and Gary, Indiana. It is quite possible that some employees in these post offices will voluntarily bid on available positions at this new Chicago BMC facility. We are currently developing programs to achieve employee relocations with a minimum of disruption to mail handling operations and inconvenience to employees.

As discussed herein, the Postal Service has been directing its attention to anticipating and resolving possible equal employment opportunity problems which may arise at the Chicago BMC site. We will, of course, continue to direct our attention to this concern.

E. S. BROWER,

Assistant Postmaster General, Bulk Mail Processing Department.

Mr. SCHEUER. Let me ask one more question.

On page 4 you enumerate the kind of activity you engage in with these Federal agencies. You talk about your assistance on a consultative basis in establishing viable and effective upward mobility programs and that you will be actively involved in the resolution of third-party allegations of discrimination and your reviewing of agency personnel programs to insure that equal opportunity is an integral part of these programs. They are all sort of laudatory efforts, and it seems to me they would require voluntary cooperation on the part of these agency heads, would they not?

Mr. CONNOR. Yes, sir.

Mr. SCHEUER. What would happen if you engaged in consultative conversations with a particular agency head and you were actively involved in the resolution of third-party allegations of discrimination and you reviewed their agency personnel programs and you found them inadequate and you weren't able to resolve allegations of discrimination, you found that your consultation, that your upward mobility programs are not being received cooperatively, that you reviewed their programs and you felt that they were inadequate but there was no action being taken at the other end? What would you do then?

Mr. LACEY. Sir, prior to the enactment of Public Law 92-261, your statement is absolutely correct.

Mr. SCHEUER. I'm not making a statement, I'm asking a question.

Mr. LACEY. It was true that prior to Public Law 92-261 we were in a position where we sought conciliation, period, but under the mandate of the new Public Law we no longer are that emasculated, and we have

the authority to go in and to direct change, to effectuate the changes that are needed to have equal opportunity exist in all Federal agencies, and we are planning to do that, which is why we are actively getting the affirmative action plans in the first place.

On that basis we'll have a base upon which to move forward and we are hoping for great things to happen.

Mr. SCHEUER. That's very encouraging, and I would like to make one more unanimous request, Mr. Chairman.

Mr. HAWKINS. Yes, so long as Mr. Connor is jotting down these requests, so he'll know specifically what we are requesting.

Mr. SCHEUER. I was going to make one more unanimous-consent request, and that is would you tell us what you intend to do perhaps with the ultimate power to direct about the situation that you have described to us in the general schedule of supergrade positions, GS-16 through 18, where there is not more than one and a third percent representation of minorities in those positions, if you investigate that and find that to be true and you find no exculpating or extenuating circumstances, what you would propose to do in terms of using this new authority.

Mr. CONNOR. I'd like to say that in such cases, since the authority for the supergrades rests at the central office level, we would report such facts to our central office to take those matters up directly with the agencies involved, sir.

Mr. SCHEUER. And your central office then would have the authority to direct them to engage in some kind of positive upgrading programs.

Mr. CONNOR. That is correct, if they accept our conclusions; yes, sir.

Mr. SCHEUER. Then would you give us a report on what your conclusions would be on that particular category and what your recommendations would be? Do you understand the category I'm talking about?

Mr. CONNOR. The supergrades.

Mr. SCHEUER. Sixteen to eighteen, where there is less than one and a third representation of minorities, after you have investigated that.

Mr. CONNOR. After we have looked into the figures you have had, if we believe there has been discrimination what action or course of action we would follow.

Mr. SCHEUER. What would you suggest to your central office they do in terms of using this authority that they have gotten to direct these agencies to engage in certain positive upgrading programs and the like?

Mr. CONNOR. We'll make that part of the report.

(The information appears on page 53.)

Mr. HAWKINS. Mr. Connor, again on page 4, when you speak of steps you are going to take, you say, "Effective December 1, we will be receiving for review and approval regional affirmative action plans from agencies in the region."

What is the nature of that approval? Are you also in a position to disapprove, to suggest modifications, changes? What do you view your technical role—I'm asking for information because it is not clear to me just how far the law directs you to, what to do with these reviews that you will be receiving.

Mr. LACEY. We have taken the law to mean just that we in fact do have the right to approve or disapprove, to direct certain kinds of

inclusions, items in the plans that they have not included, or if we are aware of certain kinds of problems within the agency to direct that that be included in their affirmative action plan.

Our concept of an affirmative action plan is that first you identify your problems and then set out a series of actions designed to overcome or eradicate the problem, and I know that under that kind of model, then we are always problem solving rather than writing a new chapter of the bible.

Mr. HAWKINS. Are these steps detailed in regulations?

Mr. LACEY. Yes; we have, our general guidelines are included in our Federal Personnel Manual Bulletin 713-25, which will be issued later this year, but we are going to have in addition to those supplemental directions or guidelines, if you will, issued by our own region.

Mr. CONNOR. Mr. Chairman, I think we ought to make it clear that the regional affirmative action plans will not be uniform for all agencies. We are insisting that each agency set up a plan in order to accomplish the overall objectives. So that there will be variances in the regional affirmative action plans to the end that each agency will have a plan to improve the quality employment opportunity within that agency.

Mr. HAWKINS. All right.

That concludes our questions of you, Mr. Connor. Again, I wish to thank you, and Mr. Jones, and Mr. Lacey for your testimony. I think it is very helpful to us to have such testimony, because I think we get a better understanding of how the intent of Congress is being carried out, and we certainly appreciate the opportunity. You have been forthright on your testimony, and I think it has been very helpful to the committee.

Mr. CONNOR. Shall I send the report directly to you?

Mr. HAWKINS. Directly to Congressman Dent's office.

The next witness is Mr. Sam Bell. Is Mr. Bell present?

Mr. Bell, I think you have submitted a statement to the committee.

Mr. BELL. Yes. May I offer a question to you, however?

Some of the testimony I have closely relates to some of the figures that the previous gentleman was discussing, and I was particularly impressed by the type of questions that Congressman Scheuer was digging into.

I offer a suggestion perhaps that you would prefer to defer my testimony until tomorrow when there would be more of an opportunity for discussions and questions. I believe that I am the only person so far contacted who will offer any testimony relevant to the Spanish-speaking in this region.

Mr. HAWKINS. We would be very glad to accommodate you either this afternoon or tomorrow morning.

I understand that we do have time to place you on tomorrow's agenda.

Mr. BELL. Fine, I would prefer that.

Mr. HAWKINS. So we dismiss you this afternoon.

Mr. BELL. Thank you.

Mr. HAWKINS. That concludes the testimony for the afternoon.

The committee will adjourn until tomorrow morning at 9:30. We will be meeting in the same room and again, we wish to thank those of you who were patient and stayed throughout the day.

(Whereupon, at 3:30 p.m., the committee recessed, to reconvene at 9:30 a.m., Saturday, October 21, 1972.)

DISCRIMINATION IN EMPLOYMENT (OVERSIGHT)

SATURDAY, OCTOBER 21, 1972

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON LABOR
OF THE COMMITTEE ON EDUCATION AND LABOR,
Chicago, Ill.

The subcommittee met, pursuant to recess, at 9:30 a.m., in room 204, Everett McKinley Dirksen Building, Hon. Augustus Hawkins presiding.

Present: Representative Hawkins, Pucinski, Scheuer, and Metcalfe.

Mr. HAWKINS. The hearing of the House General Labor Subcommittee on unemployment and discrimination in employment is now in order.

The first witness this morning is Mr. Ollice Holden, director of the Economic and Manpower Development Department, Chicago Urban League.

This is a continuation of the hearing of October 20. We had several witnesses who did not testify. This is a continuation of the agenda.

STATEMENT OF OLLICE HOLDEN, DIRECTOR, ECONOMIC AND MANPOWER DEVELOPMENT DEPARTMENT, CHICAGO URBAN LEAGUE; ACCOMPANIED BY HAMILTON JENKINS, ASSISTANT

Mr. HAWKINS. Mr. Holden, it is a pleasure to welcome you to the committee. We have a statement of yours which will be entered in the record in its entirety at this point and you may proceed to direct your attention to the statement or to read it or to amplify remarks as you so desire.

Mr. HOLDEN. Thank you, Congressman.

Mr. HAWKINS. Is there a colleague accompanying you here?

Mr. HOLDEN. Hamilton Jenkins. He is one of my staff members.

Mr. HAWKINS. Mr. Jenkins, we welcome you also.

Mr. HOLDEN. I'm kind of pondering whether I should read all of the statement because it is without question that we are one of the experts in employment and manpower development, and some of the statement is only reiterating the fact of the kind of programs that we have administered for the Government and/or those that we have made up among our own organization.

I would like to read some sections of it and then get down to what we are here for.

Mr. HAWKINS. All right, you may proceed.

Mr. HOLDEN. We'd like to, first of all, thank you for inviting us to speak around an issue that has been raised on unemployment and compliance.

The Urban League has had experience in these areas, the Chicago Urban League, that is, for 55 years and the National Urban League, for over 60 years.

The Urban League method is fivefold: Fact-finding; negotiation; education; interracial cooperation; and community organization.

The work of the Urban League falls into the areas of: Research; economic and manpower development; housing; health and social services; community organization; and education.

Since its establishment, the Chicago Urban League and the Urban League movement has earned its greatest reputation through its work in the areas of employment and economic development.

The Chicago Urban League has the following programs working in the area of securing full economic opportunities for blacks and other socioeconomically oppressed people: Our apprenticeship project, our job prescreening, referral and counseling service, our on-the-job training program, our business and economic development project, and our veteran and military affairs department for the readjustment of veterans coming from the various wars that we had and most useful now in the returning veterans from Vietnam.

I think the foregoing strongly suggests the league's aim, which is to always work for the good of the community and its activities to advance the interests of an estimated 1,300,000 black people and 500,000 other minorities.

In the greater city of Chicago, the league believes that it is serving the best interest of the total Chicago community and is constantly working for the change of systems that socially and economically oppressed blacks and minorities. We see the fullest legalization of contract compliance and affirmative action planning as vital to the economic growth of blacks and other minorities.

Numerous statistics indicate that the employment and economic situation of black and minority people in 1971 showed no improvement over their economic situation in 1960. For the first 6 months of 1972, the black and other minority unemployment rate was 10 $\frac{1}{10}$ percent of the work force, the exact rate that it was in 1960. The actual number of minority men and women unemployed has increased from 800,000 to 900,000, an increase of 100,000 during the same period.

If one would include discouraged workers, those who have given up in their search for work, and part-time workers, the number of unemployed black and minority people is estimated by the research department of the National Urban League to be 1.4 million people.

In Chicago in 1960 the median white family income was \$7,600 per year compared to nonwhites \$4,700. In 1970 the median white family income was \$12,500, while nonwhites earned \$8,000. White family income increased 61.3 percent while nonwhite family income increased only 57.8 percent.

Little doubt exists that the unemployment figures quoted above would be higher and the income gap even wider had it not been for Executive Order Nos. 10925 and 11246 and the implementation they have received. But the Chicago Urban League believes that a more sincere and dedicated effort on the part of the Government would result in an improvement in the lot of the black and Spanish-speaking worker.

Although the Chicago Urban League, has in the opinion of many, the finest building trades apprentice program in the country, we are

nct satisfied with our results. We believe that the long apprenticeship period discourages many potential trainees.

Presently, we have 4,268 black and Spanish-speaking candidates awaiting union applications; 487 candidates awaiting written exams; 852 candidates who have passed their written exam and are awaiting their oral examinations; and an additional 579 candidates who have passed their oral and written examinations and are awaiting placement in the trades. That, of course, emphasizes the problem in the private sector.

But let us now discuss the public sector. The situation in Government employment is not much better. The overall percentage of black Federal employees has only increased from 13.5 to 15.1 percent from 1960 to 1970. Therefore, the Federal employment situation hardly represents a picture of opportunity. Only 2.7 percent of the GS-12 through -15 Government employees are black, an increase of only 1.4 percent between 1960 and 1970. These figures hardly show evidence of a concerted effort to recruit and upgrade minorities in the Federal service.

Black and minority people contribute their share to the treasury through taxation and are entitled to the protection of their contributions through equitable distribution of these funds in the form of jobs and through obtaining their share of contracts.

In our opinion the contract compliance program is not working as effectively as it could for the following reasons:

1. Too much of the real authority and policing power is vested with the Secretary of Labor and the Civil Service Commission in Washington.

2. A firm, if it is not in compliance, can delay proceedings for years in the courts.

3. The compliance program is not adequately staffed. Despite the fact that the program has been in operation for 10 years, no procedures and guidelines have been established.

4. No adequate definition of "Affirmative Action" has been established.

5. Guidelines have not been worked out for relationships, communication and sharing information between various agencies. Information regarding contracts and contractors are not adequately disseminated.

Therefore, we suggest the following:

First, that there be established a Cabinet-level position designated as Secretary of Equal Opportunity and Affirmative Action. This office should be adequately funded to do an effective job. The Secretary would be responsible for the coordination of the various Government affirmative action and equal opportunity programs.

Secondly, that all contracts must be approved by the Office of the Secretary before they are let, and that information concerning the contract then be disseminated to all regional, State, and local compliance officers.

Third, that a central clearinghouse of information regarding contracts and contractors be established in the Office of the Secretary.

Fourth, that the regional director of contract compliance be given the authority to withhold contract payments if a firm's and/or agencies compliance status is in question. This would place the burden on the

contractor to prove he is in compliance rather than on the Government to prove he is not in compliance. However, this would not preclude the contractor's right to appeal.

Fifth, that the affirmative action program be made a part of the bid and be given a weight equal to monetary considerations in determining who gets the contract.

Sixth, that adequate staff be hired to operate and implement such a program.

Seventh, that the Government use its contract compliance powers to encourage contractors and unions to shorten apprenticeship training periods.

Eighth, but not last in weight, that a group of Government officials, representatives of minority organizations, and businessmen be convened as soon as feasible to write procedures and guidelines for contract compliance and affirmative action.

Thank you.

Mr. HAWKINS. Thank you, Mr. Holden, for a very excellent statement and some very specific constructive suggestions.

Mr. METCALFE, I'll call on you first.

Mr. METCALFE. Thank you very much, Mr. Chairman.

I would first like to say I am very happy to see that the distinguished Congressman, Roman Pucinski is present with us on this very important day and also to indicate to you that I regret that I am going to have to leave very shortly for another engagement. I do want to take this occasion to thank Mr. Ollice Holden for his very expert testimony and the paper which he presented.

There are a few questions that I would like to propound to you which deal with the operation of the Chicago branch of the Urban League.

Now, the Urban League, as I understand it, is structured to work in the area of employment, and has always been so structured. Am I right in that?

Mr. HOLDEN. That's correct.

Mr. METCALFE. I have a question, I'm going to pose a question, and then I'll ask later on that you answer that question. I am concerned as to what the relationship and to what contributions, if any, the Urban League performed as a result of the first Chicago plan, but first I'd like for you to indicate whether or not you were doing a satisfactory job prior to the conference that was held that lead up to the first Chicago plan.

What volume of work approximately—I know you don't have your facts and figures with you.

Mr. HOLDEN. I would like to start off and then Hamilton Jenkins, my assistant, who happened to have served in that capacity while he was on leave can answer some specifics. So I do have facts with me.

Mr. METCALFE. Good.

Mr. HOLDEN. I know that we served in a capacity to try to bring together the elements that were needed in the Chicago plan in an informal way.

We also referred candidates when we were asked and sometimes when we were not, and some of those candidates that were counted as successfully being placed came out of our facility. So we did have some role in the putting in of people who were actually placed.

Now, I will ask Hamilton Jenkins to answer some specifics on that very question, because he was then with the agency and he knows intimately some of the things that went on in the old Chicago plan.

Mr. JENKINS. Well, as far as the Urban League's role, I think one of our roles was conciliation and mediation, which is one of our goals. I think that we performed that goal in bringing together the various elements to form the Chicago plan.

I was on the board of the other Chicago plan while an Urban League staff member. As far as satisfaction with our results, I think it states in the testimony that we, or the Urban League, even though we think we have the most successful program in the country in relationship to the needs of the country, we weren't satisfied with the results of our program.

Mr. METCALFE. I interpret that answer, I remember Mr. Holden making that statement, but I thought that was an overall viewpoint rather than specifically addressing itself to the Chicago plan.

Mr. JENKINS. Well, we also believe that a Chicago plan can bring minorities into the construction trades at a number that our method, present method cannot do.

Mr. METCALFE. When the Chicago plan was first inaugurated, there were supposed to be various agencies set up in which they would interview potential apprentices so as to make the recommendation to that particular trade union exactly who these individuals were. Did you participate in that program?

Mr. JENKINS. I did not.

Mr. HOLDEN. Would you make that question a little clearer, because I think I have an answer for it.

Mr. METCALFE. As a result of the Chicago plan, the coalition was supposed to have worked in order to find young men who wanted to become apprentices and then they were to take those apprentices and try to blend them into the unions, and I would like to know during the time that it was functioning, whether or not you served in that capacity.

Mr. HOLDEN. We served in that capacity as much as we were allowed, to be specific. In serving as a catalyst and in various other means that we tried to work with the coalition, we were not allowed to the fullest extent of our capacity.

In fact, if you will go back into the record, you will find that rather than working through an organization in the city which has the capability, they went to New York and got the Workers Defense League to serve as their training and tutoring and whatever and get all the expertise that was available from them.

So I would like to try to in a diplomatic way say that we were not able to participate as fully.

Mr. METCALFE. That leads me then to the question as to today. You are the major agency for the revised or newly announced Chicago plan.

Mr. HOLDEN. That's right.

Mr. METCALFE. How do you conceive your role now as different from that of the first plan?

Mr. HOLDEN. Well, our role in this one is that we are the prime contractor. We are the administrators of this plan, and we have the control of the plan as far as an agency could have, which is funded for doing such. While I can't speak on the specifics in the other plan,

I can on this one because I was part of the negotiating team of the Urban League when we were negotiating with the U.S. Department of Labor for it.

I would like to say that we feel that, and we have no preference to what political party the moneys come from for this plan. We feel that we would be remiss in not participating in such a program like the Chicago plan, which has the possibility of creating 10,000 jobs.

We feel that if that in fact the plan can become a reality 50 percent of the way, then it would mean a lot to the black community as far as economic participation and union cards of which we don't have now. I feel that the height of the issue can be raised if young men can get union cards rather than not have union cards and try to argue for that kind of participation that we are interested in.

If I can have 10,000 men that were not working no more than 50 percent of their fullest capacity with cards, I feel that that is a greater issue that we can raise as far as our qualifications.

We have been told for many years that blacks were not qualified. So I am one of those saying let's qualify some blacks and see what happens, and if the Chicago plan can give us some lever of participation so that minorities can get those cards of which they are not able to get now, I feel that then we can push it off center to another battlefield.

Mr. METCALFE. As a result of the first plan, I personally encountered some difficulty with some youth that I tried to stimulate to become apprentices, and the idea of them having to spend 2, 3 years before they became journeymen and such was discouraging. As a matter of fact, I sent three youths personally to a union, and the fallout rate was pretty high.

Do you have any background experience—what I'm concerned about is how we are really going to get this message across to our youths with 33 percent of our youth that we are talking about presently unemployed, and then the opportunity for them to be gainfully employed as trade unionists.

How are we going to be able to stimulate them or let them know that this program exists and then have them avail themselves of the program?

Mr. HOLDEN. You refer to a high fallout rate. I think we can attest, and we know for a fact that 79 percent of those young men that we have put into the Chicago Urban League apprenticeship program are still working, and we don't have a high dropout rate.

Mr. METCALFE. What do you attribute that to?

Mr. HOLDEN. We attribute that to the intensive training and man-to-man tutoring that we give to the candidates who come in through our organization. We just don't go out and tell a young man that, "You can make more money," without giving him the basis for, "What do you have to do and how you have to really be there on time," and all those various other components that it takes to be an apprentice.

You've got to work and you've got to work hard, and we let them know that. We screen out those who are not really interested. We don't just refer people, we let them know what the problems are. We let them know that they are going to be harassed, and there is going to be hazing, so they get what they expect from the kind of

tutoring we give them. We don't just put a man there who has not been prepared. He is prepared when we turn him loose.

Mr. METCALFE. Very good.

Moving into another area, the employment of veterans is of great concern to all of us, because we see the implications of it.

Can you give us some idea as to what successes and what are some of the problems you are confronted with in placing veterans?

Mr. HOLDEN. Yes, I can. We have been having the same problems that we are having with placing a lot of other people. I'm going to try to give you a picture of what's happening. About 90 percent of the people who come in to see us in the first place are unemployed. Around 64 to 70 percent of them are black men that come in to see us. Those who come in to see us, 72 percent of them have been unemployed 15 weeks or more.

So now let me get to the veteran's dilemma. There has been quite a bit of misinformation with employers, what kind of discharge was really a dishonorable discharge. They have been treating general discharges as dishonorable, and we have been in a campaign to reinform employers that a general discharge is not a dishonorable discharge.

We have worked extensively with veterans who have come in with dishonorable discharges to get rehearings, and many of the cases have been repealed and they have changed and the young men are able to go out and get jobs.

We have had as much of a success with placing veterans as we have had with the general populace that has come in. We have, and we count veterans in with the lot, we have had a 15-percent placement rate. Since the beginning of the year for 6 months we have seen 6,000-plus candidates, and of those we can say that we have placed 15 percent.

Mr. METCALFE. Would you say that 15 percent is 15 percent of the veterans who come to you also?

Mr. HOLDEN. I would say without any particular figures, we don't say this is a veteran and that's a regular man, but we do have in our department a veterans affairs coordinator who handles all veterans with complaints. But we handle veterans and regular people the same way.

But there is some additional treatment given to the veteran who needs adjustment type of counseling.

Mr. METCALFE. Then isn't that contradictory, because I was just getting ready to challenge, you said you handled them the same way and then you said there is additional treatment you give through counseling.

I'd like to have that clarified, because to me it's vitally important as to what the philosophy is.

Mr. HOLDEN. We have veterans who come in who don't have discharge problems, who don't need counseling, but just need the employment service.

Mr. METCALFE. Let's quickly move away from them and let's get into the real hard-core area, if we may, please. Let me, while you are pondering your answer—

Mr. HOLDEN. I'm not pondering.

Mr. METCALFE. Well, I thought you were. You are cognizant of the fact that many veterans and certainly a disproportionate number of black veterans are given dishonorable discharges, less than honorable discharges for the smallest infraction. That is a policy that we found out when Congressman Hawkins and the other members of the Congressional Black Caucus held its hearings on racism in the military, that for the slightest infraction of any of the rules and regulations, the officers would encourage the soldier or the GI to take a less than honorable discharge, and he was anxious to get out. So he said, "Give me the paper, and I'm ready to go," and not realizing what the consequences were that were going to confront him later in life.

I am vitally concerned with this, and I'd like to know whether you make a special effort in order to place those with dishonorable discharges and less than honorable discharges.

Mr. HOLDEN. Yes; we do.

Mr. METCALFE. Would you elaborate on that, please.

Mr. HOLDEN. I can't elaborate on specifics, but if you'd like for me to get some statistics, we can show you a complete profile breakdown of those kinds of candidates that we are working with who have less than honorable, those who are getting their cases reviewed, because there are some facts in the transcript which are not, in our opinion, those which should have them have a dishonorable discharge, and those who come in who have those, we are attempting to get them placed. We don't turn anybody away from our doors. We'll accept all, and we recruit and make it known that we have a veterans coordinator's department which works with these specific problems of readjustment and the readjustment is in the area of those who have dishonorables, and those who have problems getting employment.

Mr. METCALFE. May I ask that you send to our chairman, Congressman Hawkins, that body of statistics and also send me a copy of it here to the Federal building, Everett McKinley Dirksen Building, so I personally would have it.

But I think I would recommend, Mr. Chairman, that that become a part of our record, because it seems to me that the area of veteran employment moves into other areas of crime, and the need for survival with a black having one strike against him, being a veteran and then having a less than honorable discharge tends to make him sour on society, and he then becomes in need of perhaps at least psychiatric help. Maybe he doesn't need psychiatric help. What he needs is a job.

I would urge, and this is not by way of criticism, because I have nothing but the highest praise for your Urban League, but I would urge that the Urban League review its policy on the employment of those veterans who have less than honorable discharges, because if you are successful, if you are highly successful, more than 15 percent, then you are going to render a tremendous service to mankind, to society, and to the blacks as well, if there is some concentration there that perhaps, I repeat, perhaps is not present there now, because it's more than just getting a job.

Mr. HAWKINS. Without objection, the request is made. We will expect that material to be sent to the subcommittee and to Mr. Metcalfe's office.

(The information requested is inserted at this point:)

REPORT ON THE CHICAGO URBAN LEAGUE ECONOMIC AND MANPOWER DEVELOPMENT DEPARTMENT, VETERANS PLACEMENT ACTIVITY, JANUARY 1, 1972, THROUGH OCTOBER 25, 1972

From January 1, 1972 through October 23, 1972 the Veteran Affairs Department of the Chicago Urban League Economic and Manpower Development Department serviced 556 veterans. The Department provided them with employment, housing, educational and other services.

Of the 556 veterans serviced by the agency, 56 or a little over 10% had less than honorable discharges. A breakdown of the veterans with less than honorable discharges reveals that 24 or 43% of all veterans serviced had general discharges, 21 or 38% had undesirable discharges, 7 or 12% had bad conduct discharges and 4 or 7% had dishonorable discharges.

Of the veterans with less than honorable discharges, 19 or 33.9% were referred to employment *and are still on the job*. We were successful in finding employment for 10 of the 24 or 41.7% of the veterans who received undesirable discharges, 3 of the 7 or 42.8% of the veterans who had bad conduct discharges, and 1 of the 4 veterans who had dishonorable discharges.

This placement percentage of 33.0 compares favorably with our 11% during a similar period.

Mr. METCALFE. Mr. Chairman, I'd like to thank both Mr. Holden and Mr. Jenkins for the fine contribution and certainly at this time those are all the questions that I have.

Mr. HAWKINS. Thank you, Mr. Metcalfe. We also recognize that you do have some urgent appointments elsewhere. The committee is very pleased to have had you this morning and all of yesterday, and we wish to thank you for the courtesies that you have extended to us in the city of Chicago and the contribution which you have made in these hearings.

At this time I'd like to call on another of the members of the committee from the Chicago area, and certainly one who has made a great contribution in this field of fighting against all kinds of discrimination, particularly that which has concerned sex and age discrimination as well as ethnic discrimination. Certainly it has been a pleasure to have worked with him on the committee for a period of 10 years. He is aspiring to leave the House and to be promoted, to the Senate, but we certainly will miss him on the House side.

Mr. Pucinski.

Mr. PUCINSKI. Thank you, Mr. Chairman.

Mr. Holden, what percentage of the veterans that you have contact with would you say have other than an honorable discharge?

Mr. HOLDEN. I would say about 10 to 15 percent of those we see, that is, without having specific figures here. We don't look at it that way. We handle the case as it comes in.

Mr. PUCINSKI. You know, for a long time I have been working with Barry Wright of the Concerned Veterans. If my memory serves me right, I think I was first in trying to set up some contacts for that group, at the Defense Department and the Records Correction Board. It's my understanding in my experience that one of the problems in getting these records corrected is that where the soldier wants to appear personally before the Board he has to come to Washington. We have been trying to get the Defense Department to set up a series of correction boards, especially in the large urban areas so that that could be done right here on the site without requiring the veteran to travel all the way to Washington. Usually the boys don't have the money, and they don't have the resources for lodging and so on.

Is it your judgment that such a diffusion of the records correction procedure would speed up the whole procedure and get those records corrected?

Mr. HOLDEN. There is no question in my mind that it would, due to everything having to be sent back to Washington, and the inability and lack of funding to send individuals there to testify.

Mr. PUCINSKI. There is merit in what Congressman Metcalfe says on the outright discrimination that exists in the Defense Department, particularly against minority groups.

We have been trying to get the Defense Department to at least set up an intensive counseling service here in Chicago to help these veterans prepare their applications for correction of records and to work along with them, and we have had very little luck in that direction.

Have you had any better luck than we have?

Mr. HOLDEN. No, we haven't. We have only been able to get limited funding through the National Urban League, which really doesn't pay the cost of all of the staffing that we have put in to take care of that problem. There is need for more work in that area. There is need for the education, for the miseducation that has been going on about the different kinds of discharges veterans can have which are not dishonorable, and I referred to those earlier. When a person has a general discharge, it's misinterpreted by employers to be a dishonorable discharge, because it is not an honorable discharge. There is no question that there is not enough being done as far as education of what the problems are and the efforts that are being made to help veterans.

One thing that must be said, and I didn't challenge Congressman Metcalfe on it, is that if the employment situation is as bad as it appears to us, and if the figures are correct that we are seeing, veterans are many kinds of persons. Those veterans who are qualified are having problems finding employment. I would like to refer to the information that I have, and it only serves as a barometer, because we don't see all that is in Chicago, but we see a good amount of it, that 19 percent of the people that we see have college degrees. And I referred earlier that 90 percent of the people who come in are unemployed. Certainly those who have college degrees and trade certificates are in that group, 24 percent of those.

Mr. PUCINSKI. Just a second now. You are saying then that among those seeking help through your agency to find employment, 19 percent have college degrees?

Mr. HOLDEN. That's right.

Mr. PUCINSKI. In other words, it is a myth then to suggest that a large percentage of those that go through your agency looking for employment assistance are undertrained or untrained or unskilled?

Mr. HOLDEN. That is correct.

Mr. PUCINSKI. This is a myth that people have. But you are saying here that you have one out of every five people that you deal with has a college degree and can't find a job?

Mr. HOLDEN. That's right, and it's a myth to assume that we can place people with a stepped-up effort.

Mr. PUCINSKI. I'm very pleased to get that figure from you, because I have been saying in this critical period there are in America today 600,000 college graduates who can't find decent jobs for which they have been trained, and you sustain that assumption, and indeed it is

a tragic situation when one out of five people that seek your help have college degrees and are fully qualified to work and can't find work.

What is the other breakdown that you have?

Mr. HOLDEN. Well, the breakdown falls this way: 33 percent of them have high school educations, 24 percent go up through 11th grade but didn't get a diploma, and then you've got 3 percent who are 8th grade or less. So the percentages are high on the 8th grade and increase as you go up.

So we're not talking about people who don't have some credentials. We are talking about people who should, if given an opportunity, be employed, if jobs were available. See, we are talking about jobs being available, and you've got two forces. Those who are in the employment pool looking for jobs are white and black, and they have similar credentials and everybody is fighting for a job that is non-existent in many instances, and we are in a situation where the scales must be tipped the other way where jobs are made available.

Everybody now is—well, let me refer to it this way—it is a buyer's market in the employment sector where highly qualified people are being skimmed off the top and those with the qualifications which would meet the job requirements are being turned away, because employers are going to get the best they can, and you have all kinds of people in the market looking for jobs that are not available.

Mr. PUCINSKI. Your figures add up to 79 percent.

Mr. HOLDEN. I didn't give you all the figures.

I said 19 percent. There are 16 percent with 1 to 3 years, and then 5 percent that have gone to trade schools right out of high school and graduated from those. So that will give you the other numbers.

Mr. PUCINSKI. In other words, some, if you take that 5 percent of those who graduated and went on to trade school, you would have then 81 percent of those seeking employment through your agency that have a high school or almost a high school equivalent or better.

Mr. HOLDEN. Better than high school. We are saying those who have graduated from high school and went to some trade school to get some additional training of some kind. See, there is a dilemma that must be faced.

I criticized training programs, some of the training programs that I have seen. People are trained for those professions that have a surplus of labor. Then at the end of their training they are not put on a job; they are put right back on welfare. So I criticize some of the training programs that are coming out now. There is no analysis of the market conditions, the surpluses, and those which do not have adequate numbers of people that have those kinds of skills. Some analysis should be made prior to programs of what is needed rather training people for nonexistent jobs.

People making 10,000 strokes a minute on IBM keypunch can't find a job because they're saying you've got to have qualifications of a number of years experience. There is just an over influx of certain job categories of people, but they don't have the kind of experience that the employers are asking for because of the surplus of people.

Mr. PUCINSKI. I think you are making a very telling point and one that I have been trying to express as chairman of the Subcommittee on General Education, and I hope that Mr. Hawkins will now pick that up, pick up that fight because you are absolutely correct.

One of the great shortcomings of our educational program is that you are training young people for nonexistent jobs. Conversely, there are some 5,000 different skills that we have developed in the last decade, but there is really no training being done in those. There is no effort being made to search out those areas where the jobs needs are going to exist, and I would hope that we could place an even heavier emphasis on what you are saying.

But the thing that impresses me about your testimony here this morning is that you completely destroyed the myth that in the black community all of those who are unemployed are unemployed because they lack some sort of skill or preparation. Now, that's the myth that exists, but your statistics demolish that myth, when you say that 19 percent have college degrees, 33 percent have a high school or better education.

Mr. HOLDEN. Well, 33 plus 16 percent. The 16 percent are 1 to 3 years of college.

Mr. PUCINSKI. And so it is your contention, Mr. Holden then that this very high rate of unemployment exists because of the discrimination, because of the racial discrimination? How do you account for this or is it because there just aren't any jobs period.

Mr. HOLDEN. I would be naive to say there is no discrimination going on, because I have experienced discrimination myself in seeking a job.

Mr. PUCINSKI. I think I'm experiencing a little discrimination in some of our communities myself, as I look at some of the straw polls.

Mr. HOLDEN. I can understand what you are saying. What we are saying is that there are scarce jobs and there is discrimination at the same time. Given a person who is not of hue to have to determine what applicants will get the job, 80 percent of the time it won't be a black person if he has a choice of white and black. That I can attest and feel like I could swear on the bible and you could go prove it.

Let's look at another dilemma. Those qualified blacks that you have in the private sector are the bottom of the ladder, and due to the fact they're not allowed to reach their aspirations in that management structure, you have chronic job hopping but not really going up the structure.

Compliance officers, you have in your order information where it says they're supposed to analyze underutilization. You can pick any company out downtown here or in suburbia and look at the middle-management level and you'll find there is underutilization and nothing is really being done about it. The pressure is not there as it should be. You have compliance officers who are inexperienced talking to personnel managers who have been there 6, 7, or 8 years and they are running those compliance officers around the horn. They know more about it than they do in some instances.

Look at the new compliance officers you have. Look at the sincerity with which they are trying to implement an affirmative action program. I come from private industry and I don't just speak from the perspective of the Chicago Urban League. I am not a social worker. I am an administrator who came from private industry who has in some instances written qualifications for people to come in.

Mr. PUCINSKI. You know really, I think that the figures that you have provided this committee this morning show a really outrageous situation that exists when you consider that 19 percent of your unemployed have college degrees, 16 percent, you said, had a 1-

3-year college level, 33 percent are high school graduates, 24 percent have at least an 11th grade, went up to 11th grade but didn't graduate, 5 percent are high school plus a further career equivalent. Now, these are really astonishing figures, and these are people who are fully qualified to go to work, and we find a situation where they're not working simply because apparently there are just no jobs.

Mr. HOLDEN. That's correct.

Mr. PUCINSKI. Does the Urban League have any suggestion, Mr. Holden, on how we could stimulate jobs for these people? I mean, has the Urban League proposed any program?

Mr. HOLDEN. We are without a prepared program. I can say this, that if the Government in its preparation of training programs were to analyze the needs in the private sector as well as the governmental sector, the training of those 500,000 that you spoke of yesterday, Congressman Hawkins, would not be put into nonexistent jobs, but would be put in those jobs where people are needed.

There are those jobs that are not being filled now because of supposedly underskilled people not really being prepared for them. So what I'm advocating is a governmental training and funding of monies for those areas where there is not a surplus of labor.

The next thing would be—

Mr. HAWKINS. If the gentleman would yield, just where specifically are those jobs that you refer to?

Mr. HOLDEN. OK. Here in Illinois, based on the statistics that come out of the State Employment Service, they're showing that there are not enough qualified secretaries, for instance, technical secretaries who can take shorthand and can type at a high speed that employers are calling for. There is no training program there to get those levels up for secretaries of lawyers, et cetera. You are looking at the categories of skilled mechanics, you are looking at categories of engineers. There is a shortage here, but there is a surplus in California because of the layoff. There should be some trade-off of those technical skills, but there is not.

I'm not saying that you should train engineers, but there are engineers who are available and some of those requirements should be relaxed so that engineers can be traded off from one particular area to another.

In many instances we have those people who are unskilled who could be trained for skills that are needed in the mechanical area. Every time I talk to an employer he is asking me do I have any craftsmen that can come into his maintenance program. Well, no, there are no minority craftsmen in excess of the demand. The demand is much greater than the supply.

So in that area, machinists, electricians, and just regular mechanics, if we just cite those categories, there is a lack of supply there.

Mr. HAWKINS. If the gentlemen would yield further, why aren't people being trained in these areas by schools through vocational education or the manpower program. Just why, do you have any explanation?

Mr. HOLDEN. Well, no; they're not responding to the need.

Mr. HAWKINS. Why aren't secretaries being trained, for example?

Mr. HOLDEN. Secretaries are being trained, but if you look at the school system, they've got manual typewriters, and now you've got electric typewriters.

Mr. HAWKINS. Are you saying in that instance the schools are failing what they're supposed to do?

Mr. HOLDEN. Yes, they are. There is a much benign need for more than they're given.

Mr. PUCINSKI. Would you say that's true of Jones Commercial?

Mr. HOLDEN. I don't know whether Jones Commercial could be put into the same pot, because it is one that is responding to the need.

Mr. JENKINS. Jones Commercial, I understand most of the girls have jobs before they become seniors. So there needs to be an expansion of the program. It's an excellent program, but, working in employment for about 10 years, I have never seen a Jones girl looking for a job. They're already placed well before they complete school.

Mr. PUCINSKI. They have a tough time graduating those girls because they have job offers before graduation.

Mr. HAWKINS. Why aren't such schools expanded then? I don't know anything about the Jones School except the statements that you have made. I think I have heard Mr. Pucinski talk about Jones. Why don't we have more such schools?

Mr. HOLDEN. We can point at Jones, but look at Jones, it's one in many.

Mr. HAWKINS. Why isn't Jones more than one?

Mr. HOLDEN. I think that question should be posed to the board of education, and then pose it to the Government who is providing funding that they need.

Mr. PUCINSKI. One final question, Mr. Holden. You have talked about the 4,268 black and Spanish-speaking candidates awaiting union applications, and you gave some other statistics on the Chicago plan during your discussions.

Mr. HOLDEN. Those figures are from an apprenticeship project that we have presently.

Mr. PUCINSKI. During your work on the Chicago plan, how would you assess the present job market in Chicago in the building trades?

Mr. HOLDEN. Well, looking at the amount of building that is going on here in Chicago, there is a possibility that many placements can be made with an expanding market, as we have experienced it in the past, and if it continues there is no doubt in my mind that the job slots won't be available—they will be available. It depends upon the good faith efforts of the unions and management to put the minority candidates to work.

In fact, that was the lacking feature about the old Chicago plan. People were forced to go out and create jobs, and in this plan the unions and management have to go out to their membership and get those jobs. The construction users have control over the input. It is not just the union.

The two particular parties who have been the cause of the failure of the previous plan are in this plan. They're not excluded.

Mr. PUCINSKI. You have certainly been very helpful to the committee. I must say, Mr. Chairman, that the statistics supplied by Mr. Holden certainly give us a whole new perspective of what the problem is, and I think it does show the continuing need for this kind of oversight by the congressional committees.

Thank you, Mr. Holden.

Mr. HAWKINS. Thank you, Mr. Pucinski.

Mr. Holden, I have just two questions. You have already answered some of those that I would have asked.

In your statement you say that the full legalization of contract compliance and affirmative action planning is vital to the economic growth of blacks and other minorities.

Would you amplify that, and particularly what you mean by "the full legalization."

Mr. HOLDEN. Well, the full legalization—and maybe I'm playing with words there, and what you have in Order 4 are the ingredients of an affirmative action program which are not really being implemented.

I made reference to the fact of underutilization of minority manpower and chronic job hopping earlier that due to frustration minorities are having to resort to. That is really being unnoticed.

Compliance officers in many instances are—and not all of them—are not pressuring private industry or pressuring anybody to do something above and beyond the call of duty to see that those slots are filled in middle management. I would hope that you would go back to Washington and ask some questions of why there are show-cause notices given to a director from a compliance officer who are aggressive and they are stopped at the director and never get back to the company.

Mr. HAWKINS. By the director you mean the director——

Mr. HOLDEN. In the region, maybe.

Mr. HAWKINS. Or in the Washington office.

Mr. HOLDEN. And I would also ask you to check any company at random.

Mr. HAWKINS. Do you have any statistics on show-cause orders that are not being acknowledged or actually processed by directors?

Mr. HOLDEN. I do know through interviews with some compliance officers that there are instances of "show causes" that are being given to directors, of which copies go to Washington and that questions are being asked now, "Why are you not issuing show cause," rather than going back and saying, "Well, let's see if we can work this out." There are a high percentage of reports that are going to Washington but not being acted on here, and they are being pushed back in the Defense Department at this time to the director saying, "Why are you not issuing those?"

They are now trying to step compliance up, but it has been neglected in some instances. I wouldn't be able to give you the number, but I know that the activity has been stepped up and has in some instances not been given the full consideration.

Mr. HAWKINS. Do you think there is enough leadership at the Washington level?

Mr. HOLDEN. I think it's too high up. I think some of the power should be down here in the region so that action can be taken right away.

Mr. HAWKINS. Apparently regional directors are not acting.

Mr. HOLDEN. Well, as referred to by Paul King the other day, in many instances where there have been aggressive acts, men have lost jobs, and there is a fear by some, others really didn't want to be aggressive anyway. I'm not sure that compliance is taken serious enough.

Mr. HAWKINS. Were you present yesterday when I think Mr. King testified with respect to the Office of Federal Contract Compliance?

Mr. HOLDEN. Well, don't talk about that. They have four members, three members in this area. One is a director, one is a secretary, and there is another person. Now, that is understaffing, so I don't even want to talk about their capabilities of doing anything. We are not talking about the Defense Department. We are talking about OFCC.

Mr. HAWKINS. Do you think that the Office of Federal Contract Compliance is doing a reasonably creditable job at the present time?

Mr. HOLDEN. I can't give them stars for the effort that they're giving.

Mr. HAWKINS. Can you give them anything for what they are doing?

Mr. HOLDEN. They are doing what they have to do or what they want to do. That's kind of cynical, but that's the situation that minorities find themselves in.

Mr. PUCINSKI. If the gentleman will yield, on that score, Mr. Holden, I think that you make a strong point, but I think it's a point that has to go beyond just a limitation of minority groups, if we interpret minority groups only as black or brown, because—

Mr. HOLDEN. Black, brown, Indians, Chinese, all of them are counted in affirmative action numbers.

Mr. PUCINSKI. Mr. Holden, what about the vast number in a city like Chicago who are similarly being discriminated against? I think you and I have a common problem, because I think that we can show that if we take these statistics, we can carry that same argument effectively to Lithuanians and Italians and Poles. It's a white anglo-saxon America. I think the time has come we ought to recognize it as that, and I think we ought to start addressing ourselves to the problem.

This bill provides that there should be no discrimination because of race, religion, or national origin. Now, the Commission has made some progress and surely not enough in dealing with the problem of racial discrimination, but in terms of discrimination because of national origin they haven't even established guidelines yet, and it seems to me, therefore, we ought to be addressing ourselves to the entire problem of the kind of discrimination that exists across the board against various Americans, black Americans, brown Americans, Polish Americans, Lithuanian Americans, Italian Americans, and I'm just wondering if anybody has any suggestion on how do we deal with that problem, because this discrimination cuts across a much broader field than what we have been talking about.

Mr. HOLDEN. Not to deny that others are not discriminated against. I have to refer to blacks and browns being discriminated against visually.

Mr. PUCINSKI. I think you are absolutely right.

Mr. HOLDEN. You can change your name and be an anglo-saxon American if you want to, but I can't, and neither can the gentleman sitting right here. The discrimination bites deeper.

Mr. PUCINSKI. Why should any human being be forced to conceal his ethnic identity, and I'm pleased to hear you bring that point up, because that very thing happened to me when I was a young reporter. The first story that I wrote when the editor decided to give me a byline, he called me up and said, "What name are you going to use?" And I said, "What do you mean?"

He said, "What name are you going to use as a byline?" I said, "Well, what are you suggesting?" He said, "Well, Palmer, Porter," all sorts of angle-saxon names. I said—I was just a young kid then—I said, "Do I have to?" He said, "No." I said, "Why don't I use Roman Pucinski? That's my given name."

But I agree with you that there is that one escape hatch that the others have, and to some extent they can overcome that discrimination. But the point I was trying to make, Mr. Holden, is that I think that your problem can gain a great deal more empathy if we realize that there are many, many people in this country who have this problem.

The problem obviously is most pronounced in those people who can't change the color of their skin, as you properly point out.

Mr. JENKINS. In the beginning of our testimony, I think we mentioned that when full equality is given to the—we are talking about Chicago—the blacks and the Spanish-speaking people in Chicago, the whole community will benefit, and we do believe that. We do not believe, you know, that other groups are not discriminated against, but I think that by providing equality to the blacks and Spanish-speaking people, it provides a model that other groups can follow.

Mr. PUCINSKI. I think you make a very good point. I think that the emphasis in the last 20 years on the elimination of discrimination because of a person's race has given birth to an awareness and has served as an inspiration to other groups who are now for the first time refusing to just suffer these indignities in silent desperation. They are now coming to the fore. I think that's why I said earlier we have a common problem. I think the time has come to combine our resources to fight this problem to eliminate all vestiges of discrimination in this country. That's the national goal, and I think we ought to be working in that direction.

Mr. HAWKINS. I think it would be presumptuous to have Mr. Holden, for example, to have him speak for the Polish Americans.

Mr. PUCINSKI. I'm sure the Polish Americans would be very happy to have such a distinguished spokesman for their cause.

Mr. HAWKINS. Because of time, Mr. Holden, I'm not going to ask any further questions. I would appreciate, however, that any definite information you can furnish to this committee concerning the laxity in the enforcement of contract compliance in the region would be appreciated. I think that sometimes we talk too much in generalities, generalities in these hearings, and so many of us, I think, on both sides of the table use rhetoric.

I think, however, the time has come for this committee to take more specific action, and I would hope from these hearings in the field, we can develop some documentation to support some of the contentions. I think it's obvious that discrimination does exist. I think that has been pretty well documented already, that Federal agencies, Federal officials are not really doing their job, and I think that the time has come really—I'm not accusing you of doing this. I'm making this as a general statement—to begin to document more specifically some of the instances and to take these examples to the central authority and ask why something isn't being done.

I become discouraged when I hear a witness say that this agency, an agency is doing all right because it has a black director, and I don't accept that as being any documentation, that an agency has

empathy or is necessarily doing anything because it has a black director and that we can't criticize, should not even abolish the agency if it isn't doing a good job, transfer its function to some other agency whether it has a black director or not, and it's obvious that some of these agencies are not doing the job in the field and I would hope that we can get from you and from others the factual information from which we can take some rather definitive action.

That is really not a question, it's just a comment, and I would appreciate, as I say, if we can keep communication with each other and we can receive from you any further documentation of the things that you have brought to the attention of the committee.

Thank you very much for a very excellent presentation, and the same to you, Mr. Jenkins.

Mr. JENKINS. Thank you.

Mr. HAWKINS. The next witness is Mr. Sam Bell.

Mr. Bell, it's a pleasure to welcome you before the committee. We have not yet had a representative of a Spanish-speaking group from this area, and I think it's particularly relevant to the inquiry of this subcommittee to hear from all groups, not merely from one. We hoped that we could have heard from some of the groups representing women. Unfortunately, at least in this city we did not, but we'll try to correct that in some of the other hearings.

Again, I wish to welcome you to the committee. We do have your statement. We'll enter that in the record in its entirety and you may proceed.

SAM BELL, REPRESENTING SPANISH-SPEAKING PEOPLE

Mr. BELL. Thank you, Congressman Hawkins. It's a pleasure to be here. The nature of my testimony is broad, expansive rather than intensive, and rather than read it I would like to make points and later perhaps you would like to expand on any one of the points that I make by way of questions.

First, I spend several pages in my testimony talking about the problems of classification; a short statement that may or may not be considered a rhetorical or philosophical point of view, but it's extremely significant.

The term "Spanish speaking" is not a term descriptive of a homogeneous group. Unfortunately, American society seems to want to classify people on the basis of skin color. The accepted practice is to classify people as black or white and then, more recently to wonder what to do about all of the others who seem not to fit into either category.

The tendency now is to say, "Well, those are the brown people." There is a problem with this kind of a designation because it placed the Spanish-speaking community in a realm of categorization that is not quite relevant.

If white is one extreme and black is the other, then brown probably is somewhere in between and what do you do with that. It's not a relevant categorization.

A black Puerto Rican is Puerto Rican before he is black. The lighter Puerto Rican is Puerto Rican before that person is Anglo or caucasian. The same with any other Spanish-speaking group. Among the group of Mexican-Americans—I am a Mexican-American—the

ranges are from a very Indian, almost Oriental set of features to very light blue-eyed almost blondes. So there is a range of backgrounds involved in talking about the Spanish speaking.

So to classify us as brown is not germane to the point, and to try to categorize all people according to a color range is not germane. It clouds the issue. This is significant because of what it does to our statistical gathering devices in the Department of Labor. Fairly recently the Census Bureau and the Department of Labor have been using terms like the Spanish speaking, subdivided into Cuban, Mexican-American, Puerto Rican, and other.

There is there the beginning of a recognition that the previous classification of black and white is not relevant.

There is one point that I would like to make that I think may extend our field of discussion to where it ought to be, and it actually gets into what Congressman Pucinski was beginning to drive at. The reason why color is significant is not because it's a visual difference. That is a symbol. But there is a different culture, a different way of relating to life, relating to people. The Anglo, the WASP, or the white community, which is composed of many European strains who came to the United States, came over to a virgin land or an unoccupied territory and the people they saw out there were not the same color, but more that that, did not have the same approach to life, did not have the same kind of religion, the same kind of language structure, the same style of life, the same relation to reality. But the people who came from Europe had only minor distinctions because there was a commonality.

The Indians consequently were moved west and eliminated. Coming up out of South America there was the conquest, the first conquest by the European-Spanish, the conquest of the Indians and the mixture of the races. The idea there was that culturally the Indians were inferior, had an indigenous culture, a life style that was heathen, that was nasty. So they had to be either eliminated or redeveloped and made like the superior European. That kind of an attitude still exists. In the development of the whole American Nation who was it that got shot at by the U.S. Cavalry or by any of the American white groups? It was Indians, it was Mexicans, it was blacks. (For blacks there was a slight difference because American slavery was the taking of a nation of people, severing their roots and transplanting them and destroying whatever cultural history was there.) Among Indians, among Mexican-Americans, among Puerto Ricans, among the Spanish speaking, there is an existing self-sufficient cultural history, and it is one of the marks of pride that we feel that we can still exist after the first conquest, after the Mexican-American War, after the Alamo, after in the early 20th Century the conquest of Puerto Rico and the attempt to establish English and the Anglo culture and to eliminate the Spanish language, there still exists that kind of a cultural past that expresses itself linguistically, through food, but more significantly through an approach to reality, a world view, value systems, styles of life, the way families exist.

Now, that's a point I want to make, and I want to leave it there, because I only make that point to establish a new position from which we can talk that relates to a very specific problem. When we have a manpower training program how do we relate, is it blacks or whites that we are dealing with?

Not in this particular testimony, but I believe in one marked "Chairman" up there is a suggestion. It is the last 10 pages. It is called, "Strengthening Manpower Programs for Spanish-speaking Americans." This study is rather significant. It was performed about a year and a half ago. It was a national evaluation of the Manpower Administration and its approach to the Spanish speaking.

It considered funding priorities, program designs, success factors, the whole shot. There were four Spanish speaking professionals who were contracted to work with some people in Washington to evaluate the situation.

We came up with this report. You have just the summary there. It's approximately 150 pages, and the chief point of the whole study was that we expected when we began the study to find that the Manpower Administration was not really meeting needs, did not know the needs of the Spanish speaking, did not know how to meet them and did not meet them.

Well, I think our study proved that we were optimistic because the situation was really worse than that. A specific example was the city of Chicago. We determined that approximately \$20 million that was manpower money one way or another came into the city, and we spent 5 days—

Mr. HAWKINS. Mr. Bell, did you participate in this?

Mr. BELL. Yes; I was one of the consultants in this study. The research team was composed of four people. I was one of the four.

Mr. HAWKINS. Thank you.

Mr. BELL. In the city of Chicago we spent 5 days talking to just about everyone from Sam Bernstein, the mayor's manpower coordinator to the director of the Illinois State Employment service, and various manpower operators. We were able to trace about \$40,000 of that total \$20 million funding that was earmarked and oriented toward the Spanish speaking in the city of Chicago.

However, people told us, "Well, here and there we have an intake person who is Mexican or in a Jobs 70 program, a certain corporation has written in an English language training program, but we don't know how successful that has been."

So we were able to find that almost nothing is happening in Chicago when it comes to manpower training. The situation has changed in the last year to the extent that maybe three times that amount of money, three times that \$40,000 is now being funded to Spanish speaking operations specifically. In addition, a larger amount of Federal money has been going to Spanish-speaking groups in the last year. A year before that there was no Office of Economic Opportunity funded program in the whole region that went to a Spanish-speaking group as such. It went to a Community Action Program that may or may not have had a Spanish-speaking person on the board or any kind of Latin people hired into the staff.

Mr. HAWKINS. Was there a Government program that was Spanish-speaking in character?

Mr. BELL. There was one in Wisconsin and there were several title 3(b) programs, migrant programs, I think five in the region. Three of them were run by Spanish-speaking directors and the Board was reflected of the clientele.

Mr. HAWKINS. None in Chicago?

Mr. BELL. In Chicago? Well, there is an Illinois Migrant Council. It's mainly—

Mr. HAWKINS. That's statewide, isn't it?

Mr. BELL. It's main office is in Chicago, but all of the operations are outside of the city of Chicago and in Cook County.

That was the only operation in the State of Illinois, the only Spanish-speaking group that received money to do a job. The situation has not really changed appreciably. One of the people to whom we spoke was the director of the concentrated employment program in the city of Chicago, and I appreciate and respect the individual to whom I spoke, because he respected me and my time.

He said "We have no Spanish-speaking trainees. We may have two secretaries. If you want to talk about anything else, fine. We could have a nice sociable talk, but your discussion will not get any farther than that."

In addition, MDTA kinds of programs, skill centers until recently have not been approaching the Spanish-speaking.

So that speaks to the whole area of Federal funding in Chicago and in this region. It's fantastically inadequate, and that which does exist is funded to a non-Spanish speaking grantee. That's a point, and I'd like to leave that and move on.

Mr. HAWKINS. Are you going to discuss the concept of parity later in this connection, because I think that it possibly relates to the discussion at this point?

Mr. BELL. All right, fine. There are among the statements, recommendations, in fact, there is a whole body, 50 pages, of recommendations for specific action that the Department of Labor ought to take. One of the key principles which we established was the principle of parity, and people immediately responded to us by saying, "Well, that's a percentage, that's a quota," and as a matter of fact, it's not. Our conception of parity is based solely on need. Given a client group in a manpower program, there are certain kinds of things that have to happen to those people in order to get them to the level of employability in a given job.

If you are Spanish-speaking, you may have a difficult grasp of English. You are going to have to undergo some kind of a language communication development operation. Most manpower programs do not or did not develop that kind of a design in language training. For example, in Boston we found one. It was run by Anglos who refused to hire Puerto Ricans to teach because of accent interference they feared.

All right, parity. Parity simply means this, an appropriate amount of dollars and resources should be spent according to the need. That may be more money and more staff time than the actual percentage of the population, because it may take longer and cost more to do the same thing for this given group than the other given group. Parity is a kind of flexible thing that relates to the need.

Mr. HAWKINS. How did you reply to the charge that this was getting into percentages, quotas, or preferential treatment in conflict with the President's pronouncement?

Mr. BELL. This particular study was made prior to that.

Mr. HAWKINS. In terms of his pronouncement, how would you analyze it now?

Mr. BELL. A quota refers to in a room there are a certain number of people. We take a percentage of the people and that percentage must be employed or trained.

What we are saying is not necessarily the proportion of population, but the need has to be quantified in terms of time and dollars and mechanisms to accomplish an objective. That may be more or less than the number of people involved, but the point is to establish an objective, say, employment and do whatever is necessary within the Manpower Development Program to get a Spanish-speaking client to the point where he is employable.

Mr. HAWKINS. The way I read it you indicate parity is defined to mean that each segment of the target community served by the program should receive a fair share of program services and take into account relative need. If we take the Chicago area, I would assume you mean that first of all you would determine the target population, in this instance, let's say, Spanish-speaking population in that you are saying that that segment of the community should receive it's share of the program services based on its number of persons in the total population and considering it's needs.

Mr. BELL. And relative need.

Mr. HAWKINS. How do you get away from talking in terms of percentages or in terms of the number of persons involved, the amount of money which is to be expended; don't you come up with some percentages?

Mr. BELL. Well, the point of that particular statement is that we specify—

Mr. HAWKINS. I'm not objecting to it. I'm just trying to get—I'm not speaking on either side of the question, but I'm trying to define what you really mean by parity. You don't mean sharing an equivalent amount with some one.

Mr. BELL. I would only say what I have already said. It's a technical kind of question. I can sit here and say to the Department of Labor, the Spanish-speaking in the city of Chicago comprised 13 percent of the total population. Therefore, 13 percent of all jobs and of all moneys should go to the Spanish-speaking at all levels. You can say that.

Mr. HAWKINS. Are you saying it?

Mr. BELL. I think that it would be a good idea.

Mr. HAWKINS. You are saying that at least 13 percent, probably a little higher because of greater need.

Mr. BELL. I'm saying that talking about relative need is to say to the Department of Labor, "We are 13 percent of the population. Now, you as the Department of Labor or any other agency start with the fact we are 13 percent and come out and actually define what it is going to cost, what kind of things have to happen in any kind of employment development program, determine the cost and do it."

Mr. HAWKINS. Do you consider the pronouncement of the President to in fact say to that Federal agency that you are not supposed to do that?

Mr. BELL. I didn't.

Mr. HAWKINS. Do you construe the President's pronouncement against so-called quotas, percentages, and basing the distribution on the concept of merit to prohibit that type of treatment, to pro-

hibit parity in that sense that you express it? Does it support it or does it tend to prohibit it?

Mr. BELL. My personal opinion is that a specific number or percentage is necessary as a guideline.

So I—probably. I would disagree with the necessity, with the statement to eliminate a quota system. I think it's necessary at the start.

Mr. PUCINSKI. In your statement you took issue with the tendency to define the Spanish-cultured people as Spanish speaking. What do you suggest we should use as a barometer in defining this group? It's a minority group. It's the second largest minority group in the country, but what is your recommendation?

Now, we in the emergency school bill define this group as Spanish surnamed merely for the purpose of identity, but, of course, that is not necessarily the perfect answer because those who change their names, as Mr. Holden suggested a little while ago in his testimony, that people change their names and they do, of course, then they lose their identity.

How would you define for statistical purposes and for measuring this parity that you talk about, what would you suggest we use as a barometer for defining this group?

Mr. BELL. First of all, it really doesn't matter what the word is, Spanish surnamed, Spanish speaking, the point there I have already made, which is a common ground to speak to, the tendency right now—well, a system that we developed in the National Spanish-Speaking Management Association in Washington was to say that among the Spanish speaking there are cultural variations, and for statistical purposes internally we specified them. The chief ones in the United States are the Mexican Americans, Puerto Ricans, Cubans, and then we specified Central and South Americans and others.

Mr. PUCINSKI. Well, if you have that breakdown, and you obviously do, you are absolutely right. From many standpoints, a person with Puerto Rican background is substantially different from a person with Mexican background.

Mr. BELL. A word that is becoming more the mode is "Raza," which you will find people using. It begins to say that we are talking about a common cultural group rather than a skin color or language characteristic.

Mr. PUCINSKI. How do you translate this to parity?

What I'm trying to find out, if you walk into a shop and there are a hundred workers there, and if I don't see any black workers there it's reasonable to assume that there is some pattern or practice of discrimination in that shop; and it is evident because you see it. You don't have to go through any other research. There it is, a hundred workers and not one of them black. It's reasonable to assume that something is wrong in the hiring policies of that company, when you consider the testimony of Mr. Holden a while ago, and showing the availability of black people for the jobs. But how do you define or how do you identify the problem in the second largest minority in the country; namely, the people of Spanish background, if within the group of people with Spanish background you have a wide variety, as you have just said?

Mr. BELL. For the purposes of development of more opportunity for the Spanish speaking, we'll simply state this as the Spanish

speaking. An example of what you are talking about is later on in the testimony on the letterhead of a group called Association Pro-Derechos Obreros, which is an analysis of current CTA—Chicago Transit Authority—hiring practices. There are a total of 12,616 people employed.

Now, the CTA says, “60 percent of our manpower is minority, so that’s doing a good job,” similar to the Post Office’s statement yesterday. However, on analysis we find out that the Spanish speaking are 246 people out of that total 12,000.

So the percentage is 1.9, which does not reflect the 13 percent of the city of Chicago that are Spanish speaking. So our first statement then becomes to the Chicago Transit Authority, “You have a serious problem. You ought to start thinking about having 13 percent of your total work force at all levels be Spanish speaking. The corollary to that is many of your clients have a preference for Spanish. Your services ought to reflect that kind of a situation.”

Similarly, the national suit against American Telephone and Telegraph brought by EEO through FCC. I don’t know whether you are familiar with that, but the whole point is that AT&T is discriminatory in hiring practices. In the city of Chicago, in order for Illinois Bell to have 13 percent of its work force or some kind of a proportional representation of the Spanish speaking, they would have to hire at a rate of 430 percent higher than they currently hire Spanish speaking.

Now, with that kind of a hiring record for AT&T, they are under suit by the Federal Government for discrimination. If you will notice by my analogy, the Federal Government in this region up to—let’s see, let’s use the Civil Service Commission records, which state that at the super-grade levels, GS-16 through 18, .4 percent are Spanish speaking. At the 9 through 15 levels, .3 percent are Spanish speaking. At the GS-1 through 4 level, .7 percent are Spanish speaking.

Incidentally, there is an error in the Black. The Black representation is about 29 percent rather than .2 percent.

We are saying then that if AT&T and Illinois Bell can be sued in Chicago for discriminatory practices, the Federal Government in this region needs to hire at approximately 400-odd percent in order to be relating to the appropriate number of Spanish speaking people in this area.

However, they’re not being sued by the Equal Employment Opportunity Commission, and I would raise the question if indeed private industry and utilities can be brought to court for discriminatory hiring practices, and the Federal Government in this region has a dismal record roughly equivalent to one of the worst discriminators in this region, there seems to be a problem of justice and balance.

Mr. PUCINSKI. Mr. Chairman, I think that Mr. Bell is making a very useful and informative statement, and I am sure that it will be very helpful to the Committee.

I regret that I have to leave for an 11:30 appointment, but I have read his statistics and I am pleased that these statistics are going to be a part of our record. I think it shows a very, very impressive amount of work and research has gone into this testimony, and it does give you some idea of the wide range of effort that remains before our committee in trying to give some meaning to that section of the act which bars discrimination because of national origin. The Equal Employment Opportunity Commission has been handing down a

series of guidelines and rules and regulations for the implementation of that particular part of the act, and I have a feeling that the growing militancy in the Spanish-surnamed community is going to start bringing some results. I think we are seeing that now. There is a growing sensitivity to the fact that this group has been very badly discriminated against.

I'm also pleased to have read the statement by Mr. Robinson of the Afro-American Patrolmen's League, and they have been doing some very impressive work here in Chicago, Mr. Chairman, in trying to break down discrimination.

So I'm pleased to have had the opportunity to hear Mr. Bell testify, and I ask to be excused at this time.

Mr. HAWKINS. We are pleased to have had you this morning and bid you Godspeed.

The point is—Mr. Bell, these are the usual salutations of colleagues. You made one correction on this statement of yours and I'm going to get this correction, because apparently you are in a sense answering or explaining the statement made by Mr. Connor during his testimony. What was the correction?

Mr. BELL. It's in the section entitled "Employment of minority persons by the Federal government, Region V," the second page, Section 5, GS-1 through 4 employment. The percentage of blacks is 29.

Mr. HAWKINS. 29 rather than .2. Thank you.

All right. Would you then proceed.

Mr. BELL. Fine. I would just like to make several more points. First of all, the Bureau of the Census data is misleading, and one particular point that I'd like to make relates to median income. I have a small quotation from the New York Times of October 15th, the point of which says, and I quote: "Recent Census Bureau studies show that Hispanic-Americans as a whole earn significantly more than blacks. This general comparison, however, masks wide variations among persons of different Spanish-speaking backgrounds."

Immediately following that is an article that I wrote and much of the data in the article was drawn, correlated from various Census Bureau data as well as our own internal data from our field offices, and we came up with a conclusion that the Mexican Americans and Puerto Ricans, the two largest Spanish-speaking groups earn approximately 20 percent or \$300 per family member less than the next largest minority.

So it is misleading to say that Spanish-speaking as a group earn more per family. Our families tend to be significantly larger, and this is critical. That means the same amount of money for a lot more people.

A point somewhat related to that is that among the Spanish-speaking, the median age of Puerto Ricans is 19 years, the median age of Mexican Americans is 18 years. So we are talking about two populations of people, 50 percent of whom are in the teenage brackets. Slightly more than 30 percent are nine years old and younger. So we are talking about a fantastically young and growing population.

Our current growth rate estimate, which is difficult to assess at the moment, we are estimating at about 3 percent, and I think those numbers that I just cited in terms of median age indicate that we as a group are growing much faster than any other ethnic group in the

country and that our problems are going to relate a lot more specifically to those that are more often considered youth-oriented.

One of the biggest groups of unemployed people are teenagers, all right, but half of our people are teenagers. The families, heads of families who are Spanish-speaking in general have more people to support, not only offspring, but relatives, and they have much less training and much less opportunity to make any money. This is reflected in the per capita incomes.

In terms of the youth again, education becomes extremely significant as a priority for the Spanish speaking. However, in the city of Chicago, 71 percent is the force out rate prior to completion of a high school diploma. The 71 percent figure was standardized for the Puerto Rican population on the north side and is validated. This was part of an Office of Education study. We don't have any study yet about some west side ghetto areas, but the office of the superintendent of public instruction is estimating about 75 percent as the force out rate, the dropout rate. So we are talking about a group of people 50 percent of whom are 19 and 18 years and younger with a dropout rate in this region of 75 percent, and often problems that can be construed as language problems and the whole complex of things like drug addiction, you name it, the list goes on. But we are finding that no programing, no Federal programing is responsive to the specific kinds of needs that surround the kind of community that I'm talking about. Currently, several right to read programs are being established in the city of Chicago for Spanish-speaking groups, and two adult basic education programs, and the problems we are encountering with these are while the regulations and guidelines and legislation seem to have been written for a set of needs that is not quite the set of needs of the Spanish-speaking. Consequently, we get hung up in terms of having to go against regulations or bending regulations or just doing something totally different with programing and money in order to meet real needs.

The same kind of problem exists with MDTA programs and Manpower Administration funded programs. For example, the great Chicago plan that we are talking about. We had a meeting with Mr. Irwin, Tuesday prior to the press release of the contract for the Chicago plan. He had a sample contract that would be a subcontract with the Latin American task force in this region, that is, an employment activity, and we noticed in analyzing the subcontract with the Urban League that if a man walked into the office, say an intake office, and he spoke to the recruiter in Spanish and explained his skills, the chances are that this person would need some language development skills in order to become a carpenter or whatever. However, with the budget in the Chicago plan situation there was no money for this kind of thing, and the presumption in Mr. Irwin's statement was that the Chicago Urban League has that kind of money in its budget. Therefore the Latin American task force should negotiate with the Urban League, that is a subcontractual relationship. Here is a program designed without the needs of the target group being taken into consideration.

Mr. HAWKINS. Were you involved at any time in any of the negotiations for the Chicago plan, consulted or involved?

Mr. BELL. No.

Mr. HAWKINS. Were you ever consulted, I mean, any of the Spanish-speaking groups?

Mr. BELL. No.

Mr. HAWKINS. When did you first see the contract?

Mr. BELL. I personally first saw the contracts, Tuesday. The Director of the Latin American Task Force, Mr. Jose O'Valle, who has been in constant communication with the Chicago Urban League on the whole Chicago plan for the last 2 years mentioned to me that he saw the contract, I believe, a week earlier and he had been in contact from time to time with the Urban League while the basic development of that contract was being established, but essentially, the contract was established, the whole plan, the mechanism was established without any kind of a participation from participant groups, the client groups.

Mr. HAWKINS. That would be the Latin American Task Force?

Mr. BELL. Yes.

Mr. HAWKINS. Is that composed of all of the Spanish-speaking groups in the Chicago area?

Mr. BELL. The Latin American Task Force is composed of Puerto Ricans and Mexican American groups. The group from whose statement I quoted, the Asociacion Pro Derechos Obreros, is a Mexican group, is also associated with the Latin American Task Force, and the task force at the moment in the city of Chicago is the most effective and far reaching, has more contacts than any other employment oriented group.

Mr. HAWKINS. Would you proceed.

Mr. BELL. Fine. I'd like to make one last statement which relates again to education as a critical kind of a situation. An approach to education is being developed, called bilingual education. There are some errors and some problems that we are currently encountering.

The idea of bilingual education up to this point with some important exceptions is that the American system of education is a freeway, and what we are trying to do with bilingual education is to get to that ramp up there so that we can get our kids zooming into the expressway at the appropriate speed in order not to get run over.

Part of the problem is that nobody has really dug into the validity of that system to begin with, whether the American system of education, as it is practiced in Chicago and around the country is really valid. That is, "does the expressway go anywhere worthwhile." Part of the reason, I guess, is the development within the Office of Education and the development of career education systems, there is a premise there that American Education does not work sufficiently well. Therefore, education needs to be restructured in order to prepare people for an adequate career.

We are now beginning to catch on that bilingual education needs to be a function of the whole American system rather than a small little appendage, and we need money in order to be able to do the appropriate kind of research and model development and model testing. One of the statistics I explained here was the amount of money expended by title VII, ESEA, Office of Education, bilingual education money. For example, Pennsylvania receives \$41.55 per capita out of this pocket for probably Puerto Rican children. Louisiana, which has a number of Mexican and South American children, receives \$39.80 per

capita. Illinois, with a population of 550,000 Spanish-speaking people receives \$2.90 per capita, which is not an equitable situation, to say the least.

In the city of Chicago currently there are between 20 and 30 bilingual education programs under operation. Some of these are funded by the State and some of this comes out of this title VII money. However, the need is no where being met sufficiently well. Teachers are constantly in the situation of having to make do with materials and just survive rather than getting into a real educational program that may perhaps motivate our children to get a high school diploma and get into some kind of a career development situation.

There are all kinds of other numbers there. They're all significant, and there are many more. We could go on for a long time. I think I'd just like to stop and say that we are only beginning to scratch the surface of the real needs and the real complexity of the situation in Chicago, and in this whole region as far as the Spanish speaking go, and we are going to need a great deal of assistance from the Federal Government, local, and State agencies. From the Federal Government side not only is that related to money and regulatory response to our needs, but it is obvious that hiring practices of Spanish speaking at all levels in the Federal Government have got to be drastically increased in order to allow us in the community to develop the kinds of programs and activities that we need.

Mr. HAWKINS. Thank you, Mr. Bell. We have already, I think, asked you the questions that we are most concerned with. I wish to commend you on a very excellent document that will be very invaluable to this committee. I think you have done an excellent job, and I certainly commend you on it. I'm sorry that we had to postpone this until today, but I think it was at your request.

Mr. BELL. Right.

Mr. HAWKINS. Certainly we have been helped greatly by the contribution you have made.

The next witness is Mr. Renault Robinson representing the Afro-American Patrolmen's Association.

Mr. Robinson, we are pleased to welcome you. Your statement will be read into the record in its entirety, so you may either read from it or summarize it as you so desire.

STATEMENT OF RENAULT ROBINSON, AFRO-AMERICAN PATROLMEN'S ASSOCIATION

Mr. ROBINSON. Since it is going to be read into the record in its entirety, then maybe I can talk about some of the other items connected with the statement that might more dramatize the problem.

I'll start with a quick summary. In 1971 in June the Afro-American Patrolmen's League, which represents about 1,350 black Chicago police officers, filed a complaint through LEAA, which is the Law Enforcement Assistance Administration, requesting that an examination pursuant to the section in the October crime control bill, which gives agencies that are receiving Federal funds, it provides that a hearing can be held in the event that someone feels that these funds are being spent in a discriminatory manner or for discriminatory purposes.

Several months later, in March of 1972 a team consisting of three paid consultants were sent to Chicago, and pursuant to our request for an examination they were to statistically find out whether or not there was substance to our charges.

In August of this year they completed their findings of their 4 or 5 months study. It is contained in a report called, "The Chicago Police Department, an Evaluation of Personnel Practices prepared for the Law Enforcement Assistance Administration, U.S. Department of Justice," by Paul N. Whisenand, who was the team leader, and he as Ph. D., and Robert E. Hoffman, who was a member of the team and is a former police officer from California, and Lloyd Seeley, who is a lawyer and former policeman.

These three gentlemen were assisted by Jack K. Boyer, who was the technical consultant and past director of the Chicago Police Department's Personnel Division under our former superintendent now passed and deceased, O. W. Wilson. These men came in assisted by a team of support people from the Justice Department, and they studied the Chicago Police Department and issued this report, which contains about 120 pages, and it sums up with making about 35 recommendations which suggests that the practices within the Chicago Police Department, for example, the initial test to hire a police officer should be thrown out because it is not a good predictor of job performance and there has been no way of validating this exam to show that it is in fact fair when administered to various individuals from different ethnic groups and also that it will in some way predict job performance, which is what it is supposed to do and does not.

They recommend that the exam be immediately revised and that the present list of police officers that is outstanding at this time be discontinued and that a new exam be given. They felt that and they supported it in this document, that initially black men were being discriminated against in the initial entrance exam, which made it very difficult for them to be treated equally through the other processes of employment for the Chicago Police Department. In other words, it is very difficult to have a proper number of police captains and sergeants if you don't have a proper number of men who are policemen in the first place. This held true for Puerto Ricans and Spanish-speaking Americans as well as Indians and Orientals.

It gives a lot of supporting data, and I won't try and give you all of the information and all of the facts.

Second, it was suggested that the Chicago Police Department change its promotional policies. They felt that the promotional practice, as presently used by the Chicago Police Department, tends to discriminate against minority members. There are some procedural problems such as immediate scoring of exams and things of that nature which would help to insure a more honest exam, things that are not done now.

For instance, you take the exam and you won't find out what your score is until 6 months later. They felt this was an unnecessary process and there was no justification for such things as efficiency scores for the police officers. These are scores computed by supervisory personnel every 6 months, and they are based supposedly on the individual police officer's performance, his punctuality and things of that nature. However, it is nebulous as to how these scores are put

together for various individuals by various supervisors, and they made suggestions that this be changed. They made quite a few suggestions that we feel if in good faith were enacted by the Chicago Police Department and Chicago Civil Service Commission, it would increase the amount of minority participation in the Chicago Police Department.

The basis for the complaint in the first place was not just to increase minority personnel on the Chicago Police Department, but law enforcement in the city of Chicago as well as large major metropolitan areas is suffering for several reasons.

No. 1, it doesn't have the public confidence in the minority community that it should have or does have in the white community. Therefore, it makes its effectiveness low. That means the so-called crime rates are highest in the minority community. We feel that that effectiveness is impaired because of the lack of qualified trained minority police officers and of the supervisory personnel as well. We feel that there is a big difference in accepting a white officer who is unaware of the life style and problems of the particular people that he is dealing with and receiving 100 percent cooperation out of him when there are other cultural and other biases and prejudices against the officer's color, skin color alone based on prior problems that have resulted from the use of white police officers in all-black communities.

Times have changed now and people are very much aware of the differences in the two, and they feel sometimes that overzealous activities on the part of white police officers and the disregard of the quality of life for blacks are tied together. Consequently, the rate of solving crimes in the black community is very, very low.

We think that if the minority population on police departments, not just in Chicago, but all over the Nation, were increased, this would have the effect of increasing the police department's activities in those areas, and we find now that we are sorely in need of an improved and more accepted police department in these areas. Urban masses have the highest crime rates. That's just a fact of life, and we find that these are the places where the majority of police officers are white. These are the places where four independent commissions have said that brutality does exist, and as of this moment we have found no way of checking brutality, no uniform method of dealing with it. In most major metropolitan areas it is a very severe problem, and it is not one that is dealt with by the police administration.

We also find that there is——

Mr. HAWKINS. Was that dealt with in this report?

Mr. ROBINSON. No, it's not, that's not dealt with in this report at all. This report only evaluates the areas that correspond to the areas listed in our initial complaint. This was a fact-finding team. They suffered from the fact that they didn't have the amount of time necessary to be very thorough in their investigation. So they restricted it to just those areas. They did not have the responsibility to determine whether or not, for instance, there was discrimination. Only a court of law can do that. They just found the supporting evidence that proves that blacks were being negatively impacted by the present personnel practices.

We are presently in the process of drafting a formal complaint where we'll take the Chicago Police Department to court. In response——

Mr. HAWKINS. Are you filing the charge with the EEOC or are you going directly to court?

Mr. ROBINSON. No, we are going directly into court. We tend to feel that EEOC for the most part has such a backlog in their compliance division, and they have never to my knowledge been able to make any impact in this area, in any city I know of. I might be wrong and could stand to be corrected, but we felt that the fastest way for any real lasting change would probably be not through negotiations, but through court order, mainly because the Chicago Police Department has shown that it has or intends to use no good faith in its negotiations.

After this report was tendered to them, a date was set up where officials from the Law Enforcement Assistance Administration would come to Chicago and try to negotiate without court order and without court action some of the changes that are in this report, and prior to them coming to Chicago, in fact about 3 weeks ago, a Chicago police captains exam was scheduled to be given. In this report they request that the captains exam be changed in five or six ways, which are listed in the statement that you have before you. And we suggested that that would be the first initial test of whether or not the Chicago Police Department and the Civil Service Commission intended to cooperate fully with the LEAA.

The Chicago Police Department absolutely refused to cooperate, thereby alerting us and alerting LEAA that informal negotiations wouldn't be a proper method for changing the problems that we had with the hiring and promotional policies of the Chicago Police Department.

Mr. HAWKINS. The report was made in August, was it?

Mr. ROBINSON. August 1972.

Mr. HAWKINS. And since that time, what recommendations, if any, have been made, have been acted on? What has been the reaction to the report?

Mr. ROBINSON. OK. The first opportunity was the captains exam, and in the report I give several pages of changes that they thought should take place. The Chicago Police Department and Civil Service Commission refused to allow any of the changes. The changes were in the monitoring, the administration of the exam, and they also suggested that for future exams, not this one, that they also use an outside team of experts to create the exam. They felt that the exam not was presently being done by just a small group, and they needed to employ outside experts to assist in putting together promotion or exams, and the exams should be validated in some way so that it would be a good job predictor and when given to people of different minority backgrounds it wouldn't be weighted one way culturally toward one group and not toward the other.

There should be on-site scoring. In other words, presently a man takes a promotional exam in this city and he is unable to put his name on the exam paper. He has to take the exam blindly and just submit his paper. He puts his name inside of an envelope. This practice they thought should be abolished and individual participants should be given their scores immediately, things like that.

Well, the police department refused to enact any of these changes as proposed by LEAA.

Mr. HAWKINS. I certainly think that you have brought to this committee a very, very aggravated problem. I know that it probably is greater in Los Angeles than in Chicago.

Mr. ROBINSON. Absolutely.

Mr. HAWKINS. And I couldn't help but compare what you are doing here with what has, really hasn't, been done at all to any appreciable extent in Los Angeles. I think we possibly suffer more there than you do in Chicago, if that's even possible.

Mr. ROBINSON. You are right. Figures show that the situation there is worse.

Mr. HAWKINS. I think it certainly opens up a new part to this, a new aspect to this entire hearing.

Do you have a copy of the report that we could put into the record?

Mr. ROBINSON. Yes, I do. I'd be glad to leave you this copy here.

Mr. HAWKINS. We'll have that entered into the record at the conclusion of your printed statement, because I think that it would be helpful to this committee. We'd certainly like to explore some further developments along this line, because I think that it would be, as I have said already, very useful, I think, in the various cities in which we will be holding hearings.

Do you have anything further?

Mr. ROBINSON. One other thing.

I would say that many people have chosen many different areas to try and approach this same problem. We tried EEOC. We have tried the State Fair Employment Practices Commission. We have tried various little suits, and we haven't had a lot of success. We feel that this method, since so much money is involved, Illinois receives quite a bit of money, and our whole complaint was hinged on the LEAA funds, that gives us the right to insist on the examination, that gives us the right to get to the point we are now, and I think keeping that in mind, this is the first time that anyone has ever challenged LEAA through this method.

They didn't even have a compliance section until we made our complaint, and I think that if others who are interested in this specific area of law enforcement, which, of course, takes in not only the police but the whole corrections system, prisons, it's just a whole myriad of things that are involved and could be challenged through this method.

I think we all realize that the money, dollar amounts, when we made the challenge was \$800 million, and it will be beyond a billion in the next calendar year for law enforcement alone, and I think that office is one wedge into the whole area of employment and it is one way, I think, of solving two problems, not only getting people extra jobs but again solving the larger problem, which is crime in our society.

Mr. HAWKINS. I certainly think your contribution is most welcome by us, and as I say, we do hope that we can continue communicating with you and keep in touch with the developments of your court action and also explore with you what possible assistance this committee can give in doing something constructive to bring into actual application some of the recommendations apparently that were made by the task force in this report. It really offers great hope, I think, in some of these areas for us to move ahead. As you say, we are not just interested in the employment aspect of it, but the law enforcement aspect I think is most relevant.

Our disorders in the Watts area in 1965 were largely brought about by the image of the police department, and we could have avoided a lot of destruction and loss of lives, I think, if we had the type of image of the police force or law enforcement in that ghetto that you speak of here today, and I certainly think that your testimony is highly significant.

Mr. ROBINSON. Thank you very much, and I'll communicate with you and give you copies of the correspondence that went into this and we'll keep you up to date.

Mr. HAWKINS. Are you going to leave that report?

Mr. ROBINSON. I'll leave that report with you.

Mr. HAWKINS. Without objection the report will be entered in the record at this point.

THE CHICAGO POLICE DEPARTMENT: AN EVALUATION OF PERSONNEL PRACTICES

(Prepared for the Law Enforcement Assistance Administration, U.S. Department of Justice By Paul M. Whisenand, Ph.D., Team Leader; Robert E. Hoffman, Team Member; Lloyd Sealy, J.D., Team Member; assisted by Jacque K. Boyer, Technical Consultant)

PREFACE

In early March of this year, when the three team members and their technical consultant opened the packet of documents sent to them by the U.S. Justice Department's Law Enforcement Assistance Administration, they found the phrase "THIS IS IMPORTANT" written at the top of the covering letter. As it turned out, these words were to have the effect of setting both the pace and the tone of the team's work over the next five months. Earlier, during February 1972, all four individuals had committed themselves to assist the Law Enforcement Assistance Administration (LEAA) in a survey of alleged improper personnel practices in the Chicago Police Department (CPD). Once appropriately informed of the nature of the complaints, the survey team had their first face-to-face, on-site interaction and explanation of the problem-situation on March 7, 1972. From that date forward to project completion, the survey team pursued the issue with an interest in clarifying the problem area, and making recommendations for resolving at least a major portion, if not all, of the problem.

The survey team conducting this study is somewhat unique. To explain, first both the federal government (LEAA) and a large-scale urban police department (CPD) mutually concurred on the composition of the team. Second, the team is comprised of individuals representing varied background and experiences ranging from major city/county police work to university education. The common bond among the team members, however, was at all times an interest in improving the state-of-the-art in local law enforcement personnel procedures. In this instance, the survey focus is on an analysis, with corrective recommendations, of alleged personnel malpractices. The reader will be quick to note that the survey is, in particular, concerned with personnel practices that may adversely affect members of the black community.

The component sections of the report are outlined in the Table of Contents. Significantly, the report is, by far, more encompassing than the conceptualization or output of the survey team itself. Many competent and experienced individuals dedicated to improved local government operations and police personnel procedures should be cited at this point. Space permits the mentioning of but a few such individuals.

To begin, we commend the LEAA for their response to an asserted personnel problem, and for their decision to examine the dimensions and significance of the problem. Next, the CPD is to be thanked for their cooperation and constant support of team members. Our sincere appreciation is voiced to five people in particular: James B. Conlisk, Jr., Superintendent of Police; Patrick Needham, Deputy Superintendent of Police; Thomas M. Frost, Deputy Chief of Police; Raymond O'Malley, Coordinator; and Charles Glass, Sergeant. Those who represented the complainants equally deserve our appreciation, particularly Renault Robinson, Executive Director, Afro-American Patrolmen's League; and Arthur P. Lindsey, Vice-President, Guardians. We take this opportunity to express our most sincere appreciation and indebtedness to Mr. Jacque Boyer, technical

project consultant. His guidance and contribution to the survey efforts were of tremendous assistance. As mentioned earlier, numerous other individuals ought to be cited for their advice and help. To all, the survey team takes this opportunity to indicate their most sincere appreciation for the warm cooperation. Finally, we express our appreciation to Ms. Pat Quinn who assisted in the preparation of the report.

All of the involved researchers, consultants and participating agencies have worked toward the completion of a study that is sound and that helps provide some answers to the important questions at hand. It is of great importance that the reader understands that the questions dealt with in this study are essentially *internal* to the department in that the focus of the study is on personnel management practices that might adversely affect minority group members coming onto, or already employed in, the police department.

One final comment, this study and report are intended to be constructive, in that all concerned have sought to ascertain basic facts and then develop appropriate, positive steps for assuring fair treatment of minority group personnel.

PAUL M. WHISENAND, *Ph. D.*, *Team Leader*,

ROBERT E. HOFFMAN, *Team Member*,

LLOYD SEALY, *J.D.*, *Team Member*,

CHICAGO, ILL. August 1972.

SECTION I

INTRODUCTION AND BACKGROUND

In June of 1971, the Law Enforcement Assistance Administration (LEAA), United States Department of Justice, received a formal complaint from the Afro-American Patrolmen's League (Chicago, Illinois) charging the Chicago Police Department (CPD) with purposefully and intentionally using personnel practices and techniques that discriminate against blacks and other minority group members. The specific charges related to: (1) hiring practices and techniques, including the medical examination of applicants, (2) methods of promotion to ranks above patrolman, (3) efficiency ratings, (4) disciplinary procedures, and (5) assignments within the Department.

