HEARINGS

BEFORE THE

COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH CONGRESS

SECOND SESSION

INVESTIGATION OF DISCRIMINATION PRACTICES IN THE PERFORMING ARTS

HEARINGS HELD IN NEW YORK, N.Y., OCTOBER 29, 30, 31; NOVEMBER 1 AND 2, 1962

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ADAM C. POWELL, *Chairman*

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EMPLOYMENT PRACTICES IN THE PERFORMING ARTS

MONDAY, OCTOBER 29, 1962

COMMITTEE ON EDUCATION AND LABOR,
New York, N.Y.

The committee met, pursuant to notice, at 10 a.m., in room 518, 110 East 45th Street, New York, N.Y., Representative Adam C. Powell, chairman, presiding.

Present: Representative Adam C. Powell, New York.

Chairman POWELL. The committee will come to order.

Without objection, I want to place in the record an editorial from Show Business and a letter from the publisher of Show Business, Leo Shull.

OCTOBER 25, 1962.

COMMITTEE ON EDUCATION AND LABOR,
House of Representatives
(Attention of Congressman A. C. Powell).

DEAR CONGRESSMAN POWELL: The current exploration by your committee of conditions in the entertainment world is commendable and long overdue. You and your associates are performing a very valuable effort to the Nation and to the arts as well as to the members of the arts.

There is discrimination in the entertainment field, not as much as in other areas of American life, of course. Many of the theatrical unions are behind America's march of progress and some theatrical clubs and associations, too. This newspaper and I myself have gotten such complaints.

Something can be done about it and I hope your committee points the way.

Among the theatrical unions, Actors Equity is to be commended as the most progressive and the most advanced in the fight to eliminate discrimination. The American Guild of Variety Artists are also in the forefront of advanced racial improvements.

To discover discrimination, the committee should invite heads of trade unions, broadcasting companies, executives of theatrical organizations, and ask this one question:

"How many members (or workers) do you have; how many are Negroes or Puerto Ricans?"

The answer to this question is half the answer to the problem.

The other half depends on your committee's work inspiring civic-minded Americans to join in new committees to correct the injustices which the House committee discloses.

I enclose an editorial which I wrote for today's paper on page 1.

Yours,

LEO SHULL,
Publisher, Show Business.

EDITORIAL

Congressman Adam Powell's House Committee on Education and Labor is in New York holding hearings on whether there is discrimination against Puerto Ricans and Negroes in the performing arts: radio, TV, films, drama, dance, the concert world.

Yes, there is, Congressman.

Not as much as in other fields, but plenty. Not as much against Puerto Ricans.

Show people are way ahead in the fight against discrimination. Actor's Equity is the best fighting union in this area, and has done the most to stop discrimination. So has AGVA: nightclubs and vaude theaters integrated a hundred years ago—backstage, anyhow.

There are many theatrical clubs and associations which discriminate against Negroes. There are some theatrical trade papers, too.

How can prevailing conditions be changed, stopped, or modified? The Negro union members, Negro associations, and Negro politicians can do a lot. For example, if the NAACP were to start free classes in modeling, training girls professionally, the modeling field would change quite rapidly; or the NAACP could endow present modeling schoools with scholarships for Negroes.

The same with present actors' schools—set up funds for schools to train more Negro talent.

Delegations of Negroes could visit the executives of clubs and associations, to improve matters. And television, radio, and film executives can also be "lobbied." Treaties will have to be signed with these foreign powers—only written contracts with inspection and grievance boards can be of any practical value. Ditto for advertising agencies.

Viewpoints, testimony—we've had that. Let NBC, CBS, and the others tell how many employees they have, how much talent is used, and what percentage is Negro. That is the best testimony, Congressman Powell. The figures speak louder than the figureheads.

Chairman POWELL. I am very happy to welcome the witnesses who are here this morning and I would like to state that the witnesses may file a statement as lengthy as they desire. Their oral testimony cannot exceed 10 minutes, so we can have ample time for each one to speak and to be questioned.

I would like to call first Mr. Ossie Davis. Would you come forward, Mr. Davis. Have a seat, make yourself at home.

Give your name and profession and address to the reporter.

STATEMENT OF OSSIE DAVIS, ACTOR AND PLAYWRIGHT, MOUNT VERNON, N.Y.

Mr. DAVIS. Ossie Davis, actor, playwright.

Chairman POWELL. Address?

Mr. DAVIS. 5 Cooly Place, Mount Vernon, N.Y.

Chairman POWELL. Go right ahead with any statement you have to make and we will ask some questions.

Mr. DAVIS. I have been active in the profession since 1946 and have had since that time, I would say, about 13 jobs on Broadway which possibly makes me the most employed Negro performer in that 13-year span.

The state of the theater, and I merely quote that, to use myself as an example of the best that has happened to us. The state of employment in the theater as it affects me has been so precarious and so nonremunerative until, had I not been married to somebody else who had a different job at the same time, I couldn't have made it.

I worked in three or four places as one who carried the trays in "The Servants." That was the best that I could find at the time. Though I don't object to carrying trays and things like that, I thought that there were possibly other things that I might have done had the opportunities for Negroes been of such a nature that I had been included in the total picture.

The specific burden of my comments this morning, however, concern themselves with a specific play, "Purlie Victorious" which I wrote and starred in together with my wife. There are certain aspects of the

play and production which I think are relevant to this inquiry. The play itself, though called a Negro play, was integrated. By that I mean there were five Negro performers and four white performers. Sixteeen of us were employed altogether, whites and blacks in the show. So that the cast and understudies had nine Negro jobs.

Now, the show itself stayed around 8 months on Broadway providing at that time employment not only for the nine Negro performers but for the white performers, the stagehands, the ushers, the managers and other theater personnel.

The point I make is that my play being a so-called Negro play, because of the institutional nature of job discrimination in the industrials provided more employment for those of us who were not Negro, though it was my own play.

While it is true, I think, and it will be subsequently established that the stagehand unions are integrated, there were no Negro ushers, no Negro people in the wardrobe, there were no Negroes in the house management end of it, and I think that the situation which makes it posible that a show of our very own, in order to get on at all and to run has to provide less job opportunities for us is a point to which I take grave exception, and it is because of that that I feel, to come and express my feelings and attitudes and opinions to the committee.

Granted that I have been fortunate, granted that from time to time I have been able to get jobs. The practice in the industry of pointing out that particular one who has had the jobs and the public relations and the image, as an example of the fairness of the industry itself is also one of the reasons I come. To see and to repeat and to sum up that though on the surface I represent the higher echelon on Broadway at this moment, that higher echelon when compared to other ethnic groups is not high at all. That I do not want my success, whatever it has been or is, to indicate that the picture as a whole is fairly represented by what has happened to me in the last year or so. Thank you.