In response to this complaint, the Law Enforcement Assistance Administration in early 1972 initiated a study designed to determine the facts in the case and to recommend corrective action, should such be appropriate. This report presents the findings and recommendations resulting from that study.

THE NEED TO COMPLY

One might initially question both the "right" and the rationale for the federal government to become legally involved in the matter of a local government agency allegedly using discriminatory practices in its employment procedures. There are several reasons for federal involvement. First, both LEAA and CPD are bound by provisions of (1) the 14th Amendment to the United States Constitution; (2) the Omnibus Crime Control and Safe Streets Act of 1968, as amended; (3) the Civil Rights Act of 1964, Title VI; and (4) the Code of Federal Regulations: 28 C.F.R. 42.101, *et seq.*, Subpart C; and 28 C.F.R. 42.201 *et seq.* Subpart D.

Title 28, Judicial Administration, Chapter One—Department of Justice, deals, in part, with non-discrimination and equal employment opportunities. In essence, Subpart D reinforces the provisions of the 14th Amendment of the Constitution by proscribing discrimination on the grounds of race, color, creed or national origin in the employment practices of state and local government agencies or other offices receiving financial assistance extended by the United States Department of Justice (LEAA). Interestingly, Subpart D, Section 42.203 makes it clear that the prohibition against discrimination in employment is not to be considered as requiring an agency or office to adopt a percentage ratio, quota system or other program to achieve racial balance or to eliminate racial imbalance. In reading the report, the reader should also bear in mind that the Equal Opportunity Act of 1972 amends Title VII of the Civil Rights Act of 1964 to make it applicable to state and municipal government employers.

Second, there is a constantly and rapidly expanding number of court decisions which impact the subject problem area of discriminatory employment practices. Of recent and major consequence is the court decision on *Griggs v. Duke Power Company* (3 FEP 175-180, Supreme Court of the United States, March 8, 1971). This case concerns the elimination of artificial, arbitrary and unnecessary barriers

to employment. In summary, the *Griggs* decision rules that if any job requirement, including testing, has the effect of excluding blacks disproportionately to whites, such requirement is unlawful under Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000 *et seq.*) unless it can be shown by the employer to be a valid predictor of job success. Moreover, this decision reaffirms Congress' earlier mandate that the burden of proof in regard to the relevancy of job requirements and tests rests with the employer. This case, plus the above mentioned laws and regulations, are quoted or reviewed in part merely to indicate the legal basis for LEAA's response to, involvement in; and jurisdiction over complaints of employer racial discrimination in agencies receiving federal financial assistance.

OBJECTIVES OF THE STUDY

In response to the charges of discriminatory employment practices on the part of the Chicago Police Department, LEAA selected three consultants to ascertain the validity of the complaints. The consultants were assigned two objectives:

1. To determine whether there are any circumstances and/or practices affecting employment in the CPD which result in unfair treatment of minority group members and/or employees, particularly those who are black.
2. To recommend corrective action regarding any such inadequate or undesirable conditions and/or practices which may be found.

During the project the possibility existed that subsidiary or indirectly related issues might insert themselves into the study. The team members, however, pursued only those matters which were seen as being directly linked to the above objectives. Both the objectives and short time-frame dictated that the study remain tightly centered on the original scope.

THE SURVEY TEAM AND THEIR FACILITATORS

This submission presents a summary overview of the survey team, its members, the selection criteria and their facilitators. Fundamental to team composition was the decision on the part of LEAA to utilize impartial and non-affiliated researchers. LEAA, therefore, decided to seek professional and independent consulting assistance.

Over fifteen individuals were evaluated against the following criteria: (1) social science research skills, (2) objectivity, (3) pertinent research experience, (4) availability, (5) acceptability to involved agencies, (6) ethnic balance. From the list of candidates, three team members were adjudged by LEAA and CPD as meeting the cited standards.

The survey team was fortunately supported by a most cooperative liaison group. The LEAA Office of Civil Rights Compliance provided an on-site coordinator, interview staff, and most importantly, the concern and commitment to a meaningful study. LEAA Regional Staff furnished much needed project start-up assistance, as well as periodic clerical aid. The CPD assigned sworn command and supervisory personnel to serve as full time interface counterparts during the team members' visits to Chicago. Further, other CPD personnel were immediately accessible upon request. Similarly, the Afro-American Patrolmen's League and the Guardians (associations comprised primarily of black CPD officers) supplied numerous invaluable inputs on the issues at hand. Finally, the team's work had the important assistance of a technical consultant knowledgeable in both civil service and police personnel matters. As with all studies, any methodological deficiencies, inaccurate conclusions, and/or missing recommendations are the sole responsibility of the three researchers.

In conclusion, and to once again reaffirm a point stressed earlier, the study team was assigned a specific mission—to analyze the CPD personnel practices as they impact racial equity *within* the Department.

RESEARCH METHODOLOGY

The very nature of the study lent itself to a social scientific approach to problem solving. Of the various available methods, the study team selected survey research. This particular method facilitates the examination of large and small populations (groups of people) by drawing and inspecting samples chosen from the populations to discover the relative incidence, distribution and interrelations of sociological and psychological variables. Two survey sub-types form the approach to eliciting the requisite data: (1) total status surveys, and (2) sample surveys. To these methods were added unstructured or open-ended interviews and the use of available materials.

It should be recognized that a five month, three man study of a large scale urban police department poses monumental challenges for compliance with social scientific precepts and rules.

To begin, a survey questionnaire entitled, "Chicago Police Department Personnel Data Collection Form" was provided by the study team to CPD unit commanders on April 7, 1972. The form is a modification of the LEAA compliance report which is issued pursuant to Title VI of the Civil Rights Act of 1964 and the Department of Justice regulations implementing Title VI (28 C.F.R. 42.101, *et seq.*, Subpart C); Department of Justice equal employment opportunity regulations affecting LEAA programs (28 C.F.R. 42.201, *et seq.*, Subpart D); and the Omnibus Crime Control and Safe Streets Act of 1968, as amended (P.L. 90-351, P.L. 91-644).

The Department of Justice equal employment opportunity regulations assert that no law enforcement conducting or participating in any program or activity receiving federal financial assistance from LEAA shall discriminate in its employment practices against employees or applicants for employment because of race, color, creed or national origin. Under 28 C.F.R. 42.106(b) and 28 C.F.R. 42.205, each recipient of LEAA funds is required to keep such records as LEAA may require, and to submit to LEAA timely, complete and accurate compliance reports containing such information as LEAA may determine to be necessary to ascertain whether the recipient has complied with the Department of Justice's civil rights regulations. The CPD form meets the above criteria, and was therefore substituted for the standard LEAA questionnaire.

The CPD form was administered by unit commanders, or their assigned staff, on April 12, 1972. The completed documents were returned by April 19, 1972, and subsequently analyzed by the team members. The CPD was not singled out arbitrarily to perform this task; all law enforcement agencies receiving LEAA funds or assistance will be required to complete a compliance report during 1972. The CPD is in one respect fortunate to have had LEAA assistance in gathering their compliance data. In another respect, CPD endured the distress and uncertainty of covering untraveled terrain. Without an experience factor to draw upon from within or elsewhere, the CPD found it necessary to mount and exert considerable energy in collecting the required data. Invaluable insight was gained from their trial and errors in completing the form. Possibly of greatest utility was the establishment of a single information and advice desk to answer questions posed by the unit commanders. Clearly the CPD is to be complimented for their commitment and expended effort in acquiring the data. The status survey form served as a data or fact base. The collected facts were then analyzed in light of the above cited Acts and regulations.

Numerous open-ended interviews were conducted with representatives from the concerned agencies and associations: LEAA, CPD, Chicago Civil Service Commission, Afro-American Patrolmen's League, The Guardians, The Alliance To End Repression and other appropriate organizations and individuals. In particular, the project's technical research consultant made innumerable contributions to the effort. Finally, available, immediate and relevant materials were sought to assist the team members in either verifying the results of data obtained, or accelerating their activities.

In summary, this project, while seeking to maintain a social scientific posture, included many exploratory features and intervening influences. This study is one of the first in-depth research projects to provide a complete census of a police agency. The objectives and methods of the study make it one of the very few of its kind to be attempted in any formal organization—public or private. New research ground is obviously more vulnerable to missed signs, detours and frustration. The above discussed methodology was selected and custom-fitted to enable team members to collect and make maximum use of available data, to make correct interpretations and to propose meaningful recommendations.

REPORT TERMINOLOGY

The terms used in the report to refer to members of minority groups and to those who are not members of minority groups need to be defined for the reader. The definitions are somewhat complex, in part because race and ethnic group terminology tends to be somewhat overlapping and confusing (e.g. black, Spanish-American, white, Indian, Oriental, Caucasian, non-minority group members) and in part because the sources of data for this study provided minority group identifications in different terms and degrees of detail. As used in this report, the terms and symbols (on charts) are:

Black(s) and "N" refer to Negroes.

Spanish-American, Spanish and "S" refer to Americans of Spanish descent, generally identified as such by their Spanish surnames.

Indian or "I" refer to persons identified as American Indians.

Oriental or "O" refer to persons of Oriental descent.

"X" refers to persons who are not members of minority groups as identified above.

"Non-black" refers to all persons except Negroes.

The reader will need to interpret the term "other" in the context in which it is used.

BASELINE DATA

This subsection presents baseline CPD status and Chicago census data that was either derived from an analysis of the CPD or elicited from other sources. Other sections in the report contain a detailed analysis and interpretation of the figures presented at this time. Of paramount importance is the singular empirical finding that the population of the city of Chicago is approximately 33% black, while the sworn personnel on the CPD is 15.9% black. Further, the number of black personnel, sworn and civilian, is 20% of the total numerical strength. The researchers cite these figures in order that subsequent findings may be assessed in proper perspective.

The overall population of Chicago has been compiled by the United States Government, Bureau of Census, as follows:

Year:	Population
1950.....	3,620,926
1960.....	¹ 3,550,404
1970.....	² 3,366,957

¹ A 70,522 (1.9 percent) decrease from 1950.

² A 183,447 (5.2 percent) decrease from 1960.

Hence, within two decades, the city of Chicago experienced a 7.0% decrease in population.

The black population, on the other hand, was enumerated as follows:

Year:	Population
1950.....	492,265
1960.....	¹ 812,637
1970.....	² 1,102,620

¹ A 320,372 (65.1 percent) increase over 1950.

² A 289,983 (35.7 percent) increase over 1960.

Thus, within the same two decades, the city of Chicago witnessed an increase of 124.0% in black population. In 1950, blacks comprised 13.6% of Chicago's population. By 1960, this percentage increased to 22.9%. The 1970 decennial census reported that 32.8% of Chicago's population was black. One might legitimately extrapolate the 1972 black population as approximately 33% to 34%.

The survey team examined the CPD according to its racial composition as of April 12, 1972. The results of the count are seen in Figure 1A. The completed data collection forms were coded and an updated computer file tape was created. An enormously large amount of information was aggregated, processed and reported.

FIG. 1A.— CHICAGO POLICE DEPARTMENT, POSITION AND RACIAL COUNT BY RANK AND TITLE AS OF APR. 12, 1972

	Negro		Oriental		Indian		Spanish		Other		Total
	Num-ber	Per-cent	Num-ber	Per-cent	Num-ber	Per-cent	Num-ber	Per-cent	Num-ber	Per-cent	
Sworn personnel:¹											
Superintendent.....									1	100	1
1st deputy superintendent.....									1	100	1
Deputy superintendent.....	1	25							3	75	4
Chief.....									3	100	3
Assistant deputy superinten- dent, deputy chief.....	1	6							17	94	18
Director, commander.....	7	14							43	86	50
Captain.....	1	1							72	99	73
Lieutenant (P-4).....	11	4					2	0.7	291	96	304
Sergeant (P-3).....	128	9		(²)		(²)	9	.7	1,212	90	1,349
Investigator, youth officer.....	269	15	1	(²)	1	(²)	17	.9	1,509	84	1,797
Patrolman, policewoman, matron.....	1,604	17	3	(²)	4	(²)	140	11.0	7,815	81	9,646
Cadets.....	19	8					2	.8	232	92	253
Total, sworn personnel.....	2,121	16	4	(²)	5	(²)	170	1.0	11,199	83	13,499
Civilian personnel:											
Professionals.....	44	24	3	2.0					134	74	181
Office or clerical.....	496	51	1	.1			15	2.0	464	47	976
Crossing guards.....	526	39					4	.3	804	60	1,339
Labor and trades.....	95	30	1	.3			5	2.0	217	63	318
Total, civilian personnel.....	1,161	41	5	.2			24	.9	1,624	58	2,814
Department total.....	3,282	20	20	(²)	5		194	1.0	12,823	79	16,313
Total, exempt positions.....	9	12	0	0	0	(²)	0	0	68	88	77

¹ Note that all sworn positions above that of captain are classified as exempt ranks. Most of the individuals holding an exempt position have a civil service rank of captain or lieutenant.

² Less than 0.1 percent.

GENERAL OBSERVATIONS

Four general conclusions or events should be related at this point. First, and as mentioned earlier, the CPD, the Chicago Civil Service Commission (CSC) and the Afro-American Patrolmen's League expended a considerable amount of effort and were most cooperative in assisting the survey team during the course of the study. The only impasse occurred when the CSC refused to grant the survey team access to records on the most recently completed promotional examination (Lieutenant). The survey team made the request because of allegations that blacks and others were not placed on promotion lists in accordance with their actual earned scores. The team assured the CSC that the intended verification of scores would not require the divulging of any names. The CSC asserted that the scoring data could not be analyzed because of record confidentiality constraints.

Second, the survey team extended invitations through the Afro-American Patrolmen's League to any of its members who might want to discuss personnel practices that racially discriminated against them. In addition, individual invitations were extended to the seven persons who had filed affidavits in connection with the complaint submitted to LEAA. One person responded to these invitations; his information and comments have been submitted to LEAA as a confidential record for their evaluation. Fortunately the survey team had frequent opportunity during the course of the study to meet both formally and informally with a number of representatives of the League, and their information and comments provided valuable input to the review process.

Third, the survey team did not observe any intentional or planned program on the part of the CPD or CSC to exclude blacks or other minority group members from either employment or promotion. Similarly, the findings did not indicate that the CPD was intentionally engaging in performance rating and assignment practices which were unfair to black officers. However, in key areas, the hard data showed that blacks and other minority group members were being adversely affected by the present personnel system. Current procedures and practices do tend to have an adverse impact on minority group members, both as entry candidates and as departmental personnel, as will be discussed in subsequent sections of this report.

Fourth, the survey team is aware of the challenging nature of the recommendations contained in this report. However, each recommendation is deemed (1) in clear need of being implemented, and (2) capable of being implemented by the agencies involved. The main recommendation resulting from this study, therefore, is that specific recommendations presented in subsequent Sections of this report be implemented with dispatch and determination. The CPD and CSC should appoint personnel to a joint-agency project team assigned the task of implementing the recommendations, and should give this team all necessary support and assistance.

REMAINDER OF THE REPORT

The report is divided into eight sections, the first of which the reader has just completed. Section Two presents a summary of the survey team's findings and recommendations. Sections Three through Eight each deal with a single component of the CPD personnel system. Each section consists of three subsections: a description of the component, an evaluation of the component, and recommendations designed to improve the component. Section Three includes the recruitment and selection process. Although actually conceived as an integral segment of the selection function, training is contained separately in Section Four. Sections Five, Six, Seven and Eight discuss in order: promotion, assignments, performance ratings and discipline.

SECTION TWO

SUMMARY OF FINDINGS AND RECOMMENDATIONS

This section of the report presents a very brief summary of the major findings and recommendations resulting from the study. Each finding and/or recommendation is more extensively and more adequately described in the remainder of the report, together with supplemental findings and recommendations. A full understanding of the findings and recommendation of this study can be acquired only through a reading of the complete report.

The study found no evidence that there was any intentional or planned program of the Chicago Police Department or the Chicago Civil Service Commission for excluding minority group members from entry onto the Department or for disparate treatment of minority group members already on the force. However, factual data collected during the study showed that, in several key areas, current personnel practices and procedures clearly have an adverse effect on minority group members, both as entry candidates and as members of the Department.

The following paragraphs set forth the more important elements of each section of the report.

Section One. *Baseline Data* Blacks represent approximately 33% of the population of Chicago but only 16% of the sworn officers on the Police Department. Spanish-Americans represent about 7% of the population but only 1% of sworn officers on the Department.

Section Three. *Recruitment and Selection* Blacks and Spanish-Americans apply for entry onto the Police Department in numbers that approximate their percentages in Chicago's general population, but both the written test and the medical examinations given to police candidates by the Civil Service Commission disqualify minority group members at about twice the rate that non-minority group members are disqualified. Since there is, at present, no adequate evidence that the written test actually measures what is required for becoming an effective police officer, the study recommends that the present test be discontinued until such time as the test (or a newly-developed different type of test) can be shown to be a valid predictor of job performance on a basis that is fair to both minority group and non-minority group members. Recommendations are also made for improvements in the medical examination program.

Section Four. *Training and Education* A review of the Police Department's recruit training, in-service training and promotional training programs showed that the Department has basically good programs in each of these areas but that adequate attention is not yet being given to subjects and instructional techniques designed to improve understanding and working relationships among members of all racial, ethnic and cultural groups. Recommendations are made for improving the training. Police Department policies and governmental financial assistance encourage higher education for personnel of the Department. Blacks in particular are taking advantage of this opportunity. There is some evidence, however, that the departmental policy for adjusting shifts and assignments (consistent

with operational requirements) to permit attendance at college classes is not fully effective. It is recommended that the Department give corrective attention for this matter. The instructional staff of the Police Training Academy does not contain enough minority group officers to demonstrate to recruits and to in-service officers a positive and constructive policy for accepting and utilizing minority group officers. It is recommended that more minority group officers be used in training at all levels.

Section Five. Promotion Black officers are inadequately represented in the Sergeant, Lieutenant and Captain ranks, in the top level management and command ranks (positions exempt from civil service) and, to a lesser extent, in the specialized patrolman assignments that carry premium pay. The factors causing this situation are discussed. Recommendations are made that civil service promotional procedures be reviewed and validated, that appointments of blacks to high level command and policy-making positions by the Superintendent be increased and the the procedures for selecting patrolmen for specialized assignments be further improved.

Section Six. Assignments Any review of equity in assignments within the Police Department is complicated by the relatively low percentage of blacks on the Department and by the lack of firm definition of what constitutes the more desirable or "preferred" assignments. However, a review of assignments to positions and units reported during interviews as being the preferred ones did not reveal any clear pattern of differential treatment except in relation to the Traffic Division and the Vice Control Division. Recommendations are made that the Department extensively review the assignment of black patrolmen, particularly in the areas mentioned, and that the assignments of the relatively few black supervisory and command officers be given careful attention to assure their most effective use. To establish a better basis for determining the extent to which minority group and non-minority group members receive assignments of their preference, a revised system of transfer requests is recommended.

Section Seven. Performance Ratings The study reviewed the ratings of all sworn personnel for the two rating periods in 1970 and the ratings made in connection with a recent promotional examination. The review showed no significant differences in the performance ratings given to minority group and non-minority group personnel. As a result, no major change is recommended.

Section Eight. Discipline The study found a higher rate of serious complaints (Complaint Register cases) against black officers than against non-minority group officers in the Department, and also found that a higher percentage of such charges against blacks were found to be sustained by Departmental investigations. The study found an even greater disparity in the rate at which blacks were given Summary Punishment for infractions of departmental rules. The study did not find any significant differences in the amount or type of penalties given to black and non-blacks for commission of the same type of offenses in either Complaint Register cases or Summary Punishment cases. The study recommends that the Department establish a monitoring system to systematically detect any racial imbalances in its disciplinary charges and findings, and to provide for administrative review to determine the reasons for imbalance and to provide corrective action where needed. The study also recommends a procedure for better command officer control over summary punishment cases.

SECTION THREE

RECRUITMENT AND SELECTION

One of the primary areas of concern with regard to minority group employment in the Chicago Police Department is the matter of getting enough qualified blacks and other minority group members onto the Department as sworn police officers. The process of entry onto the Department involves two steps: (1) the recruitment of applicants (through announcements, meetings, pre-examination classes and the like), and (2) the testing and investigating of candidates to select those who qualify for appointment to the police department. Both steps are, according to Illinois law, basically the responsibility of the Chicago Civil Service Commission. Each of these two steps will be reviewed in detail in this Section.

RECRUITMENT

A Description of Current Practices

The nature and effectiveness of the recruitment of applicants is a major factor in the quality and type of patrolman candidates who are ultimately hired by a

police department. In Chicago, although the announcements and formal advertising of patrolman examinations are, by law, the responsibility of the Civil Service Commission, the program for publicizing the opportunity and encouraging and assisting persons to apply for the position is carried out, for the most part, by the CPD, working with the CSC and with police associations and civic and governmental organizations.

The police department and the Civil Service Commission report that over the last half-dozen years the recruitment program has been expanding and has been giving increasing attention to the attraction of minority group applicants. The program for the most recent patrolman examination (December 4, 1971) included the following elements:

1. Announcements, recruitment brochures and application forms were made available at all 21 police district stations, police headquarters, the city's six Community Service Centers, all Illinois State Employment Service offices in the city, all Urban Progress Centers and at the Civil Service Commission itself.

2. News releases and special stories were distributed to all the major Chicago newspapers and to the dozens of neighborhood papers.

3. Radio and TV spot announcements were sent to Chicago radio and television stations.

4. Recruitment posters (approximately 1,000) were placed in Chicago Transit Authority vehicles (buses and subway cars) and at locations frequented by the public throughout the city.

5. The Police-Community Workshops that are held periodically in communities around the city were used as means of distributing recruitment brochures and other information.

The overall recruitment program included special efforts to attract minority group applicants:

1. Special contacts were made with newspapers and radio and television stations that serve primarily black and Spanish-American citizens, and arrangements were made for minority member patrolmen to appear on radio and TV programs.

2. The city's Department of Human Resources and the Chicago Committee on Urban Opportunity worked with the police department in conducting free preparatory classes at more than a dozen centers and district police stations in an effort to improve the likelihood of minority group members being able to pass the civil service written examination. The Afro-American Patrolmen's League conducted a similar program at a school on the city's south side.

It should be noted that the AAPL supplied the survey team with a list of 232 names of blacks they had recruited for the examination, and the Guardians provided the team with a list of 248 names that their organization had recruited, demonstrating the special efforts blacks presently on the CPD make in assisting other blacks in entering the Department.

An Evaluation of Current Practices

It is difficult to appraise the effect of recruitment programs, such as those just described, without some type of follow-up that attempts to determine how applicants heard about the opportunity and why they applied. Even then, the real reasons for applying, and the reasons why others did not apply, may never become known. It is probable that posters, television advertising and even preparatory classes have less effect on recruitment than do attitudes and motivations resulting from relevant social and economic conditions in the community and in the nation. The following facts serve to illustrate this point.

In the Depression year of 1935, some 15,000 men applied to take the patrolman examination held that year, the largest number of candidates that have ever applied for a patrolman examination in Chicago.

In the early 1960's, the percentage of black applicants for patrolman examinations appeared to be at least as high as the percentage of blacks in the city's population. During the period of the racial disturbances and Democratic Convention violence in the second half of the '60's, the percentage of blacks dropped off significantly and is only now beginning to move upward again.

With Chicago now having one of the highest patrolman salaries in the nation (double what it was 10 years ago) and with jobs for college graduates being now less plentiful than in previous years, the proportion of college graduates joining the CPD is increasing significantly. In one year alone (1969-1970) the percentage of men coming onto the CPD with 4 or more years of college increased from 3.3% to 6.6%.

Studies elsewhere have shown that if the prevailing attitude in the black ghettos is that police are "racist pigs and killers," fewer blacks will want to put on the uniform. If the expectancy is that those blacks who do get onto the department get the "bad" assignments, get fewer promotions and are more severely disciplined, the number of black applicants will remain low no matter how many special recruitment programs are launched. This does not mean to say that recruitment programs and special minority group efforts are not important and worthwhile. It means that such efforts must be viewed within a larger context, which includes among other things, the local police image and the economics of the area.

Whatever the cause or causes, the number of blacks and Spanish-Americans who applied to take the patrolman examination in Chicago over the last several years appears to be somewhat proportional to their numbers in the general population. Although no closely accurate and firm data was available on minority group identification of applicants, some approximate data was available from the CSC and through techniques developed by the survey team. An informal, anonymous headcount at the most recent patrolman examination written test (made by CSC staff for the purpose of evaluating the effectiveness of the minority recruitment program) indicated that about 31% of the candidates were black and about 5% Spanish-American.

The survey team's own independently developed data indicated that the blacks at that examination were about 29% and the Spanish-Americans about 4%. The closeness of these two independent sources of percentage estimates provides some evidence of their validity.

Another patrolman examination studied by the survey team was one given to 1,104 candidates on January 10, 1970. Survey data showed that at that examination about 26% of the candidates were black and 4% were Spanish-American.

In view of this data (see Figure 3A), the recruitment of adequate numbers of minority group members to become candidates for the position of patrolman in Chicago does not appear to be a serious problem area. Certainly special recruitment efforts of the type presently in use should be continued, and even expanded and improved as will be recommended at the end of this section. Nevertheless, the numbers of minority group members who apply to become patrolmen would appear to be of less concern than the relatively small numbers who pass the entrance examinations and become members of the CPD. In fact, the number of blacks who took the most recent patrolman examination (2,394) is larger than the total number of black officers presently on the force (2,121). Even more striking, the number of Spanish-Americans taking this exam (353) is more than twice the number of Spanish-Americans now on the department (170). The disproportionately low percentage of minority group members who pass the screening and are hired onto the department is a more serious concern, and will be discussed shortly.

Recommendations for Improvement

The present system of recruitment should be retained with the following recommended augmentations:

Recommendation. The CPD and CSC should jointly create a specialized recruitment team comprised of minority group members to specialize in the recruitment of their respective minority groups. The team members should concentrate on target areas and individuals who would have a relatively high probability of passing the examination process and who would become qualified police officers.

Recommendation. New high impact recruitment materials should be made available to black members of the CPD for distribution to potential black candidates during the course of the officer's normal duties. Similar specially-prepared materials should be made available to Spanish-American CPD officers.

FIG. 3A.—MINORITY GROUP RECRUITMENT DATA

Candidates taking written examination	Patrolman examination No. 7621-1; January 1970		Patrolman examination No. 7791; December 1971	
	Number	Percent	Number	Percent
Black.....	286	25.9	2,394	29.4
Spanish-American.....	46	4.2	353	4.3
Others.....	772	69.9	5,389	66.2
Total.....	1,104	100.0	8,136	100.0

¹ Figure does not equal 100 due to rounding off of numbers to the nearest $\frac{1}{10}$ th.

Recommendation. Continue the present comprehensive program of publicizing forthcoming patrolman exams, including the special efforts for attracting minority group applicants, and expand the program wherever new opportunities for effective contact can be developed. Greatly expand the program of "pre-entry training" for minority group members, increasing the number of classes and the length of the program, and giving emphasis in program content to remedying any culturally or ethnically caused differences in test-taking preparedness.

SELECTION

A Description of Current Practices

As used in this report, the term selection refers to the process whereby those men who apply to become patrolmen are examined, tested and investigated for the purpose of determining which ones are to be hired onto the police force, and which ones are to be rejected as unqualified for police work.

In Chicago, no one can become a sworn police officer in the CPD without taking and passing a formal entrance examination developed and administered by the Chicago Civil Service Commission. The CSC is made responsible for the selection of the city's police officers (and most other municipal employees) by an Illinois statute enacted into law in its original form back in 1895. This same statute assigns the CSC responsibility for examining and preparing eligible lists for promotion to the ranks of Sergeant, Lieutenant and Captain in the CPD.

The process of selecting patrolmen in Chicago consists of a number of elements and steps, each of which is listed below and is later discussed in some detail.

1. **ENTRANCE REQUIREMENTS.** Entrance requirements include residency, height, weight, and age restrictions as set forth in the announcement of the examination for patrolman.

2. **APPLICATION.** When an examination is announced, persons interested in taking the test must complete an application form and bring or mail it to the CSC.

3. **WRITTEN TEST.** Applicants are notified by mail when and where to appear as a group for the purpose of taking a written test of mental ability.

4. **MEDICAL-PHYSICAL TEST.** Those candidates passing the written test with a grade of 70 or above are later scheduled at the rate of 80 per day for medical tests and tests of physical fitness. Candidates either pass or fail—there is no grading on these tests.

5. **ELIGIBLE LIST.** The names of those who pass the medical-physical tests are placed by the CSC on a list of "eligibles" for appointment. The names are assigned on the list from high to low on the basis of scores on the written test.

6. **BACKGROUND INVESTIGATIONS.** Each person whose name is on the eligible list is investigated to determine if there is anything in his background that should disqualify him for police work. If such is found, the CSC removes the person's name from the eligible list after opportunity for a hearing.

7. **CERTIFICATION FOR EMPLOYMENT.** When the CPD requests additional men, the CSC "certifies" to the department the names of those eligibles whose names remain on the list after the background investigations, and these persons are offered employment by the CPD.

It is important to note at this point that the current CSC/CPD process for selecting police officers does not include any measures of personality or emotional stability, a matter which will be discussed later.

An Evaluation of Current Practices

Figure 3B shows the number of candidates who have taken the patrolmen examination during each of the last four years and also reports the numbers and percentages of candidates successfully completing the major steps in the process. A number of observations can be made from this chart:

1. Somewhere around 20% of those persons who apply for the examination do not show up to take the written test.

2. Of those who do show up and take the written test, about half generally pass.

3. Of those who pass the written test and show up for the medical test, about three-quarters generally pass.

4. Of those who pass the written and medical tests and get on the eligible list, only about 50-70% eventually qualify for and accept employment on the CPD.

This information provides an overall framework for viewing some of the more specific data which follows, particularly with regard to the effect of the written

test and the medical-physical examinations. Each of the elements in the selection process will be reviewed and assessed as to their implications for minority group employment.

Entrance Requirements

Residency. Applicants for the position of patrolman in the city of Chicago must be residents of the city at the time of examination, as must applicants for all other positions under the city's civil service. This residency requirement is probably not an important factor in the recruitment of blacks or other minority group members. If anything, it probably helps their chances somewhat by discouraging applications from the predominantly white and generally better schooled suburbs.

FIG. 3B.—CHICAGO CIVIL SERVICE COMMISSION, CANDIDATE DATA ON PATROLMAN EXAMINATIONS, 1968-71

	1968		1969		1970		1971	
	Num-ber	Per-cent	Num-ber	Per-cent	Num-ber	Per-cent	Num-ber	Per-cent
Number of applicants.....	7,478		3,074		8,713		9,305	
Number taking written test.....	6,167	82	2,476	80	6,964	79	8,187	87
Number passing written test.....	3,082	49	1,157	46	3,033	43	4,494	54
Number taking medical-physical tests.....	2,911	94	1,054	91	2,812	92	4,004	89
Number on eligible list as posted.....	2,120	72	819	77	2,288	81	3,059	76
Number remaining eligible after background check.....	(1)		(1)		(1)		(2)	(2)
Number actually employed by police department.....	1,281	60	576	70	1,126	49	(2)	(2)

¹ Indicates statistics not available.

² Selection process not completed through this step.

³ As of May 11, 1972. This year still involves an active list.

Notes: A. The percentage figures indicate the ratio of the number of candidates to the number at the immediately prior stage. Examples: In 1968, the number of candidates taking the written (6,167) was 82 percent of the number who had applied, and the number passing the test (3,082) was 49 percent of the number taking it. B. The data for 1968 represents 29 separate examinations in that the CSC was holding examinations almost weekly; the data for 1969 represents 1 single examination; the data for 1970 represents 5 examinations; and, the data for 1971 represents 1 examination (Dec. 4, 1971) which resulted in the posting of an eligible list this year (June 1972).

Height and Weight. The CPD was one of the first large police departments in the country to reduce the minimum height for entrance to 5'7" to improve recruitment, particularly to enable a higher percentage of Spanish-Americans to qualify. Weight requirements are in proportion to height, follow fairly standard patterns for such requirements, and would not seem to have any significant implications for minority group employment. This requirement will, however, be discussed further under the heading "Medical-Physical Tests."

Age. Applicants must be at least 20 and not more than 31 years of age (35, if a veteran) at the date of examination. This low entrance age requirement helps general recruitment, as does the Police Cadet program which attracts young men to the department in the years between high school and their eligibility to become sworn police officers. Neither the 20-31 age requirement nor the Cadet program is seen as having a significantly positive or negative effect on minority group employment.

Education. Chicago is one of the very few major police departments in the country that do not require a high school education or its equivalent. Although some police authorities would argue strongly for a minimum educational requirement of high school graduation and even favor some college, recent developments including some relevant court decisions are raising questions about the validity and the necessity of this requirement and about the possibility of its being a discriminatory barrier to the employment of minority group members. This matter will be discussed further in connection with the written test, but it appears that with respect to formal education requirements, Chicago is a step ahead of most other major cities in this means for providing equal employment opportunity.

Applications

The application process is relatively simple in Chicago in comparison with most other departments and cities. The form to be completed is simple and contains no complex questions nor requirements for extensive personal history information, two elements which, if present, could have a deterrent or discouraging effect on applications from minority group members who are generally less experi-

enced and less comfortable with complicated printed forms. The applications form has, in the past, contained a question about arrests but this question is being deleted in a new printing of the form as a result of a recent court order. Questions about arrests are increasingly being viewed across the country as being inappropriate and improper since arrests tend to be made more readily in the ghettos and do not represent actual convictions.

After completing the form, the candidate brings it or mails it to the Civil Service Commission together with \$3 for the application fee, which is required of applicants for all examinations. The rationale for this general fee (helps pay exam costs and discourages those with no real interest in the job) is not strongly persuasive, but the amount of money involved would not appear likely to have a significant effect on individual applicants.

The Written Test

All candidates who applied for the examination by the established deadline are notified by mail when and where to appear for the written test. The test is given to all candidates at the same time in one or more of the city's high schools. In the most recent examination, five high schools were used for the 8,136 candidates taking the written test.

The written test consists entirely of 120 multiple-choice questions which the candidate answers on a separate IBM-type answer sheet, using an electrographic pencil so that the papers can be machine scored. To provide anonymity during scoring, the candidate's identification papers are sealed in a blank envelope which is attached to the answer sheet when it is turned in. (This process causes some candidates to be concerned and suspicious, and will be further discussed later in this section.) Candidates who answer 70% or more of the questions correctly pass the test and are notified, several weeks to several months later, when and where to appear for the medical-physical tests.

The written test as developed and administered by the CSC purposefully does not measure knowledge of police work but rather is intended to measure certain mental abilities deemed relevant to becoming a police officer. This conception of the proper purpose of the written test is the one currently accepted and in use in most police departments in this country today, differing only in respect to what mental abilities are being tested for, and how this testing is done. Many departments use standardized tests of intelligence such as the Otis, Wonderlic or AGCT. The Public Personnel Association, a major professional organization of persons in governmental personnel management, markets a police entry test in several alternate forms to hundreds of small and medium sized departments around the country. Each of these tests measures some type of mental ability or abilities thought to be relevant to the police job.

In Chicago, a special test has been developed with the intent of measuring specific types of mental ability deemed relevant to the job, particularly to the task of successful completion of the extensive police academy recruit training program. The examination is intended to measure both academic achievement and aptitude, and is considered a more reliable indicator of the required mental abilities than high school graduation, a major reason the CSC does not set high school graduation as an entrance requirement.

The examination content is outlined in Figure 3C, showing the subject matters and their proportions on the test. Representatives of the survey team reviewed a copy of the patrolmen examination and found it consistent with the general outline and type of content just described.

Figures 3D and 3E present candidate data, including minority group membership, for two recent examinations. The Figures compare the effects of the written test and subsequent screening steps on minority group candidates and on candidates who are not minority group members. The data on these Figures will also be referred to in discussion of the medical-physical tests and background investigation procedures.

Figure 3D presents data on Patrolman Examination #7621-1, held on January 10, 1970. This particular examination was selected for analysis by the survey team because (1) it is recent enough to be relevant to the issues at hand but is old enough to be complete through the step of actual employment, and (2) it involved a sufficient number of candidates (over 1,000) for the data to have statistical significance.

Figure 3E presents candidate data on Patrolman Examination #7791, for which the written test was held on December 4, 1971, with the medical tests being given during the spring, and from which an eligible list was posted in June of this year. No background checks have yet been made on this list and no appoint-

ments have been offered. This list is expected to provide new recruits to the CPD for the next three to four years.

It is important when viewing these charts to keep in mind the fact that part of the minority group data is by direct count of racial information contained in the records and part was developed by an identification technique that was demonstrated, before actual use, as being only 95% accurate, but which was the best available means of developing the necessary data. Differences in a few percentage points, especially when the number of candidates is small, should therefore not be considered significant.

FIGURE 3C

Chicago Civil Service Commission, patrolman examination content outline

Examination content:	<i>Number of test items</i>
I. Vocabulary.....	20
II. Word analogies.....	20
III. Grammar.....	20
A. Sentence structure.	
B. Spelling.	
C. Proper tense.	
IV. Numerical series.....	20
A. 2 operations.	
B. 3 operations.	
V. Arithmetic reasoning.....	20
A. Addition.	
B. Subtraction.	
C. Multiplication.	
D. Division.	
E. Combinations of above.	
VI. Word usage.....	20
Total items.....	120

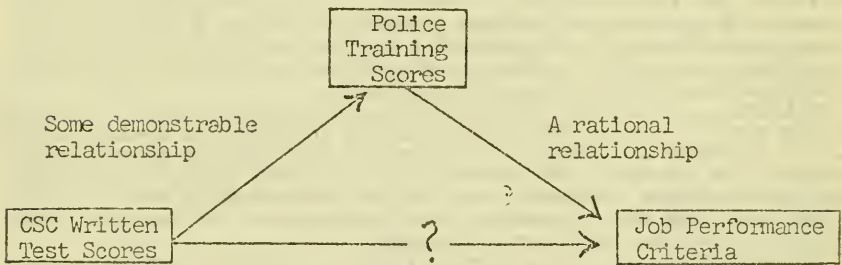


FIG. 3D.—CANDIDATE DATA ON PATROLMAN EXAMINATION NO. 762L-1 (JAN. 10, 1970)

	Total			Black			Spanish-American			Other		
	Number	Percent ¹	Percent ²	Number	Percent ¹	Percent ²	Number	Percent ¹	Percent ²	Number	Percent ¹	Percent ²
Applicants.....	1,440		100									
Written examination:												
Took.....	1,104	100	77	286	26		46	4		772	70	
Failed.....	573	100	52	219	38	77	32	6	70	322	56	42
Passed.....	531	100	48	67	13	23	14	3	30	450	85	58
Medical examination:												
No-shows.....	38	100	7	8	21	12	1	2	7	29	76	6
Took.....	493	100	93	59	12	88	13	3	93	421	85	91
Failed.....	93	100	19	19	20	32	4	4	31	70	85	17
Passed.....	400	100	81	40	10	68	9	2	69	351	88	83
Background investigation:												
No-shows.....	37	100	9	1	3	3	0			36	97	10
Failure to qualify.....	65	100	17	9	14	23	1	2	11	55	85	16
Hired by police department.....	298	100	75	30	10	75	8	3	89	280	87	74
Overall success ³ rate.....		27						17			34	

¹ Percentages in the 1st col. are figured on the horizontal totals. Example: The 286 blacks taking the written test represent 26 percent of the total number (1,104) taking the examination.

² Percentages in the 2d col. are figured on the vertical total for each step in process. Example: The

1,104 men taking the test represent 77 percent of the total applicants (1,440) and the 531 men passing the written test are 48 percent of those taking the examination.

³ From the point of written test to actual employment.

FIG. 3E.—CANDIDATE DATA ON PATROLMAN EXAMINATION NO. 7791 (DEC. 4, 1971)

	Total			Black			Spanish-American			Other		
	Number	Percent ¹	Percent ²	Number	Percent ¹	Percent ²	Number	Percent ¹	Percent ²	Number	Percent ¹	Percent ²
Applicants.....	9,305		100									
Written examination:												
Took.....	8,136	100	87	2,394	29	67	353	4	68	5,389	66	33
Failed.....	3,601	100	44	1,603	45	67	239	7	68	1,759	49	67
Passed.....	4,535	100	56	1,791	17	33	114	3	32	3,630	80	67
No-shows.....	535	100	12	79	15	10	8	1	7	448	84	12
Medical examination:												
Took.....	4,000	100	88	712	16	90	106	3	93	3,182	80	88
Failed.....	941	100	24	250	27	35	46	5	43	645	69	20
Passed.....	3,059	100	76	462	15	65	60	2	57	2,537	83	80
Success ³ rate.....		38			19			17			47	

¹ Percentages in the 1st col. are figured on the horizontal totals.
² Percentages in the 2d col. are figured on the vertical total for each step in process.

³ From the point of taking written test to the point of getting name on eligible list. Does not include background checks and actual hirings, which have not yet been made.

Even with these limitations in mind it is possible to make some direct observations from Figures 3D and 3E. One such observation is that the written test presently in use has the effect of disqualifying minority group member candidates at about twice the rate it disqualifies other candidates. Looking at both charts, it can be seen that the test disqualifies (fails) about 70% of the black and Spanish-American candidates but only about 35-50% of other candidates.

There are at least three possible explanations of this unequal rate of disqualification:

1. Blacks and Spanish-Americans have less ability and preparation of the kind needed for police work as measured by this test, or
2. The test is not, for minority group members, a fair measure of qualification for police work, or
3. Some combination of 1 and 2 above.

In the case of any of these three possible explanations, the present civil service test is not on defensible grounds. Explanations 2 and 3, which involve unfairness in whole or in part, are indefensible for that reason.

Explanation 1, which involves minority group members having less ability and/or preparation of the kind needed for police work as measured by this test is indefensible in that there is at present no adequate evidence that whatever is measured by the test is significantly related to the work of a police officer.

The CSC did make a study about 1968 demonstrating a relationship between scores on its written test and performance in the recruit training program. Candidate scores on the CSC written test correlated +0.25 with instructor ratings of recruits and +0.35 with the recruits' grades at the training academy. (The degree of these relationships is statistically significant but not particularly high. A "perfect" relationship between two sets of grades would be +1.00, a situation very seldom found in psychological or sociological studies. It is interesting that the Commission's study found a much higher correlation [+0.62] between its written test and a standardized intelligence test, the Otis Test of Mental Ability, than between its test and the recruit academy ratings.)

The fact remains that neither the CSC nor the CPD has developed any research evidence:

1. That the scores on the CSC written test are significantly related to actual performance of duty as a police officer following training, or
2. That the scores received in recruit training are significantly related to actual performance of duty.

There is, of course, an expectancy that there would be a rational relationship between training academy performance and street performance, since the academy training is specifically designed to prepare a man for police work performance.

To summarize this discussion of the written test, the survey team found more substantial evidence that the written test tends to keep a disproportionate number of minority group members off the police force than it found evidence that the test measures something that is relevant to the effective performance of police work.

The Medical-Physical Test

As explained earlier, all patrolman candidates who make a score of 70% or better on the written test are considered to have passed the written test and are scheduled for medical-physical tests at the CSC's physical examination rooms at 54 W. Hubbard Street. Candidates are scheduled at the rate of 80 per day over whatever period of weeks or months it takes to complete the testing or whatever number of candidates passed the written test.

Although the candidates are given several tests of physical strength and fitness, these are not graded nor do they result in elimination of any candidates. No explanation was available as to the reason for their inclusion in the selection process.

The medical examinations are performed by physicians employed for this purpose by the CSC. This part of the selection process is qualifying only—that is, there is no grading, just pass or fail. The medical standards which the candidates must meet are set forth in writing. These standards are similar to those in existence for most other large police departments and, in general, appear to be neither unduly restrictive nor lax.

However, because medical examinations represent an area of possible discriminatory treatment of minority group members, and since the survey team had received allegations that blacks in particular were being eliminated for such things

as "heart murmurs" and "fast hearts," a review was made as to the comparative rates of minority group medical rejections and the reasons for these rejections.

Figures 3D and 3E, presented earlier, show that in both of these examinations, minority group applicants were medically rejected at almost twice the rate that other candidates were rejected.

RATE OF MEDICAL REJECTION

[In percent]

	Black	Spanish-American	Other	All candidates
Examination 7621-1 (January 1970).....	32	31	17	19
Examination 7791 (December 1971).....	35	43	20	24

Figure 3F shows the reasons for medical rejection in the two examinations studied. The totals for the two examinations are on the second page of the chart and will, for the most part, be the numbers referred to since these will provide the more reliable percentage comparisons.

This chart provides several interesting findings:

1. Rejections for reasons having to do with the heart are about the same for all groups. The blacks and the whites ("others") are within a few percentage points, and the somewhat lower percentage for Spanish-Americans is not significant because of the small number of cases (6) involved. However the whole question about heart rejections is one the CSC might want to review. The finding that 1 of every 6 young American men between the ages of 20 and 31 have disqualifying heart conditions is striking enough to bear review, especially when the data on the two separate exams shows that only 1 out of 93 (less than 1%) were found to have "heart conditions" on the first examination and that on the second exam, 170 out of 1,034 (16%) were found to have defects in this respect.

2. The main cause of rejection of Spanish-Americans (50%) continues to be height, despite the recent lowering of this requirement.

3. The main cause of rejection of blacks is wrong weight. (CSC records did not show whether these rejections were for underweight or overweight.) Thirty-nine percent of the black candidates were rejected for this reason, more than double the number rejected for any other cause. Further, the rate of rejection of blacks for this reason is significantly higher than that for Spanish-Americans and for whites. The causes of this are not clear.

4. The main cause of rejection of whites is inadequate vision. Almost 1 of 3 white candidates (31%) were dropped for this reason, a rate significantly higher than that for blacks and Spanish-Americans.

FIG. 3F.—MEDICAL REJECTION DATA

Reasons for rejection	Black		Spanish-American		Other		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Examination No. 7621-1:								
Height.....	4	21	1	25	19	27	24	26
Weight.....	10	53	2	50	21	30	33	36
Eyes.....	4	21	1	25	23	33	28	30
Heart:								
Pulse.....	1	5					1	1
Other.....								
Miscellaneous.....					7	10	7	7
Total.....	19		4		70		93	
Examination No. 7791:								
Height.....	44	18	24	52	131	20	199	21
Weight.....	95	38	7	15	167	26	269	29
Eyes.....	49	20	9	20	197	31	255	27
Heart:								
Pulse.....	12	5	1	2	38	6	51	5
Other.....	36	14	5	11	77	12	118	13
Miscellaneous.....	14	6			35	5	49	5
Total.....	250		46		645		941	

FIG. 3F.—MEDICAL REJECTION DATA—Continued

Reasons for rejection	Black		Spanish-American		Other		Total	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Both examinations combined:								
Height.....	48	18	25	50	150	21	223	22
Weight.....	105	39	9	18	188	26	302	29
Eyes.....	53	20	10	20	220	31	283	27
Heart.....								
Pulse.....	13	5	1	2	38	5	52	5
Other.....	36	13	5	10	77	11	118	11
Miscellaneous.....	14	5	0		42	6	56	5
Total.....	269		50		715		1,034	

Note: Percentages based on vertical totals.

Eligible Lists

When the medical tests are completed, the CSC "posts the list" of names of those who have passed both the written and medical tests and are therefore considered eligible for appointment to the police department. This list is only tentative, however, subject to deletion of the names of those who do not pass the subsequent background investigation, and to addition of names of persons who were delayed in taking the medical tests (were still in military service at the time) or who initially failed the medical but passed upon reexamination.

Each eligible list must remain in effect for at least two years, unless exhausted earlier, and can be used indefinitely. The practice of the CSC over the years has been to continue to use the list until every person on it who passes the background check has been offered certification (employment) at least one time. The concern mentioned by some minority group members that blacks who do pass the patrolman test do not receive scores high enough to get appointed off the list while it is in use is therefore not a realistic concern. However it is true that blacks passing the examination tend to be lower on the list and therefore tend to have to wait longer for appointment. The expectancy that this waiting would work selectively against minority group members because they are financially or otherwise less able or likely to wait long for employment is not supported by "Failure To Report" data that will be presented next. There still remains the possibility, however, that long waiting periods work against the recruitment of minority group members because knowledge of the long waiting period discourages them from applying to take the examination.

Background Investigations

Background investigations are a standard part of the screening of applicants in practically all police departments. Differences exist as to what such investigations consist of, how they are done, who they are done by, and what standards are applied for clearance. These differences can have important effects on the employment of minority group candidates.

In Chicago the investigations are made by CPD investigators regularly assigned to the department's Recruit Processing Section for this type of work. The extensive investigation includes checks into police and court records, school records, employment records, military service records, credit ratings, neighborhood reputation and family and home life. The Recruit Processing Section includes a lieutenant, a sergeant and eleven investigators. The only minority group member on this 13 member team is one black investigator. Each investigation takes an investigator from one to three man-days to complete. The results of each investigation are written up in a somewhat standard format and are reviewed by the lieutenant or the sergeant. Negative findings deemed sufficient to disqualify a candidate are written up as "Failure To Qualify" (FTQ) reports which are reviewed by the Deputy Superintendent for Administrative Services and, if approved, forwarded to the CSC for action. The CSC reviews the FTQ report, provides the candidate involved with an opportunity to be heard and then decides whether or not to remove the candidate's name from the eligible list. Unless significant new information develops at the hearing, the CSC almost always removes the candidate from eligibility.

Figure 3G presents the results of the "recruit processing" of the 400 eligibles resulting from the Patrolman Exam #7621-1 referred to in previous charts. The very small number of minority group members involved in the "Failure To

Qualify" statistics (10) makes it very difficult to draw any conclusions from these figures. More important in the opinion of the survey team is the review the team made of the individual case files. In each of the 65 FTQ cases, the team members reviewed the records, findings, and FTQ reports to make judgment of the process and results as related to the minority group treatment. While a detailed analysis of each individual case was not practicable, the reasons for the FTQ were reviewed in each instance. The general impression of the team members was that the process was carried out fairly, with the evaluation of minority group candidates showing some evidence that consideration was given to socio-economic influences on such things as employment histories, arrests without conviction and driving violations.

FIG. 3G.—CHICAGO POLICE DEPARTMENT BACKGROUND INVESTIGATION DATA PATROLMAN EXAMINATION 7621-1

	Failure to report ¹	Failure to qualify ¹	Hired	Total
Black.....	1	9	30	40
Spanish American.....	0	1	8	9
Other.....	36	55	260	351
Total.....	37	65	298	400

¹ See text for further explanation.

Figure 3G also reports data on recruit investigations which provides an interesting side-point. It evidences a clear difference in the rate of "Failure To Report" of blacks and whites. "Failure To Report" figures represent those men who are offered employment on the Department but who fail to appear for work or even to ask for a temporary waiver of appointment. In other words these are men who voluntarily eliminate themselves from appointment for some reason. A full 12% of the whites (36 out of 296) failed to report for the job; only one black out of 31 did the same. This suggests that the blacks who apply for the position and pass the tests really want and/or need the job, but that many whites sign up for the examination with less firmness in their interest or willingness to accept the position.

Personality Testing

As was mentioned earlier in this section, the present patrolman selection process includes no method for screening out persons with serious emotional problems, unless these show up in background investigations or are exhibited in overt behavior during the examining process or during recruit training. Practically all major police departments in this country have some means for screening out applicants who are emotionally unsuited for police work.

In Chicago, a psychological screening program was instituted by the CPD in 1961 under former Superintendent O. W. Wilson that eliminated several hundred emotionally unfit candidates that would otherwise have entered the Department. During the middle 1960's the task was shifted from the CPD to the CSC where it properly belonged as part of its patrolman selection process. The new CSC screening program reportedly did not work well and was dropped about 1967.

Serious emotional problems sometimes manifest themselves in hostile or aggressive attitudes towards others, in many cases towards members of "out-groups" including minority group members. In addition to the obvious implications for police attitudes and behavior toward minorities in the general public, it can be seen that there would also be significant effects within the Police Department in man-to-man relationships and in superior-subordinate relationships, as in the case of disciplinary actions.

Evaluation Summary

It is the opinion of the survey team that the Chicago Police Department and the Civil Service Commission are trying to get more blacks and other minority group members onto the police force but are clearly failing in their efforts. Some of the reasons for failure are not under their control. Some are. Those which are under their control should be acted upon promptly and with determination. The remainder of this section explains this conclusion in more detail and recommends courses of action.

For a number of years now the CDP and the CSC have been aware of the need for more black and Spanish-Americans on the Department and have been working

to correct the situation. These efforts, most of which were described earlier in this section, have included an extensive special program to recruit minority group members, the simplifying of the application form and procedures, the reduction in height requirements to permit more Spanish-Americans to qualify, the continued avoidance of a minimum education requirement, the experimentation over a year long period with a program of frequently held and promptly scored entrance exams, and the almost total elimination of flat feet as a reason for medical rejection.

These efforts have not been enough. The number of minority group members who apply for the patrolman examination barely approaches the proportion of minority group members in the city's general population. More significantly, those minority group members who do apply are rejected at a much higher rate than non-minority group members.

There appears to be two major causes for failure of the effort to hire more blacks and Spanish-Americans:

1. The job of patrolman is not sufficiently attractive to minority group applicants, and
2. The written test and the medical tests disqualify a disproportionately high number of minority group applicants and do so without adequate justification in terms of demonstrated requirements for job performance.

Recommendations For Improvement

The following steps are recommended for remedying those causes of failure which are under the control of either the CPD or the CSC. The recommendations are presented in the order of their judged priority.

Recommendation. The CSC should discontinue the use of the present type of written test until and unless the test is validated as (1) having a demonstrable relationship to effective job performance, and (2) as being fair (differentially validated) for both minority group and non-minority group members. The validation procedures should be in accordance with Equal Employment Opportunity Commission *Guidelines on Employee Selection Procedures* (29 C.F.R., Section 1607).

Recommendation. The CSC should include, in future patrolman examinations, tests of motivation, aptitude and behavior demonstrated as being significantly related (preferably on a predictive basis) to job performance in police work. The studies being made in the Detroit Police Department by a team of researchers from the University of Chicago's Industrial Relations Center might provide some leads to the CSC in the development of improved testing techniques, but it should be the responsibility of the CSC to select and/or develop new testing procedures that can be demonstrated (1) to have significant relationship to job performance and (2) to be fair to minority group members (differentially validated).

Recommendation. Modify the medical test procedures to permit conditional acceptance of candidates who do not meet the established weight standards but are within 10% of the required weight, with final acceptance being conditional upon the candidates' meeting the established standards by the time he is certified for employment.

Recommendation. The CSC should re-institute a well-developed program for the screening out of emotionally disturbed candidates. A good program of this type is expensive and sometimes brings external pressures to bear, but not having a screening program is even more costly in the long run both in money and in public reaction as a result of misfits in police work, hostile relations with the community and destructive attitudes within the Department.

The following further recommendations are considered desirable steps but are not as essential as the ones already presented. Some of these further steps are recommended primarily for the results they would be likely to have in attracting more minority group applicants by strengthening the evidence that they will receive fair and equitable treatment.

Recommendation. The CPD should provide for a better representation of blacks and Spanish-Americans on the team of police investigators making background checks on patrolman candidates.

Recommendation. On the medical-physical test, the CSC should eliminate the physical tests of strength and agility since they are not scored and serve no purpose, and arrange for the medical tests to be performed on a contractual basis by an accredited medical institution, such as one of the local major medical schools (e.g. University of Illinois), to provide increased assurance of objectivity and consistency. In addition, the CSC should make its reported policy of permitting re-examination of medical rejectees clearly known to all candidates. The present policy is not as clear and firmly stated as it should be. The policy should be put in writing and be communicated to all candidates.

For the purpose of expediting the implementation of the new procedures and policies recommended above, one further step is proposed:

Recommendation. The CSC should terminate the eligible list resulting from the most patrolman examination within one year of its posting, if the legislative authorization needed for doing so can be acquired. If legislative authorization cannot be acquired, the CSC should terminate the list at the end of two years, as permitted by existing law. During the period of time between now and the termination of this list, the CSC and the CPD should complete all preparation for implementing the recommended recruitment and selection practices and procedures set forth in this section.

SECTION FOUR

TRAINING AND EDUCATION

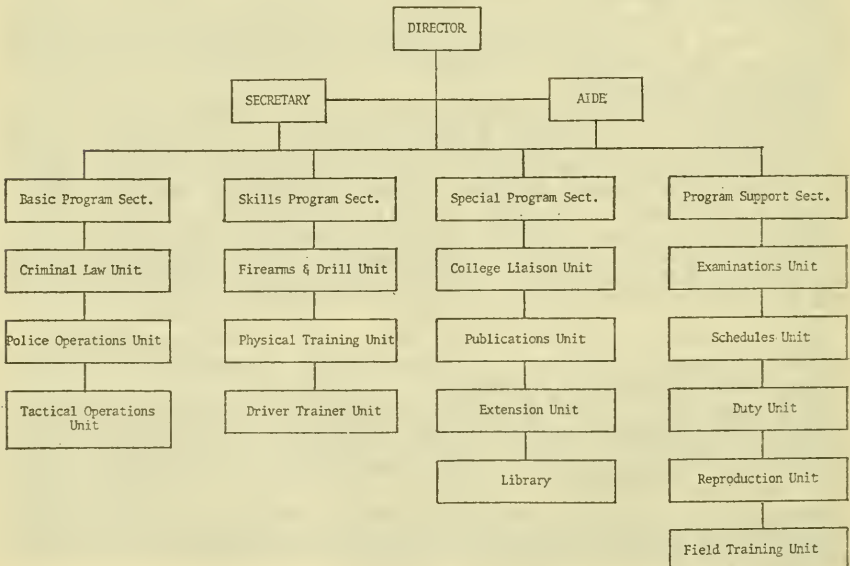
Today, few people, if any, would challenge the proposition that this nation's local police departments can measurably improve the quality of their service and, subsequently, maintain the enhanced quality through concentrated attention to effective training programs. Clearly, the complexities of our contemporary socio-economic structure, the growing citizen awareness and participation in government, coupled with the requirement of higher professionalism among police officers, places new and greater emphasis on the need to continually strive for the highest impact entry and in-service training of sworn and civilian personnel at all levels in police work. Ironically, increased police mobility, rapid response requirements, technical advances, and enormously increased demands in "called-for services" have created a "gap," or decrease in police-citizen personal contact and interaction in an age and time when it is most critically required. Therefore, police training and education must emphasize the development of police attitudes and behavior which foster healthy police-community relations. Throughout his career of public service, the police officer must be able to effectively relate the police mission to both community and individual problems.

In general, the CPD has assigned a prominent priority both to recruit training and to the need for in-service training and education. A general description of the organization and responsibilities of the Training Division follows. Later, specific training programs will be analyzed.

The Chicago Police Department's Training Division is commanded by a sworn officer holding an exempt rank of Director. The Division is located within the Bureau of Administrative Services. The organization of the Division is shown in Figure 4A.

Figure 4A

Chicago Police Department: Training Division Organization



As of April 1972, 83 sworn and 16 civilian personnel were assigned to the Training Division. Fifty-nine of the sworn personnel are staff instructors whose daily duties are devoted to recruit training and other law enforcement training or educational endeavors. Three of the 59 staff instructors are black (5%). Two additional black officers are in the administrative section and are classified as clerical patrolmen. See Figure 4B for a breakdown of staff by assignment, rank and race. Also listed is a racial count as of the April 1972 in-service police recruit classes.

The Training Division is located in a very old, once-condemned school building. Although the physical plant is far from desirable, it does offer the advantage of having the Director and his staff physically located in the recruit training academy, thus enabling them to maintain daily contact with all departmental training activities. New training facilities have been authorized and are in the final planning stage. The new academy should retain the existing daily and personal contact among staff and trainees.

○ The Training Division has multifaceted responsibilities. The survey team examined specific responsibilities in varying depths according to the areas pertinent to the study:

- Academy training of probationary patrolmen (recruit training)
- In-service and pre-promotional training of various ranks
- Extension (correspondence) courses provided to all ranks on a voluntary basis
- Tuition reimbursed courses, extra-departmental
- Voluntary higher education through community colleges, colleges and universities

FIG. 4B.—CHICAGO POLICE DEPARTMENT TRAINING DIVISION: STAFF ASSIGNMENT, RANK, AND RACE, APRIL 1972

	Negro	Oriental	Indian	Spanish	Other	Total
Sworn personnel:						
Administrative:						
Director.....					1	1
Lieutenant.....					5	5
Sergeant.....					11	11
Patrolmen.....	2				5	7
Academic staff:						
Sergeant.....	1				25	26
Investigator.....	1			1	2	4
Youth officer.....					2	2
Patrolmen.....	1				26	27
Detailed other units:¹						
Lieutenant.....					1	1
Sergeant.....	1				4	5
Recruits ²	55			11	499	565
Civilian personnel:						
Police training writer.....					1	1
Principal clerk.....					1	1
Principal steno.....					1	1
Senior clerk.....	1					1
Senior steno.....					3	3
Senior typist.....	3				4	7
Junior clerk.....					2	2

¹ Attending extradepartmental training.

² Total recruit officers currently in training (April 1972).

The above responsibilities are group into categories and described in greater detail below as (1) recruit training, (2) formal education and (3) in-service and promotional training. Each type of training is assessed and suggestions and recommendations are made for improvement.

RECRUIT TRAINING

A Description of Current Practices

Recruit patrolmen are assigned to the Training Division for 39 weeks. It is important to note that this period of time comprises the CPD's total probationary period, not just as a patrolman, but for his entire career since there is no provision for probationary periods for promotions in rank and function. The recruit training program is divided into 26 weeks of classroom work and 13 weeks of field assignment. The general distribution of the 39 weeks is: 17 weeks in the classroom, followed by 13 weeks of field assignments in Patrol Districts (interspersed with recalls to the academy for seven additional weeks of academic

exposure), concluding with a final two weeks of classroom work, before graduation from the academy. Each class unit numbers approximately 140 recruits grouped into sections of 35 each. Semi-military decorum is observed in class sessions and all recruits stand roll-call personal inspections each duty day.

As part of the recruit training program, recruits receive instruction in five college courses taught at the academy by a staff of professional educators from Loop College, one of the Chicago City Colleges. These college credit courses cover the history and development of law enforcement, the administration of criminal justice, behavioral sciences and applied psychology. They are considered an important part of the recruit program, both in preparing the new officer for his job and in giving many recruits a start in higher education.

An Evaluation of Current Practices

The Training Division completes a control or report card on all recruit officers. The card contains statistical data and progress information. The survey team studied and extracted data from 1,626 recruit cards for the years 1970-1971. Figure 4C provides data extracted from the Training Division recruit cards.

Among the more notable observations concerning recruit training as it relates to this particular survey are the small number of black officers evident in the classrooms and the low percentage of blacks trained during the period studied (see Figure 4C). Both the visual observations of the recruit classes and the data on Figure 4C confirm the fact that only one-tenth of the new recruits coming onto the department are black, whereas blacks represent about one-third of Chicago's general population and about one-third of police department applicants (see earlier Sections One and Three).

Further, the data on Figure 4C suggests that those blacks who do get into the police academy are less likely to complete the recruit training program for one reason or another. Although the number of cases involved is not large enough for the data to be considered statistically reliable, the data in Figure 4C does indicate that in 1970-71, blacks had a higher "non-completion" rate than other recruits (6.1% for blacks as compared to 2.3% for others¹). Since "non-completion" includes both resignations and discharges, it is difficult to make any further interpretation of this data. However, the survey team suggests that in the future the CPD report "non-completions" and the reasons therefore to the CSC to assist the CSC in evaluating the recruitment and selection process.

Insufficient time prevented the survey team from observing and monitoring the number of recruit classes it would have desired to see in progress. A class on Human Relations was monitored and was evaluated as relevant and well accepted by the recruits. It was an hour class attended by 27 recruit patrolmen, three of whom were black. Equal service and protection to all of the community was stressed. Classroom observations and visits were supplemented by a study of the recruit curriculum. An analysis of the basic curriculum disclosed that during their entire academy assignment, probationary patrolmen are exposed to only seven hours or less of training in community relations or community understanding.

FIG. 4C.—CHICAGO POLICE DEPARTMENT TRAINING DIVISION: RECRUIT STATISTICS 1970-71¹

	1970		1971		Combined: 1970-71	
	Number	Percent	Number	Percent	Number	Percent
Entering academy:						
Nonblack recruits.....	916	89.3	545	91.0	1,461	89.9
Black recruits.....	111	10.7	54	9.0	165	10.1
Total recruits.....	1,027	100.0	599	100.0	1,626	100.0
Not completing academy: ²						
Nonblack recruits.....	23	2.5	8	1.5	31	2.3
Black recruits.....	8	7.2	2	3.7	10	6.1
Total recruits.....	31	3.0	10	2.0	41	2.6

¹ These statistics were elicited from recruit record cards maintained by the Chicago Police Department Academy.

² "Not completing" refers to resigned or discharged officers. Leaves of absence, military commitments, etc. are not included.

³ These percentage figures refer to the ratio of the number of "non-completions" to the number who had originally entered the academy. (Example: The 8 black recruits who did not complete the academy program in 1970 represent 7.2 percent of the 111 blacks who entered the academy that year.)

Recommendations Concerning Current Training Practices

The following recommendations are not listed in order of priority, but should be considered as a complete program for improved training and selection. Further, the recommendations should be read with an awareness of the fact that the Training Division receives only a small percentage of black recruits at the academy as a result of recruitment and selection procedures described earlier (Section Three).

Recommendation. The staff complement at the Training Division should be increased to further broaden, balance and continue improvement of its police training system. The staff, particularly those in direct contact with, and control over, trainees should be strengthened by the addition of more black officers. The CPD certainly should be able to find black officers who are capable, motivated and deeply interested in academic training assignments. Increased utilization of talented black officers in the academy will present a higher degree of credibility to trainees and observers concerning CPD regard for police-community understanding and internal racial attitudes. Moreover, better rapport and understanding (officer-to-officer) will result from early exposure of recruits to competent minority group officers. Such exposure is likely to have enduring positive effects. This recommendation can be implemented with no alteration in existing standards of Training Division staff members.

Recommendation. Careful review of the recruit curriculum should be made with the intent of increasing emphasis in the area of minority community understanding. Patrolman training is not complete unless the officer has a strong foundation in the understanding of total community problems and attitudes as they relate to the police mission. Chicago is by no means alone in facing the need for improved police-community relations, nor for that matter, improved internal rapport among officers of all ethnic backgrounds. Education and training at the recruit level and recurrently throughout the officers' careers is the most significant program immediately available to police departments for developing in officers empathy, tolerance and the ability to relate their role in their clientele. The training must be Chicago community related, rather than community related in general, in order to maximize the eventual impact of the imparted attitudes and problem solving skills.

Recommendation. A Police Training Officer position should be established. This is justified and explained as follows. As mentioned, during the academy training period patrolmen spend 13 weeks on patrol assignment working as second men in a two-man radio car with an apparently randomly selected experienced officer. Field assignment is considered an important part of the probationer's training (accounting for one-third of his total academy time). After graduation, the new patrolman is given his first assignment. This also, in almost every case, is to a two man beat car on the day or evening watch with an experienced officer. There can be little doubt that the pre-assignment field experience and the first assignment patrol are, in fact, continuations of the training process. The assignments actually constitute "on-the-job" training and must not be neglected nor routinely treated for whatever reason. Standardization of "on-the-job" training is of major value to recruit officers as it is the primary step in the development of attitudes and relationships throughout a long police career. On-the-job training is the most important training a patrolmen will receive. Police Training Officers (PTOs) should be assigned to remain with new patrolmen for at least six months through the several watches. All of the recruit patrolman's academy field assignment time would be spent with a training officer. Police Training Officers will not only train, but also evaluate (grade), the new patrolman.

Police Training Officers should be selected on the basis of ability, performance, desire, instructional aptitude and demonstration of a better than average understanding of the total police function and how it relates to the community. Further, PTOs should include balanced representation of racial minorities. PTOs should be given authority commensurate with the in-training responsibility. They should wear training chevrons to identify their function and should receive incentive pay (as do youth officers and investigators). PTO assignments should be made intra-departmentally, similar to the youth officer and investigator, to facilitate reduction and return to lower pay levels in cases where individuals may prove to be inadequate or less than competent instructors. PTOs should be assigned to the Bureau of Operational Services as working radio car officers in the districts and not to the Training Division.

Implementing a training officer system will reduce the probability, universally existent, of new patrolmen being "broken in" by experienced, but indifferent, officers who have no real patience, incentive, desire or ability to do the best job.

possible of field indoctrination of new patrolmen. It follows that such attitudes tend to create poorly motivated and directed police officers. Conversely, utilization of well qualified and highly trained PTOs will be the foundation of better service, increased police-community interaction and improved rapport and morale among officers. These attributes, in turn, will develop improved community understanding, increased minority group recruitment potential and improved cooperative effort and harmony between officers of all ethnic groups.

Recommendation. It is recommended that the recruit training program be fully utilized as an integral part of the selection process. To this end, it is further recommended that new legislation be requested to extend the patrolman's probationary period from nine months to eighteen months. This change will provide the CPD with twelve months of field assignment performance data for each probationer prior to final acceptance (three months during academy, nine months after graduation). The extension of the probationary period coupled with a more intensive analysis by the PTOs of the recruit officer will improve the predictive capacity of the overall selection process. Interestingly, the U.S. Navy recently reported that written and psychiatric screening of Navy recruits is *less* predictive of a successful military career than is an objective analysis of the recruits by trained recruiters and supervisors; hence, the need for a systematic and extended exposure of the officer to qualified recruit trainers and PTOs. The 18 month probationary period provides a longer and more evaluative funneling process from entry to finalized selection. It will considerably increase the probability of placing more consistently objective officers into the community by aiding in the elimination or reassignment of officers who may possibly demonstrate some negative or narrow viewed attitudes toward the community or some of its segments or show an inability to perform properly with all ethnic groups represented in the CPD.

All of the above recommendations should be specifically planned to facilitate the recruitment, evaluation and selection of minority group patrolmen. Intensified recruitment of minorities, improved job related testing, and a careful assessment of their potential effectiveness should provide a basis for raising the percentage of non-white patrolmen on the CPD.

The survey team also suggests that the CPD consider expansion of its remedial programs within the recruit curriculum. A further monitoring of individual recruit needs and providing of remedial training might be very useful in lessening any academy training "non-completion" racial imbalances.

FORMAL EDUCATION

A Description of Current Practices

A review of personnel records indicates that Chicago officers are availing themselves of university, college and community college courses which are usually job related. The courses are taken voluntarily for self-improvement for the most part, at the individual's expense, or with tuition reimbursement. Tuition reimbursed education is a system whereby CPD personnel may advance their formal education toward achieving college degrees at a minimum expense to the individual. There are two on-going tuition reimbursed programs available to the CPD personnel:

1. *The City of Chicago Tuition Reimbursement Program.* This program is administered by the City of Chicago Civil Service Commission. It provides tuition money for full time CPD members varying from 75% to 100%, depending on grades maintained. Each course, to be eligible, must be job related, or necessary to a degree and be taken in a regionally accredited college or university (Police Department General Order 70-7, II A through E,2).

2. *The Law Enforcement Education Program (LEEP).* This program is a federal subvention in the way of loans or tuition grants. Loans/grants to students are disbursed by college officials at participating schools. However it is closely monitored by the Police Department, Personnel Division (Police Department General Order 70-7, III, A through F).

An Evaluation of Current Practices

Personal inventory cards of all CPD personnel are maintained by the Personnel Division. The cards inventory skills, including formal education. The files are not considered completely accurate because of the absence of a

structured file update system. However, they were examined and the following information was extracted:

CPD members	Credit hours attained
1, 338	30+
1, 179	60+
535	90+ (264 AA degrees)
479	Baccalaureate or higher

The number of members claiming a college degree was then examined in more detail:

Black.....	72 (15.1%)
Spanish-American.....	4 (.8%)
Other.....	403 (84.1%)

Breakdown of black sworn members claiming college degrees by rank:

Exempt.....	4	Dispatcher.....	2
Captain.....	0	Patrolman.....	35
Lieutenant.....	3	Policewoman.....	1
Sergeant.....	13		
Investigator.....	6	Total.....	72
Youth Officer.....	8		

Breakdown of sworn personnel of full or partial Spanish descent claiming college degrees by rank:

Lieutenant.....	1
Patrolman.....	3
Total.....	4

Sixty civilian CPD members, as of November 1971, claim to possess a college degree, including six masters and one doctorate. Of this number, five black civilians claim to possess college degrees.

The number of non-minority group male officers claiming college degrees are by rank:

Exempt.....	15	Youth Officer.....	22
Captain.....	18	Dispatcher.....	1
Lieutenant.....	28	Patrolman.....	210
Sergeant.....	63		
Investigator.....	35	Total.....	392

Special courses outside the Training Division are attended by personnel selected by the CPD. The principal courses are: (1) the FBI National Academy, (2) Northwestern Traffic Institute (nine month course), and (3) Northwestern Traffic Training (short courses). There is no record of a black Chicago officer ever attending the FBI academy. One non-black attended each year in 1969, 1970 and 1971. (Note: The CPD may send as many as six members to the next National Academy. However, they have not been selected as of this writing.)

THE NORTHWESTERN TRAFFIC INSTITUTE (9-MONTH COURSE)

Year	Total sent	Black	Other
1972.....	6	1	5
1971.....	3	0	3
1970.....	4	0	4
1969.....	3	1	2

Note: 4 year period: 2 blacks equals 12.5 percent of total sent.

THE NORTHWESTERN TRAFFIC INSTITUTE (SHORT COURSES) FOR 1971-72

	Total sent	Black	Other
Patrolman.....	29	4	25
Sergeant.....	19	0	19
Total.....	48	4	44

Note: Patrolman, 4 blacks equal 13.79 percent of total sent; sergeants, no blacks equal 0 percent; total, 4 blacks equal 8.33 percent of total sent.

A record of CPD members currently availing themselves of the tuition reimbursed courses was examined at the department's Personnel Division. As well as can be determined, information concerning availability of financial aid for education is presented to all members (they are well outlined in General Order 70-7). The team was not able to observe any special attention or emphasis brought to the programs through publications or notices other than the General Order 70-7.

Tuition reimbursement applications processed for all of 1970 through April 1971 were 729 (427 LEEP and 302 City of Chicago). An ethnic group analysis was made of those attending four year colleges and universities under tuition reimbursed programs. (Due to the volume, several hundred attending community colleges were not checked.) There are 358 sworn personnel attending four year colleges. Four (1.1%) are Spanish-American. Ninety-four (26.2%) are black. Two-hundred and sixty (72.7%) are not minority group members. The percentage blacks taking advantage of an opportunity for self-improvement through reimbursed educational programs is considerably higher than the percentage of black officers on the CPD.

Recommendations Concerning Current Training Practices

At this point it is significant to note that the survey team found, based on available records, that 3.76% of the total CPD sworn personnel hold baccalaureate (or better) degrees, 2% have AA degrees only and an additional 10% have at least one year (30 credit hours) of college level education (many of whom are continuing their academic pursuits). Further, approximately 25% of the CPD's total exempt personnel hold baccalaureate degrees. Professionalization and quality of services can be correlated with a well trained and educated police department. The recommended courses of action are listed below.

Recommendation. The CPD should continue to encourage higher education for departmental personnel and should take steps to make certain that departmental policy to this effect is actually being carried out. Shift rotation and location of assignments should accommodate an officer's academic interests within the limits of operational demands. Officer requests for shift and functional assignments, related to higher level educational processes, should be channeled for final approval or disapproval to the district or unit commander.

It is additionally suggested that consideration be given to incentive pay for the completion of college work. It is proposed that 2-½% salary increase be granted for 30 college units, 5% be awarded for an associate of arts degree and 10% for a four year college and over diploma. All sworn and professional civilian members of the CPD should be eligible for the incentive program

IN-SERVICE AND PROMOTIONAL TRAINING

A Description of Current Training Practices

The CPD Training Division is also responsible for periodically providing continuing training to all ranks of sworn personnel, patrolman through captain. The primary and most frequent training of this type is termed "in-service." The courses are recurrent, compulsory and rotative in format. Consequently, the courses are neither selective nor discriminatory. The major in-service training courses are classified as follows:

Command Personnel	one week (35 hours)
Sergeants	one week (35 hours)
Patrolmen	one week (35 hours)

In 1971, 3,145 sworn personnel received 17,620 man-days of instruction in in-service training programs. An additional 115 sergeants received 1,140 man-days of training at Northwestern University in special seventy-hour courses. Further, the present system of "Company Training" considerably broadens the CPD's opportunity to update skills through training. A company consists of one captain, three lieutenants, nine sergeants and sixty-three patrolmen and is trained in rotation with the many other companies in twenty-hour riot and crowd control programs.

Recognizing the need to instill supervisory and managerial concepts, the CPD requires recently promoted personnel to attend pre-appointment or preservice training courses. The intent is to develop the newly promoted individual to more readily absorb the responsibilities and better perform the functions connected with the higher ranking positions. Pre-service courses vary considerably in length, namely:

Captains	one week (35 hours)
Lieutenants	two weeks (70 hours)
Sergeants	three weeks (105 hours)

Youth Officers, Investigators and Miscellaneous Specialists four weeks (140 hours)

Note that the length of the required pre-service promotional courses is inverse to the rank involved; in other words, the lower the rank the longer the course.

An Evaluation of Current Training Practices

The restrictive time frame of this study precluded the survey team from accomplishing an extensive qualitative analysis of in-service and pre-service courses. However, the curricula for the training courses was available and an analysis of the course content was made. In-service and pre-service training curricula were found to be broad in nature with particular emphasis on operational functions and techniques. In-service programs, specifically, deal almost exclusively with operational procedures to be employed during major civic disorders: dispersion of mobs, suppression of unlawful acts, restoration of order and so forth. Pre-service training courses are similarly operationally broad, touching on matters ranging from supervisor-administrator relationships through the functions of the various units to driving safety.

The subject matter currently presented to CPD personnel during in-service and pre-service courses is certainly important. There is therefore little criticism of the present course content. However, in general, the present curricula should be expanded in time and coverage of subject matter, as recommended below.

Recommendations Concerning Current Training Practices

Recommendation. Captains and Lieutenants should receive a minimum of three weeks of management training prior to being promoted in rank. The instructional staff should represent a variety of backgrounds, fields and disciplines. CPD trainers should be augmented by college educators and other public and private trainers. In addition to the usual legalistic and technically oriented information, sociological and psychological principles of human relations, minority relations and total police-community relations should be prominently located and stressed in pre-service courses. The need for this exposure is great, in Chicago or any community. Although the patrolman is the most important agent of police-community relations, the individual officer's behavior is directly influenced by management and supervisory understanding and attitudes.

Recommendation. Captains, Lieutenants and Sergeants should receive a minimum of two weeks *update* training per year. The training programs should be focused on the resolution of existing or emerging CPD problems emphasizing community and minority community interaction. Both vertical (working teams managers and supervisors) and horizontal (either captains, lieutenants or sergeants) training sessions should be conducted.

Recommendation. All patrolmen should attend forty hours of advanced officers training per year. The training program should be custom-tailored to meet the immediate needs of the patrolman. Particular emphasis should be placed on the reinforcement of attitudes and behavior that improve police-citizen understanding and mutual support.

The survey team also suggests that the training given to patrolman selected for special assignments (youth officer, dispatcher, etc.) include improved understanding of human behavior and interaction.

The recommended expansion and revision of all training curricula to include special attention to the understanding of human behavior and respect for the individual, whether citizen or fellow-officer, is of key importance in the development of improved internal and external relations and can be expected to benefit both the recruitment and the job satisfaction of minority group members.

SECTION FIVE

PROMOTION

This section covers three types of Departmental promotions: civil service rank, exempt rank and special assignments with premium pay. The first type involves the promotion from patrolman to sergeant, sergeant to lieutenant and lieutenant to captain. The filling of these ranks is determined through tests designed and administered by members of the City of Chicago Civil Service Commission. The second type of promotion is to positions which are exempt from civil service. Under state law, police ranks above Captain are exempt from civil service examination procedures and instead are filled by direct appointment by the Superintendent. There are currently 78 such positions in the Department,

ranging from District Commanders to Deputy Superintendents. Most appointments to the exempt positions are officers holding the permanent civil service rank of Captain, but some hold the civil service rank of Lieutenant. At the discretion of the Superintendent, personnel appointed to the exempt positions may be reassigned within the exempt ranks or may be returned to their permanent civil service rank. The third type of "promotion" involves the assignment of patrolman to types of work which are considered sufficiently specialized and demanding to justify premium pay. These specialized assignments include Investigators, Dispatchers, Youth Officers and several other categories involving smaller numbers of men. The premium pay is slightly more than \$1,000 per year. The assignments are made by the Superintendent. Most assignments to the approximately 1,100 Investigators position are based on a competitive examination administered by the Department, although about 10% are made directly by the Superintendent on the basis of "special merit." Assignments to other specialties are made on the basis of less formal and systematic selection techniques. Each of these three promotional procedures is discussed in more detail below.

Basically the research findings contained in the remainder of this section indicate that black officers are inadequately represented in the majority of exempt-rank, civil service rank and special assignment positions. This is primarily the result of current entrance and promotion practices. In addition, however, poor promotional possibilities will frequently cause the black officer to request a leave of absence or terminate employment. The number of blacks voluntarily leaving the Department suggests that other organizations are actively seeking certain CPD officers in order to augment their black work force. This, perhaps, reflects an attempt on their part to meet affirmative action time-tables and goals. It is impossible to firmly conclude that one influence is greater than the other. Clearly, both are impacting the black officers and consequently the CPD inversely. On the one hand, it can be assumed that the black officers are experiencing improved job and pay enrichment in their new jobs. On the other hand, the CPD is experiencing both a loss in valuable skills and experience, and a reduction in the percentage of black officers on-the-job. Obviously, the latter effect has a negative bearing on the CPD and, in turn, the community it serves,

PROMOTIONS IN RANK

A Description of Current Practices

The Chicago Civil Service Commission is assigned the responsibility for examining and rank ordering all supervisory (Sergeant) and middle-management (Lieutenant and Captain) candidates within the CPD. The legal basis for such promotions is contained in *Illinois Revised Statutes*, 1969, Chapter 24, Article 10-1. The CSC announces and holds promotional examinations periodically on the basis of the expected needs of the police department and the length and age of the existing eligible lists. The length of time between promotional examinations for any one rank (e.g. Sergeant) usually ranges between two and five years.

The civil service promotional examinations consist of three weighted elements: written test—60%, efficiency rating—30%, and seniority—10%. The written test is developed by the CSC in consultation with high level command personnel of the police department. Basically the test questions are prepared from resource documents such as general and special orders and appropriate textbooks. The written tests consist entirely of multiple-choice questions which can be scored by machine. No minimum passing score is required on the written test. The written test score is combined on a weighted basis with the efficiency and seniority scores to develop a composite "final" examination score. Candidates making composite scores of 70 or above are considered to have passed the examination and their names are placed on an eligible list in rank order from high to low in accordance with their composite scores.

An efficiency or performance rating is required by civil service rules for each full-time employee of the Department except for the department head. The rating occurs twice a year and becomes part of the employee's personnel record. The performance rating for the rating period immediately prior to the date of a promotional examination is the rating score used in developing the composite score on the promotional examination. The performance rating policies and practices are discussed in a subsequent section.

The seniority score is determined from the date of service in a position to the date of the examination. At the end of six months the candidate receives 70% of the allotted ten points. He or she then attains one-half percentage point for each full month of service up to five and one-half years which is the maximum of 100% or ten points.

Once the composite scores have been computed, the eligible list is posted by the CSC. After posting of the list, military veteran points may be added. Those on the list who are eligible under the law for veteran's preference points may, at their option, request credit for such service. Essentially, World War II, Korean and Viet Nam veterans are qualified for veteran points. They receive 0.7 of a point for every six months of service during those periods, up to a maximum of 3.5 points. Once a candidate uses the points to gain position on a list from which he is actually appointed, the points cannot be employed again. An eligible list remains in effect for at least two years and one day unless exhausted earlier. After the two years and one day the CSC can cancel the list.

An Evaluation of Current Practices

Figure 5A presents information on the number of officers taking and passing or failing the three most recent promotional examinations. The data shows that blacks passed the Sergeant's examination at a rate 10% lower than non-blacks, that they passed the Lieutenant's examination at a rate 6% lower than non-blacks, and that on the Captain's examination the rates of blacks and non-blacks were about equal.

The data on Figure 5A does not, however, present the full picture on promotions. Passing the examination and getting on the eligible list is one part. Being high enough on the list to receive promotion before the list is replaced is another. Data as to actual promotions from each of the current promotional lists is presented in Figure 5B. It shows that only one of the eight blacks who passed the Captain's examination was high enough on the list to be among the 61 promotions made from the list in the four years since the list was posted. The current list is scheduled to be taken down on September 30th when the CSC holds a new Captain's examination, and none of the other seven blacks on this list is high enough to receive appointment before that date.

FIG. 5A.—RESULTS OF CURRENT PROMOTIONAL EXAMINATIONS¹

	Sergeant 12-14-68 No. 7504	Lieutenant 10-17-70 No. 7683	Captain 5-14-68 No. 7625
Number taking examination:			
Black.....	1,036	121	9
Nonblack.....	4,393	1,097	257
Total.....	5,429	1,218	266
Number passing examination:			
Black.....	431	88	8
Nonblack.....	2,302	871	213
Total.....	2,733	959	221
Percentage passing examination:			
Black.....	42	73	² 89
Nonblack.....	52	79	83
Total.....	50	79	83

¹ Data compiled by survey team members through the cooperation of the Chicago Civil Service Commission. The three examinations cited above have produced eligible lists from which promotions are now being made.

² The small number of cases involved (8) makes this figure statistically unreliable.

Figure 5C compares rank and special assignments to the race of CPD sworn personnel. It can be seen from this chart that, except for the exempt category, there is a smaller and smaller percentage of blacks at each step in the promotional process. The selecting out of black candidates either by their failure to pass the promotional tests or by their relatively low position on the promotional lists is clearly illustrated by the fact that as of April 1972, only 1 of 92 Captains is black (1%) and only 13 of 320 Lieutenants are black (4%). (Presently there are four black Captains and five black Lieutenants serving in exempt positions.)

Recommendations Concerning Current Practices

The recommendations as offered below are not in order of priority, but rather proposed as a composite package of programs or activities which will improve ability to impartially select potentially effective leaders.

The survey team found no evidence that the tendency for CSC examinations to exclude blacks from promotions was intentional or planned, but the facts just presented clearly show that the present promotional process does have the effect of disproportionately excluding blacks from promotion. Of the three factors

in promotion (written test scores, performance ratings and seniority), one factor (seniority) was not among the alleged areas of unfairness to blacks and was not found, on brief review by the survey team, to be a significant avenue of differential treatment of minority group members. A second factor (performance ratings) was not found to have a differential effect on minority group members. This leaves the written test as the primary, if not exclusive, instrument by which blacks are disproportionately excluded from promotion in the CPD.

FIG. 5B.—PROMOTIONS IN RANK TO DATE FROM CURRENT ELIGIBLE LISTS ¹

	Black		Nonblack		Total
	Number	Percent	Number	Percent	
Promotions in rank—					
To captain.....	1	1.6	60	98.4	61
To lieutenant.....	10	15.1	43	84.9	53
To sergeant.....	35	10.2	263	89.8	298
Entire total.....	46	11.2	366	88.8	412

¹ The existing eligible lists were established from the following civil service examinations: Captain, No. 7625 (May 4, 1968); lieutenant, No. 7683 (Oct. 17, 1970); sergeant, No. 7504 (Dec. 14, 1968).

PROMOTIONAL EXAMINATION NO. 7504: SERGEANT, DECEMBER 14, 1968

EXAMINATION OUTLINE

	<i>Number of questions</i>
I. Law.....	44
A. Arrest, Search and Seizure	
B. Rules of Evidence and Court Procedure	
C. Misdemeanors and Felonies	
D. Traffic and Local Laws	
E. Legal Terminology	
II. Police operations.....	37
A. Rules and Regulations	
B. Traffic and Patrol	
C. Preliminary Crime Investigation	
D. Procedural Investigation and Interrogation	
E. Lab and Science	
F. First Aid	
G. Firearms	
H. Crowd Control	
III. Causal and preventive aspects.....	28
A. Criminal Behavior	
B. Juvenile Delinquency and Handling of Juveniles in Court	
C. Parole, Pardon, Probation	
D. Causes and Prevention of Crime	
IV. Human relations, supervision, organization.....	26
A. Departmental Organization	
B. Supervision	
C. Training	
D. Relations and Morale	
Total items (questions).....	135

PROMOTIONAL EXAMINATION NO. 7683: LIEUTENANT, OCTOBER 17, 1970

EXAMINATION OUTLINE

*Number of
questions*

I. Law	-----	26
A. Arrest, Search and Seizure		
B. Rules of Evidence and Court Procedure		
C. Misdemeanors and Felonies		
D. Traffic and Other Local Laws		
E. Civil Rights Laws		
II. Police operations	-----	51
A. Department Rules and Regulations		
B. Traffic and Patrol		
C. Investigation		
D. Interrogation		
E. Laboratory and Science		
F. First Aid		
G. Firearms		
III. Causal and preventive aspects	-----	23
A. Criminal Behavior		
B. Juvenile Delinquency		
C. Parole, Pardon, Probation		
IV. Human relations, supervision, organization	-----	50
A. Department Organization and Police Administration		
B. Training and Supervision		
C. Decision Making		
D. Civil Service		
E. Civil Rights		
F. Emergency Response Plans		
G. Model Cities Project		
Total items (questions)	-----	150

PROMOTIONAL EXAMINATION NO. 6425: CAPTAIN, MAY 4, 1968

EXAMINATION OUTLINE

*Number of
questions*

I. Administration	-----	40
A. Supervision		
B. Morale		
C. Discipline		
D. Public Relations		
E. Coordination		
F. Organization		
G. Training		
H. Planning		
II. Police operations and procedures	-----	25
A. Traffic		
B. Labs		
C. Interrogation		
D. Arrest Procedures		
E. Parole, Pardon, Probation		
III. Criminology	-----	20
A. Social Behavior		
B. Criminal Behavior		
C. Delinquent Behavior		
D. Causes and Prevention of Crime		
IV. Law	-----	35
A. Law of Arrest, Search and Seizure		
B. Confessions		
C. Crimes		
D. Documents and Writs		
E. Criminal Code		
F. Evidence		
G. Testimony		

 Total items (questions)----- 120

The alternative explanations for such differential exclusion by a written test was set forth in Section Three in the discussion of the written test for selecting patrolmen. Essentially, these are (1) that blacks generally have less ability and/or preparation for the work as measured by the test, or (2) that the test is not a fair measure of qualification for the work of the position involved, or (3) some combination of 1 and 2. The same principles that applied to the original entrance test are applicable to the promotions tests, i.e. if the test disproportionately excludes blacks from the positions sought, then the tests must be shown to be valid predictors of job success.

Recommendation. The CSC should develop and implement procedures to openly assure fairness and objectivity of test scoring procedures. This would include (1) immediate scoring of promotional written test answer sheets at the test site, as is already being done by the CPD at its Investigator examinations, (2) providing each candidate with a duplicate copy of his scored answer sheet immediately after it is scored, and (3) posting the scores on the written test (not the composite score for the whole examination) within 24 hours of the time the test is given. It is recommended that a similar procedure be adopted for the entrance (patrolman) examinations.

Recommendation. Once promoted, all Sergeants, Lieutenants, and Captains should serve in a closely monitored and evaluated one-year probationary status, during which special attention is given to the promotee's attitudes and ability to deal impartially with members of all races and ethnic groups.

Recommendation. The Civil Service Commission should take immediate steps to validate the written tests presently used to select supervisory and command personnel, or should develop and utilize new selection techniques of demonstrable validity. The validation, as with entrance examinations, should be in accordance with Equal Employment Opportunity Commission *Guidelines on Employee Selection Procedures* (29 C.F.R., Part 1607).

Recommendation. Promotional examinations developed, conducted and scored during the next two years should be monitored by a team comprised of impartial personnel experts and CPD administrators. Monitoring means observing (but not controlling) examination development, administration, scoring and eligible list preparation. To this end, it is additionally recommended that the survey team act in such a role during the forthcoming Captain's examination, scheduled for this September.

Recommendation. A policy and program of affirmative action on the promotion of minority group members should be adopted by the CPD executive management. An affirmative action program is not be confused with the establishment of quotas or a "numbers game." Organizations, public and private, will require many years to become ethnically representative of the community or nation that they serve. In order to eventually achieve racial balance, goals for doing so must be formalized and implemented. Therefore, it is recommended that the CPD set realistic goals with which to provide direction for minority group promotion. Crash programs usually seem to do exactly that—"crash". A rational and concerted affirmative action effort is by far more meaningful and likely to succeed. In summary, effectiveness of an affirmative action program is dependent upon; (1) a clear statement of public policy, (2) reasonable, yet challenging, goals, (3) management determination for goal attainment, and (4) improved promotional procedures. The result will be the selection and appointment of minority group members of supervisory and managerial positions which inhere responsibility and meaningful content.

EXEMPT PROMOTIONS

A Description of Current Practices

Presently, there are 78 positions above the rank of Captain which are exempt in nature and filled at the discretion of the Superintendent. The candidate for the position is subjected to a battery of written and projective psychological tests. The test scores are taken into consideration along with past performance and the verbal recommendations of other exempt personnel. Sworn personnel and civilians in the CPD, or individuals outside the Department, can be appointed to exempt positions. In the vast majority of cases, however, the exempt positions are filled by police Captains.

The Superintendent can remove a person from an exempt position with or without cause. Usually the basis for removal is incompetence or similar reasons. When removed, an individual has the right to revert to his previous civil rank. Since an exempt serves at the pleasure of the Superintendent, his removal does not involve the CSC.

An Evaluation of Current Practices

Promotions to exempt positions should be retained. However, the procedure for doing so ought to be improved. Clearly, the Superintendent of Police is in urgent need of a dynamically capable management team, and individual judgment and informal evaluative comments from trusted subordinates need to be bolstered by yet another viewpoint—external managerial analysis. Consequently, external and independent consultations should continue to advise the Superintendent on his selection of exempt personnel.

It is important that the management selection firm, their recommended candidates and the reasons therefore are explicitly made known to all candidates considered for an exempt promotion—both those selected and those rejected. While of immense value, the successful utilization and filling of exempt positions is directly and inexplicitly hinged upon promoting the right people into the right positions.

Recommendations Concerning Current Practices

Recommendation. The Superintendent of Police should increase the number of appointments of proven or potentially effective minority group members to exempt positions. It is recognized that a substantial number of such appointments have already been made, but the objective should be to make more of such appointments, especially to positions involving real responsibility for command and for policy decisions.

SPECIALIZED PROMOTIONS

A Description of Current Practices

A number of CPD positions are acquired through specialized promotions. All specialized promotions result in a premium pay step because of an assignment to a position which requires the performance of specialized tasks. The method for promoting individuals into such positions varies from a formal written examination through oral interviews to background evaluations. The CPD determines the method of promotion. Similar to the exempt positions, the promotional process does not fall within the purview of the CSC, therefore the removal procedures also are decided by the CPD.

Of all specialized promotions, the one from Patrolman to Investigator is the most formalized. A written investigator's test is administered approximately every two years. Immediately upon completion, the test is graded on-site and the scores are provided to the candidates. Shortly thereafter, a list of candidates is posted reporting their respective rank-ordered score. Tie scores are eliminated by length of service in the CPD. An outside consulting firm creates the examination with the advice of the Chief of Detectives and the Director of Personnel. The latter has the responsibility for administering and scoring the test. Each officer must have a minimum of two years service in the CPD in order to be eligible to take the test.

Beginning at the top of the investigators, about forty individuals are assigned to a 30 day in-service investigators' training program. The number and frequency of Investigator appointments depends on personnel needs. Of the total number appointed, a maximum of 10% can be merit appointees. In most cases, trainees are interviewed by the Chief of the Criminal Investigation Division. Once appointed to the Criminal Investigation Division, all investigators are evaluated monthly in rank order in terms of their performance. Those investigators consistently in the lowest 10% of their unit are transferred out of the Division. Other grounds, such as flagrant case mismanagement, can also cause immediate removal. Normally, an inferior producer is transferred after six months to one year in the Division.

Other specialized promotions include Youth Officer, Dispatcher, Fingerprint Technician, Auto Pound Supervisor and Garage Supervisor. The procedures for such promotions vary in frequency of application and type. In general, the unit commander conducts an oral interview with the candidate. The commander's decision includes such factors as the interview, past work record and relevant skills and/or education. In some cases, a written examination is administered. The above mentioned specialized promotions are mainly nonstandardized in nature.

An Evaluation of Current Practices

The method of selecting criminal investigators is exemplary and certainly worthy of transferring into other specialized promotions. The Investigator's

examination is well structured and administered. The use of merit appointments to each class provides meaningful flexibility to the more formalized procedures. The recommendations presented in the next subsection seek to refine it further. The methods for selecting specialists into the other units and divisions are not as clearly designed, and in some instances, absent. This is to say that the criteria for these promotions is ambiguous, and may permit the selection of personnel based on reasons other than merit. Figure 5D depicts the specialized assignments according to race. It can be noted that the blacks are well represented as Youth Officers but are less well represented in the other categories. Data on appointments and reductions in the last year present a mixed picture:

Of the 26 patrolmen appointed as police radio Dispatchers (April, May and December 1971) one was black. This represents 3.8% of the appointments. Of the 13 patrolmen appointed as Youth Officers (February, April and December 1971) four were black (30.8% of the total).

FIG. 5D.—PATROLMEN ASSIGNED AS SPECIALISTS AS OF APRIL 1972

Specialized assignment	Negro		Oriental		Indian		Spanish		Other		Total
	Num-ber	Per-cent	Num-ber	Per-cent	Num-ber	Per-cent	Num-ber	Per-cent	Num-ber	Per-cent	
Investigator.....	188	14	1	(1)	2	0.1	11	0.8	1,135	85	1,337
Youth Officer.....	52	23	0	-----	0	-----	6	3.0	164	74	222
Dispatcher.....	24	11	0	-----	0	-----	0	-----	201	89	225
Fingerprint technician.....	1	7	0	-----	0	-----	0	-----	14	93	15
Auto pound supervisor.....	0	-----	0	-----	0	-----	0	-----	7	100	7
Garage supervisor.....	0	-----	0	-----	0	-----	0	-----	4	100	4
Total by race.....	265	14.6	1	(1)	2	.1	17	1.0	1,525	84.3	1,810

¹ Less than 0.1 percent.

Of the 262 patrolmen appointed as Investigators (February, April, August and September 1971) 37 were black (14.1% of the total).

Of the 504 patrolmen eligible for Investigator as a result of the October 30, 1971, examination, 35 were black (6.9%).

Of the 20 Investigators and/or Youth Officers reduced to patrolman (August, September, October, November and December 1971) seven were black (35.0% of the total reductions).

Recommendations Concerning Current Practices

It is recommended that the system determining promotions to specialized positions be strengthened as follows:

Recommendation. The present process for promoting patrolmen into Investigators should be retained while augmented in scope and extended to all other specialized positions.

Recommendation. All tests should be custom-fitted and validated for the particular specialized function, and should be graded immediately upon completion. The final score, along with the examination paper, should be given to the candidate.

SECTION SIX

ASSIGNMENTS

As mentioned earlier in the report, the survey team was requested to review allegations that the CPD did not equitably assign minority group members to the various positions comprising the organizational structure of the department. This section focuses on assignments to positions within the various CPD divisions, bureaus, districts, units and sections and also on working assignments within these organizational subdivisions.

DESCRIPTION OF ASSIGNMENTS

Individual police officer assignments, practices and preference cannot be considered lightly. The organization and the individual benefit immeasurably when personnel are placed in those jobs and assignments for which they are best suited. It is fully recognized, however, that there is no organization in existence which is able to present each employee with his ultimate assignment preference.

Even when this objective is sincerely desired by the administrators, it is usually not operationally possible. As might be expected, however, it was evident during the survey that patrolmen in the CPD were less aware of the operational problems of coping with preferred assignments than were the CPD administrators. Patrolmen felt strongly that they should have been able to receive a desired assignment whenever eligible and deserving. Assignment requests affect the police officer in matters as simple as being assigned close to home, and as complicated as offering an expanded opportunity for career enrichment, job satisfaction and promotion. Department efficiency is also greatly affected by assignment practices because the work output of a policeman is far superior in a job he prefers than it is in an assignment he finds unrewarding or dissatisfying. The responsibility for transferring officers from one assignment to another must, of course, remain within the administrative domain. Nevertheless, transfers of assignment within types of positions, over normal periods, should be balanced (by percentage) among minority groups.

The first and principal question asked by the survey team of its data was, "Where are administrative and supervisory minority assigned as compared to police-community service needs?" The answer, at the present, is:

Of the nine black exempt administrators, four hold the Civil Service rank of Police Captain and are in the following assignments:

One Assistant Deputy Superintendent, Operational Service Bureau;
One Commander, Criminal Investigation Division (Robbery Section);
and

Two District Commanders.

The other five black exempt personnel hold the Civil Service rank of Police Lieutenant and are currently assigned as:

One Deputy Superintendent, Community Services Bureau;
Two District Commanders.
One Director, Preventive Programs (Model Cities); and
One Director, Human Relations.

The one black Captain not promoted to the exempt ranks serves as a Watch Commander in one of the Districts.

There are 13 black officers serving at the Civil Service rank of Lieutenant.

They are in the following assignments:

Two Watch Commanders, District Level;
Two Lieutenants, Preventive Programs (Model Cities);
Eight Officers-In-Charge, Specialized Units; and
One Officer-In-Charge, Tactical Unit

There are 136 black officers serving at the Civil Service rank of Sergeant. They are assigned:

Ninety-five Supervising Sergeants (note: forty-two are field Sergeants at the District Level. The balance are in special units where they exercise minimum or no supervisory responsibilities):

Eleven Sergeants, Preventive Programs (including Model Cities);
Seven Unit Watch Commanders;
Eight Tactical Unit Supervisors;
Five Officers-In-Charge, Special Details or Units;
Two Desk Sergeants;
Two Sergeants, Court Duty;
One Investigator;
One Sergeant, Academy Staff;
One Sergeant, State's Attorney; and
Five Sergeants, Miscellaneous Details.

The second critical question concerns opportunities for the high status or preferred assignments among black police officers. The so-called "better assignments" are those, of course, which members prefer by personal choice, as well as those which the black police officer believes he can perform most effectively.

Figure 6A lists those work areas and numbers of personnel assigned which were emphasized in communications to the survey team as being in need of examination as to the average numbers of black officers assigned. Because it was alleged that several sections of the Traffic Division contained assignment having exceptionally small numbers of black patrolmen, current data for the entire Traffic Division was extracted and analyzed. The results are presented in Figure 6B. Chicago crime statistics indicate that a large percentage of prostitution, gambling and narcotics offenses (all of which come within the investigative and regulatory responsibility of Vice Control Division) are committed within the minority communities. Consequently, this Division was also examined in greater detail and its entirety. The assignment data for the Vice Control Division is shown in Figure 6C

FIG. 6A.—CHICAGO POLICE DEPARTMENT PATROLMAN ASSIGNMENTS: SPECIALIZED UNITS

Assignment	Black			Nonblack			Totals
	Number	Per-cent ¹	Per-cent ²	Number	Per-cent ¹	Per-cent ³	
Police planning division.....	0	0	0	3	100.0	0.03	3
Community services bureau.....	80	51.0	4.3	77	49.0	.8	157
Youth division.....	103	23.0	5.5	345 ¹	77.0	3.7	448
Criminal investigation division.....	164	13.0	8.8	1,097	87.0	11.8	1,261
Training division.....	5	6.0	.3	80	94.0	.8	85
Superintendent's staff.....	1	20.0	.1	4	80.0	.04	5
Communications (operations).....	27	10.3	1.4	236	89.7	2.5	263
Personnel division.....	2	5.4	.1	35	94.6	.4	37
Vice analysis.....	0	0	0	10	100.0	.1	10
District vice officers.....	33	23.9	1.8	105	76.1	1.1	138
Intelligence division.....	51	23.6	2.7	165	76.4	1.8	216
Internal affairs (investigation).....	12	26.7	.6	33	73.3	.4	45
Totals.....	478	17.9	25.5	2,190	82.1	23.5	2,668

¹ Based on horizontal totals.² The number of black patrolmen in the unit compared to the number of black patrolmen (including specialized assignments) in the department as a whole (1,873).³ The number of nonblack patrolmen in the unit compared to the number of nonblack patrolmen (including specialized assignments) in the department as a whole (9,324).

FIG. 6B.—CHICAGO POLICE DEPARTMENT PATROLMAN ASSIGNMENTS: TRAFFIC DIVISION

Assignment	Black			Nonblack			Totals
	Number	Per-cent ¹	Per-cent ²	Number	Per-cent ¹	Per-cent ³	
Administrative.....	2	5.6	0.1	34	94.4	0.4	36
Records.....	0	0	0	16	100.0	.2	16
Special traffic services.....	1	2.1	.1	46	97.9	.5	47
Hit-and-run section.....	4	9.5	.2	38	90.5	.4	42
Vehicle section.....	5	12.5	.4	35	87.5	.4	40
Area No. 1.....	13	16.7	.6	65	83.3	.7	78
Area No. 2.....	15	16.9	.8	74	83.1	.8	89
Area No. 3.....	1	1.3	.1	76	98.7	.8	77
Area No. 4.....	3	4.1	.2	71	95.9	.8	74
Area No. 5.....	0	0	0	84	100.0	.9	84
Area No. 6.....	0	0	0	81	100.0	.9	81
Loop intersection control.....	12	5.4	.6	210	94.6	3.4	222
Radar unit.....	3	8.1	.2	34	91.9	.4	37
Sanitation.....	5	35.7	.3	9	64.3	.1	14
Totals.....	64	6.8	3.4	873	93.2	9.4	937

¹ Based on horizontal totals.² The number of black patrolmen in the unit compared to the number of black patrolmen (including specialized assignments) in the department as a whole (1,873).³ The number of nonblack patrolmen in the unit compared to the number of nonblack patrolmen (including specialized assignments) in the department as a whole (9,324).

FIG. 6C.—CHICAGO POLICE DEPARTMENT PATROLMAN ASSIGNMENTS: VICE CONTROL DIVISION

Assignment	Black			Nonblack			Total
	Number	Per-cent ¹	Per-cent ²	Number	Per-cent ¹	Per-cent ³	
Director's office.....	0	0	0	4	100.0	0.04	4
Vice detention.....	2	7.7	.1	24	92.3	.2	26
Prostitution and obscene materials.....	5	23.8	.3	16	76.2	.2	21
License section.....	3	7.0	.2	40	93.0	.4	43
Gambling section.....	6	15.8	.3	32	84.2	.3	38
Narcotics section.....	16	25.8	.9	46	74.2	0.5	62
Vice analysis.....	0	0	0	10	100.0	.1	10
Subterfuge investigation.....	3	18.8	.2	13	81.2	.1	16
Totals.....	35	15.9	1.9	185	84.1	1.9	220

¹ Based on horizontal totals.² The number of black patrolmen in the unit compared to the number of black patrolmen (including specialized assignments) in the department as a whole (1,873).³ The number of nonblack patrolmen in the unit compared to the number of nonblack patrolmen (including specialized assignments) in the department as a whole (9,324).

The source material for acquiring assignment data within the CPD Districts were the Daily Assignment sheets. The sheets provide the CPD's official record of the actual duty assignment of all employees on any given day, watch or unit. For example: "Two man car, Beat 1011, Watch 1; Desk Officer, District 7, Watch 2; and, Lock-Up Keeper, District 2, Watch 2." The CPD divides the calendar year into 13 periods of 28 days each. Individual assignments are posted on a period basis. However, assignments may change during the period, particularly within the several districts. It is general practice to retain personnel on the "watch" assigned in the period schedule, but the specific duty may be subject to change periodically or even daily. Random samplings of assignment were taken from segments of an 84 day time period (three 28 day periods) to ascertain the numbers of preferred assignments existing in the Districts and to observe the average number of minority sworn personnel routinely filling such positions. (The so-called preferred or most desired assignments were determined through contacts with sworn black personnel.) The data is reported in Figure 6D.

FIG. 6D.—CHICAGO POLICE DEPARTMENT PATROLMAN ASSIGNMENTS: PREFERRED DISTRICT AND SPECIAL PREFERRED ASSIGNMENTS

	Black			Nonblack			Total
	Num- ber	Per- cent ¹	Per- cent ²	Num- ber	Per- cent ¹	Per- cent ²	
DISTRICT ASSIGNMENTS							
Desk officer.....	12	11.4	0.6	93	88.6	1.0	105
Warrant officer.....	18	24.3	1.0	56	75.7	.6	74
Abandoned auto officer.....	3	33.3	.2	6	66.7	.1	9
District secretary.....	1	4.8	.1	20	95.2	.2	21
Assistant district secretary.....	3	21.4	.2	11	78.6	.1	14
District vice officer.....	33	23.9	1.8	105	76.1	1.1	138
Tactical unit officer.....	124	22.4	6.6	429	77.6	4.6	553
Total.....	194	21.2	10.4	720	78.8	7.7	914
SPECIAL PREFERRED ASSIGNMENTS							
Special function detail.....	3	4.8	.2	60	95.2	.6	63
Canine patrol.....	6	10.0	.3	54	90.0	.6	60
Mail section.....	1	3.9	.2	33	97.1	.4	34
Mayor's detail.....	0	0	0	15	100.0	.2	15
Miscellaneous detail.....	1	3.6	.1	27	96.4	.4	28
Total.....	11	5.5	.6	189	94.5	2.0	200

¹ Based on horizontal totals.

² The number of black patrolmen in the unit compared to the number of black patrolmen (including specialized assignments) in the department as a whole (1,873).

³ The number of nonblack patrolman in the unit compared to the number of nonblack patrolmen (including specialized assignments) in the department as a whole (9,324).

The CPD has 78 exempt positions in its organizational table, not all of which are filled at this time. Nine of the exempt personnel are black. This is 11.5% which is somewhat below the 15.9% total blacks on the CPD. Further, it is considerably below the approximately 33% total blacks residing in the city of Chicago. Four of the exempt personnel command Districts, a 19% representation at that level. At least three of the Districts commanded by black personnel contain populations that are over 90% black. Three other exempt personnel are assigned to positions extremely sensitive in the area of police-community interaction: Community Services, Preventive Programs and Human Relations.

Of the 92 officers in the rank of Captain, only one is black. This statistic reflects two facts: (1) only five black officers in the entire department have the permanent Civil Service rank of Captain, and (2) four of these five black Captains have been appointed by the Superintendent to the higher-level exempt ranks. (Fewer than 50% of the non-black officers with the permanent rank of Captain have received appointment to the exempt ranks.)

Because of their relatively small number, black Lieutenants also are inadequately represented in the various assignments available to them. This phenomenon is reflected in the fact that only two black Lieutenants are District level watch commanders, and one black Lieutenant is in charge of a Tactical Unit.

Within the assignments indicated to the survey team as being of prime importance (see Figure 6A and note column totals which show assignment distribution) in one area only, that of Community Services, do we find a ratio of blacks assigned

which compares favorably with the ratio of blacks served. The Youth Division reports 23.7% black sworn personnel (all ranks), however, this percentage is still lower than the percentage of black youth and black community served by that division. In the specified or preferred assignment analysis, black percentage of the total is 17.9%. Again, this figure should be compared to the total percentage of blacks on the CPD and the total percentage of blacks in the community, namely, 15.9% and 33% respectively. Certain key positions which have a high propensity for either face-to-face or verbal communications with the public have relatively few black officers. For example, the Training Division staff is 6% black, the Personnel Division is 10% black and the Criminal Investigation Division is 13% black.

The Traffic Division has very few black officers (see Figure 6B). Only 6.7% of the entire Division is black. This percentage is less than one-half of the total percentage of black officers within the CPD. Further, only four (9%) officers assigned to the Hit and Run Section are black. Similarly, only three (8%) officers working Radar Units are black. There is only one black Lieutenant and one black Sergeant in the entire Traffic Division. Presently, there are 32 black officers assigned to Traffic Patrol (28 of whom are in two Areas, leaving some areas without black CPD representation). When these officers are spread over the watches and seven day coverage, it is highly probable that most motorists and pedestrians never have contact with a black traffic officer. With the large black population in the city of Chicago, it can be assumed that about 25% of its vehicle operators are black. The sparsity of black traffic officers could contribute to a community belief of lack of black officer representation on the CPD. The Vice Control Division (see Figure 6C) has 16% black officers. The bulk of the black officers (nearly half) are assigned to the Narcotics Section, while the License Section has only 7% black officers.

The CPD has spread over one-half of its police personnel within 21 Patrol Districts. Racially, the figures for all sworn personnel are as follows:

The Daily Assignment Sheets for periods three and four, 1971 and for periods three and four, 1972 showed the following information:

Of the 11,199 white officers, 6,004 (53.3%) were assigned to Districts;

Of the 2,121 black officers, 1,259 (59.3%) were assigned to Districts.

Black officers represented 17% of the officers assigned to Districts.

Of the 1,259 black officers assigned to Districts, 935 (74.7%) are found in 7 of the 21 Districts.

(NOTE: The seven Districts were

Districts # 2,3,5,7,10,11, and 21. The black population in these Districts is large, in fact, some are more than 95% black.)

Figure 6D shows that two highly critical assignments, Desk Officer and District Secretary (the latter assignment held by officers in the rank of patrolman) fall below the 17% black officer count in the Districts. Only 11.4% of the Desk Officers are black and there is only one black Secretary (4.7%). On the other hand, in general, preferred District assignments have an adequately representative percentage of blacks (21.6%). Preferred special assignments outside the Districts were examined and are also recorded in Figure 6D. It is evident that the total number of officers in such assignments is quite small. It is also equally apparent that a very small proportion of them (5.5%) are black,

Since the original complaint to LEAA included allegations that preferred assignments are not being made available to black officers, it is unfortunate that there is no data currently available to indicate how frequently black officers have requested assignment to "preferred" positions and units, particularly since the definition of "preferred" assignments may vary with the individual. One officer prefers the challenge of an active beat assignment, another prefers the relative quiet and predictability of the lock-up keeper function, a third prefers directing traffic or operating a radar car. Although some assignments, like those in Figures 6A-6D, can be identified through interviews as the ones which tend to be preferred by large numbers of officers, it would only be through an analysis of actual requests for transfer that a firm, statistical determination could be made as to the extent to which men are receiving or not receiving their preferred assignments, and whether minority group members are receiving their preferred assignments less frequently than others. A basis for permitting such analysis is included among the recommendations which follow.

RECOMMENDATIONS CONCERNING ASSIGNMENTS

As with other subject areas discussed in the report, equity in assignments is plagued by the relatively low percentage of black sworn personnel employed by

the CPD. The total number of black officers on the department must be improved before a meaningful redress of assignment imbalances can be effected. In the interim, however, the following recommendations should be implemented promptly:

Recommendation. Ranking officers assigned to exempt positions have been selected on the basis of their expertise, loyalty, experience and performance record. All exempt officers should be encouraged to seek frequent exposure to the public through the media, through service clubs (including those of all ethnic groups), through community workshops and through personal contacts. While it is advantageous, if not essential, to utilize black ranking officers in predominantly black communities, some rotations should be established in order to expose more of the total community to ranking minority officers on a programmatic basis.

Recommendation. An overall evaluation of assignments now held by the black Captain and Lieutenants should be undertaken with the objective of: (1) preparing managerial ranks for future promotion, (2) placement in assignments which will improve internal and community minority relations through broadened exposure.

Recommendation. The assignment of Sergeants should be analyzed in the same manner as the blacks in higher ranks. It is particularly important that Districts re-evaluate the number of black sergeants holding positions as Desk Sergeants, since this assignment is critical both internally and externally from a community viewpoint. Again, the small percentage of black Sergeants creates major problems in proper assignment scheduling. Nevertheless, it remains important that existing black Sergeants be placed in assignments whereby they have the highest possible supervisory contact with patrolmen, and an enhanced opportunity for interaction with citizens.

Recommendation. Corrective action should be taken in order to establish a more creditable balance of sworn black officers in the Traffic and Vice Control Divisions and their component sections. The allocation should not be exclusively based on CPD racial percentages, but on the composition of the community areas serviced as well.

Recommendation. To accomplish the above objectives, it is necessary that an improved procedure for processing transfer requests be established. (Transfer requests may be categorized into two types: informal and formal. Requests termed informal seek reassignment within a District, Unit or Section. For example, a patrolman assigned to a beat car and who desires assignment as lock-up keeper in the same District may verbally ask for his supervisor to give him another assignment. Formal requests are those which involve the preparation of transfer orders through the CPD Personnel Division. These requests are for a transfer from one Division, District, Unit or Section to another. For example, a patrolman assigned to a beat car in District Three desires a beat car assignment in District Seven.) To this end, the CPD should have all requests for transfers conform to the present formalized routine. It is unnecessary and perhaps not feasible for the CPD Personnel Division to become involved in every request now classed as informal; yet, the request should be in writing and sufficient copies generated to facilitate the distribution plan described in the subsequent recommendation.

Recommendation. The procedure for making transfer requests should be improved. One copy of the completed written transfer form (the CPD's originating document for formal transfer requests is the Personnel Action Request form or PAR) indicating the nature of the request and the approval or disapproval, with comments, by the originating unit commander, should be forwarded through channels to the intended receiving unit for review and approval or disapproval, with comments, by the commander of the requested unit. This process should be accomplished prior to any actual movement of the officer. To re-emphasize a point alluded to earlier, it is essential that unit commanders have authority for the screening, reviewing and controlling of the assignment of personnel into, out of and within their commands. By complying with the above procedures, the CPD will find that requesting officers are more assured that their PARs receive impartial and careful consideration.

As a further step in the transfer request procedure, one copy of the completed PAR form should be returned to the initiating officer whether approved, partially approved or disapproved; and, whether the transfer is completed or not. Again, this will assist the initiating officer in understanding why a particular decision was made, rather than permitting assumptions concerning the possibility of inadequate or inappropriate consideration being provided to the request. Moreover, the officer will have basic feedback for inferring possible options for positive action toward self-improvement. Or, the feedback may be used to change the officer's career objectives in favor of a more suitable assignment.

Recommendation. A vehicle of some type, such as the daily bulletin, should be immediately utilized to provide notice to all personnel of available (unfilled) assignments within the ranks. This method of centralizing assignment information will minimize the probability of excluding any officer from participating in processes which may provide him with a desired assignment. More importantly, it will minimize the probability that officers will develop an attitude that opportunities in some assignments are exceptionally exclusive.

SECTION SEVEN

PERFORMANCE RATINGS

Performance ratings, or "efficiency ratings" as they are called in the CPD, are an important aspect of personnel management in that they influence assignments, training, supervision and promotions. They are included in this study, however, primarily in relation to their effect on promotions. As described in Section Five, performance ratings count as 30% of the composite score on promotional examinations, and significant differences in minority group and non-minority group performance ratings would, therefore, have important effects on promotion patterns.

A Description of Current Practices

The Civil Service Commission requires that the Chicago Police Department conduct semi-annual performance ratings for all sworn and civilian personnel. The required ratings contain five elements as listed below:

1. Quality of work.
2. Quantity of work.
3. Dependability.
4. Personal relationships.
5. Attendance and promptness.

Score ranges include:

1. Outstanding, 90 to 100.
2. Excellent, 86 to 89,
3. Good, 76 to 85.
4. Fair, 70 to 75,
5. Unsatisfactory, Below 70.

Any rating of 86 or above, or below 70, requires detailed comments by the rater.

Performance ratings procedures are set forth in Department Order 69-52, dated July 17, 1969. These evaluations are intended to serve as management and supervisory tools by affording the opportunity for discussions between supervisor and employee regarding the ratings, thereby providing improved job performance through counseling, training and supervision.

Commanding officers are responsible for the administration of the rating system within their commands. Each member is rated by his immediate supervisor who is provided with a performance rating checklist as a guide in the evaluation function. The Chicago Police Department Performance Checklist has approximately 100 items related to patrol and supervisory functions measured for the Civil Service form.

An Evaluation of Current Practices

To evaluate the results of the Department's performance rating system and practices the survey team reviewed the performance ratings of all sworn members of the Department for two six-month rating periods; January through June 1971 and July through December 1971.

The ratings were tabulated and summarized in several ways to provide comparisons of ratings of minority groups members with ratings given to other officers in the Department. One of the tabulations is presented in Figure 7A, showing the ratings by minority and non-minority grouping in each of the working assignment categories in the Department. The chart shows that although there were variations in ratings within specific work assignments, these were not great, and the overall average for all classifications showed no significant differences.

As a further check, the survey team analyzed the performance ratings which were involved in one of the recent promotional examinations. The ratings of all Sergeants for the period from January through June of 1970 were studied, since these were the ratings which counted toward the scores on the Lieutenant Examination #7683, held on October 17, 1970. Figure 7B presents a summary and analysis of these ratings. The data shows that there were no significant differences in either the average ratings for the groups, or in the patterns of ratings within the rating score range.

Recommendations for Improvement

In view of the findings with regard to performance ratings in the Department, the survey team makes no specific recommendations for performance rating improvement in relation to minority group treatment. However, in response to feelings voiced by members of the Department, and with awareness of the importance of performance ratings to Departmental morale and efficiency, the team suggests that the Department give renewed attention to one of the stated purposes. (General Order 69-52) of performance ratings, namely, the improvement of job performance through the supervisor's advising the officer of his rating, discussing it with him and suggesting ways in which performance could be improved.

FIG. 7A—CHICAGO POLICE DEPARTMENT PERFORMANCE RATING STATISTICS, JANUARY THROUGH DECEMBER 1970

Assignment	N		O		S		I		X	
	Num-ber	AS †	Num-ber	AS †	Num-ber	AS †	Num-ber	AS †	Num-ber	AS †
003 Director	1	91	0	0	0	0	0	0	5	95
004 District commander	3	96	0	0	0	0	0	0	26	91
005 Watch commander	11	83	0	0	0	0	0	0	150	89
006 Field lieutenant	5	91	0	0	2	90	0	0	184	90
007 Supervisory sergeant	93	88	0	0	7	86	0	0	986	88
008 Desk sergeant	2	89	0	0	0	0	0	0	68	87
009 Patrolman assigned as garage supervisor	6	91	0	0	0	0	0	0	72	92
010 2-man car	499	82	1	85	51	83	0	0	1,885	83
011 1-man car	176	83	0	0	12	82	0	0	1,234	84
012 2-man car unmarked	80	88	0	0	10	89	0	0	182	89
013 1-man car unmarked	11	86	0	0	0	0	0	0	43	87
014 3-wheeler	9	83	0	0	1	83	0	0	130	85
015 Umbrella car	11	86	0	0	0	0	0	0	31	84
016 Squadrol	64	83	0	0	4	87	0	0	492	84
017 Evidence car	16	82	0	0	0	0	0	0	54	85
018 Service vehicle	4	86	0	0	1	82	0	0	78	84
019 Miscellaneous vehicle	4	85	0	0	1	84	0	0	8	88
020 Prime beat	28	82	0	0	1	94	0	0	146	82
021 Secondary beat	79	82	1	85	10	82	1	78	393	84
022	11	82	0	0	2	84	0	0	154	85
023 Public building	70	82	0	0	0	0	0	0	158	83
024	2	90	0	0	0	0	0	0	5	88
025 School crossing	3	86	0	0	0	0	0	0	5	88
026 Canine patrol	6	83	0	0	0	0	0	0	40	86
027 Sanitation patrol	5	88	0	0	0	0	0	0	6	89
028 Investigation	244	86	1	79	15	85	1	81	1,253	86
029 Miscellaneous pest	118	83	0	0	3	87	0	0	343	85
030 Chemical	23	85	0	0	0	0	1	88	210	85
031 Assistant desk sergeant	16	86	0	0	0	0	0	0	92	88
032 Secretary	1	97	0	0	0	0	0	3	37	94
033 Assistant secretary	2	94	0	0	0	0	0	0	9	92
034 Lockup keeper	34	86	0	0	0	0	0	0	172	86
035 Warrant officer	20	86	0	0	0	0	0	0	57	86
036 License officer	2	88	0	0	0	0	0	0	31	87
037 Review officer	8	84	0	0	0	0	0	0	75	86
038 Academy staff	3	85	0	0	1	88	0	0	54	88
039 Officer friendly	4	90	0	0	0	0	0	0	7	85
046 Court duty	2	85	0	0	0	0	0	0	25	88
047 In training	2	79	0	0	0	0	0	0	7	85
049 Miscellaneous detail	35	85	0	0	0	0	0	0	265	86
051 Detailed out	20	84	0	0	1	96	0	0	139	86
062 District tactical assignment	166	88	0	0	22	87	1	92	486	88
070 State's attorney	14	89	0	0	1	89	0	0	64	91
071 Municipal county offices	1	95	0	0	0	0	0	0	15	90
072 State-Federal offices	1	89	0	0	0	0	0	0	15	90
073 Protect individual	10	84	0	0	0	0	0	0	8	89
074 Miscellaneous detached service	0	0	0	0	0	0	0	0	4	92
076 Navy pier sergeant	0	0	0	0	0	0	0	0	2	94
077 Navy pier patrolman	1	79	0	0	0	0	0	0	12	86
079	1	86	0	0	0	0	0	0	1	85
080 Harbor patrolman	2	87	0	0	0	0	0	0	21	87
099 Assignment unknown	47	85	0	0	10	84	1	82	128	84
201 The following assignments are specialized	0	0	0	0	0	0	0	0	1	86
202	3	93	0	0	0	0	0	0	0	0
203	4	91	0	0	0	0	0	0	1	86
211	1	89	0	0	0	0	0	0	0	0
212	2	91	0	0	0	0	0	0	2	91
213	6	88	0	0	1	94	0	0	0	0
221	1	92	0	0	0	0	0	0	0	0
222	2	96	0	0	0	0	0	0	2	90
223	6	93	0	0	0	0	0	0	1	86
231	0	0	0	0	0	0	0	0	2	97

FIG. 7A.—CHICAGO POLICE DEPARTMENT PERFORMANCE RATING STATISTICS, JANUARY THROUGH DECEMBER 1970—Continued

Assignment	N		O		S		I		X	
	Number	AS ¹	Number	AS ¹	Number	AS ¹	Number	AS ¹	Number	AS
232	3	90	0	0	0	0	0	0	1	96
233	4	92	0	0	1	95	0	0	2	83
211	0	0	0	0	0	0	0	0	1	97
242	1	88	0	0	0	0	0	0	2	87
243	4	91	0	0	0	0	0	0	0	0
251	0	0	0	0	0	0	0	0	1	89
252	0	0	0	0	1	94	0	0	3	93
253	3	88	0	0	2	86	0	0	2	90
263	0	0	0	0	0	0	0	0	1	93
264	3	83	0	0	0	0	0	0	0	0
750	1	94	0	0	0	0	0	0	0	0
789	0	0	0	0	0	0	0	0	1	90
795	0	0	0	0	0	0	0	0	2	96
800	0	0	0	0	0	0	0	0	4	87
801	0	0	0	0	0	0	0	0	1	85
802	0	0	0	0	0	0	0	0	4	86
803	2	85	0	0	0	0	0	0	15	85
804	1	89	0	0	0	0	0	0	14	90
805	24	86	0	0	0	0	0	0	201	86
807	0	0	0	0	0	0	0	0	5	86
809	0	0	0	0	0	0	0	0	1	94
812	0	0	0	0	0	0	0	0	1	99
818	0	0	0	0	0	0	0	0	1	83
821	0	0	0	0	0	0	0	0	1	99
823	0	0	0	0	0	0	0	0	1	91
830	0	0	0	0	0	0	0	0	1	96
831	0	0	0	0	0	0	0	0	2	90
832	0	0	0	0	0	0	0	0	1	95
838	0	0	0	0	0	0	0	0	1	91
851	0	0	0	0	0	0	0	0	1	84
857	0	0	0	0	0	0	0	0	1	90
894	0	0	0	0	0	0	0	0	1	88
922	6	79	0	0	2	84	0	0	15	81
935	0	0	0	0	0	0	0	0	1	83

Note: See the following table:

	Totals	Average score
N	2,053	84.7
O	3	83.0
S	162	84.9
I	5	84.2
X	10,370	85.5
Total	12,593	85.3

¹ AS = Average score for the 2 rating periods.

FIG. 7B.—SERGEANTS' PERFORMANCE RATINGS

	Negro		Spanish-American		Other		Total
	Number	Percent	Number	Percent	Number	Percent	
95 to 100	21	17.0	0	0	191	16.0	212
90 to 94.99	39	31.0	4	44	389	33.0	432
85 to 89.99	51	41.0	5	56	457	39.0	513
80 to 84.99	10	8.0	0	0	109	9.0	119
75 to 79.99	2	2.0	0	0	5	.4	7
70 to 74.99	1	.8	0	0	18	2.0	19
65 to 69.99	0	0	0	0	1	(²)	1
Total	124	100.0	9	100	1,170	100.0	1,303
Averages core		90		89.7		90	90

¹ For the period January to June 1970. Ratings for this period counted as the efficiency scores in the lieutenants' examination held Oct. 17, 1970.

² Less than 0.1 percent.

Note: The ratings of the 55 sergeants who left the Department since June of 1970 were not included in this tabulation since they could not be identified as to their racial or ethnic grouping.

SECTION EIGHT

DISCIPLINE

Discipline is an essential element in a law enforcement agency. It influences the attainment of organizational objectives and the efficiency of police operations. It is as important in effecting proper police community relationships as it is in determining morale within the organization.

Discipline reflects command leadership.

COMPLAINT REGISTER CLASSIFICATIONS

A Description of Current Disciplinary Procedures

The Chicago Police Department describes its complaint disciplinary and summary punishment procedures in General Order 67-21 issued June 28, 1967:

"Authority and Responsibilities

1. Each member of the Department will perform the duties and assume the obligations of his rank in the investigations of complaints or allegations of misconduct against members of the Department. Each member will cooperate fully with the personnel of the Internal Affairs Division or any other member of the Department conducting such investigation. When misconduct is observed or complaints of misconduct are received supervisory and command personnel will initiate investigations themselves and will not look to higher authority for initiation of such action.

Alleged or suspected violations as defined in paragraph II-A will be reported to the Internal Affairs Division by the supervisor or commanding officer who first receives information of the alleged violation, even when it is believed to be unfounded. The information will be reported by telephone as soon as possible and, in any event, within one hour of receipt of knowledge of the incident."

Paragraph II-A of the order refers to the handling of alleged or suspected violations of Department Rules and Regulations including those reported to supervisory or commanding officers by members of the Department either orally or in writing; by citizens (including prisoners) either orally or in writing, by correspondence, either signed or anonymous as well as those observed by supervisory or commanding officers.

The Internal Affairs Division is a staff agency which coordinates and exercises staff supervision over investigations of complaints or allegations of misconduct against members of the Department. It has a Complaint Section, General Investigation Section, Special Investigation Section, Department Advocate Section and an Excessive Force Section.

All allegations of excessive force and violations of civil rights are investigated by the Internal Affairs Division. Cases involving matters regarded as highly sensitive are likewise investigated by the I.A.D.

The principle is usually followed that discipline is the responsibility of local command and when complaints are received they are forwarded to local commands for investigation, report and recommendation after having been given a Complaint Register number.

There are 14 classifications of complaints which are designated as Complaint Register categories, e.g.

1. Intoxication on duty.
2. Intoxication off duty.
3. Violation of civil rights.
4. Improper arrest procedure.
5. Excessive force.
6. Bribery.
7. Traffic (non-bribery).
8. Conduct unbecoming and verbal abuse only.
9. Commission of crime.
10. Neglect of duty and poor police service.
11. Living outside city.
12. Vehicle license violations.
13. Inspectional violations.
14. Miscellaneous.

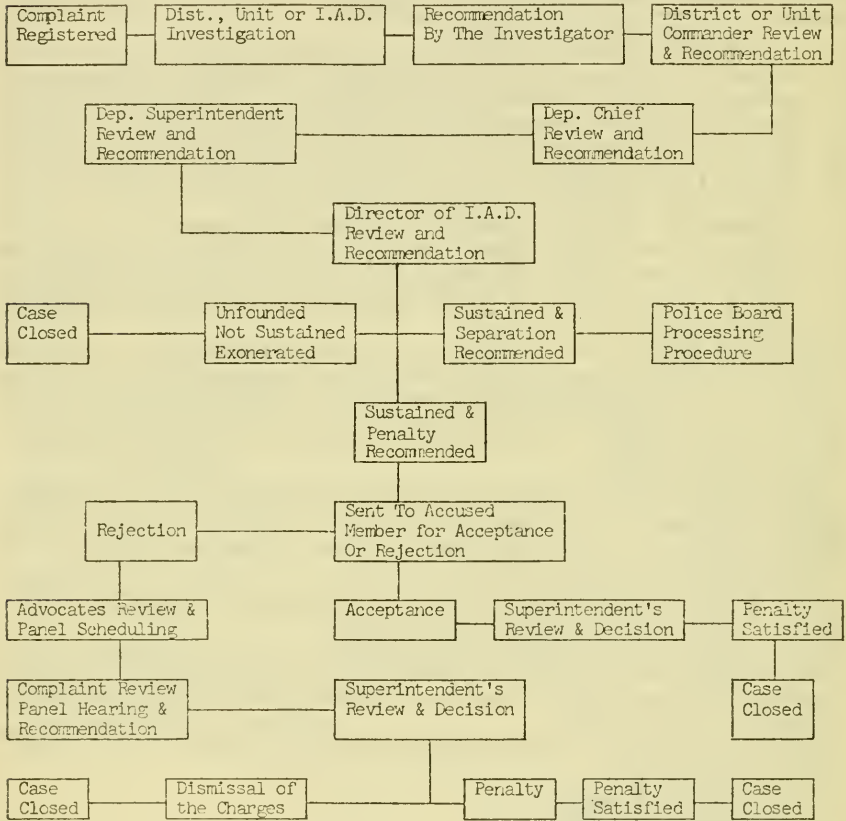
There is a Complaint Review Panel selected from all lieutenants of police and all exempt members of the Department. Panels to hear individual cases are selected as follows: where the accused is a sworn member of the force of the rank of

sergeant or above, the panel will consist of three exempt members; in all other cases, the panel will consist of three lieutenants of police. The panels will hear cases when the investigation report of a Complaint Register case makes a recommendation by the investigator or any of the reviewing officers for a suspension of more than 30 days or separation from the Department, when the accused requests a hearing or upon direction of the Superintendent.

Figure 8A indicates the flow process of a Complaint Register complaint from its inception to final determination by the Superintendent.

Figure 8A

Normal Case Flow For C.R. Investigation



An Evaluation of Current Disciplinary Procedures

Figures 8B through 8G present data extracted directly from CPD disciplinary record files by members of the survey team. The period of time represented is from June 1970 through May 1971.

FIG. 8B.—COMPLAINT REGISTER CASES

Complaint	Race								Total
	N		X		S		Other		
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
Intoxication on duty.....	7	14.3	40	81.6	2	4.1	0	0	49
Intoxication off duty.....	5	31.3	9	56.3	2	12.5	0	0	16
Violation of civil rights.....	74	21.2	265	76.0	10	2.9	0	0	349
Improper arrest procedure.....	8	50.5	8	50.0	0	0	0	0	16
Excessive force.....	224	18.3	977	80.0	20	1.6	1	.08	1,222
Bribery.....	62	27.0	165	71.7	3	1.3	0	0	230
Traffic (nonbribery).....	30	18.6	131	81.4	0	0	0	0	161
Conduct unbecoming and verbal abuse only.....	342	21.6	1,215	76.9	22	1.4	2	1.12	1,581
Commission of crime.....	109	23.0	357	75.6	6	1.3	0	0	472
Neglect of duty and poor police service.....	179	21.0	657	76.9	18	2.1	0	0	854
Living outside city.....	0	0	26	100.0	0	0	0	0	26
Vehicle license violations.....	9	25.7	26	74.3	0	0	0	0	35
Inspectional violations.....	256	36.8	434	62.4	6	.9	0	0	696
Miscellaneous.....	85	26.3	234	72.4	4	1.2	0	0	323
Total.....	1,390	23.1	4,544	75.4	93	1.5	3	.04	6,030

Note: All percentage figures are based on horizontal totals: N=Negro; S=Spanish-American; X=Nonminority group members; Other=Indians and orientals.

FIG. 8C.—COMPLAINT REGISTER CASES—COMPLAINANT MEMBER OF DEPARTMENT

Complaint	Race								Total
	N		X		S		Other		
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	
Intoxication on duty.....	2	50.0	2	50.0	0	0	0	0	4
Intoxication off duty.....	1	100.0	0	0	0	0	0	0	1
Violation of civil rights.....	0	0	0	0	0	0	0	0	0
Improper arrest procedure.....	2	66.7	1	33.3	0	0	0	0	3
Excessive force.....	0	0	2	100.0	0	0	0	0	2
Bribery.....	1	33.3	1	33.3	1	33.3	0	0	3
Traffic (nonbribery).....	1	25.0	3	75.0	0	0	0	0	4
Conduct unbecoming and verbal abuse only.....	22	44.9	25	51.0	2	4.1	0	0	49
Commission of crime.....	1	11.1	8	88.9	0	0	0	0	9
Neglect of duty and poor police service.....	26	32.5	51	63.8	3	3.7	0	0	80
Living outside of city.....	0	0	8	100.0	0	0	0	0	8
Vehicle license violations.....	3	18.8	13	81.3	0	0	0	0	16
Inspectional violations.....	138	44.4	168	54.0	5	1.6	0	0	311
Miscellaneous.....	11	55.0	9	45.0	0	0	0	0	20
Total.....	208	40.8	291	57.1	11	2.2	0	0	510

Note: All percentage figures based on horizontal totals. N=Negro; S=Spanish-American; X=Nonminority group members; Other=Indians and orientals.

FIG. 8D.—COMPLAINT REGISTER DISPOSITIONS

	Race												Total	
	N			X			S			Other			Number	Percent ¹
	Number	Percent ¹	Percent ²	Number	Percent ¹	Percent ²	Number	Percent ¹	Percent ²	Number	Percent ¹	Percent ²		
1. Unfounded.....	581	41.8	21.5	2,075	45.7	76.9	43	46.2	1.6	1	33.3	0.03	2,700	44.8
2. Exonerated.....	97	6.8	21.6	347	7.6	77.3	4	4.3	.9	1	33.3	.2	1,499	7.4
3. Unsustained.....	298	21.4	19.5	1,202	26.5	78.8	24	25.8	1.6	1	33.3	.06	1,525	25.3
4. Sustained.....	410	29.5	31.0	890	19.6	67.3	22	22.7	1.7	1	33.3	.....	1,322	21.9
5. Verbal abuse only.....	4	.3	11.8	30	.7	88.2	.....	.....	.....	.....	.....	.....	34	.6
Total.....	1,390	100.0	23.1	4,544	100.0	75.4	93	100.0	1.5	3	100.0	.04	6,030	100.0

¹ Percentage figures based on vertical totals.² Percentage figures based on horizontal totals.

FIG. 8E.—COMPLAINT REGISTER DISPOSITION BY COMPLAINT CLASSIFICATION

	Race												Total
	N			X			S			Other			
	Number	Percent ¹	Percent ²	Number	Percent ¹	Percent ²	Number	Percent ¹	Percent ²	Number	Percent ¹	Percent ²	
Intoxication on duty:													
Unfounded	6	85.7	15.8	30	75.0	78.9	2	100.0	5.3	0	0	0	38
Exonerated	0	0	0	0	0	0	0	0	0	0	0	0	0
Unsustained	1	14.3	25.0	3	7.5	75.0	0	0	0	0	0	0	4
Sustained	0	0	0	7	17.5	100.0	0	0	0	0	0	0	7
Intoxication off duty:													
Unfounded	3	60.0	37.5	3	33.3	37.5	2	100.0	25.0	0	0	0	8
Exonerated	0	0	0	0	0	0	0	0	0	0	0	0	0
Unsustained	1	20.0	33.3	2	22.2	66.7	0	0	0	0	0	0	3
Sustained	1	20.0	20.0	4	45.0	80.0	0	0	0	0	0	0	5
Violation of civil rights:													
Unfounded	44	59.5	23.2	140	52.9	73.7	6	60.0	3.2	0	0	0	190
Exonerated	22	29.7	21.4	80	30.1	77.7	1	10.0	1.6	0	0	0	103
Unsustained	8	10.3	15.4	41	15.5	78.8	3	30.0	3.8	0	0	0	52
Sustained	0	0	0	4	1.5	100.0	0	0	0	0	0	0	4
Improper arrest procedure:													
Unfounded	4	50.0	57.1	3	37.5	42.9	0	0	0	0	0	0	7
Exonerated	1	12.5	20.0	4	50.0	80.0	0	0	0	0	0	0	5
Unsustained	0	0	0	0	0	0	0	0	0	0	0	0	0
Sustained	3	37.5	75.0	1	12.5	25.0	0	0	0	0	0	0	4
Excessive force:													
Unfounded	116	51.7	18.6	497	50.3	79.8	9	45.1	1.4	1	100.0	0	623
Exonerated	13	5.9	34.2	25	3.5	65.8	0	0	0	0	0	0	38
Unsustained	83	37.0	16.4	414	42.3	81.7	10	50.0	2.0	0	0	0	507
Sustained	12	4.3	22.2	41	4.1	75.9	1	5.0	1.9	0	0	0	54
Bribery:													
Unfounded	29	46.7	25.0	86	53.1	74.1	1	33.3	.9	0	0	0	116
Exonerated	0	0	0	0	0	0	0	0	0	0	0	0	0
Unsustained	22	35.4	27.2	58	33.3	71.6	1	33.3	1.2	0	0	0	81
Sustained	11	17.7	33.3	21	12.7	63.6	1	33.3	3.0	0	0	0	33
Traffic (nonbribery):													
Unfounded	17	56.6	21.5	62	47.3	78.5	0	0	0	0	0	0	79
Exonerated	7	23.3	25.9	20	15.3	74.1	0	0	0	0	0	0	27
Unsustained	3	10.0	8.3	33	25.1	91.7	0	0	0	0	0	0	36
Sustained	3	10.0	15.8	16	13.3	84.2	0	0	0	0	0	0	19
Conduct unbecoming and verbal abuse only:													
Unfounded	161	47.1	21.0	600	49.3	78.1	7	31.8	0.9	0	0	0	768
Exonerated	25	7.3	17.0	120	9.9	81.6	1	4.5	.7	1	50.0	.7	147
Unsustained	92	26.9	22.3	313	25.8	76.0	6	27.3	1.5	1	50.0	.2	412
Sustained	64	18.7	23.2	182	14.3	71.7	8	36.3	3.1	0	0	0	254

See footnotes at end of table, p. 146.

FIG. 8E.—COMPLAINT REGISTER DISPOSITION BY COMPLAINT CLASSIFICATION—Continued

	Race												Total			
	N				X				S					Other		
	Number	Percent 1	Percent 2	Number	Percent 1	Percent 2	Number	Percent 1	Percent 2	Number	Percent 1	Percent 2		Number	Percent 1	Percent 2
Commission of a crime:																
Unfounded	55	50.5	20.2	205	57.4	77.9	3	50.0	1.1	0	0	0	0	0	0	263
Exonerated	5	4.5	71.4	1	3	14.3	1	16.6	14.3	0	0	0	0	0	0	7
Unsustained	39	35.7	24.4	119	33.3	74.4	2	33.3	1.3	0	0	0	0	0	0	160
Sustained	10	9.2	23.8	32	9.0	76.2	0	0	0	0	0	0	0	0	0	42
Neglect of duty and poor police service:																
Unfounded	92	51.9	21.7	320	48.7	76.7	11	61.1	2.6	0	0	0	0	0	0	423
Exonerated	8	4.5	11.0	64	9.7	87.7	1	5.6	1.4	0	0	0	0	0	0	73
Unsustained	22	12.3	16.9	106	16.1	81.5	2	11.1	1.5	0	0	0	0	0	0	130
Sustained	57	31.3	25.0	167	25.4	73.2	4	22.2	1.8	0	0	0	0	0	0	228
Living outside the city limits:																
Unfounded	0	0	0	4	15.3	100.0	0	0	0	0	0	0	0	0	0	4
Exonerated	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Unsustained	0	0	0	1	3.8	100.0	0	0	0	0	0	0	0	0	0	1
Sustained	0	0	0	21	80.8	100.0	0	0	0	0	0	0	0	0	0	21
Vehicle license violations:																
Unfounded	0	0	0	1	3.8	100.0	0	0	0	0	0	0	0	0	0	1
Exonerated	0	0	0	2	11.5	100.0	0	0	0	0	0	0	0	0	0	2
Unsustained	0	0	0	2	7.7	100.0	0	0	0	0	0	0	0	0	0	3
Sustained	9	100.0	31.0	20	76.9	69.0	0	0	0	0	0	0	0	0	0	29
Inspectional violations:																
Unfounded	19	7.4	38.0	31	9.4	62.0	0	0	0	0	0	0	0	0	0	50
Exonerated	8	3.1	50.0	8	1.8	50.0	0	0	0	0	0	0	0	0	0	16
Unsustained	6	2.7	18.2	27	6.2	81.8	0	0	0	0	0	0	0	0	0	33
Sustained	223	87.1	37.4	368	84.8	61.6	6	100.0	1.0	0	0	0	0	0	0	537
Miscellaneous:																
Unfounded	35	41.2	26.9	93	39.7	71.5	2	50.0	1.5	0	0	0	0	0	0	130
Exonerated	8	9.4	26.7	22	9.4	73.3	0	0	0	0	0	0	0	0	0	30
Unsustained	21	24.7	20.2	83	35.4	79.8	0	0	0	0	0	0	0	0	0	104
Sustained	21	24.7	35.6	36	15.4	61.0	2	50.0	3.4	0	0	0	0	0	0	59

1 Based on vertical total within each classification.

2 Based on horizontal totals.

FIG. 8F—COMPLAINT REGISTER CLASSIFICATION

Complaint	Oral reprimand	Written reprimand	Penalties										Total							
			1 to 5	6 to 10	11 to 15	16 to 20	21 to 25	26 to 30	Indefi- nitely	Discharge										
Intoxication on duty:																				
X	2		1									1								7
N																				
Intoxication off duty:																				
X			1																	4
N																				
Violation of civil rights:																				
N			2			2														4
X																				
Improper arrest procedure:																				
N	2		1																	3
X	1																			1
Excessive force:																				
N		1	9	1																12
X		4	23	2		2	1					4	2							41
N																				
Bribery:																				
N		1	5			1														21
X																				
Traffic (nonbribery):																				
N	1		7																	3
X	2	5																		16
Conduct unbecoming and verbal abuse only:																				
N	2	6	33	4		4														60
X	9	33	69	7		8	2					15	9							152
Commission of crime:																				
N		2	3	1								4								10
X		2	12			1						13	4							32
Neglect of duty and poor police service:																				
N	8	2	37	3		1						6								57
X	23	44	83	10		3						3	1							167
Living outside city limits:																				
N		1	2																	21
X																				
Vehicle license violations:																				
N		3	9																	9
X			12	4																20
Inspectional violations:																				
N	7	34	157	7		5	6					7								223
X	28	75	223	8		5		1				14	1							368
Miscellaneous:																				
N		3	12	1		1						2								21
X		3	11									8								36

Note: N = Negro; X = Nonminority group members (whites other than Spanish-Americans).

Figure 8B indicates the 14 Complaint Register classifications by race, giving number, percentage and total for each category. The data in this chart represents 6,030 complaint register cases, 5,520 of which were initiated by the public and 510 of which showed members of the Department as the complainant. The data shows that black officers on the Department are charged with Complaint Register violations 7.2% above their representative percentage on the Department. Using 15.9% as being representative of black officers on the Department, it can be seen that black officers were complained against as a disproportionately higher rate in all complaint categories except Intoxication on Duty and Living Outside City. The extent of disproportion ranges from 2.7% in Traffic (non-bribery) to 34.1% in Improper Arrest Procedure. (Note, however, that the number of cases involved in the Improper Arrest Procedure category is relatively small.)

The fact that black officers are charged more frequently than non-minority group officers increases exposure to penalties.

Figure 8C shows a breakdown of complaint register cases where the complainant was a member of the Department. Of a total of 510 cases, black officers were charged 208 times and non-minority group officers 291 times for percentages of 40.8% and 57.1% respectively. Since black policemen comprise 15.9% of the Department, they are being charged more frequently than officers who are not minority group members. It should be noted that almost three-fourths of the charges brought against black officers by members of the Department are In-ceptational Violations, which includes such things as being off assigned post, role call deficiencies, inattention to duty, deficiencies in case reports and improper uniform.

Figure 8D shows the dispositions of the 6,030 reviewed Complaint Register cases. The data indicates that charges against black officers were sustained at a 9.9% higher rate than were charges against non-minority group officers. Figure 8E presents a breakdown of dispositions within each complaint classification, showing that the higher rate at which charges against blacks are sustained affects most, but not all, complaint categories.

To summarize the facts presented above, the finding that there is a higher (by 7.2%) rate of violations charged against blacks and that there is also a higher (by 9.9%) rate at which the charges are sustained indicates that blacks are subject to more charges and to more punishment than are other officers in the Department. The implications for morale, job performance, attitudes, possible impact on performance ratings, community relations and efforts at minority recruitment should not be underestimated.

A further analysis of disciplinary procedures and effects was made by comparing the penalties given to blacks and to others found guilty of similar charges. Figure 8F summarizes the data resulting from this analysis. Although some differences were found in the amounts and types of penalties assessed in specific classifications, the survey team found no identifiable pattern in relation to race. The team is also aware that violations in any particular category (e.g. Bribery, Excessive Force, Conduct Unbecoming An Officer) can involve different circumstances and different degrees of seriousness.

SUMMARY PUNISHMENT CLASSIFICATIONS

A Description of Current Disciplinary Procedures

General Order 67-21, Article VII provides for summary punishment for less serious transgressions. It authorizes immediate disciplinary action against those members who fail to conform to certain Department standards of conduct and appearance. These transgressions do not require a Complaint Register number or investigation. Summary punishment may be imposed by any supervisor or member acting in a supervisory capacity.

There are 33 derelictions for which a member of the Department may receive Summary Punishment as listed in Figure 8G. The summary punishment is limited to excusing the member for that one day, without pay, when he is unfit for duty, or requiring the offending member to work one or two relief days without compensation. A member of the Department disciplined under Article VII has a right to a hearing before the Disciplinary Board, but he must make the request when notified of the proposed summary punishment or not at all.

FIG. 8G.—SUMMARY PUNISHMENT CHARGES AND PENALTIES

	N		X		S		Total	
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent
Tardiness in reporting for duty:								
1 day loss of pay.....	25	52.0	46	55.4	2	33.3	73	53.2
1 relief day worked.....	23	47.9	35	42.1	4	66.6	62	45.2
2 relief days worked.....	0	0	2	2.4	0	0	2	1.5
Total.....	48		83		6		137	
Failure to be clean shaven with hair neatly cut:								
1 day loss of pay.....	3	75.0	1	20.0	0	0	4	44.4
1 relief day worked.....	1	25.0	4	80.0	0	0	5	55.6
2 relief days worked.....	0	0	0	0	0	0	0	0
Total.....	4		5		0		9	
Failure to keep uniform clean, pressed and unobtrusively repaired:								
1 day loss of pay.....	2	100.0	2	33.3	0	0	4	50.0
1 relief day worked.....	0	0	4	66.7	0	0	4	50.0
2 relief days worked.....	0	0	0	0	0	0	0	0
Total.....	2		6		0		8	
Failure to wear proper insignia and inserts in shoulder patch:								
1 day loss of pay.....	0	0	0	0	0	0	0	0
1 relief day worked.....	0	0	1	100.0	0	0	1	100.0
2 relief days worked.....	0	0	0	0	0	0	0	0
Total.....	0		1		0		1	
Failure to keep uniform clothing buttoned:								
1 day loss of pay.....	0	0	0	0	0	0	0	0
1 relief day worked.....	0	0	4	100.0	0	0	4	100.0
2 relief days worked.....	0	0	0	0	0	0	0	0
Total.....	0		4		0		4	
Wearing a uniform cap from which the grommet has been removed or cut down:								
1 day loss of pay.....	0	0	0	0	0	0	0	0
1 relief day worked.....	0	0	1	100.0	0	0	1	100.0
2 relief days worked.....	0	0	0	0	0	0	0	0
Total.....	0		1		0		1	
Failure to wear uniform cap when required:								
1 day loss of pay.....	0	0	0	0	0	0	0	0
1 relief day worked.....	0	0	6	100.0	0	0	6	100.0
2 relief days worked.....	0	0	0	0	0	0	0	0
Total.....	0		6		0		6	
Failure of uniformed officers to appear in proper uniform in court:								
1 day loss of pay.....	1	50.0	1	9.1	0	0	2	14.4
1 relief day worked.....	1	50.0	10	90.9	1	100.0	12	85.7
2 relief days worked.....	0	0	0	0	0	0	0	0
Total.....	2		11		1		14	
Failure to carry and maintain official equipment in good condition:								
1 day loss of pay.....	0	0	0	0	0	0	0	0
1 relief day worked.....	0	0	4	100.0	0	0	4	100.0
2 relief days worked.....	0	0	0	0	0	0	0	0
Total.....	0		4		0		4	
Failure to report back in service immediately on the completion of an assignment:								
1 day loss of pay.....	0	0	1	2.3	0	0	1	1.6
1 relief day worked.....	11	73.3	42	95.5	0	0	53	89.8
2 relief days worked.....	4	26.7	1	2.3	0	0	5	8.5
Total.....	15		44		0		59	

FIG. 8G.—SUMMARY PUNISHMENT CHARGES AND PENALTIES—Continued

Complaint	Race								Total
	N		X		S		Other		
	Number	Per cent	Number	Per cent	Number	Per cent	Number	Per cent	
Taking excessive time for lunch or for personal reasons:									
1 day loss of pay.....	0	0	0	0	0	0	0	0	0
1 relief day worked.....	7	100.0	9	75.0	0	0	16	84.2	
2 relief days worked.....	0	0	3	25.0	0	0	3	15.8	
Total.....	7		12		0		19		
Failure to provide prompt, correct, and courteous service:									
1 day loss of pay.....	0	0	0	0	0	0	0	0	
1 relief day worked.....	1	100.0	4	100.0	0	0	5	100.0	
2 relief days worked.....	0	0	0	0	0	0	0	0	
Total.....	1		4		0		5		
Failure while on patrol duty to give full attention to the prevention of crime:									
1 day loss of pay.....	2	33.3	1	3.8	0	0	3	8.8	
1 relief day worked.....	2	33.3	21	80.8	2	100.0	25	73.5	
2 relief days worked.....	2	33.3	4	15.4	0	0	6	17.6	
Total.....	6		26		2		34		
Transporting persons in a department vehicle except for a proper police purpose or on department business:									
1 day loss of pay.....	0	0	0	0	0	0	0	0	
1 relief day worked.....	0	0	1	100.0	0	0	1	33.3	
2 relief days worked.....	2	100.0	0	0	0	0	2	66.7	
Total.....	2		1		0		3		
Congregating while on patrol with 1 or more other officers in an eating establishment:									
1 day loss of pay.....	0	0	0	0	0	0	0	0	
1 relief day worked.....	4	100.0	16	100.0	0	0	20	100.0	
2 relief days worked.....	0	0	0	0	0	0	0	0	
Total.....	4		16		0		20		
Leaving beat before the prescribed time at the end of the tour of duty:									
1 day loss of pay.....	2	15.4	0	0	0	0	2	4.2	
1 relief day worked.....	10	76.8	33	100.0	2	100.0	45	93.8	
2 relief days worked.....	1	7.7	0	0	0	0	1	2.1	
Total.....	13		33		2		48		
Failure to perform assigned tasks:									
1 day loss of pay.....	1	5.9	1	2.9	0	0	2	3.8	
1 relief day worked.....	12	70.6	31	88.6	0	0	43	82.7	
2 relief days worked.....	4	23.5	3	8.6	0	0	7	13.5	
Total.....	17		35		0		52		
Possession of a commercial-type radio while on duty:									
1 day loss of pay.....	0	0	0	0	0	0	0	0	
1 relief day worked.....	0	0	2	100.0	0	0	2	100.0	
2 relief days worked.....	0	0	0	0	0	0	0	0	
Total.....	0		2		0		2		
Reading newspapers, etc., in public view:									
1 day loss of pay.....	0	0	0	0	0	0	0	0	
1 relief day worked.....	0	0	0	0	0	0	0	0	
2 relief days worked.....	0	0	1	100.0	0	0	1	100.0	
Total.....	0		1		0		1		
Inattention to duty:									
1 day loss of pay.....	4	5.8	11	7.5	0	0	15	6.3	
1 relief day worked.....	58	84.1	117	78.6	3	100.0	178	81.3	
2 relief days worked.....	7	10.1	19	12.9	0	0	26	11.4	
Total.....	69		147		3		219		

FIG. 8G.—SUMMARY PUNISHMENT CHARGES AND PENALTIES—Continued

Assignment	N		O		S		I		X	
	Num- ber	AS ¹	Num- ber	AS ¹	Num- ber	AS ¹	Num- ber	AS ¹	Num- ber	AS ¹
Resistance to or reluctance to comply with lawful orders of a superior officer:										
1 day loss of pay	0	0	2	40.0	0	0	2	40.0		
1 relief day worked	0	0	2	40.0	0	0	2	40.0		
2 relief days worked	0	0	1	20.0	0	0	1	20.0		
Total	0		5		0		5			
Misuse of department equipment or supplies:										
1 day loss of pay	6	75.0	17	68.0	0	0	23	69.7		
1 relief day worked	2	25.0	8	32.0	0	0	10	30.3		
2 relief days worked	0	0	0	0	0	0	0	0		
Total	8		25		0		33			
Being unfit for duty for reasons other than would justify action under other provisions of this order:										
1 day loss of pay	6	85.7	2	100.0	0	0	8	88.9		
1 relief day worked	1	14.3	0	0	0	0	1	11.1		
2 relief days worked	0	0	0	0	0	0	0	0		
Total	7		2		0		9			
Failure through mistake or inadvertence to appear in court or to notify superiors of inability to appear:										
1 day loss of pay	1	0.6	7	1.9	0	0	8	1.5		
1 relief day worked	157	88.7	332	91.7	10	100.0	499	90.9		
2 relief days worked	19	10.7	23	6.4	0	0	42	7.7		
Total	177		362		10		549			
Failure of a supervising officer to take appropriate action on observing any of the derelictions listed in paragraph VII-B:										
1 day loss of pay	0	0	0	0	0	0	0	0		
1 relief day worked	0	0	1	25.0	0	0	1	20.0		
2 relief days worked	1	100.0	3	75.0	0	0	4	80.0		
Total	1		4		0		5			
Total (all offenses):										
1 day loss of pay	53	13.8	92	11.0	2	8.3	147			
1 relief day worked	290	75.7	688	81.9	22	91.7	1,000			
2 relief days worked	40	10.4	60	7.1	0	0	100			
Total	383	100.0	840	100.0	24	100.0	1,247			
Number of officers in department	2,121		11,199		170		13,499			
Ratio of number of complaints to number of officers, percent	18.1		7.3		14.1		9.2			

An Evaluation of Current Disciplinary Procedures

There are 33 derelictions for which a member of the Department may receive summary punishment. Figure 8G lists these categories and present data on Summary Punishment cases. The total number of summary punishment charges in the period studied was 1,247, of which 383 were against black officers and 840 were against non-minority group officers. Here the discrepancy between the rates at which black and other officers were charged is greater than in the Complaint Register Cases. The data shows that, in relation to their numbers on the Department, black officers were more than twice as likely to receive summary punishment than were non-minority group officers. It also shows that Spanish-American officers were subject to summary punishment at about twice the rate as non-minority group officers. Summary punishment most often results in penalties, therefore, since black and Spanish-American officers are charged more frequently, they are subject to more penalties. The effect of this disparity is to lower morale, impair efficiency and adversely effect police-community relations.

As with Complaint Register cases, the Summary Punishment case data (see Figure 8G) does not reflect any significant differences in the amount of penalty given for similar infractions.

Recommendations for Improving Disciplinary Procedures

Recommendation. The Department should develop a monitoring system to detect and prevent any possible inequities in its disciplinary process. The Internal Affairs Division should analyze Complaint Register and Summary Punishment charges and dispositions to assess racial balances. Any disparity in the number of complaints received by any group in the Department should result in administrative review to determine the reasons for the imbalance and to take necessary corrective action where appropriate. The survey team suggests that the Department give consideration to the designation of civilian hearing officers to conduct administrative trials in Complaint Register cases where such hearings were requested by members of the Department charged with violations of rules and regulations. The findings and recommendations of the hearing officer would be forwarded to the Superintendent for his consideration. Final decision for Department disciplinary action would remain with the Superintendent.

Recommendation. Summary punishment should, in every instance, be reviewed by the Commanding Officer of the unit before it is administered. Supervisory Sergeants and Lieutenants should continue to have authority and responsibility for initiating summary punishment; Commanding Officers should investigate summary punishment charges to determine if the allegation is substantiated or unsubstantiated before the punishment is put into effect.

The Department's plan to permit officers to make further appeal directly to the highest ranking officer on duty in the Department at the time is to be commended.

This combination of checks should help reduce any tendency on the part of supervisory personnel to be arbitrary and/or biased in administering this form of discipline.

The survey team also suggests that the Department give increased attention to the training of supervisory and command personnel in the techniques for achieving positive discipline. The development of sensitivity to the impact of negative discipline on job performance, morale and community relations can be achieved through appropriate training techniques.

The following material was submitted by Mr. Robinson to the Subcommittee subsequent to his testimony.

AFRO-AMERICAN PATROLMEN'S LEAGUE,
Chicago, Ill. October 13, 1972.

MR. JERRIS LEONARD,
Administrator, Law Enforcement Assistance Administration,
Washington, D.C.

DEAR MR. LEONARD: Thank you for your letter of September 25, 1972, which recognizes the need for the Chicago Police Department to implement, subject to LEAA monitoring, numerous reforms in order to comply with statutes and regulations guaranteeing equal employment opportunity. As we noted in our earlier letter, the expert investigative panel selected by LEAA and the Chicago Police Department recommended the immediate implementation of those reforms as being both necessary and feasible. As you are aware, current promotional examinations and procedures employed by the Police Department and the local Civil Service Commission were found by the LEAA panel to discriminate unjustifiably against black and other minority group policemen.

It is now clear that the Chicago Police Department flatly rejects the LEAA recommendations. This fact is evidenced by its intransigent resistance to reform in connection with the promotional examination for captain's rank which was given on September 30, 1972. In at least four ways, the Department demonstrated that it will never participate in a good-faith voluntary compliance program:

1. The Department rejected LEAA's request to postpone the promotional examination for even the short period of a few weeks. This postponement would have permitted discussion about incorporating the LEAA recommendations.

2. The Department and the Civil Service Commission repeatedly refused requests to allow any LEAA representative, especially the more knowledgeable members of the investigative panel, to be present during the examination. They relented the evening before the written portion of the examination was administered.

3. No changes from past practices, deemed discriminatory by the LEAA panel, were incorporated by the Department in the examination.

4. The Department expressly rejected the LEAA observers' requests to implement basic reforms such as on-site scoring, immediate posting of raw

scores on the written test, and certification of the raw scores for proficiency and seniority prior to the administration of the written test. The Department's refusal to accept meaningful monitoring by LEAA is an obvious attempt to maintain secrecy over Departmental employment practices so that the Department can continue to discriminate at will and without detection. In short, its refusal even to consider implementing any LEAA recommendations demonstrates complete bad faith and mocks LEAA's desire to achieve voluntary compliance.

The Afro-American Patrolmen's League therefore asks once again that LEAA fund cut-off procedures be started pursuant to regulations. In addition, since the threat of cutting off federal financial assistance has not yet begun to motivate the Department to adopt any LEAA recommendations, much stronger legal action is obviously required in order to halt the Department's discrimination in promotions and other employment practices. Therefore, we request that LEAA refer this matter to the Department of Justice for federal court action to halt the discriminatory practices found prevalent by the LEAA panel. Included in the relief, which we believe should be sought from the courts, is the cancellation of the recent captain's promotional examination and institution of the reforms recommended by LEAA in promotions and other areas.

Sincerely,

RENAULT A. ROBINSON,
Executive Director.

AFRO-AMERICAN PATROLMEN'S LEAGUE,
Chicago, Ill.

THE CHICAGO POLICE DEPARTMENT: AN EVALUATION OF PERSONNEL PRACTICES

Prepared for the Law Enforcement Assistance Administration, U.S. Department of Justice, by Paul M. Whisenand, Ph.D., Team Leader; Robert E. Hoffman, Team Member; Lloyd Sealy, J. D., Team member; assisted by Jacque K. Boyer, Technical Consultant, as critiqued by the Afro American Patrolmen's League of Chicago

MAJOR FINDINGS OF DISCRIMINATION IN CHICAGO POLICE DEPARTMENT

1. *Discrimination in Selection*—Both written and physical exams were found to be discriminatory in effect.

Blacks and Spanish-Americans apply for entry onto the Police Department in numbers that approximate their percentages in Chicago's general population, but both the written test and the medical examinations given to police candidates by the Civil Service Commission disqualify minority group members at about twice the rate that non-minority group members are disqualified. Since there is, at present, no adequate evidence that the written test actually measures what is required for becoming an effective police officer, the study recommends that the present test be discontinued until such time as the test can be shown to be a valid predictor of job performance on a basis that is fair to both minority group and non-minority group members. pp. 2.1-2.2.

2. *Discrimination in Promotion*—Blacks are not adequately represented in the supervisory ranks and are disproportionately excluded from promotion.

Promotion. Black officers are inadequately represented in the Sergeant, Lieutenant and Captain ranks, in the top level management and command ranks (positions exempt from civil service) and, to a lesser extent, in the specialized patrolman assignments that carry premium pay. p.2.3.

. . . The fact that as of April 1972, only 1 of 92 Captains is black (1%) and only 13 of 320 Lieutenants are black (4%). (Presently there are four black Captains and five black Lieutenants serving in exempt positions.)

. . . The present promotional process does have the effect of disproportionately excluding blacks from promotion. p.t. 5. 6.

3. *Discrimination in Discipline*—Blacks are charged with disproportionately more violations and charges are sustained against them more frequently.

The data shows that black officers on the Department are charge with Complaint Register violations 7.2% above their representative percentage on the Department, it can be seen that black officers were complained against at a disproportionately higher rate in all complaint categories except Intoxication on Duty and Living Outside City. The extent of disproportion ranges from 2.7%

in Traffic (non-bribery) to 34.1% in Improper Arrest Procedure. The fact that black officers are charged more frequently than non-minority group officers increases exposure to penalties . . . Since black policemen comprise 15.9% of the Department, they are being charged more frequently than officers who are not minority group members. It should be noted that almost three-fourths of the charges brought against black officers by members of the Department are Inspectional Violations, which includes such things as being off assigned post, role call deficiencies, inattention to duty, deficiencies in case reports and improper uniform. . . . the finding that there is a higher (by 7.2%) rate of violations charged against blacks and that there is also a higher (by 9.9%) rate at which the charges are sustained indicates that blacks are subject to more charges and to more punishment than are other officers in the Department. The implications for morale, job performance, attitudes, possible impact on performance ratings, community relations and efforts at minority recruitment should not be underestimated. pp. 8.3, 8.12, 8.13 (CR).

Here the discrepancy between the rates at which black and other officers were charged is greater than in the Complaint Register Cases. The data shows that, in relation to their numbers on the Department, black officers were more than twice as likely to receive summary punishment than were non-minority group officers. It also shows that Spanish-American officers were subject to summary punishment at about twice the rate as non-minority group officers. Summary punishment most often results in penalties, therefore, since black and Spanish-American officers are charged more frequently, they are subject to more penalties. The effect of this disparity is to lower morale, impair efficiency and adversely effect police-community relations. p. 8.18 (SP)

4. *Discrimination in Assignments*—Discriminatorily low number of blacks receive "highly critical" positions and positions in which public will be encountered. Because of their relatively small number, black Lieutenants also are inadequately represented in the various assignments available to them. Within the assignments indicated to the survey team as being of prime importance in one area only, that of Community Services, do we find a ratio of blacks assigned which compares favorably with the ratio of blacks served . . . Certain key positions which have a high propensity for either face-to-face or verbal communications with the public have relatively few black officers. For example, the Training Division staff is 6% black, the Personnel Division is 10% black and the Criminal Investigation Division is 13% black. The Traffic Division has very few black officers. . . . The sparsity of black traffic officers could contribute to a community belief of lack of black officer representation on the CPD. . . . Figure 6D shows that two highly critical assignments, Desk Officer and District Secretary (the latter assignment held by officers in the rank of patrolman) fall below the 17% black officer count in the Districts. Only 11.4% of the Desk Officers are black and there is only one black Secretary (4.7%). . . . The assignment of Sergeants should be analyzed in the same manner as the blacks in higher ranks. It is particularly important that Districts re-evaluate the number of black sergeants holding positions as Desk Sergeants, since this assignment is critical both internally and externally from a community viewpoint. pp. 6.9, 6.10, 6.11, 6.12

5. *Evidence of Racial Prejudice on the Part of Supervisory and Other White Personnel*—Although the report finds no evidence that these discriminatory practices were intentional, it is clear that this finding is simply a face-saving device to soften the public impact of the objective factual findings of actual discrimination. It should be remembered that the police department was given a veto power over the selection of the team members and these three team members indicated at the outset of their investigation that they did not intend to search for evidence of fault or subjective bias but would concentrate on developing facts and statistics with a view toward improving deficient practices.

It is therefore all the more remarkable and convincing that this report finds widespread discrimination in departmental policies and practices. Moreover, the report subtly leads to the inescapable conclusion that racial prejudice among white supervisory personnel is the root of the discriminatory practices for which there was abundant objective evidence.

For example, in summary punishment cases where officers are charged, found guilty and punished without review, blacks are punished twice as frequently as whites.

For example, the study team found that the Department has no method for screening out persons with serious emotional problems and that this failure leads in many cases to hostile and aggressive attitudes toward minority group members affecting relationships within the Department and outside in the general community.

. . . . The present patrolman selection process includes no method for screening out persons with serious emotional problems Serious emotional problems sometimes manifest themselves in hostile or aggressive attitudes towards others, in many cases towards members of "outgroups" including minority group members. In addition to the obvious implications for police attitudes and behavior toward minorities in the general public, it can be seen that there would also be significant effects within the Police Department in man-to-man relationships and in superior-subordinate relationships, as in the case of disciplinary actions. pp. 3.28, 3.29

For example, the training procedures for both new recruits and the "in service" training for veteran officers are deficient for not including more education about community relations, minority group relations, and human relations generally.

In addition to the usual legalistic and technically oriented information, sociological and psychological principles of human relations, minority relations and total police-community relations should be prominently located and stressed in pre-service courses. The recommended expansion and revision of all training curricula to include special attention to the understanding of human behavior and respect for the individual, whether citizen or fellow-officer, is of key importance in the development of improved internal and external relations and can be expected to benefit both the recruitment and the job satisfaction of minority group members. pp. 4.19, 4.20

For example, the study recommends that training officers be established and that a strong representation of blacks be included to improve police community understanding and internal racial attitudes.

The CPD certainly should be able to find black officers who are capable, motivated and deeply interested in academic training assignments. Increased utilization of talented black officers in the academy will present a higher degree of credibility of trainees and observers concerning CPD regard for police community understanding and internal racial attitudes. pp. 4.8, 4.9

These findings make clear that there is a serious problem of racial prejudice within the department and that the fact of discrimination cannot be divorced from the willingness of white supervisors to tolerate and perpetuate discriminatory practices.

AFRO-AMERICAN PATROLMEN'S LEAGUE,
Chicago, Ill., September 7, 1972.

MR. JERRIS LEONARD,

Administrator, Law Enforcement Assistance Administration, Washington, D.C.

RE: Immediate Action on Recommended Changes In Chicago Police Department

DEAR MR. LEONARD: We have reviewed the report prepared by the LEAA team which investigated the employment and personnel practices of the Chicago Police Department. That report sustains our charges, set forth in our letter to you of June 2, 1971, that discriminatory employment practices exist in the areas of hiring, medical examinations, promotions, discipline and assignments. The recommendations made by the investigative team would, if implemented and enforced in good faith, constitute a significant stride forward in eradicating the discriminatory employment and personnel practices which drastically limit the employment opportunities for minority group members within the Department and which the report itself states, impedes the effectiveness of the police force in black and Spanish-American communities.

The Afro-American Patrolmen's League therefore asks that LEAA take immediate action to insure the implementation of all the recommended reforms. In light of the investigative team's findings, those reforms must be regarded as the minimal effort to be required of the Department in order to comply with existing federal statutes and regulations. The actual implementation of the recommendations should be supervised and monitored by experts and community representatives, such as from the Urban League or NAACP; without such supervision, there can be no reasonable assurance that any meaningful reform will be accomplished. Should the Department not agree promptly to undertake all recommended reforms, we ask that an immediate hearing be scheduled pursuant to regulations and that the sanction of terminating all federal financial assistance to the Department be imposed.

The need for immediate enforcement of the investigative panel's recommendations is explicitly established in the final report. The panel found that each recommendation is in "clear need" of being implemented, is capable of being implemented, and should be implemented with "dispatch and determination." The end of more effective law enforcement in Chicago will be legitimately served and fos-

tered by making the Department more representative of and sensitive to the public it is to protect. The League therefore urges that the fundamental purpose of LEAA—to assist in the improvement of nondiscriminatory local police services—requires that maximum pressure be brought to bear on the Department until the recommended reforms are fully implemented.