Chairman POWELL. Thank you, Mr. Davis.

As you know, we are merely exploring this area of performing arts. It has never been done by a congressional committee before and we are doing it here in New York because this is the center of the performing arts for the Nation. We have a subcommittee under my jurisdiction as chairman, headed by a gentleman from New Jersey, Congressman Frank Thompson. Although he heads the subcommittee in the field of education, I have nevertheless under the rules which I have established upon receiving the chairmanship assigned to him work in the field of culture and arts, and out of that committee came the first Federal Commission on building a Cultural Center in Washington.

I want to say that this is an exploratory hearing this week. When the new Congress reconvenes in January, I will probably assign this subject with the background material that we are accumulating to Frank Thompson of New Jersey, and at that time there will be hearings in other areas of the United States. I will put in the budget enough funds for the committee to go to California and look into the movie industry.

Any other cities that you can suggest, any of the witnesses that come before us, I will be glad to consider them for our agenda.

Leo Shull asks this question after commending us for this hearing. Among the theatrical unions, Actors' Equity is the most progressive and the most advanced.

Do you think that Actors' Equity is more progressive than the other unions in the performing arts?

Mr. DAVIS. I would say that Actors' Equity is in my experience the most advanced. I say that with a heavy heart. In my own union, and I am closer to Actors' Equity, I am not proud of what has been done or what has not been done. We do at least get it discussed and I feel that Broadway has been within its limitation more openminded about the idea of integration than the other unions have—than the other branches of the entertainment industry have been. Equity, yes. But the little good that has been done, the small amount of work that has been done, the small amount of job opportunities that have been created, they are so minimal.

If I could cite, Congressman, one thing that I think was good. We had what is known as an integration showcase, at which time we took several Broadway hits and did segments of them replacing the regular characters with Negro performers. This was done by Actors' Equity Association to show the producers that integration in practice on stage was a feasible idea.

Now, this was done one time. It has not been done since. I do not know that there was any real employment that came from that one particular example.

I would like or love my union to have done that every year—to have insisted on it.

There are cases which will be mentioned later of performers who bear burdens of actual instances of discrimination which were taken to the union and discussed, but I am sorry that in my experience, and I was a part of the whole action, I was not pleased by the lagged and shilly-shallying point of view adopted by my own union.

True, it is the best, but that is why we are here today.

Chairman POWELL. He also asks this question, or really he asks us to look into this matter, to discover discrimination, the committee should invite the heads of the unions, the broadcasting companies, the executives of the theatrical organizations, and ask this question: How many workers do you have that are Negroes and Puerto Ricans?

Mr. DAVIS. You mean the heads of the unions?

Chairman POWELL. Yes. Heads of producing companies, executives and so forth.

Mr. DAVIS. Yes. Well, this would be a good question, and I think the—for instance, Actors' Equity has one Negro at the staff level. There is another one, I think, in AGVA. These are the only two Negroes at staff levels in the unions that I know of.

This is a key question because at the staff level, policy is made and executions thereof are initiated. Unless there is somebody there who can understand the inside aspects of the problem or keep tabs, our job problems and job opportunities get a fast shuffle. I do think this is one area of fruitful inquiry into which this committee could look.

Chairman POWELL. I take that as a mandate.

What do you think is the reason why Negroes, and I must include Puerto Ricans, that I will come to later—are not hired in the back, the wardrobe, the offices, the pit; what is the reason for that?

Mr. DAVIS. We are told when we approach these unions or approach the people regarding the hiring process that the union policy itself, the union controlling the wardrobes and the union controlling the musicians, the union controlling the stagehands, the managers, press relations people, serve as a stopgap through which only a few Negroes ever come. I think there is one Negro manager on Broadway now at the St. James Theatre. That the union itself does not—not only does not promote employment for the Negro performer, the Negro subsidiary worker in the theater, but discourages it and makes it impossible for us to function. We usually, all of us performers, take it upon ourselves, whenever there is a job and we get a job to get the ear of the producer, to suggest to him that couldn't you use, since this is, shall we say, a Negro show, couldn't the wardrobe mistress for just this once be a Negro?

The producer will say, "I wouldn't mind, but the union wouldn't go along with me."

Chairman POWELL. It is the union's fault.

Mr. DAVIS. In this instance it is the union's fault.

Chairman POWELL. One of the things that I have been going over in my mind is to introduce in January an amendment to the Landrum-Griffin Act which will prevent discrimination by trade unions. Under the provisions now of the Landrum-Griffin Act there is no clause that prevents discrimination by unions anywhere, not only in the theatrical performing arts but every other industry.

I think if I could get such an amendment out of my committee, and I believe it would pass the House. It passed the Powell amendment for education which is on more ticklish ground.

I am considering this and almost made up my mind to do it. Here you point out it is the union's fault.

Say you go to a place like Radio City Music Hall. It is owned by the Rockefellers, isn't it—I don't know. I think it is owned by the Rockefellers. You sit there and you see the Rockettes all white. You see Leondorff Production, the Symphony. Everything white. Now and then they will throw in a Negro act. The permanent working staff, front and back, are all white.

Once a year they put on a Puerto Rican festival. That is the end of the Puerto Ricans. In fact, my associates here, Mr. Vidal, Mr. Ortiz, they have not been able to find any Puerto Ricans in the legitimate theater to even testify about discrimination. Interestingly, when I—I forget this young fellow, who started a legitimate theater in San Juan. He is out of business now. When he started a legitimate theatre in San Juan, he imported an entirely white cast. The Puerto Rican actors had to picket him to get Puerto Rican actors.

I thank you ever so much, Mr. Davis. You have been very helpful. Your community work as well as on the stage has been very helpful.

At this time I would like to ask Miss Hilda Simms to come forward.

Give your name and address.

STATEMENT OF MISS HILDA SIMMS, ACTRESS, LECTURER, AND COMMENTATOR, NEW YORK, N.Y.

Miss SIMMS. Hilda Simms, 272 East 10th Street, actress, lecturer, commentator.

Chairman POWELL. I have not seen you in a long time.

Miss SIMMS. That's right. Nice seeing you again.

Gentlemen, first of all, I want to thank you for inviting me here as a witness today. I want to start off by quoting from a little newspaper that I receive every week called the Chelsea Clinton News. It has to do with Phelps Phelps, former United States Ambassador to the Dominican Republic and former Governor of Samoa who was honored recently with the George Washington Carver Memorial Institute. It is the supreme award of merit and that is for promoting good relationships.