While we are gratified that the objective findings of the LEAA panel support our charges, it should not be assumed that we are entirely satisfied with the report. For example, we note that the report itself mentions areas for which the Department refused to supply information and other areas where the panel did not attempt to develop data. In particular, we find the statement that there was no evidence of “intentional” discrimination strangely inconsistent with the objective findings of the report and in any event beyond the stated scope of the panel’s inquiry. Despite these and other reservations, we ask that (1) LEAA officially endorse its panel’s recommendations, (2) LEAA demand the immediate implementation of those necessary reforms and effectively monitor them, and (3) LEAA proceed promptly with fund cut-off procedures in the event the Department does not expeditiously, publicly, and in good faith agree to all recommended reforms.

Respectfully yours,

RENAULT ROBINSON,
Executive Director.
HOWARD SAFFOLD,
President.

AFRO-AMERICAN PATROLMEN’S LEAGUE,
Chicago, Ill., September 20, 1972.

MR. HERBERT C. RICE,
*Assistant General Counsel, Law Enforcement Assistance
Administration, Washington, D.C.*

DEAR MR. RICE: The Civil Service Commission has scheduled a police captain’s examination on September 30, 1972. The Afro-American Patrolmen’s League respectfully and officially request that LEAA request and require the Chicago Police Department and the Chicago Civil Service Commission to immediately implement the recommendations that were made by the LEAA survey team and which are contained in the survey team’s report issued September, 1972. The recommendations are as follows: (1) The immediate scoring of promotional written test answer sheets at the test site, as is already done by the Chicago Police Department at its Investigator examinations; (2) provide each candidate with a duplicate copy of his scored answer sheet immediately after it is scored; and, (3) posting the scores on the written test only within 24 hours after the test has been given. It should be noted that the survey team recommended that the raw test scores be posted within 48 hours (it is the League’s suggestion that this time be reduced to 24 hours).

The study team further recommended that promotional examinations be monitored by a team comprised of impartial personnel experts and the Chicago Police Department Administrators. Monitoring means observing (but not controlling) the examination, development, administration, scoring and eligibility list preparation. The survey team also recommended that they be used as monitors representing LEAA and the U.S. Justice Department during the forthcoming captain’s examination, scheduled for September 30, 1972.

In addition to the survey team’s recommendations which are termed in the report as: “(1) in clear need of being implemented; and (2) capable of being implemented by the agencies involved; and furthermore, that the recommendations be implemented with dispatch and determination.” The League would like to add several additional procedures which we feel would help insure a fair and impartial examination. The League’s recommendations are as follows:

1. That all examinations be impounded by the Justice Department prior to the examination and a record kept of their movement from the time they are printed to the time they are administered.

2. That a copy of all applicants’ raw scores for (a) efficiency and (b) seniority be prepared by the Chicago Police Department and certified by the Civil Service Commission and given to LEAA prior to the taking of the written examination.

3. That each applicant sign his answer sheet and place his fingerprint on the answer sheet prior to it being scored.

We make these additional recommendations after considering the numerous complaints filed in our office by perspective candidates. Because of the time element we will limit our recommendations to those listed. However, we would

request that all of the recommendations made by the survey team, that are not listed in this communication, along with further recommendations which will be made to you by the Afro-American Patrolmen's League at a later date, be implemented for any subsequent promotional examinations.

The examination is scheduled for September 30, 1972, which is less than two weeks away. We would hope that this first critical test of the (good faith) Police Department and the Civil Service Commission proves to be positive. In our estimation the reaction of the Civil Service Commission and the Chicago Police Department are very important in signifying their position on the entire report. It will also indicate what type of cooperation LEAA can expect from the Police Department in future negotiations.

As per our conversation on this date I would like to know when an agreement has been reached with the Civil Service Commission and the Police Department in regards to the monitoring of the Captain's examination. As soon as you have the information may we hear from you.

Sincerely yours,

RENAULT A. ROBINSON,
Executive Director.

Mr. Hawkins. Are there any other witnesses present who have not been heard from who desire to make a statement?

(No response.)

If not, this concludes the hearings of this Subcommittee in the Chicago area, and I wish to thank all of you for your attention and cooperation and participation in these hearings.

With that, the hearings stand adjourned.

(Whereupon, at 12 noon, the hearings were adjourned.)

The following statement was submitted to the subcommittee by Donald W. Jones, president, American Federation of Government Employees, Social Security Local No. 1395, Chicago, Ill.

There are several areas involving the accommodation of minority group personnel in the Federal service about which there ought to be concern and positive action to effect viable changes.

These areas are delineated in various reports from the U.S. Civil Rights Commission, the latest one of which is the report of May 10, 1971, issued as a sequel to the major report of October 1970. The commission said:

"The most deepseated problems the Commission found, however, were lack of commitment to civil rights goals by Federal officials and hostile or narrow-purposed bureaucracies that view civil rights as a threat to or outside their prerogatives, programs, and personal inclinations. To deal with these, the Commission recommended that establishment of a system of accountability and monitoring so that the effectiveness of enforcement would no longer depend upon the attitude of individual Federal officials or the institutional bias of particular Federal bureaucracies."

Since most large Federal agencies have some Civil rights enforcement responsibilities under Title VII of the Civil Rights Act of 1964, as amended, relative to equal employment opportunities in the private employment sector, it is imperative that these agencies maintain healthy, viable, equal employment programs for their own employees.

From our position, the record of the Federal government is not good when viewed over the approximately ten years during which various Executive Orders have declared an end to vestigial or residual practices of various forms of unlawful discrimination, including discrimination because of race and/or sex.

Our experiences show the following problems remain in the Federal service:

1. Racial and sexual exclusionary practices preclude minorities and women from service in positions of authority in viably representative numbers. For example, one local installation has had large numbers of non-whites among its personnel for years but none has achieved a position where he could exercise influence over promotions, hiring and firing to the extent that their numbers in the employee population would indicate that they should be in such positions of authority. In fact, a management official when presented with the problem has decided that it would be unrealistic and unreasonable for setting goals and

timetables for addressing this particular problem in this installation. However, no reason was given for this conclusion.

2. Non-whites are virtually excluded in the recruitment processes for certain technical positions for which college degrees are a requirement notwithstanding substantial increases in the numbers of non-whites obtaining college degrees and meeting basic eligibility requirements for Federal employment. For example, one local Federal installation hired eighty (80) persons in a GS-7 entrance level training position between January 1970 and January 1972. Only one of the hires for this position which leads to a GS-10 journeyman was a member of a minority group. Significantly, this position was in 1966 identified by the agency involved, in its affirmative action plan, as the "springboard position" to higher level management positions in which there were a "dearth" of non-white personnel. Since 1966 agency reorganizations have somewhat reduced the importance of this position relative to career advancement, however, it remains an important position as a springboard to higher level positions.

The limited recruitment of minorities in this position, is in our opinion, exemplary of a basic problem throughout the Federal service which precludes the accession of non-whites in viably representative numbers to decision and policy making positions, or to positions which could prepare them for such positions of authority. By design or ineffectiveness of affirmative action policies, non-whites are kept in short supply in the "springboard positions".

3. The so-called merit promotion plans which largely ignore experience as a significant merit promotion factor act as a bar to progress of highly qualified females and minorities. This coupled with employee performance appraisal systems where unobjective evaluation criteria are used to measure an employee's past performance serves to permit the most important elements of the merit promotion plans to be those which do not promote the efficiency of the service, with the result that personal favoritism, nepotism and patronage, are the most important elements in determining who will advance under merit promotion principles or who will be hired through the recruitment process from outside the agencies in those higher level positions of authority.

We think that the record will show that the adoption of the so-called merit promotion principles and the erosion of significant consideration of seniority as a merit promotion factor coincides with the institution of strong equal opportunity principles in the Federal service in the early 1960s, with the net result that progress of females and non-whites have not been equal to the degree of emphasis placed on affirmative action principles one would expect.

4. Agency investigation of discrimination complaints is largely self-serving wherein, personnel neither skilled or adequately trained in proper investigative techniques to address the problems presented are assigned to misdirect the investigation to preclude a finding of discrimination against the agency involved is an area of very serious concern. We believe that the seriousness of equal opportunity processes to the advancement of the country deserves better investigative procedures than is now provided.

In addition, more protection against reprisal from agency management should be provided for employees who file complaints of discrimination. For example, in one case, a black female who had been acting supervisor of a section in her installation for several years, had to bring a complaint of discrimination in order to get appointment to the position with the level of pay provided for the position on which she had been acting. She hired a lawyer for this purpose. She was promoted to the position as an informal adjustment to the complaint. However, about six months later she was without warning reassigned to another specially treated position, which was called a supervisory position, in which she had no actual supervisory function and, her opinion, in one which did not utilize her present skills and abilities or permit her to develop otherwise. Thus, she was reduced in rank and status and prevented from developing by assignment to a position of questionable value to the accomplishment of the mission of the agency, the function of which could have been handled by a lower grade employee. A new complaint of discrimination resulted in the emasculatation of the salient issues of the complaint by an agency appointed investigator and the perpetration of acts of discrimination against this woman and other members of her racial group went into the security of retirement to remain forever inaccessible to account for his actions.

5. Present emphasis on hiring and promotion of minorities and women in representative numbers results in many instances in the creation of non-essential positions at the appropriate grade level into which members of these groups are promoted or assigned without authority or significant involvement in the basic mission of the agency(ies) involved. The jobs mostly are of poor qu

designed to continue discrimination against these groups while showing on a statistical basis good involvement of minorities and women throughout the range of grade levels.

6. The imposition on non-whites who manage to achieve higher grades or positions of authority the acceptance of the status quo in racial relations in many instances, and the fear that if pertinent equal opportunity issues are raised they will lose their status or positions. In effect, many racially inclined Federal offices have adopted the Henry Grady principles in accommodating non-whites, i.e., they must be trained to accept, support and sustain the racial policies of the particular management which are contra to the interest of the groups of which they are members as well as other minority groups. Many blacks know that they are expected to maintain such attitudes, hence their fears for job security renders both whites and non-whites ineffective in carrying out the equal employment opportunity mandates of the U.S. Government.

RECOMMENDATIONS

We believe that the Federal Government in order to improve and remove unlawful discrimination from the Federal service must undertake the following:

1. Eliminate personal favoritism and nepotism from merit promotion principles altogether. Remove patronage influence in promotions and career advancement from all positions of the competitive service.

2. Find and promote eligible employees who have been entrenched in dead-end positions for long periods of time for no reasons other than the fact that they have not been selected for advancement.

3. Remove investigatory functions on discrimination complaints from the agencies and place them in the Equal Employment Opportunity Commission or some other independent agency. This would require amendment of Section 717 of Title VII of the Civil Rights Act of 1964, as amended in 1972.

4. Establish some means to insure that persons selected for managerial positions dealing with personnel actions are capable of affirmatively dealing with problems of equal opportunity. All prospective managers should be required to take an appropriately designed examination to measure their abilities to accept and promote principles of equal opportunity in the Federal service. Present managers would be required to participate in such an examination if there are complaints or other circumstances which indicate that practices or actions of the managers about their ability to enforce or accept the equal opportunity provisions of the Federal Government.

DISCRIMINATION IN EMPLOYMENT (OVERSIGHT)

MONDAY, OCTOBER 23, 1972

HOUSE OF REPRESENTATIVES,
GENERAL SUBCOMMITTEE ON LABOR OF THE
COMMITTEE ON EDUCATION AND LABOR,
Cleveland, Ohio.

The General Subcommittee on Labor met at the conference room, Federal Office Building, Cleveland, Ohio, Hon. Augustus F. Hawkins presiding.

Members present: Representatives Hawkins, Chisolm, and Landgrebe.

Also present: Representative Louis Stokes.

Staff members present: Thomas J. Hart, subcommittee counsel, Adrienne Fields, administrative assistant, and Dennis Taylor, minority associate counsel.

Mr. HAWKINS. We are holding this hearing in Cleveland at the request of the Congressman from Cleveland, Mr. Louis Stokes. This is one of a series of hearings being held by the General Subcommittee on Labor on racial and sex discrimination in employment.

The situation briefly is this: That 35 million Americans are living in poverty and perhaps the same number can be classified as near poor. As tragic as these facts are, the situation is even more dismal, in that taxes are rising, prices are rising, the unemployment rate is going up, and racial discrimination pervades our society and may be becoming more widespread. In the face of this situation, the subcommittee is concerned about those laws which are now on the statute books which would help to prevent such adversities. They include the Employment Act of 1946, calling for maximum production and employment; the Civil Rights Act of 1964, Executive Orders 11246 and 11375, and other laws which have never been properly implemented or fully enforced. This subcommittee, therefore, decided to conduct field hearings in order to hear testimony as to why these laws are not being enforced and which Federal agencies, and officials are responsible for this failure.

I shall now introduce the members of the subcommittee present this morning. With Mr. Stokes' indulgence, may I present, first, a very articulate member of the subcommittee, our distinguished Congresswoman from New York. She has been a valuable person on this subcommittee and one who is genuinely concerned about the subject of these hearings. It is certainly an honor for me to present to you at this time, Representative Shirley Chisholm, of New York.

Mrs. CHISHOLM. Thank you very much.

I want to say to all of you how glad I am to be here this morning and yet, in a very real sense, I am not glad because we come under a somewhat difficult and sad mission. The very fact that the statistics in

this country are indicating one thing and then, when you get right down to the grassroots of the problem, as you go from one city to another, you find that the action is not really suited to the word and the action really belies the statistics that are being given to us.

We are particularly interested and concerned about the effectiveness of the affirmative action program under the various Federal—among the various Federal contractors. Because it's quite important that starting from the Federal Government down, that the Federal Government be made to understand that they indeed must lead the way. They indeed must implement in all of their programs the fact that there will be no discrimination in terms of jobs that are going to be given to all kinds of American cities. It is very difficult for the Federal Government to come forth with legislation on one hand and yet, with said legislation on the books, we are finding that the legislation is not being implemented in city after city. So, we are here this morning to take the testimony and hopefully go back and show these various departments that they can use statistics for their own purposes, but that the statistics certainly do not indicate exactly what is happening out here all over America.

So, I am very glad to be here this morning and just very anxious to get started and hear from the people in Cleveland. Thank you.

Mr. HAWKINS. Thank you, Mrs. Chisholm.

Now, it is a distinct pleasure for me to call on the man largely responsible for this hearing. It was at his request that we came to Cleveland. He is certainly one of the most distinguished Members of the House of Representatives. He is chairman of the Congressional Black Caucus, which makes him also my leader and even more admired in his own congressional district, the Honorable Louis Stokes.

Mr. STOKES. Thank you very much, Mr. Chairman and Mrs. Chisholm.

It is a very great pleasure to be able to welcome to Cleveland two of my esteemed colleagues from the Congress, particularly Mrs. Chisholm and Mr. Hawkins, both of whom served on this subcommittee with Mr. Hawkins serving as chairman of the subcommittee of Congress. And I did ask them if they would come in here and include Cleveland as one of the cities in which they would make this inquiry on discrimination in employment. I do so particularly in Cleveland for the reason that I was rather distressed at the latest statistics given by the Labor Departments of the Federal Government.

Those latest statistics show that in the city of Cleveland, of the 20 largest cities in the United States, that Cleveland has the highest unemployment rate in the Nation. In the city at large, the unemployment rate is now twice that of the average city, being approximately 11.3 percent.

In my own congressional district, it is running about 18.3 percent in the center city. This is more than three times the national average. There is not a single day that my office is not besieged by persons who are complaining of unemployment, underemployment and discrimination in employment. It is out of that kind of background I have asked this congressional committee to come into our city and make inquiry and investigation into the specific complaints that come before the subcommittee this morning. To that degree I hope that we will be able, in the Congress, to try to alleviate this kind of condition which

exists in our own city as well as many other central cities around the country.

It is a pleasure for me to welcome both of you here and Mr. Chairman, I yield back the rest of my time.

Mr. HAWKINS. Thank you, Mr. Stokes.

The witnesses are divided into two broad classifications. One group will be dealing with the general overall view of employment discrimination. Other witnesses will be presenting individual cases which will demonstrate some of the broader patterns of discrimination.

I would like to indicate that individual cases heard at this hearing that may require some action will be handled by the staff of the committee. Let me assure those of you who will be presenting individual cases, that there will be followthrough on your cases and that you will be kept informed of developments. For that reason, I will introduce the staff people present. To my right, next to Mr. Stokes is the counsel for the subcommittee, Mr. Thomas Hart. Next to him is special assistant to the subcommittee, Miss Adrienne Fields. To my far left is Mr. Dennis Taylor, Counsel for the Minority. (We expect Congressman Landgrebe, a Republican from Indiana, later this morning.) At the table to my far right is the legislative assistant from my own staff, Ms. Patsy Fleming. These individuals will be detailed to follow through on many of the matters which are taken up this morning.

We will now hear the first witness who is Mr. James Campbell. He will discuss the broad subject of manpower planning.

Mr. Campbell, we welcome you to the committee.

STATEMENT OF JAMES R. CAMPBELL, MEMBER MANPOWER PLANNING AND DEVELOPMENT COMMISSION

Mr. CAMPBELL. Thank you Mr. Chairman, members of the committee. I am here to present testimony as a concerned citizen. My qualifications to speak on this subject are based upon my work and involvement in the community as a member of the Manpower Planning and Development Commission of the Federation for Community Planning, as first vice president of the Urban League of Cleveland, and the past 4 years of work combating racial discrimination as director of equal employment opportunity programs for the Turner Construction Co.

This statement is made in response to the request from the committee to share this experience. I am honored and appreciative of this opportunity.

I shall attempt to briefly sketch an overview of some major facts about Cleveland as related to equal opportunity. Second, I shall highlight the failures and lack of equal employment opportunity in Cleveland's construction industry.

I. SOME MAJOR FACTORS RELATED TO EQUAL OPPORTUNITY

A. POPULATION

According to the report of the U.S. Census (1970), the population report of the U.S. Census (1970), the population of Cleveland

was 750,879, of which 38.3 percent was black. About one out of eight blacks (40,600) live in Cuyahoga County outside Cleveland. Females of all ages outnumbered males by 11 percent in the city and 8.5 percent in the suburbs. Some 29 percent of black families are female-headed. The median age of Clevelanders was 28 and suburbanites 30, both down 2 years from 1960. The median years of school completed by Clevelanders was 10.5 in contrast to 12.5 for suburbanites.

B. EMPLOYMENT

The unemployment rate for black people in Cleveland's inner city is probably the highest in the Nation at approximately 19.2 percent. In the last decade, Cleveland lost 71,000 jobs while employment in the suburbs soared.

C. HOUSING

During 1972, there have already been two major bombings in the suburbs when Black families have attempted to move to a better neighborhood. The news media reported these. In Cleveland, 61 percent of the 563,000 housing units are rated as poor to unsound in contrast to just 6 percent in the suburbs. Two-thirds of the substandard and dilapidated housing in Cleveland is within two miles of Public Square although only 21 percent of the total housing is in that area.

D. EMPLOYMENT MIX

Cleveland is second only to New York City in accommodating corporate headquarters. Sixteen of Fortune's 500 largest industrial corporations are located here and another eleven have major plants in the City. The 1970 Census data shows that manufacturing industries employ 33 percent of the workforce; wholesale and retail trade 22 percent; services 17 percent; government 13 percent; transportation and utilities 6 percent; finance, insurance and real estate 5 percent; and construction 4 percent.

E. INCOME

As of March 1971, one-third of the Nation's black population lived below the official Federal poverty income level. In contrast only one-tenth of the white population shared that distinction in the richest country on earth. In Cuyahoga County, approximately 170,000 individuals are receiving public assistance, including 35,000 families in the aid for dependent children program. We also have hunger and malnutrition because of the lack of an adequate income.

F. MANPOWER PROGRAMS

Today there are 61 major organizations providing manpower/employment-related services to individuals in the Cleveland area. The Manpower Planning and Development Commission made an inventory of the federally funded manpower programs for fiscal year 1971. We found the typical client was a young black male (under 30), a school dropout, and a resident of one of Cleveland's six high poverty areas. About one-fourth were veterans. During fiscal year 1971, the total unemployment was 8.4%. For white workers, the unemploy-

ment rate was 4.3%; for nonwhites 14.5%. The estimated number of unemployed inner city workers was 28,900. When we added to that number sub or under employment (56,300), the target population of disadvantaged people in need of employment-related services was roughly 85,000. There was no recession in the inner city; it was a depression that still lingers, when the current level of employment needs is compared with those of the general population during the depression years.

These are but a few summary indicies to acquaint the committee with the general conditions which help breed the sickness of racism in our community. They point out and substantiate local results which Dr. Anthony B. Downs's brilliant work "Racism in America and How to Combat It" has discussed on the national level. Dr. Downs has pointed out that frequently racism is a matter of results rather than intentions.

The results of equal employment opportunity laws have caused only minor shifts in employment patterns in Cleveland. Local and Federal agencies responsible for enforcing civil rights laws have failed to carry out the law. Most are inadequately staffed and funded to do what Congress intended for them to do. They reflect benign neglect. They are ill prepared to deal with racial discrimination in employment. It is the results of systemic patterns which keep black workers as a class in a permanent state of economic and social depression even in the time of full employment. Federal agencies are only addressing themselves to individual random acts of bigotry. It is time for action on a broader scale. A debt is owed. There can be no opportunity without equal life chances. There can be no equal life chances without equal life results.

To illustrate the failure of the Federal Government's equal employment opportunity compliance efforts, I would like to share next my 4 years' experience working locally and nationally for the enforcement of Presidential Executive Order 11246, as amended, covering Government contractors in the construction industry.

II. THE U.S. DEPARTMENT OF LABOR'S DUPLICITY IN THE ENFORCEMENT OF PRESIDENTIAL EXECUTIVE ORDER 11246 IN CLEVELAND, OHIO.

In 1968, when I began working for the Turner Construction Co., the Office of Federal Contract Compliance had tremendous power. It's local Director, Mr. Charles E. Doneghy, was dedicated to the principle of racial justice and equality. He developed a plan of action which was later to be used as the basis for the now famous Philadelphia plan. Since the departure of Art Fletcher and John Wilks, I have observed the withering away of influence and effectiveness of OFCC. The office has been downgraded and relegated to a numbers game plan. The office has for all practical purposes been dismantled because the enforcement efforts have been reduced.

I believe the U.S. Department of Labor is guilty of duplicity and subsidized racism in its most ugly and repulsive form in the construction industry. Government contractors in construction are no longer required to meet minimal and uniform standards of performance. Compare the difference of requirements for construction contractors and industrial corporations under Order No. 4. A construction con-

tractor is excused from compliance reviews when there is a hometown plan, if the Cleveland experience is typical. They are permitted to continue their internal employment practices while being held accountable only for the overall number of minority building tradesmen engaged in the total work force. Thus, a Government construction project could have an all white work force and the contractor could still be found in compliance. In contrast, industrial firms are reviewed periodically and all job categories are examined in each plant.

Under a hometown plan, a construction firm will be considered in compliance with the Presidential Executive order so long as the labor union supplying its manpower has some elusive number of minorities in the membership. This is in spite of the legal and binding obligations of an applicant, developer, owner, and contractor.

There have been no Federal contracts suspended or cancelled because a construction firm failed to have or maintain an integrated white-collar work force in Cleveland. There have been very few contracts, if any, cancelled even when there has been only token numbers of black craftsmen in the skilled trades.

Congress should call for an examination of the number of Government contracts let by each Federal agency, look at the number and size of resident compliance personnel staffs, determine the actual number of personal, onsite inspections, review the budget allocation for compliance enforcement of legal obligations, and call for a historical review of each Government contract. The findings will show at best the total compliance effort is a public relations program to keep the community cool. What good are Government regulations if they are not enforced?

Hometown plans are a fraud as the National Association for the Advancement of Colored People has told the Nation. The Cleveland experience cannot justify the worthiness of a hometown approach to compliance. Good faith efforts are absolutely meaningless. It is like telling employees to work safely without taking any safety precautions. The number of minorities working full time in the construction industry today is far short of the first year goal under the hometown plan. Unions and contractors alike blame the local economy entirely for this failure. If every contractor who is covered by the hometown plan had employed just one minority person, the first year goal could have been met and exceeded during the first month after approval by the Office of Federal Contract compliance.

Without vigorous enforcement of civil rights laws and regulations, there will be no major changes in the racial composition of the work force in the construction industry. There is an institutionalized pattern of racial discrimination maintained by defacto closed-shop union hiring halls and other referral systems. Hometown plans do not alter these.

Thank you for allowing me to present my views here today. This concludes my statement, Mr. Chairman. I will be pleased to answer any questions.

Mr. HAWKINS. Thank you very much Mr. Campbell.

We will call first on Mr. Stokes. I am sure this relates rather directly to his own community. Mr. Stokes.

Mr. STOKES. Thank you Mr. Chairman.

Mr. Campbell, let me commend you upon the excellent testimony you have given here this morning in such an in-depth and incisive manner.

I would be interested in knowing if you had some comment with reference to matter of the necessity or non-necessity for quotas to be used with reference to Federal Government hiring.

As you know, recently, pursuant to letters written to the President, the President subsequently issued a memorandum to all Federal agencies that, under no circumstances, with reference to hiring of minorities, are they to indulge in quota hiring and, of course, subsequently, we understand further that the President has indicated his intention of scuttling the Philadelphia plan along with the 55 local plans of which you made reference to this morning.

I would like to know your views on the subject.

Mr. CAMPBELL. Congressman Stokes, without meaningful goals and timetables, quotas or by any other name, there shall be little or no opportunity for minorities in the construction industry. In the past, historically and traditionally, there has been a quota to exclude blacks and other racial minorities from the highly paid building construction trade unions.

Management does not approach sales without a goal. Government cannot approach the problem of racial discrimination and racism in this country without establishing meaningful, objective criteria by which it can assess achievements or failures.

Mr. STOKES. I was interested in your comments with respect to the enforcement division of the Labor Department. Are you familiar with the report that the Labor Department made of its own agency practices with reference to equal opportunity where they found that their own department probably was one of the worst in the Federal Government with reference to its hiring practices? This was a particular report that indicated that a white and a black male enter into the labor department on the same day, in a period of 5 years, there becomes a \$4,000 per annum dispersive between the wages of the white male and that of the black male, even though they entered the same day. Are you familiar with that report?

Mr. CAMPBELL. No, I have not seen that particular report.

Mr. STOKES. Mr. Chairman, I yield.

Mr. HAWKINS. Thank you Mr. Stokes, Mrs. Chisholm?

Mrs. CHISHOLM. There are about three basic questions I would like to get your thinking on.

In view of the fact you have said that there is a large number of AFDC families in the Cleveland area, in terms of the manpower training programs, what programs, if any, are being utilized in terms of helping these women?

Mr. CAMPBELL. I'm sorry, I do not know the answer to that question.

Mrs. CHISHOLM. Because it would seem to me, if we are going to do something about the indicies of poverty in the Cleveland area, we have to do it with the cold, raw, naked statistics that there are a large number of families headed by women. It would seem to me that it would be very important that we have a meaningful manpower training program for these women and at the same time the development of child care centers to go along with these programs, so the women will have places where the children will receive care, you know, psychologically and intellectually. I think that is very important in terms

of any manpower training program. In terms of combating unemployment, you would have to move in and establish meaningful manpower training programs also for a large number of women.

Second, what has been happening as blacks have moved out or if they have really moved out to suburban areas of Cleveland, to get jobs? Is there any kind of movement, or is it due to housing patterns or what is happening?

Mr. CAMPBELL. The movement of black families from the inner city to the suburbs has been very, very small and they have encountered, strong racial discrimination. As I have mentioned, there have been two bombings in 1972. These were black families which attempted to move into reasonably integrated neighborhoods. The mobility of black families to the suburbs has been very small in the past decade in Cleveland.

Mrs. CHISHOLM. My last question: Would it be fair at all, to say at this moment, there has to be an indictment of certain labor unions in this country, although we recognize that the labor union movement has been very important in terms of the development of the security and the progress for the average workingman. But, at this point many of the labor unions in this country have to be indicted in terms of the fact they are not living up to the letter of the law.

Would you go so far as to say that?

Mr. CAMPBELL. I would strongly agree and I would also make the distinction that unions such as the UAW have done a very outstanding job in the area, of providing opportunities for minorities. But, to look at the labor picture generally, throughout the United States you will find recalcitrant unions confined primarily to the building construction trades. When you break these 18 trades down, you will find that among those that the highly skilled and highly paid—as examples, mechanical trades, electrical and so forth—those unions have the highest incident of racial discrimination complaints and the smallest number of minority members.

Mr. HAWKINS. Mr. Campbell, I have just one question.

I think that you strongly indict the hometown plan. Would you comment on the participation of civil rights groups in negotiations leading to the hometown plan?

Mr. CAMPBELL. I serve as first vice president of the Urban League of Cleveland and was strongly involved in that organization's support and negotiations with organized labor and management in Cleveland, Ohio, for the hometown plan. The Urban League of Cleveland involved itself because of hope and because of faith that such parties along with the strong backing of the U.S. Department of Labor's Office of Contract Compliance would indeed do something to open the door. Something was better than nothing.

We participated in good faith but that faith has been shaken. On June 29 of this year the board of trustees voted to take legal action against those parties responsible which have broken those good-faith efforts and have failed to do what they promised to do.

I can't speak for all civil rights or community organizations in all communities, but I must question such organizational involvement for this reason; community organizations tend not to be skilled in the art of labor negotiations, while construction management and labor certainly are. Consequently, the whole impact, the meaning, the

heart or the intent of a hometown plan can be given away at the negotiation table.

Mr. HAWKINS. Thank you for a very forthright answer to a very difficult question. I want to again express the appreciation of the committee for the testimony which you gave here this morning.

Thank you.

The next witness is Mr. Paul Briggs of the Cleveland Board of Education.

Mr. Briggs, we are certainly delighted to welcome you to the committee this morning and I assume that this is a holiday in the city of Cleveland, as elsewhere, and we again want to express our gratitude that you have taken the time to come to the committee this morning to give us the benefit of your thoughts on this very difficult subject.

STATEMENT OF PAUL W. BRIGGS, SUPERINTENDENT, CLEVELAND PUBLIC SCHOOLS

Mr. BRIGGS. Thank you, Mr. Chairman. I assure you the Board of Education of Cleveland tries not to have too many off days. It's always a pleasure to welcome to Cleveland any of the various committees of Congress. It is a distinct honor to have Congressman Stokes here this morning because we are all so much aware of his commitments and the great job he is doing in representing his constituents in Washington. When I have testified at committee hearings of the House, Congressman Stokes is usually present and gives me a warm reception; that is, it is a real privilege to be able to welcome him to this meeting in his own hometown.

Mr. HAWKINS. You are not saying you don't see him very often?

Mr. BRIGGS. No, no. Just last week he came in one night for a special dedication that lasted 1 day. He came to Cleveland to help us dedicate a new \$10 million high school—a school that he and his family members had attended. He was the keynote speaker, he made a great speech.

It's a pleasure for me to appear here today before this committee.

I think that the information we have will be affirmative. I want to assure you that I feel rather optimistic when I see what one governmental agency can do about equal employment opportunity.

You are in the largest city of the State of Ohio. This is the largest school district in the State. We have here in Cleveland, 7 percent of all the students in the State of Ohio, but we have almost one-third of all of the children from welfare families. Therefore, it is incumbent on us that we see to it that the program of the Cleveland public schools addresses itself directly to the needs of the poor. We have got to say to the people that, in this generation, we do see to it that our graduates become employable and then get employment. This morning I want to address myself primarily to the matter of the EEO in the Cleveland public schools, the matter of administration. We have moved strongly into this field as far as teachers, and particularly in every phase of school construction, architects, contractors, and engineers.

In fact, we have been extremely successful in hiring minority groups in our school system and this is not just an accident. It's a result of long-range planning which extends the policy of equal employment

opportunities. You will find official statements by our board of education in the little pamphlets we have handed to you. Exhibit 1 shows that as early as 1965 and again in 1966, the Cleveland Board of Education asserted its position with reference to its employment practices with the adoption of policies on human relations. These statements stress the commitment to fair employment opportunities for all citizens.

In exhibit 2, you will find that this human relations policy position, which was passed by the Cleveland Board of Education, was reinforced with additional guidelines established by the board's resolutions of July and September 1970, which relate to the expenditure of board of education funds for services rendered by private construction. Ours was the first of such policies adopted by a school board.

The resolutions state in part:

In addition to the compliance agreement, affirmative action plans for minority employment opportunity shall be submitted as a part of the bid documents. In the implementation of this policy, there has been established an Office of Contract Compliance. The compliance officer is responsible directly to the Superintendent of Schools.

The compliance officer, Mr. William Perry, is here with me today. Mr. Perry has worked as hard on EEO as any compliance officer in the country and, in fact, has probably done the most outstanding job.

I would also like to commend the unions, contractors, and subcontractors who have been most cooperative on all board of education jobs. Without their cooperation and support, our job would be much more difficult, if not impossible.

A credit for success should also go to Mr. William Johnson and his staff at the joint apprentice program of the Workers Defense League for the fine job they have done in recruiting minority persons to fill job openings in the building trades.

The Cleveland Board of Education spends \$25 million annually on construction. If I remain in Cleveland for 2 more years, I will have spent \$226 million in construction. Most of our money comes from bond issues, which is 100 percent Cleveland money. It is the feeling of our board of education and of the administration that as much of this money as possible should be fed directly back to the residents of the city of Cleveland.

All of our work is based on competitive bidding. The lowest qualified bidder gets the job.

There has never been an exception.

Not only do we employ local architects and contractors and purchase most of our materials locally, we insist upon strict adherence to our policy on equal opportunity employment. By enforcing this policy, we find yet another avenue by which to keep Cleveland dollars in Cleveland. Analysis of individuals hired under EEO indicates that almost 100 percent reside in the city of Cleveland. When we hire minority workers, they are residents of the city of Cleveland. Non-minority tradesmen, for the most part, do not live in or pay taxes in Cleveland. Therefore, by insisting on compliance with our EEO policy, people working in Cleveland, who live in Cleveland, are earning and spending Cleveland money in Cleveland.

The total unemployment rate in Cleveland is 5.4 percent. The percentage of unemployed whites is 3.3 percent, while the non-white unemployment figure is 9.2 percent. This figure is much higher in the

central city, as you have heard from testimony from Mr. Campbell earlier. The non-white unemployment figure for Cleveland is the highest in the nation.

The road to employment and employability is through the skilled trades. In Cleveland, in 1964, there were no minority enrollees in apprenticeship training programs. Today, approximately 214 of the nearly 1,666 pupils enrolled are members of minority groups.

On exhibit 3, you will find, looking at the data gathered on EEO for all trades for all construction done by the Cleveland Public Schools during the last calendar year, we have some very interesting and impressive statistics. I refer you to exhibit 3, which is attached.

Of 51 asbestos workers who were employed by the Cleveland Public Schools, 20 or 39 percent, were from minority groups. 30.3 percent of the bricklayers were minority workers. And so the figures go, as you can see, down the list. Looking at the totals, we hired 15,841 tradesmen and 4,817 were from minority groups. Our total percentage of minority workers was 30.4 percent.

Our construction workers were paid an average of \$8.77 per hour in 1971. This hourly rate produced \$1,296,940.49 worth of income for minority workers in the city of Cleveland.

If you will look at the selected project, Gordon Elementary School, which was just completed, you will see equally impressive figures. Remember that Gordon is on the West Side, at 2121 W. 67th St. There again, approximately 30 percent of all of the hours went to minority workers.

I refer you to exhibit 4. 25.9 percent of the 1,382 men on this construction job were minority workers. Their approximate salary, using the same \$8.77 per hour average, was \$90,089.73.

Comparing the Cleveland public schools' minority hiring percentages to sundry standards, you can see exactly how successful we have been. The Cleveland Plan, one of the foremost plans of its type in the country, calls for 17 percent and the Cleveland Plan is well above the minimums established by the U.S. Department of Housing and Urban Development and the various agencies. We have almost doubled the expectation of the Cleveland Plan and almost three times or 300 percent over the minimum standards of the Federal Government.

Furthermore, studies have shown that in many other large cities (you will find this in exhibit 5) there is only 5 to 10 percent minority representation in construction work. It is also well to note that we have employed five (this was written last week, it says four) minority architectural firms for the design of nine of our new buildings. Five different minority contractors have worked on Cleveland Public Schools construction, earning over a half a million dollars.

From our experience, it is easy to conclude that:

1. An EEO policy, if reasonably drawn and fairly administered, can attract the cooperation of both management and labor. Sure, there is going to be some discussion along the way, but it can work.
2. An EEO policy can be used to open new doors of employment to minority groups.
3. An EEO policy can be used as a means of recirculating construction monies within a taxing district.
4. An EEO policy can assist the unemployed to attain economic independence.

5. An EEO policy provides a working relationship between minority and majority groups who may otherwise have no contacts. We think, at the hard hat level, contacts between majority, minority, peoples is important.

The Cleveland Board of Education is pleased to be privileged in pioneering this important social, economic endeavor and trust that its exploration and successes will assist others in developing realistic policies for hiring from minority groups.

You know, if every unit of business and government in the greater Cleveland area, offered the same practice as we follow in hiring, in placing, and advancing minorities, this would be a different community and maybe the need for this kind of a hearing would not be necessary.

Just before coming over this morning, I took a look at a breakdown, a recent breakdown of our hiring practices in other fields other than the building trades. We find that 40 percent of the assistant superintendents of the Cleveland public schools, represent minority groups.

Twenty-five percent of all of our directors and supervisors and coordinators in the administrative field, are from minority groups.

Thirty-six percent of our elementary principals, are minority representatives.

Seventy-two percent of our assistant principals in the elementary schools, are minority representatives. Remember, you draw your principals from your assistant principals.

Seventy percent of administrative interns (these are the ones that are on their way to becoming assistant principals) are from minority groups.

In the junior high schools, 20 percent of our principals are minority, 35 percent of our assistant principals, and 62 percent of our administrative interns.

In the senior high schools, 23 percent of our principals are from minority groups. Fifty-four percent of our assistant principals and 43 percent of our administrative interns.

When we take a look at the total administration of the Cleveland public schools, 39 percent of our total administrative staff represents minority groups. Forty percent of our teaching staff, which makes an average of approximately 40 percent.

We have more schools under construction in Cleveland at the moment, than the total number of schools outside the city of Cleveland in the State of Ohio. We feel, therefore, it is important that we do set this kind of a standard and as we do, I hope we are setting a kind of a standard that can be emulated elsewhere.

I want to thank this committee for the opportunity of coming before you and I will be very happy to attempt to answer any questions you may have.

Mr. HAWKINS. Thank you Mr. Briggs.

Before calling on Mrs. Chisholm, may I at this point introduce the latest arrival. A member of the subcommittee who has contributed a great amount of thought to the subject, and a very articulate spokesman, particularly for the minority, Mr. Landgrebe of Indiana.

Mr. Landgrebe, would you like to make a comment at this point? I know it is unfair to call on you in this way.

Mr. LANDGREBE: Well, I'm sorry Congressman Hawkins, due to the bad weather the plane was delayed in leaving South Bend. I had a very cooperative taxi driver, he rushed me across town here.

I'm here and I'm real glad to see my good friends, Shirley and Congressman Stokes and the whole bunch, so, let's get on with the hearing.

Mr. HAWKINS. Thank you Mr. Landgrebe.

Again, back to Mr. Briggs. Mrs. Chisholm?

Mrs. CHISHOLM. I would like to thank you very much for your testimony. However, it would seem to me that your testimony would seem to indicate a fairly nice utopia, a fairly good situation with respect to the union, with respect to the recognition of equal employment opportunities, for persons in the Cleveland area.

I have a number of questions I would like to ask.

Your general statement, is a very good, general, overall statement. I am always very much interested in the actual statistics with respect to the number of minorities hired in various capacities, the type of capacities or roles that they find themselves in within the construction trade, in the public schools. How many are actually blacks in the administrative and supervisory positions? I wonder if you have those kind of statistics. Those are very important because, this is exactly what we meet when we go over this country. We get lovely statements that things are moving, progress is being made, yet when we look at the actual statistics as to what is happening in each community, or each school district, they are completely different. So, I was wondering if you have some actual breakdowns within the school situation itself, first of all?

Mr. BRIGGS. Yes. Mrs. Chisholm, I would first like to state that I would hope that I was confining my statement to the Cleveland public schools.

Mrs. CHISHOLM. Yes.

Mr. BRIGGS. Not to Cleveland generally. There is a difference.

As far as the statistics are concerned, I have a special analysis that I would like to mail to you, that is an actual breakdown, school by school, of the cities in the State of Ohio, which shows exactly where Cleveland stands in regard to the rest of the communities. I have in front of me, however, an interesting one on the ethnic composition of enrollments as of April 1972, in some of the major cities in the United States.

For example, in Cleveland, let's hold in mind that 38 and a fraction percent of our total employment in the city school district is minority. Now, nearly all of that is black. In Cleveland, when I say minority, I am referring to black. When I take a look at San Francisco, their school system it's 19 percent. That is compared to 38 percent in Cleveland.

When I take a look at Pittsburgh, it's 12 percent; Boston is 5.9 percent; Milwaukee is 14 percent; Dallas is 29 percent; Indianapolis is 23 percent.

I thought we had better pick an Indiana town here. But, I have a breakdown of exactly the positions, then. You are absolutely right, if I look at the Civil Rights figures in cities across the State of Ohio, the figures showed that most of the blacks in many of our cities were employed in clerical fields, cleaning jobs, and as kitchen helpers. That was 1 year ago. It is not the case in Cleveland today. Now, for example, 72 percent of our assistant principals in the elementary schools are black. In the city of Cleveland, there 135 schools; 72 percent of our assistant principals are black; 36 percent of the principals are black; 70 percent of the administrative interns are black.

Now, let's compare that with custodians, 29 percent of our custodians are black. Assistant custodians, 46 percent. When we come down to cleaners, it's 53 percent. You see, the percent of our cleaning staff is not as high in the black percentage as that of the assistant principals. And the same thing goes pretty much all the way through. I might say also, Mrs. Chisholm, we have had a policy for quite a few years in Cleveland, 6 or 7 years, that is, of putting some of our black principals into what were our predominantly white schools and in some cases, totally white schools. It has worked.

Mrs. CHISHOLM. Well, I would like to say that the agreement on the part of the total committee, I would like to have all those statistics for the record.

What about the situation in Collinwood and Glenville High School here in Cleveland, I understand there is a situation there.

Mr. BRIGGS. There is a neighborhood situation in Collinwood and in the Glenville area that has reflected and boiled over in the schools for years. The number of minority pupils has increased. Collinwood was almost a totally white high school a few years ago, both in percent of students as well as staffing. As far as Glenville, Glenville is an all black high school. We do have some white teachers, and some white administrators in Glenville. The student body in Glenville is almost entirely black.

Mrs. CHISHOLM. Thank you, no further questions.

Mr. HAWKINS. Thank you, Mr. Stokes.

Mr. STOKES. Thank you, Mr. Chairman.

Dr. Briggs, when I came in last week to speak at East Tech's dedication ceremony, a new \$10 million edifice there, I understand a large amount of funding was from Federal funds. There were two things that I learned on that occasion than maybe you would like to comment on.

One was the fact that the building of the school, the planning of the school was cooperative planning between community and between the school system itself.

Second, a large amount of the \$10 million coming into our community through the Federal Government, was expended to minority contractors. I would like to have whatever comments you have on that.

Mr. BRIGGS. That is true. In the first place, we did involve people from the neighborhood and community groups in planning. We involved students. We involved members of the staff. And then, we developed a document, which we called the educational specifications that went to the architect, and then we had some subcommittee meetings between the various groups and the architect.

Interesting enough, that school, as you know, Mr. Stokes, is located in an area where there are many many problems; many social problems, many problems of poverty. It is in an area where some of our elementary schools have over 90 percent of their students from welfare homes. But, during construction, during the period of construction, we did not have a single act of vandalism on that building. I have been involved in building 100 schools in the lifetime of my administration. Never have I been associated with a school with less vandalism and more cooperation than East Technical High School.

Up until just a few hours ago, there had been no vandalism in that school whatsoever. Now, in that school—well, we did operate two

schools, the old one across the road getting ready for the new one during a 6-month period we had the lowest incident of vandalism in all of our schools in the city of Cleveland. By the way, the school that was second lowest in Cleveland, also was an inner-city high school. The higher vandalism incidents occur in those schools located near the suburbs. And when you move into suburban areas, then you find another set of circumstances.

This school has done a great deal, Mr. Stokes, I think, to inspire pride, I just hope it says to these young men and women, there is a better tomorrow than what yesterday provided.

This is the first school that placed every graduate in a job last spring. Every single graduate that wanted a job from East Tech, last spring, was placed. This was a school that 10 years ago had only 10 students of its graduating class go to college. The principal, Mr. Smith, tells me this fall, 52 percent of last spring's graduate class is in college this fall. Everyone of them on a scholarship.

I think it is a tribute to the fact that, not only is there a building there that stands as a tribute to our faith in tomorrow, but as those students saw the building going up, they saw ironworkers, and you know there aren't supposed to be any black ironworkers, but they saw some black ironworkers on that job. They saw black plumbers, they saw black skilled laborers throughout that job.

Now, we do not accept, in our compliance agreement, just a statement that a contractor will have so many of his workers, or a certain percentage of his workers from minorities. We say, we not only want a percentage of workers, but we want the percent of their hours worked. These are two quite different things. It is easy to play a game of checkers, you know, moving people from job to job, to job to job and counting the men on each job. We insisted on this building having the same amount of percent of the total hours, the total to minority workers, as the percent of minority workers. We accomplished this. As I indicated to this committee earlier, we had cooperation from the unions, and the contractors; without it, we could not have done these things. I want to correct an item in Mr. Campbell's testimony. When he indicated that no contractor had been forced to comply. This is not true in the Cleveland public school situation. This is not true. I was checking with Mr. Perry during that testimony and he tells me that we have held funds from at least 10 companies until we have had cooperation. But, we had cooperation. In one case, we withheld one quarter of a million dollars for 1 year. We slowed the project down until there was compliance and that individual, that firm, went out of business. But, we would not pay unless there was compliance.

And so I say, we did have cooperation, but there is a real relationship between the payment of the bills and cooperation. I felt very strongly that it was important for us to establish, first of all, the game rules before the bidding. Then, to have a contract compliance conference before we signed the contract, after the bidding, and then an on the job inspection during construction. We feel strongly enough about the enforcement of this, so the compliance officer reports to no one else in the Cleveland public schools except directly to the superintendent of schools. We do get compliance. I have got to say this, I think we do. At the moment we are getting nothing but harmonious compliance on our contracts. Now, you might find something quite

different with the same contractors when they are working for someone else. But, not for us. Because, if they are going to work for us, they are going to comply and it's understood. It's perfectly clear.

Mr. STOKES. Let me ask you this. When you run into the kind of a situation where, assuming the lower bidder for the contract, one who is a noncompliant with respect to the kind of minority, and someone who has a higher bid is in compliance, what happens in that kind of a situation?

Mr. BRIGGS. We avoid that situation, Congressman Stokes, by insisting that their eligibility to bid is based, first on their compliance, willingness to comply and their willingness to give us a declaration that they will comply. Without that, we will not open their bid. So, therefore, they have not bid the job. In order to bid, they must be in compliance or willingness to comply. And then before we sign a contract with them, we have a compliance contract meeting and there any details are worked out. And then we have inspections.

Mr. STOKES. Thank you Dr. Briggs. I have no further questions.

Mr. HAWKINS. Mr. Landgrebe.

Mr. LANDGREBE. I'm sorry Dr. Briggs, that I arrived too late, but I think you have given a very fine statement here and obviously public schools of Cleveland are doing everything they can to assist in developing the skills of the minority groups and I certainly commend you not only for your statement but for your dedication to this principle.

Mr. BRIGGS. Mr. Campbell has informed me, Mr. Chairman, that his reference was to the Federal Government and not other—

Mr. HAWKINS. I think that's true. I was just going to make that statement.

Mr. BRIGGS. You see, I'm just sensitive about this a little bit.

Mr. HAWKINS. You could both be telling the truth, not in conflict with each other.

Mr. BRIGGS. That's right.

Mr. HAWKINS. Again, thank you Mr. Briggs for your testimony.

(The following information was submitted by Mr. Briggs in response to questions asked him by the members of the subcommittee.)

CLEVELAND PUBLIC SCHOOLS,
Cleveland, Ohio, October 26, 1972.

Congressman GUS HAWKINS,
House Office Building, Washington, D.C.

DEAR MR. HAWKINS: It was good to have your Subcommittee on Education and Labor meeting in Cleveland this week.

The purpose of this letter is to fulfill my promise to provide detailed information and statistics regarding hiring practices of the Cleveland Public Schools to Mrs. Shirley Chisholm. While my testimony was largely confined to E.E.O. policies and practices in the building trades, data including professional staff are included.

Please see the following enclosures:

1. Summary of all building trades work by both man hours and persons for the calendar year of 1971.
2. A survey made by the Ohio Civil Rights Commission.
3. 1970 Professional Staff Statistics. This is an analysis of minority professionals working by classifications in the Cleveland Public Schools.
4. Non-white Principals. This chart shows the number of non-white principals in the Cleveland Public Schools between 1950 and 1971.
5. Equal Employment Opportunity Policy.
6. National study of racial and ethnic enrollments and staffing in some leading cities.

I trust that the above mentioned materials adequately answer your questions regarding our Cleveland Public Schools equal employment practices.

The performance of the Cleveland Public Schools in all matters related to EEO demonstrates that units of government can achieve at or above currently established goals. If all other units of government, private institutions, and agencies would meet the performance of the Cleveland Public Schools, many of our Cleveland social and economic problems would be solved.

Again let me thank you for the courtesies that you and your committee extended to me last Monday.

Sincerely,

PAUL W. BRIGGS.

PROJECT: TRADE TOTALS FOR ALL PROJECTS, DEC. 31, 1971—MANPOWER CHECK

Trade	Hours			Men ¹			Paid to minorities at average of \$8.77
	Total	Minority	Minority, percent	Total ¹	Minority ¹	Minority, percent	
Asbestos.....	1,868	772	41.3	51	20	39.2	\$6,770.44
Bricklayers.....	99,263	28,294.5	28.5	2,747	833	30.3	248,142.76
Carpenters.....	74,299.75	18,847.5	25.3	2,242	561	25	165,292.58
Cement finishers.....	16,628.5	5,577.25	33.5	811	234	28.8	48,912.48
Electricians.....	42,626.5	10,360.5	24.3	1,300	308	23.6	90,861.59
Engineer/Operator.....	19,066.25	3,575	18.7	588	94	15.9	31,352.75
Excavating.....	10,569.75	2,959.5	27.9	419	112	26.7	25,954.82
Fitters.....	29,684	8,314	28.0	879	235	26.1	72,913.78
Flooring.....	1,014	248	24.4	48	12	25.0	2,174.96
Glazier.....	1,708	104	6.0	68	3	4.4	912.08
Iron.....	20,986	3,247.5	15.4	932	131	14.0	28,480.58
Labor.....	102,650	53,462.25	52.0	3,464	1,661	47.9	468,863.93
Elevator mechanic helper.....	233	58.5	25.1	9	2	22.2	513.05
Miscellaneous (clerk, dispatcher).....	3,166	1,364.5	43.0	87	35	40.2	11,966.67
Painters.....	6,976	1,862	26.6	194	51	26.2	16,329.74
Plasterers.....	200	24	12.0	9	2	22.2	210.48
Plumbing.....	33,393	7,881	23.6	1,039	245	23.5	69,116.37
Roofing.....	3,764.5	1,005	26.6	206	54	26.2	8,813.85
Sewermen.....	467.5	467.5	100.0	32	32	100.0	4,099.98
Sheet metal.....	15,951.75	2,850.5	17.8	521	104	19.9	24,998.89
Supervision.....	3,610	0	0	96	0	0	0
Tile.....	486	0	0	11	0	0	0
Truck drivers.....	1,659.5	1,151	69.3	143	88	61.5	10,097.27

¹ The total numbers in the column for men, total minority is an accumulation from weekly payrolls and not a count of individuals.

SUMMARY OF DATA REGARDING NEGRO EMPLOYMENT IN THE 8 LARGEST CITIES OF OHIO

	Certified personnel							Noncertified personnel (percent)			
	Negro teachers		Negro principals		Negro assistant principals		Negro counselors		Clerical	Food service	Maintenance
	Number	Percent of total	Number	Percent of total	Number	Percent of total	Number	Percent of total			
Akron.....	163	7.41	4	5.80	1	4.55	9	13.43	2.50	10.80	7.91
Canton.....	56	5.89	2	6.25	3	175.00	3	11.11	9.73	5.17	10.14
Cincinnati.....	740	22.39	15	14.56	21	28.38	27	30.00	14.61	46.96	65.58
Cleveland.....	2,314	37.25	47	27.49	64	46.38	46	27.06	45.33	56.82	50.71
Columbus.....	513	12.55	14	8.28	7	11.67	15	14.29	10.76	12.94	55.44
Dayton.....	746	28.77	13	18.84	14	33.33	12	30.77	8.33	33.82	16.33
Toledo.....	438	16.50	9	12.33	8	16.67	6	13.95	8.03	13.61	19.78
Youngstown.....	89	7.75	2	4.55	1	6.25	1	4.35	3.00	6.25	9.89
Total.....	5,059		106		119		119				

¹ Only 4 assistant principals employed; 3 are Negroes.

Source: 1970 report of the Ohio Civil Rights Commission.

ANALYSIS OF THE COMPLETE REPORT SHOWS

Almost one half (45.74%) of all Negro Teachers in the eight largest cities of Ohio are employed in Cleveland.

Of 225 Negro Principals and Assistant Principals in the eight largest cities of Ohio, 111 (49.33%) are employed by the Cleveland Public Schools.

Of the 3410 non-professional Negro employees in the eight largest cities, 2066 (60.59%) are working in the Cleveland Schools.

While Cleveland employed approximately one fourth (26.8%) of the total number of teachers, it employed almost one half (45.7%) of all the Negro Teachers.

While Cleveland employed less than one fourth (23.4%) of the total number of principals, it employed almost one half (44.3%) of all the Negro principals.

While Cleveland employed approximately one fourth (26.9%) of all the certified personnel, it employed almost one half (45.7%) of all the Negro certificated personnel.

While Cleveland employed 47.4% of all non-certificated personnel, it employed 60.5% of all Negro non-certificated personnel.

In five of the seven personnel categories, the percent of Negroes represented among Cleveland Public School employees was more than double the percent of Negroes represented among employees of the seven remaining large-city systems in Ohio.

CLEVELAND PUBLIC SCHOOLS—OFFICE OF THE SUPERINTENDENT OF SCHOOLS; PROFESSIONAL STAFF
STATISTICS, RACIAL COMPOSITION, FALL 1970

	Totals	Nonminority	Minority	Minority percentage
I. General office:				
Assistant superintendents.....	5	3	2	40
Directors and supervisors plus coordinators and other administrative staff.....	115	73	42	37
II. Schools:				
Elementary principals.....	130	89	41	32
Elementary assistant principals.....	51	15	36	71
Elementary administrative interns.....	21	8	13	62
Elementary consultant teachers.....	29	5	24	83
Secondary school principals.....	43	29	14	33
Secondary assistant principals.....	85	55	30	35
Secondary leadership development.....	33	5	28	85
III. Teachers.....	6,025	3,725	1 2,300	38
IV. Grand total.....	6,537	4,007	2,530	39

¹ Estimated.

CLEVELAND BOARD OF EDUCATION
 EMPLOYMENT OPPORTUNITIES

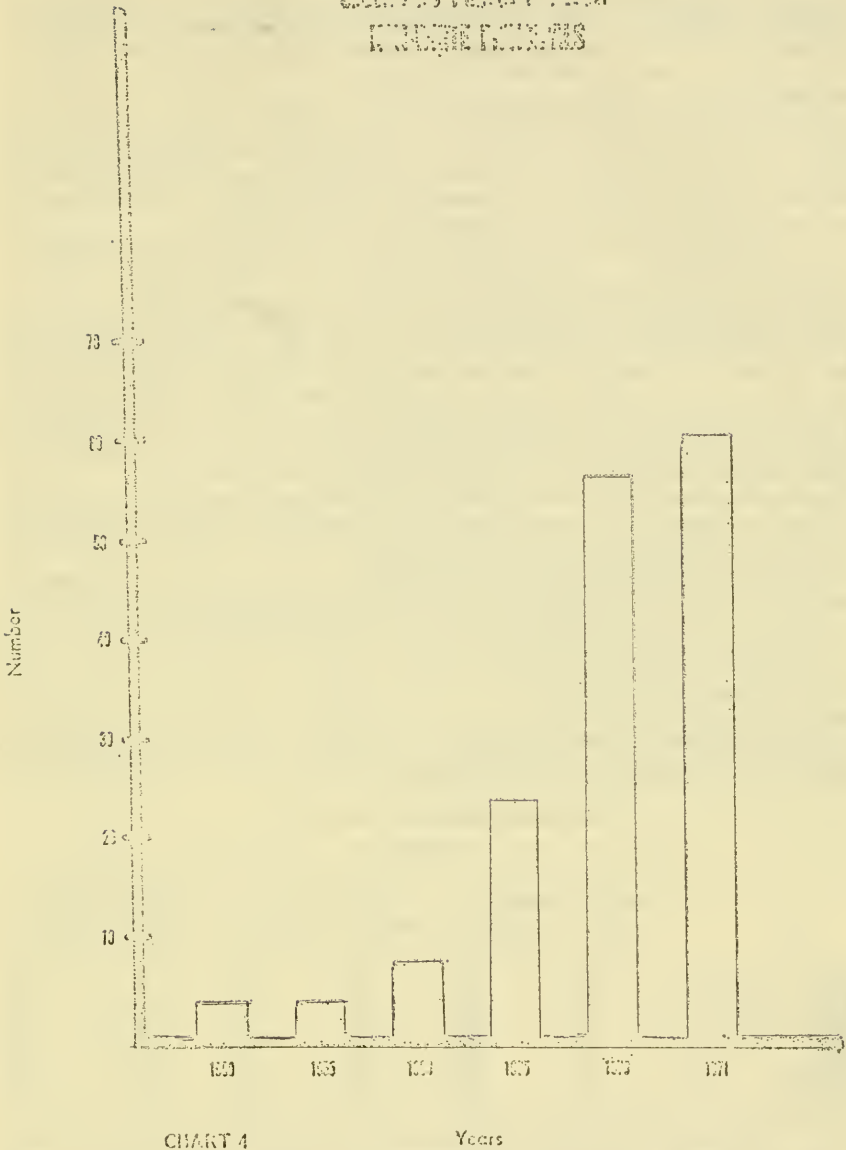


CHART 4

Years

EQUAL EMPLOYMENT OPPORTUNITY

In its policy statement on human relations adopted July 1966, the Cleveland Board of Education asserts its recognition that "an important part of quality education is the development of attitudes of democracy and of respect for the worth of each individual." The development of such attitudes entails the establishment of programs and procedures which promote fair employment opportunities for all citizens. Consistent with that position, it is the policy of the Cleveland Board of Education "to hire, promote and assign administrative, teaching and other employees without regard to race, color or religion."

This policy has been and continues to be implemented, as perusal of the employment rolls of the Cleveland Board of Education will indicate.

However, the impact of Board of Education activity extends beyond its own immediate employment policy and practices. It is a major consumer of goods and services provided by a variety of private business establishments. In this regard, it is properly the concern of the Board of Education that such funds as it controls be expended in a manner consistent with its commitment to equitable benefits for all citizens.

Consequently the Board reaffirms its policy that in the purchase of goods and services, equal opportunity for sales be made available to businesses owned and operated by members of minority groups. In instances where bidding is required, it is the policy of the Board of Education that businesses owned and operated by members of minority groups be encouraged to enter competitive bidding for the sale and delivery of goods and services required by the Board.

Specifically with respect to the construction and/or remodeling of school facilities, it is the policy of the Board to comply fully with all applicable state and federal laws regarding equal employment opportunity for all citizens.

All invitations to bid shall contain a notice that the bidder must comply with all applicable provisions of state and federal law regarding equal employment opportunity. Each bidder must file a statement of acceptance of the requirement as part of the bid documents. Provisions pertaining to contractors apply as well to sub-contractors. In addition to the compliance agreement, affirmative action plans for minority employment opportunity shall be submitted as part of the bid documents together with statements of approval of each plan by the appropriate state and federal agencies. The compliance agreement and the affirmative action plan of the successful bidder shall become part of the contract.

In the implementation of this policy, there has been established an office of contract compliance. The compliance officer is responsible directly to the Superintendent of Schools. This officer shall familiarize himself with requirements and provisions of all applicable federal and state laws.

To facilitate the development of acceptable compliance agreements and affirmative action plans, the compliance officer will be available to prospective bidders for consultation and suggestions in the development of their plans.

During construction activity he shall visit the sites of major construction weekly to ascertain continuing compliance.

He shall make a status report weekly to the Superintendent of Schools regarding activity covered by this policy.

The Superintendent shall make recommendations to the Board of Education for action when contract performance is at variance with the compliance agreement and/or the affirmative action program.

CURRENT POPULATION DATA, MAJOR CITIES

[In percent]

City	School district population		Pupil enrollment		Professional staff	
	Minority	Nonminority	Minority	Nonminority	Minority	Nonminority
Atlanta.....	51	49	73	27	61	39
Cincinnati.....	26	74	45	55	21	79
Columbus.....	28	72	28	72	16	84
Dayton.....	32	68	40	60	33	67
Detroit.....	44	56	65	35	42	58
Dallas.....	30	70	36	64	25	75
Philadelphia.....	34	66	61	39	34	66
Pittsburgh.....	20	80	42	58	15	85
Cleveland.....	38	62	57	43	40	60

Mr. HAWKINS. The next witnesses will be Mr. Bill Johnson and Mr. William White.

Mr. Johnson and Mr. White, will you identify yourselves for the record.

STATEMENT OF BILL JOHNSON, EXECUTIVE DIRECTOR, CONSTRUCTION EQUAL EMPLOYMENT PROGRAM AND WILLIAM WHITE, LOCAL 404, CEMENT MASONS OF CLEVELAND

Mr. JOHNSON. My name is Bill Johnson, executive director of the construction equal employment program, formerly director of the joint apprenticeship program.

Mr. WHITE. I am Mr. William White, member of Local 404, Cement Masons of Cleveland.

Mr. HAWKINS. All right, who is going to begin? Mr. Johnson?

Mr. JOHNSON. Yes.

First of all, I would like to point out that I am a native Clevelander and that one of the things that I hear at all these hearings is people painting a beautiful picture of this particular organization and whatever they are affiliated with. I may do some of the things, but also I am here to talk real facts.

First of all, I don't think that enough homework is actually done on the various laws that are in force, Civil Rights Act of 1964, the various Executive Orders in existence. The Federal Government does not, and has not, enforced the various laws that are on the books and there are many reasons why. I think that we have got to look at the staffing of each one of those agencies that are to do compliance. They are so watered down in the sense of manpower, that they cannot do an effective job. And I worked with Howard Greene of HEW, Bill Stewart of HUD, Donna High of OSEC, John Coles, formerly here of the city of Cleveland, Bill Perry from the school board and I think with each one of them, with the exception of maybe Bill Perry, that they did not have sufficient enough staff to do the job that they were supposed to do. I think also we have to look at federally funded programs, such as mine. Formerly, during the apprenticeship program, being director of it here, we came into Cleveland in 1967 and there was a report done in 1967, on the number of minorities that were in the various apprenticeship programs at that time and in the skilled trades, which happen to be plumbers, pipefitters, sheet metal workers, electricians and ironworkers, there were only a total of six minority individuals enrolled in those particular trades.

Since 1967, what has happened? Well, some 263 minorities have been placed in those five trades basically through the joint apprenticeship program. Now, we are not saying that this is sufficient. It's only a drop in the bucket compared to the overall number of tradesmen that are in those five particular trades.

One of the reasons is that the apprenticeship system is a slow tedious system. I think that people have to look at the programs to place individuals, basically minorities, through our program, what they are confronted with. We are confronted with a procedure that takes anywhere from a minimum of 3 to 9 months to get an individual applicant into a trade union, apprenticeship program, one that apprenticeship program accepts applications.

There are four basic procedures which a person must go through. Those four procedures are: filing an application, if he is eligible for that apprenticeship program and eligibility is based on age and education in the apprenticeship system;

Taking some kind of written examination; going into an oral interview, which is usually conducted by labor and management, usually white;

Fourth, being selected.

Now, during this process, there is dropout procedure, if you can call it that. Procedure in which individuals are—they take into consideration, should I go through this or is it really worth it? And the main thing for a program such as the joint apprenticeship program, which is now the recruiting program, is to try to counsel the individuals. Our job has been very hard in the respect that a fellow will come in who wants to get into the trades, have a sincere interest and the first thing we let him know is how much time it is going to take him to get into that program. They need money now.

This is one of the reasons that coalition came about to negotiate a hometown plan called CEEP. Construction equal employment program. I was cochairman of the coalition. I was one of the negotiators for 2 years with labor and management to get a plan ironed out and, as has been stated in previous testimony, maybe we aren't articulate when we negotiate with labor and management. They have paid specialists and so forth, and we come from a community, to try to correct some of the injustices and so forth that have been done over the years. I think with Cleveland that we have a good plan on paper. The plan would take it over a 5-year period, some 2,509 minority individuals and again I think these hearings are being held to see how we can help the majority of people get into the lucrative positions of skill and so forth.

Now, one thing that I feel, and I am talking maybe around and about this fact, the Executive orders and so forth that have come down on job-by-job, project-by-project monitor, I say they have failed. I say they have failed miserably because, certain trades, with the Federal dollars that have been spent here since those Executive orders were enforced, certain trades that could not have built any project or worked on any project, yet they have continued to go up. In previous testimony I have heard that there were x number of tradesmen on particular job sites. This was referring to the school board. There is no way in the world that with the figures and the percentages they quoted, that they are truth. The trade that I am down on is the asbestos workers and glaziers. The glaziers have a total of four minority members. Three of them came to the recruitment training program as apprentices. One got in as a journeyman. So, there is no way that the glazing hours on a particular job and the man-hours could be over four people.

The asbestos workers has a total of five minority individuals. So, there are trades that have been slipping by and they are involved in every construction project that is going on.

I think that if we look at the bricklayers and the cement masons, their membership is composed of around 30 percent minority and yet this does not afford these individuals who are in that trade union an opportunity to work all the time.

Contract compliance on a job-by-job basis has only given an opportunity for minorities to work on a particular project. What I mean by this is, once a project goes up with job-by-job manning tables, a contractor may contact a fellow contractor who does not have a manning table job. He may have a minority on his payroll. So all he does is shift that minority from that particular company to the company that has that manning table. So, you haven't really created another avenue for minorities to start making some money. Here is where the hometown plan hopes to change this. Now, by all means, the Cleveland plan is not working at this time. I will not say it is not working, we are behind on our placement goals. We have only 22 percent of our placement with 50 percent of our time elapsed.

Now, there are several reasons for this. The main reason is because the Office of Federal Contract Compliance gives conditions. They came out after the Cleveland plan was signed in July of 1971. OFPC published a document in which they did not put any language under part I, for a contract that you could really be complying to except for using the terms "Good Faith Efforts," and "Fair Share," without even establishing what is a good faith effort and what is a fair share for contract. But under part II, goals, and timetables were established for contractors who are signatories to the plan but the labor union they get their manpower from is not signatory.

So, at least we know what to shoot for with the contractor who is not in compliance with the CEEP plan. Now, one of the things that my administrative board has done, which consists of three persons from labor, three management, and three community representatives, they have established goals and timetables for part I contractors.

Now, the goals and timetables for a part I contractor are based on the same goals that that particular craft is shooting for over a given year. And these are on an incremental basis over the next 5 years, where we will come up with the number of minority in this craft local based on the number of minority individuals in the jurisdiction of that local and it varies anywhere from 15.2 to 19.6 percent minority participation in any craft local at the end of 5 years.

The various hometown plans across the country have not worked. Basically, because usually management and labor tap out after the plan is signed. They have a projected shield saying they are signatories to the document. Here in Cleveland, because of our past experiences with apprenticeship and so forth, we have been able to make various contacts and establish various reports with certain craft locals. Since March of this year, when we were actually funded by the Department of Labor, Office of National Projects, we have placed some 111 minorities in various building and construction trades that are signatories to compliance. I don't know how many whites have gone in since that time. Construction in Cleveland has been down and again, this could be a tap out from labor and management, the reason we are not at the percentage we should be.

We have to look again at the Federal Government who has allocated money for local construction and the money has been held up because of the man in the White House saying we are going to cut back on certain budgets and so forth. So, a program that is funded by one branch of the Federal Government of the Department of Labor, is held up by other branches saying that they are going to cut back on Federal spending for construction.

What I am saying is that these programs in certain cases are pacification programs. To pacify the community, they announce loudly to the community that we have a plan to do certain things, but yet they don't announce loudly that we have cut back on Federal spending, which is going to affect that particular program of placing minorities in the construction industry.

I think that if we establish a road that will say to every contractor, you must have a certain percentage of minority individuals on your payroll, now, what this will do, even in hard times when contractors are cutting back and there are people unemployed in certain industries, it will not mean that traditional route that minorities will be the last to be hired and the first to be fired. In other words, a contractor still has an obligation to have a certain percentage of his whole payroll as minorities. This will afford an opportunity for minority individuals to get into various craft locals and basically I speak of the construction industry.

So, this is my brief statement. Again, it isn't written down but these are things that we have been facing in my program since 1967, and now in the construction equal employment program since March, 1972. Again, I must say that people should do their homework completely across the board. When I say this, we realize in the construction equal employment program, that various organizations in the community are not satisfied with the production that we have put out. It is not based upon the program not being good or anything of this nature, or participants in other programs, it is based on certain economics and other points that have come up since we signed the plan. One thing that we have done, is, we have a suit going right now against one of the locals, Sheet Metal Local 55 and again, across the country, there are certain what we call renegade movements who don't want to go along with the change and the change is here and again, what we have got to do is keep on pushing in order to effect the various laws and plans that have been established. And again, the plan is only as good as the participants of the plan. Thank you very much.

Mr. HAWKINS. Thank you very much, Mr. Johnson.

Mr. White.

STATEMENT OF WILLIAM C. WHITE, LOCAL 404, CEMENT MASON'S UNION

Mr. WHITE. Mr. Chairman, members of the committee, I'm mostly concerned with the problems of one local, that is the Cement Masons Local 404 of Cleveland, Ohio. It has a membership of approximately 600 members. It is the largest local in the State of Ohio and it has, as far back as I can remember, to my knowing, there has been segregation and discrimination, dual standards.

What I would like to talk about is, on February 18, 1965, five members of the black community or the black members of the local representing the minority groups, met with the officers and the executive board to present a petition signed by 94 black members protesting the discrimination and the segregation that existed in the local. This petition was presented with the thought that they were internal problems that could be solved within the membership. At this meeting, it was agreed upon that discrimination and segregation

did exist. The President requested that time be given their officers to discuss means in solving their problems.

After a lengthy period of time had passed, and no positive action was taken, charges were filed against the local with the Ohio Civil Rights Commission. After a lengthy investigation by the Ohio Civil Rights Commission, no decision was rendered against the local, but they demanded that the local make changes to correct the problems for which we had filed charges. We thought this very odd because if they were not guilty, why would they have to make changes to correct the discrimination and the segregation that we complained about. The union came up with some recommendations that were accepted by the Ohio Civil Rights Commission to correct these problems, but never complied with any of them. The Ohio Civil Rights Commission was supposed to check periodically to see if the union was complying with their own recommendations, but to our knowledge, never have.

Having been disappointed with the outcome taken by the Ohio Civil Rights Commission, we then filed charges with the Equal Employment Opportunity Commission. After a lengthy investigation, the Equal Employment Opportunity Commission ruled on December 15, 1970, that there was reasonable cause in some of the areas in which we had filed charges. On August 17, 1971, their efforts for conciliation in this matter with the local had failed, and we were advised that we had a right to initiate action in an appropriate Federal district court. We did engage a lawyer and filed suit in a Federal court, and at the present time, we are waiting for this case to come to trial.

In the 7 years since the initial act to solve these problems by law began, all of the evils of discrimination and segregation still exist, and at the moment, are worse than they were in 1965. The members that were involved in these actions have been dealt one reprisal after another. Other black members have been taken advantage of also. In the last 3 or 4 years, work having not been good in this area, naturally the blacks were the first to feel the effects. We have broken homes because the men have had to leave this area seeking work. We have mothers who have had to seek welfare who would not have had to do so if the things that we were asking for were being given to all of the members of local 404, both black and white; namely, equal opportunity and equal representation. Thank you.

Mr. HAWKINS. Thank you, Mr. White.

Mr. Stokes, any questions?

Mr. STOKES. Just one or two perhaps of Mr. Johnson.

Mr. JOHNSON, I am quite interested in your reference to the approach of saying that a contractor has on his payroll a certain percentage of minorities. Now, how would you predicate that percentage?

Mr. JOHNSON. Well, this has already been done through our program. The percentages established, basically what we have taken is jurisdictional area of the particular trade, as a maximum percentage. The number of tradesmen. In the particular local that the contractor is getting his manpower from and the number of minorities that are also in that trade local and make that into a percentage. Then, we establish a minimum percentage of what is in the trade right now. Then, year by year we increase that percentage and this is the same number of persons that the local union is shooting for over a 5-year period with the plan. That same percentage is the percentage that

contractor would have to have on his work force. That is the only way that we are going to have a tool to make the program to work. In other words, we can recruit 1,000 people that we don't have contractors that have to take individuals or will take individuals, it's not going to do us any good.

Mr. STOKES. Then in effect, what we are really talking about is quotas, isn't it?

Mr. JOHNSON. Goals and timetables, since the word "quota" has been outlawed.

Mr. HAWKINS. Mr. Landgrebe.

Mr. LANDGREBE. Mr. Johnson, you talk about a lack of minorities on the jobs in the skilled crafts.

Are there serious applicants for these jobs?

Mr. JOHNSON. I laugh at that in a sense, because any time you talk about the unemployment situation in the minority community as being 9, 10 or whatever the percentage is, there are always applicants who want to get into skilled lucrative positions. One of the things that minorities have faced is a lack of knowing where to go to get into such programs and how to go about it.

Being a graduate of East Tech in 1964, the only people that came in and talked to us, my particular class, was the Army, Navy, Air Force, and Marines. In other words, we didn't know where to go. Now, if there are programs that go out into the community and let them know where to go and how to go about getting into these service programs, we will definitely be able to come up with applicants. We have recruited over the last 5 years since we have been here, over 5,000 individuals. Those individuals all have not been eligible for apprenticeship and again, this is one of the reasons that the hometown plan came about.

Mr. LANDGREBE. Well, of course, even in times of unemployment, there is oftentimes a lack of people, serious people who wish to find employment.

Mr. JOHNSON. There is a vast number of things we have here. One of the things we have here is that at East Technical High School, Max Hayes, trade schools that are dealing with individuals who want to get into skilled trades, we have got other schools and so forth, other types of training programs that train a person to a certain point. But, if there is no direct avenue into the skilled construction trades, then that individual's training and so forth is fruitless. Again, this is one of the things that happens, I say in the high schools. A person goes in to become an auto mechanic or whatever have you, and if he doesn't have the opportunity to pursue that field once he graduates, he ends up in a factory as a production worker and that's it. Even though he may want to be an auto mechanic. So, in answer to your question, there are individuals who want to get into the skilled trades.

Mr. LANDGREBE. I might say that none of my questions are intended to be anything but serious questions, into which I plan to delve, and I believe this is the purpose of the committee meeting, to try to find answers to problems.

Why do you suppose it is, that the contractors and the unions are hesitant, obviously hesitant, to hire minorities?

Mr. JOHNSON. Well, that to me—both of them have the same tap out. Labor says that contractors are not requesting individuals, minorities, per se. Contractors say that there are no minorities in the

trade unions. So, therefore, they only request a man. Whoever the man who runs the labor union sends out, that's fine. Because, a contractor doesn't give a care about anything but making money. That is what he is there for. So, if his building takes 10 people, he doesn't care what 10 people are out on that job. So, what we have got to have is more direct requests for minority participation.

Mr. LANDGREBE. Assuming that the contractor—you said yourself that the contractor could care less—needs a certain number of people and he wants the best qualified people, the highest skilled people because he wants to put up a building he can be proud of. So, he doesn't care. So then obviously, it would be the unions that are screening off the minority groups; is that correct?

Mr. JOHNSON. Correct. Well, as I said before, the only system that minorities had to get into the construction union was through the basic apprenticeship plan or taking a journeyman's examination.

The apprenticeship qualifications and procedures are procedures to screen out individuals. They screen minorities because of age and educational qualifications. You can take any one of the critical trades, sheet metal, electricians, pipefitters, plumbers, the maximum age is 23, with military service, it is 26. So, an individual who may have gone to college or something of this nature for 2 or 3 years, who is 24 years of age, graduated from high school, had 3 years of college, could not get into plumbers, pipefitters, electricians or sheet metal, because he is too old at 24.

Mr. LANDGREBE. How many college graduates are interested in going in and becoming plumbers, or pipefitters? Are you trying to tell me that there are actually college graduates looking for those jobs?

Mr. JOHNSON. Let me just give you an example.

On the carpenter's last apprenticeship examination, there were 118 people who applied of which 60 were minority. There were 15 openings. Three of those openings were gotten by college graduates. In other words, individuals are in it to make money. In the construction industry, there is money. And also, these college graduates don't see themselves working in the trades all their lives, what they are trying to do is get some expertise to go into the business for themselves or go into management for one of the large companies. So, this is what we are trying to do for the brothers too.

Mr. LANDGREBE. One more question, if I may, Mr. Chairman.

Why do you think that the unions are deliberately screening out the minorities?

Mr. JOHNSON. I am not saying that the unions are deliberately screening out the minorities. Unions screen out everybody. It is the law of supply and demand.

If a business agent has 100 persons in his local and he does not accept any more and there is work for 150, he is going to keep everybody happy. He is going to be a business agent for the duration that he can keep people happy. Once he takes in more individuals than maybe there are jobs, then he is going to run into the problem of being reelected. This is one of the things, the political system has set up.

Mr. LANDGREBE. Around Indiana, I hear a lot of comment from factories and others about their problem with absenteeism or just lack of employees who give a damn. And now, what are you doing in your particular spot, trying to change or improve the attitudes of people

who, if not working, want jobs and would like to find employment, but sometimes can't convince the employer that they are serious and they would, if hired, be on the job at the starting time and produce fairly quality work?

Mr. JOHNSON. Well, to that, our procedures, we have a followup system and so forth, we have approximately 15 people on my staff, they try to stay in contact with employers.

But, one of the things that we do is have individual rap sessions with the individual person who has been placed, to find out what the problems are. And it always, given the problem that the minority individual is late and so forth, there are personality clashes and things of this nature which we try to get ironed out. Again, I'm not saying that it's all the other person's fault. Sometimes a brother brings the problem upon himself. It may be a transportation problem. The fellow just got out of high school. Just started working, he doesn't have a car, he hasn't started drawing any money yet from the company, things of this nature. So again, what we try to do, knowing of the problem, we try to solve them. We have a small revolving fund in which we have bought people cars and things of this nature.

So, there are a vast number of problems that we try to work out and in most cases we have. Our dropout rate, and I am speaking strictly of construction now, has been less than 10 percent over the 5 years that we have been operating. When you speak of industry and I speak of construction I think there is a dollar difference and one of the things that will, again, help an individual keep the faith is by earning more money.

Mr. LANDGREBE. Well, of course, historically the building trades craftsmen have been given, or permitted to earn premium wages because of what used to be considered, you know, sporadic work. Whereas, if you work in the factory you expect more of a steady employment.

Mr. JOHNSON. Well right now, the construction season can no longer be called sporadic. They have various chemicals in cement that they can go ahead and pour to the minus degree. They can put up a plastic tarpaulin over a building and continue to build. So, those particular avenues of coping out, again, for labor and management saying sporadic and so forth, aren't true.

Another thing, if you take a maximum wage that is earned here in Cleveland, in the building trade, which is around \$10 an hour, and multiply that by just 9 months of the year, 40 hours a week, you come up with \$15,000 per man. Now, I'll work 9 months for \$15,000.

Again, you know, I'm saying that there are individuals in the community that aren't making \$2,000 but have the skills and the ability to get into the construction industry but again, because of previous avenues and so forth, confining avenues, they didn't get in.

Mr. LANDGREBE. Well, I might just say that some of these construction crafts people are pretty skilled and they do some work that certainly I couldn't do and I suppose, my friend Hawkins could do it, probably could do it, and things like that. Anyway, I would yield back the rest of my time and thank you kindly.

Mr. HAWKINS. Mrs. Chisholm?

Mrs. CHISHOLM. Thank you, Mr. Chairman.

The thing that really concerns me is that first of all, our Federal Government needs to clean its own house up so badly. Here you have

a gentleman giving testimony on a case that has been pending since 1965.

You have an Ohio civil rights commission that is quite aware of what the difficulties were. And they even said, after meeting with the officials, that certain recommendations were to be understood and certain recommendations were to be carried out. And at this very very moment, men who want to make a living for their families so they wouldn't be called bums standing on street corners of this country, after this very very moment there is nobody seeming to have the responsibility of enforcing the laws. And this is what is wrong in our country. Yes, we have laws. We have grievance, but nobody enforces it.

Mr. White, I want to ask you this question. Would it seem to you, perhaps at times, that labor and management is in tacit agreement to keep these groups from moving in, they just can't move in, and if that is so, the time has come that maybe the people who are trying to move in cannot depend on labor per se or management per se but need their own kind of objective ombudsman. Will you please answer that?

Mr. WHITE. I think that time has come.

I would like to say this, it's the same old problem, it's a problem of economics. We have men in our local that make \$24,000 to \$25,000 a year. I know cases where men have not made over \$1,200 to \$1,700 dollars a year and they pay the same amount of dues. They pay the same amount of money but they can't get the work.

Mrs. CHISHOLM. Thank you.

Mr. HAWKINS. Mr. White, time doesn't permit us any greater number of questions, but your case, I think, is particularly one which we would like to follow through on and I am going to ask you to consult with our counsel, Mr. Hart, at the conclusion of the morning session. At that time you can give us some additional facts concerning your relationship with the Equal Employment Opportunity Commission and also whether or not the Office of Federal Contract Compliance has been involved. Will you have the time to do that?

Mr. WHITE. Yes, I will.

Mr. HAWKINS. If that is so, then I won't take up the time at this particular point asking additional questions.

I want to thank both you and Mr. White and Mr. Johnson for your excellent testimony. You have been very helpful to the committee. You have been most forthright and constructive in your suggestions.

Thank you.

Mr. HAWKINS. The next witness is Mr. Diablo. I don't have a first name.

FROM THE AUDIENCE: Brother Diablo.

Mr. HAWKINS. Brother Diablo, would you just identify yourself for the record, and introduce the other witnesses who are with you.

STATEMENT OF BROTHER DIABLO, CLEVELAND, OHIO; ACCOMPANIED BY SISTER JOYCE THOMAS AND SISTER CAROLYN DAY

Mr. DIABLO. My name is Brother Diablo, born a slave in America, United Snakes of America and I am here to testify on some of the reasons that have caused me to still think that I am a slave.

On my left is Sister Carolyn Day and on my right is Sister Joyce Thomas.

Mr. HAWKINS. Miss Day, Miss Thomas and Brother Diablo, we are glad to welcome you to the committee.

Mr. DIABLO. Thank you.

I have to apologize, I won't get a chance to holler at you like I would like to because I have a sinus headache. I believe it is a sinus headache, either that or the phony statistics I have heard today have given me one hell of a headache.

Number one, I want to deal with Xerox. Xerox is typical of the type of large business throughout America that has been forced to hire minority and poor people. Their reaction has been to hire black people only when the pressure is on and then, after the pressure is off, to systematically fire them or get rid of them as the case may go.

Here in Ohio, we have a very good case and I think people should know that the individuals who are fighting and have fought so hard are four courageous black women. We had a fellow on the radio not too long ago—an editorial—that asked "Where are the men?" And I tell you, I was about to ask the same damned question, "Where are the men?" These four sisters have fought this battle well. They went to the NAACP and the Urban League. I will not fool myself about why these organizations are not as effective as they could be because you and I both know that they get large contributions from these corporations which therefore sometimes preclude them from doing what is right.

Now I don't think we ought to let the Congress off either because I think everybody knows that if a man is seeking a \$45,000 a year job there is no way in hell he is going to spend a million and a half dollars for a campaign and I am supposed to be naive enough to think that he is going to bite the hand that fed him.

So with that, I am going to turn it over to Sister Joyce who will read you the specific charges against Xerox.

Miss THOMAS. The Cleveland regional distribution center of the Xerox Corp. is charged with racial discrimination by four black employees at subject facility.

During this hearing, however, I will also present evidence that discrimination exists both locally and nationwide.

In October of 1970, blacks were solicited for positions with Xerox due to ex-Mayor Carl Stokes' threat to cancel all city contracts until equal employment compliances were met. This is the basis for our first charge—discrimination in hiring practices. A mass interview was held on November 4, 1970. Approximately 20 black women were tested and interviewed from which four were hired. This is the basis for our second charge—discrimination in testing.

During this same period of time, advertisements had been placed in westside papers. None were placed in citywide papers or eastside papers. The white applicants hired from these advertisements were not tested.

From December 1970 to June 1971 there were quite a few incidents which occurred that had racial overtones the most significant of which were the segregated facilities.

In late February due to the move to a new facility, Xerox hired two temporary employees—one white and one black. The white employee was given the opportunity to fill out an application for

permanent employment. However, the black was not given this opportunity. Approximately 2 weeks after the black temporary employee was hired she was fired supposedly for coming in late 15 minutes. White temporary employees never received any type of discipline or dismissal for tardiness.

On March 16, 1972, a black walk-in applicant was tested and interviewed for a permanent position. The decision was changed and the employee was asked to sign up with a temporary employment agency because Xerox did not have the allocation to hire anyone as yet. That was the reason they supposedly did not hire this particular applicant; however, they did have allocation.

In February, March, and May, employment advertisements were placed in the Plain Dealer for positions in the Cleveland RDC. These ads failed to identify the company as an equal opportunity employer.

In March, a black employee was forced to resign because she requested time off to have an appendectomy.

In May of 1972 a black employee was passed over for promotion due to a supposed oversight of available employees for promotion. The same employee received a biased performance appraisal. Also in May, another black employee was given a biased performance appraisal. Since investigations were made, changes were made for both employees.

The mid-Atlantic region is comprised of the following cities: Baltimore, Cincinnati, Charleston, Cleveland, Akron, Youngstown, Columbus, Dayton, Fort Washington, Allentown, Harrisburg, to name a few. Black employees in the entire mid-Atlantic region have been discriminated against in the same manner as the four black women of the Cleveland RDC.

Some of the other things that have come up such as statements made by biased managers, we don't have documentation for; however, this is one such statement made by a manager to a black employee regarding her absence. The employee's father died and she was off 6 days. When she returned to work she was called into the office and asked why she was off 6 days. After she explained to this particular manager about the death of her father (of which he was well aware) the manager told her he could understand her being off 6 days if her husband had died but he couldn't understand it because of her father's death.

White employees are always given the benefit of the doubt. They are able to do things that black employees are never able to do, such as leave in the middle of the day and get counted for 8 hours of work.

Anytime the white employees have a problem with tardiness it seems to be an oversight, either it is not marked on their timecards or if it is marked managers okay it. But when it comes to a black employee the timecard has to be marked accurately. If it is not marked accurately black employees are questioned about improper marking of time cards.

I think that Carolyn Day will have quite a few comments to make on some of these things. There are a lot of things that happened that we can only respond to through allegations.

Miss DAY. Concerning promotions and the whole situation. We four black employees because of the way we were hired were shown discrimination.

We were interviewed in a mass interview and then were interviewed individually. We were tested at the time and then interviewed individually concerning how we felt about whites. Some of the questions asked during the interviews were, "Do you think you will be able to get along with whites if you work with whites." Such statements as, "These white girls are not used to blacks, and you will be going on the westside." "We are trying to hire people who we feel will fit into a particular type of situation." "Do you think you can handle this type of situation if you are hired for this job?"

After we got into the facility, we were asking the whites were they tested and how they did on their test. They asked us, "What type of testing are you speaking of? We were not tested."

We immediately found then that only blacks were tested. Their excuse to us was that at the time the whites were hired we didn't have anyone to do the testing. Joyce Thomas was not hired then. I then replied, "there was someone downtown to test us at Erievue Plaza, why weren't they taken down there and tested?" I have never received an answer to that particular question and the whites have never been tested.

Concerning promotions blacks are not promoted at Xerox. When we did file our suit at EEO we did it in a mass. There were only four of us but we did go 100 percent. We filed a class action suit and an individual suit. EEO did not react to us and so, therefore, we were forced into uniting with Black Unity House to help us. Conditions had become so bad that we could no longer tolerate it. We were even forced to put down 15 seconds late on a time card. Things had really gotten out of hand. On going to something about promotions. Promotion wide, I was in line for a promotion and was passed over and was asked to train a white girl from another department for the job. I was called in before the promotion was publicized and told that you are qualified, you have every reason to get it, but you are not going to get it. This was my only answer. They had no reason to give me, just, "You are not going to be promoted. The reason we called you in is that if you saw the memo that came out you would have hit the ceiling so we thought we would prepare you."

During that time and now, we have met with top management, from the vice-president of ISG on down concerning this. They suddenly looked at my appraisal, checked over it and said, "wow, this girl is in line for promotion, give it to her and maybe this will make them happy." We told them we didn't care for their tokens. We were interested in getting jobs for blacks.

This same condition exists throughout not only in Xerox here in Cleveland, but now that we have started our fight here against discrimination it has spread throughout the different Xerox offices—Pittsburgh, Philadelphia, Baltimore. We have communicated with some and they have told us of some of the conditions that they are under and asking that we all unite together and see if we can't make Xerox represent what it says, "an equal opportunity employer."

Mr. DIABLO. Another interesting side to this is just before this broke out, the EEOC had seven complaints of discrimination, racial discrimination at this facility and up until the time the sisters walked out and had a public press conference, no action had been taken by the EEOC nor by the Ohio Civil Rights Commission.

Now we are always told we should work within the system. I think you ought to understand one basic thing, the Ohio civil rights commission whatever they are supposed to be, they aren't worth a damn. In their examination they didn't find a damned thing wrong; however, after we put pressure on EEOC, suddenly the company has admitted to everything that the sisters have told you, and yet the civil rights commission couldn't find anything wrong.

The EEOC, I thought was on Xerox's payroll the way they have carried on. Up until this particular time there has not been one time where they have allowed these sisters to present their full demands. The company has tried to do things on its own to get these demands which caused the situation to be worse.

I was called in by—I don't know his name, the one with the picture of the rebel hat in his office, what is the party's name——

Miss DAY. Blair.

Mr. DIABLO. Blair, who is supposed to be a district manager or whatever, we talked about some of the things that he could do. He said he couldn't get his quota of blacks and he told me they had a bounty on blacks and on other minorities. I think they paid \$50 to \$75 to anyone who could bring in a black.

I have been informed that we have an 18 percent unemployment rate in the city which is not funny worth a damn to me because I am currently involved in trying to rehabilitate inmates and ex-addicts. We told the gentleman at that time that we had some Vietnam veterans coming back to this city with some of the same problems and that we would sit down with him and try to draw up a plan by which he could get some blacks without a bounty. I think once we told him about helping ex-addicts, ex-inmates and hard core unemployed, whatever the hell that is, I did not hear from the man anymore until this situation broke out.

I would like to make this point. Xerox had a chance to build in the inner city but they chose to go out near the airport. This eliminates most minorities who, for the most part, cannot live in Solon, Strongsville, or some of those other places because of the virtue of the patterns of housing. Minorities have to drive fantastic miles to get to these jobs. If they are caught in something like a flash storm and they are 15 minutes late, they are fired. The thing that really bugs me is the type of people they put in management positions to judge minorities ask the kind of question, "Do you blacks really want to work, or what is your problem, or, we can't find proper blacks, etc., etc."

Xerox tried to buy me too. I suddenly got calls in the middle of the day from people I had never heard of making statements such as, "We heard that you run a training program and that you wanted some assistance." This is the traditional approach to black organizations to get them off their backs. They will give us \$6,000 or \$7,000 or if we are lucky we might get \$100,000 to shut our damned mouths. In the meantime demands such as companies hiring black doctors, or using black public relations firms or black lawyers or in terms of training programs to deal with individuals who have a hard time getting jobs, goes neglected.

Mr. HAWKINS. Have you concluded, Mr. Diablo?

Mr. DIABLO. Yes, I have.

Mr. HAWKINS. I note that you have furnished the Subcommittee with documentation of your charges. Without objection they will be placed in the Subcommittee's permanent files. Mr. Landgrebe?

Mr. LANDGREBE. I don't think I have any questions. I think the statements have been made, they are documented.

Obviously these people went through the proper channels that are open to them and I think, Mr. Chairman, we should, I would recommend that we follow this case and find out where the breakdown was in getting response through the proper people who should be administering. As Congress-woman Chisholm said, where is the enforcement? If Xerox has broken the law and it's clear—I don't say it's clear that they have—but if they have broken the law, then here should be enforcement.

Mr. HAWKINS. Mr. Diablo, may the chair ask if at any time the Office of Federal Contract Compliance was involved? I am sure that Xerox is a federal contractor. Did you ever complain to the OFCC?

Mr. DIABLO. The only office that we have complained to at this particular time, was Congressman Stokes' office. We talked to some of the county legislators who, for whatever reason, were asleep again. We talked to some city officials and EEOC of course, and the Ohio Civil Rights Commission. Now, we will weigh the outcome of the report from EEOC, which we have no doubt will be another coverup. At that time, we will continue to deal with other so-called Federal Agencies that are set up to give us the same run around.

At this particular time, to answer the question, no.

Mr. HAWKINS. If Xerox is a contractor doing business with the Federal Government, sanctions can certainly be applied with only a minor amount of investigation based on documentation that has been built up. The sanctions may be cancellation or termination of contracts. I would assume that, based on the documentation that you offered, a speedy remedy certainly could be obtained. This, I think should also be explored and the committee will be very glad to assist in this direction. I offer this as a suggestion.

Mrs. Chisholm.

Mrs. CHISHOLM. I would like to just make one additional statement.

It would seem to me that in view of the testimony by the sisters and also I note for a fact, Xerox in Rochester, I am from the State of New York, and I know what has been going on there in that particular area. I think the time has come for this committee to initiate an investigation of Xerox plants throughout this country and receive substantiated materials. Any organization or any group that does have and can get Federal contracts from the Government, must now begin to move assertively and forthwith without any delay and I for one, I promise you that to the best of my ability, we are going to look into Xerox all over the country wherever it has plants.

Mr. HAWKINS. Certainly, this suggestion is accepted by the Chair. I assure you that it is within the purview of this committee. The Chair will take the suggestion of the gentlelady from New York as an order that this committee do investigate Xerox throughout the country and without any objection, that order will stand.

Mr. Stokes?

Mr. STOKES. Mr. Chairman, I notice in the diagram submitted in the materials submitted by the witness, that there is a diagram of

the office and one of the black sisters, evidently, has been conspicuously posted at the entrance to the room.

Will you tell us what she does?

Mr. DIABLO. Yes, I can. She is the executive secretary which makes her very hard to hire because she is the one that has to deal with the manager himself. But you know the old story of a spook by the door.

Mr. STOKES. Mr. Chairman, I concur with the fact that this committee is going to undertake to pursue this matter and highly commend the committee for that purpose.

Mr. HAWKINS. Thank you.

Mr. DIABLO. May I ask one question before we leave?

Mr. HAWKINS. Yes.

Mr. DIABLO. Currently, I am involved with a couple Federal programs that supposedly deal with rehabilitation of drug addicts, rehabilitation of ex-inmates and current inmates. Now, it seems to me if someone saw enough in these types of programs to spend anywhere from \$7 million, and I understand that impact cities spend \$20 million. I know that three-fourths of that will go to tanks and guns. But, the point that I am making is, why can't someone in the Federal level help us to get to the big business people because after all I have heard all the lies about contract compliance and how they are meeting goals. Remember, I am one of the people who chased an official of the Labor Compliance Department out of his office. In fact, we occupied his office for over an hour and a half before the Federal people put us out. We were asking for 4,000 jobs. Now I understand that they are going to 20. The point I am making is, there are resources. We can take an addict and help him rehabilitate himself. We can take an ex-inmate and show him the route. But, if we have to take these individuals and run through these processes and then turn them back into the same kind of bullshit environment they had at first, then we ain't doing a damn thing. So, the point that I am making is that the big companies like Xerox that put bounties on blacks, if they could take that bounty and collectively join hands with the Federal Government and try to establish job training programs by which they could hire some of these individuals who are coming back from Vietnam or out of penal institutions or being rehabilitated on the streets.

Thank you.

Mr. HAWKINS. I think Mr. Landgrebe would like to ask another question.

Mr. LANDGREBE. Mr. Diablo, you are quite an impressive gentleman. Would you mind identifying yourself other than Mr. Diablo. Do you represent some particular group or organization?

Mr. DIABLO. Yes I do, 35 million black folks.

Mr. HAWKINS. Is Mr. Elva Porter in the audience?

Mr. PORTER. Yes.

Mr. HAWKINS. Mr. Porter, we will hear from you next. We welcome you to the committee. Will you be seated, Mr. Porter.

STATEMENT OF ELVA A. PORTER, CLEVELAND, OHIO

Mr. PORTER. My name is Elva A. Porter, and I have a complaint against the U.S. Government marshals office here in Cleveland, Ohio.

I applied for a job approximately a year and a half ago down at Marshal Wagner's office. At this time he told me that he didn't have—

(Witness becoming emotionally upset.)

Mrs. CHISHOLM. Take your time. That's all right, take your time, brother. Go ahead.

Mr. PORTER. Any openings for U.S. deputy, special deputy for the U.S. marshals office. So, I kept checking a few more times. I found out that there were 17 openings for deputy U.S. marshals and none for special. So, again, I went down and talked to him—he told me that there wasn't any openings for U.S. Government special deputies at that particular time. And we talked about qualifications which were 2 years' experience as a policeman in the surface or in a city. So, there was no testing involved in it.

So, later on I found out he had hired a white truck driver with no experience, which I had experience.

Mrs. CHISHOLM. Brother, put the paper aside and talk from the heart.

Mr. PORTER. So anyway, I feel I should of had that particular job and after I talked to him about it, nothing became of it. So, that is about all.

Mr. HAWKINS. Well, thank you, Mr. Porter. I would like to remind you the U.S. Marshals Office is part of the Department of Justice, and the Department of Justice is supposed to be involved in the enforcement of the basic civil rights laws of the country. Certainly, any suggestion that they are not upholding the laws of the country is rather serious matter. And we welcome this complaint. We hope you will discuss it with the counsel of this committee and I am quite sure that the committee takes with great, serious concern, such complaints. Unless there is a real question at this point, I think that it's rather self-explanatory that it is a legitimate complaint.

Mrs. CHISHOLM. Yes; just one question.

Mr. HAWKINS. Yes; certainly, Mrs. Chisholm.

Mrs. CHISHOLM. Yes; I just want to make one statement: the brother had a little bit of difficulty in terms of getting information out and all of us understand very well what was going on there. I want the record to show and I want the people to know that he served as an air policeman while in the U.S. Air Force, and all he feels is that he should have an equal chance to serve as a civilian and Government employee and it's very hard for someone serving as an air policeman in the Air Force to see a truckdriver who had absolutely no qualification receive the job. I want that stated in the record.

Mr. HAWKINS. Mr. Landgrebe.

Mr. LANDGREBE. Well, having been a truckdriver myself, for a good number of years, I will have to make it clear that truckdrivers do have some qualifications but not necessarily as U.S. marshals. It is interesting that there would be 17 openings available at one time. These are considered to be political plums and I think that statement alone would bear some investigation. I don't know who is doing the work if they had that many openings.

One thing, Mr. Porter, it's too bad you didn't get the job because in the last hours of the Congress, we gave the assistant U.S. marshals about, something like a 50-percent pay raise.

Mr. HAWKINS. Well, we do want to state that U.S. marshal is not supposed to be a political appointment.

Thank you very much, Mr. Porter.

Without objection, the prepared statement of Mr. Porter will be inserted in the record at this point.

STATEMENT OF ELVA A. PORTER, CLEVELAND, OHIO

Approximately one and one-half years ago, I applied for a position as U.S. Marshal. The person I talked to told me there were seventeen openings available. Several times I went down to inquire about the openings. Each time I got a different story or the run around. At one of these meetings he told me I had to quit my present job, but he never made anybody else quit theirs.

Recently, I learned that they had hired a truck driver for position of U.S. Marshal with no qualifications as they were explained to me. You had to have served time being a policeman or government time being a policeman. The truck driver had neither.

The reason I feel I am being discriminated against is that another guy with less qualification than me got the job as a U.S. Marshal.

I had served as an air policeman while in the U.S. Air Force. I feel that I should have an equal chance to serve as a civilian in government employment.

Mr. HAWKINS. Is Mr. Dailey in the audience?

Mr. DAILEY. Yes.

Mr. HAWKINS. May we hear from you at this time?

Mr. DAILEY. Yes.

Mr. HAWKINS. Your statement and your résumé will be printed in their entirety in the record at this point, Mr. Dailey, and we would appreciate if you could summarize it orally and I am quite sure that will give the committee an opportunity to question you.

STATEMENT OF EARL E. DAILEY, CLEVELAND, OHIO

Mr. DAILEY. Thank you very much. Members of the committee, I would like to read a brief statement to you concerning my problems with discrimination in employment at Addressograph Multigraph.

Mr. HAWKINS. You may proceed.

Mr. DAILEY. My name is Earl E. Dailey. I was born in Chicago, Ill., and received the B.A. and M.A. degrees in chemistry from Fisk University in Nashville, Tenn. I have several publications and patents in the field of chemistry.

Previous to my employment at Addressograph Multigraph, I was employed as a research and development chemist at the Soya Products Division of the Glidden Co. for 2 years in Chicago, Ill., the Julian Laboratories, Inc., for 5 years in Franklin Park, Ill., and Intermediates, Inc., in Joliet, Ill., for 5 years.

I began work at the Charles Bruning Division of Addressograph Multigraph in Mount Prospect, Ill., on June 8, 1964, as an organic chemist. I was promoted to group leader of organic synthesis in April 1965. In June 1965, I was requested to sign an employment contract which prohibited my working with competitors of AM for a period of 2 years after leaving the employment of AM. In return, I would be compensated for the 2-year period while looking for comparable employment.

In the next several years my group was expanded to include polymer synthesis and in June 1968, I was promoted to senior group leader of organic and polymer synthesis.

On July 2, 1971, I was informed of my transfer along with 21 other people from the Charles Bruning Division of AM in Mount Prospect, Ill., to the newly formed research center for several divisions of AM in Warrensville Heights, Ohio.

On July 7, 1971, the group being transferred met with the new director of the research center and were told by him that no transferees would be demoted.

We reported to work on July 20, 1971, in Warrensville Heights, Ohio, and were told that we would be informed of the organization of the laboratories as soon as it was completed. I knew something was wrong at this time because two caucasians, who had been senior group leaders as I had been, were in on the organizational meetings and I had not been invited to attend.

I then looked for employment in the Chicago area, and was soon offered a position in management at a higher salary at DeSoto Chemical Co., in Des Plaines, Ill.

About the middle of August, we were informed of the official organization of the laboratories. The two caucasian senior group leaders were promoted to manager in the supplies department. I was demoted from management even though more of the people that had been transferred had reported to me than to the other senior group leaders. Work done in my laboratory was "the foundation for the most important project in the research laboratories." I then asked to talk to the director of the laboratories and brought to his attention my demotion and what my previous position had been and I objected to this treatment. I said: "I have a job offer in the Chicago area and if the company does not want to use my expertise to the fullest, the other company would like to hire me, but only if I could be released from my employment contract." The director stated that he had not been aware of my status and qualifications and he felt that something should and would be done to satisfy me at Addressograph Multigraph.

For the next 2 months I was given the runaround and on October 22, 1971, the director informed me that there would be no change in my present status and that no management positions were open to me in the laboratories. At this time, there were many vacancies including management vacancies to be filled and an extensive recruiting program was in effect.

On October 15, 1971, I filed charges of unlawful employment practices in violation of title VII of the Civil Rights Act of 1964, against AM—Graphics Products Laboratory.

On March 8, 1972, I was informed by the director of the laboratories that I had, along with several others, until March 15, 1972, to sign a new AM employment agreement or be fired on that date—the new agreement called for not working for a competitor for 1 year and no compensation. I refused to sign the new agreement and I have since been unemployed.

On October 5, 1972, I called the Cleveland office of Equal Employment Opportunity Commission, in regard to the status of my charges—1 year old—and I was informed that no estimate or approximate time could be given to me when the investigation of the charges would begin and there were cases much older which have not been investigated.

Thank you very much.

Mr. HAWKINS. Thank you Mr. Dailey. I think this is what the committee is finding, an extreme lag in the processing of these cases. I think yours is typical. That is no consolation to you but I think it is

certainly a strong indictment of the manner in which Federal agencies are handling these cases.

Mr. Stokes, do you have any questions?

Mr. STOKES. No questions.

Mr. HAWKINS. Mr. Landgrebe, Mrs. Chisholm?

Mr. LANDGREBE. No.

Mrs. CHISHOLM. No questions.

Mr. HAWKINS. May the Chair ask you this, Mr. Dailey?

Mr. DAILEY. Surely.

Mr. HAWKINS. I think you are aware that you can pursue the case on your own under the new amendments to the Equal Employment Act. You are in a position to file suit on your own, Mr. Dailey. I don't know whether you wish to pursue that—

Mr. DAILEY. I am waiting for a report from the Ohio Civil Rights Commission and the EEOC, before going forward. I have hired an attorney.

Mr. HAWKINS. I see. Also, do you know whether or not the company with which you have been negotiating has Government contracts?

Mr. DAILEY. I was told that the reasons Addressograph Multi-graph wanted us to sign a new employee agreement was that because they were seeking Government contracts and that they wanted all the employees to have these agreements.

Incidentally, the employee agreement that I had at first, contract, the one I had at first was a contract that was given only to a few employees; I think something like 24 employees in the whole corporation out of 20,000 had these contracts. And the corporation just decided to do away with these contracts and to have the people sign new employee agreements.

Mr. HAWKINS. Are they in the process of negotiating for contracts or do they already have the contracts?

Mr. DAILEY. I do not know for sure.

Mr. HAWKINS. The committee will ascertain whether they do or not. If they are negotiating for a contract, we will certainly file a complaint that this original complaint against them is pending and that in awarding of contracts this be taken into consideration. If they already have a contract, we will advise the Office of Federal Contract Compliance that this complaint is existing and ask them, in view of this complaint, whether or not they have taken any steps to monitor or to investigate the company. We can certainly advise you that the committee is in a position to take this action, and we will not hesitate to do so.

Mr. DAILEY. They are not—I did not have the only complaint against the corporation.

Mr. HAWKINS. We would appreciate, if there are other complaints, that we be furnished with that information. Thank you very much.

The committee will take a recess until 1:45 p.m. this afternoon.

AFTERNOON SESSION

Mr. HAWKINS. Ladies and gentlemen, this hearing will come to order.

The next witnesses will be Mr. Powell and Mr. Prease. Will you be seated at the table, Mr. Powell and Mr. Prease. Would you identify yourselves for the record please?

STATEMENT OF HERBERT L. POWELL, LABOR RELATIONS DIRECTOR, LOCAL 604, NATIONAL ALLIANCE OF POSTAL AND FEDERAL EMPLOYEES; ACCOMPANIED BY JAMES C. PREASE, EMPLOYEE, MAIN POST OFFICE, CLEVELAND

Mr. POWELL. I am Herbert L. Powell.

Mr. Chairman and members of the General Labor Subcommittee on Job Discrimination, I am Herbert L. Powell, labor relations director, Cleveland, Ohio, local 604, National Alliance of Postal and Federal Employees. I deem this an honor and privilege to have the opportunity to appear before this committee and present certain pertinent facts with reference to discriminatory employment practices, particularly, in the Cleveland, Ohio Post Office.

The overall complement of the Cleveland, Ohio Post Office is approximately 8,000 employees, and blacks comprise 49 percent of this figure. Black employees are heavily concentrated in the lower pay levels, as indicated in the figures of the complement breakdown.

At this point, it must be recognized, the number of promotions that blacks have received, level 8 and above, are not representative of the total black complement.

These figures in no way reflect an affirmative program of equal employment opportunity in the Cleveland Post Office; nor the essence of "upward mobility," as prescribed by the Civil Service Commission. On the other hand, it is becoming increasingly apparent that the officials of the Cleveland Post Office are completely adamant to the mandates of equal employment opportunity, and their alleged commitment to the program has had a very hollow meaning. For an example, there are a pitiful few complaints being resolved at the counseling stage, in view of the fact, that there is a decided increase in the number of cases filed. Then too, there is a predetermination being made by management officials, far too often, that many of the cases are not equal employment opportunity complaints. This, standing alone, is contrary to the mandates set forth in Equal Employment Opportunity provisions of part 713, Federal Personnel Manual, which in effect states—"when it appears that a complaint does not bear the appearance of having been motivated by any of the five criteria—it must be stamped out to prevent it from erupting into a formal complaint." Moreover, one of the cardinal principles of solving complaints and grievances by a management official, is to recognize the cause of complaint and effectuate a remedy, to relieve the effect.

We have a new postmaster in Cleveland, who espouses Equal Employment Opportunity, and he has stated that he is totally committed. Also, he has stated—"to him the program began in Philadelphia, some one hundred and ninety-six years ago." To this I agree, but I have to admit that the implementation of the program is just as slow in becoming a reality now, as it has been in the years following 1776.

Now, I shall cite some specific instances of discrimination perpetrated against black employees that we are currently seeking a remedy:

A black female employee was injured on duty while carrying mail in 1967. Action was brought against her in 1969, because she was unable to work and she was separated on a "Separation—Disability"

charge. Upon an appeal to the Board of Appeals and Review, Post Office Department, the Board declared that the action was erroneous, and ordered her retroactively restored to duty February 11, 1970. To date, she has not received her retroactive pay.

A black female employee assigned to mailing requirements, worked in a higher level pay status for 32 months, trained another employee in all aspects of the unit's operation, and when a vacancy in the unit occurred and which she submitted a bid, the vacancy was awarded to the employee she had trained.

A black male employee, superintendent of building maintenance, was detailed to the position of superintendent of building service for over 14 months. He was taken from the detail and placed as foreman, maintenance control. His former detail assignment was given to a female caucasian. Upon seeking an audience with the postmaster to discuss the change in assignment, the postmaster refused to discuss the issue with him.

Another black female filed a complaint of discrimination that progressed through the processes of the Civil Service Commission. The Commission's examiner found that she was "highly qualified" and recommended that she be given the next vacancy in the unit. When a vacancy occurred, she submitted a bid, but the vacancy was awarded to a former carrier, who was on light duty, and who was never officially assigned to the unit.

Then there is a case of a black foreman promoted to foreman of mails in 1953, who has more tenure in his position than anyone who has gone around him had in total service. He has been drawing higher level pay for many years. He is knowledgeable of mail processing, very understanding and respected by employees, but has not advanced beyond his initial promotion.

In addition, several members of the promotion advisory board have been found guilty of discriminating by the Civil Service Commission on two separate occasions.

Also, black supervisors were ignored in the appointment of "vertical managers" in the new structure of post office management.

On the other side of this picture, in the area of adverse actions, black employees always suffer the most extreme penalties. They draw the heaviest suspensions, and are being removed at an alarming rate.

Finally, I would like to call to the attention of this committee that the Discrimination in Age Act of 1967 has a stipulation excepting the U.S. Government and its agencies from coverage. Therefore, I recommend that that portion of the law be amended to eliminate another area that will give rise to possible discrimination complaints.

This concludes my presentation.

Mr. HAWKINS. Thank you Mr. Powell.

Without objection, at this point Mr. Powell's prepared statement will be inserted in the record.

STATEMENT OF HERBERT L. POWELL, LABOR RELATIONS DIRECTOR, CLEVELAND, OHIO, LOCAL 604, NATIONAL ALLIANCE OF POSTAL AND FEDERAL EMPLOYEES

Honorable Louis Stokes and members of the subcommittee on discrimination in employment, I am Herbert L. Powell, Labor Relations Director, Cleveland, Ohio, Local 604, National Alliance of Postal and Federal Employees. I deem this an honor and privilege to have the opportunity to appear before you and present certain pertinent facts with reference to discriminatory practices, particularly, in the Cleveland, Ohio, Post Office.

The overall complement of the Cleveland Post Office is approximately 8000 employees, and blacks comprise forty-nine percent of this figure. The blacks are concentrated in the lower pay levels as indicated below:

Level	Blacks		Caucasian		Other
	Male	Female	Male	Female	
1.....	17	7	2	1	None
2.....	19	17	2	None	None
3.....	81	None	18	None	1
4.....	537	38	217	None	6
5.....	1,752	991	2,934	403	6
6.....	167	90	184	18	None
7.....	22	5	15	2	None
8.....	81	5	161	6	1
9.....	12	None	48	None	None
10.....	16	None	52	None	None
11.....	4	None	32	None	None
12.....	2	None	14	None	None
13.....	2	2	7	None	None
14.....	3	None	6	None	None
15.....	1	None	3	None	None
16.....	1	None	None	None	None
17.....	None	None	2	None	None

The above figures in no way reflect an affirmative program of Equal Employment Opportunity in the Cleveland, Ohio Post Office; nor the essence of "upward mobility" prescribed by the Civil Service Commission. In fact, it is becoming increasingly apparent that the officials of the Cleveland Post Office are completely adamant to the mandates of Equal Employment Opportunity, and their alleged commitment to the program, has had a very hollow meaning. For an example, there are a pitiful few complaints being resolved at the counseling stage, in view of the fact that there is a decided increase in the number of cases filed. Then too, there is a predetermination being made by management officials, far too often, that many of the cases are not Equal Employment Opportunity complaints. This, standing alone, is contrary to the mandates set forth in the Equal Employment Opportunity provisions of Part 713 Federal Personnel Manual which in essence states—when it appears that a complaint does not bear the appearance of having been motivated by any of the five criteria—it must be stamped out. Moreover, one of the cardinal principles of solving complaints and grievances by a management official, is to recognize the cause of complaint and effectuate a remedy, to relieve the effect.

We have a new Postmaster in Cleveland, who espouses Equal Employment Opportunity, and he has stated that he is totally committed. Also, he has stated "to him the program began in Philadelphia some one hundred and ninety-six years ago". To this, I agree, but I have to admit that the implementation of the program is just as slow in becoming a reality now, as it has been in the years following 1776.

Now, I shall cite some specific instances of discrimination perpetrated against black employees that we are currently seeking a remedy:

A black female employee was injured on duty while carrying mail in 1967. Action was brought against her in 1969 because she was unable to work and she was separated on a "separation-disability" charge. Upon an appeal to the Board of Appeals and Review, Post Office Department, the Board declared that the action was erroneous, and ordered her retroactively restored to duty February 11, 1970. To date, she has not received her retroactive pay.

Black female employee assigned to mailing requirements, worked in a higher level pay status for thirty-two months, trained another employee in all aspects of the unit's operation, and when a vacancy in the unit occurred in which she submitted a bid; the vacancy was awarded to the employee she had trained.

A black male employee, Superintendent of Building Maintenance, was detailed to the position of Superintendent of Building Service for over fourteen months. He was taken from the detail and placed as Foreman Maintenance Control. His former detail assignment was given to a female caucasian. Upon seeking an audience with the Postmaster to discuss the change in assignment, the Postmaster refused to discuss the issue with him.

Another black female filed a complaint of discrimination that progressed through the processes of the Civil Service Commission. The Commission's Examiner found that she was "highly qualified" and recommended that she be given

the next vacancy in the unit. When a vacancy occurred, she submitted a bid, but the vacancy was awarded to a former carrier, who was on light duty, and who was never officially assigned to the unit.

Mr. PREASE. Mr. Chairman, members of the committee:

I am employed at the main post office, Cleveland, Ohio, as an accounting clerk in the office of finance. I wish to bring to your attention that the equal opportunity promotional policy is not being followed here in this office.

I attended college for 2 years. I successfully completed a course and served as a statistician with civilians while in the U.S. Air Force. I received a diploma in accounting from Griswold Institute in Cleveland. Presently, I am taking the International Accounts Society, Inc., correspondence course which is being paid for by the U.S. Postal Service.

From June 21, 1969, until February 7, 1971, a period of over 19 months, I served as an acting supervisor in the position of accounting assistant. I assumed all responsibilities and duties related to this position. I also trained employees and set up new procedures that were required for the Postal Source Data System, which is an electronic system of timekeeping.

On February 8, 1971, a white clerk from one of the branch offices was appointed to the position of accounting assistant. No consideration was given to his lack of experience, knowledge of the job, ability or educational background. In November 1971, this clerk was promoted again, and I was asked to assume the duties of accounting assistant once again.

In April 1972, a white supervisor from another unit was brought in to fill the position on a temporary assignment. Since I have been recommended for the position, it is evident that this is one of the unfair practices that is being used to assign a less qualified employee to a position. As in the past, after a period of time, the reason for assigning him permanently will be that he has a higher level position and has acquired experience on the job, although I am relied on for training and other procedures of the job.

I was advised that because I did not pass the supervisor's examination, an exam which is not relevant to the duties of accounting assistant, I was not eligible for the job, although at the same time I did pass the accounting exam, which is relevant to the duties of an accounting assistant.

I question the legality of the supervisor examination, which deals strictly with mail processing, which they said disqualified me for promotion as an accounting assistant.

The Supreme Court ruled that no examination shall be given for a promotion unless it applies to the position for which the examination is given. I maintain that in no way did this examination relate to the position of an accounting assistant.

These are the facts that I based my complaint on. Thank you for any help or consideration you may be able to give.

Mr. HAWKINS. Thank you, Mr. Powell and Mr. Prease.

Mr. Prease, in your particular case, may I ask whether or not you filed a complaint either with the Postal Service or the Civil Service Commission?

Mr. PREASE. No. I haven't.

Mr. HAWKINS. Any reason why not?

Mr. PREASE. I went to the EEO counselor. I did have audience with the new postmaster.

Mr. HAWKINS. You have not filed a complaint with either the Postal Service or the Civil Service Commission?

Mr. PREASE. No, I haven't.

Mr. POWELL. Mr. Chairman, if I may, I would like to explain something at this point.

The first step in filing an EEO complaint is to make a visit with the counselor. Once he has concluded with his interview and counseling, then he will advise you of the next step and I believe Mr. Prease stated he has made a visit to the counselor.

Mr. HAWKINS. I see, thank you. Mr. Stokes?

Mr. STOKES. I would just like to say for the benefit of the members of the subcommittee conducting this hearing, during the 4 years I have been in Congress, our congregational office has been deluged with complaints involving discrimination in the Cleveland Post Office. We have never had satisfactory compliance with those complaints, and it has become even more cumbersome after the enactment of the Postal Reorganization Act which we passed in Congress last year. Because, as a result of that particular act, the present administration has made the determination, under the act, that Congressmen have no right to interfere in the inner workings of the Postal Service and Congressmen are now relegated under that act, as interpreted under the present administration, in the same capacity as those who are not in public service. That is, we are required to send a letter to the central office in Washington, in which we complain of the kind of treatment being given this particular person and then at that high level, someone will get back to us and make some kind of interpretation. We are prohibited under the act from having immediate contact with those who are in the Postal Service in that area and have imposed this kind of treatment on the people working in it.

Mr. HAWKINS. Mr. Prease's case, I am advised, is based on the assertion that the test did not apply to the requirements of the job itself. I am further advised that this test was probably developed by the Civil Service Commission. The Commission never acknowledged the Supreme Court decision in *Griggs v. Duke Power Co.* They are still applying testing procedures which have been declared unconstitutional by the Supreme Court.

I am wondering whether or not the committee can attack this type of case in that manner, in that your complaint is that the testing procedure was discriminatory. Am I correct?

Mr. PREASE. That is correct.

Mr. HAWKINS. I would like counsel to advise us in this particular instance as to procedure in a case of this nature.

Mr. Hart, would you advise the committee?

(Short pause due to conversation between chairman and counsel for the subcommittee.)

Mr. HAWKINS. I am advised that the procedure in your case is to file the action with the Civil Service Commission and if you do not get satisfaction there, to take it into Federal court. Of course, both the Commission and the court would be bound by the Supreme Court's *Griggs* decision.

I would think, therefore, that the only recommendation we would have in your particular case, as far as any individual action is con-

cerned, is to file with the Civil Service Commission. The committee will be very glad to assist you. I think all of us should recognize that the Equal Employment Opportunity Commission is approximately 2 years behind in their cases in most regions. In only a few regions are they anywhere near up-to-date. We think this is a most unfortunate situation. The committee has attempted to speed up the procedures. We have strengthened the law. We have provided additional money to the Commission. I would doubt, however, that the backlog is going to be reduced very much, at least under the present appropriation, which unfortunately is still not adequate. It gets back, I suppose, to the question of whether we are going to use the EEOC to satisfy most of the complainants or whether we are going to have to lean more heavily on other agencies where the sanctions can be invoked much earlier. That is why we have tried to advise all the individuals who have complaints with those units who are doing business with the Federal Government to apply to the Office of Federal Contract Compliance. These cases can be handled much more expeditiously than the EEOC cases.

The committee is not unmindful, however, that the EEOC is in existence and that these claims are being made and what we are trying very hard to do is to speed up the process there. Also, we are trying to get the Equal Employment Opportunity Commission to undertake investigations emphasizing class action suits so that it won't be necessary for every individual to go through the same procedure. These are just some of the things we are trying to do.

I want to express the appreciation of the committee for the cases that we have heard today. Individual cases give us an opportunity to establish a pattern of discrimination in certain industries and unions and in certain areas. In our hearings in Washington, which will conclude this series, we will use this documentation from Cleveland, Chicago, and Los Angeles and elsewhere for constructing questions for Federal officials. Such cases certainly will be of valuable assistance to us.

Mr. Stokes?

Mr. STOKES. Mr. Prease, I'm advised by counsel for the committee that in your case, as well as in the submission of all testimony, those who have actually testified and others who have just submitted their statements to us, that our staff will be going through each of those individual cases in conjunction with counsel for the committee and we will follow through with each one of them.

Mr. HAWKINS. Thank you Mr. Stokes.

Mr. PREASE. Mr. Chairman.

Mr. HAWKINS. Yes, Mr. Prease.

Mr. PREASE. I would like to say, I think this is just another loophole and reason to eliminate black employees for promotions. The reason I say that, I have information that I have just acquired, I have a copy of the requirements for the accounting assistants and it states in here; for applicants presently serving in this position, the supervisory test requirement may be waived when a supervisory's ability and potential otherwise have been demonstrated.

It also states that I was only supposed to pass the written part of the examination.

I haven't been able to find out what part I failed if I failed at all.

Mr. HAWKINS. Mrs. Chisholm?

Mrs. CHISHOLM. Two questions.

First of all, is it the feeling of you gentlemen that since the Postal Reorganization Act has been passed, that a greater adversity is being suffered by the black persons in the post office department? I would like to get a comment on that.

Mr. POWELL. If I may, I would like to answer the Congresswoman.

This is true. There has been a decided increase in the number of complaints filed. Because, under the new postal service these new managers have the idea that they can do what they want to. I contend that they can do up to and within the confines of the law. But, this doesn't always work that way. They feel this, on the supervisory level, we can go around an employee, choose whoever we want to choose, without notifying the employee that we have gone around him. And this is the type of problem that Mr. Prease has encountered.

Mrs. CHISHOLM. Second, it seems a little bit inconsistent and contradictory that, in view of the fact that so many black men in this country, when they came out of the universities in the 1930's and early 1940's, ended in one of two positions, either ended up in the Postal Service of this country or they became red caps in a lot of railroad stations because the other positions were not open to them in this society. And to say at this juncture in terms of the breakdown I was very much interested in the statistics, to see the blatant discrimination in terms of promotion and in terms of advancement when men have been working in the Post Office for 20, 25, and 30 years, is only a very, very clear indication of rampant, blatant, discrimination in the whole postal system in this country. The reason I ask you whether or not you felt that the adversities were greater since the Postal Reorganization Act was passed recently, is because if necessary, we might really have to go back again and look at that act right from its very beginning.

Mr. POWELL. I truly believe so.

Mr. HAWKINS. Mr. Landgrebe?

Mr. LANDGREBE. I think you have covered it very well, I have no questions.

Mr. HAWKINS. Thank you then Mr. Prease and Mr. Powell.

Mr. POWELL. Thank you, Mr. Chairman, for allowing us to appear.

Mr. HAWKINS. You know our counsel, Mr. Hart, and you can give him any additional information that you may desire, related to the hearing.

The next witness is Mr. John Cole. Is Mr. Cole in the audience?

Mr. COLE. Yes.

Mr. HAWKINS. Mr. Cole, will you identify yourself for the record please?

STATEMENT OF JOHN L. COLE, FORMER CONTRACT COMPLIANCE OFFICER, CITY OF CLEVELAND

Mr. COLE. Mr. Chairman, members of the committee, my name is John L. Cole. I am former contract compliance officer for the city of Cleveland.

Mr. Chairman, I have served in the capacity of contract compliance officer for the city of Cleveland for a period of 2½ years, since the inception of this law.

Prior to that, I was on the staff of the Urban Renewal Department in the city of Cleveland and one of my related duties was to implement the dictates of Executive Order 11246, as they apply to the agency of Department of Housing and Urban Development.

This law came into being under the Stokes administration, at which time Mayor Stokes demonstrated that he had a sincere obligation to see that the laws of the city and this country were implemented and saw to it that I lived up to my responsibilities. No equal employment law or affirmative action program is worth the paper it is written on if the chief exec does not live up to the responsibility of the law.

After the Stokes administration, we experienced something different. In dealing with the laws of the city of Cleveland and also the Federal Government and I sat back with no alternative but to watch Federal and municipal laws be flaunted by a director of finance who is custodian of funds for all the people of the city. In all probability he is sanctioned by the chief executive, because he was allowed to do these things.

I have here in front of me some documentation which will witness, evidence the fact that the finance director of this city has taken it upon his own, to reduce the implementation of this law and take away from the contract compliance section, the authority to make these recommendations and let them rest with the buyers to deal with the lowest and best situation of the companies submitting bids to the city, to this city. In many instances, when a black entrepreneur, submitted a successful bid to the city, all bids were found to be invalid and the situations were sent out to be rebid, to secure goods and services for this city. And at the same time, the city has constantly been the recipient of Federal funds without an equal employment opportunity program being implemented.

We know that the Office of Federal Contract Compliance is understaffed and the Equal Employment Opportunity Commission here is deluged with a backlog of cases. It's almost impossible to have anything done immediately, to keep the city running with the Federal funds that are so vitally needed to keep the city in operation. I plan on leaving this data with the committee which will point out to them, for the minimal sum of money, in going to a responsive bidder, to supply goods and services to the city, these laws have been flaunted. There is a Supreme Court decision that makes it crystal clear that the term "lowest and best" addresses itself to two situations.

One situation deals with money and the other situation deals with whether or not a firm is living up to the general conditions and specifications of contractual documents.

I have seen an excess of \$6,000 expended by the city recently, prior to my departure, for companies just based on the age of equipment. But, when we start dealing with people, it's another situation. When we look at the equipment situation and find that a firm is in a position to present a performance bond to secure contractual relationships with the city, and still, this isn't even taken into consideration. Until such times that Federal agencies as well as cities, begin to recognize the top position of the population of these metropolitan areas in this country, and deal with that statistic, we are not going to have equal employment opportunities, in fact. As long as we look at the overall composition of this country, and not take into consideration that Federal funds are being spent in some cities that don't even have minorities within

the cities, we are not going to have adequate and meaningful minority participation in this country.

To name the cities, and let's start with Cleveland, Newark, N.J., my city of Atlanta, anyone of them, none of them have a composition, a population or work force that addresses itself to the country as a whole. And there is no place written, out of the Federal Government, that deals with this type situation so that there will be equal employment opportunities in fact. I think it has to change on these local levels when none of these laws have any meanings.

The minority people are not hard to find when the time comes for them to participate in any of the tax duplicates that City, States, and counties exist from, as well as the Federal Government. When time for draft laws to become implemented, the minority youth is not hard to find. But, when we start talking about finding them to participate in the job market, then they are not available, regardless of what the composition of the population is.

I have always viewed equal employment opportunities as something to benefit any geographic area, as a whole. That is, the white as well as the nonwhite resident of an area. I haven't heard, during my 5½ years in this type involvement, the media for the populus, or the governing individuals of a community, deal with why the penal institutions don't reflect the composition of a city. They are all overcrowded with minority people and I don't have to deal with the reasons, I think that everybody in this room knows what the reasons are that these things take place.

But, at the same time, it's the same people that have to pay to support these institutions that have to house these people. We look at all of these veterans coming back from Vietnam today, which have been conditioned to enter combat, however, upon return, they are not rehabilitated to enter into the society that we have to participate in today. And I think this all involves equal opportunity and not just to have it confined to employment. That is just a part of it. I think that if this committee did not recognize these type situations we would be remissed in what we are spending our time for today.

I thank you very much.

Mr. HAWKINS. Thank you Mr. Cole. I think your testimony as a person who has had actual experience as a contract compliance officer is most gratifying to this committee and I would thank you for the sacrifice which you have made in coming to this hearing, from Atlanta to Cleveland. We hope that the committee itself comes to Atlanta. We may be able to have your testimony again and additional documentation.

The documents that you referred to will be entered into the record in their entirety, at this point.

Mr. Landgrebe, any questions?

Mr. LANDGREBE. No questions.

Mr. HAWKINS. Mrs. Chisholm?

Mrs. CHISHOLM. No more questions.

Mr. HAWKINS. Mr. Stokes?

Mr. STOKES. Just one statement.

I don't have any question, Mr. Chairman, but I do think that members of this subcommittee and members of this community who are in attendance here today, ought to realize that Mr. John Cole did come all the way back from Atlanta at our request and we requested

his attendance here because, I think Atlanta's gain is Cleveland's loss in this case.

Mr. STOKES. Members of the subcommittee, you would have to have lived in Cleveland to realize the kind of dedication that this man had. I know of no public official anywhere in the Nation who has the kind of integrity that he had in devotion to his job and we just want to thank him for his coming here today.

Mr. HAWKINS. Thank you Mr. Stokes. May the Chair add something at this point. I think it will set in prospective the hearing here in Cleveland. Before we departed from Washington for this series of hearings, we did discuss with high officials of the Department of Labor the nature of the hearings, and what we hoped to accomplish in them. We solicited their participation and support.

They gave us strong commitments that they would have individuals here present to testify in the field, in connection with their areas of jurisdiction.

I don't know whether a representative of the Department of Labor is here. No one has identified himself as such. Is there any such representative present?

I didn't think there would be, because this seems to be the pattern. We sought their assistance and cooperation and their offered testimony and also an explanation of some of the things that have been said about the Department. I think it is most appalling that we have an agency of the Federal Government as supported by all the people, that cares so little about those people that it will not even be represented at a hearing which is designed to help carry America forward without any unusual circumstances and to benefit all its people. I think this is in sharp contrast to Mr. Cole, who, at his own expense and sacrifice, has come all the way from Atlanta to Cleveland to testify. I want to add a word of thanks to you Mr. Cole, in addition to what Mr. Stokes has already said.

Mr. COLE. Thank you.

At this point let me note that material submitted by Mr. Cole concerning the diminished enforcement of the Cleveland contract compliance program will become a part of the subcommittee's permanent files.

Mr. HAWKINS. The next witness is Mr. James Stallings. Is Mr. James Stallings present?

Mr. Stallings, your statement will be entered into the record. You may testify from it, summarize or just present testimony however you desire.

STATEMENT OF JAMES STALLINGS, EXECUTIVE SECRETARY, CLEVELAND BRANCH, NAACP

Mr. STALLINGS. Thank you, Mr. Chairman.

My name is James Stallings and I am executive secretary for the Cleveland branch of the NAACP, whose office is located at 8409 Cedar Avenue in Cleveland. I wish to present testimony on patterns of racial discrimination in the Cleveland Police Department and also make recommendations for the elimination of such patterns.

Good law enforcement is of great importance in our Nation's activity. The rising crime rates in the metropolitan areas of this country, has made our citizenry keenly aware of the need for com-

petent and effective law enforcement. So great is this need that the Federal Government has set aside massive sums of money to improve the quality of protective agencies. As documented by numerous reports, the solutions to the growing problem will require innovative techniques and sensitive approaches as well as an alert citizenry.

Despite the vast amount of funds spent to increase the number of protective units and despite the fact that under the law enforcement assistant act, the Department of Justice is authorized to make grants for the recruiting of law enforcement personnel and the training of personnel in law enforcement, blacks and other minority groups are grossly under represented in police departments across this country.

Effective law enforcement is of unique importance to persons living in the minority community. You have three reasons listed there why we feel it is important. We will skip over those.

Let me just say that the failure of law enforcement, the failure of the enforcing of laws prohibiting racial discrimination in this country, is one of the great contemporary tragedies of American life. The comment of Theodore Hesburgh, the chairman of the Civil Rights Commission, is appropriate when he says that, "unless we get serious about this, the country will be on a collision course with everything opposite what the Constitution stands for."

The record of racial discrimination in the Cleveland Police Department stands as a classic example of the wholesale failure to enforce the laws prohibiting such discrimination.

Discrimination with the police department in Cleveland has not served to enhance law enforcement but it has served to undermine it and produce a general attitude of contempt, cynicism, disrespect, and mistrust in the minds of many citizens.

For years, community organizations have tried numerous ways to increase minority representation on the Cleveland Police Department. We have met, useless to say, with little success.

In our city, high public officials are calling upon the entire community to observe law and order. The citizens of the minority community have noted this with great irony, for the same public officials who piously proclaim law and order, are the same public officials who refuse to enforce laws protecting the civil rights minority citizens against discrimination and employment. Failure to enforce such laws by public officials makes a mockery of the law and breeds contempt for it. Such persons are, at the very least, as guilty of breaking the law as those who throw fire bombs from street corners.

The history of the blacks in the Cleveland Police Department is a history of racial discrimination. Prior to 1967, there were fewer than 75 blacks in the Cleveland Police Department.

Prior to 1967, a written examination for the patrolmen was simply the Ohio drivers code.

In 1968, the Civil Service Commission instituted the present system of testing applicants. The present system includes a written examination, background examination, the psychology test, and the polygraph test. Of those minority persons who apply for the job of patrolmen, the written examination is the chief eliminator. Indeed, only about 10 percent of the black applicants pass the examination. The white success rate is considerably higher. The written examination usually includes problems in logic, mathematics, vocabulary, and spatial relationships. Police and civil service officials tend to equate test

results with a man's native intelligence. The implication being that persons who flunk the test are intellectually inadequate.

The Cleveland Police Department and the Civil Service Commission have noted that the test has become a "sacred cow." Most attempts to render a fair test have met with strong opposition. Yet, standards are precisely what the tests do not determine. They contend that any attempt to make the test fairer is lowering the standards of the police department. We have not been able to determine, at any time, that the test predicts an applicant's performance as a policeman. In fact, we wonder what these tests do predict.

The background investigation is another opportunity for the police department to eliminate blacks. A classic example of this is found in the instance where a police investigator, investigating a prospective applicant for the department, saw him dressed in leather trousers and a leather shirt. He noted that the subject wore, "subversive clothing." This investigation tends to exclude a greater proportion of blacks seeking employment with the department. It is inherent within this process that the police department exercises undue arbitrary discretion in denying employment to blacks.

Let me just skip over the psychological examination and the polygraph test and move to talk about the present status of blacks in the Cleveland Police Department.

At the close of 1971, there were a total of 2,315 men and women on the department. There are presently 178 black men on the department and 12 black women. This represents a total of about 7% percent of the department's total strength, while blacks in the city constitute about 38.3 percent of the population. There are only eight blacks beyond the rank of patrolmen, which is the entrance level of blacks in the department. There is only one black lieutenant. The highest ranking black that has ever been in the Cleveland Police Department was a captain. No blacks have ever been able to move beyond the rank of captain in the entire history of the Cleveland Police Department. Presently, the figure of 190 is the highest number of blacks we have ever had in the police department.

Blacks have been locked in the Cleveland Police Department. Presently, there are no blacks assigned to the academy, the faculty of the police academy, while there are a number of blacks in the department with bachelor's degrees in areas of study relating to police law enforcement.

Several blacks, in fact, teach on the faculties of local colleges. They are teaching courses in law enforcement while they cannot teach at the police academy. This does not represent an isolated example of the educational background of most blacks in the department. In fact, a higher proportion of blacks in the department have college degrees, much more so than whites. And yet, those blacks are either working as patrolmen or working as plainclothesmen with a few sergeants and one lieutenant.

Let me just indicate to you a classic example of this discrimination. The fact that one black officer, who is currently pursuing a master's degree in police science, is assigned to basic patrol, which is walking the beat.

There are more than seven units, investigative units in the Cleveland Police Department which have no blacks at all. There are any number of units which have only token representation of blacks.

What we are saying is, if public agencies are permitted to systematically exclude large numbers of blacks, we cannot have a government which is for all the people, if it is not by all the people.

We would like to make some recommendations as to how this kind of activity can be stopped.

In the first place, you cannot have special one-shot minority recruitment campaigns, mounted independently of the police department's ongoing recruiting program, which we have here in Cleveland. These campaigns tend to be disillusioning and ineffective and they also tend to mislead the total community, which mistakenly assumes that much is being accomplished in the way of minority recruitment.

If the Cleveland Police Department is going to have blacks, it must have an affirmative action program which actively recruits blacks, trains them and promotes them in the department.

Police departments and civil service commissions that do not take the time to compile ethnic statistics, have no way of measuring a success or failure of their minority recruitment programs. One must assume, and the black community does assume this, that if they do not keep these records, this is out of a failure to be concerned or to care.

Minority recruitment cannot be expected to succeed so long as blackmen or brownmen view the police department as an enemy of the people. Therefore, one views, if this is the case, one views his joining that force as a retrail of his brothers. Police officials tend to see this as an image problem. You see, they are more concerned with seminars and workshops in human relationships than they are with having real commitment and enforcement from top municipal and police officials. Not only must they enforce the laws dealing with equal employment opportunity but they must not tolerate police brutality or harassment. The rules on these must be clear and punishment must be swift.

The NAACP's demand for job equality for blacks and other minority citizens in the Cleveland Police Department and the elimination of racist tactics in that department is clear. The day of pious token statements of commitment to equal opportunities is over. What is needed is affirmative action programs that do produce equal results.

To this end, the NAACP, joined by the shield club and others, filed litigation in the U.S. District Court, October 12, 1972, seeking to enjoin the Cleveland Police Department from carrying out its continual practice of racial discrimination.

Let me just add this about the EEOC. While it is clear that public employees have suffered under title VII of the 1964 Civil Rights Act as of last year or rather, this year, the EEOC has already indicated that it is almost 2 years behind in its caseload. And while it is grossly understaffed, and we are not sure that it is grossly understaffed either through design or simply through benign neglect, the EEOC does not have the staff nor the enforcement power to deal with the cases of discrimination that occur in any community. If this community and the Federal Government is serious about doing anything about job discrimination in this country, certainly the EEOC is going to have to be manned and also given some teeth to enforce the laws of this country.

Mr. HAWKINS. Thank you very much, Reverend Stallings, for your excellent statement here this afternoon. Certainly, all the members of the subcommittee are equally impressed with this very clear and concise testimony.

I would like the record to reflect the fact that the president of the Cleveland branch of the NAACP, Attorney Russell Adrian, is also present here in the audience at this time.

I am advised by counsel for the committee, with reference to your testimony having to do with the test, that the law is very clear on this particular subject by virtue of the U.S. Supreme Court landmark *Griggs* case. The holding in that case was that a test that has an adverse impact on minorities and which is not related to the requirements of the job, is forbidden by title VII. A number of police and fire department examinations have been invalidated upon this ground. Title VII of the Civil Rights Act of 1964, now applies to State and local governments as a result of the 1972 amendments. You might have legal redress then to the EEOC and the courts.

Mr. STALLINGS. Mr. Stokes, the committee, we have already gone into court to seek to enjoin the department from continued use of the—not only the department, but the Civil Service Commission—to bar continued use of the test that they have been using. Also, some of the other methods of examination that they have been using.

Mr. HAWKINS. Mrs. Chisholm?

Mrs. CHISHOLM. Yes; I would just like to make one statement.

You have given excellent testimony and it's the same kind of litany that you hear in city after city. But there is just one thing that was very interesting to me, in terms of the psychological examination and other procedures that works to the disadvantage of blacks, the psychological examination and prospective black patrolmen are eliminated for psychological reasons that are totally unrelated to job performance.

I am going to say something here that perhaps will be very shocking. I think that prospective white patrolmen must be eliminated for psychological reasons which are totally unrelated to job performance. Because, I have become so interested in this whole police question in this country, that I have begun a study in four or five States, the northeastern section of this country, to find out why there seems to be certain attitudes with respect to the whites in the police departments where large numbers of blacks are found. And I have found out in two States, particularly in the State of Michigan, that over 70 or 75 percent of these gentlemen in the police department come from Georgia, Alabama, and Mississippi, and so, bring attitudes with them.

Every man in this country has a right to a living, white people as well as black people coming from the southern part of this country have the right, must have the opportunity to work. But, if they are going to talk about psychological factors, let's bring it down to facts, let's realize that in terms of white policemen coming from certain sections of this country, have an inherent racial attitude in their blood stream, that they also need to undergo certain psychological examinations—

Mr. HAWKINS. Mr. Landgrebe.

Mr. LANDGREBE. Mr. Stallings, in this page 2, you mention that minority communities usually have a greater incident of crime than other areas. These crimes are usually committed by minorities against minorities.

Do you feel that if we had a greater ratio of black policemen than we now have in this department, that they would be likely to arrest these minorities who commit these crimes against other minorities

and that this would solve this problem? After all, people who live in America, regardless of color, have the right to expect to live——

THE AUDIENCE. We can't hear you.

Mr. LANDGREBE. Oh, I'm sorry.

According to this statement, minority communities usually have a greater incident of crime than other areas. These crimes are usually committed by minorities against minorities.

Now, you say this and this is what is the general accepted situation throughout America and I truthfully believe that people who live in America should expect to live in a safe, peaceful society. Now, do you think that more black policemen would solve that problem? Would they arrest their black brothers and haul them off to jail?

Mr. STALLINGS. That's not the—the arresting of criminals is not the only problem we face in the Cleveland Police Department. You see, the reason why—you should read the entire statement, because the initial statement was blacks are more likely to be victims of crime than whites. You see, in Cleveland, the highest crime rate is in the fifth district, which is 84 percent black. It's followed by the fourth district, which is a very heavily black district. And yet, these departments have one of the worst records of policemen answering calls for help in the entire city of Cleveland.

So, we are not just dealing with the problem of them arresting the criminal, we are dealing with the problem of responding to calls in the black community. That, if you have more blacks on the Cleveland Police Department, and not just blacks on the force, but blacks in a position of authority on the force where a patrolman is sensitive to the community and sensitive to the concerns of the community. We believe that the standards of the Cleveland Police Department ought to be raised, that it ought to be raised to meet the requirements of the community and that is, an increased minority representation on the force. Especially in a city where you have 38 percent black and only less than 8 percent on the force.

Mr. LANDGREBE. I don't want to take more than another minute or two. I wish we had time to discuss these things at greater length.

Discrimination on the police force is one thing, but the higher incidence of crime against minorities by minorities is a serious concern to me and I think there ought to be some studies made that would prove that, if there were more black policemen, this would be a very good reason to insist, not only against percentages, but that the black man would be able to get the respect of his black brothers and he would be able to, in patrolling those areas, actually reduce crime because I am seriously concerned about the good black people who are living in fear because they are not being protected by the police departments——

Mr. STALLINGS. Mr. Landgrebe, Mr. Landgrebe.

This problem that you have eluded to sir, is much more profound and much deeper than blacks simply getting on the police force. You see, the reason why there is a higher degree or higher incidence of crime in the black community is because black people are restricted to the ghetto, in the black community. They are restricted by any quality of opportunity. You see, when you began to talk about discrimination, you reach into the whole life style of black folks because, one of the reasons why blacks are confined to the ghetto is because they can't get jobs. Because companies are constantly violating the

law and because institutions like the Cleveland Police Department are violating the law by not hiring them. They have to work at low paying, menial jobs. They are confined by not only discrimination in jobs, but to discrimination in housing. They cannot move into certain areas. So, you are dealing with the whole problem of black people when you began to talk about why we are congested in the ghetto and why there is a greater incidence of crime.

Mr. LANDGREBE. My recollection is that the Department of Housing, HUD, has really insisted and taken strong action against league communities if they do not permit housing for the low income.

Mr. STALLINGS. We would welcome them to come to Cleveland.

Mr. LANDGREBE. Well, maybe we can get them over here, we can try.

Mr. STOKES. Any questions, Mr. Chairman?

Mr. HAWKINS. No questions.

Mr. STOKES. Thank you very much Mr. Stallings.

Mr. STOKES. Our next witness is Mr. James Cox.

STATEMENT OF JAMES T. COX, CITY HALL REPORTER, WJW-TV, CLEVELAND

Mr. Cox. Thank you Mr. Stokes.

My name is James T. Cox, city hall reporter for WJW-TV, Cleveland, Ohio.

Early this year the city of Cleveland began hiring people with \$3.4 million in Emergency Employment Act funds. The funds were to be used to rehire laid-off city workers and to hire new employees from the city's high unemployment areas. The city's department of human resources set up residency requirements which stipulated that those hired could live only in the high unemployment areas. All but 33 census tracts of the city were included—those 33 being areas which did not meet the high unemployment criteria. It should be noted that Cleveland has one of the highest unemployment rates in the Nation. It is estimated that somewhere between 18 and 22 percent of the city's work force is unemployed.

There were unconfirmed reports last spring that numerous employees hired by the city under this E.E.A. program were not qualified for employment because they either lived in the excluded 33 census tracts of the city of Cleveland, or because they lived in suburban areas, out of the city. In an investigation I undertook for WJW-TV, and its new programs, it was determined that numerous employees hired were indeed living outside the impact areas; it was determined further that many of those hired lived in suburbs; that in one case we found an employee in the city's personnel department who was later accused of forging election board petitions, had been hired by substituting her own suburban address for that of the appointments secretary for the mayor of Cleveland, Ralph Perk.

We found another employee who had been a campaign worker for the mayor. This employee was hired under this program by giving the address, in Cleveland, of relatives. Actually, this employee lived in a \$30,000 home in the suburb of Brooklyn, where she has resided since 1955. She has lived in that suburb with her husband, who is also a city employee, and her son, also a city employee. The family has two automobiles and a panel truck that is used in the husband's second job.

One Cleveland newspaper, the Cleveland Press, did a survey of the BBA program similar to mine, with similar conclusions. The conclusions are that at least 10 percent of those hired under this program are ineligible either because of falsification of address or no actual unemployment history of those hired. And that 10 percent figure may be a minimum—I want to emphasize—minimum figure.

Another conclusion the Press investigation and my investigation established is that some of the hiring, particularly at the management level, seems predicated by political patronage. A rundown of those hired illegally shows a preponderance of former campaign workers for Mayor Perk, and others with political debts.

In my investigation we had to conclude that: the city's Civil Service Commission has no authority over the program; that there is no internal check by the department administering the program, at least no check worth mentioning (I was told that the department had checked employees' whose names started with the letters A and B, but had not got around to the rest of the alphabet). I was told a serious check would have to wait for the GAO later this year.

Last, a coincidence seemed to occur right after the investigations were run by WJW-TV and the Cleveland Press. A Labor Department official in the Chicago regional office ruled that, in order to qualify for the Federal program aimed at reducing the unemployment rate in the central city of Cleveland, all a suburbanite had to do was live one day in the city, and that would qualify him or her for an Emergency Employment Act job.

Thank you very much.

Mr. STOKES. I want to say, we certainly appreciate your being willing to come before this committee and give us this testimony this afternoon.

Mrs. Chisholm?

Mrs. CHISHOLM. I just want to say one thing to you. I want to take my hat off to you because I am quite sure that with pressures and what have you, this was not considered exactly the expedient thing to do, but neither do we want the Emergency Employment Act funds to be used for purposes of political expediency.

Mr. STOKES. Mr. Chairman?

Mr. HAWKINS. I want to concur in the remarks of Mrs. Chisholm. I think the committee owes a debt of gratitude to you, Mr. Cox. I think your testimony is very sharp, to the point, articulate and certainly well founded. It opens up an approach this committee has not pursued thus far and I can assure you we will certainly broaden the inquiry to include the Emergency Employment Act operation as well.

This the first testimony we have had on this particular problem and it certainly falls in the category of the work of this committee to seek the reasons for unemployment, high unemployment in the central cities. Any further information that you have along this line would be most welcome and we can assure you this committee is fully behind you. Without objection, additional material submitted by Mr. Cox will be included in the record at this point.

(The following is a television news script prepared by James T. Cox for WJW-TV.)

EMERGENCY EMPLOYMENT

This Lake Avenue apartment house on Cleveland's West Side, near the Gold Coast, is *not* in the emergency employment area. But a city employe in that

program earning 12 thousand dollars a year, does live here, sharing a two-hundred-thirty-four dollar a month apartment. That in itself is not a violation of the Federal program. Election board records however show the employe began living here in August 1971, then last March moved to an apartment on St. Clair Avenue and East 54th Street—living with a cousin, he said. That move lasted about 3 to 4 months, then it was back to Lake Avenue, to the same apartment. With a number of key aides to Mayor Perk living here now, the building has been dubbed city hall west.

Another example is that of a woman who worked in the Perk mayoral campaign, along with her husband. They've lived in this 30-thousand dollar home since 1955. It's in the city of Brooklyn. She got a 7 thousand dollar E-E-A job in April—in July she changed her voting address to a home and bar on Harvard Avenue and East 55th Street, owned by her brother. She says now she's back in Brooklyn, along with her husband and son, both also city employes. Our preliminary investigation of city and election board records show there may be as many as 10 percent of E-E-A employes who have obtained jobs slated for poverty area residents, in this manner.

WALLIS FORGERY

Barbara Wallis' signature as exhibited at the Election Board hearing last week was reportedly forged by a former Cleveland city employe—her sister Kathryn who worked in City Hall's personnel department for 11 weeks this summer. A link between the mayor and the drive to reduce Council has been denied often by Perk but some evidence cropped up today that his staff may be involved.

Kathryn Wallis lives in this Lakewood apartment building on Riverside Drive. To qualify for city employment under the federal program for unemployed Clevelanders, Miss Wallis listed her address at the Election Board here on Denison Avenue—the home happens to be owned by Mayor Perk's appointments secretary.

We checked Miss Wallis' apartment today—her Volkswagen pasted with Nixon re-election signs was parked outside. She was in but would not come to the door. The building custodian denied she has ever moved.

[Cleveland Press, Sept. 13, 1972]

PETITIONER BORROWED CITY ADDRESS TO GET JOB

(By Brent Larkin)

Kathryn Wallis, who signed her sister's name to petitions seeking to reduce the size of Council, also borrowed the address of one of Mayor Perk's secretaries to qualify for a city job.

This was the latest discovery today in the continuing investigation of the forged petitions.

The secretary whose address Miss Wallis used is Mrs. Dolores Jardy, Perk's appointments secretary who started working for the Perk administration last November.

Before becoming Perk's secretary, she was secretary to Robert Hart, the former Perk aide who admitted asking city workers to circulate Council reduction petitions. He and Miss Wallis now work for the Committee to Re-elect the President.

Here are highlights of the Case of the Borrowed Address:

Miss Wallis worked as an interviewer in the city Personnel Department from May 17 to Aug. 5. She was hired with funds from the Emergency Employment Act, which requires all persons to live within the city.

Miss Wallis has lived in an apartment in Lakewood—at 1415 Riverside Dr.—since early May.

But when she applied for that EEA-funded job she used the Cleveland address of Mrs. Jardy—3622 Denison Ave.

Neil Knotts, superintendent of the Lakewood apartment building said Miss Wallis never moved out.

"She pays her rent every month and I see her frequently," he said. "When she moved in she told me she would be living here for at least a year. She even gave me a security deposit to guarantee she would be staying."

Mrs. Jardy said she didn't know Miss Wallis used her address. She said Miss Wallis stayed at her home for two days sometime in May.

"I feel sick about this because I love the mayor and I know he didn't know anything about this because he's too honest," Mrs. Jardy said.

"Miss Wallis said she needed a place to stay for a couple of days so I put her up. I often do things like this."

Personnel Director Philip Hamilton said no one in the Perk administration asked him to hire Miss Wallis. He said the city usually checks out all addresses on EEA applications but must have overlooked Miss Wallis.

"I never saw her before she was hired and as far as I can tell she just walked in off the street and asked for a job," he said.

Miss Wallis has admitted signing the name of her sister, Barbara Wallis, as the circulator of petitions. She also admitted filling in petitions by copying names out of the telephone book.

The petitions were notarized on July 25 by Viola Wittenborn, part-time employee at Aldem Insurance Inc. Robert Hughes, Republican county co-chairman, is an officer of the agency.

Mr. Cox. Thank you very much.

Mr. HAWKINS. We will take a 5-minute recess at this point.

(Short recess taken.)

Mr. HAWKINS. The next witness is Eugenia Valdez. Is Mrs. Valdez in the audience?

Mrs. VALDEZ. Yes, sir.

Mrs. CHISHOLM. You're next.

Mr. HAWKINS. You're next, Mrs. Valdez.

Will you be seated at the table and identify yourself for the record, Mrs. Valdez?

STATEMENT OF EUGENIA VALDEZ, CLEVELAND, OHIO

Mrs. VALDEZ. I am Eugenia Valdez. I live at 4691 East 175, Cleveland, Ohio 44128.

Mr. HAWKINS. Thank you.

Mrs. VALDEZ. You're welcome.

Mr. HAWKINS. Will you proceed.

Mrs. VALDEZ. I would like to bring out eight very salient points. I was the payroll clerk for Inner City Trucking.

Can everybody hear me?

Inner City Trucking is a black firm with 10 trucks. The firm has been forced to go out of business and I have been unable to find other employment. Subsequently, I have had to go on general relief, which I do not appreciate.

Inner City Trucking has subcontracted from Wantz & Son on Ohio Bell jobsites. They have been sent home after working 1 hour on the job, after being told they were to work 8-hour shifts.

Threatening phone calls were made to this company, some of which were taken by myself. One: That the son of the owner would be caught outside the home and kidnapped.

Number two: That the home would be bombed, killing whoever was inside.

Number three: Trucks and/or drivers would be harmed, although Inner City is an Equal Opportunity Employer and they do have an equal number of white and black drivers.

Persons with Italian accents, and I know what an Italian accent is, because I was raised with them, have called stating that the Mafia did not want "niggers," on the Ohio Bell jobsites and made references to "Again, tell your 'nigger' mayor not to interfere" that was Mayor Stokes.

When I asked about safety measures on the Superior and Lakeview and St. Clair job sites, they did not know who I was when I made these inquiries. I used a different car every time. I was told to let the black bastards walk in the street, they're not used to sidewalks, and they don't need them.

On the Parma Ohio Bell jobsite, the trucks were damaged by a white crane operator, who dropped a load of stones, not quite as large as this table but considerably heavier, into the bed of three of the trucks. Then they turned around and called the Parma Police. The Parma Police refused to intervene and gave tickets to the Inner City truckers while Wantz & Son blocked them from leaving the jobsite.

The owner of Inner City Trucking has since been driven out of business; he has lost his home, he has lost his car, and he has been blackballed.

I feel that construction in predominantly black neighborhoods should be shared with black firms, with regards to safety measures in the school and residential areas. These are our children and our wives and our husbands going back and forth to work.

Fill dirt from JFK Senior High School has been dumped in the middle of Seville Avenue, blocking traffic and causing hazardous conditions. The firm doing the construction work at JFK and Whitney Young, which is the former Hoban Dominican High School, are both white with little or no black participation.

Also, I feel this way; we have to live here. We have to have a sense of decency, of dignity. We want to live with a sense of integrity as if we owe it to ourselves. We are a different generation than our parents and grandparents. I refuse to stand by as long as this sort of thing is allowed, when I can say something to help.

My grandchildren have to grow up in this neighborhood and I feel that we should have a right to participate in this. I am also the administrative assistant of the Lee-Seville Citizens Council. I am the coordinator for the Lee-Seville Economic Development Corporation. I am a school guard, I am an assistant teacher. It's all volunteer and I am just about to starve.

There are FBI signs in our neighborhood, Lee-Seville is supposedly one of the most affluent black neighborhoods in the city of Cleveland which is a lot of hogwash. We are all about to lose our homes, or half of us are on relief. There are so many FBI signs on any given street, our area looks like FBI headquarters or J. Edgar Hoover's last resting place. I've got enough experience to be Louis Stokes' boss if I wanted to be, but who will hire me? And I'm tired of being out of work.

And as far as crime in the area, I have been broken in on three times. Now, I am a widow, I'm a single woman if that is what you want to call me. I have been a widow a long, long time. I've been a widow for so long, I've forgotten I ever got married. But, I will tell you this, I don't mind being raped, but don't rob me. I've worked too hard for what I have. I don't even have a phone.

I'm sorry, but I'm angry. I live alone. There are a lot of women like me that live alone and everything I own, I got by myself. I always seemed to be able to find time to help everybody else. I'm the kind of fool that would give you my last dollar, my last piece of bread and then I sit up there and lose 20 pounds, you know? And I don't have anybody to go to. And I'm tired of this.

The police force, I have worked at Central Police Station. Carl Stokes was a prosecutor when I was in the probation department. So was Paul White. I feel for the boys in blue but some of those boys in blue need to be blue in the face. I went to see "Superfly" and just because I laughed at the ending, which I thought was hilarious, because that only deals with one element of crime, black and white, and I am not going to repeat those lines, they are charming but I'm not going to repeat them. I'm a lady.

These three white policemen that were sitting back there in full dress uniform told me. "I'm glad you laughed". You know what I told them, I said, "Let me tell you something little boy," I said, "I worked at Central Police Station for 8 solid years. I wore a blue uniform in the Air Force for 7 years, which is longer than you have been away from your mamma." I said, "Besides, it's 11:30, does your mayor know where you are?"

Could I have a few more minutes, Mr. Stokes?

MR. STOKES. Help yourself Mrs. Valdez.

MRS. VALDEZ. I have got to say something else.

I am an assistant school guard. I have begged for a sign, any kind of a sign, who cares what kind as long as it says school crossing, go slow, children crossing. The policemen, the police department told me when I asked for it and Emile B. deSauze is on 176th Street, just because it's considered a residential area, you know, that influential poor area that we live in, they told me that it has to be on the main street before we can get you a flashing sign.

Who in hell cares how it flashes, all I want is a sign. Because, those four stop signs don't mean a thing. I have—listen, getting bumped in the behind by a Cadillac hurts just as much as a Ford. I have put my life on the line for those kids. And they will not give us school signs. I have called the police, they came the next day. I have been broken in three times and the next time, if I go shoot somebody and throw them down my 80 foot well, who is going to jail? Me. You can't boobytrap your home, you will go to jail for it. But, you're suppose to lay there and I sleep in traction, you know, I am absolutely helpless and I'm not about to get married for protection because the average man is harder than hell to get along with and is still yelling "Help."

I think I had better get up. Mr. Stokes, can I leave now?

MR. STOKES. Wait a minute now, wait a minute.

I just wanted you to know that I told Shirley Chisholm, "that's our Shirley Chisholm."

MR. HAWKINS. All I can say is this subcommittee has had many hearings in many cities but I don't think we will have anything like we have had in Cleveland.

The next witness is Mary King, a representative of the Euclid School System, Mrs. King?

MRS. KING. Yes.

MR. HAWKINS. You are a member of the school board, I understand.

MRS. KING. That's right.

MR. HAWKINS. Will you proceed then, Mrs. King?

**STATEMENT OF MARY KING, SCHOOL BOARD MEMBER,
EUCLID, OHIO**

Mrs. KING. In my statement I am talking first about the cleaning men and cleaning women in the Euclid schools.

The cleaning men and cleaning women in the Euclid schools do almost the same work, although there are slightly different job descriptions. The women earn \$2,500 less per year than the men. The men's salary is \$7,914, women's \$5,414. For \$2,509 a year more, the men replace high light bulbs occasionally and run a waxing machine about once in 3 weeks. Otherwise, the work is the same. Both men and women stand on 6- to 8-foot stepladders to work at times. There are no male matrons, as they call them, and no female floormen. There are no women custodians or firemen, firemen are generally assistant custodians. Mrs. Rose Bastjansic, who works as a matron in the Euclid School System, requested the job and pay of a floorman, sending a letter to all the members of the Euclid Board of Education. She said she does just about the same kind of work and she wanted the pay of a floorman and the title of a floorman, but she was refused.

There are no women in the Euclid system who are central office administrators in the superintendent, assistant superintendent, or co-ordinator that is director levels of the Euclid Schools. There are no women assistant principals, out of four, in the high school, and all of the four senior and junior high principals are men. Women are confined, almost completely, to elementary principalships, 7 out of 11, and one assistant principal in each junior high, is given to a woman. The seven male assistant principals take precedence over the women in the job hierarchy.

There are no department heads who are women in the four secondary schools, except for girls physical education and home arts and occasionally, a specialized subject such as vocal music. The department heads receive several hundred dollars a year more in pay per year. They also determine leanings toward text books, type of presentations in classrooms, stress on various aspects of a subject. All this under the control of men, can lead to a down playing of the role of women as equals and discrimination against women authors and women's interests in a subject.

Any course beyond the master's degree taken by any teacher in the Euclid Schools, must have the prior approval of the superintendent.

Extra pay is given on the salary schedule for courses taken with approval. The superintendent has the power to say that a teacher may not take advanced courses preparing for administration. But, should instead take courses relating to his subject matter. In this way, a teacher could be discouraged or even forbidden to take courses which are absolutely necessary in order to become an assistant superintendent or other level of administrator.

Teachers usually male, who find favor with the superintendent, are sometimes advised and encouraged to take these courses. The board of education then is told that no women are qualified for the more important administrative posts in the school system, which pay, of course, much larger salaries than a teacher can earn. Despite this discouragement, a few women have prepared themselves and have been

turned down for higher posts. About two-thirds of the teaching staff are women.

In the business department of the Euclid School, women hold none of the managerial positions. They are primarily secretaries and clerks with long years of service. The average of women's salaries is about 60 percent of the average of men's salaries in the business and finance departments.

I have been a member of the Euclid Board of Education for 13 years, serving at times as president and vice president of the board. I have protested repeatedly that women are being severely discriminated against in the Euclid Schools, but have never received an adequate answer to my complaint.

Mostly, I get the impression from the four male members of the board and the superintendent, that no one should rock the boat, that they prefer men in high places and it's cheaper for the board to keep women's salaries low.

For the most part, women are intimidated against speaking out against this practice, because for any one who rocks the boat in a school system, it's the kiss of death for future good working conditions or any possible hope of advancement, however slight that may be.

Thank you.

Mr. HAWKINS. Thank you, Mrs. King, for your excellent presentation.

Mrs. Chisholm is a member of a special subcommittee that deals with this subject matter, a special subcommittee of the Education and Labor Committee, which has equal jurisdiction with this committee and I think it would be most appropriate if she were to react to your statement at this time.

Mrs. CHISHOLM. Thank you very much, Mrs. King. I would just like to say that we have established a new subcommittee in the Labor, Education Committee, because we have found that this is a fantastic problem all across this country, in terms of the fact that women cannot get equal pay for equal work. It has nothing to do with whether you are a liberationist. That is not the issue.

The issue is that the talents, the abilities, the capacity of women, they should be able to get commensurate salary in terms of the kind of qualifications and preparations that they have. So, I will refer this to our committee, which has Mrs. Edith Green, myself, Louise Graff and a few others present that will be opening up this entire area next year. We will be going around the country next year to hear about women on these things, so you will be hearing from us about that time.

Mrs. KING. Fine, thank you very much.

Mr. HAWKINS. Thank you, Mrs. King.

Without objection, the material supplied by Mrs. King will be inserted in the record at this point.

MAY 22-1972.

To the Member of Euclid Board of Education

SUPT. MR. SPARTACO DI BIASO

MRS. MARY KING

MR. PAUL TOTEN

DOC. FRANK HAUSER

MR. DON SMITH

MR. TED STEPIEN

I fill this application in consideration and equal right of the work situation.

It was express in Euclid Journal May 18-72: The women have the right to apply for better pay on base of her skill of work—equal right to the Men.

I do the work—Washing windows for the past 6 years—Same as the floormen—and many other things same as the Men.

I never get the penny more for that, so is my right to apply for better consideration in my pay, for the future, I am paid now not more then those who never reach high level more then two feet high.

My work stand by many time on 6 or 8 feet high on stepladder.

So Please, let the Member of our Board of Education see the difference of the work done by matron.

If I am not entitled as a floormen pay at list some difference of the agreement could be rich.

Not all women are equal do the job, and not all men perform their duty as they suppose to do.

Thank you to All of You taking Your time to read this letter.

MRS. ROSE BASTJANCCI,
21271 Goller Ave., Euclid—44119.

Local O.A.P.S.E. 128, Senior High School.

FOREST PARK JUNIOR HIGH SCHOOL, EUCLID, OHIO

FACULTY AND PERSONNEL

Principal, Mr. Joseph Mayer.
Asst. principal, Mr. John Griffin.
Asst. principal, Miss Lois McGee.
Boys' counselor, Mr. Thomas deHaas.
Girls' counselor, Mrs. Margaret Huron.
Librarian, Mrs. Carol Feleh.
Nurse, Mrs. Dorothy Sweet.
Secretaries, Mrs. Barbara Arnold; Mrs. Elinor Hoover; Mrs. Eve Morel.

BUSINESS EDUCATION

*Mr. Frank Alexander.
Mrs. Maureen Huefner.

ENGLISH

*Mr. Paul Cira.
Miss Linnette Conley.
Miss Janet Ehlert.
Mr. Gerald Hudec.
Mr. Randolph Padavick.
Mrs. Carol Trela.

FOREIGN LANGUAGE

*Mr. Thomas Gubitosi.
Mrs. Gabrielle Hodgins.
Mr. Raymond Leopold.

HOME ARTS

*Mrs. Marianna Brumbaugh.
Miss Jane Howell.
Mrs. Marilyn Wagner.

INDUSTRIAL EDUCATION

*Mr. Richard Malone.
Mr. William Fuchs.
Mr. George Hirschberger.
Mr. Allan Matko.

MATHEMATICS

*Mr. Pierre Earney.
Mrs. Marilyn Allegretto.
Mr. Roger Liggett.
Mr. Frank Mikolich.
Mr. Larry Minamyer.
Miss Ann Roberts.

MUSIC

*Mr. Albert Mitchel.
Mr. Alfonso D'Emilia.
Mr. Robert Hutson.

PHYSICAL EDUCATION

*Miss Audrey Bell.
*Mr. Neil Sharp.

SCIENCE

*Mr. Ernest Koluder.
Mr. Jeffrey George.
Mr. John Habat.
Mr. Floyd Kelling.
Mr. Edward Zovack.

SOCIAL STUDIES

*Mr. Terrence Paul.
Miss Kathleen DeFazio.
Mr. John Densевич.
Mr. Dan Griffin.
Mr. David Morgan.

VISUAL ARTS

*Mr. Alexander Waselkov.

VOCAL MUSIC

*Miss Brenda Miller.

*Department Chairman.

[From the Plain Dealer, May 14, 1972]

EQUAL WAGES FOR WOMEN URGED ON EUCLID SCHOOLS

(By Thomas H. Gaumer)

Mary K. King, Euclid school board member, doesn't like the system's new salary schedules for nonteaching employes because women aren't paid enough, she says.

She said she voted against the salary last Monday because there is too much difference in pay between men and women doing similar jobs.

Matrons in the school start at \$5,065 a year while floormen start at \$7,560 and, Mrs. King said, their jobs are very much alike.

Rather than on different jobs, Mrs. King said, their pay is based on the "skirt differential."

"As far as I can learn," Mrs. King said, "The men use a big waxing machine every two or three weeks and put in fluorescent light bulbs in the ceiling."

Dr. Spartaco DiBiasio, superintendent, contended there is a considerable difference between the jobs and any woman who wants can apply to become a floorman.

Matrons do only basic cleaning, he explained, while floormen run machinery, climb 18-foot ladders to dust high places and change light bulbs and also do some equipment repair.

"If a woman wants to be a floorman, she can," DiBiasio said. "So far, none has applied."

Mrs. King also contended that the school board discriminates against women in hiring top-level administrators and custodians.

"Teaching is the only area where women are equal," Mrs. King said. "There are no female administrators in the main office, no directors, no assistant superintendents and no assistant principals in the high school.

"None of the people who earn large salaries are women even though two-thirds of the teaching staff is female."

Some custodians, who supervise floormen and matrons, should be women, she said. "Women could do this job, but they've never been given the opportunity."

But when the assistant principal's job at the high school became vacant a year ago, Dr. DiBiasio replied, nearly 30 applied for it—none women. "In fact, we asked a couple women to apply, but they weren't interested," he said.

Fifteen of the 39 school administrators are women, and there are no women custodians, DiBiasio said, but "if a woman wants to be a custodian, she can be."

Women, said Mrs. King, are paid about \$4,000 less on the average than men.

"I'm going to keep after them (school officials) and try to make the gap between pay less," she said.

"We're perfectly willing to hire women for any job if they'll apply," DiBiasio said. "We believe in equal pay for equal work."

The next witness is Mrs. Dorothy Miller, an employee of Cleveland State University.

STATEMENT OF DOROTHY MILLER, CLEVELAND, OHIO

Mrs. MILLER. To the Subcommittee on Equal Opportunity, thank you for your indulgence at this time.

My name is Dorothy Miller, I live at 12610 Kinsman Avenue, I work at Cleveland State University.

I am filing this complaint in regards to what I feel is discrimination in job classification at Cleveland State University. I speak of the department of housekeeping, night shift, of which I am an employee.

I started my employment at Cleveland State in this department in April of 1967. The following year I was promoted and reclassified to the job description of custodial supervisor which incurs the supervision of all buildings at that time on campus. I worked in this capacity for 2 years, at which time I had to take a leave of absence due to circumstances beyond my control. I returned and was reinstated to this department in August of 1971. I was told by Personnel at that

time, that there weren't any supervisor's jobs open, would I be willing to start as housekeeper 1 again, and work through the ranks as I did before. To this I agreed.

In the meantime, I found out the job as custodial supervisor had been reclassified and was now listed as building maintenance superintendent. In the past 2 months this job has been listed twice, to which I have applied and have been told by Personnel that I don't have the experience.

Mind you, this is the same job I performed before my leave. Personnel and the day superintendent have given me three or four excuses as to why I don't qualify for the job. Last week we had seven employees from my department who applied for this particular job and all seven were sent letters saying that they did not qualify, all being black. Also, I have other witnesses from my department who are willing to testify to the practice being carried on at the university.

Enclosed in my letter you will find an ad from the Cleveland Plain Dealer, as of Sunday, October 8, where the university was advertising for this job. Now, before me I have a memorandum from the AFSME Union, Local 495, that was drawn up this year, which states:

It is the policy of the University to provide employees for the opportunities to be promoted. Therefore, whenever a position becomes available, a notice of the vacancy will be posted on designated University bulletin boards. The appropriate details of the vacancy will be provided in the Notice of the Vacancy.

Vacancies will be posted for a period of three weekdays, not including the day of posting. Any employee who is interested in a position may apply in the personnel office.

If an employee is unable to apply at the personnel office at a time other than during normal business hours, he should consult with his supervisor in order to arrange a time to make application.

Now, when you go to your supervisors, they can give no answers or understanding about jobs.

The qualifications of each applicant will be reviewed carefully in order to fill each job vacancy.

To be considered for lateral or promotional transfer, an employee must meet certain established criteria. Applicants from the department in which the vacancy exists will be given first consideration.

All applicants from the university shall be required to meet the following criteria and they have it listed.

This is in conflict with the ad that was run in the Cleveland Plain Dealer and they have done this constantly.

Last year we had a foreman that had been on the job for 4 years. The new requirement came up for a 2-year college degree and, of course, he couldn't meet the standards and he was demoted to floorman.

The policies at Cleveland State University, as far as blacks are concerned, is terrible. I would venture to say we don't have one top administrative position filled by a black person at Cleveland State. We have doctors there, deans, and so forth, and they left.

Also, I have before me a letter of congratulations upon completion of the course that I took in foremanship at Cleveland State University. It was mandatory that we take it. I got off from work at quarter to seven in the morning and at 7:00 we had to be in class. We had a professor from Western University and if we didn't attend these classes, if we were marked absent, then we were demoted from our jobs.

I taught a class in housekeeping at the university to persons who were supposed to be the hard-core unemployables and there were white supervisors there at this time. I can only draw the conclusion that the top level of administrators and building services at Cleveland State University, want to run a plantation-type operation, considering we have one white supervisor who came here during the war from Nazi Germany and also a night superintendent who just came to the university with no experience in housekeeping whatsoever after being in the military service for 30 years. It seems to me that they want no one there in supervisory positions that seem to want to lean toward the employees or to try to make working conditions better.