This isn't pertinent or doesn't relate to the Negro problem in the theater, but I think it is very interesting.

Americans are the most generous people in the world with money but one of the most miserly with understanding.

It is on this premise today that I come because I hope that after this is over we will have opened up something and we will have gotten a better understanding, and as a matter of fact, I am terribly sorry this kind of thing, this investigation didn't happen 15 or 20 years ago.

Chairman POWELL. I wasn't chairman then.

Miss SIMMS. I have to recap a little bit about my career because probably most of you are not familiar with my background and in order to highlight and point up the problem as it exists today in the arts, I have to tell you something about myself.

I have to say "I" because I am basing it on experience. The thing that I know.

I have been in the theater since I have been about 6 or 7, when I used to dance and sing at various places in Minneapolis and St. Paul. My father would pass the hat.

I played in circuses and State fairs, little theater groups. I played at the convent in Minneapolis, at the University of Minnesota, in radio and theater. Then the senior year as a teaching fellow at Hamilton Institute where I taught drama, radio, and speech.

I also worked at the USO centers.

I came to New York, worked in publicity briefly with a motion picture company, and worked in the evening with the American Negro Theater for a year and at the end of the year, by luck, I suppose, I was selected to play Anna in "Anna Lucasta." It wasn't a great play. It was a good play. It was a fun play. It was a virtuous role. This one starred in my being acclaimed by the critics in Chicago and here and 2 years in London.

I left London after the demise of "Anna Lucasta" and went to Paris where I immediately registered at the University of Paris to study the language, French civilization, French literature, and motion pictures.

From time to time I would be called back from Paris, because you must be away from England in order to come back there to gain a working permit, and I did four roles, nonracial roles. One was as the Jewish girl in "The Gentle People" with an all-British cast. The other was as a French tart, by Dillon Thomas, in "Desire." I was also

in "Persian Girl" opposite Laurence Harvey. The play was "Hassan."

In all of the writeups, no mention was made whatsoever of race.

I returned in 1953 having left in 1947 to do "The Joe Louis Story."

During the subsequent 9-year period I had one minor role on Broadway. We opened on Monday night and we closed on Tuesday night. That was called "The Cool World." I had eight lines.

Chairman POWELL. May I interrupt. I know your work. I have seen it. It is a very, very tragic commentary on our democracy that you were cast for parts in other countries that were nonracial and then to come back to your native land and meet the "cool life."

Miss SIMMS. This I feel, Congressman, I feel this is a social ill. A socioeconomic plight on us, on the country, on the Nation. I feel this is something that can be corrected and can be cured if we get at it. If we remain active and alert.

In radio I did 3 years at a feature program called "Ladies Day" on WOV which was an Italian-Negro radio station.

After that I left willingly or I offered to resign because they asked me to confine my program to rock and roll. I did not feel that the Negro housewife or the white housewife particularly cared to hear rock and roll at 8:30 in the morning.

There are no other radio stations and I applied and sought out other agents to find out if there were any inroads or any possibilities for continuing in radio, and I found that outside of WLIB and WWRL, radio stations that are particularly beamed at Negro audiences, the doors were closed.

Chairman POWELL. As far as we know, there are no Negro commentators or any radio station in New York except those two or three that are beamed at the radio audience?

Miss SIMMS. Yes. This is a thing that puzzles me greatly. After all, radio is, let us say, a medium where the voice is colorless. I have many, many letters of commendation and compliments from advertisers saying that I sold their product better than three or four other stations and one I topped in a particular contest for a rice company. It was a contest and I topped everyone else that they had bought time on.

Yet I found no possibilities for working in that area.

In television, and I don't want to be too long at this, I had one minor role. This was once every 3 years. That was "A Man Is 10 Feet Tall," "Profiles in Courage," and "Black Monday," until the present time, "The Nurses."

I want to go back to "A Man That Is 10 Feet Tall." I played a small role, but a highly dramatic role as the wife of Sidney Poitier for NBC.

I was working still at WOV at the time. The next morning when I arrived at the radio station, I received a call from United Press asking me what was my heritage and this puzzled me. I didn't know what this was about. They wanted to know where my mother and father had been born. If my father is a foreigner and so on.

I told them I starred in "Anna Lucasta." I did "The Joe Louis Story." I am established as a Negro actress, and I don't feel this is the time to question it. What is this about?

I later received a call from the NBC publicity department asking me to come there that day and bring any material I had on my back-

ground, my family background. I brought my scrapbooks. I met their publicity man and I was told that NBC had had something over 200 letters of protest from, I suppose, white southerners who resented the idea that a person of my complexion was playing opposite Sidney Poitier, and a lot of the letters and wires were misspelled so that you could tell that the mentality wasn't exactly in the genius class.

I asked this gentleman at that time—I told him that it was very interesting that the South should object seeing with their eyes what they have made as a law in this country, a Federal law.

There is a certain percentage of Negro blood and if you have it you are considered 100-percent Negro. That does not apply to the Jew or Italian. Only the Negro. That is based specifically on economic reasons and economic reasons alone.

I asked NBC, I said, this is humiliating and degrading. I would like to know what you are going to do about it? Are you going to release this to the press? It would be interesting. It would be good publicity for me, or are you going to apologize? I have never been hired by NBC since.

Chairman POWELL. When was that?

Miss SIMMS. I have forgotten the year. Perhaps Mr. Poitier could help me out.

Mr. POITIER. 1954.

Chairman POWELL. Eight years.

Miss SIMMS. I have documentary proof on this. An article was written in Jet magazine. I was also told by Mr. Johnson of Johnson Publications in Chicago. I was very upset about this thing, of course, that Paul Clemmens of the Memphis Commercial Appeal wrote a leading article saying, "It so happens that she is a Negro but Negro or white she did an excellent job." There have been protests, how could NBC promote the idea or present this pretty white girl opposite this Negro and so on and so forth.

In dubbing, in France I dubbed for 3 years. Foreign films in Paris called "Cinema Doublage." There again, I have come here and I have appealed to agents and I have told them of the experience. I don't know actually how much dubbing is done here in America. I have not yet gotten a tumble from anyone. I did one for Bond Bread and one for Helene Curtis, both beamed for Negro stations.

Films, I did "The Black Widow."

What I want to say here is this. As far as films go, I don't think it is any secret, although I don't know what can be done about it. Quite a few of we actors and actresses are forced or obligated to belong to several of the unions. I belong to AFTRA, SAG, and Actors' Equity. I might be kicked out tomorrow. I pay dues. Yet, it is very strange that these unions are not in a position to get jobs for their members who pay. The reason why they cannot is when a producer is casting, Equity or SAG cannot go to them and say, "Look, you have got so many parts open, you have got to hire this person regardless of the fact that he is Indian or Chinese or Puerto Rican or Negro." They cannot dictate so they are more or less tied. They are held back.