When I was a supervisor there before, I set up two or three programs where the people enjoyed coming to work, because going in at night and being locked up all night long and we don't even have proper facilities for food or anything, only vending machines, candy and coffee, I feel as though you have to do something to make the work interesting to people that will come.

Thank you.

Mr. HAWKINS. Thank you, Mrs. Miller. I think the law is very clear in your case, but I am going to call on Congressman Stokes for a comment on this because I think he would probably be in a better position to handle this than the committee.

Mr. STOKES. Mrs. Miller, your story here this afternoon is one of the most flagrant and blatant acts of discrimination that I have heard of. I have told Chairman Hawkins that he and his committee need not concern themselves with this one. I want this one personally.

As much money as I have helped to bring into Cleveland State University, if I don't get this job, then I am going to cut off every dime I can.

Mr. HAWKINS. Again, Mrs. Miller, we wish to thank you for your presentation before the committee.

Mrs. MILLER. Thank you, sir.

Mr. HAWKINS. The next witness is Mr. James Beasley of Joseph Ryerson Steel Co.

Mr. Beasley, I apologize for having passed over you this morning. In the rush to get out at noon, we overlooked your name and the Chair wishes to apologize.

STATEMENT OF JAMES BEASLEY, EMPLOYEE, JOSEPH RYERSON STEEL CO.

Mr. BEASLEY. Well, I will accept your apology and I'm just glad to have a chance to talk.

I didn't bring any paper with me. I am speaking mostly because this is down in me.

I have been employed at Joseph T. Ryerson for 20 years and up until 1967, I suffered an industrial injury. I slipped and had a back injury. And in 1968, one of the members of our local union passed away, so they asked me if I would accept the office. So I told them I would accept the office, which was pertaining to workmen's compensation, handling industrial claims and safety on the job. So I imagine I was doing such a job on the company that they didn't—they made preparations to get rid of me one way or another. Either to fire me or have me terminate my employment. So, in 1970, I was called into the

superintendent's office and the president was there, of the local union, but they didn't call him. They called me in concerning an insurance grievance. They had fired one of our members and I was typing the grievance up.

They called me in the office, the general manager Homer Reker called me and asked me did I, had I intended to continue to back grievances up. I told him I would as long as I was a union member. So, he made a threat to me and said that as long as I continued to back these grievances, he said, "you are going to have a hard time with this company, the men are going to have a hard time in the warehouse also."

So, they gave me such a hard time during this back injury that I went right away and filed a claim with the National Labor Relations Board and we had a hearing and we processed this national labor relations case. First I took it to Civil Rights Commission and Mr. Guadabaldy there didn't even want to pursue the issue. So, I filed a charge with the EEOC and the National Labor Relations Board.

So, we had Marvin Ludwig from Washington came down and heard the hearing and it was in my favor, that the company had violated the Civil Rights Act and the company appealed it. When it went back to Washington, well, the company had their attorneys there but I had no representation and on the five-man board, three dismissed the case but the other two felt I had a strong enough case. So, it's still at this stage and they appealed it. So, I haven't heard anything from the Equal Employment Opportunity yet and that's been over 2 years. I was still off in March on an industrial injury and while I was off, one of the foreman had passed away and this company was known for 30 years they never had a colored foreman or any colored, any higher than that level. So, this foreman had passed away of a heart attack and my doctor had been giving me light duty slips and the company was still trying to pressure me to quit. So, I went back and asked for the foreman's job. So, the foreman, Schraeder told me that they didn't need any more foremen. They said they had enough of them. Then, 2 weeks later I went back to work and I found they had brought a Caucasian foreman in from the outside, which was the normal practice, they would bring their foremen, they would appoint foremen from inside the work force.

So, I filed this charge with the Equal Employment Opportunity Commission and they tried to get a predecision hearing with the company, but the company said no, we don't want to meet with you. Let it go to Washington, we'll get a decision.

So, I was in touch with the EEOC office, you know, and in June of this year I got a decision where they also found that the company had violated the Civil Rights Act and that their promotions and all, against minority groups had an adverse effect on the whole company there. The colored and all there. So, I was wondering how long this would take; so I was back in touch with the EEOC in August and asked them how long would the case take and they said about 2 weeks. So, I waited until September 28, I got a call from Mr. Davis at the EEOC, and he stated that he was going on October 1, to try to make conciliation with the company.

So, I called him back on October 5, and he stated that he couldn't go in until October 25. So now, I don't know. I mean, I may call the 25th and he may say, well, we can't go in until December. So, I

think this is a long dragged out thing. And that's why I didn't bring anything because this has been within me and I've been unable to obtain work due to this industrial injury because, most companies will not hire you if you have been injured somewhere else and I tried. I went to the Ohio Employment Office and they tried to find me employment, they couldn't do it. So, they referred me to the VA, and I went to the VA, and they referred me to the Veterans' hospital and I went there and had an examination. They felt, at this time, my condition was in such a state that I was due for a non-service-connected pension, but I still feel as the EEOC stated, if I would have gotten this position at that time, the condition would not have deteriorated as bad as it did. Because, the threat and reprisals they made against me, they carried them out to the fullest extent and my doctor wrote me a slip, it was in October of 1970, to only work 4 hours a day and the company stated that if you cannot work all day, don't come in at all. So, I was unable to work; so, I haven't been back.

I want to thank the committee for hearing me out.

Mr. HAWKINS. Mr. Beasley, we are obviously concerned about the complaint and we'll assist and follow through on it.

Just one or two questions.

Does the company, Joseph T. Ryerson Co., have a contract with the Government, to your knowledge?

Mr. BEASLEY. Oh yes; they do.

Mr. HAWKINS. Did you file any subsequent retaliation charges with the EEOC after the original one?

Mr. BEASLEY. Yes; I did. I filed two charges. One for—

Mr. HAWKINS. On the charge of retaliation?

Mr. BEASLEY. And reprisal.

Mr. HAWKINS. And reprisal.

Mr. BEASLEY. And one with discrimination for not allowing me to try out for the foreman job.

Mr. HAWKINS. All of these have been filed with the EEOC?

Mr. BEASLEY. Yes sir. And the main reason I got action, I had to write a letter right to the Justice Department and they sent the FBI to my house to get all the information together and that is when I started hearing from the EEOC.

Mr. HAWKINS. All right, thank you, Mr. Beasley.

I would like to announce at this time that our colleague Mrs. Chisholm is scheduled to depart. We wish to express our appreciation for her attendance at this hearing. It's very difficult for the chairman to obtain the consent of members to travel at this time and I think that it was a very personal favor that she rendered to our colleague, Mr. Stokes, by being here. I wish to express to her great appreciation for her participation in this hearing.

Mr. STOKES. Isn't she a beautiful black woman?

Mr. HAWKINS. Is Councilman Pinkney in the audience?

Mr. Pinkney, just before you begin, may I make several announcements? Councilman Pinkney unfortunately has to be the last witness. The rest of us also have a schedule to keep.

There are several procedural matters that I think should be taken care of.

I have a statement from Mr. Frank Brewer concerning a complaint against the Republic Steel Corp. and the United Steelworkers of

America which he is submitting. It will be entered into the record at this point and acted upon.

EXCEPTIONS OF CHARGING PARTY TO REGIONAL DIRECTOR'S FINDINGS OF FACT

I. HISTORY OF FACTS GIVING RISE TO CHARGE OF DISCRIMINATION

The charging party, Frank C. Brewer, who presently resides at 1843 East 81st Street, Cleveland, Ohio 44103, had until his wrongful discharge by Republic Steel Corp. on January 18, 1968, been employed by the Respondent Employer for nearly 14 years in the Labor Department of Strip Mill facility in Cleveland. He was a member of Local 1098 United Steel Workers of America, the collective bargaining representative of the production workers at the Employer's production facilities of Cleveland, Ohio. In September, or October, of 1965, the Charging Party was appointed by Mr. William Younger, Chief Steward of Local 1098, as a shop steward for a 15 man construction crew assigned to a construction site at the Strip Mill of the Employer's facilities in Cleveland. Mr. J. P. Cunningham, since deceased, the Department Superintendent, was informed of the Charging Party's appointment as a shop steward. As a result of the opposition of the employer to this appointment, it was necessary for his status to be confirmed by means of a petition being circulated among the employees working with him. A majority of the aforesaid employees signed the petition and it was returned to Mr. Younger.

Soon after Mr. Brewer's appointment as shop steward a dispute on the job between two co-workers, Willie Finney and Joe Whitfield, concerning which of them was entitled to the position of "Burner" at the construction site of the Batch Pickler. While Mr. Brewer a shop steward, was attempting to resolve the question, the Charging Party's foreman, Bill Barry, ordered all three of them to return to work since their lunch break was over. In doing so, he used vulgar language to deride all three of the men (who were Negroes). When Mr. Brewer attempted to explain to Mr. Barry the legality of the question raised concerning entitlement to the questioned position, Mr. Barry refused to listen to the Charging Party and ordered him to return to work. Mr. Brewer's determination that Mr. Finney was entitled to the position of Burner was confirmed by Mr. Younger at a Union Meeting that same evening and the Union agreed to follow through on his determination.

The following day, the Charging Party was called into Superintendent Cunningham's office and was given three days suspension and thereafter was transferred to the first shift, as a result of his alleged "insubordination" to his foreman on December 6, 1966.

On December 7, 1966, the Charging Party filed a grievance concerning the Employer's action. Due to industrial injuries sustained by the Charging Party, his grievance was held in abeyance for many months.

In January, 1968, the Charging Party received a medical release from his physician authorizing him to return to work, conditioned upon his being assigned to a job with light work duties. Mr. Brewer requested transfer to the Machine Shop, but the Employer refused to permit him to transfer from the Labor Department, preferring to assign him to his former position which involved heavy work. When the Charging Party was faced with having return to his previous job, which involved strenuous exertion, he informed the Employer of his intention not to return to his former position, due to his weaken physical condition. The Employer responded on January 18, 1968, by sending the Charging Party a letter terminating his employment with the Company.

On April 9, 1969, the Charging Party's grievance came on for Pre-Arbitration Fourth Step Grievance Hearing, at which time the Respondent Union permitted the Employer to cite various unsubstantiated allegations of insubordination by the Charging Party previous to the incident in question as grounds for the Employer's discipline on Dec. 7, 1966. When the Charging Party's union representative failed to object to this procedure, as well as his refusal to require the Employer to produce evidence which would substantiate the circumstances surrounding the discipline which was the subject of the grievance before them, the Charging Party declined to testify. He did not have the support of his union representatives. As a consequence, the Respondent Union withdrew his grievance at this Fourth Step Hearing.

The Charging Party alleged in his Charge of Discrimination that "other white employees of the Company and members of the Union have not been given the treatment which" he was required to endure "under similar circumstances." (Charge of Discrimination, Page 2.)

II. NATURE OF RESPONDENT EMPLOYER

Republic Steel Corporation is the third largest producer in the United States of basic steel "for distribution among the several states". Regional Director's Finding of Fact No. 3, p. 2. Its general offices are in Cleveland, Ohio, although its corporate headquarters are in Flemington, New Jersey. As of December 31, 1969, it employed approximately 50,678 persons throughout its production and fabricating facilities located throughout the Mid-Central area of the United States. "Standard & Poors' Corporation Records," January, 1971.

In its Cleveland production facilities it "employs approximately 6,500 persons of whom approximately 1,200 are Negro." Regional Director's Finding of Fact No. 3, p. 2.

Should there be evidence of racial discrimination against any of its Negro employees in only the Cleveland production facilities, there would be the likelihood that all of the 1,200 Negro employees would be adversely affected by such unlawful practice. Consequently, it is imperative for the Commission to determine whether or not there is probative evidence to substantiate Mr. Brewer's charge of class discrimination against all of the members of his race.

III. PROCEDURAL STATUS OF CASE TO DATE

Date of alleged violation: April 9, 1969 (Grievance procedure terminated concerning discriminatory conduct by Respondent Employer and Union in December, 1966.)

Date of filing of charge: October 15, 1969

Date of service of charge: May 12, 1970

Date of Regional Director's Findings of Fact: February 11, 1971

Date of extension granted for filing exceptions: March 1, 1971

Date exceptions due: March 18, 1971

IV. SPECIFIC EXCEPTIONS AND OBJECTIONS OF CHARGING PARTY TO THE FIELD DIRECTOR'S FINDINGS OF FACT

A. *No mention in Findings of Fact concerning class discrimination.*

Legal duty on Equal Employment Opportunity Commission to investigate allegations of class discrimination.

The statutory charge to the Commission requires it to investigate "(w)henever it is charged in writing under oath by a person claiming to be aggrieved" over an employer who has engaged in an unlawful employment practice." 42 U.S.C. 2000e-5(a). The investigative function of the Commission has been held to be one of its primary duties. *IBEW, Local Union No. 5 vs. EEOC*, 398 F. 2d 248 (CAPA, 1968), cert. denied 393 U.S. 1021, 89 S.Ct. 628, 21 L. Ed. 2d 565.

The recent decision of *Blue Bell Boots, Inc. vs. EEOC*, 418 F2d, 355, 61 LC par. 9351, 2 FEP Cases 228 (6th Cir. 1969), affirming 295 F. Supp. 1060, 58 LC par. 9139, 69 LRRM 2009, 1 FEP Cases 346 (Middle District, Tenn. 1968), has clearly held that "discrimination on the basis of race is by definition class discrimination." 2 EEP Cases 228, at 230. (Emphasis added.) Moreover, the court held that an employer's "pattern of action" is relevant to the Commission's determination of whether there is reasonable cause to believe that the employer has practiced racial discrimination. *Ibid.* The court also held that "the existence of patterns of racial discrimination in job classifications or hiring situations other than those of the complainant may well justify an inference that the practices complained of here were motivated by racial factors." *Ibid.*

In discussing the scope of the relief which the Commission may afford, the court held that the Commission may, in the public interest "provide relief which goes beyond the limited interests of the charging parties," citing *Jenkins vs. U.S. Gas Corp.*, 400 F2d 28, 1 FEP Cases 364, (5th Cir. 1968), and *Caine vs. Georgia Power Company*, 295 F. Supp. 943, 1 FEP Cases 357 (N.D. Fa. 1968). *Ibid.*

It is clear, therefore, by virtue of the recent holding of the Sixth Circuit Court of Appeals in *Blue Bell Boots*, which is binding on the Cleveland Regional Office, that when a Charging Party alleges discriminatory action on the part of an employer and union affecting not only himself but other persons similarly situated in the same place of employment, it becomes necessary for the Commission to investigate not only the facts surrounding the particular incident complained of by the Charging party but also the circumstances affecting the entire class of persons allegedly discriminated against. Since racial discrimination by its very nature is class discrimination, when the Commission restricts the scope of its

investigation to merely the circumstances effecting the individual Charging Party without attempting to ascertain the validity of the alleged class discrimination, it frustrates the purpose of the Act in eliminating all practices of racial discrimination concerning the terms and conditions of employment.

Blue Bell Boots, *supra*, has unquestionably armed the Commission with the authority not only to investigate the matters alleged in the charge, but all of the employment practices of Republic Steel in its production facility as well. Attention is drawn to the holding of the court at 2 FEP Cases 288, where the court said "Section 706(e) of Title VII of the Civil Rights Act of 1964, 42 U.S.D. 2000e, imposes no limitations on the Commission's investigative authority". (Emphasis added.)

FAILURE OF COMMISSION TO INVESTIGATE CLASS DISCRIMINATION IN THIS CASE

On May 11, 1970, the Charging Party, with the assistance of the Commission's Investigator, Ted Western, signed an affidavit in which he alleged that: "Since the passage of Title VII, 1964, discriminatory practices relative to progression and regression still exist. Since passage in 1964, laborers are still suffering economic bondage or/and (are) still being deprived of equal pay relative to other workers.

A. Furnace Units; B. Construction Units; C. Crane Units; D. Miscellaneous Unity, etc., all listed in Labor Department.

All these units can work in conjunction with other workers . . . the so-called skilled are paid for skilled conditions and environment, (sic) but laborers can only be payed slave-wages." See Affidavit of Frank C. Brewer, pp. 4-5, attached to Charge of Discrimination filed herein.

In the Charge of Discrimination prepared by Mr. Western, the Charging Party stated that "other White employees of the Company and members of the Union have not been getting the treatment which I have endured under similar circumstances."

The Regional Director's Findings of Fact fail to make any reference whatsoever to the question of the existence of departmental or plant-wide racial discrimination as alleged by the Charging Party. On the contrary, each of the Findings refer to the circumstances surrounding the particular incident complained of by the Charging Party. The Charging Party submits that in order for the Commission to fulfill its statutory function in this case, it must make an investigation, if such has not been done, of the existence of any class discrimination which would affect at least the Negro workers which are employed by Respondent Employer at its Cleveland production facility. Accordingly, the Charging Party herewith requests the Commission to re-open its investigation of this case for the purpose of determining whether a practice or pattern of racial discrimination was in effect as alleged by the Charging Party so as to deny the 1,200 Negro employees of the Respondent Employer the full enjoyment of the rights secured them by Title VII of the Civil Rights Act of 1964.

B. Charging Party excepts to all of the Findings of Fact adverse to his material allegations, including the following findings:

Finding No. 5. "It is undisputed that as a result of an altercation between Charging Party and his foreman on December 6, 1966, Charging Party received a three-day suspension and was transferred to another shift. It is also undisputed that Charging Party's Grievance regarding the disciplinary action was withdrawn at a Fourth Step Hearing on April 9, 1969".

Reasons for exception

Charging Party submits that there is no evidence which will substantiate a finding that there was an "altercation" between the Charging Party and his foreman on December 6, 1966, or any other date. Such a finding would infer that there was physical contact or a fight between them, which did not in fact occur.

It is the Charging Party's contention that had a full investigation been conducted into the facts in this case, the Commission would have disclosed the fallacious nature of the Employer's version of the facts. Charging Party was acting as a Shop Steward in resolving the argument between his two fellow employees at the time his foreman used derogatory and vulgar language in ordering all of the men back to work. With respect to the withdrawal of the Charging Party's grievance at the Fourth Step Hearing, it was this very action by the Union Officials who were supposed to be representing the Charging Party which was alleged by the Charging Party to constitute discrimination by the Union itself! When Mr. Brewer's union representatives chose not to require the Respondent Employer to substantiate its allegation of "insubordination" by the Charging Party as the ground for its disci-

plinary action in December, 1966, and accepted the Employer's recital of alleged instances of misconduct prior to the event in question at the hearing, they abandoned their role of advocates for Mr. Brewer—conduct which he alleged was founded on racial considerations.

The Regional Director's Findings of Fact make no reference to whether or not racial motives were indeed a determining factor in the Union's conduct at the Fourth Step Hearing. Consequently, the Findings of Fact are grossly incomplete with respect to the Union's participation in the alleged discriminatory practice.

Finding No. 7: "Respondent Employer denies that Charging Party was performing the duties of Steward; and Respondent Employer's Foreman states that he told Charging Party and the other two laborers to stop quarreling and return to work. He further states that the two laborers complied with his demand but Charging Party became abusive, used foul language and threatened him."

Reasons for exception

Charging Party denies that there is any substantial basis for accepting the allegation of his foreman that the "Charging Party became abusive, used foul language and threatened him." Charging Party does not, however, deny that the Respondent Employer may have alleged this during the investigation.

Finding No. 10: "The evidence shows that the two laborers and Charging Party were told to return to work by Respondent Employer's Foreman; and, the two laborers did return but Charging Party began arguing with the Foreman."

Reasons for exception

Charging Party denies he "began arguing with the Foreman", as found by the Regional Director and states that the Director should have found that the Charging Party was merely attempting to explain the situation to his foreman, who refused to listen to him and denied his status as a Shop Steward.

Finding No. 11: "The evidence shows that Charging party was suspended three days for insubordination (towards the Foreman), and was transferred to another shift."

Reasons for exception

When all of the evidence, which should have been developed by the Commission's investigator, is carefully reviewed, it should reveal that the Charging Party was wrongfully disciplined by the Respondent Employer not for insubordination to his foreman, but because in exercising his duties as a Shop Steward, Mr. Brewer evoked the blatant racial animosity of his foreman toward Negroes solely because of their race. Mr. Brewer was known to the Employer as one Black who would not countenance the discriminatory conduct which it practiced.

Finding No. 12: "There is no information in Charging Party's Personnel Record of his being appointed Shop Steward."

Reasons for exception

Concerning this finding, the Charging Party states that his Union records reveal his having been appointed as a Shop Steward and that a careful examination of the evidence by the Investigator should have revealed the petition which majority of the men on the second shift had signed for the purpose of confirming his appointment to that position. Even if this fact is now shown in the Charging Party's Personnel Record, it is immaterial to whether Superintendent Cunningham and Foreman Barry had notice in fact of Brewer's being a Shop Steward. This finding should be based on substantial material evidence sufficient to rebut the sworn statement of Chief Steward William Younger, that "he informed Respondent Employer's Official of Charging Party's being a Shop Steward." Finding of Fact (8, p. 3. Charging Party submits that the Employer's Industrial Relations Department had records of his being a Shop Steward.

Finding No. 13: "The evidence shows that Caucasians and Negroes have been disciplined for similar reasons; and, the disciplinary actions taken were similar to that given Charging Party."

Reasons for exceptions

A Finding that "Caucasians and Negroes have been disciplined for . . . reasons . . . similar to that given Charging Party" in no way answers a charge that in this particular instance racial discrimination was the motivating factor in disciplining the Charging Party or that there were "discriminatory practices relative to progression and regression" among Negro laborers in the Furnace, Construction and Crane Units of the Labor Department "in conjunction with other workers . . . the so-called skilled . . ." Affidavit of Charging Party attached to Charge of Discrimination.

Charging Party suggests that there presently exists, and has for many years, blatantly open and widespread racial discrimination throughout Republic Steel Corporation's production facilities in Cleveland, especially in the Coke Plant and Strip Mill, all of which a thorough investigation and statistical analysis will reveal. This racial discrimination was and still is manifested in the hiring, testing, assigning, advancing and promoting, training and disciplining of the Negro employees, as well as in the Employer's condoning and encouragement of Caucasian employees making racially derogatory remarks about Negro employees without taking appropriate disciplinary action.

Finding No. 14: "There is no evidence to substantiate that Charging Party was performing in the capacity of Shop Steward at the time of the incident on Dec. 6, 1966."

Reasons for exception

See reasons listed for Exceptions to Findings No. 10, No. 11 and No. 12 above.

Finding No. 15: "I find that Charging Party was disciplined in accordance with Respondent Employer's disciplinary practices."

Reasons for exception

This finding is vague, in that it doesn't disclose whether or not the Respondent Employer's disciplinary practices are in fact discriminatorially applied against the Negro employees in question.

Finding No. 16: "Charging Party admits having decided against returning to work in January, 1968, even though he informed Respondent Employer of his intent to return. Charging Party states that he did not return because of his physical condition."

Reasons for exception

This finding is incomplete and consequently inaccurate. For this reason, Charging Party takes exception to it.

Charging Party submits that the evidence should reveal that he was given a medical release from his physician to return to work in January, 1968, conditioned, however, upon his performing light work. Mr. Brewer requested transfer to the Machine Shop but his employer refused to authorize such transfer, stating that he would have to return to his former job which involved strenuous exertion. Since the Charging Party was physically unable to perform strenuous activities of this nature, he declined to work at his old job. It was at this point that the Employer terminated his employment. Charging Party believes that this constituted wrongful discharge and was further evidence of racial discrimination against him as a Negro, since White employees are generally permitted to transfer to other assignments at such times.

IV. CONCLUSION

The Charging Party submits that since his attorney has no access at this point of time, under the current Regulations of the Commission, to the Commission's file, in this matter and to the evidence obtained pursuant to its investigation of the Charge, he is greatly limited in determining whether and to what extent the evidence supports the Findings of Fact. Mr. Brewer does, however, believe that each of his specific exceptions is well founded and should be accepted by the Commission.

In Addition, Charging Party believes that a great miscarriage of justice will continue to occur unless the Commission re-opens its investigation for the purpose of obtaining evidence concerning the Charge of "discriminatory practices relative to progression and regression", relative to the Labor Department, as well as the entire Cleveland production facility.

Racial and nationality discrimination in the production plants of the steel industry is well documented. Attention is drawn to the following recent cases: U.S. v. Bethlehem Steel Corp. (Lackawanna Plant), 2 FEP Cases 547 (U.S.D.C. W.D.N.Y., April 13, 1970), appeal pending 2nd Cir.; Waters v. Wisconsin Steel Works, 2 FEP Cases 574, (7th Circ. April 28, 1970); U.S. v. H. K. Porter Co., Inc. (N.D. Ala. 1968), 296 F Supp 40, 59 LC Sec. 9204 (appeal pending 5th Cir.) and U.S. v. U.S. Steel Corp. (Fairfield Ala). —F. Supp. —.

In Bethlehem, *supra*, the fourth largest producer of steel in the United States admitted a long history of blatant racism and falsification of its records in perpetuating its unlawful practices! The same Union is involved in Bethlehem as in the instant case.

In conclusion, the Charging Party suggests that the widespread existence in Republic Steel's Cleveland production facility of many of the same discriminatory practices as found in Bethlehem, *supra*, necessitates further investigation by the Commission of the Charge in this case and finding of reasonable cause that the Charge is true.

Mr. HAWKINS. We have, also, the testimony of Mr. William F. Moyer, assistant regional director of economic development and employment, National Urban League. His statement is being inserted in the record in lieu of his personal testimony, in order to accommodate the committee by expediting the work this afternoon.

STATEMENT OF WILLIAM F. MOYER, ASSISTANT REGIONAL DIRECTOR OF ECONOMIC DEVELOPMENT AND EMPLOYMENT, NATIONAL URBAN LEAGUE

Mr. Chairman and Members of this Subcommittee:

My name is William F. Moyer. I am the Assistant Regional Director for Economic Development and Employment for the Mideastern Regional Office of the National Urban League.

The National Urban League is a non-profit, charitable and educational organization founded in 1910, to secure equal opportunities for Black citizens and the members of other minority groups.

The National Urban League has affiliates in 100 cities located in 37 states and the District of Columbia. It maintains National Headquarters in New York City, regional offices in Akron, (my home base), Atlanta, Los Angeles, New York and St. Louis, and a Washington-based Department of Government Affairs.

A professional staff of 2,000 persons, trained in the social sciences and related disciplines, conducts the day-to-day activities of the Urban League throughout the country, aided by more than 8,000 volunteers who bring expert knowledge and experience to racial matters.

Mr. Vernon E. Jordan, Jr. is our Executive Director. The Mideastern Regional Office of The National Urban League which serves twenty (20) affiliates in the region, of which ten (10) are located in the State of Ohio, seven (7) in Michigan, two (2) in Kentucky, and one (1) in Farrell, Pennsylvania is deeply grateful for your invitation to submit a statement for inclusion in the record of the hearings before this subcommittee in order to add to your body of knowledge in the area and on the subject now before you.

The Urban League's sixty-two (62) years of existence have been dedicated to the cause of equality of opportunity.

When the 88th Congress on July 2, 1964, passed public law 88-352, it was cited as the "Civil Rights Act of 1964" which among other things created and established a Commission on Equal Employment Opportunity. For many in the Black and other minority communities across this land, Title VII of the Civil Rights Act of 1964, under which the Equal Employment Opportunity Commission was established, engendered great hope that this mechanism would deal meaningfully with the problems surrounding discrimination in employment. Quite frankly, since the laws went into effect, a lot of promises have been heard, but overall precious little action has been seen.

Discrimination in employment is widespread and takes practically every conceivable form and has for a long, long time. It can be found in almost every area, every industry, every level; and it has a crushing impact, and this is not conjecture.

As evidence of how prevalent job discrimination is, since 1969, the Equal Employment Opportunity Commission has handled well over 50,000 complaints of job discrimination, have conducted numerous hearings in this regard across our land, and many other activities not known to the general public relative to employment practices and job discrimination.

Most assuredly, 1964, was a frustrating year, particularly when the Civil Rights Act and Executive Order 11246 were passed. If you recall, many individuals in the business and other related sectors were raging, no one was going to tell them how to run their business. I'm convinced that the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance representatives were not and are not about the business of telling them how to run their businesses, but was about the business of trying to right the many wrongs that prevail in our employment and job practices that have plagued this country for so many years.

There still are foot-draggers in the employment sectors, but for the most part, business leaders are accepting equal opportunity in employment as a fact of life.

Here we are—today—October 23, 1972, prosperous, full of dynamism, optimism and pride of progress; firmly committed to the idea of progress and the acceleration of progress.

We advocate equal opportunity as individuals, as citizens, as members of some church, or religion or denomination—you enunciate equal opportunity if and when you go to church and repeat the Lord's Prayer. It's the one acceptable version of the Bible that causes the least difference or controversy, regardless of doctrine, dogma, ritual or degree of institutionalization.

You advocate equality of opportunity every time you repeat in private or in unison the first two words of the Lord's Prayer—Our Father, OUR FATHER:—It does not say My Father.—It does not say Our White Father.—It does not say Our Black Father.—It does not say Our Majority Father.—It does not say any kind of hyphenated Father. Just Our Father, two words that establish the fatherhood of God and brotherhood of man—if, of course, you believe in the words of the prayer so casually but extensively used.

So, I say it seems somewhat ironic that we find it necessary to try to place the challenge of equal opportunity in proper perspective after all of these hundreds of years. What I have said, in effect then is, that denial of equal opportunity is unconstitutional, illegal and immoral.

Let's look at one other aspect—that of economics. Discrimination because of race, or religion or national origin, also violates sound principles of economics. Although the direct and most identifiable victims of practices that deny equal opportunity are the most obvious sufferers, the entire economy is affected—seriously and measurably. All you need to illustrate this is to apply the multiplier and acceleration principles of economics to the income of the non-white compared to the white population.

The attention given to civil rights in my opinion, has not been matched with economic results. The income gap between the non-white and white population is widening, not getting more narrow as it should be if equal opportunity is to be a fact, not just a dream. For example, a study made by our Research Department of The National Urban League, released in 1967, emphasizes the economics of discrimination with shocking and uncompromising reality. In 1955, the differential between white and non-white median family income was \$2,050. Ten years later, the gap had increased to \$3,199. The actual median family income for whites was \$7,170 in 1965 compared to \$4,605, while the non-white has an income of \$3,971 in 1965 compared to \$2,549 in 1955.

It takes no special knowledge, to even the most casual observer, to recognize that legislation abounds us with civil rights and equal opportunity, that federal dollars in the next ten (10) years will pour into all areas of business and industry; but yet, we still have and the future looks about the same that an insignificant number of Blacks and other minorities who constitute 11% or more of the nation's work force will not benefit substantially if the current practices continue. Employment discrimination need not exist in the United States, and business and government have a joint responsibility for ending it, yet it is not being done.

Equal Employment Opportunity Commission Chairman, William H. Brown III, in an address in Akron, Ohio on September 24, 1970, at an EEO Day Program revealed some startling figures relative to minority employment in Akron, and I quote, "According to the last estimate, Akron had a total population of 668,000 of which 48,000 or 7.2 percent were Negroes. Our (EEOC) latest reports show that Blacks held only 2.3 percent of jobs in the office and clerical category. In the top two tiers of jobs—officials and managers, and professionals—the picture is even worse: Blacks comprised only 0.9 percent of officials and managers, and (not much better) 1.2 percent of professionals." Further, he stated that, "these figures are two years old, but preliminary analysis at the Commission of later reports show negligible change", end quote. That was 1970, with figures representing 1968 studies. Nevertheless, those figures are now four years old, and it could possibly be said that if a study were taken today it would be doubtful if any meaningful changes have occurred. Chairman Brown went on further to say, "In white collar employment, blacks hold 9.6 percent of all blue collar jobs, which is more than their share of the population in the area. At the highly-paid skilled craftsmen category, black people sink to 2.7 percent representation. At the bottom of the totem pole, however, they (blacks) represent almost 37 percent of all laborers and service workers in Akron's reporting companies."

As recent as September 7, 1972, the State of Ohio's Department of Public Works, Division of Equal Employment Opportunity, conducted hearings in Cleveland relative to minority participation in construction. The Urban League of Cleveland (as well as others) presented testimony and its position relative to equal employ-

ment opportunity in construction. What was said by the presenter, Mr. James R. Campbell, First Vice President of The Urban League of Cleveland, illustrates the problem of job discrimination and lack of equal opportunity for blacks and other minorities seeking employment within that specific area. Mr. Campbell said in effect that:

1. The Urban League of Cleveland represents the interest of 337,000 non-white minorities in Cuyahoga County.

2. The Urban League cannot sanction nor shall we ever approve practices which would compromise the rights and dignity of our constituency.

3. The Urban League wishes to loudly and clearly proclaim its disgust with the federal government's so-called "good faith efforts" to extend adequate and meaningful employment of minority people in construction.

4. Racist employment practices in the construction industry are as prevalent today as they have ever been. The only difference is subtlety.

5. The issue is not a social question, but rather an economic issue of great concern.

He further stated "There are less than 3 percent minority members in such trades as asbestos workers, boilermakers, iron-workers, plumbers, sheet metal workers, tile setters and operating engineers." So, Mr. Chairman, if the question is raised, whether or not job discrimination prevails, the answers based upon data would have to be yes.

That's the outlook in two major areas of northeast Ohio; however, make no mistake about it, we know conditions are similar in our other Urban areas in the state.

At our annual conference in Detroit last year, the National Urban League warned that an employment crisis was developing in our inner-cities, particularly among black workers and other minorities. It called upon both the President and Congress to launch a massive program of public service employment. Unfortunately, such action was not taken and the situation in inner-cities has, as predicted, gotten worse. Thus, today there is more urgent need for the government to declare low-income areas with high concentration of blacks and other minorities as "disaster areas", making them eligible for intensive economic aid.

In a report prepared by The National Urban League's Research Department, titled *Black Unemployment: A Crisis Situation*, the summary of more findings were:

1. While the unemployment rates for white workers are beginning to stabilize, the rate for black workers have been steadily increasing since 1970. They rose from 8.2 in 1970, and 9.9 in 1971, to 10.2 for the first 6 months of 1972.

2. In the low-income urban areas covered by the special Census Employment Survey, the official unemployment rate for black workers was 11.1 or 283,000 unemployed persons.

3. The unofficial or "hidden" unemployment rate for all black persons 16 years and over in the low-income CES areas was an alarming high of 23.8 or 692,000 unemployed black people.

4. While white veterans between 20-24 had an unemployment rate of 12.7 during the first quarter of 1972, black veterans had an unemployment rate of 22.4.

Basically, our problem exists as a special problem because the people without the preconception good judgment to be born white have been barred from this opportunity to climb the ladder now for three centuries strictly because of pigmentation.

Those who see the visible evidences of affluence in others will endure the contrast with their own situation more patiently if there is a chance that they may share in these good things—or if they feel the possibility of their sharing is not precluded by any considerations they cannot surmount, such as, mere pigmentations or racial origin.

In a society where everyone can get a ticket in life's lottery—whatever the odds—there will be less discontent than in a society where one class or group or race seldom gets a ticket or rarely wins the prize.

Giving the Black Americans better housing, better education, better health protection, better public service—all of these will improve his chances to rise in the mainstream of American business, science, politics and the professions. But long before these aspects of his environment can be sufficiently improved, Black Americans must be convinced that they have a fair chance at the lottery of American life—a chance to get their ticket and an honest chance at the main prize, and to persuade Black Americans of this, American enterprise is going to have to bring Black talent into positions heretofore closed in far greater numbers—not just as tokens and symbols of the fluidity of our society, but in such numbers as to constitute a proof of that fluidity.

In the great cities of this country, where the blacks are an increasingly important constituency, he is not represented in anything like reasonable proportion in anything. In cities where 70 percent of the population is black, nothing like 70 percent, or 50 percent or 40 percent or even 10 percent of major enterprise has Black managers, officials, etc.

The situation is changing. Black colleges are besieged by corporate management seeking educated and trained Black businessmen, scientists, and professional men of all kinds. But the moving is not swift enough. And the Black American is rightly convinced that only discriminatory policies of the past could have produced their present lack of representation at all levels of employment.

Finally, Mr. Chairman, it has been stated many times, that the purpose of Government, according to the Preamble to the U.S. Constitution is to establish justice, insure domestic tranquillity, promote the general welfare and secure the blessings of liberty for all citizens. In other words, the constitution places great importance on equal opportunity. Let's be about the business to fulfill our commitment to make equal employment opportunity a reality for all Americans; especially to those who have been deprived, by circumstances, in the past.

Thank you.

Mr. HAWKINS. May I also announce that any other statements which any of you wish to file with the committee will be accepted while we keep the record open for a period of 3 weeks. If you wish to file a statement with the committee, it will be entered as an official part of this hearing, the same as if you had testified. So, I hope you will take advantage of that, in the event you have not had an opportunity to testify or did not even indicate that you wanted to testify. Send the statement to the General Subcommittee on Labor in care of Congressman A. F. Hawkins, Washington, D.C.

Mr. STOKES. Mr. Chairman, at this point in the record, I would like the record to reflect the presence of two of Cleveland's city councilmen, who are here to evidence their concern in this matter on behalf of their constituents and their respective council districts. One is Councilman Chester Harrod, in the rear of the room.

And over to my right and to your left is Councilman John Barnes of ward 30.

In the rear of the room I just saw come in, one of the commissioners of the city of East Cleveland, Mrs. May Stewart. Mrs. Stewart.

I hope I haven't missed any other public officials that are present at this time.

Mr. BARNES. Chairman.

Mr. STOKES. Mr. Barnes.

Mr. BARNES. Councilman Kane was here earlier and had to leave.

Mr. STOKES. You're right. Councilman Kane and also Councilman Robert McCaul were here to evidence their concern in these matters.

Thank you.

Mr. HAWKINS. My apologies, Mr. Pinkney, we can proceed now.

Mr. PINKNEY. Thank you, Mr. Chairman.

Members of the Subcommittee, in dealing with discrimination in Cleveland, it seems that we would be remiss in ignoring the suburbs. It's kind of like putting mercurochrome on a cancer in our case in Cleveland.

Since job discrimination is at an epidemic level in Cleveland, I would like to bring the black suburban perspective to that crisis. I would like to discuss two particular reasons for this situation.

First, recalcitrance on the part of some suburban communities, and secondly, the contractors and businesses avoiding scrutiny and compliance of equal employment opportunity legislation, by concentrating in the suburban areas.

The standard metropolitan statistical area of Cleveland is made up of approximately 40 suburban communities with a total population of over two million people, of which 16.6 percent are black.

Let's look at what happens in a typical suburban community by using Warrensville Heights as an example.

According to the 1970 census, the population there was 18,975 with an approximate 35 percent black population. The overwhelming portion of new jobs created in recent years have been located outside the central cities in areas where black and other minorities are denied housing either by overt discrimination or lack of moderate cost accommodations.

A recent Bureau of Labor Statistics study showed that from 1960 to 1965, at least 62 percent of valuation permits for new industrial and 52 percent of those from mercantile establishments were for construction in the suburbs.

Currently, in Warrensville Heights, as I use that as an example, there is only one minority appointment who is a housing inspector. There is one minority fireman. There are no black policemen out of a safety force of over 100 men. There are five nonclassified employees out of approximately 180 city employees, although these figures vary from time to time.

Another significant point is that 90 percent of the city's work force is drawn from other predominantly white suburban communities while black unemployment in Warrensville Heights is on the increase.

As we look at these statistics, it becomes apparent that something is lacking in terms of employment opportunities for minorities. Provincialism, tokenism, and patronage do not allow minority group people equal job opportunities.

In 1970, as a councilman in Warrensville Heights, I sponsored an equal employment opportunity ordinance. Since that ordinance was passed, there has been a digression of equal job opportunities and discrimination runs rampant. Out of nearly a million dollars in contracts let by the city of Warrensville Heights in less than 2 years, not one minority firm was awarded a contract.

Just as significant is the fact that many contracting firms do not comply with Federal, State, or other equal employment regulations. Those firms can discriminate freely on the 40-odd suburbs of Cleveland, like Warrensville Heights. Even those low-paying service jobs traditionally held by black people, that is, garbage collection, trash removal, street cleaning, and so forth, have fallen victim to patronage and the result is discrimination.

Tokenism is evidenced by the selection of a few blacks to fill spots in nonpaying advisory and high visibility public-relations-type positions.

In the past 5 years, something like 85 percent of those dismissed, fired, or laid off in the service areas have been minority persons. While at the same time, an insignificant percent of new hires were minorities.

On a local level, repeated efforts by concerned residents within the community toward overcoming the lack of equal representation in safety forces, have been met with apathy, noncooperation, and outright resistance by the city's administration.

Just last week, the City Council of Warrensville Heights passed an ordinance allowing people in the service department to have a paid holiday on election day.

As has been mentioned, suburbia has met migratory efforts by black people with hostility that manifests itself by way of harassment to the point of bombing their homes. It becomes apparent that even if a black family is able to move into a suburban community, the likelihood of meaningful local employment is denied.

Finally, since the revenue sharing bill was signed, I believe last week by the President in Philadelphia, unless there is some provision for compliance, it's only going to add to the dilemma that minority people suffer in the effort toward equal job opportunities.

It has been truly demonstrated that local communities have not and do not intend to take the responsibility in overcoming this problem.

Mr. HAWKINS. Thank you, councilman. I think your statement is a fitting climax to this hearing, it's well documented, concisely stated, and certainly I think most helpful to this committee. We certainly wish to express the appreciation of the committee for your patience in waiting around to testify, to be the last witness.

Mr. PINKNEY. Thank you.

Mr. HAWKINS. Thank you very much.

At this time we do have a rather unusual request. The counsel of the subcommittee wishes to make a statement in which I certainly concur. I would like to afford him that privilege. Ordinarily members of the committee make statements in these hearings but, since this has been an unusual hearing, we are going to bend that ruling and allow the general counsel to make a statement.

Mr. HART. Thank you, Mr. Chairman. I wanted to just briefly thank Mr. Stokes' very, very able staff. They get the lion's share of the credit for setting up these hearings and making them the success that I think they are and getting the kind of information to the committee that it's going to need in its legislative efforts. Personally, and I am sure that the chairman will also extend for the committee, thank you very much, all of you.

Mr. HAWKINS. A great number of individuals who expressed an interest in presenting their personal cases of discrimination to the subcommittee were unable to be called to testify because of our time limitations. At this point, without objection, these cases will be read into the record.

The following complaints involve discrimination by private employers and the slowness of the agency responsible for enforcing equal employment opportunity:

STATEMENT OF HAROLD EDWARDS, 810 EAST 105TH STREET, CLEVELAND, OHIO

I wish to convey the following message to you concerning my employment problems:

It is definitely certain that bias, discrimination and unfair treatment does exist at White Trucks of White Motors Corporation, 842 East 79th Street here in Cleveland.

(1) My date of seniority was January, 1969.

(2) I have worked mostly as a laborer in Departments 383 of Engine and Axle Manufacturing.

(3) Worked as a laborer at their Main Administration Building dumping waste baskets.

(4) In Department 934 my job at common labor was handling all outgoing truck parts and was quite strenuous and without help and inadequate pay for such.

(5) I am told who to indulge in conversation with by the foreman and who I shouldn't talk to and who shouldn't talk to me.

(6) I have or had no breaks for coffee or restroom unless I go find the foreman to notify him of this first.

(7) Even though I may need a towmotor to lift 500-600 pound articles, the foreman will bypass a Caucasian, an available towmotor and sometimes walk 50-75 yards to locate a black towmotor operator to service my needs.

(8) I am often bypassed on matters of higher paying job assignments and Caucasians are filling the assignments instead of me. I have been offered lower paying jobs within Department 934.

(9) There are no jobs created within Department 934 where necessary or could possibly be created.

(10) I have never received a handbook from UAW Local Union 23 nor could one ever be located or found for me during my employment.

(11) I have been laid off even after going through proper channels after returning to work from sick leave armed with a written statement from my personal physician.

(12) I was discharged during December, 1971 while on official sick leave. I returned to the plant with all necessary papers showing all dates of treatment while off. My return to work statement from my physician showed that I was totally incapacitated. The company says I was in violation of certain Union laws and paragraphs for failure to substantiate my illness. No hourly paid personnel or co-workers were aware of any such company law because no Union handbooks were passed out until after my discharge.

(13) I received no compensation from insurance coverage.

(14) As a result of what happened here under Paragraph 13 of this letter I am a Soldiers and Sailors Welfare recipient receiving inadequate aid.

Complaints to higher ups or departmental stewards would sometimes result in harassment from supervisors afterwards.

I was asked to perform above and beyond my share of a fair day's work for a fair wage because otherwise my wages were inadequate for work performed.

Most of my adult life I have performed both skilled and semi-skilled typed jobs but not at White Motors.

Received no insurance benefits, Christmas vacation with pay, reinstatement, or back pay to date.

STATEMENT OF T. L. PROVITT, 139 ROOSEVELT NW., WARREN, OHIO

My problems with Republic Steel began in 1964. At that time I was laid off from the Bar Shed because of lack of work and they put me in the Transportation Department. In the Transportation Department we laborers had to push a pushcart with all the tools and material about two miles to the job site. I didn't think this was fair because they had trucks they weren't using that could have done the job. The bosses were white but most of us were black so I protested.

I told the big boss that it wasn't fair that it could be done with the trucks and because of my telling him about this he changed it. He knew I was right. After that Mr. Bob Utis really began to "stick" it into me. He took me down to Niles, Ohio, five miles from Warren, just me, one black guy and four white guys. The four white guys had shovels and I had a pick. He told me to take that pick and dig up enough dirt for these four guys to shovel. I felt that was unfair. I went to see Mr. Dubis (sp.?), the superintendent about this. Mr. Dubis sent me back to the employment office.

The next major trouble I had was when I was laid off for not reporting in for work on time. I had a breakdown in my ear with my family and was not able to call so they fired me. But I got back on in five days time. They sent me to the Silicone Department where I stayed less than nine days and then they sent me to the Fifty-six Inch Mill Department where I stayed less than nine days. Then they sent me back to the Galvanizing Department; they sent me around and around and around so that I wouldn't get a regular job.

I appealed to Mr. Sells and Mr. Sells sent me to the Ironworks where no other black had ever worked. The foreman refused to let me work and sent me back to Mr. Sells. After that nine white fellows were hired in that department but he had refused to let me work. Then Mr. Sells sent me to the Carpentry Shop where I stayed until I was eventually fired for good, again for not reporting off in time.

From the beginning to the end I contend that the report off system is unfair because there is nobody in the office to report to two hours ahead of time.

I put my case in with the National Labor Relations Board and they held it for eight months. When I went to the Cleveland office of Equal Employment Op-

portunity Commission they told me I didn't have enough time, therefore, I had to go all the way to Washington to file my case. They said I was on time there—this was in 1968.

I have been waiting from 1968 until today to get this into court. I may have to wait another two years. In the meantime, I have had to use Welfare for my family (ADC). Since I was laid off I didn't have money to keep up my property. The City pushed in my cesspool, I couldn't afford to fix it, therefore, my home was subsequently condemned. Since then I have moved to another home.

Congressman, I feel these matters should be brought into court sooner than they are. There is a hardship on a man to wait five years to get justice.

STATEMENT OF ROBERT L. HODGE, 4281 EAST 114TH STREET,
CLEVELAND, OHIO

I received your communication giving me permission to testify of the inequities that exist at the Ford Motor Company, Walton Hills, Cleveland Stamping Division, because of race and sex.

(1) In our plant as of October 9, 1972, there is in excess of 1100 skilled workers. Of these, less than 2% are from minority groups. The situation has remained in this limbo for the past three years.

There is presently no program being sponsored by the Company to correct this problem. I mentioned it three years ago. Three years ago there was a changeover program or upgrade agreement allowing seniority employees to bid for positions in the trades, thus learning from experience and becoming journeymen after 8 years of on-the-job training. As Blacks gained seniority and became eligible, the agreement ceased to be enforced.

In 1954, at the opening of this plant, Blacks were not hired in proportion to the population. The hiring ratio was close to 50 Blacks to the first 2,000 Whites hired. This meant that their opportunity to enter the trades through the upgrade program came at a much later date. Presently, we only have one Black in the trades through the upgrade program. In 11 of the trades, there are no minority representatives. Since the beginning of this plant, there have been only 6 Black journeymen from the apprenticeship program.

(2) There is a wide gulf between Ford Motor Company, Walton Hills, Cleveland Stamping Division's stated policies and its practices. I'm speaking of its condoning of racial abuse as practiced by its supervisors, especially the following: Tom Christy, Ray Swabb, Al Norman, Jake Vaughn and Bob Mann. The Company's Labor Relations Dept. has received an innumerable amount of complaints regarding these individuals, but has failed to take corrective measures.

For the record, this Company has only twice in its 17 year history taken any corrective action of a preventive nature in cases involving racial abuse.

(3) Presently, there is only one woman employed by this plant. There is another case where the policy states one thing and the practice indicates another. There has not been to my knowledge any woman interviewed for employment since Title VII of the Civil Rights act was enacted. I have presently put in one application for a woman and I constantly check to see exactly what is being done. All the answers I receive are evasive, even during peak hiring seasons.

(4) This Company also has a "No Application" sign posted at its entrances that has not been removed for over a year and a half, although they were hiring and were reminded intermittently to remove said sign because they did not allow for an open door hiring policy.

CLEVELAND, OHIO.

Hon. LOUIS STOKES,
U.S. House of Representatives,
Washington, D.C.

DEAR MR. STOKES: I was hired at Cheverolet Cleveland Div. of General Motors on January 27, 1964. During this month a number of Blacks were hired. From the date I was hired until June 8th 1972, I held a number of jobs at this plant. I started out as a machine operator then I performed jobs as an Inspector, Sweeper and a Salaried clerk in the materiel Department.

During this period of time, I observed plenty of acts of discrimination against blacks and minorities. These acts came in various forms and ways. From the first

day when the foreman told me he liked colored people, until the last day in 1972. For instance, I attended college for a year at one point in 1964 I asked my foreman how could I become a foreman. He stated "you work hard and I'd see what I could do." This foreman had previously told me he had not even finished High School. Then I observed that all the non-black and non-minority whites who were friends of buddies of foreman were being promoted to this position. After observing this I thought to myself it would be almost impossible to make foreman. At this point in time I think there were one or two black foreman in this plant. On the salary payroll there might have been four blacks out of six hundred salaried personnel.

During this period from 1964 to 1968, I got into various troubles such as one fight and other minor infractions which are in violation of the plant rules which cover everything from A to Z.

When ever a new black came into the plant as a new employee he was told by other blacks to be careful and to keep out of any trouble until he got his 90 days in and admitted in the union, because management would not hesitate to fire him for any little minor infraction. Blacks and minorities were always given the dirty or harder jobs in the plant. Blacks and minorities were always being harrassed and watched by management. Some foremen would always use words like "boy", "monkey", "coon", "nigger" and others when referring to black employees. They would try to do this when no one was around therefore making a black employee strike a foreman which was an automatic firing because the foreman's word always right unless the employee had over twenty witnesses on his side and then the union might have a case it could win. The union if I might add didn't have its representations of minorities either so you can see what kind of situation blacks and minorities were in.

I've seen blacks fired and sent home for being late, absent, sick, sitting down when there was nothing to do, hitting foreman when the foreman was wrong and witnesses were present. I've seen blacks sent home for disobeying an order from a foreman which was given in complete disregard to the employees safety. Blacks have been fired or sent home when they were gambling with fellow white workers and the white workers remained on the job.

One day in April I think it was 1968 came my big day I was called up to the personnel office and asked if I wanted to work up in the suggestion dept. while someone was off on leave. It just so happen that I could type 45wph. So I took this job because I thought this was my big chance. When I was in the suggestion dept. people would tell me how awful it was working for this supervisor and these were whites telling me this. Well I told myself I would try to make it and do my job and keep my mouth shut to succeed. But I guess this supervisor thought this was a sign of weakness and began making me do things no white person ever did. I found out later that the only person made to do the same thing was another black male who worked in this dept. before me. He is no longer with General Motors. Well after working under this pressure for about 6 months I told personnel I was dissatisfied. Then it just so happen that they had an opening coming up in the Material Dept. They asked if I wanted it I said Yes. So I took this job in the material dept. as a clerk. I was broken in on this job the same day the other clerk was leaving. He showed me just enough to report for work the next day. Well I thought this was my big break because I came to like the work because it was interesting. Before I go on let me say that a salary clerk is non-union and also non-management, therefore my job was in between here and there as far as authority goes. Well I already mentioned my one day of training. So whenever I made a mistake I was called in on the carpet and told about it as if I was an old pro on the job. Like a good worker I kept my mouth. Then came the day I found out another clerk who was non-union and non-salary was making more money than I. So I opened my mouth this time and it took 6 months for them to correct this matter. Well I made a mistake because by doing this I had stepped on someones toes.

After that I was getting called on the carpet quite frequently and it seemed as though they were building up a file on me. Then I began to keep notes, etc. My ratings by my supervisor were quite low. The only good rating I got was in the way I dressed and everyone could see that. Well since I couldn't sit down with the foreman and my supervisor and talk about parties or the current news I began to talk to employees in our dept. both black and white. I became well liked by the employees in the dept. This management didn't like and told me so. I was told I was talking too much to the employees. I told my supervisor that these were the only people I could talk to because he didn't invite me in on his conversations and that I wasn't a supervisor. Well time went on and I was called a nigger over the phone by another salary employee, I reported it and they said they spoke to him about that. Also my supervisor started to act a little aggressive

in his tone of voice an actions toward me. He started pointing his finger in my face and cursing at me. Well, after three or four sessions, one night, I told him that I would like to be treated like a man instead of a child. He told me if I had any complaints to put them in writing, this I did by giving him a copy and everyone in the chain of command. I even sent a copy to General Motors Headquarters in Detroit. Well afterwards I met with the personnel director and told him what had happened and that I didn't want to be transfered away because it would make me look bad. I told him that I could and would get along with my supervisor as long as he treated and respected me as a man.

After this talk I went back working a my job when I found out that certain duties had been taken away from me and given to the first shift clerk. The reason given me that I talked to the employees and that I might tell them some secret information. For approx. six months I had really nothing to do. I just sat at my desk and looked at the walls. Sometimes other black employees would come to talk to me but were chased away while white employees were allowed to stay around the office area. It became very obvious that I was being discriminated against because white and black employees begin to notice that I was being watched.

During the time in this dept. I noticed black hourly employees were treated differently than whites and they complained to me quite frequently, but I told them there was nothing much I could do because I was having problems myself. Sometimes I would hear foreman in the dept. talking about blacks and saying they were good for nothing bums and should be sent back to where they came from.

In May of 1970 when General Motors was laying off Salaried employees I was told that I would be sent back to hourly as of June 1, 1970. I asked why and was told that my rating was the reason I was being sent back.

After going back on hourly on June 10, 1970 I filed charges with the Ohio Civil Rights Commission and the Equal Employment Oppertunities Commission. At this time I was a sweeper in a production dept. It Just so happens that both foreman I worked for were black. At first things went along okey because I knew the two black foreman when I was on salary. Then after filing charges it changed drastically. I was given orders that no other sweeper black or white was given. I was being constantly watched and records were being kept on everything I did. I was sent home numerous times for Shop Rule #20 which states loitering on Company Property. Before the Union Local 1005 could get one case written management had sent me home for the balance of the shift and one day and this progressed all the way up to the balance of the shift and Four weeks. This is Approx. 54 days I missed off work before the union got to talk to management about my cases. The only reason the union got to talk to Mgt. then was because of the strike in 1970. The union had my record reduced from four weeks to two weeks with no back pay awarded. This meant all the time I was off I received no monies or unemployment therefore I had to live off my savings etc. Also when I came back to work Mgt. would progress from two weeks to three weeks if they sent me home which I knew they were going to do.

During this time I was keeping the OCRC aware of what was going on and the EEOC. I had investigators handling my case. The OCRC investigator secured signed affidavits from employees and he went out to the plant. The EEOC investigator I didn't know of his contacts etc.

Well after going back to work and being sent home for three weeks, four weeks, six weeks, and fired twice, I no longer worked at Chevrolet Cleveland. I had to use all my savings to survive. My credit was destroyed and I had to seek other employment. My whole life has been changed by what happen to me at Chevrolet Cleveland.

Since I left I've heard they have fired a number of blacks for some reasons that they had no reason to fire them for. Blacks have been filing charges against them for years without much success or results.

At present I'm in the process of suing in Federal Court but General Motors hasn't even answered my lawyers. The EEOC wrote and told me they found nothing wrong. I wrote them back and they have been reconsidering my case for over a year now. The OCRC after the first black investigator sent in a probable cause case they sent it back to another white investigator who tells me that he's dropping the case to no probable cause because mgt. told him I was a trouble maker and that I took all the problems of blacks on my shoulders. I appealed this action and received word from Columbus that the case was closed and the appeal not allowed. After going all over and writing Congressman Stokes and Dr.

Sullivan of G.M. I went to the NAACP for help and had their legal staff look over my records. They are working with my lawyer on the case.

If I may go back to the reason I was fired in both cases. The first time it was because of repeated violations of Shop Rules. The second time, I was fired because I missed one day of work. I have a Aunt who is totally disabled and I had to help her with some things she had to do on the day of June 7, 1971. Also the same day I had to get my car serviced. Well after fighting with the union they said they couldn't win the case because I should have tried to get to work because I owed that to the Company. Well after all I went through with the company the company owed me something also and judging by the way they treated me they didn't want me there, so if I missed a day they should have been happy, but no they aren't happy unless they're doing things the way they want to. Its easy to evaluate if I came to work they would fire me and if I didn't come in they would fire me. So what do you do in a situation like that I ask you what do you do?

At present I know General Motors is going a lot for minorities and giving blacks some of the better jobs, but is this tokenism or is this to cover up for all the unjust they have committed and have never answered for, I think its about time they answered for some of the unjust things they have committed in the past and still might be committing. The only way to find out if this is still happening is to go into these plants and see what is happening first hand. I'm sure there are blacks and minorities who will come forth if they see they will be given protection for exercising their Constitutional Right of Freedom of Speech.

Thank you very much.

Sincerely Yours,

RONALD J. DUNCAN.

OCTOBER 6, 1972.

Representative LOUIS STOKES,
2947 Federal Building,
Cleveland, Ohio 44114

I would like the opportunity to testify for myself and also in behalf of other Black journey men painters that have been "laid off" for a long period of time.

Under the V.A. educational plan I served and successfully completed a three-year Decorating apprenticeship with Louis Ebert & Son, 10210 Woodland. While serving my apprenticeship; there was an abundance of work and overtime; but, 3 weeks after my apprenticeship ended and I became a journeyman, the shop claimed and still claims not to have any work (I was recalled for a two-week period in September of '71) I have been laid off since May 1971.

While working for Louis Ebert & Son there were quite a few incidents indicating racism—such as having to work under the shop maintenance man, cleaning brushes and doing other maintenance-type work. For many more hours than the white apprentices who; entered the shop after I did. There were also extra courses which were paid for by the shop and offered white apprentices. Upon request, I received a promise that I would be given a chance to attend said courses at a later date—that was the end of it.

There were several other incidents. There were two other Black veterans in my particular class. They also finished their apprenticeships and are also "laid off". In fact, they have been "laid off" even longer than I.

Union dues for a journeyman painter are \$11.25 per month. We stayed registered and paying union members as long as was possible, but with families to take care of and no work we've been forced out of the union. I'm sure that there are other Black decorators in the same predicament. After 3 years of working hard, long hours and doing the same work as the already journeymen painters at a percentage of the pay, it smells very rotten to be "laid off" after reaching the goal of journeyman.

Up until this time there has been virtually nothing that we could do but accept the word of the contractor. I feel that a hearing before the subcommittee would bring all the facts out into the open and let everyone know what's happening with the Black Veterans in the trades. I repeat—out of 3 Blacks in the Decorating Class of May 1971, all three (3) have been "laid off" for at least a year and a half.

Thank you for your consideration.

JAMES E. JOHNSON
1893 Alvason Rd., E. Cleveland, Ohio.

STATEMENT OF WARREN WILLIAMS, 893 EAST 128TH STREET, CLEVELAND, OHIO

In 1969 we black employees of T.R.W. Inc. formed a Committee which was recognized by management as the Black Human Relation Committee. At this time we held meeting with management and Mr. Cooper of Urban League, at these meeting we discovered certain facts which showed without a doubt the upgrading procedures in regard to blacks need changed. We found that despite 22.5 per cent of work force being black that these conditions existed in 1969 and still exist.

Numbers of female employees black 1969-1972 in salaried positions there was four in 1969 and four in 1972. Numbers of male employees in salaried position in 1969 to 1972 there was one in 1969 and one in 1972. In wage grades 12 through 16-1 there is one hourly rated black. The majority of blacks in the wage grades are from one to eleven. We have one black supervisor that have been appointed in the last 90 days. And two white supervisor appointed in the last 30 days.

In regard to upgrading going on at present no black have surpasses wage grade eleven. This in spite of the blacks who are highly qualified employees at the main plant.

STATEMENT OF HOWARD Y. JACKSON, JR., 1333 E. 82D ST., CLEVELAND, OHIO

On May 8th 1972, I was hired as a salaried employee by Ohio Garment Rental Inc. for the position of Asst. Warehouse Manager. A position held previously by a black by the name of Howard Wilson.

In this position I was to assist a Mr. Russell T. Harris who was the Warehouse Superintendent, supervise the lady employees, but primarily I had been hired because of my previous schooling and experience as a Warehouseman while in the U.S. Marine Corps.

Soon afterward I began to talk to other long term black employees about the promotional and pay policies within the company. And was told that Ohio Garment Rental would not promote any blacks to the more financially lucrative positions within the company. There are no black truck drivers, no black sales personnel, and no blacks in the front office except one by the name of Miss Patricia Henderson, a Keypunch operator who was once dismissed on trumped up charges so there would be no blacks in the front office, but through the aid of The Office of Equal Employment opportunities and NAACP received her job back.

Although blacks make up 90% of Ohio Garment Rentals employees, which include several black males with 10 years or more service, no black males have ever been integrated into the solidly white truck drivers ranks, from which personnel are promoted to sales and departmental head positions.

I ask how can a man be promoted if he is consistently discriminated against because of his color.

My predecessor Howard Wilson had been with the company six or seven years as Asst. Warehouse manager, and when the previous Warehouse Superintendent suddenly passed way, Mr. Russell T. Harris who is white and with no Knowledge of warehousing was placed in the position which should have gone to Mr. Wilson as heir apparent. Mr. Wilson began to request a truck driver position which paid more money than Asst. Warehouse manager but he was also turned down. Soon afterward Mr. Wilson saw he could not go up, and left the company.

A previous black male employee who worked in the Service Dept. confronted the white Service Dept. Manager Mr. Robert Berman who is in charge of the truck drivers with a request to become a driver, and because he mentioned that there were no blacks on the drivers staff dismissed.

The individual went out to lunch and when he returned Mr. Berman had left a note with the plant security guard saying the individual couldn't do the work and not to be permitted back into the building.

There is a photograph in the service department entitled "Ohio Garment Rental Inc. Annual Picnic 1966". The picture is six years old, even then 90% of Ohio Garment Rentals employees were black. The photo consist of whites only. Was this a "white only" picnic? If it wasn't "white only" it misrepresents the true picture of Ohio Garment Rental. Unless of course "a white only" image is what the company wishes to project to the public, as is apparent when one enters the front office door, or meets a member of the sales staff or truck driver, or any of the department heads.

I recently made a sampling check on the wages of three long term black female employees. The first individual has been with the company 20 years and earns 2.41 an hour which is only 11¢ more than the 2.30 max that a new female employee with six months service would earn. In comparison with today's wages, that individual hasn't even received a 1¢ a year raise in twenty years.

The second individual has been with the company 19 years and receives 2.56 an hour, which is only a 26¢ difference over the amount new female employees with six months service would receive. The second individual received their current hourly wage only after persistent requests. The third and final individual receives 2.91 an hour and has been with the company 24 years. She makes 50¢ an hour than individual one, although she has been with the company only four years longer. It is common knowledge amongst all black employees that individual three was the mistress of the former white warehouse superintendent now deceased, and this may account for the large difference in wages between individuals one two and three. Although their seniority is similar in length of time. The Union has done little or nothing on behalf of the employees in respect to wages or promotions, but each hourly employee must now pay \$6.00 a month Union dues. In my five months with Ohio Garment Rental I never saw or talked to a Union official.

On the morning of Oct. 6, 1972 while sitting at my desk across from Mr. Harris, he suddenly said to me, there is rumor that you won't be with us much longer, I looked up and said I had thought about it but nothing definite *just thinking*. And I then added that there were no black, truck drivers or sales personnel, or black department heads and the company didn't seem to want to change it's attitude on promotions for blacks.

He dropped the conversations right there. At 2:45 p.m. that same day he said half mumbling "I want to talk to you about your work", and then said "since you were thinking about leaving us I'm gonna have to let you go". He then said "I promised you my job as Warehouse Superintendent when you first came". But in reality he never had offered it to me. I then offered to sign a contract of employment if he worried about me going anywhere, he still insisted I've got to let you go. And then asked for my warehouse key. He then said "I'll put you in for pay till the 15th." I had just become a victim of racial discrimination.

In my own personal opinion things were going smoothly until I made my first comment openly on the black situation within the plant. Within hours I had become a victim of the companies policy of ridding itself of blacks who speak up. With no firm reason for discharge other than a mumbled jumbled excuse that made no sense at all.

CHARGING PARTY

JoAnn M. Fritsche, 13420 Euclid Avenue, Apt. 104A, Cleveland, Ohio 44112

COMPANY AGAINST WHICH THE CHARGE HAS BEEN FILED

Pennsylvania Life Holding Co., 3130 Wilshire Blvd., Santa Monica, Calif. 90406

* * * * *

Sunday, March 5: I saw the notice of a position available in the Public Relations Division of a holding company. This position was listed under "Male—Help Wanted" in the Cleveland *Plain Dealer*. Because the possibility of a public relations position interested me and because I knew that companies advertising in segregated columns could be challenged on the basis of Title VII of the 1964 Civil Rights Act, I decided to call the number listed. (241-5360)

Monday, March 6: 9:10 a.m.: I called the phone number listed. Personnel man (Mr. Vitu): "Is it for *you*?" The long silence after I said "Yes" prompted me to inquire whether he was concerned about my being a woman. He admitted it was, claiming that the job involved extensive travel. After I'd said that I was single, 32, and perfectly willing and able to travel, he asked me to come in at 1:00 p.m. for an interview.

1:00 p.m., March 6: Mr. Vitu admitted me to an office in the Pennsylvania Life Insurance Co. in Cleveland (Room 500, 2728 Euclid Ave.), seemed nervous, but asked me to fill out an application form. He looked at my completed application, looked at me and exclaimed: "You really are 32 and unmarried!"

He then studied my other responses to the questions about education and work experience. "The only thing wrong," he said "is that you are a woman."

His next question was again about whether I would be afraid to stay in motels by myself! After I had assured him that I'd travelled around Europe and around parts of South America by myself, he at last began to describe the salient points of the available position.

Mr. Vitu said that the public relations job entailed "trouble-shooting," travelling to the various subsidiary companies of the parent holding company, investigating problems, finding out why the companies were in trouble, making recommendations. *It is important to note that this job did not involve sales.* Mr. Vitu said that if I would not get the public relations job, there were positions in sales. (There was one woman in the sales division, he said.)

Mr. Vitu clearly indicated that the job was *not* a selling job. Furthermore, nothing he said either stated or implied that the public relations person would be paid on a commission basis. (This is important, for the person who interviewed me on Friday would insist upon describing a sales job paying on a commission basis.) Mr. Vitu asked my salary expectations: "I said \$14,000 to \$16,000/to start. He replied that the job would pay \$18,000 to \$23,000.

After indicating again his uncertainty about a woman candidate for the job, Mr. Vitu said that I should come in on Friday for an interview with Mr. Eddie Merko, Vice-President of the *Holding Co.* Mr. Merko, he said, would fly in to interview candidates on Friday.

As I was preparing to leave, Mr. Vitu asked whether I was in the Women's Liberation Movement. After I said "yes," he said that he thought women should strive for superiority rather than mere equality with men. I said that equality would suit me. I don't enjoy superiority-inferiority relationships.

Friday, March 10, 9:10 a.m.: I arrived twenty minutes early for the interview. Mr. Vitu said that Mr. Merko had just arrived and that two men were ahead of me. While I was waiting, three men arrived, all saying that they had appointments with Merko. At 9:25 a man entered, saying he had an appointment with Merko at 9:30 (my time!). At 9:35 Mr. Vitu returned, saying that Mr. Merko thought "it would be best for you to see Mr. Friedman, the District Sales Manager of the Pennsylvania Life Insurance Co, one of the *subsidiary* companies of the Holding Company.

Mr. Friedman started to tell me about a job selling life insurance to farmers and others in remote areas in Northern Ohio. Most of the selling would be at night, he said. The pay would be on a commission basis.

I said that the job and pay schedule he described in no way resembled those which Mr. Vitu had described. I said also that I realized that I was the only woman job applicant and, moreover, the only applicant not allowed to see Mr. Merko, with whom I had had an appointment at 9:30. Mr. Merko was late, Mr. Friedman said, and very busy. Yes, I said, he is too busy to see the only woman applicant. Mr. Friedman then claimed that Merko was discussing with the other applicants a selling job on a commission basis. I replied that a vice president of a holding company surely had better things to do than fly in from California to interview salesmen for one subsidiary life insurance co. I let him know that such interference in the District Sales Manager's job would surely be insulting to the District Sales Manager, if it actually occurred. He flushed and changed the subject.

Friedman then told me that his niece manages an employment agency, for women. Perhaps she would be able to advise me on employment more suitable for a woman. His final advice was for me to call the Nancy James Employment Agency. After leaving, I went to the E.E.O.C.

STATUS OF CASE

To this date, October 10, 1972, there has been little progress, although I filed the charge on March 10, 1972. Because the home office of the holding company is in California, the Cleveland office of E.E.O.C. transferred my case to the E.E.O.C. office in Los Angeles—E.E.O.C., Suite 340, 1453 West Olympic Blvd., Los Angeles, California 90015.

My case number is TLA2 1554.

I received a card dated July 28, 1972, notifying me that the Fair Employment Practice Commission was returning the case to the Los Angeles office of E.E.O.C. for investigation. Since July I have heard nothing more from E.E.O.C.

STATEMENT OF WILLIAM ROWE, 1105 EAST 78TH STREET, CLEVELAND, OHIO

In May, I put in a complaint to the Equal Opportunity Employment Commission. So far my case has not been assigned to anyone. When I call the office there to inquire about how long it will be before I get a hearing, they tell me they have a large backlog and they are shorthanded. If I ask them if they can give me

an approximate time when they will be able to take care of me, they say they have no idea.

The information they need for this case is available now, at the Labor Board. The attorney there has taken time to underline all the pertinent information.

I have witnesses to corroborate my complaint at the present. But if this case is prolonged for an indefinite amount of time, I don't know if they still will be available.

Mr. HAWKINS. And I think it's only fair that we allow the Congressman from the area to make a statement. Mr. Stokes.

Mr. STOKES. Thank you Mr. Chairman.

On behalf of my community and my constituents, I want to personally thank you for coming out to Cleveland, and conducting these hearings in our area.

I explained to you that our people have never had a congressional committee come out to Cleveland, and inquire into matters which we have concern over. Before the hearings adjourn I would like to submit to the subcommittee a number of statements, some in the form of letters, which, because of time limitations, could not be presented orally. Without objection, the statements will be made a part of the hearing record.

CLEVELAND, OHIO.

LOUIS STOKES,
Congress of 21st District, Ohio

DEAR CONGRESSMAN STOKES: The name of the company is Ford Marketing Part Depot, 5800 Grant Ave. I have been working for Ford from July 1, 1970 after I return from the Army, to August 24, 1972. When I was discharge for no reason at all. I was discharged because in Month of March 1972, I filed a charge aganist Ford for discrimination aganist blacks. To the Ohio Civil Right commission. On August 23, 1972 Mr. Olson who complete the investigation aganist Ford, Sent me and Ford a letter state the charge aganist Ford was drop from discrimination. So on August 24, 1972 I was fired from my job. On August 25, 1972 I recall Mr. Olson the man who went out for the Civil right Commission to investigate Ford for discrimination which I had file charge agais, Said, Mr. Britt I'am very sorry I did not investigate the matter very clarely, I did not speak to no black worker so if you just resubinit your charge I will go back out to Ford, and this time do a fair investigation on your charge. I file charge Aganist U.A.W. Local 1046 for discrimination aganist blacks for not been on Local 1046 staff. Their are just nine Blacks works in the Warehouse and ninty to a hunderd whites in the Warehouse. in the U.A.W. Local 1046 Union. Ford Marketing in front office is two blacks and one black foreman who work in the warehouse still a company man.

I hope It is still time to subit my letter in writting to Mr. Clarence Fitch. Thank you very much for letting me use a little of your time and understanding.

P.S. I have file charge against United Consutants of Cleveland, 215 Euclid ave. Williamson Bldg. Mr. Ron Rudy, Manager. Disrimintion aganist Black, I was gaving the run around in January and now aganist in October 9, 1972, October 10, 1972 to present Mr. Ron Rudy, Manager was to call me back on the Oct 10, 1972 When call Mr. Rudy, he keep saying, he have not got back with the company who place the job opens with his company. I have apply for Claim Adjustor Position, every time I Apply for this type position, they all way try and side track me. I hope to speak out about Ford, U.A.W. local 1046 Union and United Consultants of Cleveland. I hope I can be heard and have a fair chance to let you no I'am not running away from this type of Business the goverment let get away with.

WILLIE L. BRITT.

STATEMENT OF JULIUS DENSON, JR., 11100 WADE PARK AVENUE, CLEVELAND, OHIO

In March, 1957, I was employed by the Cleveland Trust Company, Euclid Avenue, at East 9th, as a porter. At the time of employment, I requested a job as elevator operator. I was told that when a position was opened, I would be notified. I was never notified of any opening, although several white persons were hired as elevator operators. Therefore, I continued working as a porter at the company.

In 1960, I was transferred to the stock room as an assistant to the delivery truck driver. I remained in the capacity for two years. I was then placed inside the stock room as a receiving clerk.

Around 1962 or 1963, Louis Ammorosa was employed as head of the stock room. Initially he inquired specifically about my job duties to my department head and me. Although unaware of my job duties, he constantly criticized my performance. These unconstructive criticisms continued throughout my employment with the company.

To cite an incident, during one of Mr. Ammorosa's visits to the stock room, I requested some machinery to aid in performing my lifting duties. I was told by him that he was not authorized to purchase the machinery; however, he was the purchasing agent. Without this machinery, my job was excessively burdensome.

On several occasions I requested conferences with Mr. Ammorosa to discuss his evaluations of my job performance. As a result of these conferences, I received no additional help, but was told that he would do everything in his power to see that I was released from the company.

I also feel that Mr. Ammorosa's criticisms of my work performance caused me to receive minimum salary increase regardless of being third in seniority in my department.

In 1969 I went to the personnel director to explain this situation and request a transfer. I was denied the transfer and told I must return to the stock room and satisfy my supervisor. Nevertheless, on numerous occasions, transfers were granted to several employees.

On May 3, 1972, I was discharged from the employment of The Cleveland Trust Company after fifteen years of service. Upon notification of the termination of my services, I was not given a hearing or any reasonable acceptable explanation. Personnel and supervisors used unsatisfactory job performance as reason for termination of employment.

STATEMENT OF SALLY M. STARKS, 643 EAST 113TH ST., CLEVELAND, OHIO

I applied for a job at Cleveland Graphite Bronze Company, 17000 St. Clair Avenue. When I applied they said they were not hiring colored.

I was called in on October 9, 1942, was taken through a day of lecturing along with six others. Then they sent us on a two-week course at the Phyllis Wheatley Association at East 46th & Cedar. We were placed around in spots, I was placed in the cafeteria there at Plant One. I started out as bus girl and they were in need of a salad girl so they put me on that job.

I worked at this job the balance of my 27½ years. There were no advancements for me because we were considered as frozen on the job.

Now I think this was unfair because I had a high school education and could match all of my counterparts but being frozen, "I should be glad I had a job."

There were new ones hired and placed in the best positions but even with my seniority I was at a standstill with never even a token raise.

Making salads and cooking pudding I feel should have been equal to a cook's salary. It was more work. I had to do all preparations from start to finish. I had to lift heavy crates of lettuce. I had to lift many watermelons, open crates of cantaloupes (especially on hot days).

I had several severe falls while working there. I had to acquire a lawyer on the cases but I seem to be getting a run around.

They closed the cafeteria in 1970 and placed me out in the factory. I was put on an Oil Groove Machine immediately. I worked on them and fell again injuring my left shoulder badly and my right leg. I went to the nurse for treatment and the dispensary was closed (dark), that was 10:55 p.m.

I was off practically three weeks from this and when I went back they put me right back on these machines with my bad arm.

In September, 1970 I was admitted to Mt. Sinai Hospital for an operation for gall bladder. After the doctor released me I wanted to work but I knew I couldn't do this type of work again so I took a layoff slip because I knew they wouldn't give me anything else.

I applied to the Equal Employment Commission and they said I should have applied in 210 days.

So now I feel as though they should give me restitution for all back discrepancies, i.e., taking early retirement (reduced). Workmen's Compensation (disabled) and pay equal to the cooks.

CLEVELAND, OHIO, October 6, 1972.

DEAR MR. STOKES: I am writing this letter because I was fired from my job as a billing clerk Sept. 15, 1972, at Burdett Oxygen Company. I feel that it was discrimination involved.

I had been working at Burdett, for 18 months. I got the job through a training program at Manpower Training Center. I had 6 supervisors, during the time I was there. The last 2 supervisors, Frank Hainlain and Tom Howard fired me because they said they were "unhappy with my work performance". They gave the personnel man Jack Parsons, a letter that they exaggerated and lied about me and the way I did my work and he said he didn't have any reasons not to believe them. Prior to that there had never been any complaints about me or the way I did my work from any of the other 4 supervisors I had. Also Frank Hainlain had only been my supervisor 3 months.

Now that is the reason they gave me, but this is the reason I feel that I was fired for.

A lady named Maire Peters, had been off sick since June of this year. She came back to work the week I was fired. There *wasn't enough work* in the office for everyone to do. There were 3 other billing clerks in the office, also 1 typist and 2 file clerks, 1 file clerk works part time after school. The other file clerk was 1 of the other 3 billing clerks. She was doing some of Maire Petrus work while she was off sick, also the rest of her work was given to another billing clerk. So after they fired me they gave all of my work to Maire Petrus the following Monday. when she got ill because they felt that it had something to do with her getting ill. She had been on the job the longest seniority wise. But there were 4 people with less seniority than me.

So I feel that the reason I was fired was so they could make a job for Maire.

My ex-employer was: Burdett Oxygen Co., W. H. Loveman, (President), 3300 Lakeside Ave., Cleveland, Ohio 44114.

Sincerely,

Mrs. LINDA MAE BROWN.

STATEMENT OF CARL RANDLE, 15903 TALFORD AVE., CLEVELAND, OHIO

I previously worked for The International Business Machines Corporation for a total of 4 years. The first 2½ years I worked in the Field Engineering Division of the company as a Customer Engineer servicing IBM keypunch machines. Due to a loss of revenue in this area, I was transferred to Office Products Division of the company where I stayed for one year. I then requested a transfer to the Parts Distribution Center because of the heavy workload that had been placed on me.

Immediately after receiving my transfer to the Parts Distribution Center, I was confronted by a white, biased manager, Tony Kren. After only working there for two days, I was approached by the manager and told I would be sorry I ever came to work there. Within the same week, I was told we were not allowed to take breaks unless the workload permitted. The rule is one break in the morning and one break in the afternoon. I was later harassed about going to the men's restroom and receiving personal phone calls. My work was constantly being watched and timed. I was told I was working too slow and not getting the job done.

This, in my opinion, was all designed to provoke me into quitting my job. When it didn't work, they decided to fire me outright. This occurred on September 29 of this year when I requested personal time off from the job to go to traffic court. I was told to bring proof of my whereabouts. I couldn't produce proof that I had been to traffic court because I didn't go. The fact is, I was with my mother who is blind and unable to care for herself.

The reason I was fired was because I lied about my whereabouts.

STATEMENT OF MRS. NELL GAINES

I applied for an open secretarial position at Cuyahoga Community College and was accepted as Senior Stenographer (a first black) to the President of Metropolitan Campus, Dr. Donald H. Smith, with the understanding that there would be a 90-day probationary period after which I would be retained or terminated.

On July 8, 1972, almost a week prior to the end of the probationary period, Dr. Smith called me into his office and told me that I was being terminated because I was uncooperative with other personnel within the president's office. (majority white)

After receiving the oral dismissal, there was intervention on my behalf by the Black Faculty Caucus in a discussion with the District President.

After three days of discussion, it was concluded that I would be transferred to the Counseling Department as the temporary person to replace the outgoing secretary until such time as the Director found a permanent person. (no title was given)

Advised of numerous outrageous problems of this type having taken place at the Metro Campus before I was employed, I looked ahead and prepared myself, in all respects, to be able to refute any unfounded charges placed against me. As there were no valid charges, I received an agreement, in writing, from the President, to the effect that I would be employed within the Campus at a grade no less than a mid-point 8 classification regardless of the job classification or salary (agreement attached)

On July 17, I began working in the Counseling Department. On September 28, I was informed by the Director of Counseling that I was accepted as his secretary, with the understanding (as is the policy of Cuyahoga Community College) that I would undergo another probationary period.

A few days later, after the announcement was made to the District office (in a memo dated October 2, 1972) of my acceptance, there was the demand that I that I take a 90wpm shorthand test before I would be accepted. I took the test on October 6, and received an A.

I have asked for the same salary as the outgoing secretary received, but was told that she had more experience than I. This is not true.

STATEMENT OF VANCE R. GARRETT, 17105 BILTMORE AVE. CLEVELAND, OHIO

In November, 1950, I was hired at Fisher Body, East 140th. I was employed there until Oct. 1951, at which time I was laid off. My supervisor suggested to me that I go out to the Cadillac Tank Plant because of an area hiring agreement negotiated with the U.A.W.-C.I.O. I was hired in November, 1951, and was laid off in April, 1959. While at the Tank Plant I was put on a Defence leave of absence, which meant that if I was recalled to Fisher Body, but desired to remain at the Tank Plant, I could do so without loss of seniority as long as they had a need for whatever skills I had. My seniority would remain, however, with the home plant, Fisher Body, Division of General Motors Corp.

Upon my lay-off from the Tank Plant, I was returned to Fisher Body with the seniority I had, so far, acquired at both Plants.

In March of 1961 I was laid off at Fisher Body, then I went to work for about seven months for the Cuyahoga County Treasurers Office. In October of this year I was recalled to the Cadillac Tank Plant and was offered a job in Plant Security. I worked on this job until June, 1964. In July, 1964, I was transferred to the Chevrolet-Parma Plant on Plant Security. (I was the first black man to have this job at Chevrolet.)

In November, 1968, I was upgraded to Foreman over a newly set up Department. This group of people I was to supervise had formerly been attached to the Maintenance Division and were assigned to about six different supervisors; as you see, there was very little control over their various duties. The new setup was taken from maintenance, which is non-productive, and assigned to Pressed Metal, which is productive. To my knowledge, nobody in this setup had prior experience in this type of work, which was clean up. (Janitors and Sweepers) By the lack of experience I am referring to supervision.

There were three shifts of eight hours each. I was assigned to the first shift. Two other men were put on the other shifts as Supervisors. These men had been in a foreman training program that is sponsored by the Company. This program lasts for about ten months. As you see, I was not part of this program. I was made foreman effective December 2, 1968.

My instructions were to clean up the cafeterias (4), locker rooms (3), all toilet areas (approximately 28). My immediate Supervisor was a Superintendent, first Joseph Tatro retired, then Ray McGarry.

For the first six months in this new job we made excellent inroads in cleaning up the accumulated dirt in the various areas assigned. Mr. Tatro retired, and Mr. McGarry took over his job, becoming my immediate supervisor. At this point there seemed to be a change in my status. McGarry was determined to eliminate me. As I've stated before, there were three foremen assigned to this department. McGarry would arrive to work around 6:30 a.m. each morning. He would look over a certain area, determine it was in need of cleaning, third shift would still

be in the plant. My starting time was 7:00 a.m. He would leave word or a note for me to see him right away. Disregarding the fact that sixteen hours had passed since I'd been on the job I'd be held accountable for the condition of the assigned cleaning areas. This created a situation that in my attempt to placate him, I would have to put the people assigned to me on crash programs to clean up. They would become angered because of this and usually call for union representation. Consequently, I'd be charged with instituting a speed up on the job and/or not having other areas cleaned. This situation became unbearable to me and the people who worked for me. It was impossible to explain to McGarry that we could not keep up by doing the work of three shifts in an eight-hour period, or with one shift of people. This also created animosity between him and myself. He often would tell me that he'd fire me if the work was not kept up. The other two foremen on the second and third shifts were not held accountable by him.

General Motors have a system of evaluating salaried personnel to determine their ability to do jobs with a higher earning potential, or their inability to accept other responsibility. In order to get promoted, you have to have the ability as per this evaluation. In 1968 just prior to my being promoted, I was evaluated B-1, this indicates that I am immediately promotable without further training. After six months on the job you're again evaluated. Thereafter, it's each year. The six month evaluation showed I was doing the job. One year later I'm evaluated as marginal. This was the system by which I was promoted to supervisor, laid off, and refused the right to return to my former job as a Patrolman on Plant Security. The supervision of Plant Security determined I was superior to my fellow workers in this department but refused to let me return to a job that according to them, I was the best they had.

When I was told I was to be laid off, I assumed that I would revert to my former classification but then the company came up with a letter stating that no Patrolmen would be laid off and replaced by a member of supervision. This is contrary to Corporation Policy. This letter was posted prior to my being hired at Chevrolet. Its intent was to assure younger members of the Security Force who were attempting to organize a union, and who had been told that this would happen by those who were attempting to organize. These men thought they would be bumped by supervisors being laid off who had no prior Plant Security training or who had never held the job. As I said above, the sole intent of this letter was to relieve this fear, none other. A check of the date of this letter will coincide with the dates of attempted organization for union.

Two weeks after I was laid off the company hired seventeen temporary patrolmen for a three-month period. During this same three-month period, one or two permanent employees were hired in this department. When I made telephone calls to ask about my status, the Personnel Director or his Assistant were either out of town, in a meeting or otherwise unavailable.

Other Patrolmen whom I've kept in contact with have told me that the reasoning by the company was that I had been instrumental in an attempt to organize the Security forces in February and March of 1968 and that they promoted me with the sole intent of later removing me.

Three other men at times had left the department on promotions and returned. Their names are Otto Fritz, to foreman and back; Kenneth Jarnusch, to the Safety Department and back; and Charles Alburtus, from foreman to Plant Security.

These three incidents were before I was hired and as I stated previously I was the first Black on this job.

When I was laid off there were three other Blacks on Plant Security, one on each shift. My return would have possibly caused an imbalance.