I want to point this out to you because it has been for the last 15 or 20 years of my life. I felt it very keenly. I also want to emphasize that in the theater, perhaps more than in any other profession, time

is a woman's enemy. When people talk about gradualism or wait to a Negro, that has a negative quality because wait means never.

We have had "Pinky" with Jeanne Crain. We have had "Kings Go Forth." I am sure you are familiar with the book. The whole book was based on the idea that the girl's father was Negro. Therefore, the girl was part Negro. They used Natalie Wood.

We have had "Imitation of Life." Twenty-five years ago, a marvelous Freddy Washington, who had a lovely reputation and was very intelligent, did a marvelous job who passed for white.

Two or three years ago when they did "Imitation of Life," they used a white actress, Sandra Dee.

Is this progress?

In other words, I don't object to Hollywood or Broadway producers using white actresses for Negro roles. Although, all the time they are telling you, "Wait, we are going to have a real good Negro part for you. They are going to have special material coming up for you." It is all right if they let the white actresses do the Negro roles. By the same token, let the Negro actress play a human role, the role of a human being.

You see, gentlemen, first of all, we are Americans, and then we are Negroes.

We vote, we pay taxes, we go to church, we do community service. I am sure that most of our families have been engaged in the First World War, in the Second World War, and in Korea, as in my case.

When I go to Klein's to buy a dress, I don't wear a badge and get 50 percent marked off because I am a Negro. Yet my earnings, if you look at my earnings during the past span here in America, or anywhere for that matter, they are not commensurate with my living needs.

I have had to go to employment agencies and pay them, let us say, I was offered a job to do commercial writing, $90 a week. I would have had to pay the employment agency $1,241 fee in order to get that job.

It is not going to take me very long to finish now. I just want to say one more thing.

I think that too often the Negro feels that he is living in an area of a vanishing Negro actor. You know what I mean.

I have something here from Backstage. I was interviewed by these people. I think they are an English outfit. The woman who wrote the book, her name is Elaine Dundy. She is married to Ken Titten, the eminent drama critic.

I was called up and I was asked to do the role of a designer. The play, the role wasn't suitable for me. I couldn't feel it. I couldn't get inside of it, and I refused it.

However, I would like to point out to you that in the casting news here, they have the designer, woman dress designer in her mid-thirties, plain and self-sufficient can be either Negro or white.

When you talk to playwrights and directors, "oh, we admire you so much. We know you are a wonderful actress. We have got to have—there are not that many Negro plays given."

Well, you cannot go anywhere in America, on the bus, in the church, in a drugstore and not find Negroes. Why not in the play, "I Can't Get It For You Wholesale." Why haven't you a Negro actor?

I am not saying romantic parts where the South may interpret and say this is what we want, a blending of the bloods. Maybe two or three lines or a couple of dancers or singers or something. Give us a chance to fulfill our destiny; that is what we feel we are on earth for.

You might surmise from my experiences in Europe, that I feel that Europe holds more for us, and I must suggest to you or say to you that there are a great many Negroes who have gone to Europe seeking jobs because they feel that the doors are closed here and it is just too tough. The Negro is getting older, tireder, and poorer.

We have lost some very good Negro artists because of the exodus. In this country where we are known—the history of this country is that the refugees come here. By the same time this is my country. I am an American. I love my country. Particularly during the chaotic conditions today, I love what it stands for.

I say the conditions in the theater, particularly today, in theater, in music, for example, it is a social ill that we have got to deal with and we have got to cure.

I want to say one more thing before finishing, and that is this.

It was a miracle that a director remembered my performance in 1947 in "Anna Lucasta" in London. She gave me one of the most electrifying experiences. If I ever can possibly act with her, he was an actor. He became a director. I will do so. Like a bolt from the blue I was called to do the pilot film of "The Nurses." I did that and after they sold it I was called back and I got about six or eight in the can. Big roles, costarring roles, nonracial roles.

I want to say to you, this was done by Plautus Productions.

Chairman POWELL. Isn't there another Negro girl in "The Nurses?"

Miss SIMMS. I want to tell you one other thing. In "The Nurses," they have had 11 acting featured guest stars and cofeature Negro actresses alone, 26 extras.

Chairman POWELL. If they can do it, why can't others do it?

Miss SIMMS. That's right. In "The Defenders," Plautus Productions, acting feature roles and minor roles and extras, 27 actors.

Chairman POWELL. We don't want to be in "The Untouchables."

Miss SIMMS. I suppose I can conclude now, and please don't think that this is showboating, I don't mean to. I am speaking as a representative of others here who will follow that I have been given many awards by the Government. Allied Forces Central Europe, Gen. Lawrence Norstadt, the U.S. Treasury Department and from churches, community groups, Boy Scouts, nursing, et cetera.

I take a joy in being able to function as a human being. I take a joy in feeling there is a possible hope for tomorrow.

But for the Negro who yearns for continuity, for growth, for some kind of stability, after all we are Americans, our roots are here, we have got a vested interest in America, I say it is morally and ethnically wrong whenever we take up a newspaper and see casting news and know bloody well that we cannot go and apply because it is taken for granted that this is going to be cast with all-white actors. We must wait for a Negro part. We have to pay our rent. We have to buy consumer goods. We have to take our places in our community as human beings, as Americans, and not particularly Negro or any other race.

I am hoping that really, people will wake up, and I want to thank you for giving me the opportunity to be heard.

Chairman POWELL. Thank you.

Miss SIMMS. I have proof of what I told you, if you care to see it.

Chairman POWELL. I would appreciate any document that you can give us and any document that you cannot give us, I would appreciate you lending it to us, so we can have it photostated.

Miss SIMMS. I will be very happy to, Congressman.

I know there is a feast or famine today for all actors but I hope that you and your committee can help me or prevent from becoming an ex-American.

Chairman POWELL. At this time I would like your NBC husband, Mr. Sidney Poitier, to come forward.

Make yourself at home and give the reporter your name, profession, and address.

STATEMENT OF SIDNEY POITIER, ACTOR, PLEASANTVILLE, N.Y.

Mr. POITIER. Sidney Poitier, actor, 315 Bay Ridge Road, Pleasantville, N.Y.

Chairman POWELL. Do you wish to make a statement first, because I have a lot of questions to ask you.

Mr. POITIER. I would only say that in the theater, my first job was in 1946. My second job was in 1959. I have 13 years to go and I will be working again.

Chairman POWELL. Where do you think the fault lies in this obvious flagrant discrimination encountered in show business by Negro performers?

Mr. POITIER. Well, I think that the fault lies generally on an all-encompassing scale. It lies in the fabric of our social behavior pattern in this country.

I don't think we can divorce our culture from what is our everyday behavior pattern socially, economically, and politically. I therefore feel that the discrimination that exists in our area is no different in texture than that which exists in the automobile industry or in the book-publishing industry or the dishwashing job in Georgia. I think that the pattern of discrimination is woven into the economic, social, and political fabric of the U.S. everyday living.

In our area, in the theater, I think our union is the biggest culprit.

Chairman POWELL. The union is?

Mr. POITIER. Yes.

Chairman POWELL. Do you think my proposed amendment to the Landrum-Griffin Act—which I said before I am confident that it will pass the House—do you think it will do any good to amend the Landrum-Griffin Act to abolish discrimination in the unions—Federal law?

Mr. POITIER. Yes.

Chairman POWELL. I am going to do that.

Take a man like Darryl Zanuck—since you have been doing so much work in moving pictures—his new picture on Broadway, "The Longest Day." Have you seen "The Longest Day"?

Mr. POITIER. No, I have not.

Chairman POWELL. "The Longest Day," of course, is the story of the heroism of the U.S. Army invading the Normandy beachhead. There are about 2,000, including extras, in that. Not a single dark face. Not a single Puerto Rican. This was after the Army was integrated.

I was talking to Dick Gregory last night. He said it was all right to have such a picture as long as they had as a subtitle, "This Is a Story of a White Segregated Company."

Mr. POITIER. Well, "The Longest Day" has been duplicated many times in the picture business. I probably am the only Negro actor that makes a living in the motion picture industry. There are some 5,000 or 6,000 members of the union, probably more. I think it is 13,000 Screen Actors Guild members, I being the only Negro to earn a living in the motion picture industry.

I think there is one possibly—one Negro female performer, who earns a living in the motion picture industry. It has been but 14 years since I have been making movies. It has been——

Chairman POWELL. I expect to have the Screen Actors Guild here on Wednesday, by the way.

Mr. POITIER. Very good.

Chairman POWELL. Go right ahead. Excuse me.

Mr. POITIER. I have been working in pictures about 13 or 14 years. Often I am the only Negro on the set. That includes technicians, actors, extras. Sometimes I am joined by one additional Negro who happens to be the coffee boy and on one particular lot in California the only Negro on the lot is a guy who works in a tiny little coffee stand and sells coffee. On another there are two Negro shoeshine boys.

I have done 17 motion pictures. Most of them were with companies and for companies that hire Negroes for the most part only in the night brigade that comes in to clean.

It is no great joy for me to be the only Negro out there. I am too often used as a symbol and as a reference of how they are making efforts to rectify the disgraceful situation of discriminatory practices in hiring for the film industry.

I am often pointed to as an example of how they are not really discriminating to the extent that I would like to believe.

I personally believe that the motion picture industry and television and the theater are years behind the fact of our reality on a social scale in this country.

Chairman POWELL. "The Longest Day" proves that. You integrate an Army and here comes a movie picture and segregates the Army all over again.

Mr. POITIER. In films it is possible to go to any large community and find no Negro people.

In films, the Screen Actors Guild has an enormous problem placing Negro extras. They are seldom asked for. Most of the street scenes are white. Most of the extras are white.

Chairman POWELL. May I interrupt there?

Last week in the New York Times, Barney's clothing store had a full-page ad in which they said, "All men come to Barney's." Then they had a picture of 50 men—a photograph—short, tall, old, fat, skinny—all white.

I had one of my men call up Barney's and the manager said, "We can't understand this, because 35 percent of our business comes from Negroes and Puerto Ricans."

Yet, when they publish the full-page ad, 50 models—that is what they are, taken from an advertising agency I am sure—were all white. No excuse for all white, was there? You don't think so? Of course not.

Mr. POITIER. I know a great many Negro actors in this city who have given up the business. I have been a very lucky actor. There are actors who are infinitely more gifted than I who have never had an equal opportunity for a job in their lives. I came along when there was a necessity for me, I guess, and I began to swing early and I kept going.

I kept going because my luck was that I happened to be the first Negro actor and they wanted one such guy around because the job came along once a year or so.

I wonder if there will be someone to testify from the ranks of the Negro who has never had an equal opportunity at a job at this business after preparing themselves, I don't know, 5, 6, 7, 8, even 10 years.

My mind goes back to television before I went to films. I used to move about with a guy named Van Prince, another guy named William Greeves. We used to go to NBC, CBS and we looked for jobs on the old half-hour shows, the danger shows, we would go daily and ask for jobs.

As disgraceful as the hiring policies are today it was tighter in those days. It was a rare occasion when the Negro actor got a job on one of those shows.

With the exception, say, of the "Ed Sullivan Show" in the variety field it is still rare when you see a Negro performer on television. You see a performer, but as an actor you see him seldom. I have not been on television since 1955. I have had some offers, I must say, but they were never commensurate with my stature or my station.

I scan the television screens looking for Negro faces. I seldom see any. I go to the theater, it is my business. I go to the theater, I see everything that comes to town, it too is a pretty much lily-white theater.

Chairman POWELL. Take the two plays that Miss Simms mentioned, "I Can Get It For You Wholesale," and, "How to Succeed." Both of those plays are in the garment industry. The garment industry is about 35 percent Negro and Puerto Rican.

Mr. POITIER. "How to Succeed" is business generally. And there is an enormous sequence in "How to Succeed" about charwomen.

Chairman POWELL. The girls working in the secretarial pool.

Mr. POITIER. "How to Succeed" is in the garment industry. I worked in the garment industry before I came to the theater. The garment industry would collapse tomorrow without the guys to push the hand trucks.

Chairman POWELL. The figure is 50 percent for Negro and Puerto Rican in New York City.

Mr. POITIER. Those two shows are an example. All of the contemporary theater is an example. Every show on Broadway today, with very few exceptions can employ Negro and Puerto Rican performers on merit without it damaging the texture of the material, without casting or bringing to bear any foreign connotations on the

intent of the author. This can be done and it has been done in some few instances of Broadway. It has not been attempted on Broadway yet.

I think that you and your committee and private groups can bring some pressure to bear on the producers on Broadway to reconsider their participation in this discriminatory hiring policy practice.

Chairman POWELL. What is the excuse David Merrick gives, "Subways Are For Sleeping." What was his excuse?

Chuck Gordone, can you testify to that?

Mr. CHUCK GORDONE. Yes.