My date of layoff was May 29, 1970. I was told of this impending layoff on May 27, 1970 at 1:30 p.m. by John Hackers.

This case was submitted to the E.E.O.C. on June 3, 1970. My answer from them was "no probable cause" received on January 14, 1972.

STATEMENT OF FLOYD BLACKWELL, 439 BELL AVE., ELYRIA, OHIO

As a representative of a small Chapter of the NAACP, the Labor section, I have found that practices are going on that to correct there must be more investigators so as the investigation could be made more complete.

Example—A Field Examiner will go into a factory to check to see if management is complying with all the rules and regulations.

The examiner goes into the office, of the factory, management throws open the books and shows him that they hired 20 people of which seven or eight were black. The examiner far behind in is work, rather than to go into the work area of the factory to see if the seven or eight blacks are on jobs, that are considered acceptable, leaves satisfied that the company has complied and goes on to the next-assignment.

Meanwhile, back at the shop the blacks have been put on jobs acceptable for a short period of time. Because of one thing or another, he or she is approached and told, you have been on the job now for so many days, now we feel that you have not come up to our expectations so now we have a choice, we have a job here where you can either sweep the floor or clean the offices, etc. or if you don't want that, there is the door. The Field Representative cannot with all his work assignments follow through to investigate each and every aspect of whether or not discrimination is being done because he doesn't have the time.

ADDITIONAL STATEMENT OF FLOYD BLACKWELL

Barney White was a Final Inspector. He was one of the first men to become an inspector in the Ford Engine Plant. The plant opened its gates about March of 1951. Sometime in 1954, the first black became an inspector.

Barney bid on a promotional job—Floor Inspector. The job paid 10¢ an hour more and had more responsibility. The skill required was the same as Final Inspector—ability to read and write an understanding of decimals.

Barney qualified—he was a Hi School graduate.

He was denied the promotion by the Company. A man with less seniority was given the job. He also was a Hi School graduate and was working also as a final inspector. He was also qualified for the job. There was as yet no floor inspectors in the both engine plants who were black. Barney was black.

The U.A.W. Committeeman filed a grievance—the Company denied it in the First Stage.

A week later a discussion was held between the Company and the Union. This was the Second Stage.

The Company contended their choice had more experience, such as machine operator in previous job, while Barney had only experience as a porter and laborer.

It was then pointed out to the Company in no uncertain terms that very few of their choices would be in the kind of situation Barney was in. To make a long story short, the Union forced the Company to take Barney who turned out to be a very competent Floor Inspector.

Layout Inspector 10¢ below toolmaker—about 20 men in 3 plants, many promoted from Floor Inspector or receiving inspector and trained.

Gage repair about 30 men most upgraded from inspection jobs and trained 10¢ below toolmaker.

Cutter grinders 10¢ below toolmaker. About 100 men many upgraded from machine operators or some previous experience.

In the beginning shortage of Millwrights in 1952—some were upgraded from oilers, etc. 15¢ below toolmaker.

Not one black man ever made it in these jobs, except 1—who had far and plenty of qualifications; in addition he had 2 years college, plus additional night courses—but he worked at Ford for 12 years before getting that promotion.

TESTIMONY SUBMITTED BY LOIS G. ADAMS, CLEVELAND, OHIO

My name is Lois Adams, a lifelong Ohio resident. I am speaking for the National Organization for Womer (NOW) in my capacity as president of the Cleveland Chapter.

The National Organization for Women is a civil rights organization whose stated purpose is to seek equality for women in society and under the law. It was one of many groups that worked vigorously for the passage of the Equal Rights Amendment and is working for passage in Ohio.

I speak from a broad interest base in urging you to give EEOC every power and every dollar necessary to grant equality in jobs for the vast amount of women and blacks seeking justice.

Poverty breeds the crime that is eroding our major industrial cities. This will never be eliminated until the walls of prejudice are broken down. The loss of

major companies moving from our cities makes the discrimination even worse, since blacks and women have to be over-qualified in order to even hope for a good job. As with all disenfranchised groups, we desperately need employment and education so that we can supply our basic needs.

We all know that job discrimination is visible and invisible in every facet of business and government. The EEOC is the *source of our greatest help in eliminating this gross discrimination*. The law is good and the commission has done an admirable job in working for equality in jobs. But, with 50,000 charges and not enough funds to expedite the cases we are limiting or rather denying these constituents that lack jobs.

We are losing ground in every field. Women and blacks are always the first fired and the last hired. There must be a great priority place on giving EEOC local lawyers necessary to fight these cases and the funds with which to fight this tremendous waste of people. We can no longer afford the prejudices that prevents any of us to achieve and to live fully.

(The following statements concern discrimination by public employers, local, State, and Federal:)

EUCLID, OHIO, October 12, 1972.

Dear Mr. STOKES: As an employee of the Veterans Administration Regional Office, I wish to file charges of discrimination and unequal opportunity against my employer.

I feel that I haven't been given an opportunity to improve my Civil Service status.

In 1970, I transferred to the Cleveland R.O. from the DPC at Austin, Texas, where I worked as a computer technician in the payroll section. In training for this position, I went TDY to Hines DPC, Illinois.

After arriving in Cleveland, I worked in the input section and prepared the payroll and payroll transactions for approximately 3 to 6 months. I applied for the position of payroll clerk, GS-4, trainee 5. I was told by the personnel department that I did not qualify because of lack of experience. Someone else was hired.

In the last month, a temporary employee made permanent status, and was placed on the payroll job as a GS-3, Payroll Clerk Trainee, 5.

I have also applied for a Claims Clerk job GS-4, which would have been a downgrade, but didn't qualify because of lack of experience with claims folders.

Presently, I am in my 16th year of federal service with as much clerical experience.

Thank you for giving me the opportunity to express myself in this situation.

Respectfully yours,

(Mrs.) RUTH E. LATTIMORE.

STATEMENT OF MRS. MARGUERITE L. DAVIS, 1056 CARLYON RD., CLEVELAND, OHIO

I am at the time unemployed, and on welfare, which incidentally is the lowest, dehumanizing, degrading form of existence ever invented. I'm forty one year old, a former Postal worker of nine years and unable to obtain compension due to the manner in which I was fired. This necessiated my having to ask for Public Assistance in order to care for my ten year old son, and myself. Except, for time off before and after the birth of my son I had been employed since age fourteen, the shortest duration of employment on any job being eighteen months. I have signed up with the W. I. N. program I'm still waiting to hear from them. I'm also scheduled to take the Stanford/Kudo Achievement Test at O.B.E.S. this will help me to be sent to school for training, but when? Everything is unfortunately hurry up and wait. I've been told the backlog for processing W.I.N. applications is only up to March's applications, can one imagine where that leaves me, I didn't apply for welfare until then. If I seem some what bitter your right I am indeed. I have always been proud of the fact that I could care for the two of us since my husband and I seperated eight years ago. Now I can honestly say I'd rather be dead, than exist like this. I'd thought at first I really didn't have a problem, any type of work would be sufficient until I began to look. It used to be you were'nt hired for a job either because of the color of your skin or not enough training in that field. Now another block has been added it's known as age. I'm a little tired of being told I'm too old, Forty-one doesn't classify me for Medicare yet. I've tried daywork figuring one didn't have to utilize brains just brawn only to be informed "you must have recent work references" how can you when you've

never done it before. I'm sure there isn't anything anyone can do to help me, at least I've been able to get how it feel off my chest to someone, I can't ever let on to my son how bad things really are. It's one heck of a world they have to grow up in as it is.

STATEMENT OF DELORES McCULLUM, 16512 INVERMERE AVE., CLEVELAND, OHIO

This summer, I was hired as a Recreational Therapist by Hawthornden State Hospital in Northfield, Ohio. My employment was terminated after six days due to a lack of summer funds. The Personnel Director, L. W. Lloyd said that I could not be given permanent status because I am a college student and the state would not allow this. My last day of employment was June 6, 1972. About two weeks later, two white college students were hired by Hawthornden and placed on permanent status. I have filed charges of racial discrimination and lack of promotional opportunities for blacks with the; Cleveland NAACP, Ohio Civil Rights Commission—Charge No. SNYC 7-72-488, Equal Employment Opportunities Commission File No. FCL3-0022.

The responses on the sheet refer to my attempt to find summer employment for 1971. I was employed that year by Hawthornden State Hospital.

CLEVELAND, OHIO, *October 9, 1972.*

Representative LOUIS STOKES,
2947 Federal Office Bldg.,
Cleveland, Ohio

DEAR MR. STOKES: I was employed as a part-time ice skating instructor for the City of Cleveland Heights. During my employment at the Cleveland Heights Skating Rink, I was subjected to a series of unpleasant and harassing incidents in my relationships with the sponsoring recreation supervisor and two female instructors.

There has been discrimination on specific issues that have arisen from time to time for the sole reason, I believe, that I am Black. I received no help from the City Manager of Cleveland Heights or the Law Director whose communications sustained the recreation supervisor's position at all times.

When first hired, the administration knew I had a full-time job and was cooperative in arranging my hours at the rink so as not to conflict. There was resentment among the other instructors because of the number of private pupils I acquired in a short time. I was expected to draw only black students, which was not the case. Out of the 150 private students I had, 3 were black. Several times people who were interested and had asked expressly about taking lessons from me were told that my schedule was full and they were referred to the Caucasian teachers. However, whenever a Black person would request information about taking ice skating lessons, they were referred to me and told that the Caucasians' schedules were full, when this was not the case.

When it was evident the ratio of Black people coming to the rink was to be quite small and therefore my presence as a "tokenism", so to speak, was not needed, my work schedule at the rink was changed to be in conflict with my other employment. According to new rules, I was required to be available 9½ hours each day (a total of 46 hours a week) in order to fulfill an actual four-hour a week teaching assignment. I was deliberately given classes to cover ours that would prevent me from continuing to teach part-time and keep other employment also.

I first filed a complaint with the Equal Employment Opportunity Commission (Case (TCL1 #1206) and later with the Cleveland Branch of the Ohio Civil Rights Commission, outlining the issues and my complaints (Case # NE-8-70-1644). The Commission, of course, found no probable cause to my charge of racial discrimination.

In October 1970, I became ill and was not able to continue to perform my duties as ice-skating instructor. I received a letter from the Law Director for the City of Cleveland Heights. In it, he informed me that part-time employees were not allowed to take leaves of absence for medical reasons. He further stated, that due to my inability to perform my duties as an ice-skating instructor for a five week period, I was being replaced, and would no longer have a position with the City of Cleveland Heights. At this time I was scheduled for only four hours of group lessons perweek, which could have easily been taken over by the other professionals.

I believe this to be racially discriminatory because I know of two Caucasian employees who worked part-time for the City of Cleveland Heights, and who had been off work for longer periods of time than I, also due to illness, and who had not been dismissed from their jobs. One, is also a professional ice skating instructor, and was off work for about a two month period in 1969. While she was off, the other professional staff took over the classes to which she would have been assigned. Also, the assistant manager, was off work for more than two months in 1969, and was allowed to remain in his position. Both of these positions were part-time.

Based on these facts, I believed that I had been unlawfully discriminated against because of my race, and I again filed a complaint with the Ohio Civil Rights Commission (# NE-12-70-1789), who again found "no probable cause" for my complaint.

With so much evidence to the contrary, and due to the fact that there were certain facts I gave the Commission that were contradicted in the statements made by the other two instructors and the recreation department, which the Commission's investigator never bothered to check against authentic records, I applied to the Columbus office of the Ohio Civil Rights Commission for reconsideration of my case, which was denied, as I suspected it would be. For, from all indications in my dealings with it, the Ohio Civil Rights Commission is reticent and unwilling to antagonize politically influential companies and local governmental agencies, such as the City of Cleveland Heights by finding them guilty of any discriminatory acts.

I then filed a complaint directly with the Justice Department. After some delay they informed me they were unable to take action due to title VII, Section 201.

I then tried to secure an attorney which was a job in itself. No one seemed to want to take action against the City of Cleveland Heights and its Recreation Dept. One attorney suggested I write a book about my experience, instead.

In August of 1971, I filed a complaint in the Court of Common Pleas not only against the City of Cleveland Heights but the Ohio Civil Rights Commission for refusing to take action on my charges. I am awaiting a judicial review of the Commission's proceedings.

Sincerely,

JAMES A. PETERSON, JR.

STATEMENT OF MRS. GEORGIA L. JOHNSON, 10317 PRINCE AVE.,
CLEVELAND, OHIO

I was involved in a RIF action the first part of 1969, my job was abolished. At this time I was transferred to another section the Fleet department and my job position title was changed to Fiscal Accounting Clerk March 12, 1969.

I worked in the above position until I was fired again. This time I was told there was no other job available for me and that I would be downgraded to a GS-3 file clerk. At this point I went to Personnel and talked to the personnel clerks and Rita Vincent regarding the anticipated action. She along with all the other individuals in Personnel told me there was nothing I could do. Still no other position was available to me, a black woman, irregardless of the fourteen years service I had for the Federal Government. I had held a GS-4 grade approximately six years and my job history is extensive.

At this point I began to look around me and check out some of the new employees coming aboard in the vacancies that I was told they had none of. One area that greatly disturbed me was the position given a housewife with no background in accounting. Because she was white and because her husband works here and is an ex DDOK, she was given an accounting clerk position GS-4 in Financial Services Branch. Some of the other jobs were given to kids just out of high school with no experience.

After exhausting all areas here at the Navy Finance Center, Cleveland. I decided to write my congressman Louis Stokes and sent a copy of my grievance to the Civil Service Commission in Chicago.

After investigation of my charges and correspondence between the two areas and the Finance Center a job mysteriously opened as a Supervisory Clerk GS-4. I had no desire to become a supervisor but could not turn the position down since they had offered me something within my category. You may be sure that I was watched closely and my employees questioned periodically regarding my ability to supervise and their general opinion of me as a person. It so happened that I was well liked and they came back and told me what was going on. I may add

that I was supervising some young children just out of school and this was the basis for their continued questioning.

Since this experience I have been promoted to the GS-5 Fiscal Accounting Supervisor, but always looked upon as a potential trouble maker since I dared to go to my congressman as a last resort for the help I so desperately needed.

I might also add that it is possible for this situation to reoccur at any time, because if you are not a follower, dare to speak your opinion or are not a favorite son you may be gotten rid of in this manner without any help from the personnel office or other individuals who might speak out in your behalf.

STATEMENT OF ALBERTA JEMISON, 625 EAST 97TH ST., CLEVELAND, OHIO

I was selected for a computer programmer trainee and entered duty as a trainee on September 20, 1971. I was given no orientation as to what was expected of me. On November 1, 1971 less than six weeks, I was called to a meeting and was told that due to poor test grades and the instructor's recommendation, I was not qualified to be a programmer and that I would be transferred back to the department from which I came.

I was asked to write a memorandum requesting a transfer back to my original department and I refused to write this memo.

My last day of training was October 29, 1971. I was dropped from the program on said date and notified on November 1, 1971.

After I wouldn't write the memo requesting a transfer I was left sitting from 8:00 a.m. until 4:45 p.m. until November 29, 1971 with no further training or assignments.

The way that I was treated was demoralizing. On November 30, 1971 I was told to report to the Naval Reserve Department, I was detailed there.

My vacation started December 20, 1971 and I went out of town that Saturday, December 18, 1971. Data Processing Department had to sign my leave slip yet, while I was away a registered letter was sent to my home telling me I was being demoted. Since no one was at my home the letter went back and it was given to me personally when I returned to work.

I had been awarded a Quality Step Increase on July 11, 1971 while I was working in the Fleet Department for doing outstanding work and my next within grade was due February 6, 1972, but after I was dropped from the training program, the next increase is due September 16, 1973.

I was told by the personnel department that if I wrote the memorandum, I could go back to my old department and keep the same money I was getting.

The Director of Fleet Department called me into his office and asked me to write the memo and come back to that department.

After talking with the Directors of Data Processing Department, Fleet Department, one of the Captains and a Personnel Officer, I still would not write a memo.

I was threatened with job separation then detailed, then demoted. I can't begin to tell you the aggravation I went through. Also, in my personnel file is this letter that I did unsatisfactory work in the Data Processing Department when I didn't do any work in that department at all.

Mr. STOKES. Many of you may not know Gus Hawkins served 28 years in the State Legislature of California. He was a 25-year-old young man when he first went into the legislature and at the time, he had served 28 years, had more service than any other State legislator in that State. And then he came to Congress, where he served for the last 10 or 12 years and on the Education and Labor Committee. You are privileged to have before you, conducting these hearings here today, a man who is father of the EEOC legislation in the House. All of the subsequent bills that have come, extending that particular act, is come as a result of his sponsorship of those bills and his amendments to that particular act. And in the conferences between the House and the Senate, Gus Hawkins is the man to whom everyone looks regarding EEOC. Thank you Gus.

Mr. STOKES. By the way, in case any of you are wondering, he is the vice chairman of the Congressional Black Caucus.

Mr. HAWKINS. I wish to thank the gentleman from Cleveland, and to express my appreciation to him, to his staff, and to all of you in Cleveland for a very excellent hearing. I think you have made us proud of our association with your Congressman. I wish to assure you that if we don't get some action, then we will certainly come back to Cleveland again and again until we do get some action.

My colleague Walter Fauntroy has recently held, under his own auspices, several days of hearings concerning discrimination in the Federal service in Washington, D.C. While these hearings have no official standing, I nevertheless feel that their significance and relevance to the subcommittee's work is great. For this reason I ask unanimous consent to include portions of those hearings as a part of the general Subcommittee on Labor's record.

Because of space limitations the testimony which the subcommittee has excerpted concerns only cases of individual discrimination. The subcommittee regrets that these constraints force it to omit much valuable testimony, such as those of metropolitan Washington community leaders.

Thank you, the meeting is adjourned.

(Hearing of the General Subcommittee on Labor was adjourned.)

(The material referred to is printed as a appendix infra.)

APPENDIX

EXCERPTS FROM AD HOC HEARINGS HELD IN WASHINGTON, D.C.

Mr. FAUNTROY. As we call these hearings to order we do so sound again the call to end for all times practices of racial discrimination against minorities within our Federal system. For too long, we have espoused such rhetoric as "fair employment practices"; "equal employment opportunities"; "affirmative action plans"; "upward mobility"; with little or no substantive progress being made in solving racial problems. Blacks and other minorities are still suffering needless and often crippling denial of opportunity to prosper on their merit because of people in government who, without conscience or reason, use the federal system to repress them.

My determination to hold these hearings and my recognition of the need is a culmination of a life time spent in this city, painfully aware of the systematic injustice which has for so many years characterized federal employment practices. My experience working for this community as a pastor involved in community activities has necessitated response to thousands of job discrimination complaints from among the 58,000 federal employees in the District of Columbia who are Black. My father was employed at the U.S. Patent Office here for forty-four years before retiring. He knew the effects of discrimination, and we, as children knew his frustration and despair. He trained two generations of white employees who were then passed up and over his shoulder to high level and higher paying jobs. From all the evidence I have seen, even today in this supposedly enlightened time, these practices continue daily with little substantive change.

When I came to Congress a year and a half ago, I expected that a significant portion of my casework would go to help federal employees solve job discrimination problems. But I did not foresee the incredible deluge of pent-up grievances that have descended upon my office in the months I have been here. Most of these complaints are brought by people with just claims who are deeply frustrated and angered by the unfair treatment they received at the hands of the federal government. These people have no where else to turn. They have sought help from their agencies, and from the Civil Service Commission and all with little success.

At present national policy mandating nondiscrimination in Federal employment, has been strongly expressed by both Congress and the President. Congress has stated that it is "the policy of the United States to ensure equal employment opportunities for Federal employees without discrimination because of race, color, religion, sex or national origin". The primary responsibility for implementing this national policy has been given to the Civil Service Commission, pursuant to "Executive Order 11246 as clarified by later Executive Order 11478. In issuing Executive Order 11748, in August, 1969, President Nixon stated that "discrimination of any kind based on factors not relevant to job performance must be eradicated completely from the Federal Government." But this has not happened.

Statistical evidence demonstrates beyond all serious question that minorities and women find it difficult to secure Federal jobs, particularly at higher paying, decision-making levels. Blacks, women, Spanish surnamed employees are unduly concentrated in jobs paying the lowest salaries and having the least amount of policy-making responsibility.

Given this shocking picture, the question arises, where do we go from here? I want to hear the truth because I am hopeful that the truth will prick the conscience of this city and this nation to action. The testimony of these witnesses, for the next five days, will be the guiding light to the Congress in developing redress of these grievances and to right the wrong of an unjust system.

The more than thirty men and women who will testify this week represent the hundreds and thousands of others who have suffered similar injustices. Their willingness to testify and their courage is an inspiration to us all. Let me state

very clearly at this point that I want to be informed immediately of any reprisals in any form as a result of testimony at these hearings. The courageous men and women who speak out against injustice are the only protection any of us have in the final analysis. We will not tolerate any compounding of the evil of discrimination in the form of reprisals against this courage. The President's Executive Order of 1969, the question of reprisals is conspicuous by its absence. Just as there must be equality of opportunity for all minorities, there must be protection for those who are seeking to take advantage of those opportunities.

Let me repeat myself, for the freedom to "tell it like it is" is critical to the meaning and purpose of this effort. I want to be informed immediately of any reprisals in any form as a result of these hearings.

When these hearings are complete, I shall group the testimony by agency and systematically meet with the cabinet level head of each agency and their relevant staffs to seek resolutions of each case.

STATEMENT OF RALPH M. HACKLEY, WASHINGTON, D.C.

I have been employed by the Veterans Administration since June 29, 1967 at which time I entered on duty as a GS-7, Special Investigator, the first Black investigator so hired in the History of the V.A. Previously I held the position of Welfare Investigator in the Office of Inspection and Collection, D.C. Department of Public Welfare.

I was promoted yearly within the V.A. with my last promotion to a GS-12 being effective November 16, 1969. I am presently GS-12, step 3.

On June 15, 1970 at the time of my annual evaluation, orally executed by Mr. William L. Rettew, Assistant Director of the Investigation and Security Section, I asked Mr. Rettew the possibility of my being promoted to a GS-13 when I became eligible on November 16, 1970; that I was concerned because I had been assisting eleven different investigators and had conducted very few investigations of my own. Mr. Rettew's reply to me was: "I know you have been assisting other Investigators, Ralph, and all of them speak well of you. You are helping the Service when you assist these Investigators but you are not helping yourself. You need cases of your own that require individual judgment. For instance, the case that you are assisting Drenkow down in Atlanta doesn't mean anything as far as helping you. Don't worry, we're going to get some cases for you. We just haven't had the cases to do it as yet. As far as being promoted in November, just forget about it. You know it doesn't come automatic. Other Investigators have waited two or three years. It took me a little while to get mine."

At that time, I was preparing to go to Atlanta, Georgia, after having been assigned to assist Vernon Drenkow, a Senior Investigator.

After I returned from Atlanta, Georgia, I had an occasion to talk with Mr. A. Kenneth Maiers, Director, Investigation and Security Section regarding my conversation with Mr. Rettew and my chances for promotion when I became eligible for promotion in November of 1970. Mr. Maiers echoed the sentiments expressed by Mr. Rettew and further added that he (Maiers) did not promote anyone in a year's time from GS-12 to GS-13; that I would not be promoted on or around November of 1970 when I became eligible.

When I became eligible, I did not receive a promotion and subsequently, on February 8, 1971, I filed an informal complaint of racial discrimination. The EEO Counselor recommended that I be promoted to the GS-13 level and Management disagreed even though it conceded that there were no job standards by which to gauge or measure my performance. (A copy of decision is attached.)

Since the matter was not resolved on an informal basis, I filed a formal complaint on March 27, 1971, at which time the Investigator, Mrs. Thelma L. Kinnebrew, Supervisory Social Worker, VAH, Washington, D.C., found that "the nature of Mr. Hackley's assignments and a breakdown in communications between Mr. Hackley and Management, placed him in a cycle of discriminatory circumstances." It was also during this investigation that an affidavit by Mr. Charles Haycraft, a former Investigator, now presently with the EEO Office in Jackson, Mississippi, was submitted in which he alleged that Mr. Maiers had many times referred to Blacks as "Burr Heads". The affidavit was made a part of the exhibits but was not followed through by the Investigator.

A hearing was held on September 27, 28, 29, 30, October 1, 4, and 5, 1971. The Hearing Examiner found that minorities had been excluded prior to July 1966, at which time Mr. George Holland, a Black man, became Director of the Investigation and Security Section and that Mr. Maiers, during that time did

exclude minorities arbitrarily. The Hearing Examiner glossed over the word "Burr Head," a reference to Blacks by Mr. Maiers. Although the Hearing Examiner felt "that the old attitudes have been changed," I feel that Mr. Maiers' use of the term reflects his and management's attitudes, beliefs and values towards minorities. As expected, the Hearing Examiner found no evidence to support a claim of discrimination. (A copy of the decision is attached).

I appealed to the Board of Appeals and Review, U.S. Civil Service Commission (see copy attached) who affirmed the previous decision issued by the V.A. on January 25, 1972 (see copy attached). The Board concluded that Mr. Maiers did use the term "Burr Head" in reference to Blacks but it did not think that it necessarily followed that the use of the expression meant that Mr. Maiers had actually discriminated against me on a particular occasion during my employment or that he would do so in the future.

Under the Equal Employment Act of March 24, 1972, I filed a Civil Action in the U.S. District Court for the District of Columbia on June 23, 1972 (Civil action #1258-72, see copy attached).

In conclusion, I feel that I have been denied a promotion to the GS-13 level because I am Black. I further believe that the racially-biased slurs used by the Director of the Investigation and Security Service with the attendant innuendoes and degrading connotations are reflective of management's treatment of Black Investigators in the Investigation and Security Service. I further feel that the evaluations of my performance by the Senior Investigators and by the Assistant Director of the Investigation and Security Service are tailored to reflect the racist attitude of the Director of Investigation and Security and his superior, Mr. Blake Turner, Director, Management and Evaluation.

Two conclusions are possible: Either my work demands by its Quality that I be promoted or else my work is not yet the Quality of a "GS-13" because of the discriminatory treatment I have received. If the latter is the case, I should be promoted to a GS-13 for the reason that it would be unjust and unfair to allow my supervisors to treat me discriminatorily and then deny me a promotion as a result of such treatment.

Coming back to the idea of "Burr Head", The Board of Appeals and Review consideration of Mr. Maiers' expression "Burr-Head" with regard to Blacks is faulty. The Board knows that Mr. Maiers may not have used the expression recently and has not used it to me personally. The Board further knows that there seems now to be some effort being made to recruit minority personnel and concluded that there is no longer any reason to think that the investigation and securities division is tainted by discriminatory practices. The Board ignores the fact that Mr. Maiers' outlook and prejudices are revealed by his word "Burr-Head". Mr. Maiers' attitude towards Blacks is reflected by several investigators who consider Blacks as unreliable witnesses and inferior in general. I have had occasion to assist these particular investigations on cases where Blacks are involved and I have witnessed the slanting of reports in order to show the whites in a favorable light and the Blacks in an unfavorable one.

DISCRIMINATORY TREATMENT

The Board of Appeals and Review accepts the reason being that I started out as a GS-7 and needed more training than other investigators in attempting to justify Management's position that my being assigned to a number of different investigators to "learn the trade" was necessary. This is not the case with white investigators, trainees or junior investigators. The Board glosses over this fact that I could profit more by exposure to several investigators rather than just one, but if that is the case, why were not other junior investigators assigned to assisting a number of senior investigators instead of just one. However, the record indicates that a number, if not all of those hired as GS-11 were so hired, not because of prior experience but VA procedures or investigations but rather because of competitive status or CSC register status. In other words, if the white investigators did not necessarily have any more expertise than I did with respect to VA investigations and procedures and so would need just as much training. Thus, there is no reason for me to have been treated differently from white investigators in this aspect.

PROMOTION OF WHITE INVESTIGATORS OVER ME

Most, if not all of the white investigators have been recruited primarily from the momentary investigative and intelligence-gathering units. These are retired military men. These investigators have brought their buddies in, a system which

eliminates many Blacks due to the fact that twenty years ago there were very few Blacks in that field. This is where Investigation and Security Service recruited in order to exclude Blacks as VA investigators. They finally found one Black investigator several months ago who had twenty-five years of military service. One white investigator typifies Management's thinking. This particular white investigator with twenty years or more of military service was promoted over me to a GS-13. Management justified his promotion by stating that he was more qualified than I was even though this investigator has been sent back on several occasions to reinvestigate his assigned case. This particular white investigator who was promoted over me came into the Investigative unit approximately one and one-half years after I did. I have not been sent back to reinvestigate any case that I have done.

BLACKS IN INTERNAL AUDIT

It is to be noted that Mr. Blake Turner, who is the Director of Management and Evaluation, reflects the same attitude as Mr. Maiers by virtue of the fact that he has allowed Mr. Maiers to continue as Director of Investigation and Security after having been apprised of Mr. Maiers' use of the term "Burr-Head"; that out of approximately six senior internal auditors GS-14, none are Black; that finally Mr. Turner was the Director of the Investigation and Security division for several years prior to July 1966 in which there were no Black special investigators hired or recruited.

One of the indications used by Management to determine that I suffered no discrimination is the fact that I steadily progressed from GS-7 to GS-12 at each step having been recommended by Mr. Rettew with the concurrence of Mr. Maiers. There are three possible explanations for such rapid advancement: A) either Rettew and Maiers were attempting to curry favor with their Black superior, George Holland, by recommending a Black for yearly promotions; or B) Mr. Rettew and Maiers were trying to bring me up to the GS level of the other investigators as rapidly as possible for the sake of uniformity and efficiency; or C) that I was a very good worker who progressed steadily and deserved each promotion. It is obvious that whichever of these statements is correct, none proves or indicates the lack of prejudice and/or racism on the part of Mr. Rettew and Maiers especially when the record shows that at that time they had a Black superior. It is also noteworthy that all of my promotions occurred during the directorship of George Holland, the Black who recruited me; that after Mr. Holland was transferred out of Investigation and Security Division in December 1969, I stopped receiving promotions.

I wish to say at this time when I first was recruited by Mr. Holland I came as a GS-7 and at that time he told me I would have to tow the line and that the only thing he could do was to make sure that I had a fair shake. And he told me in front of Mr. Rettew, my immediate supervisor that no matter what I did the point is they are going to take a second look at my work. And he proved to be true because they thoroughly knit-picked my work, A little about my academic background. I am a graduate of Howard University with an A.B. in English and a Minor in History plus I have two years of study in American University, Graduate School, and also was an officer in the United States Army. Now I say this, not that I am a brilliant person, but it shows that I can read, write and I understand. All I understand is that I have been denied a promotion solely because of the fact that I am Black.

Mr. FAUNTROY. Thank you. I have a number of questions.

Now, do I understand from you that you have negotiated every avenue! You started with your immediate supervisor, Mr. Maiers, you have gone to your Equal Employment structure within VA, you have gone to Civil Service Commission and having failed now you have to go to court?

Mr. HACKLEY. Yes. Also I even went to the White House.

Mr. FAUNTROY. Now, secondly are there any senior investigators who are Black in that division?

Mr. HACKLEY. I am the senior Black investigator. I am senior even to the whites in there with the exception of one white. I am the highest Black investigator you have.

Mr. FAUNTROY. In the VA?

Mr. HACKLEY. Yes.

Mr. FAUNTROY. In all the VA?

Mr. HACKLEY. Yes. I am the first and the highest ranking, yes.

Mr. FAUNTROY. That is amazing of all of the forces of people that are Black.

Mr. HACKLEY. Well, you see primarily all the investigators are recruited from the military.

Mr. FAUNTROY. That is what I thought. Everybody, I know, can get a job that goes to the Army. The point is then quite frankly, you have been denied, you believe, the promotion to senior investigator?

Mr. HACKLEY. Yes.

Mr. FAUNTROY. Even though you have performed the work for some senior investigators as a helper?

Mr. HACKLEY. Yes.

Mr. FAUNTROY. Solely because of your judgment of the racial bias of Mr. Maiers?

Mr. HACKLEY. Right.

Mr. FAUNTROY. What is a way to get around that in your judgment? What has to be done to correct that for you?

Mr. HACKLEY. First of all is my promotion. For instance, it is pretty hard to get around a subjective evaluation. The point is we have no job standards.

Mr. FAUNTROY. There are no criteria? Is all subjective?

Mr. HACKLEY. We have a job description but no job standards. For instance I have had accommodations from hospital directors, attorneys, one deputy administrator, Stratton when he was here. I have five accommodations. This means nothing to my supervisors. For instance I have had accommodations over here where someone said something nice about me and I come back and my supervisor felt that it was not up to par. So the point is I don't believe I have to be a super Black in order to make it. I think the basic problem is I am trying to earn it on the merits. Partially this is a farce by virtue of the fact that—I don't even knock the political situation because we have two standards. We have political people coming in who get the GS-13s and are tolerated because of their inaptitude and incompetence. And here you are requiring me to be a GS-13 from some nebulous and ambiguous type of criteria which you don't require the white to do.

So I am saying here is a man, not only Mr. Maiers, who typifies the Management attitude. Because the same people who are in there now were there when Blacks were excluded. So now simply because they have no Black to answer to, then I am at the mercy of their thinking and idiosyncrasies, and it is hard as hell to write a report. And these clowns, excuse the expression, these people knit-pick it from one end to the other. I don't have any problem of articulating. I was an English major and that does make me smart. I do not have the time to enumerate the specifics of the discrimination which they have perpetrated against me. And also secret evaluations. I would go out and assist white investigators and come back and they would say, "Hack you did a good job". Nothing is done in writing, everything is oral. So it is my word against theirs, and you know good and well no one is going to believe the Blacks. I know when I filed a complaint in the beginning that it was going to go to court. No reflection on CSC. But the only thing they do is negotiate with the agencies, as you read in the *Spoil System* by Ralph Nader. So the point is I would go out with the investigators and they would come back and write up an evaluation on me and submit it and not discuss it with me. It was this situation over my head that I was more concerned with than actually the promotion. Because this would stop me from getting a job somewhere else. It was this that I proceeded to follow. We have no job standards. It would be quite interesting for them to explain to you what is a GS-13 because I don't know.

Mr. FAUNTROY. Thank you so much Mr. Hackley. I can assure first of all that I am going to take Mr. Maier's name with me.

May we proceed to the next witness? Mr. John Jessamy.

STATEMENT OF JOHN JESSAMY AND DONNA CONWAY, POSTAL EMPLOYEES AGAINST RACISM

Mr. JESSAMY: Good morning, Congressman Fauntroy. My name is John Jessamy and with me is Mrs. Donna Conway. Mrs. Conway and myself are former postal employees. We are here presenting this testimony instead of other members of our organization, Postal Employees Against Racism, who might have otherwise been at this testimony. We are doing this in order to protect those employees from retaliation from the U.S. Postal Service. The Postal Service is almost certain to retaliate. As we believe that they retaliated against Mrs. Conway and myself for efforts in attempting to expose the racist nature of the U.S. Postal Service.

Shortly after the passage of the Postal Reorganization Act, a former Postmaster General imposed a "gag rule" on postal employees which forbid them from communicating with the U.S. Congress. What this "gag rule" has done in effect for Black postal employees was to eliminate the only effective remedy they may have had in being able to receive a just hearing in cases of racial discrimination. It has, additionally, cut the postal employee from his own congressional representative. The only recourse postal employees now have is to allow themselves to be represented by one of the unions that the U.S. Postal Service has decided will be the exclusive bargaining agents for all postal employees. Even if the employee would prefer to have someone else represent him, this is not allowed under the terms of the "agreement" between the U.S. Postal Service and the unions. Black employees view these tactics (the "gag rule" and the union agreement) as additional tools being used by the U.S. Postal Service to further suppress them.

But, of course, long before the passage of the Postal Reorganization Act, Black postal employees had long suffered the effects of racial discrimination. In December 1970, after reviewing this history of discrimination, Black postal employees at Headquarters and the Washington Main City Post Office began to take a close look at their position and status in the Postal Service. What they saw was a clear pattern of continued racial discrimination. Evidence of this discrimination was reflected through the following statistics: of the 498 Blacks then employed at Headquarters less than 4% were in the top 8 grades, while more than 58% of the Blacks were in grades 5 and below, along with 6,000 Blacks employed at the Main City Post Office of which 64% are in grades 1 through 5 and below. These very revealing statistics reflect the results of unfair discriminatory practices by white management against Black employees.

Discrimination was further evidenced by the exclusion of Blacks from the planning sessions of the Reorganization Act which brought into being the new U.S. Postal Service on July 1, 1971. White management displayed additional proof of racial discrimination when they barred from the Union negotiation sessions the Black Union which was the sole representative of the interests of Black postal workers. These regrettable events heightened the concern of all Black employees who were already increasing in awareness of the worsening plight of Black postal workers.

In March of 1971, in the Headquarters cafeteria at 12th and Pennsylvania Avenue, in midst of much opposition from management, Black Postal workers decided to voice their dissatisfaction and expose the racist policies existing throughout the Postal Service. Postal Employees Against Racism (PAR) was then formed and adopted a program developed by them to solve the problems of Black postal workers.

On July 1, 1971, after numerous efforts to persuade management to meet the legitimate demands of Black Postal workers, PAR directed an appeal of public sentiment and presented 26 demands to the PMG for immediate enactment. This coincided with the inauguration of the Reorganization Act for the new U.S. Postal Service. When Postal Employees Against Racism attempted peacefully to petition, the PMG's armed forces (GSA guards, policemen, Postal Inspectors, including some Inspection Service administrators who were armed and marshalled) physically barred them from the building.

On August 27, 1971, the PMG ordered a Reduction-in-Force (RIF) of Headquarters. The reduction-in-force severely decimated the already sparse number of Black employees, including several members and leaders of PAR. We view the RIF as a tool to rid the Postal Service of Black employees and consider it a further retaliation against our organization's purpose.

PAR is challenging the reduction-in-force and several employees have filed complaints through the Civil Service Commission and courts of law regarding these actions. While reduction-in-force proceedings were transpiring at Headquarters, Black postal employees at the Main City Post Office were increasingly harassed in an attempt by management to remove them or force them to abandon their postal careers. These kinds of reprisals by management show that they are fearful of having "Pandora's Box" opened, for it will clearly demonstrate to the world the true racist nature of the postal institution.

On September 1, 1971, PAR began negotiating the 26 demands with management, including a 27th demand which called for a Black postmaster at the Washington Post Office. After three sessions of negotiations, management suddenly called off these meetings saying that it had more important things to be concerned about. Thus management reverted back to its "don't care" attitude toward its Black employees.

At the Headquarters level, Blacks do fare a little better than in the field installations. They at least do not have to ask permission to go to the bathroom. Additionally, they are not followed in to the bathrooms by guards and postal managers, who may peek into occupied stalls to determine for themselves whether or not the occupant is actually fulfilling a biological need, as is the case at the Washington Post Office. But little beyond this is different as the same roots of racism exhibit themselves. Blacks are still systematically denied promotions and training. For the most part, Blacks are still channeled into dead-end positions. This occurs while unlimited opportunities are readily available to whites. A look at top postal management will give an indication of how well Blacks fare in the U.S. Postal Service. Of the more than twenty Assistant PMG's, there are no Blacks. In fact, we do not know of any Blacks in the entire U.S. Postal Service who can even suggest policy, much less make policy.

On a whole, the U.S. Postal Service is callously insensitive to its Black employees. Much of this insensitivity can be very clearly documented. But among the less obvious examples of this insensitivity is the plan of the U.S. Postal Service to build new postal *factories* away from areas that are accessible to its Black employees. These new facilities are presently being planned and built in areas where housing is not available to Blacks. Additionally, there is seldom adequate (if any at all) public transportation to these areas. This is but one of the many examples of policy decisions white management makes without concern or regard for how it will affect Black employees. This total insensitivity is a result of Black exclusion at every level of decision making in the U.S. Postal Service.

We regret that due to the time limit placed on this testimony we are unable to get into some of the very revealing specifics of racial discrimination that Black Postal employees face.

Mr. FAUNTROY. Indeed, I want to thank you for that overview of the problem. I would like to hear a couple of specific cases. I understand that you feel that you had to leave because of your vigorous pursuit of equal employment opportunities, is that true?

Mr. JESSAMY. Yes, I was a victim of the reduction of force. I was a headquarters employee. I was employed in the capacity of an architect. I was also at the time Chairman of the Postal Employees Against Racism. Both myself and the Vice-Chairman received a reduction of force notice.

Mr. FAUNTROY. Is that right. And they didn't use you to design the building in the suburbs that we don't have access to? You couldn't even design them?

Mr. JESSAMY. I was at one time under the Reorganization Act—well, not under the Reorganization Act, but the then Postmaster General had decided that the Postal Service does not need to design these offices, that another agency would do that. Therefore my services were no longer required, supposedly.

Mr. FAUNTROY. Thank you.

Mrs. CONWAY, you may want to indicate your own case. You were separated?

Mrs. CONWAY. Yes, not in the same way he was. But through racist practices and my participation in PAR which is the task force. They felt that I was a trouble maker. And the Post Office has a very indecent way of trying to reduce their forces. They begin to employ archaic rules that they know that it is very hard for any employee to adhere to. This way they mar your record and you know, press charges on you. And at the time they were under the U.S. Postal Service and they denied me counsel for my lawyer at which time they stated I had to use a member of this union in order to be represented which I did not want to do because I felt that the denial of my lawyer was a denial of my rights as a United States Citizen.

I have some letters here from some Postal employees that can cite some of the grievances that Postal employees have as Mr. Jessamy has stated in general.

This says: "Dear Sir: In my experience with the U.S. Postal Service there have been several instances of discrimination which I have heard about and which has affected me personally. This letter mentions four of the more serious instances in which I was personally involved. First I was recommended for a separation because of AWOL. This reason for the AWOL was because my supervisor who is white refused to accept my sick certificate which, though my doctor personally wrote him a letter explaining his wording of the certificate, the supervisors reason for not accepting the certificate was that I did not state that I was totally unable to perform my duties. Secondly, annual leave and overtime was constantly refused me.

When I finally got fed up and went to the union to press grievance charges against my supervisor, I was told to stay out of the spotlight—meaning that I

asked too many questions about the way things were being run and I complained too much. Third I bid on a preferred assignment which I did not get the bid for. A person junior to me got the bid. When I inquired as to the reason for this oversight I was told by the Personnel Office that I was found undependable. When I inquired as to why I was undependable I could not get any answer so I went to the union. My union representative later told me that their reason was because I was pregnant. I called that a clear case of sex discrimination. The only reason charges were not pressed is because I was told that more than seven days had elapsed since the bids were posted and the time to start pressing charges was over. Lastly, during the same period of my pregnancy there was deliberate harassment against me by my General Foreman that I worked under. Even though he knew I was pregnant he constantly sent me to assignments that required standing and lifting. When I reached these assignments the persons in charge there would send me back from where I was working."

Another case, the gentleman said "I recently had my step deferred. My grievance was that the supervisor that deferred my step was not my original supervisor. He was detailed to my pay location for one day. And in that day he evaluated my reference card and saw fit to defer my step with no prior knowledge of me in general. I had no knowledge of this action until it had come about. I don't think this is the correct procedure for this type of action."

Another case, "I charged my immediate supervisor with trying to force employees to use the women's restroom opposite the small primary, which is an unsanitary section of the Post Office. This restroom has no exhaust fans and no ventilation. When I refused to use the restroom I was followed by my immediate supervisor and watched." She also states that she charges her immediate supervisor with forcing her to leave her lunch in her locker. "We all know that rats run the Post Office and lunches are not safe when they are left alone. Recently U.S. Postal Service recruited some people with the specific intent to train them to use buzz machines which is a means of sorting the mail by machine. After two weeks in class it was found that one of the young ladies was an active TB carrier. They then notified the people that she was in class with and they had to take an examination and I believe that they felt necessary they had to take some inoculations. However, her time in class was only two hours a day of the eight hours she was at the Post Office. The other six she would be on the workroom floor while working in other capacities. No one else in the Post Office was notified that the young lady was found to be an active TB carrier. Therefore they were not permitted to any medical examination.

At the Post Office on November 3, 1971 between the hours of 3:30 p.m. and 12 p.m. a fire occurred in the outgoing paper section on the second floor of the main Post Office. At this time the District of Columbia Fire Department was called in to help extinguish the fire. None of the employees in the building working at the time were notified. Not even the employees in the immediate area. When some of the employees in the area became aware of the situation and wanted to leave they were informed if they did that they would be reprimanded seriously.

Also we have another case—this gentleman states that he's working on the webb, which is a section of the Post Office. "I've come into a situation that I feel caused a grievance. I am qualified to work on Zone 6 and 36 Parcel Post but I do not get a chance to work my assignment. I am sent to work on other assignments in which I am not qualified to work while employees who are not qualified are left to work on my assignment which is preferred. I personally had an experience with the Post Office, they started a U.S. Postal Academy. The academy was set up to help young youths in the streets at night that had dropped out of school acquire their GED exam. They were going to select from the Post Office people who had counseled and also who could tutor in trying to help these youngsters pass the GED exam. They selected three gentlemen who are not Postal employees to select the people that they wanted to participate in the Postal Academy. It was told to us that no one in the Postal Service has the right to interfere with the selection except the Postmaster who at the time was Carlton Beall. He had a right of reprisal if he felt that any of the selections were not valid. Two days later I received a letter of congratulations and also instructions from the department on my acceptance, and I received my airplane ticket because we were going to training in New Mexico for a month. I had made arrangements with my family for my children and I had also made arrangements at school with my instructors for my classes when I returned. Two days prior to my leaving I received a telephone call on the floor stating that I could not go, that I had been denied the right to go, and that the reason for my not going was my leave record. After investigation it was found that my leave record was not that bad that there were other people who had been selected and not denied that had worse leave

records than my own. I took the case to the Union and I was informed that because of the present administration that Mr. Beall had a great deal of power and that it was very hard, not only to press or to win grievances through him, but naturally any grievances at him because my grievance was directed at him. Therefore I was advised that though they knew and that other management knew that his act was purely discriminatory that I had no way of winning and I did not win." That's all.

Mr. FAUNTROY. Mr. Jessamy, could you fill in some detail on those 26 demands you mentioned?

Mr. JESSAMY. I indicated in my testimony that on July 1, 1971 we directed a letter to the Postmaster General which included twenty-six demands. Those twenty-six demands, I thought I had a copy of that with me. A review of that letter would indicate we had made a number of specific proposals which would be helpful in eliminating racism and racial discrimination from the Postal Service. One of which included counseling and training for supervisors who are insensitive or just don't give a damn about Blacks and have these kinds of attitudes.

We found in our negotiating sessions which originally were met with some interest, that for some reason the top management didn't quite understand what we were talking about and we thought we were very specific and clear and we spent a great deal of time. As a matter of fact we didn't get through the full twenty-six demands because negotiations were cut short. We spent a great deal of time explaining in great detail what we meant with each one of the points that we had directed to the Postmaster General. There appeared to be, as a result from what we can see, a lack of interest in even implementing any of the things that we had suggested that you may have given token response. But we felt that we had presented an outline or guideline that was very specific and we had even done work that the Postal Service would have to get into. They could just pick up and run with what we had presented them. They showed a lack of interest in this.

STATEMENT OF TOMMIE L. WILSON, PRESIDENT, LOCAL 209,
NATIONAL ALLIANCE OF POSTAL AND FEDERAL EMPLOYEES

My name is Tommie L. Wilson, President of the Washington, D.C. Local 209, National Alliance of Postal and Federal Employees. I represent some 2,000 Postal and Federal employees in the Washington, D.C. area. Although the greater majority of these members are employed in the U.S. Postal Service, we have bargaining rights for a group in the Commerce Department, N.O.A.A., National Ocean Survey and exclusive rights for employees of the U.S. Postal Service's Mail Equipment Shops, located in Washington, D.C. Additionally, we have some members scattered throughout several Federal Agencies.

DISCRIMINATION IN GOVERNMENT

The passage of the Civil Rights Act, the establishment of the Civil Rights Commission and the establishment of the Equal Employment Opportunity procedures within the government are admissions from the highest governmental authority in this country that discrimination does exist in the government. For me to come before you and state the contrary would be utterly ridiculous. What is more, for the Postal and Federal agencies to deny continuously that there is discrimination, in the face of the many E.E.O. complaints, is also ridiculous.

For informational purposes, I am submitting three charts, indicating the 1971 minority group study. A quick look at the minority composition of the different grade structures will show their concentration in the lower grades. This is evidence enough that discrimination does exist. You will note that these charts represent 1971 percentages.

With the current hiring freeze and jobs cuts, the Postal Service, alone has gotten rid of some 33,000 employees since 1971. The minority groups has had more than its share of the cuts. This also means that the current day totals and percentages are quite different from those in these charts.

WASHINGTON, D.C. POST OFFICE

Although the figures in these charts indicate a minority percentage of 19.5 in the overall U.S. Postal Service, the charts do not indicate the concentration of Black minorities in the larger Post Offices. In Washington, D.C., approximately 80% of the Postal employees are black. If there were charts for the past six years, they would show that Blacks have made up 80% or more of the work force in the city Post Office during this period.

During the past four years, we have seen the city Post Office reduce its forces from approximately 14,000 to a present figure of approximately 9,500. The attrition rate is *not* that bad in the Postal Service. Needless to say, the overwhelming majority of these employees were black. Many of these employees were fired for all sorts of frivolous charges.

ADVERSE ACTION

We have assisted our members in handling more than 300 adverse action cases over the past 2 years. Some of the many charges were:

1. Failure to perform services.
2. AWOL.
3. Disrespectful conduct to a Postal official.
4. Leaving the building without permission while in a duty status.
5. Failure to maintain a satisfactory driving record.
6. Absence from assignment.
7. Excessive time away from assignment.
8. Threatening a Postal Official.
9. Possession of intoxicant on Postal premises.
10. Loss of identification badges.
11. Insubordination and/or Failure to comply with official instruction.
12. Failure to maintain a satisfactory attendance record.
13. Leaving assignment without permission.

To be sure that there is no escape from the net of regulations, they are now enforcing "no talking" regulation with an "excessive talking charge." The catch all regulation is one, posted every where you look, that states "All employees must devote their full time and attention to assigned duties at all times." Most of these charges can carry a penalty less than removal, if substantiated. Most of them, are being sustained regardless of the mitigating circumstances surrounding the incidents.

In its apparent zeal to cut cost and save money there has been a concerted effort made to withhold periodic step increases. Not only are they withheld when adverse action is initiated on an employee, supervisors are now severely scrutinizing attendance records and employees' performance in order to counsel, issue warning letters, etc. to justify an unsatisfactory record to substantiate their withholding step increases. The trick seems to be-get something on his record to make it unsatisfactory. We can not venture a guess as to the amount of money the employees have been defrauded out of under this scheme.

A great majority of the first line supervisors are Black. However, the instituted fear exerted from the top makes them only *enforcers* for the racially motivated policy that seem to permeate the application of all postal regulations in this office. We know full well that *only* the concentration of Black employees is the reason for such policies.

Despite the approximate 80% ratio of Black in the city Post Office and the large number of Black supervisors the top policy positions are just as elusive as ever for Blacks. Within the past, two years, we have seen the top four positions vacated. (Postmaster-PFS-19, two directors at PFS-17 and an assistant director at PFS-16) No Blacks were promoted to these vacancies. In fact, it is absolutely astounding how those caucasians four superintendents (PFS-14 etc. or less) were maneuvered all the way to Officer In-Charge at PFS-19. Not only were some Blacks by-passed, there were some just as maneuverable as the caucasians. We have watched all of this despite the "No Politic" in promotion policy. We also take note that these top positions were filled by the same white plantation overlord that has mastered the city Post Office for the last 12 years.

Although all major policy decisions are made above the installation level, we firmly believe that a Black Postmaster or at least someone more sensitive to the problems of blacks, is needed and is necessary for the city Post Office.

COMMERCE DEPARTMENT

We have had to file discrimination complaints in the Aeronautical Chart Division of N.O.A.A. There appears to be a supervisor, who, for the past 12 years has managed to promote, transfer, reassign or otherwise, through some apparent lawful mean, rid his section of all Blacks and Females employees. While the investigation was underway, I am happy to report that this supervisor found a lawful exit for himself. A decision is pending in this case. Another charge,

now being investigated, is that of hiring a white employee into an area that is forbidden to all employees without a several year apprenticeship in some area of related work.

NAVY DEPARTMENT

In an effort to get the Bureau of Naval personnel to establish a meaningful Equal Employment Opportunity program for more than 700 civilian Blacks assigned to the Naval Annex Building in Arlington, Va., some 105 employees filed a petition with Admiral Elmo R. Zumwalt, Chief of Naval Operations.

First, I refer you to Chart "D" which gives a summary of the Blacks composition in each grade level through 1970 (latest obtainable). This chart shows 720 Blacks out of a force of 1733, approximately 41%. However, the chart will also show that these Blacks are concentrated in lower grades.

Grades	Total	Blacks	Percent
1 to 4	768	465	61
5 to 8	583	230	39
9 to 11	139	15	11
12 to 18	243	10	.04

Some of the allegations contained in the petition to Admiral Zumwalt were:

1. BUPERS used statistical manipulation to get Black personnel to believe a creditable job had done in Equal Employment Opportunity.
2. Roach infested files
3. Cramped quarters
4. Insults from white and certain Blacks (who have accepted a "Straw boss" status)
5. Phoney reorganizations to down grade Blacks.
6. Oral details to train whites for higher grades unavailable to Blacks. These conditions existed *only* because of the large concentration of Blacks in the pers N and pers E area.

The Black employees, who are on the bottom ring of the totem pole, only asked for the things that were due them, as employees of the Federal government.

1. Proper job classification and upgrading
2. A career upward mobility program
3. Civil and Humane Treatment
4. Improvement in communication
5. Removal of dishonesty in creation of details and other matters affecting employees and
6. Improvements in facilities to insure privacy for Black supervisors and Black employees.

Only Blacks would be subjected to conditions requiring this type of action. As a result of the petitioning, an investigation was held and the findings supported the allegations. Although the investigating committee recommended several changes in policy and procedures that would have offered relief, Navy's management refused to accept many of them and those accepted have received less than normal support by management.

As of this data, the overwhelming majority of the conditions complained of still exist. Even as I prepare these notes, Navy is executing another insidious reorganizational scheme that is rendering the morale of Black Employees to nil.

All of a sudden, a reclassification program that has been going on for more than three years, with hopes of upgrading some Blacks, has been released with the net effect of denying the incumbent employees the promotion attained by the reclassification and upgrading of the positions.

Finally, the conditions in the city Post Office, Commerce Department and Navy Department, as cited here today, once again support our contention of Racial Discrimination in the government.

In conclusion, the "No Politic" edit notwithstanding, it is imperative that the U.S. Postal Service find either a Black or an individual more sympathetic to the problems of Blacks, for the position of Postmaster, Washington, D.C.

Recommend that the personnel policies and practices of the Navy Department's Bureau of Personnel, as related to the Navy Annex, be investigated by an authority with the power to correct the irregularities.

Finally, I wish to sincerely thank this committee for the opportunity to appear before you and give my views on the subject matter before you.

Mr. FAUNTROY. Thank you so much Mr. Wilson. Our next witness is Mr. George Frisby, who is from the Navy Department out at the Arlington Annex Building. Mr. Frisby, would you care to outline what your experience has been?

STATEMENT OF GEORGE FRISBY, WASHINGTON, D.C.

Mr. FRISBY. Congressman Fauntroy I have a few documents here that are pertinent to a discrimination complaint which has been pending since April of 1971.

One is the hearing examiner's final recommended decision.

On or about March 30, 1971, Mr. George B. Frisby, Jr.'s complainant, who is Black, was interviewed by his supervisor, Mr. Dewey Kilgore, who is white, and informed that he would receive his within grade increase but that he would not receive a recommendation for promotion. Mr. Kilgore informed the complainant that he needed more experience in programming. Complainant was also informed that he had difficulty in getting along with people. Specific references made to a disagreement which had occurred between complainant and Mr. Richard Barrett, Computer Systems Analyst GS-12.

Complainant brought his case to the attention of an EEO counselor, Mr. A. T. Carter on or about May 19, 1971. Subsequent efforts by the counselor to informally resolve the complaint were unsuccessful. The Complainant requested an investigation on May 18, 1971. Mr. Anthony was assigned to investigate the complaint on June 29, 1971. A report of the investigation was submitted to the EEO officer on August 16, 1971.

An attempt at an informal resolution of the matter was made between Rear Admiral W. C. Flait, Deputy Chief of Naval Personnel and the Complainant on September 10, 1971, at which time Complainant was advised that no evidence of discrimination had been found. However, Admiral Flait directed the establishment of a program of training and work assignments in order to afford complainant the opportunity to be competitive with his contemporaries for promotion. The complainant was formally notified of this decision by letter on September 10, 1971. The hearing was requested by Complainant on September 15, 1971.

The undersigned, this is the hearing examiner, was assigned to conduct a hearing which was held at the Navy Annex in Arlington, Virginia on December 8 and 9, 1971. Six witnesses were called on in behalf of complainant. The hearing was reported in two volumes and hereafter will be referred to as TR1 and TR2.

Issues considered—one, that the agency discriminated against the complainant by failure to recommend him for promotion to Computer Programmer GS-12 because of his race. Two, that the agency discriminated against the complainant by denying him opportunity for essential job related training because of his race.

The first issue was raised by the complainant. The second issue, although not raised by the complainant, was determined by the undersigned to be directly related to the issue of promotability and was accordingly considered.

Factual analysis—the complainant entered on duty with the Bureau of Naval Personnel, Office of Data Programming Branch, System Design Program Division as a Computer Programmer GS-11 on April 19, 1970. He had transferred from the Marine Corps where he had entered the Computer Programming field in 1967 as a trainee. He was assigned to the supervision of Mr. Dewey Kilgore, Computer Programmer GS-12 and retired chief pay officer. Mr. Kilgore's chief assistant was David Wakefield, chief pay officer with fourteen years of active duty in the Navy.

Chief Wakefield testified that he was more or less an assistant supervisor and that he had assisted in the assignment of programmers but that he had never assisted in evaluation of any programmers. In spite of Chief Wakefield's statements to the contrary, the record shows that he substantially and effectively participated in evaluation of at least one programmer, that is the complainant.

Upon entering the section the complainant was given a routine orientation and since he was a GS-11 Programmer the supervisor fully expected him to be able to do the job. Mr. Kilgore and Chief Wakefield became aware soon after complainant wrote his first program that he was unable to read his memory jumps, bill cables and subscripts. Because of these deficiencies, complainant was said to have encountered difficulty in writing his programs. Complainant and Mr. Kilgore are in agreement that the latter never mentioned complainant's deficiencies prior to an evaluation interview which took place on or about March 30, 1971. The record shows that at the interview being referred to Mr. Kilgore informed com-

plainant that he would receive a within grade pay increase but that he is not being recommended for promotion, because he had not made enough programs and was in need of more programming experience.

In addition, complainant was informed that he did not get along with people and that he was reluctant to accept assistance. It appears that this conclusion is based on a single incident which had occurred four months before between the complainant and Mr. Richard Ravitz the GS-12 Computer Systems Analyst. In the words of Mr. Ravitz the disagreement between him and complainant was a "misunderstanding." Complainant had apologized to him and he was sure that both had forgotten the incident. Everyone in the branch, including Mr. Kilgore agreed that complainant was congenial and polite, nevertheless, the record indicates that Mr. Kilgore had continued to hold the complainant responsible for the disagreement. Mr. Kilgore based nonrecommendation for promotion partly on the fact that complainant had written only five programs which indicates he needed more experience. However, Chief Wakefield testified that in addition to writing five complete programs the complainant had modified eleven programs. There are no numerical standards, guidelines or arrangements used for appraising the productivity of programmers in the branch. However, both Mr. Kilgore and Chief Wakefield stated that complainant produced less than the programmers in his own grade and less than those in lower grades. Those specific documents were presented to support this contention.

Although Mr. Kilgore may well have been aware of the shortcomings of the complainant, the record fails to show that he endeavored to make himself available to this complainant. The supervisor's own testimony is confusing on this point. At one time he testified that he is always free for any assistance required by his employees, later he testified that he did not give complainant much assistance because he, Mr. Kilgore, was very busy. Therefore, he had designated Chief Wakefield for the assistant programmers. In addition, any of the programmers could give assistance upon being asked.

Further, Mr. Kilgore was of the opinion that the learner's guide for job core language, JCL, should have provided complainant with sufficient information about programming procedures to get the job done.

The record does not show that a standard evaluation interview took place. Mr. Kilgore admitted that he should have possibly spoken to the complainant several months before he became eligible for a GS-12. At the same time, he noted that the complainant received much more assistance than other programmers with the exception of a Black GS-7 who is now a GS-9. Therefore, Mr. Kilgore was of the opinion that the complainant should have realized his areas of deficiencies. Granted that complainant should have been aware of his deficiencies, assuming that he achieved the assistance that is indicated, this fact in no way would have seriously relieved the supervisor of his responsibility to evaluate the complaint and inform him of his level of progress.

According to the—

Mr. FAUNTROY. Excuse me Mr. Frisby, did you get the job?

Mr. FRISBY. I have not gotten the job yet. This case has not been resolved yet. It's in the Civil Service.

Mr. FAUNTROY. If the hearing officer is talking in such clear terms as that, why didn't you get the job?

Mr. FRISBY. I said I would skip over here. Here he has, this is his response: evidence of record shows that the agency discriminated against the complainant by failing to provide job related training which was essential to improving his skills and abilities as called for in the affirmative action plan.

The record further shows the complainant and other Black computer programmers have received far less formal training than their white counterparts. Blacks have been virtually excluded from understudy positions and have been systematically passed over at the journeyman GS-12 level. This practice has become institutionalized and has progressively worsened at the GS-13 to 15 management levels.

Mr. FAUNTROY. Now that was his conclusion.

Mr. FRISBY. This is his conclusion.

Mr. FAUNTROY. How does that relate to the question you raised, has nothing to do with the training.

Mr. FRISBY. Well, I think that is true. However, we have a buddy system in the Navy. You have where you get retired military who go out and come back at the higher grades most of them come back at GS-12 jobs. I think in this particular instance they wanted to save a job for a certain gentleman, his name was mentioned earlier, a Mr. Robert Cook.

Mr. FAUNTROY. Robert Cook?

Mr. FRISBY. Yes, he was retired Data Processing Chief. He retired in July of 1970 and came back in July of 1971 as a GS-12.

Mr. FAUNTROY. Why don't they just tell you this?

Mr. FRISBY. Well, I think that would be kind of admitting their own guilt.

Mr. FAUNTROY. The thing I don't understand seriously, in your judgment did you need any training to get that job?

Mr. FRISBY. Not necessarily for that job. I need the training, yes. But I think it's appalling for a man to wait until you're due for a promotion then say you need training. Now, during the interview with him he said I'm not recommending you for a promotion and I asked him was my work satisfactory and he said yes. I said then why shouldn't I get the promotion?

Mr. FAUNTROY. And he said?

Mr. FRISBY. Well, then he pulled out some papers. I just happen to have these papers handy. He said you had a little trouble with certain programs.

Mr. FAUNTROY. But it has nothing to do with training?

Mr. FRISBY. No, nothing to do with training at all.

Mr. FAUNTROY. Your case is now with the Civil Service Commission?

Mr. FRISBY. Yes, it's been there since April 5 of this year.

Mr. FAUNTROY. What are they doing with it?

Mr. FRISBY. Actually I believe they are sitting on it.

Mr. FAUNTROY. What has got to be decided?

Mr. FRISBY. Well, they have to decide whether to uphold their hearing examiner or uphold the Navy. Not their hearing examiner this is the Civil Service hearing examiner. He said that there was discrimination. Now they have either got to say it was discrimination and offer some resolutions or the opposing agency says it was not discrimination.

Mr. FAUNTROY. On the Civil Service Commission, does anybody here know who has the authority to act? They told me that the Civil Service Commission has the authority. He's got to consult with the Navy Department as to whether or not he has to, he can act?

Mr. FRISBY. No. What happens here right now, it is in the United States Civil Service Board of Appeals and Review.

Mr. FAUNTROY. The agency is appealing the decision of the hearing officer in the CSC?

Mr. FRISBY. No. I am appealing the agency's findings. They decided that it was not discrimination.

Mr. FAUNTROY. The Civil Service Commission hearing examiner said it was?

Mr. FRISBY. The Civil Service hearing examiner said it is, it is discrimination.

Mr. FAUNTROY. Now who are you appealing to?

Mr. FRISBY. Civil Service Commission Board of Appeals and Review.

Mr. FAUNTROY. I don't understand why you have to appeal to the Civil Service Commission when it's own hearing examiner says you are right.

Mr. WILSON. Mr. Congressman, I think what happened is this, the hearing officer wants to conduct a hearing and when they conclude with it they will make a recommendation. The agency does not have to accept it, the decision goes right back to the agency to be made based on this recommendation.

Mr. FAUNTROY. Wait a minute. I thought the gentleman told me earlier that the Civil Service Commission has the authority.

Mr. WILSON. He's right.

Mr. FAUNTROY. Why doesn't it revert right back to the agency?

Mr. WILSON. They are going to exercise it apparently, eventually.

Mr. FAUNTROY. They have authority to investigate and recommend?

Mr. WILSON. That is what they are doing now.

Mr. FAUNTROY. Well, I want to find out whether or not the agency has the authority to enforce, it has the authority to recommend. I am going to recommend something, if that's all that agency does.

Mr. FRISBY. Congressman Fauntroy, may I read a paragraph here from a letter that I received?

Mr. FAUNTROY. Well, I understand if you are telling me that the agency is saying we are examining your case and you don't have one. The Civil Service Commission hearing officer has listened to your case and he has recommended that we do contrary to what we find, and we are telling you that we are in charge. That's what that letter says.

Mr. FRISBY. That's exactly what it says.

STATEMENT OF HOOVER ROWEL, WASHINGTON, D.C.

I started my career at NIH in 1955. I started at a grade 2 level and this was the entry grade for all Blacks and they would remain in that grade for a period of one to four years. After that you would be promoted to maybe a Grade 5 and you would remain in a Grade 5 from, I think, seven to fifteen years. Now, the whites could enter at a Grade 4 level or above and in contrast they can become a 5 within few months and a 7, I would say, within a year. No man had been promoted above a Grade 5 level for, I would say, something like ten years. We were denied the opportunity to operate certain equipment which would give us this opportunity to get a promotion so I decided there needed to be something done about it. So I first filed my complaint as an individual, racial discrimination, in 1955. I filed another complaint in 1956 and I think my third complaint in 1959 as a group and I was the leader of that group.

After I guess about a year we didn't get any decision on the last case that we filed. It seemed that NIH had lost the files someplace and we had to search and find it again. So I then filed another complaint in 1965 and another in 1968 of racial discrimination and the results of this is that NIH has admitted discrimination and the cases were closed as far as discrimination was concerned after they had admitted to discrimination, but in order to really advance at NIH you either have to know someone or you just didn't make it. It was just impossible for a Black man to get a promotion. The jobs were not posted, it wasn't posted on the bulletin board and although we knew that the job was available through the grapevine, as they say, we would go and apply for the job and the job was either taken or it wasn't available.

In one case I decided to move out of the section and I went to this other supervisor in another section to get a job and that afternoon he wanted me so badly that he wanted me to leave that afternoon but I couldn't leave. I had to let my supervisor know. This is my chief, Mr. Milford Miles, the man that was charged with all the racial discrimination. To my surprise the next morning, after he talked to my supervisor, the job was suddenly not available so I tried another avenue, of course. I thought maybe if I suggested something that would save the government a great deal of money that this might help me in my promotion. So I suggested and this was denied. I was turned down saying that Mr. Milford Miles had this already in mind. He hadn't submitted it but he had it already in mind. I have a letter to that effect.

Mr. FAUNTROY. Did he get the money?

Mr. ROWEL. He got the money a year later, he submitted his suggestion and it's there now. He got it a year later. I have a letter to that effect.

It was very difficult, especially for a leader, being the leader I think the harassment was beyond any that you have ever seen. I have been through just about everything you could go through for ten years. I started this in '59 and I think it ended something like '69. Right. The harassment consisted of, in my case, of getting you into an office and cursing you or threatening you, but you couldn't prove that. This was done by Milford Miles and Holliday and John. So I couldn't prove this. Another way they would have to harass me they would assign me to rural areas of work by myself wherein it would take maybe ten men to perform this duty they put me there. This would only make me angry but I was able to withstand the impact throughout the whole ten years.

Mr. FAUNTROY. Well, thank you so much, Mr. Rowel. I have a number of questions that I would like you to answer for us. First, you said that as a result of a nearly ten years process of complaining about the situation they admitted discrimination.

Mr. ROWEL. They did, sir.

Mr. FAUNTROY. Now what does that mean?

Mr. ROWEL. They admitted that we were denied privilege to operate equipment, we didn't have any Black supervisors. At that time I think we had eleven white supervisors, now mind you we only have forty people in the section, we had eleven white—

Mr. FAUNTROY. I understand what they said but what did it mean? I mean what did they do as a result? Did you get some money?

Mr. ROWEL. No. We filed a suit on that behalf.

Mr. FAUNTROY. No.

Mr. ROWEL. No, not yet.

Mr. FAUNTROY. Do we have any Blacks in those supervisory positions that they said you have been systematically excluded from?

Mr. ROWEL. Well, believe it or not, Congressman Fauntroy, fifteen years ago we had one Black supervisor and fifteen years later we still have one Black supervisor.

Mr. FAUNTROY. Oh, so they just admitted it but they didn't do anything about it?

Mr. ROWEL. That's all they did. Now about a month ago we did have one more Black supervisor, this is two. Now this is in contrast at that time there were eleven supervisors, which was something like about five men per supervisor. They were white.

Mr. FAUNTROY. Now when you mentioned a number of generalities I would like to get more specific about. You said you started as a GS-2 and the general rule was that if you got to GS-5 you were lucky and that the whites came in as GS-4s and often went right off to GS-7s? Specifically where did you start on what job as a GS-2?

Mr. ROWEL. I started at ground maintenance administration, this is where I started and this is where I am today. I was offered a job out of the section and it seemed at one point there in the hearing they claimed they couldn't find a position for me.

Mr. FAUNTROY. In ground maintenance?

Mr. ROWEL. Yes, in ground maintenance. So they hired a committee of five men to try to find for me a job. In the end they decided that it would be best for me to get out of the unit. I could have a better career elsewhere. They couldn't find the job for me.

Mr. FAUNTROY. Did you have any jobs in mind while you were there?

Mr. ROWEL. Yes. I was an automotive mechanic but we didn't have any Black automotive mechanics at that time and they claimed they didn't have anything in my record indicating that I was an automotive mechanic.

Mr. FAUNTROY. But they wouldn't let you demonstrate that?

Mr. ROWEL. No. I am a heavy equipment repairman now. I did get that after the case was settled.

Mr. FAUNTROY. Give me an example of a level at which whites entered at the time you started and moved quickly.

Mr. ROWEL. They entered at a Grade 4 or above a Grade 4.

Mr. FAUNTROY. Doing what?

Mr. ROWEL. The same work that we were doing. As a matter of fact, we taught them the work.

Mr. FAUNTROY. Now wait a minute, you mean to tell me when you came in they hired you as a GS-2 and hired whites at a GS-4 doing the same work?

Mr. ROWEL. Yes.

Mr. FAUNTROY. Do you remember who the supervisor was then?

Mr. ROWEL. Milford Miles, he was the chief of the section.

Mr. FAUNTROY. And he was the one that was hiring?

Mr. ROWEL. Well, personnel was doing the hiring. Mr. John Sankster, he was the head man over there.

Mr. FAUNTROY. Is he still working there?

Mr. ROWEL. He's still the chief there; well, he's next to the big man there, let's put it that way.

Mr. FAUNTROY. I want to know his name and the big man's name.

Mr. ROWEL. I think if you get to John Sankster and Mr. Holliday, those two men as far as this section is concerned, they are the main men behind it. Mr. John Sankster, Holliday and Mr. Oliver, NIH ground maintenance section.

Mr. FAUNTROY. Now I just want to understand, they hire, the practice was, as you understood it, that for the same work Blacks were hired as GS-2s, whites as GS-4s and that over a period of time you know of people who moved from GS-4 to GS-7 who were white. How long did you stay a GS-2?

Mr. ROWEL. Oh, I would say about three years. Now let me make this clear, everything I am saying here is a matter of record if you wish to have it and—

Mr. FAUNTROY. See, I didn't know it and the people here didn't know it.

Mr. ROWEL. Here is what happened. Here is one good example. I had one white employee, which is a very good friend of mine. He came into the section, he knew nothing about equipment or the job in general so he was trained by the Blacks.

Mr. FAUNTROY. Who taught him?

Mr. ROWEL. We did. His name was Bob Damith. This was during the course of the hearing. He was called on as a witness and just before he was called in. I think Mrs. Bertha, she was in personnel, she stood and read some records that I had been questioning her where did he get his qualifications to be promoted over the Blacks and she never could give me the answer so during the course of these

hearings she got up and she read a document stating that Mr. Bob Damith had all sorts of experience operating equipment before coming to NIH and he was a diesel mechanic and an automotive mechanic. To make a long story short Mr. Freeman called for Mr. Damith to come in so he came in and Mr. Freeman asked him I want you to tell the committee the exact amount of experience you had in operating equipment and repairing diesel engines and gasoline engines before coming to NIH.

Well, he was very honest about it; he said, well, the only thing I have operated before coming here was an old tractor of ours that we had at home and it only run about once a month. So then he said what about diesel mechanics and automotive mechanics and he said, "No, I didn't have any experience." He said now, "Do you have any experience operating equipment that was listed as of this date?". He said "yes." He said, "How did you acquire that experience?" and he said, "Two of my Black employees taught me how to operate this equipment."

Mr. FAUNTROY. What's his name?

Mr. ROWEL. Bob Damith. He said that "two of my Black friends taught me how to operate the equipment," and he was very concerned about why they were—he was rated over them but there wasn't anything that he could do. This is all a matter of record, this is just one of the thousands of things that might have happened.

Mr. FAUNTROY. I'm very pleased to know that, Mr. Rowel. The final thing is do these people, Mr. Miles and Mr. Holliday and Mr. Sankter, are they still working and supervising and making decisions?

Mr. ROWEL. Well, we made recommendations that Mr. Miles be fired and the Civil Service said they couldn't do it so they transferred him to a better job. These are the results of after ten years of finding a man willfully discriminating, these are the results that you get from it. He has been transferred to a better job, he's still in HEW.

Mr. FAUNTROY. Thank you so much for bringing all of that to our attention and please feel free to bring us any information from time to time of people who, likewise, are being penalized by persons like this at the line level in your agency.

As we pointed out yesterday, we are concerned about what happened a hundred years ago and fifty years ago, and I am mad about what happened to my father twenty-five years ago. That's not the purpose of this hearing. We want to know who is doing it now to whom and you have given us very specific testimony. I want to thank you.

May we have the next speaker now.

STATEMENT OF AUDREY FREEDMAN, WASHINGTON, D.C.

Mrs. FREEDMAN. You asked who is responsible in this case and there are supervisors directly responsible but when Mr. Rowel filed the case we tried to make sure that the responsibility went all the way to where it really lies which is in the heads of the two agencies, NIH and HEW. The responsibility lies there because since 1959 that case under the Executive Order has reached the heads of NIH personally and has reached the head of HEW.

In processing the case we tried to make sure the newspapers stories and radio shows and other devices, that everybody in the chain of command in those agencies was aware of what was going on. They were aware because we have some copies of their internal memorandums indicating that they would like to keep things quiet while the case was being delayed and it has been delayed. Their reaction to it was that if we could only keep it quiet then our responsibility would not be publicly known. They were not successful with that but they had been successful in ignoring having anything to do about the case.

The case was filed in 1959 and the files were lost. Despite the fact that the Executive Order requires an investigation and a hearing and a resolution within 60 days. When Mr. Rowel realized that he wasn't going to get any of those things, he wasn't even going to get notice of the case having been filed, he asked AFGE to file again for him.

AFGE filed in April of 1965, I'm sorry he processed it for five years. HEW at this point became aware although records indicate that they were before and they sent a team of investigators out to talk to the men at least this is the way it was described. What happened was they interviewed the group of Black people out there, twenty Black men, individually asking them to withdraw the case because it was going to be personally dangerous for them. They didn't notify Mr. Rowel and they didn't notify AFGE and they withdrew the case.

In May, we inquired and found out that the case had been "closed" because they said the men had withdrawn the case so we filed it again in May of 1965 and we said the men never withdrew it in the first place and you have no right to pressure individuals of a group who are filing a group complaint. At this point, finally, HEW appointed a so-called equal employment officer to look into the case and his name was Dr. Julius White. His name is important. Dr. White is still out at NIH and Dr. White's first reaction to the case was to call me up at my office and tell me that he really was going to work on the case and he wanted me to know that he was going to be more than generous, as he put it, to the Black employees and he was illustrating this. He said Black employees really like me, they feel so strongly about me. I will give you an example, he said, "I every year have an employee picnic out at my house" and he said to illustrate how Black employees feel about me the Black employees have come to me this year and said they won't come to the picnic because they know that it will embarrass me in my neighborhood and they really like me."

We didn't expect too much from Dr. White and in truth he didn't produce much. He spent nine months investigating that case, although the Executive Order provides sixty days maximum for resolution of the case. At the end of nine months he filed a report with HEW, as required, saying that "yes, he had found that Black employees did not go above Grade 5. Yes, there was no promotion ladder for people to move up in the various maintenance groups and yes, there was no training or means for employees to improve their position. But no, there was no discrimination".

The internal processes were such that we didn't even get a copy of his findings and finally in March when we pressured for an answer, this is one year after, one year later, NIH sent us a xerox copy of the findings and said the case had been closed because your sixty-day time limit to appeal is up.

We immediately filed with the Civil Service Commission and with HEW to hold that case open, to hold hearings to verify that yes, these practices were discrimination. We also asked that the findings be translated into action. This is now almost ten years later and the findings have not yet been translated into action. There are still no lines for promotion for Black people. Black people are still clustered in the lower grades.

In Mr. Rowel's case you were asking about the specific grade levels. In producing statistical material for the hearing which we finally got in 1967, we discovered when we finally got the record to work with that Black employees were hired at Grade 2, this is an average now for all Black employees, and whites were hired in a Grade 4.3. We also discovered that one of the white supervisors, who was supposed to be a leader of men because he both had leadership and was able to deal with the technical manuals and the chemical terms for the insecticides, was illiterate. He had signed his job description with an X. The white supervisor, however, was able to supervise because his Black employees got the instructions of the day and read them to him and then he could re-translate them to the men.

Mr. FAUNTROY. Is he still supervising?

Mr. ROWEL. No. They took it from him.

Mrs. FREEDMAN. We also discovered one of the white employees who was hired in at a Grade 9, also a leader of men, had been discharged from the Army for attacking an officer. Another leader of Black men.

We despaired of ever getting HEW or NIH to make any changes unless we had an open hearing and started to pressure for a hearing. It took HEW and NIH about a year and a half to ever getting around to having a hearing.

All of these are in violation of the Executive Order but the whole process is in the hands of the government and it may be hard to believe but when the government is in control of its own dishonor there is just no way to hurry the government into complying with its own regulations. The process is a cover up one in HEW and NIH, to cover up and delay and possibly to wait out as long as it can be stretched out every step in the process.

Finally, when we had a hearing, some of the facts about individuals who had been promoted and who had been hired above Blacks came out. Some of the facts about Black people who had experienced most of them when they were hired in came out. We got a decision, this is the decision to which Mr. Rowel is referring to. The decision really reaffirms the findings back in 1966. These have been reaffirmed one way, and another way and a third way and a fourth way, but they're still true and they still haven't been changed. So it's a hollow victory, as a matter of fact, even the equal employment officer called it a hollow victory. He said we discriminate, NIH hasn't changed this pattern and has not made up to the people

against whom it discriminated, any of their lost wages or any of their lost opportunities that they might have had, had they been white.

I think the point of this is that the Executive Order in the hands of the government agencies isn't followed. There isn't really any willingness to change any practices. The second point is that the responsible people really are the heads of HEW and NIH, they have known now since the middle 1960s, they have personally known of the case. Dr. Morrison, Head of HEW-NIH, has known personally and has even had chats with Mr. Rowel about the case since that time but they haven't changed anything.

Mr. FAUNTROY. I certainly want to thank you, Mrs. Freedman, for that very excellent testimony. I think the people here and across the city understand why I want this recorded. Your rhetoric was eloquent there a few minutes ago and stimulates a number of questions I would like to ask of all of you.

First of all, you have now documented for our benefit the process of seeking redress that was programmed for sixty days and took over ten years. You have stated that at one point, half way through that ten-year period, there was a structured effort to discourage those who felt themselves aggrieved from pursuing the sixty-day, ten-year process. That brings to mind testimony which was made yesterday, both by Mr. Clifford Alexander former head of EEOC and by Mr. Charles Braxton who was the last witness on yesterday, both of whom suggested that perhaps there is a quota system that operates within the Federal Government around the question of racial discrimination which says "we must make sure that the record looks good, that no matter how many cases are filed, that the percentage of findings in behalf of the plaintiff would be very small". I don't want to make that charge until I finish these hearings but are you under the impression, after your experience with this ten-year case, that perhaps there is a structured effort to try to play down, cover up and delay and smother over the question of racial discrimination in the Federal Government in order that the Federal Government might look good in this regard?

Mrs. FREEDMAN. Yes, that's true. This case is the first time the Federal Government in its own process has ever admitted that it has discriminated against Black employees. It's the first only as far as admission is concerned. At one point we asked the Civil Service Commission out of their own records to indicate how many cases had occurred, this was about two years ago, in which there was a finding of discrimination. We got back a three page letter which any student of bureaucracy knows you don't get an answer and we didn't get an answer because the Civil Service Commission's position was that they shouldn't tell in how many cases they had found discrimination. It would be good if you could find this out.

Mr. FAUNTROY. Mr. Tagliabue, you had some very distinct testimony here. I'm almost tempted to have you read it all but I wonder if you could comment on this question, how we should go about enforcing these provisions and penalizing those who fail to do what the law requires.

STATEMENT OF PAUL TAGLIABUE, WASHINGTON, D.C.

Mr. TAGLIABUE. I'd be glad to. My written statement was prepared with obvious reference in mind to this particular case, even though I didn't say so expressly. I would like to start sort of at the end because neither Mr. Rowel or Mrs. Freedman have touched on that.

These people still have not received any money, any back pay. The Civil Service Commission and the Comptroller General initially said that they had no right to back pay, that even though there was a pattern of discrimination, even though the agency, HEW and the Civil Service Commission agreed that there was a pattern of discrimination. There was even specific evidence in their showing of discrimination as well as evidence as to a lot of particular instances of discrimination, the Comptroller General who was acting as the Government's legal advisor in effect, said there was no right for these people to be reimbursed for any of the salaries that they lost. All the government would have to do is to do better in the future.

We then went to the Court of Claims and sued the government, the Court of Claims ruled that the Comptroller General was wrong, that these people could recover pay. But there's a real rub in the ruling and this is mentioned in my prepared statement. Before I get into the rub in the ruling I should mention that three of the judges in the Court of Claims dissented even from the proposition that these people are entitled to recover their pay. Four of the judges said

they could but there was a very qualified ruling in this sense, and I would like to quote what the court said, it said that "these employees, in effect, had to go back to HEW, they could not stay in the Court of Claims to prove how much money they were entitled to." They sent them back to HEW, which in my opinion is like sending employees of a tobacco company or of a private employer back to the General Counsel's Office of the private employer. That's such an extraordinary result in the private sector that no one would even think about it, you would never take a case against American Tobacco or Colgate Palmolive or other companies which have been sued in the private sector under the Civil Rights Act and send it back to the General Counsel's Office of Colgate Palmolive or American Tobacco Company and tell them to find out how much these people are entitled to. That in effect is what happened here because that's the way the Court read the applicable Federal Statute. Then they said when you get back to the General Counsel's Office over there at HEW you have to show person-by-person whether you would have been promoted, when, to what grade or grades in light of your qualifications, the qualifications of competitors, the existence of vacancies, the availability of funds and all other factors that would have properly influenced the exercise of the agencies' discretion in discriminating against you. So what these people are asked to do is to go back to the agency and ask the agency for its documents, and I have our request to the agency for documents which cover the twelve-year period. If they ever produced it it would give us about two rooms full of documents which we would then have to sort through in effect to reconstruct a decade of employment in a unit which had forty people for most of the period and we would have to show that Mr. Rowel, who was kept in a Grade 2 for x number of years, should have been promoted to a Grade 4 in 1963. Then we would have to show that he would have been good enough in Grade 4 to be promoted to Grade 6 two years later and then we would have to show that he would be good enough in Grade 6 to be promoted to Grade 8. In other words, we would have to make—we would have to go through a hypothetical exercise to show that had he been promoted here he would have been promoted there.

From what I have said I'm sure you can see it wouldn't be an easy task and it's just an extraordinary burden to put on an individual and that's where we stand. We are now negotiating with HEW in an effort to settle the case on some basis that is acceptable to us and to them and we'll let you know if the negotiations prove fruitful. I don't want to go into the negotiations or anything beyond that.

Mr. FAUNTROY. Thank you, Mr. Tagliabue. You have been very helpful.

Mrs. FREEDMAN. Mr. Fautroy?

Mr. FAUNTROY. Yes.

Mrs. FREEDMAN. Could I say that Mr. Miles, Mr. Sankter and Mr. Holliday could not achieve what they have in the way of steady, unremitting discrimination for a decade if NIH and HEW were not part of the scheme.

Mr. FAUNTROY. I understand that and I think that is why agency penalty might be very well, that is if NIH's budget was cut by the claim of employees who have been determined, as Mr. Rowel indicated in his case, that they admitted discrimination. That the agency's budget was cut by that amount, I think it would have some effect.

If HEW's budget was I would think the NIH people wouldn't be that concerned about it. Understand? Well, let's work on that because we may be able to come up with something that would be instructive for us trying to put peace into the law.

STATEMENT OF ORA E. JACKSON, WASHINGTON, D.C.

I, Ora E. Jackson, have been employed by the Federal Government for almost ten years. All of which have been in the Clinical Center, Clinical Pathology Department, N.I.H., Bethesda, Maryland.

The Chemistry Service of the Pathology Department was automated with IBM machines—519 Reproducer, 082 Sorter, 402 Printer, and 026 Key punch. I was hired as a GS-2 Key punch Operator with the understanding that I had to learn to operate the other machines as well.

Although, the EAM (Electric Accounting Machines) Room, at that time, was a part of the Chemistry Service, it was a separate section. The supervisor and I made up the section.

Due to an increase in the workload, a third person was hired. This section now had three employees. By this time I was a GS-3.

Soon afterwards the Hematology Service was included in Automations, thereby upping the volume of work. Not long after, I received my GS-4, title EAM Operator.