Chairman POWELL. You pinpoint the blame mostly on the unions. Tell me again, the unions themselves, they do not employ Negroes and business agents and organizers?

Mr. POITIER. They don't, no.

Chairman POWELL. The Screen Actors Guild, do you know of any Negroes working on policy level?

Mr. POITIER. I think there is one. I don't know what his position is exactly.

Chairman POWELL. AGVA?

Mr. POITIER. I am not familiar with AGVA.

Chairman POWELL. Wait a minute. We have to stay in order.

Miss Beulah Bright, what is the answer to the question?

Miss BEULAH BRIGHT. They did have two.

Chairman POWELL. Wait a minute, what is your name?

Miss ERNESTINE MCCLENDON. Ernestine McClendon. AFTRA I know has one, Miss Constance McDowell, who is in charge of national contracts.

Chairman POWELL. What is your name?

Mr. WESTLEY GALE. Westley Gale. I am a member of the Screen Actors Guild. They have two people on the board. William Walker and Pauline Myers are members of the board.

Chairman POWELL. Thank you.

The failure for fair representation on the part of the union brings up something that I would like Mr. Wingate to discuss with Mr. Gamser and that is: What about introducing some type of amendment in the Labor-Management Relations Act to decertify a union which does not fairly represent all the people in the industry?

Is that worth looking into?

Mr. WINGATE. There is a failure to fairly represent the Negro actors. There is an obligation on the part of the union who receives a power from the Government to fairly represent all of its members. I think the crux of your complaint is, the union fails to fairly represent. That has been excused many times, Mr. Chairman.

Chairman POWELL. Thank you ever so much, Mr. Poitier. Best wishes to you.

At this time our last witness this morning will be Mr. Chuck Gordone who comes to us as a representative of the Committee on Employment of Negro Performers.

Mr. Chuck Gordone, won't you come forward as the last witness.

Will you identify yourself and your profession, and your address.

STATEMENT OF CHARLES GORDONE, ACTOR AND DIRECTOR, NEW YORK, N.Y.

Mr. GORDONE. My name is Charles Gordone. I live at 141 West 19th Street. I am an actor and director, currently with "The Blacks Off Broadway."

Chairman POWELL. Did you do the direction of "The Blacks"?

Mr. GORDONE. No, I did not.

Chairman POWELL. You are in the cast of "The Blacks"?

Mr. GORDONE. I am in the cast of "The Blacks" as an actor.

Chairman POWELL. Go right ahead.

Mr. GORDONE. Before I begin I would like to say that in January a group of Negro actors got together and it is inevitable that when they do get together they began to discuss their plight in the theater. It was decided that they would do something about it. They then started what is now known as the Committee for the Employment of Negro Performers.

At this time I am going to speak out of my own experience while I was chairman of that committee. I have sat in front of many desks in the past 8 months facing various men who are within the power structure of the entertainment industry and I thought that before I became involved in this civil rights area in the theater, that I had known racial discrimination. My eyes in short were opened because I found—I discovered that the industry probably practices more forms of racial discrimination than in any other area that I know of in this country.

It has now been established and acknowledged by the producers and unions throughout the entertainment industry that without question the Negro performer is subjected to racial discrimination. We use the word "discrimination" to signify all the various and subtle practices both deliberate and unconscious which are directed against the Negro performer by those in hiring positions.

Until recently discrimination in the theater has generally implied deliberate and conscious action on the part of the discriminator.

It has steadily been a source of concern that our theater as well as other areas of the performing arts has not truthfully portrayed the Negro in accordance with his "expanding role in American society today." He is far behind in the theater when compared with other professions. Institutionalized patterns of discrimination have been refined to many subtle forms which have taken their toll among established and aspiring Negro performing artists.

Whether these practices arise from conscious thought or unconscious adherence to these institutionalized established patterns of exclusion matters not. The theater is an art form that depends upon illusion yet the Negro performer is relegated to playing solely "Negro roles."

Producers in the past have generally portrayed Negro life as either violent or problematic. We would like to remind them that there are thousands of Negro citizens who live their lives in more dramatic ways than in "racial incident."

The entertainment industry unions have a responsibility in this matter; however, very little has been done on their part to see that these deplorable practices cease. In most instances the unions themselves practice discrimination within their own ranks.

I want to thank you for putting me on the agenda at this particular point because I think that what I have next to say will provide a basis and a concretization of some of the things others that have gone before me have said.

I am going to talk about the ways of the discriminatory practices as known by the Negro performer. What we have tried to do because in most instances, the unions and the Negro actors themselves had not boiled it down to how a Negro was discriminated against. There were so many ways that we had to cull this out.

Now, the first way—I wanted to say this. Producers and those representing them have the sole right to cast as they see fit, and because of this the Negro performer finds himself in a rather precarious position when seeking employment. For it also appears that they (the producers) have the right to determine when and where Negroes may be represented.

Artistic rights cannot supersede human rights—for artistic discrimination based on racial criteria amounts to racial discrimination.

Now, the first way is what we call deliberate exclusion.

A. Producers making appointments through agents only.

B. Asking for pictures and résumés to be sent by mail.

C. Refusing to interview or audition.

D. Refusing to read.

E. Interviewing and not considering.

F. Interviewing, reading, and auditioning, but giving excuse for not hiring. That is, you are not right, you are not good enough, or we are not using Negroes.

Chairman POWELL. Sometimes they say you are too good.

Mr. GORDONE. G. Making verbal agreements on the basis of auditioned talent, and then changing the mind.

H. Separation within the casting procedures.

I. Contracted and then let go as unsuitable during first 5 days, which is a clause. The Negroes fall in that. They are the last to be hired and the first to be fired.

As a result we talked about examples here. We have "Pajama Game." The setting for this show is in the garment district where Negroes and Puerto Ricans make up the majority of workers in many factories. No minority group was represented.

"Fiorello." When it was on Broadway there weren't any Negroes or other minority groups around during his administration? When did New York cease being a melting pot?

"Subways." Certainly we have all talked about that.

You ask what David Merrick says?

Chairman POWELL. You worked very hard on that. The picket line and so forth. You saw David Merrick.

Mr. GORDONE. No. We only heard comments that he made. He spoke on the radio.

What we have been able to gather, that he gives the same excuse that many other producers give. That is, that the book did not call for any Negroes.

Chairman POWELL. It called for subway riders.

Mr. GORDONE. These three examples, "Subways," "Pajama Game," "Fiorello" that presents an all-white America.

We had a show called "All American," there wasn't a Negro in it.

By the sin of omission these productions foster the untrue image and distorted picture of the minority people's contribution to the American way of life.

We can go back to "Saratoga." Dig this.

Chairman POWELL. And I want that in the record, too.

Mr. GORDONE. This show used four white girls in dark makeup.

"Ross" used one male in dark makeup. They can darken up. We can't whiten up. They can brown down, we can't whiten up.

Chairman POWELL. I remember Canada Lee came out in a white face.

Mr. GORDONE. "Duchess of Malfi."

The next under these headings of discrimination is lack of imagination.

A. Trade and dailies' casting notices worded so as to discourage minority groups from inquiring.

B. Not giving a realistic appraisal of American social change, that is, taking for granted that a given American play has no roles that Negroes or non-Caucasians could play.

C. Not giving a realistic appraisal of classical and historical plays.

D. Not being conditioned to the fact that Negroes and non-Caucasians run the gamut in Caucasian and non-Caucasian types, with makeup or without.

As a result: "Bye Bye Birdie." Rock and roll began with the close association of hillbilly and blues singers. Also this musical did not truthfully live up to contemporary teenage life. Even television has rock and roll programs where Caucasian and non-Caucasian young people participate.

2. "No Strings." It appears that no one considered the possibility that this Negro girl's life ever touched any other member of her race. If a love affair between a white man and a Negro women in Paris can be portrayed matter-of-factly without bringing up the racial issue, why couldn't other Negros appear matter-of-factly and realistically?

3. "Blood, Sweat and Stanley Poole." A predominately all-male cast in a play about the military.

4. "A Cook for Mister General." Negro actors were told that to their knowledge (the producers) no colored soldiers were in the Far East at the time this play took place.

Of course, back to "Ross" again. We have to stretch to put the appearance of a white man in dark make-up on stage as being an example of "lack of imagination."

Token integration. Appeasing pressure by hiring one or two Negroes in small insignificant roles.

The use of one Negro star without considering other Negro actors.

The hiring of one or two staff personnel.

A single producer hiding behind a sporadic list of all-Negro shows.

As a result: "New Faces." This is a show that has many racial comments. It used only one Negro, a female singer. One statement in the trade papers (Variety) pointed out that she was kept separate and never performed with the whole ensemble.

"Damn Yankees." At a time when Negroes were entering into major league baseball, this show used only one Negro dancer.

"West Side Story." Puerto Ricans are a people who vary extremely in coloration, yet this cast used predominately light skins, along with other whites.

"Bells Are Ringing." Here Negroes were separated or segregated on stage.

Conformity to the stereotype. Consistent use of Negroes in maid and other servant roles. That is, showing a pattern of economic and social differences.

Repertory and cultural centers consistent in producing "classical chestnuts" which project our national image of the Negro as happy and inferior.

The hiring of a single or group of Negroes and keeping them separate on stage as not a part of main ensemble.

Casting Negroes in specific parts which conform to the image of the "typical" Negro.

As a result: "Porgy and Bess." Here we have a guide for many musicals and plays to follow. Dealing with Negroes as a contented, happy, singing lot.

"Green Pastures." Another play about the simple Negro's conception of heaven. A segregated heaven at that.

"Show Boat." The inevitable servant or working Negro who rationalizes his situation.

There is no protest against the characterization of Negroes as exotics, living in slum tenements, servants, or criminals, et cetera. These types of Negro conditions do exist and should be shown where the realistic continuity of the story plot demands it. But this doesn't have to be the steady diet. Again we refer to the 1960 statement by the Producer's League, A.E.A., and the Dramatists' Guild about portraying truthfully the Negro in his expanding role in American society today.

We recommend that these shows be relegated to the classics and are not representative of contemporary American life.

"Mandingo." The perpetuation of the Negro image as an exotic sex symbol.

"Jamaica." Again the Negro as an exotic. Incidentally, Hugh Hurd, of West Indian parentage was told he was not a West Indian type when applying for this show. When Ricardo Montalban left the show he was not replaced by his Negro West Indian understudy, but by a white assistant stage manager.

This is very enlightening. I know you have not got the time nor does the committee have the funds, but I would like if possible for you to cooperate with us when we have representatives of the Screen Actors Guild which will be on Wednesday, and one other union.

Chairman POWELL. Tomorrow we have Otto Preminger, Dick Gregory, and P. Jay Sidney. We have the vice president of ABC, vice president of NBC, the vice president of CBS.

Mr. GORDONE. I know most of those people.

Chairman POWELL. I would appreciate your cooperating with us in helping Mr. Clark and Mr. Wingate formulate the proper questions.

Mr. GORDONE. I will be very glad to. You made a very brilliant analysis of discrimination in the performing arts as affects the stage.

Chairman POWELL. Yes, Mr. James.

Mr. JAMES. Mr. Chairman, I would like very much at this time, if you will permit me, to make a statement.

Chairman POWELL. Come forward.

Where do you assess the major part of the blame, with the producing group or with the union, management or the union?

Mr. GORDONE. With management. The major blame is with the management. What I have always tried, it is up to the union. It is the union's responsibility to see that the management does its job.

Chairman POWELL. The union does not then represent its Negro members as it should and the management, therefore, meets with no resistance when they push forward their policy of lily-white performance.

Your name, please.

STATEMENT OF JOSEPH JAMES, CHAIRMAN, COMMITTEE FOR THE EMPLOYMENT OF NEGRO PERFORMERS, NEW YORK, N.Y.

Mr. JAMES. Joseph James. My profession is currently that of medical photographer after having spent 25 years trying to become a singing actor in the theater.

Chairman POWELL. Where do you reside?

Mr. JAMES. No. 10 Jumel Terrace, Manhattan.

Since Mr. Gordone has so ably given the background of CENP I will delete the part of the statement which had bearing on that. Therefore, it will be much less than 5½ minutes.

Chairman POWELL. We can consider that entire statement as read and placed in the minutes of the committee and then you can give brief oral testimony or pick out any part there that isn't duplication.

Mr. JAMES. Yes.

Mr. Chairman, members of the Committee on Education and Labor, ladies and gentlemen. I am Joseph James, chairman of the Committee for the Employment of Negro Performers, more commonly known as the CENP. The history of this organization, in brief is this:

In January of 1962, a small group of Negro performers and interested friends, among whom was a national staff member of the Congress of Racial Equality popularly known as CORE, decided to take concrete steps to broaden employment opportunities for Negro performers by eliminating discriminatory hiring and casting practices, and to bring about the portrayal of the Negro in keeping with historical and contemporary authenticity.

This group became the nucleus of the Committee for the Employment of Negro Performers, which within 6 months established itself as the voice of a large segment of Negro performers and gathered the support of hundreds of theater and lay people of all races and creeds. The CENP has earned this support by operating on the principle of intelligent and determined action.