Automation still on the climb and workload still increasing, the Department Chief decided to expand to a computer system. It was not long after that, that the EAM Section was no longer under the Chemistry Service and the Automations Section was formed including all three Services; Chemistry, Hematology and Microbiology. The Automation Section included the Computer Room and the EAM Room, each with its own personnel.

In March of 1968, the supervisor informed us in the EAM Room that we would receive a cash award for our contribution to automations. The ceremony would be sometime in June. However, in April of 1968, for personal reasons, the supervisor submitted her resignation. After her resignation there was no mention of the cash awards. When I inquired about this no one knew anything about it.

It was rumored that someone would be hired to replace the EAM Supervisor, or transferred from another section as supervisor. I made it very clear at the time that I would not train anyone to supervise the EAM Room when I qualified for the position. It was then the Chief of Automations and Acting Chief of the Pathology Department, Dr. Ernest Catlove, met with the Computer Operator John Stimpson, and the two of us in the EAM Room. From this meeting I was given the position of Supervisor of EAM. Completely responsible for all of its function and personnel, Mr. Stimpson was to be Computer Manager in charge of the Computer area.

I was a GS-5 at that time. My predecessor was a GS-8 and being considered for a GS-9 when she resigned. I knew it was not feasible to expect a GS-9 with my new job and title, so I asked for a GS-7. I was told that it would be difficult to receive a two grade increase, but there would be no problem to get the GS-6 and in one year I would get the GS-7. It took almost a year (February, 1969) to get the GS-6. I have periodically inquired about the GS-7, each time there was one excuse or another—there's a freeze on hiring and promotions, our section has no slot for a promotion, etc. However, during this freeze, people were being hired and promoted in the same Department.

Recently, I received a performance rating. The first written one since 1967, on which the capacity of non-supervisory was checked. Of course, I questioned this immediately, I started with the Secretary of Automation who referred me to the Secretary of the Chief of the Department. After checking the files, the Secretary of the Chief told me, no you are not a supervisor. I told her she must be mistaken, so she referred me to the Assistant Chief. He was able to find papers that were sent over to Building 31 (Administration) with the recommendation of supervisor, but he said when it came back from Building 31 to Personnel in Building 10 (Clinical Center) the title was dropped because of the Grade 6. Supervisors, he said, in most series start at GS-7.

Of course I asked for the GS-7 immediately, since it was already four years overdue, and thinking that when I received the Grade 7 I would get my title as well. How mistaken I was. This was when I was told that the title had nothing to do with the grade, and the grade had nothing to do with the title. All this was most confusing. So, in trying to get the matter straight in my mind, I went to the Clinical Center Personnel Office, Personnel Management in Building one, and talked with anyone whom I thought was in a position to enlighten me.

I was told several different things, as follows: (1) The grade GS-6 was the reason the title of supervisor was dropped. I didn't believe this because I know that my former supervisor carried the title at GS-5. (2) That I had to supervise three or more people. Again I couldn't believe this because there were only two of us the majority of the time during the six years I had been there. Three including the supervisor. (3) That the title would be up to the Automations Section Chief.

I went to the Clinical Center Personnel Office and requested my folder to see if there was possibly something there that I had overlooked (it only took eight (8) days to get it). While I was there I talked with Mrs. Joan Mahoney, the Clinical Pathology Personnel Officer. I didn't think it was possible to be more confused, but I was wrong. She told me about the Civil Service guidelines of supervising three or more people and the fine lines of the responsibilities of supervisors. The next thing she said really suprised me, "There are only two (2) people in Automations qualified to be supervisor, Dr. Daniel Bruce, the Chief, and Mr. Dale Allen." "Mr. Allen", she went on to say, "only supervises one person". And as if to justify Mr. Allen's position since she had just told me about the guidelines

of three people, she said, "of course its up to the Chief of your section to say who is supervisor and who is not." Not once did she mention Mr. Stimpson, who is the Computer Manager, but I let that pass at the time.

Still concerned, however, about my title and grade, I told Mrs. Mahoney that I was not satisfied because I knew the former supervisor worked with only two people the majority of the time; and that I had a copy of her job description showing her title, grade and duties. The reason I had it was because my new job description was written from it. Mrs. Mahoney asked to see it. So I made a copy and took it to her. Her attitude, when she saw it, was there was in all probability an error on the part of the evaluating officer. This infuriated me. How can an error continue for six long years, only to be caught when I am given the responsibility.

I have been asked, "What's a title?" Is it for the prestige and how it looks and sounds behind your name? Yes, but a bit more. It's what I've earned and I know I deserve now, and what I may need in the future. If I should ever decide to take another position elsewhere, according to my papers, I am an EAM Operator, and with the title not being a part of my records, this could very well keep me from a position that may be available in a supervisory capacity. That, to me, is not advancing, something we all want to do in life.

You may ask, where is the discrimination? I'll tell you! (1) For six years, Mrs. Donna Brewer, who is white, was supervisor of the EAM Section. The majority of this time there were only two people under her supervision. When I am given the position, I do not get the grade nor the title. Only the responsibility, and in fact an almost identical job description. I am black! (2) I believe that if Mrs. Brewer had remained through 1968, the black employees under her would have received their cash awards. (3) The person considered to replace Mrs. Brewer after her resignation was white. I am black! (4) During the supposed freeze of hiring and promotions, those hired and promoted were white. I am black! (5) Mr. Allen, who is white, and on record, according to Joan Mahoney, as supervisor, in fact supervises no one. Mr. Stimpson, the Computer Manager, and not one of the two people Mrs. Mahoney mentioned as being in a supervisory capacity, is black.

I have also been asked, what do you want, the title, the grade? I want both. The former supervisor received her GS-8 in 1967. When she resigned she was in the process of getting a GS-9, and by now, five years later, I know I deserve the same.

At this point no one can make me believe that had I been white four years ago, there would have been no problem with the title of supervisor or the Grade 9.

Today, I am still not satisfied, and I will not be satisfied until the guidelines, and the rules, and the regulations that are set up are for everyone, to be followed by all regardless as to race.

STATEMENT OF ETHEL KEITH, WASHINGTON, D.C.

I was first employed at NIH in July 1956 having received a numerical rating of 97 in a competitive examination for "Trained Practical Nurse". My first taste of discrimination was that of being called a nursing assistant instead of practical nurse. After working for a year as a GS-3 nursing assistant, which included taking blood pressures of patients on a special study, I was told that in order to be promoted I would have to go to class and learn to take blood pressures. This class and all others that have been offered at NIH have been nothing more than review of subjects which I completed in school and during my training, with the exception of actually giving medications and intra-muscular injections. I was promoted to GS-4 but my duties were the same as they had been. My first evaluation in 1957 stated that I did above average work and I was told by the head nurse that in order to get anything better than that I would have to move a mountain. Due to very erratic scheduling in the NCI (National Cancer Institute) I requested a transfer. I was subjected to review by a psychiatrist before the transfer was made. I informed the psychiatrist that my intention was to report my experiences to the proper authorities if I was not transferred.

Assigned to the National Heart Institute in September 1957, I worked successfully until 1964 performing all duties listed in the job description. I was transferred from the Heart Institute because I refused to allow the assistant chief of the Institute to pre-schedule all of my annual leave for the year. She, in fact, made out a leave slip for me and signed my name to it. I employed an attorney to settle this injustice. I had requested help from the personnel officer at that time without success. Finally, the Civil Service Commission cancelled the assigned leave, and rather than give me the leave I had requested in that Institute, the chief of the Institute requested my transfer.

In December 1964, I was transferred to the Arthritis and Metabolic service. On several occasions I had been ill and was required to take sick leave because of cardiac fatigue. My physician stated that I should not do long periods of night duty. I informed the new head nurse of the problem but I was immediately assigned to night duty. I became ill again and a conference with the chief relieved the problem. After attending classes again I was promoted to a GS-5 in 1965.

The chief of the service recommended me for an outstanding performance award which I never received because the assistant chief of nurses didn't like my attitude about my *earrings*—I had refused to remove earrings that I had been wearing ever since I had been employed there and they in no way detracted from my uniform or effected my care of the patient. The suggestion that a promotion was in order prompted another transfer. I was told that I would be assigned to the neurology branch. Realizing the strenuous duties involved in the care of these patients I told the chief that I would not be able to cope with the situation as well as I had on the other services, but no matter where she assigned me my work patterns would not change.

I was assigned to the Neurology Institute in 1967. After six months, I became ill. Reporting to the Employee Health Service I was told that they could find nothing wrong but my personal physician put me on bedrest for one month. After returning to duty, I was again sent home with edematous legs after a few days of work. After treatment by my physician I returned again and this time I was scheduled for a fitness for duty examination by the same department that found nothing wrong with me in the first place. I refused to permit this action stating that I had, in fact, informed them that my health would be impaired by this assignment. It appears to me that this was the aim of those responsible for the transfer. Disability retirement would have relieved them of this person who demanded proper treatment even if it meant employing an attorney! This was the case when I requested an appointment with the Assistant Director of NIH, Mr. Simon (now retired).

I was offered a job as elevator operator which I refused and stated that it was my intention to continue in nursing and that I knew there were places in which I could function as a nurse. In January 1969, I was transferred to the outpatient nursing service. Shortly thereafter I received a letter from Mrs. Ellis, the assistant to the chief of nurses, stating that after three months I would be reassigned to the units and that she intended to see that I was assigned to the 1 p.m. to 9:30 p.m. shift of duty. I had never objected to doing any tour of duty, only for medical reasons had I asked not to do long tours of night duty.

In December 1970, I received an outstanding performance award. In October 1970, I was placed in charge of the North and East wing of the outpatient department. The North wing had previously been covered by a GS-9. There were sometimes two GS-9 nurses covering this area. The East wing was an addition after I was placed there. There were nine clinics involved covering every Institute and three outside ENT (Ear, Nose, and Throat) consultants. There were also as many as six employees under my supervision, and sometimes there were GS-9 professional nurses who also worked as I suggested. Suggestions that the GS-9 take over the charged duties met with the response "you are in charge, you make out the assignments." This episode lasted for one year (Oct. 1970–Oct. 1971).

In September 1971, I was recommended for classes in "Supervision", however, I enrolled in The Federal City Upward Mobility College and did not attend the supervisory classes. Attendance at FCC classes was not a problem because I had given many hours compensatory time during my service in the Outpatient Department. I was always on duty an hour early and working when the others arrived. When I was accepted by the Stride (another Upward Mobility Program) Program, I was scheduled to work the 1 p.m. to 9:30 p.m. shift. Since I had an 8 a.m. class, this meant that I was actually at NIH from 8 a.m. to 9:30 p.m. This was not at all necessary but the professional with whom I could have changed schedules was told she could not change with me because she was a GS-9. Strangely enough, we had switched schedules several times before and I had covered her particular area during an absence.

In December 1971, I had elective surgery but when I returned to work six weeks later I was again placed on the North wing along with another GS-5. Although I had the experience of being in charge for a year, she remained in charge and I acted as relief so that she had the opportunity to get the necessary experience required for the promotion to a GS-6. We were both told that we had been recommended for promotions. I had been told in August 1971 that my recommendation had been sent into the office. The GS-6 classes ended for me in August

1971 with all necessary observations completed and a statement by Miss Marie Collier, nursing supervisor, that I needed no further supervision was placed in my folder. This statement was accepted by the training department. The promotion was delayed because of the freeze. In May 1972 I learned that the GS-6 positions were open and I applied and again I was assured I would get it. I feel at this point that it was deliberately delayed because I had applied for the Stride Program. I was accepted by Stride in June 1972 and I was told that if my promotion were already in, I should still get it. I accepted an open grade position in Stride with this understanding.

To my knowledge, only two persons were promoted to GS-6, neither of whom had the varied and length of experience that I had. I feel that I have been penalized for doing a good job. Although I do not have copies of my evaluations, they have always been good. I do not know or understand why I was never given copies of them and I do not feel that I should have to ask for them.

On every occasion when I have fought against these discriminatory practices, I have sought the assistance of my attorney because nothing was ever accomplished by going to personnel. Decisions were invariably in favor of the nursing department no matter what the situation was.

At the present time there is a practical nurse who has been denied her promotion to GS-5 because she does not have a license and this was not and is not a CSC requirement. She does not give medications.

STATEMENT OF HOWARD COOK, EXECUTIVE DIRECTOR, BLACK EMPLOYEES OF THE LIBRARY OF CONGRESS

Some twenty-seven years ago one of our Black Sisters started work in CRS then (LRS). During those years that sister had always received exceptional efficiency rating and always her within-grade increases had been granted promptly. As late as March 1971 she was commended for her invaluable assistance.

In April 1971 after a bout of illness for a period of five (5) days she returned to work. To her consternation she was queried by her division chief, Richard A. Carpenter, Environmental Policy Division, about her ailment and was told to submit to a medical examination to be conducted by the Library of Congress physician because in the chief's, Richard A. Carpenter, estimation her doctor was no good. Our sister demurred. From that day the lady was the subject of a policy of harassment by her division chief, Richard A. Carpenter, and the executive officer, Burnis Walker, of the Department. She began to receive verbal reprimands and vague memos about her performance. However, when she requested clarification of these vague statements, the reply from her division chief, Richard A. Carpenter, was "read your job description" or "take it from me". In September 1971, she was required to submit to what to her was a humiliating interview in the Library of Congress Health Unit. On September 27, 1971, she received a sixty (60) day warning alleging deficiencies in her work performance. Thirty (30) days later she was informed that she would not be getting her within-grade increase. On her behalf Local 1826 filed an appeal.

While this appeal was still pending the Deputy Director of the Department, Norman Beckman; the Executive Officer, Burnis Walker; and Chief of the Division, Richard A. Carpenter, with the approval of its Director, Lester Jayson, informed our sister that she had been demoted from GS-9 to GS-6 and transferred to a different Division. This action was in *direct* violation of the Library of Congress Regulations. Local 1826 immediately protested these actions and the Personnel Department sustained our objections.

On February 25, 1972 the appeal was sustained. The denial of the within-grade increase had been successfully appealed and the increase made retroactive to November 29, 1971, the original due date.

The decision of the Library to sustain that appeal was welcome news. We applaud the action and hope that the axiom "where there is wrong, there is a remedy" will be the rule in this institution rather than the exception. At the same time we deplore the policy of harassment, fear and intimidation which was imposed on this sister by the Congressional Research Service (CRS). The strain of seeing 29 years of government service threatened by this policy and callous disregard for the individual had an adverse effect on her health just this past March 1972. She was hospitalized in serious condition. Fortunately she has returned to work. We have reason to believe that the experience of this sister is not an isolated incident and that there are other similar situations in the Library.

On September 24, 1971, Mrs. Chandler was called and informed that her division chief, Mrs. Gloria Hsia, wished to see her at 4:00. Mrs. Chandler was

admitted to Mrs. Hsia's office at 4:15. Present was a third party, Mrs. Gloniese Boswell, Assistant to the Section Head, NUC Control. Mrs. Boswell had no direct bearing on the case. It is felt by the B.E.L.C. that she "an administration black" was present for appearance sake.

Mrs. Chandler was given a memorandum from Mrs. Hsia. The memorandum was a 60-day warning. It was alleged that the quality and quantity of Mrs. Chandler's work were not acceptable and that her attitude was undesirable.

Within one working day, Mrs. Hsia again requested a meeting with Mrs. Chandler. This time she told Mrs. Chandler that she (Mrs. Hsia) had taken action to separate Mrs. Chandler from the Library.

The question arose in the mind of Mrs. Chandler, as it did in the minds of others, of how a 60-day warning could be given and then one day later separation action taken? Other questions arose. There were other employees in the Division whose work fell far below the standard of Mrs. Chandler and who had been given every consideration before any type of separation action was taken. This was not done for Mrs. Chandler. We contend that the reason for the obvious difference in treatment was because Mrs. Chandler is Black, an outspoken advocate of employee rights, and because she and other members of the B.E.L.C. have exposed racist and illegal practices and policies of Catalog Publication. Their actions have brought embarrassment to Catalog Publication and moreover to the heads of the Processing Department.

All attempts were made to hurry Mrs. Chandler's removal. The Employee Relations Officer assigned to the case, Mrs. Doris Pierce, did no more in the report of her supposed investigation than to paraphrase and concur with the statement of Mrs. Gloria Hsia. Not once did she meet with Mrs. Chandler with the specific purpose of discussing the substance of the warning and perhaps getting to the basis of the conflict.

Despite reports of improvement by her supervisors, Mrs. Chandler received a letter from Mr. Robert Hutchison, Director of Personnel, informing her that her separation would take place at the close of the working day on December 3, 1971.

On November 12, 1971, Mrs. Chandler filed a complaint of discrimination with the Equal Opportunity Office. Investigating were Mrs. Beatrice Branch and Mr. Lloyd Pauls, counselor and officer respectively of the Equal Opportunity Office. On November 23, 1971, Mr. Pauls submitted the report of his investigation to Mr. Thomas Brackeen, Coordinator of the Equal Opportunity Program. Mr. Pauls' recommendation, based on his investigation, was that the separation action be rescinded and that Mrs. Chandler be allowed to complete the 60-day warning period. The other Equal Opportunity Officers were of like mind as Mr. Pauls. The report was submitted to the Deputy Librarian of Congress, Mr. John G. Lorenz, for his review and subsequent decision per regulation, LCR 2010-3.

On December 2, 1971, Mr. Lorenz rendered his decision. He said that he "found no basis relating to discrimination to request withdrawal of . . . termination notice . . ." He did not apprise Mrs. Chandler of her appeal rights nor did he enclose the Equal Opportunity Officers' recommendation as is required by regulation. It was only after greater efforts on the part of Mrs. Chandler's counsel, Mr. Joslyn Williams, President of the then Local 1826 of the American Federation of Government Employees, and on the part of the Equal Opportunity Officers, that the information was given to Mrs. Chandler.

Mrs. Chandler was separated on December 3, 1971. The next week, Mrs. Chandler and her co-counsel, Mr. Michael D. Hausfeld, went before the honorable Judge Hart seeking a temporary restraining order against the Library. The restraining order was denied but Judge Hart ordered that the Library have the hearing, which the employee is entitled to by his right of appeal, completed by December 16, 1971. The hearing began on December 10, 1971.

On December 10, 1971, because the hearing was not completed, counsel for the Library for Mrs. Chandler, and Mr. Andrew Beath the hearing examiner, met with Judge Hart. The Library was allowed until January 7, 1972 to finish the hearing, etc. The hearing was completed on December 17, 1971.

Mr. Beath submitted his report to the Library in late December. His complete objectivity, insight, and integrity were not deceived by the slick images presented by the Library administration in its attempt to cover blatant racism. His report showed that he considered carefully all points of testimony and all of the evidence, and that he made every effort to be fair to all people concerned. He recommended Mrs. Chandler's re-instatement and, along that line, made other strong recommendations. He also made strong recommendations with regard to the Equal Opportunity program and the problems of Blacks within the Library.

We wish to commend highly the Equal Opportunity Officers and counselors for their diligent and untiring efforts on behalf of Mrs. Chandler. They proved themselves to be dedicated, hardworking people, however ineffective. This case shows that they wield absolutely no power.

L. Quincy Mumford, Librarian of Congress, did as he always does in cases of discrimination . . . refused to recognize it as such.

John G. Lorenz, Deputy Librarian of Congress, seemed to have felt compelled to wait until December 2, 1971 to render his decision on the case; in making his decision, he completely ignored the recommendations of the Equal Opportunity Office.

John Kominski, legal counsel for the Library, apparently had a very misplaced sense of justice in this case.

I would also like to cite the case of Ms. Barbara Ringer. Ms. Ringer, Assistant Registrar of the Copyright Office, was denied promotion to the top position in October 1971. This denial came in spite of Ms. Ringer's consistently high performance ratings and the recommendation of the retiring registrar that Ms. Ringer be given the promotion.

The promotion was given instead to Mr. George Cary, an employee nearing retirement age, whose qualifications fell far below those of Ms. Ringer's. On the surface it would seem that this was simply a case of sex discrimination. Ms. Ringer and Mr. Cary are both white employees. The Library is known for the small number of women it has in policy-making positions.

However, it was not merely a case of sex discrimination but also a case of racial discrimination. The act was aimed as a direct slap in the face of the Black employee populace of the Library.

Ms. Ringer was a star witness at the recent ALA hearings on the widespread discrimination at the Library. She has advocated appointment of Blacks to high positions and indicated that she would make such appointments if she became registrar. She has written a memorandum calling for an investigation of racial discrimination complaints. The results have been that the Librarian has characterized her as a "bull in a china closet," among other things.

Ms. Ringer's case was heard by Mr. Ernest Waller, a hearing examiner for the Equal Opportunity Employment Commission. Mr. Waller found that Ms. Ringer had been denied the promotion because of her sex and her advocacy of appointment of Blacks to high positions. He recommended that Ms. Ringer be appointed to the post of registrar retroactive to October 29, 1971. He also made recommendations in the area of equal employment opportunity for Black employees. These same recommendations have been made in one form or another in other cases citing the Library's discriminatory policies.

Mr. Herbert Roberts began work with the Library in March 1963 as a GS-10 Reviser. He left in 1965 to join a private law firm. He returned in 1966 as a Senior Examiner, GS-12 and in 1970 was promoted to Head of the Book Section, GS-13. The job was later upgraded to a GS-14. In the spring, Mr. Roberts took part in a series of confrontations between employees in the Copyright Office and management over alleged poor personnel practices (i.e. failure with posting procedure and preselection and racial discrimination). He served as one of the spokesmen for a group of some 20 minority and non-minority employees. Subsequent to these events the Office of Personnel conducted a study which resulted in the Powell Curran Report dated July 7, 1970. A report on alleged racial discrimination was never issued.

In August of that year, Mr. Roberts was appointed Head of the Book Section. When the Registrar of Copyright position was vacated he, along with other employees, was an active supporter for Barbara Ringer, Assistant Registrar of Copyright, for the position of Registrar of Copyright. This support included signing of a petition and a meeting with the Librarian. Subsequently the person he opposed for that position was appointed and Ms. Ringer was transferred to UNESCO in Paris in the Spring of 1972.

On October 29, 1971, Mr. Roberts applied for the posted position of Assistant Chief of Examiners Division, GS-14. Although it would not mean a grade promotion, the job is looked upon as a stepping stone to the GS-15 position to Chief and it also entails broader administrative and policy making responsibilities.

At the closing date, Mr. Roberts seemed to be the only candidate. Later he learned another application was accepted late. It is in dispute as to how late. This applicant, Dorothy Schrader from the Legal Office, was selected over Mr. Roberts.

The complaint of racial discrimination and harassment was filed on January 1, 1972. The Library advised Mr. Roberts in a memo of January 12, 1972 signed by

John Lorenz, Deputy Librarian, that discrimination was not found and on February 11, 1972 Mr. Roberts requested a hearing.

The investigation of the Complaint and the hearing reviewed the opinion of present members of the Examining Division, both Black and white.

The evidence reveals that the Library seems insensitive to the problems of minority personnel. The record demonstrates the pronounced opinion of responsible white officials that there was no discrimination in the Copyright Office. In fact, there are no verbal expressions of prejudice to be found in this matter. However, few Blacks are presently in positions above GS-9 with the exception of Mr. Roberts, Mr. Harrison and Mr. Williams in the Examining Division as well as in other divisions of the Copyright Office. It was established that some of the mid-level professional jobs only require a high school diploma as a qualification, yet a disproportionate number of Blacks were not found in these positions.

Before Mr. Roberts was named head of the Book Section an attempt was made to place Ms. Gayle Harris in the Book Section with the understanding she would be made head. Ms. Harris declined the offer according to her own testimony but it's significant such actions were even contemplated after the strong protestations of preselection and failure to post has occurred in the Examining Division.

In spite of these inequities and other grievances presented by Blacks to the hierarchy in the Copyright Division a study was never completed on the racial conditions in the Copyright Office.

The yet unexplained decision to discontinue an investigation being conducted by Mr. Belmear at the invitation of the Assistant Registrar could only serve to exacerbate the grievances already festering. The Copyright Office embarked on what seems to be a suicidal course, after Ms. Ringer was removed from administrative duties, of simply denying problems existed and since the problems were real in the minds of many minority personnel and some white personnel they did not go away.

In this milieu Mr. Roberts joined with others in support of Ms. Ringer for Registrar of Copyrights. It is clear that the atmosphere in the Library and particularly in the Copyright Office was charged with tension. Mr. Roberts was not a passive supporter, on the contrary he was quite active and went so far as to express his preference before the Librarian.

Mr. Cary, however, was the successful candidate. Whether or not Mr. Cary holds Mr. Roberts' support of Ms. Ringer against him it is clear in his testimony and could also be observed in his demeanor that he is negative toward Mr. Roberts. In spite of Mr. Roberts' immediate supervisor, Mr. Glasgow, favorable evaluation of Mr. Roberts' work as head of the Book Section, Mr. Cary seemed unusually disposed to give Mr. Roberts less than full credit for his performance. Mr. Cary also appeared quite aloof to the over-all personnel management problem that continues to exist in the Copyright Division. It is no wonder that a significant number of employees feel morale is dangerously low.

It is also clear that Mr. Roberts must have sensed a hostile environment at the time he filed his application for Assistant Chief of the Examining Division and the events which transpired subsequent to his filing could only confirm his suspicions.

These actions although admittedly not proven to be based on any malicious intent added up to a series of incredibly unfortunate results.

The Library properly accepted Ms. Schrader's application a few days late, yet felt compelled to change the date it arrived in the Personnel Office. The original application is still missing. The Library delayed in confirming in writing that it acted properly in accepting Ms. Schrader's application and when such an opinion from the General Counsel was forthcoming it was marked Confidential. All those involved testified there was no clear explanation.

When Ms. Schrader was subsequently appointed and Mr. Roberts filed a complaint, the Book Section was understaffed. A limited freeze was given as an explanation, but Mr. Roberts seems to interpret this and other criticisms of his work coming from Mr. Cary rather than Mr. Glasgow as harassment.

It was unfortunate although understandable, that tapes rather than written affidavits were obtained from some of the witnesses. It is also unfortunate that Mr. Roberts was not given an opportunity to review the investigative file at the time it went before the equal employment officer for a decision. This would have assured him that the EEO had a complete and accurate report at the time of his decision. Nevertheless the errors of omission during the investigation seem to stem from an overwork load and understaffing.

Mr. Roberts exemplifies leadership abilities which are not being appreciated by the Library. There was overwhelming evidence that he has administered the

Book Section well, yet it is clear that his activism has been a deterrent to further advancement and he is a victim of resistance to change. Active Blacks such as Mr. Roberts seem to suffer more than dissident white employees when it comes to career advancement in the Library. Such disparity in treatment amounts to discrimination.

The BELC has zeroed in on certain divisions that blatantly carry on the "tradition" of racism at the Library. One division in particular is the Photoduplication Service. The BELC is trying to keep the Black people at the Library aware of what is happening in the Photoduplication Service, and the struggle of Blacks within the Division.

A recent example of the vicious racism that exists there was the recent promotion of a young white girl by the name of Deborah Crowley from a GS-3 level to a GS-4 level. She had been working in the Photoduplication Service approximately three and a half months, receiving her grade as of August 4, 1972. It was also found that Miss Crowley does not meet all the requirements as stipulated within the job description for a grade increase. There are approximately 9 procedures of filming she has to know in order to receive a grade. It is a fact that she knows one third of the total procedure. Now, within the same department are a number of Blacks who have been working in the area for almost a year without receiving any grade increase. This is an insult and slap in the face to Blacks at the Library of Congress. The Black sisters, unlike Miss Crowley, have been working up to a year at a GS-3, and, as such, have more experience in the filming process as well as filming some items at a GS-4 level. The Black employees in the Photoduplication Service are outraged at this action perpetuated by the immediate and head supervisors, Rose Newman and Roy Yeager. One explanation given by a white employee for her raise was "she was quiet, kept to herself, she didn't run to the bathroom too often, she was a good girl." It was ascertained that the "girl" had been out for the week 8/7/72-8/11/72. She was given advanced leave so that she could go to New Hampshire to celebrate her birthday with her family and she had only been working three and a half months.

Three Black sisters, Patricia Tweedy, Christine Brown and Grace Dixon, have filed formal charges of discrimination against the Photoduplication Service. Since then they have been constantly harassed and intimidated by various supervisors such as Roy Yeager.

The Division Chief Charles G. LaHood has presented all three of these young ladies with letters of warning of separation and denied them their within-grade increase since their charges were filed with the Equal Opportunity Office. The Photoduplication Service is a part of the Administrative Department.

The firing of the thirteen (13) deck attendants in June of 1971 and the non-compliance of the Library Administration with its own regulation in taking their action must be a continued concern of all Black Federal workers. We did in April of 1972 obtain a decision from an appeal board with all three of its members agreeing to reinstate one of those deck attendants. The Librarian turned down their decision.

The Library of Congress reflects the prevailing attitude within the government, "who you know rather than what you know." Congress is guilty for allowing this spoils system to exist at the Library, and in fact, for even pushing it in some instances. The departments of the Library vary greatly. Congressional Research Service, the richest and the most influential department, is perhaps the most subtle offender. Crooked personnel operations are in effect. Friendship and political pull too often govern hiring practices. Many Congressional offices exploit the services of Congressional Research, wasting the time, talent and optimism of Library employees. People who question anything from ethics to guidelines are quieted. One man was told he would never get anywhere by asking so many questions. People are fired by having their jobs written out.

Guidelines are applied or ignored according to the employee. One employee was suspended in the Copyright Office for an illegal procedure which would have been left unattended had he been quiet. The Library's policy and authority as given by Congress, since Congress does nothing to enforce justice, is to do as it pleases. Repeatedly the discriminating mentality of the Library's brass has been pointed out. Just as consistently courts, outside investigators, and even the American Library Association have found the Library guilty of unacceptable employment practices.

Nothing has been done! It is the fault of *Congress!* We Blacks know, just as American whites are beginning to realize, that the "moving force" behind Congress does not care, and that in fact Congress is a self-perpetuating instrument, for

example note the campaign laws giving incumbents advantages over challengers to their seats.

As a Black Federal worker I see the situation as regards to racial discrimination to be so bad and unjust that Black Federal workers should begin to clog up the wheels of operation of the Federal government.

While we are grateful for what has been said or done we do not believe that nearly enough action has come from the Black Caucus. We further do not believe that the white liberal members of Congress who belong to that vast majority of white citizens in this country have been willing to come forward with their voices and actions speaking out on the moral responsibility of the Federal Government to assure equal employment to all of the employees of the Federal Government. We have not seen the kind of leadership which is needed coming from the White House under the present President in this area of national concern, but rather we have seen a backing away from the principle of equal employment opportunity by President Nixon.

STATEMENT OF CHARLES R. ARMSTRONG, WASHINGTON, D.C.

In November of 1959, I was employed as an Architect (Specifications) GS-7 at Veterans Administration. I was promoted to GS-9, then GS-11 in one year's time. My work was considered satisfactory until September 1962, when a new man was hired to become my new supervisor. I was told to teach him about our Master Specifications and their use. I strongly objected to doing this because he was a grade higher than I was; and I should not have to teach my supervisor. I had previously asked for that position because I was qualified and had already received a rating as GS-12; but this position was denied me. After this happened, I was placed on warning that my work was approaching unsatisfactory, and that I would be given ninety days to improve.

I had previously asked for a transfer, but was told by the Director of Construction for Veterans Administration that I was "filling a real need in (my) present position. As long as I can not reassign you at your present grade level, I would like to see you continue in your present assignment." (See Exhibit A).

This warning period lasted from February 28, 1963, through October 21, 1963. (See Exhibits B, C, and D). Personnel Regulations MP-B TS-123 Paragraph 11 (d) & (e) prohibit an employee from receiving any rating while under a warning period of unsatisfactory performance, and an employee can not receive a satisfactory rating unless the matter is resolved in the employee's favor. (See Exhibit E).

However, on October 21, 1963, I received a memo that because of a procedural error, the advanced warning of unsatisfactory rating of February 28, 1963, was being withdrawn, and because of this my rating as of April 30, 1963, was satisfactory. (See Exhibit F). On the same day, I received another memo proposing my removal for inefficiency, although I had just received a satisfactory rating on this same day. I was removed as of July 17, 1964. (See Exhibit G).

I have exhausted my legal remedies with the Court of Claims and the Supreme Court. The Court of Claims dismissed my case without giving me a chance to present my evidence. The Supreme Court denied me a writ of certiorari.

After seven years, I have been rehired by the Federal Government without benefit of re-instatement, which includes back pay, leave, promotions, and seven years towards my retirement. This I am now seeking. I was rehired in the same capacity and grade level that I was when I was removed.

I am a 10-point preference veteran, with a 90% disability. I was wounded in the Korean Conflict. I served as an enlisted man in World War II, and an Officer in the Korean Conflict. I feel that I have been discriminated against; and that this condition will continue to exist as long as this type of case is not properly dealt with.

They saw fit to remove me because I was directly opposed to teaching some one to be my supervisor. And another reason, at the time that they had subjected me to this warning period they had me doing menial work like moving file cabinets, and I took it upon myself to bring their Specifications Section of the Veterans Administration here in the District area up-to-date. They had superfluous materials in their files cabinets consisting of materials dating back to 1924. And all of this stuff was outdated. I removed it. It consisted of approximately 25 file cabinets that I disposed of for the Veterans Administration. But again still they saw fit to remove me for inefficiency. They didn't give me any work to do for the period of time that they had me on a warning period that was related to my assignment.

Mr. LEWIS. (Counsel) Would you just clarify something for me?

Mr. ARMSTRONG. Yes.

Mr. LEWIS. Let me see if I can trace what your history has been. You were personally denied promotion.

Mr. ARMSTRONG. Right.

Mr. LEWIS. And then a supervisor was brought in and you were asked to train him.

Mr. ARMSTRONG. Right.

Mr. LEWIS. And you refused to do that.

Mr. ARMSTRONG. I objected to it strongly, right.

Mr. LEWIS. And at that point you were given a warning.

Mr. ARMSTRONG. Right.

Mr. LEWIS. A warning period. And this was from February to October?

Mr. ARMSTRONG. February 28 until October 21. I was under one continuous warning period.

Mr. LEWIS. Then they later withdrew that warning period and said that you had a satisfactory rating in April?

Mr. ARMSTRONG. Right. They withdrew the warning period and on October 21, 1963 and said because they had made a procedural error that they were withdrawing this warning and my rating was satisfactory.

Mr. LEWIS. Since April?

Mr. ARMSTRONG. Yes, since April. They in effect tried to make the rating retroactive.

Mr. LEWIS. Mainly because they were going to fire you on the 21st. Right?

Mr. ARMSTRONG. Right. They did fire me on the 21st. They sent me a letter the same day saying that I was, it stated that they were removing me for inefficiency. This was on the same date, October 21.

Mr. LEWIS. In order to counter this obvious argument that you cannot give a person a satisfactory rating on the same date that you tell them, that you fire them. They withdrew the request and gave you a satisfactory rating retroactive from April.

Mr. ARMSTRONG. Yes, this is what they are trying to do. In effect they have been successful in their action by this being upheld by the courts.

Mr. LEWIS. Bring me up-to-date on that. You then took the action to court?

Mr. ARMSTRONG. I did.

Mr. LEWIS. At what time?

Mr. ARMSTRONG. After my removal. Numerous attempts have been made, had been made by me to get this matter resolved in the courts.

Mr. LEWIS. Were you represented by counsel?

Mr. ARMSTRONG. At first I was but the second time I took it upon myself.

Mr. LEWIS. What happened the first time?

Mr. ARMSTRONG. The first time apparently the counsel wasn't aware of what was happening here. The court asked him about a rating that I received in April and he informed the court that he didn't know. And this matter is still in limbo because it hasn't been resolved. I didn't receive a rating in April because I couldn't receive a rating.

Mr. LEWIS. What was the court's decision on the first case?

Mr. ARMSTRONG. The court's decision was that I received a rating in April. They upheld the ruling of the government.

Mr. LEWIS. Because your counsel didn't argue the obvious—

Mr. ARMSTRONG. He did not.

Mr. LEWIS. So you took it upon yourself to re-enter the case?

Mr. ARMSTRONG. I re-entered the case in the courts and I took it back to the Court of Claims. I'm sorry, I took it back to the District Court. And the District Court told me that I was in the wrong court and that they denied my case and said it didn't have any merits. They said I was in the wrong court and I appealed it to the Court of Appeals and they remanded it back to the District Court to send it to the proper court. And when they remanded it to the District Court to send it to the proper court I was hired by the National Capital Housing Authority.

Mr. LEWIS. How long did this take?

Mr. ARMSTRONG. For them to hire me?

Mr. LEWIS. The second decision. In what point of time from the time you were fired in October?

Mr. ARMSTRONG. From October? That took—the second time I went in the courts?

Mr. LEWIS. Yes.

Mr. ARMSTRONG. It took approximately 6½ years. As I stated before I have exhausted my legal remedies with the Court of Claims.

Mr. LEWIS. The court remanded it, the Court of Appeals?

Mr. ARMSTRONG. Right.

Mr. LEWIS. Remanded it back to the District Court.

Mr. ARMSTRONG. Right.

Mr. LEWIS. Did you go into the District Court at that point?

Mr. ARMSTRONG. No, I had already gone into the District Court. The District Court prohibited me from making discovery. They didn't permit me to present my case. They denied me an opportunity to present my case and when it went over to the Court of Claims they did likewise.

Mr. LEWIS. I won't go into that. I see what happened. You got into a jurisdictional problem with the courts.

Mr. ARMSTRONG. Yes, I got in a jurisdictional problem with the courts. But still when I did get in the proper court they denied me a right to present my case.

Mr. LEWIS. What was their reason?

Mr. ARMSTRONG. They didn't give me a reason. They just said my case didn't have any merits. And said—what is it—they wanted to use laches against me.

Mr. LEWIS. All right. So you did get a job with the National Capital Housing Authority?

Mr. ARMSTRONG. I did get a job with National Capital Housing but I have 22 years of experience. I am a GS-11, the same thing I was in 1961.

Mr. LEWIS. Now have you had any opportunity for an attorney to look at your court cases at this point?

Mr. ARMSTRONG. Have I had? Yes, I have been to an attorney. I have also been, prior to hiring a lawyer the first time I had been to several organizations for some assistance unsuccessfully. They all seemed to be hesitant or reluctant to take my case.

Mr. LEWIS. Is there anything else you want to add?

Mr. ARMSTRONG. Yes. I feel that I have been discriminated against by this thing that happened to me and this condition will continue to exist as long as this type of case is not properly dealt with. And if it were possible for the Congressman or someone to give me some kind of aid in resolving this matter, because I feel like this isn't the proper thing. No one took into consideration that I am disabled and that I have fought for my country on two separate occasions. And I had given blood for my country. I lost a limb. And this I really consider an insult.

Mr. LEWIS. Are you presently employed?

Mr. ARMSTRONG. I am presently employed at the National Capital Housing Authority.

Mr. LEWIS. What relief are you seeking?

Mr. ARMSTRONG. The relief that I am seeking is reinstatement, complete reinstatement. That would consist of the seven years that I have lost, and that consists of my back pay, my leave and promotions. All those should be taken under consideration. I don't consider my particular job now as a form of appeasement or something to perhaps keep me quiet. I feel like that I have been dealt with unjustly and I think this matter should be resolved.

STATEMENT OF OTHA MILLER, WASHINGTON, D.C.

Mr. MILLER. I am presently a GS-4 in the General Accounting Office and also President of the Black Caucus at GAO. And my background is BS from the University of Illinois and did graduate work at the graduate school. And I also received a certificate of accounting and I was rated by the General Accounting Office allowing me to be classified as an accountant. Not being a veteran whenever a vacancy occurred they told me that someone was ahead of me. So I tried to appeal that and they weren't doing a thing about it so they finally said, "Mr. Miller, if you will answer some correspondence we will take your name off the list." So I had to get a lawyer to handle my case. And the EEO Office was appraised at that time. She gave Mr. Campbell, the Comptroller General, time enough to put individuals in Examining Section. In other words, they had time to put one Negro all over the building to have spot integration. And my case came up. I lost because they said, "If we have a Negro in every position in Transportation". That was a means of getting around that.

Mr. LEWIS. Are you saying that you were denied the promotion?

Mr. MILLER. I was denied. I was classified as an accountant. But I was denied position because I am a Negro.

Mr. LEWIS. And they said they already had their quota?

Mr. MILLER. They had none at all. In fact they have none now. I took my case to the EEO and in fighting it Mrs. Trice, the EEO was still working with me, she worked with the Controller General and she gave him time enough to put a Negro in different positions around the General Accounting Office to prove that there was integration there. Therefore, I lost my case. There was a quota by one Negro. So I have been fighting ever since then to help the Negroes in the General Accounting Office. I was told by Personnel that if I was dissatisfied to leave the office, they didn't ask me to come in the first place and therefore I should go. And I said, "I have no reason to leave. I am going to stay here until something is done by some member of my race." And since that time I have been working in behalf of the Negroes in the General Accounting Office.

I have been bypassed many, many times and I will say this may have been prudish but I think it has been worthwhile. That's why I am here today to make a testimony and know that I am really fighting for discrimination at the GAO. It is nothing new. It is the same routine patterns that have already been all over but being under Congress as GAO is they always have means of evading the issues.

Mr. LEWIS. Mr. Miller, could I just interrupt you for a minute. You are the kind of person that we want to hear from and you are to be commended for your courageous activity. And the important thing is that the more we have these kinds of hearings and we can get gentlemen like came today—Congressman John Seiberling from the Judiciary Committee—to really hear it like it is. You see these folks don't get a chance to hear it very often. And we don't have the forum in which we can talk with them directly and you educated Mr. Seiberling today. He didn't know the specifics of discrimination. And when you say GAO is under Congress this is where you need to be and you need to tell it so that they can do something about it. Go ahead.

Mr. MILLER. At one time they had what they call a freight rate printing course. Several Negroes qualified for it. At first they claimed they had to have so many hours of sick leave so I fought that and that went down. So they finally got up to the age limit. I fought that and that finally went down. So what they finally did, they abolished completely to keep a Negro from going into it. If they like a particular person they put them in that particular position and put them on the job.

Discrimination I will say has been going on and getting worse and worse. So I got the employees together and we formed the Black Caucus so we could go to management and try to thrash things out. And so far they have tried every means they can to avoid the problem. They formed an advisory council to split the Black Caucus up. They appointed a coordinator, EO coordinator. He was to work between us but he had no policy making. All he could do was just bring the messages back and forth. And I talked to management. It is a vicious cycle. We have what we call a Steering Committee, which Mr. Stanley will explain in detail, that we take our problems to. In fact it is the same three individuals left in Personnel EEO Officer. So it is just a vicious cycle. I would put my supervisor at the top of the list in promotion to Grade 5. I am just a Grade 4.

Mr. LEWIS. How long have you been there?

Mr. MILLER. Since 1942. I have been a GS-4 since 1960. And these grades were promoted to Grade 5. The supervisor told me I was on the list, at the top of the list. I waited patiently, nothing at all happened. So I filed a complaint with the EEO counselor too and also a member of the advisory board. So I tried to work with management to try to understand the problem. Because sometimes they do things wrong so long so perhaps they think they are right. So what has happened I wasn't getting a rating to get on the list for a GS-5.

It is a shame to say it but the supervisors that are there is a member of my race of the Negroes. They have to do what those above say. They say, "Mark him down, he's too high, you're marked down." And by being a member of the Black Caucus they say I am causing confusion at the General Accounting Office, therefore I am on the blacklist. And I have been that way for a long, long time. But somebody has to go out there and push and fight and that's what I have been trying to do. And I was very thankful when Mr. Stanley was making a survey and heard about it. And he had to come in and make a survey. And Mrs. Terry here, she is a co-worker of mine, she has a case that she wishes me to file.

So I will just cut the whole thing short. And so I just want to say that I think something can be done and should be done and I am glad that I had a chance to come out and say it again as I have the last 20-something years. It is a shame that the people that have been there all these years and about ready to retire now haven't got anything to show for it for the work that they have done over the years. And in fact they are going on welfare as it is.

STATEMENT OF HORTENSE J. TERRY, WASHINGTON, D.C.

Having passed the Federal entrance examination, I, Hortense J. Terry, became an employee of the General Accounting Office in June 1944. My starting salary was \$1,440. My title, CAS-2, Junior Clerk. In 1946 I was promoted to CAS-3, Receiving Clerk. In 1966, 20 years later, I was promoted to GS-4, Typing Unit Supervisor.

It is significant to note, however, that in 1947 I qualified for a GS-4 clerical position based upon a competitive examination given by the Civil Service Commission. In May 1967, I was transferred to the Claims Section, Claims and Development Unit. In October 1969, I was promoted to GS-5, Claims Clerk, or Court Case Analyst, as we are called.

Through the years I have consistently maintained an excellent or outstanding performance rating. Please note the inconsistency of my last GAO Form 368, Effectiveness Appraisal. How could I could be highly effective in job knowledge and skill application and just average in other items so closely related. In my opinion, Mrs. Marcelle Carr checked my form 368 in this manner to prevent my being promoted.

Two members of the white race, both being assigned to the Claims Section subsequent to the time of my assignment to that section, have been given promotions to GS-8, Unit Head, and GS-6, Supervisor. Miss Carol Manchester, who entered the service in 1967 as a GS-4 Development Clerk, is now the GS-8 Unit Head. And Mrs. Lorraine Forness, who entered the service in 1967 as a GS-2 Clerk is now the GS-6 Supervisor. In my opinion, this only happened because they are members of the white race. I shall produce documents which will show that the quality of my work has been exceptional and shall introduce witnesses who will testify to the accuracy of my statements.

Had I not been a victim of racial discrimination and had I been given an equal opportunity I would surely have been a Grade GS-9 several years ago. Based upon my education, training, long years of competent service in the General Accounting Office and excellent performance ratings in various clerical positions and as supervisor, I feel that racial discrimination would be the only reason for my having been passed over for promotions year after year.

Mr. LEWIS. Thank you very much. You are very articulate. Based on your testimony I don't see why we can't get you promoted.

Miss TERRY. In order for a Negro to get promoted in the General Accounting Office he must be, he must appear to be subservient. And when I tell them that my intelligence is not limited and that I do not feel inferior I am immediately put on the blacklist.

Mr. LEWIS. We are going to do something about that.

Miss TERRY. Thank you.

Mr. LEWIS. You just keep going. It really does my heart good to see that kind of courage. And it's just a shame that you have spent so many years of good service to the government and are still a GS-4 and been employed since 1940.

Miss TERRY. I am a GS-5 now for the past three years. But I remained a GS-3 for 20 years, exactly 20 years, from the time I got the GS-3 in 20 years I got a GS-4.

Mr. LEWIS. Thank you very much.

STATEMENT OF LILLIAN B. WATERS, SUITLAND, Md.

I, Lillian B. Waters am a 45 year old Black Government worker at the Census Bureau, Suitland, Maryland with 22 years of Government service. I am a living example of the bigotry and discrimination that goes on in the Federal Gov.

In 1965 I worked here at the Bureau in the Construction Stat. Division. I was a GS-5 Statistical Clerk at the time. My supervisor, Mrs. Shellie Coleman, was a GS-9. The job as Assistant Supervisor, GS-7 was open. I did all the work of the Assistant for about 9 months and then I questioned Mrs. Coleman as to why she would not recommend me for the job, since I was doing the work.

Two weeks later I received a letter from the Assistant Division Chief, then Mr. Benjamin Kaplan, reprimanding me for being insubordinate, followed up by an infraction report on me which I refused to sign. I asked for a Government hearing on the charge which I was granted.

The decision made as a result of the hearing was that it was a clash of "personalities". I was given a detail out of the section, put on a ninety-day probation period. My (in-)grade was withheld because of this and about six months later I was re-assigned to a predominately Black section called Processing Division and

my in-grade was finally given to me. I stayed on this job about 3 years, still a GS-5. Finally I questioned my grade because the work I was doing was rated as GS-7 and above. Personnel ran desk audits and as a result I was given my GS-7. About 6 months after my grade was granted I received a Reduction-in-Force notice from my personnel office, saying my section was being abolished and I did not have bumping rights as a Federal employee and gave me a certain date to reply on whether I would accept a GS-5 in another division, since I had not had my GS-7 2 years.

I lost my pay immediately. I was then sent to the Population Division here at the Bureau. When I first came into the section, my supervisor Mr. Richard Irwin told me he would try to get me a GS-6 back within a year and then maybe a GS-7 the following year. The next thing I knew Mr. Irwin had hired a Statistician, Miss Arlene Sapperstein (White), who was doing basically Stat. Assistant work, then he informed me it was nothing he could do for me.

I went to the Division Chief, Dr. Herman Miller about this, he quietly moved me out of this branch, I am placed under Mrs. Mildred Stanback (Black) in another branch. Now I am given first one job and another to do with no set responsibility. I have talked with an EEO Counselor, Mrs. Bernadette Banks and the EEO Officer, Mr. Russel Valentine. They have both talked to the branch chief, Mr. Don Starsinic but nothing has been done about returning my GS-7 to me, although several white employees who lost their grades the same time I did have regained their grades back.

Since being a victim of this discriminatory act myself, I and two other Census employees, Mr. Joseph Cooper and Mr. Roy Johnson decided to form a Census Task Force against racism. We have had rallies, demonstrations, boycotts, etc. trying to break this barrier down that exists here at the Bureau.

We have been very effective and an Upward Mobility Program has been started as a result of our pressure on Management. We will continue to fight this ugly menace to society—racism here at the Bureau by any means possible and we are asking you Congressman Fauntroy to help us in the struggle for liberation. I thank you.

Congressman Fauntroy, I would also like you to look into the matter as to why we at Census have only one Division implementing the Affirmative Action Program that one being the Foreign Trade Division who has a black Division Chief, Mr. Lenard Jackson and yet other Divisions have not been forced to do so. Since the Upward Mobility Program was pressed into service Mr. Jackson has pushed numerous promotions through.

STATEMENT OF ROSALIE J. FISHER, ACTING CHAIRMAN, AGRICULTURAL TASK FORCE AGAINST RACIAL DISCRIMINATION

Good morning, I welcome this opportunity to address these hearings on the problems of black and other minority employees in the Federal service.

My name is Rosalie J. Fisher, and I represent the Agricultural Task Force against racial discrimination. This task force was formed under G.U.A.R.D. which means—Government employees united against racial discrimination. Individually Blacks have known that racial discrimination existed in the Department of Agriculture. However, as a task force, recognized as A.T.F.A.R.D., we have found that racial discrimination indeed is rampant within agriculture. Agriculture indulges heavily in racism in all areas—but most assuredly in their hiring, firing, and promoting practices. Racism at agriculture is not only directed at Black employees but it extends to predominantly Black programs such as federal land grant colleges also and I believe the problems of the Black land grant colleges were thoroughly aired at the hearings held by the Black caucus on governmental lawlessness.

For the record—there are 82,316 full-time permanent agriculture employees nationwide. Of these, only 8,149 are minorities—further, 7,047 of these minorities are in grades GS-1 through 9 or its equivalent. In the Washington, D.C. metropolitan area the figures are more astounding. There are only 1,832 minority employees in this metropolitan area. And, 437 of these have been in grade GS 1-9 for over 3 years. In wage grades equivalent to grades GS-1 through 9 there are a total of 443 employees. However, 198 of them have been in grade 3 years or more. Further, there are only 296 minorities in grades GS-11 and above with 90 of these in grade for 3 years or more. Super grades—GS 16 and 17 agriculture has 5 GS-16's and 2 GS-17's. The fault does not lie in the fact that there are no minor-

ities eligible for promotion—it lies, in fact revolves, around the criteria for promotions as established by racists on the “Big Plantation” known as Agriculture.

To cite an overt example of racism I would like to share the case of Mrs. Shirley Harrison with you. She is a mother of 3 and was a GS-5, supervisory computer technician. Because of her job series she was entitled to two interval grade promotions. Mrs. Harrison was informed by her white supervisor that before he submitted promotion papers for her to receive only a GS-6, he intended to promote a white male from a GS-5, computer technician to a GS-7. Mind you, this white male was not even a supervisor but it was intended for him to jump ahead of Mrs. Harrison. The reason the supervisor gave was that the “Good” white male had a pregnant wife, and he needed the money. It was only after this situation was reported to A.T.F.A.R.D. that this white male’s promotion was held until a desk audit could be made of both positions in question. It was determined through the desk audit that both deserved a promotion to GS-7. The supervising computer technician, Mrs. Harrison has been promoted to GS-7. We assume the white male nonsupervisory technician will be promoted. No one can honestly say that we as Blacks won this case according to the rules laid down by management but Mrs. Harrison *was* promoted. This is only one racist act committed daily, but halted at least temporarily because it was brought to A.T.F.A.R.D.’s attention. Many more occur so regularly that Black employees have adjusted to these disgusting acts as a way of life. It is sad, but after living under adverse conditions, regardless of how inhumane, one becomes immune to the situation after a long period of time. Minorities at Agriculture are constantly subjected to one racist act after another. Many accept these racist acts as a fact of life. Others protest strongly: but often, to no avail.

It is a known fact that when a Black male applies for a position at the Department of Agriculture that, if hired, he will be relegated to a mail room or equivalent position. Records show that Black males are most often hired at a GS-2 level. These same males can look forward to a GS-4 after 30 years of service. Agriculture is now having a push toward hiring and placing Spanish-surnamed employees in strategic positions. These have now taken the place of Black window dressings. One agency in Agriculture would not hire a “Blond Blue-Eyed” Spanish surnamed female because she did not look Spanish enough. There are also records which indicate Blacks are hired into positions which would normally be at the policy making level but because the position is filled by a Black all policy making features are written *out* of the job descriptions. It appears that the Black employee is doomed from the first day on duty at a Federal agency. Most Blacks now, retire with an annuity which is at or below the national poverty level. Blacks so far can never look toward a career ladder at Agriculture because there simply isn’t one.

Minorities, especially Blacks, have long known that they are the last hired and the first fired. Quotas or goals have not stopped this practice. If a Black neglects to note on an SF-171, employment application, that he was arrested, even though not charged, this is grounds for dismissal. In the same token, whites can leave out information such as being convicted of fraud or what have you. What happens? Nothing. A white would receive a call from personnel to amend the SF-171. You can believe he would not be fired.

The Department of Agriculture has a unique EEO problem. I don’t mean the problem of up-grading minorities but rather from the standpoint of resolving EEO complaints. The EEO system as practiced by Agriculture is a farce. Management controls the EEO process in such a way that discrimination is hardly ever proven. An EEO complainant is never made aware of his or her rights. Consequently, any complainant begins with a handicap. This handicap is never equalized because all odds go to the white powers that be. All investigations dealing with EEO within Agriculture are handled by the Office of the Inspector General. This office is an independent agency and answers only to the Secretary of Agriculture. Therefore, unless muzzled by the Secretary, Nathaniel Kossack, the Inspector General, can run his shop as he pleases. It has been found that most investigations are completed and ruled on in such a way that “no discrimination is found.” OIG has proven it is not objective in its investigations—and furthermore that it works to substantiate management’s position. This is the result of the organizational structure of OIG.

For instance, to show the objectivity of OIG, I would like to relate an EEO complaint to you. A Black female charged her supervisor with discrimination because of race and sex. This charge was brought about because she was not even considered for another position for which she felt she was far better qualified for than the person that was selected. Her supervisor, however, advised her that

she was not considered because of a poor leave and work record. OIG made no attempt to examine these records. For that matter OIG did not even bother to check the leave and work records of the selected employee. OIG did not attempt to even compare and evaluate the qualifications of either employee. What OIG did do though was to accept the "sworn" statement of the white supervisor. Not only accept it, but to give it such credence as to make it appear the "gospel" truth while the complainant's "sworn" statement was merely accepted. Accepted, that is, as a statement with no credibility. OIG.—That's a bad scene in agriculture. Nationally, out of 894 OIG employees only 88 are minorities *and* most of these are in the clerical field. By the way, there is only *one* (1) Black OIG investigator in the Washington, D.C. area. And guess what—He only works on food stamp investigations. Not EEO.

I wish to make it clear that if these hearings are only a political move it is, in my opinion, an unfair game you are playing. However, if there is sincerity and a willingness to tackle the problem of discrimination head-on A.T.F.A.R.D. invites you to agriculture to hear first-hand instances of overt and subtle discrimination. It is too bad that no guarantees were offered to aggrieved Federal employees. Because had guarantees against reprisals been offered, these hearings would probably last until hell freezes over.

Discrimination will always be a problem. It is not a disease that can be cured vocally. The EEO system and EEO counselors *both* need a revamping and realignment of objectives. It is a fact that the EEO counselors who try to be fair in handling EEO complaints are most often replaced because they are too effective. I have with me here today a former EEO specialist. I say *former* because he has been reassigned into an area other than EEO.

STATEMENT OF RILEY POINTER, WASHINGTON, D.C.

I, Riley Pointer, operating engineer WG-10 with the agriculture field office, have been an employee of G.S.A. region 3 for a period of twenty-seven years. With Veteran's status, I am a member of the urban league task force against discrimination in G.S.A. A spokesman for the Black engineer, also chairman of the grievance committee of local 2151—A.F.G.E.

I thank you for allowing me this opportunity to present to you the facts concerning discrimination and injustices against the Black employees of G.S.A.

At present there is much discontent among Black workers at G.S.A. because they are consistently passed over in promotions. When attempts are made to alleviate these conditions, the black employees are harrassed during his daily tour of duty from that time on.

THE FOLLOWING CASES ARE TYPICAL AND CAN BE DOCUMENTED:

First: I'll present to you my case. I'm a WG-10 operating engineer. I worked 15 years in one grade without a promotion. Many whites with not as much experience, time or qualifications were selected in preference of me. After a white engineer with only four years of G.S.A. service was selected over me, I went through all channels and when asked for an explanation concerning my promotion, I was given nothing but a hand full of excuses. During my years at G.S.A., each promotion I've received I've had to fight. As of now the promotion I am seeking is in the U.S. district court.

CASE NO. 2

Case of Mr. Charlie Cobbs:

Mr. Cobbs has been with the operating engineer more than 20 years. All his service was with one group. He has many letters of commendation, also a cash superior performance award. Yet he's not higher than a WG-10. After going through the many channels at G.S.A., he also decided to take his case to the U.S. district court.

CASE NO. 3

Case of Mr. Sherard:

Mr. Sherard is a WG-10 operating engineer at the Agriculture field office. He was detailed into a position that of a WL-10. Mr. Sherard was told because of the freeze on promotion that vacancies could not be filled. Six months later, it was filled by a white engineer.

Mr. Sherard felt he was treated unjustly because of his race. He turned to the EEO for assistance but they found no evidence of discrimination. Mr. Sherard then hired an attorney and his case is now pending in U.S. district court.

CASE NO. 4

Case of Mr. Charles Bowman:

Mr. Bowman is an operating engineer WS-11 with 20 years of government service. He has to his credit as of now 2,600 hrs. of training, still he had to go to the NAACP, Urban League and even as far as Congress to get these promotions. Mr. Bowman is qualified for another promotion. He went to the EEO concerning this matter but they found no evidence of discrimination, so he has now turned to the U.S. district court. His case is now pending.

CASE NO. 5

Case of Mr. John Bean:

Mr. John Bean encountered the same procedures that all other Black engineers have gone through by having to put pressure on EEO management officials for every promotion he has received, likewise his son John Bean Jr. is walking in the same footsteps as his father, fighting for promotions. He feels that he is eligible for a promotion now, but if the present policy continues he has no other alternative but to turn to the U.S. district court.

I would like to point out to this committee that I am not accusing all white supervisors of discrimination against black employees at G.S.A.

For example, when Mr. Paul Shupp, a white supervisor at G.S.A., became aware that many blacks not only qualified in experience, but also with fifteen and twenty years service, were practically at a stand-still in promotions, while others, mostly white men, with less experience and service were being promoted, he attempted to correct this situation.

Before his attempt to help Black workers attain better positions, he had received many letters of commendation, awards, etc. When he, as supervisor, attempted to correct some of these injustices, he encountered harassment, intimidation and was falsely accused.

I cite Mr. Shupp as an example because he is the first supervisor within my own scope of experience who has attempted to fight the establishment when it has meant no personal gain, monetarily or careerwise.

EEO counselors are hired, rated and promoted by management. The Black employees feel that management is allowing supervisors to discriminate against them. We feel EEO will not give a just decision in fear of not getting a fair rating of a promotion. As far as Black employees are concerned, EEO is nothing but a toothless tiger. Management, personnel and EEO should have a thorough investigation.

The merit promotion plan allows the selection officials to pick one from among the high five. That gives the supervisors the opportunity to pass over the Black employees.

Approximately (50) vacancies have been filled above the WG-10 level. About (10) went to Black engineers. Half of the 400 white engineers are above the journeyman's level. One seventh of the 250 Black engineers are above the journeyman's level. Of the nineteen (19) groups, eight groups have no Black engineer above WG-10. Five groups with one Black each above WG-10.

One place in particular is the White House group. Eleven supervisors not one Black engineer is above the journeyman's level. Also there are no Negro supervisors in the State Dept. I could go on and on with many other cases but I am sure the cases stated here today will point out the gross injustices and practices of discrimination carried out by G.S.A.

Another classic example of discrimination in G.S.A. is the case of Charles E. Shipp, a college graduate with a bachelor of science degree in education working as a WG-10 plaster for 22 years without a promotion. He has always had a satisfactory rating in performance, has received a suggestion award, was elected president of the American Federation of Government Employees Local 2151 and on two occasions served as temporary national representative of this union.

He has instructed supervisors, and served in details and other training courses always receiving favorable certificate on completion.

His latest and recent experience points out the gross injustice and practices carried out by G.S.A. Mr. Shipp served approximately 2 years as an EEO counselor full time. His work was satisfactory to excellent until time for a promotion. Then he was informed he was on an illegal detail and not eligible for a promotion in that office. After serving 2 years mind you.

Also Mr. Shipp was told he would have to be reassigned. He is now taking another training course for the reassignment which is the same step only night work this time. History repeats itself, in the many training courses, details, reassignment and all the classic gimmicks, except to promote a Black man.

STATEMENT OF ANNA B. WATTS, WASHINGTON, D.C.

Mr. Chairman, I would like to express my appreciation for the opportunity to address the Ad Hoc hearings on discrimination in the Federal Government.

Today I am here representing the survival of the fittest. I am proud to state after 30 years of personal discrimination and 30 years of protesting against injustice and bigotry, I, and many other minority employees still stand on the same principles with which we entered the Federal Government.

Like Congressman Fauntroy and many others living in this Federal City as low-paid Federal Government employees and descendants of low-paid Federal Government employees, I have been totally aware for years but never cease to be utterly amazed, at the *time, effort, and Federal funds* spent to keep minorities from receiving the benefits of their so-called equal rights as loyal, tax paying citizens.

For 3 generations I have watched the practices of discrimination, instead of being eliminated, advance to the erosion stage throughout the Federal Government. Why else are we in these hearings? These hearings are the biopsy on the Federal Government to determine how to cut out the spreading cancerous sores and hurts of *Discrimination* thereby resulting in a successful operating E.E.O. (Equal Employment Opportunity).

Many agencies may not be heard from but investigation will bear out the fact that their employees are suffering more and are afraid to speak out.

After 12½ years in one position, Statistical Assistant—GS-5, in the Department of Labor, Bureau of Labor Statistics, Division of Manpower and Occupational Outlook, I hereby submit into the records documentation substantiating the fact that discrimination does exist in the U.S. Department of Labor as so stated in Secretary of Labor Hodgson's EEO Task Force Report published early this year (1972).

In recent weeks, the Washington Post gave wide coverage to the Department of Labor's EEO Task Force Report pointing out the fact that the Dept. which is the overseer of private industry's fair employment practices has a worst record than any of the industries it polices.

The number of grievances being handled by AFGELodge 12's Grievance Chairman and his assistant are enough to keep *four (4)* full time paid attorneys and staff busy. There are more and more grievances being filed. Very few can be resolved at the lower level because the Government, in its day to day operations a series of serfdoms, each loyal baron or baroness paying homage and lipservice to his more powerful lords and demanding the same from those below him.

Because of this deluge of grievances, many off the clock hours (12 and 1 o'clock at night) go into helping persons try to realize some justice. Management is determined to break the unions through collusion or any other method deemed necessary.

I do not have the time here to relay to you all the injustices I have and am now witnessing since I have been in this one Division.

Here is a brief summary of my experience while working in this Division of approximately 103 employees—90 professionals (only 3 Black), 1—GS-13 (promised a GS-14); 1—GS-12; 1—GS-11.

The GS-11 rating is held by a Black male whom they have tried in every way to demoralize and drive out of the Division as they have done to every other Black male and strong Black female in the last 12½ years.

I am presently and have been employed for over 12½ years at the GS-5 level in the U.S. Dept. of Labor, Bureau of Labor Statistics, Division of Manpower and Occupational Outlook, performing the required statistical and clerical functions for developing the Industry-Occupational Matrix.

I have 24 years Federal Service experience in the operational, program, or subject matter areas or fields of statistics or in related areas where the work involved the application of statistical methods or the reporting or statistical data.

I have been rated among the 10 best qualified interviewed for any related GS-6 position that I have applied for since 1962. (Copies of some qualification forms are here to be entered in the record.)

In 1971, I was rated qualified and interviewed for a GS-7 Social Science Research Analyst position in my division and also in two other divisions in the Bureau of Labor Statistics. I was also interviewed in my Division for 2 different supervisory Statistical-Assistant positions.

I am as of this date still a GS-5 after 14 years. (12½ in this one Division.)

STATEMENT OF DOLLIE R. WALKER, WASHINGTON, D.C.

1. I am Dollie R. Walker and I have been removed from my job as Program Specialist, Community Relations Service, U.S. Department of Justice, effective close of business, March 24, 1972; I have appealed my removal to the Appeals Examiner, U.S. Civil Service Commission.

2. On July 20, 1971, I filed an Equal Employment Opportunity Complaint (hereafter referred to as EEO complaint) asking a promotion to GS-15 and retroactive back pay, citing discrimination on grounds of race and sex.

3. On July 23, 1971, I received a letter of proposed removal from Mr. Ben Holman, Director, Community Relations Service.

4. On August 12, 1972, I answered his letter of removal and counterclaimed that the proposed removal was retaliatory on account of my EEO complaint. At the same time, I amended my EEO complaint to contend that the adverse action was retaliatory on account of my EEO complaint and a further act of discrimination.

5. I was notified on November 22 that the promise to withhold action on my removal until my EEO complaint was processed and settled was being withdrawn and a hearing was scheduled on my removal November 30, 1971.

6. On November 29, 1971, I filed a civil action and on November 29 this Court heard and denied the motion for Temporary Restraining Order.

7. On November 30, 1971, the hearing was convened, completed on January 28, 1972. On March 13, 1972, a finding was made dismissing the first charge and sustaining the remainder and recommending removal.

8. In January 1972, the EEO officer made a report on the complaint recommending conciliation. This did not occur and the EEO officer reported her findings and decision in which the officer found discrimination in the failure to promote me to a GS-15 and stated an award of back pay from August 1969 at that rate was due me.

9. The Administrative Officer of the Justice Department asked the EEO officer to make a further investigation into the complaint following my request for a hearing and to report the further findings to the Administrative Office. In February 1972, a further report was made by the EEO officer.

10. I again requested an early hearing on my EEO complaint.

11. I received a letter of cancellation of my EEO complaint from Leo M. Pellerzi which I have appealed.

12. In November 1971, Lawrence Hoffheimer, General Counsel, filed an affidavit with the Court guaranteeing that no prejudice would occur to my EEO complaint on account of the action of the Hearing Officer in my removal case.

13. On February 17, 1972, Lawrence Hoffheimer, Chief Counsel, assured the Court that my EEO complaint would not be cancelled.

14. On April 18, my EEO complaint was cancelled except the portion relating to the claim that the adverse action itself is discriminatory and retaliatory on account of the EEO complaint being filed. I have filed a lawsuit concerning this whole matter.

15. The allegations made constituting the proposed removal were:

(a) Alleged instance of insubordination; calling a white man a "racist".

(b) Alleged unfounded inflammatory comments against a fellow employee.

(c) An instance of insolent behavior in an Education Orientation meeting in which I was supposed to have made insubordinate remarks against 3 persons in management.

(d) An alleged commitment or promise of commitment to Afram Associates (a Black consultation firm).

(e) My "irresponsibility" in writing a letter to Dr. Preston Wilcox of Afram.

I denied the charges the claim that adverse action was blatantly contrived and were discriminatory. The Hearing Officer gave greater weight to the testimony of the white employees than to those black employees who testified in my behalf which definitely suggested a discriminatory pattern.

I was hired by the Community Relations Service in September 1968 to set up an Education Unit and to help develop programs and give technical assistance to 5 regional offices. The educational programs have been described as pace setting and in December 1970, I was given an award for outstanding supervision and sustained services.

In March 1971, my rating was satisfactory and as late as March 30, 1972, a slip issued to me on March 24, 1972, the date I was fired, my performance rating was still satisfactory.

My competence for performance was never questioned until I began to pressure for a promotion. I operated at a Grade 15 level. In fact, I was recruited as a 15 and hired as 14-5 in 1968.

I claim that the adverse action was discriminatory in that it began taking shape following my request for a promotion to a Grade 15 in April of 1971 to Mr. Edward Kirk, Assistant Director of Support Services. Almost immediately following this request, harassments began. There was a decision to detail me to Dallas, Texas. I, at the time of my request for a Grade 15, held the highest grade of any woman in the Community Relations Service, which was a GS-14-6. Upon inquiry by me to Mr. Kirk as to why I was being considered for detail to Texas, I was told that it was a prelude to a reprimand or a dismissal. In May of 1971, I sought EEO counseling. On June 1, 1971, I was peremptorily detailed to Texas. I filed my EEO complaint on July 20, 1971. Three days later, July 23, 1971, I received the proposal to remove me. Although much was made of the fact that consideration was being given to remove me prior to July 23, 1971, nothing was done until I filed my EEO complaint. The testimony developed at the hearing, particularly the testimony of Mr. Roscoe Nix, my black supervisor, reveals that as late as June 1971, pressure was being placed on him by Mr. Kirk, his white supervisor, to re-evaluate me because of a proposal that Mr. Kirk was drafting to remove me from the Community Relations Service and because of my detail to Dallas, Texas. Further, this same memo from Mr. Nix to Mr. Kirk dated June 8, 1971, indicates that Mr. Nix rated me as satisfactory despite the efforts to have him evaluate me unsatisfactory as a result of Mr. Kirk's decision to present a proposal for adverse action against me and as a result of management's decision to detail me to Dallas. The memo suggests that Richard Kubic, a white subordinate of mine, had much more weight given his criticism of me than Mr. Nix, my black supervisor's comprehensive evaluation upon request from Mr. Kirk.

The three main witnesses against me in the adverse action are all white subordinates of mine at the time: Mrs. Angela Jones, Mr. Dick Kubic and Mr. David Hoover. Two of the incidents that they complain of, an orientation meeting in April of 1971, and the Afram Associates situation, were incidents of which other personnel, particularly the black personnel, had intimate knowledge. Nowhere in the testimony from Mr. Kirk, Mrs. Jones, Mr. Kubic and Mr. Hoover does it appear that any effort was made at all to garner the complete picture of these incidents from all employees having knowledge of them. The total pictures were developed at the hearing and I submit that the testimony of Mr. Harry Martin, Mr. Roscoe Nix, Mr. Lee Monroe and Mr. Cornelius Collins, more than offsets and disproves the testimony given by Mr. Kubic, Mrs. Jones, Mr. Kirk and Mr. David Hoover.

As early as the first week of May, I called a meeting of my staff which included Mrs. Angela Jones, Dick Kubic and Mr. David Hoover because of what I indicated was rumored information from Mr. Kirk as to their complaints to Mr. Kirk and asked for an input from them as to their feeling about the shop, whatever criticisms they may have of me or the work, etc. My undisputed testimony was that no such criticism evolved or was developed from this conference; that apparently all was well among the three of them. (All testimony is available in transcript form, if requested.) However, it develops that later, specifically in June of 1971, subsequent to the time that I had sought EEO counseling, of which CRS had knowledge, an adverse action was being prepared. The testimony of Mr. Hoover was that he was requested by Mr. Kirk to come in and make a statement concerning me. The timing of the request for these statements was right on the heels of my seeking EEO counseling. Further, it appears that my charge of discrimination was made that there were no women in grades GS-15 in CRS, at the time I applied for a promotion in April of 1971; later in August of 1971, a white male received the job for which I had asked. My detail to Texas and the adverse action formed a punitive pattern on account of my request for a promotion. A white male who had asked and fought for a promotion had received no such treatment; that no white program officer had ever been detailed away from the Central Office; that a white female who filed an EEO complaint had not been subjected to removal action or punitive detail.

The development of a pattern of harassment toward me subsequent to my request for a GS-15 in April of 1971, which began with a summary detail to Dallas, Texas, and culminated in a proposed adverse action, all corroborate my claim that the adverse action itself is retaliatory and discriminatory.

Miss Mary Eastwood, Director of EEO, in her findings, stated that a clear pattern of racial discrimination was emerging in CRS for the calendar years 1970 and 1971; in that all persons, fired, suspended, reprimanded were black with the exception of one Spanish-speaking individual.

STATEMENT OF ROBERTO OLLY OLIVAS, NATIONAL SERVICES OFFICER, SOUTHWEST COUNCIL OF LA RAZA

Honorable Congressman Fautroy, I am Roberto Olly Olivas, formerly the Mayor pro tem of Carpinteria, California; presently, the National Services Officer, Southwest Council of La Raza, a private, non-profit, Chicano (an American of Mexican descent) advocacy organization, located in Washington, D.C.

In your opening remarks you stated in part, (quote) "I want to hear the *Truth* because I am hopeful that the truth will prick the conscience of this city and this nation to action. The testimony of those witnesses . . . will be the guiding light to the Congress in developing redress of these grievances . . ." (unquote).

We are here to place our "limited" complaints on the record, thereby adding support to your efforts of attempting to minimize practices of racial discrimination within our federal system.

In my comments before this hearing, I wish to place on record the grievance of an exploited people, "El Chicano", an American, of Mexican descent, a proud heritage, but one which is accorded little recognition by the standards and value systems of our American society. There exist other people in this city and in this country, who know the language of my ancestors, and who also possess the same pride in their unique life style and heritage. I speak of Boriquas (Puerto Ricans), Cubanos, and many other persons from Latin American countries to the south of these United States. Like myself, they too resent being referred as to "Brown Brothers", "Minorities", and most disgraceful of all, to be delegated to the "And Others" category. Discriminatory absurdities which are end results of being jammed into a, (quote) "Spanish Speaking Statistical Bag" (unquote) by an insensitive societal attitude.

The old adage "that there is safety in numbers" was clearly dispelled four days ago, when I attended your hearings and was witness to frustration and persistent fear of reprisal expressed by those persons testifying. They were courageous enough to come forth and testify on discriminatory practices experienced by Black personnel at the National Institutes of Health where approximately 1,522 Blacks are employed. This figure represents almost the total number of Spanish Surnamed individuals employed departmentwide by Health, Education, and Welfare.

The fact that not a single person of the 53 Spanish Surnamed at the National Institutes of Health appeared to voice their grievances further attests to the threat of "Subtle Reprisal" practices.

The discriminatory practices of "Exclusionary Designations" create a nebulous "And Other" societal category which in turn establishes large masses of invisible people who through no fault of their own have been forced to believe they are strangers in their own land.

This "Invisible Conditioning" process is not only detrimental to the persons experiencing this subtle discrimination, but more dangerous, is the fact that when persons in position of authority begin to believe this unconscious desire of, "if we ignore it, it will go away if we do not recognize it, then it does not exist, therefore, there is no problem"; then we are in serious trouble.

To illustrate this unconscious discriminatory practice I will cite from a memorandum issued by Dr. Vernon E. Wilson, Administrator of Health Services and Mental Health Administration. "Recently, testimony was given by Robert "Olly" Olivas, National Services Officer for the Southwest Council of La Raza, before the Civil Rights Oversight Subcommittee (4), Committee on the Judiciary on *Federal Employment Problems of the Spanish Surnamed*. In part of my response to this testimony, I acknowledge that there has been substantial underrepresentation of Spanish Surnamed in the past employment practices of the Health Services and Mental Health Administration and that statistics cited by Mr. Olivas are essentially correct. I also outlined a number of actions that the Agency is taking in response to this situation."

Another memo issued by Dr. Wilson reflects the discriminatory practice of "Exclusionary Designation" regarding Spanish Surnamed people. "This is what the figures show: from July 1969 to July 1971, the number of Black employees

in Grades 5 through 8 increased from 1,222 to 1,977; in Grades 9 through 11, they increased from 252 to 310; and in Grades 12 through 15 they increased from 96 to 158. This occurred despite the fact that there was a decrease during this period of 280 positions in the total HSMHA GS employment. Progress in the upper grades has been a special priority and the accomplishments in that area are also noteworthy among the Spanish-American, the American Indians, the Orientals, and among women in general."

Two single spaced typewritten lines took care of the *noteworthy progress* of the Spanish Speaking, Indians, Orientals and women.

The "acknowledgment and justification for inaction syndrome" is illustrated in a memo from Rodney B. Brady, Assistant Secretary for Administration and Management, Health, Education, and Welfare. "The most serious difficulty, in which we are not unique, is in the employment of the Spanish Surnamed. *While this group represents 6.0% of the national population, HSMHA now employs only 1.5% or 36% Spanish Surnamed Americans.* This means we need to employ 705 more Spanish Surnamed employees. To achieve parity for the Spanish Surnamed by January 1, 1974 (our general goal for parity for all) we would need to add roughly 29 per month. HSMHA hires at the rate of approximately 500 per month in all of its programs combined. This is one of the reasons that it is unrealistic to project a hiring rate for the Spanish Surnamed of 29 per month. Sixty percent of the acquisitions are in the GS-7 and below category. *In addition, it is difficult to have confidence that the Spanish Surnamed population can infuse our agency with such a large number of trained and potentially qualified or qualifiable people at the rate indicated . . .*"

Thus we become victims of a phenomenon psychologists refer to as "The Self-fulfilling Prophecy."

Because we are not named as a Factual identity, Chicano, Puerto Rican, etc. and because we do not object to continually being referred to as "And Other Minorities", we experience exclusionary discrimination at all levels. The following Example illustrates this practice at the legislative level.

CABINET COMMITTEE ON OPPORTUNITIES FOR SPANISH-SPEAKING PEOPLE AND FOR OTHER PURPOSES

At this point I do not wish to imply that we approve of the establishment of this act, presently I only wish to illustrate that when this matter was brought up for consideration in the first session of the 91st Congress in September 29, 1969; there appears to have been a misunderstanding as to who we were, in that this Spanish Speaking Legislation was referred to the *Committee on Foreign Affairs*.

LAWSUIT

"A suit against the Federal government for job discrimination was filed in the *D.C. federal court on October 22, 1971, to end the exclusion of the Spanish speaking from federal employment.*

The Constitutional grounds for this suit are based on (a) the due process clause of the Fifth Amendment, (b) the Civil Rights Act of 1964, (c) various U.S. codes dealing with equal employment in the Federal government, (d) Executive Order 11,478, issued on August 8, 1969 and (e) the promulgation of the 16 point program on November 5, 1970.

Regarding the status of the suit, in late February this year the government filed a motion to dismiss on technical grounds of standing and *failure of plaintiffs to exhaust administrative remedies.* Our lawyers are now preparing a response to that motion."

MARCH 16, 1972.

HON. ELLIOT L. RICHARDSON,
Secretary, Department of Health, Education, and Welfare, Washington, D.C.

DEAR MR. SECRETARY: The Civil Rights Oversight Subcommittee of the House Judiciary Committee has recently undertaken a study of Federal employment problems of Spanish-speaking people. As part of further work by the Subcommittee on this subject, I would very much appreciate your furnishing the following information to the Subcommittee at your earliest convenience:

1. The number of Spanish-speaking or Spanish-surnamed individuals employed by HEW.

2. The grade levels of these employees.
3. The job titles of Spanish-speaking or Spanish-surnamed individuals who are in policy-making positions.

Thank you very much for your assistance in this matter.

Sincerely,

DON EDWARDS,
Chairman, Civil Rights Oversight Subcommittee.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., April 14, 1972.

Hon. DON. EDWARDS,
Chairman, Civil Rights Oversight Subcommittee, Committee on the Judiciary,
U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of March 16, about your study of Federal employment problems of Spanish-speaking people.

Enclosure (1) covers all Department-wide General Schedule Spanish-speaking employees and grade as of the end of February 1972. It excludes Hawaii, Guam and Puerto Rico.

It is my sincere hope that this information is responsive to your request.

If we can be of further assistance with regard to the Spanish-speaking people, please call me or Mr. C. D. Maestas at 963-7121.

Sincerely yours,

(Signed) THOMAS S. MCFEE,
(For) RODNEY H. BRADY,
Assistant Secretary for Administration and Management.

Enclosure.

ENCLOSURE I

Spanish surnames

GS-Grades:	<i>Total</i>
01.....	48
02.....	74
03.....	197
04.....	294
05.....	263
06.....	176
07.....	179
08.....	32
09.....	204
10.....	35
11.....	73
12.....	66
13.....	76
14.....	44
15.....	20
16.....	4
17.....	0
18.....	0
<hr/>	
Total.....	1,785
$\text{Total HEW Force} = \frac{1,785}{96,870} = 1.8\% +$	

STATEMENT OF DOROTHY JONES, GENERAL COUNSEL, BLACK ADVOCATES

Mr. Chairman, I am Dorothy Jones, General Counsel of Black Advocates. We are working with the task force against racism in the Office of Economic Opportunity, Executive Office of the president.

If any person had doubts that institutional racism existed before these hearings, I'm sure those doubts have been removed. Racism and racist acts whether it be by whites or blacks who think, act and react white pervades our society and is most prevalent within the federal agency given mandates to act for the public good of the citizens of the United States.

Within the OEO 90% of the jobs are filled through the preselection process. This process is condoned by Civil Service Commission thus making the so-called merit system a mockery. Tactics used to insure the continuation of this practice include hiring a favored person in the consultant position, giving him time to learn the position, then when and if the position is announced Civil Service is told which person the agency favors. Another means of achieving this goal is having a person serve in an acting capacity while the details for final appointment are worked out.

Four ladies retired after giving more than twenty-five years each in service to the federal government at GS 5, 6, or 7. Each retired with the realization that they had trained whites who entered on duty after them, trained them only to have them become the supervisors who in turn denied training to the blacks.

Generally blacks are not placed in, promoted to or given those positions in which they can make policy which effects the agencies as a whole.

Specifically, in the Office of General Counsel, the place where the interpretation of the laws is made, in 90% of the federal, state and local governmental agencies there are no blacks in these positions. With the exception of a political appointment in a super-grade no blacks have been appointed, in the office of General Counsel, OEO, in the GS 14, 15 or 16 level. Further after the interpretation of the laws these laws are applied by whites and/or black mouthpieces for whites i.e. supervisors, EEO officers and in OEO the head of the Human Rights division.

The delaying tactics of going through the EEO officers who normally align themselves with management and supervisors gives the employer time to develop and execute retaliatory measures against the complainant. We all know that there is a section in the Civil Rights Act of 1964 which protects individuals from retaliation and reprisals for seeking a remedy for a wrong which he feels has been inflicted upon him. Further most of us know that presently that section is being given lip service only.

Civil Service Commission blatantly rubber stamps most agency decision and in many instances conspires with the agency to effectuate the agency's goals.

EEO counselors are not effective in pre-complaint processing. Complainants are not allowed adequate time in the filing and presentation of complaints even though allowed with the Civil Service regulations. Further supervisors have blatantly refused to present evidence requested by the complainant and hearing officers have condoned such action.

Appeals to civil rights organizations such as Leadership Conference on Civil Rights, legal services offices like Western Center on Law and Poverty, Washington Lawyers committee for Civil Rights under the law, and NAACP are so controlled by the establishment with funds that no meaningful assistance was given.

Our organization has reviewed more than 50 cases in which the governmental monitoring to ensure equal protection, equal rights and equal opportunity is analogous to a police review panel staffed with policemen reviewing police brutality.

A lady formerly employed at St. Elizabeths hospital was retired with a break in service disability after injuring her back on the job. The doctor had informed her that she could do light duty work but was not to do any lifting. There were several jobs opened for which she was qualified but she was told she was not qualified and would have to be retired only to receive half her salary. During her fourteen years at the hospital she never received a promotion. She entered on duty as a GS2. The job position was upgraded several times to GS3 then GS4. When it was time for Mrs. Gray to receive a GS4 she was told by her white supervisor that she was not ready for the up-grading and it would be granted her when she was ready. I might add that this lady's "crime" was serving as steward for the union there and attempting to secure the rights which the workers deserved.

A black attorney with twenty years of private practice has been denied since 1965 through the present an attorney's position in the office of General Counsel, Office Economic Opportunity, by Clinton Bamberger presently the president of National Legal Aid and Defenders Association, Donald Rumsfeld former director OEO and the President's advisor, as well as Frank Carlucci former director OEO.

This attorney acting in the capacity of a compliance officer has been harassed, retaliated against, abused and denied opportunities in his own division for taking his job seriously and for doing his job, in investigating more than thirty complaints of discrimination in OEO.

A black Urban Planner employed at the Chesapeake Division of the Navy has been denied a promotion to a GS12 as an Urban Planner, while whites have

been placed in that position with fewer qualifications and less experience than he. He was told by his supervisor that he would be promoted when the supervisor felt he was ready for promotion.

There is only one black attorney in the Federal Communications Commission out of a total number of two hundred. A black attorney applied for a GS15 position which was opened and received a letter stating that while he qualified for that or other positions within the Commission, there were no positions presently available in which he could be placed. Take note that the vacancy is still open.

RECOMMENDATIONS

1. Blacks must continue to file individual and class actions in the courts as rapidly as the law allows.

2. Blacks must control their civil rights organizations, through a majority of the board and staff being black.

3. Blacks must insist upon having the proportionate number of blacks in policy and decision making positions in ratio to the number of blacks in each community.

4. Blacks must stop acting as the front for whites with little or no power to effectuate change and make policy.

5. Blacks must contribute to their own self-help organizations to insure that when discrimination complaints must be processed the complainant can take leave with some income pending the outcome of the complaint.

6. Of 500,000 black federal government employees only one hundred sixty-seven are in decision making positions black self-help such as BA organizations should receive funds from government and private sources to train blacks for the personnel and management positions. Hopefully those who make it will lend a helping hand to other blacks along the way.

7. Seek to abolish the Civil Service Commission Rule of Three which invariably discriminates against blacks.

8. Seek to remove the immunity which presently protects supervisors black and white from individual liability, so that they will be subject to civil suits with compensatory and punitive damages.

9. Black lawyers should join the Civil Rights Division of the National Bar Association.

10. Join with Black Advocates in seeking to explore the possibility of monetary damages for those federal workers now retired who were discriminated against over the years.

Thank you for the opportunity to appear. Mr. Chairman, we hope that the facts you have heard this week will give you food for thought but more than that an impetus for ACTION.

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