Our studies and investigations in the entertainment field have disclosed that discrimination occurs not only consciously and deliberately, but through an institutionalized pattern of hiring and casting which considers Negroes only for stereotyped Negro roles, with even these seldom cast in an integrated situation. Examples of token integration, that is, the occasional use of a Negro star, supporting actor, or extra, do occur, but the resulting number of opportunities for Negroes to

perform in their chosen profession are extremely low in proportion to those available to performers of other than Negro extraction.

To improve this situation, CENP operates in several ways. Among these are the following:

1. Direct conversations with responsible persons in the influential strata of the industry, such as theatrical producers, directors, managers, and writers. In the case of TV and radio, network officials, sponsors' representatives, casting directors, and program managers. A meeting with a prominent motion picture producer, at which this organization will have two representatives, is to take place this week.

2. Public information programs via the press, a speakers' bureau, mass meetings and other media, for the purpose of marshaling public opinion in support of our program.

3. Negotiations with, and/or parliamentary action within, the theatrical unions to obtain antidiscrimination clauses in contracts with management where no such clauses exist, to secure stronger and broader ones where they do, and to bring about arbitration of cases where arbitration machinery is available.

4. Joint and/or concerted action with other organizations, such as the aforementioned CORE, the NAACP, the Urban League, the Negro American Labor Council, the Ethical Culture Society, and the Hollywood Race Relations Bureau.

5. Public protest and actions via demonstrations, picketing, and the boycott.

Gentlemen, as long ago as the late forties and early fifties this problem received the organized attention of some of the same groups and individuals who have appeared or will appear before you today, or later this week. The one on which I served as a delegate was an Equity Committee for the Broadening of Employment Opportunities.

The concern was this same one of racial and ethnic discrimination in casting and hiring.

Beautifully worded statements were obtained from the League of New York Theaters and the Dramatists' Guild—the dominant producing organizations. A similar group operating from AFTRA (and containing some of the same personnel) elicited similar mellifluous rhetoric from the radio and TV networks. Yet, it is still possible to sit before one's TV and see drama after drama, commercial after commercial, newscast after newscast, announcer after announcer, without seeing one dark face, or hearing one voice with a hint of Spanish in it. It is possible for shows to be presented on Broadway utilizing the New York City subway system or the garment district as the locale, without one single dark face in evidence.

The CENP and, I am sure, other organizations of like concern, are currently hearing almost verbatim the same protestations of good intentions regarding casting and hiring. And unless something more is done than has been done, another 15 years will pass without any significant progress.

We say here that discriminatory practices are flagrant, deliberate, and constant. We say, further, that each flurry of decency in casting is followed by a relapse into the same old patterns.

This, then, is the overall picture. Detailed testimony from the membership of my organization will follow as scheduled.

We welcome this inquiry. As citizens, we deem it not only our right, but our duty, to petition our Government for redress of grievances. Gentlemen, we thank you for this opportunity.

One thing that I don't think has been touched upon as much as it might is this: As long ago as the late forties and fifties, this problem of the ethnic and racial discrimination in the entertainment field received the organized attention of some of the same groups of individuals who have appeared or will appear before you today or later this week. The one in which I served as a delegate was an Equity Committee for the Broadening of Employment Opportunities. The concern was the same as this. The one of racial and ethnic discrimination in casting and hiring.

Beautifully worded statements were obtained from the League of New York Theatres and the Dramatists' Guild, the dominant producing organizations. A similar group operating from AFTRA, that is the American Federation of Radio & Television Artists, and containing some of the same personnel elicited similar mellifluous rhetoric from the radio and TV networks. Yet, it is still possible to sit before one's TV and see drama after drama, commercial after commercial, newscast after newscast, announcer after announcer, without seeing one dark face, or hearing one voice with a hint of Spanish in it.

It is possible for shows to be presented on Broadway utilizing the New York City subway system or the garment district as the locale, without one single dark face in evidence.

The CENP, and, I am sure, other organizations of like concern, are currently hearing almost verbatim the same protestations of good intentions regarding casting and hiring often from some of the same people, but unless something more is done than has been done, another 15 years will pass without any significant progress.

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Chairman POWELL. Where does the fault lie, union, management, both?

Mr. JAMES. The fault lies with the combination of both. I would like to stress at this point that unions in the entertainment industry are open union shop type unions rather than the closed shop type unions which is to say that they do not have the decisive voice in hiring. However, one of our methods of operation is to try to secure anti-discrimination clauses in the basic agreements of these unions with management where no such clauses exist. Or, to get a broadening and strengthening of those clauses where they do exist and to achieve arbitration of cases that are active and pending and on record with the union where such arbitration machinery is available.

Chairman POWELL. In other words, normal union procedure?

Mr. JAMES. Yes, sir.

Chairman POWELL. Has anyone ever taken any of these cases to the State Committee for Discrimination?

Mr. GORDONE. Yes, I have. I took these cases——

Chairman POWELL. I am asking this because the chairman of the commission has voluntarily requested to be present tomorrow, Mr. George Fowler.

Mr. GORDONE. Yes. I took the cases to Mr. Fowler and I had two meetings with him. I think this was 2 months ago. He promised that there would be some action on it. At that time they were having some other difficulties in another area. However, he promised that time that within 10 days, we would get some action on it.

Chairman POWELL. Would you furnish me the names of those cases before you leave?

Mr. GORDONE. Mr. Hepburn has them.

Chairman POWELL. At this time I want to put in the record as an exhibit, the series of articles written in the New York Amsterdam News by Mr. David Hepburn which, although considerable in quantity, are much more considerable in quality. These are a series of articles that Mr. Hepburn has done this year and I might as well confess, that it was because of Mr. Hepburn's article that I started these hearings this day for this week. Without objection.

(The series of articles by Dave Hepburn appearing in the New York Amsterdam News, were marked as an exhibit and appear in the committee files.)

Mr. GORDONE. Those are the cases that were presented to Actors' Equity. Mr. Fowler has that in his office.

Chairman POWELL. I will digest these before I put them in the record and probably use them with Mr. Fowler tomorrow.

I would like the staff to ask Commissioner Fowler to be prepared to discuss these when he comes.

Thank you ever so much.

We have invited to testify tomorrow Dr. Lawrence Plotkin, Department of Schooling of the College of the City of New York. He cannot come tomorrow due to classes.

If you will just step forward. I want to thank you for coming. Have you a prepared statement?

STATEMENT OF DR. LAWRENCE PLOTKIN, DEPARTMENT OF SCHOOLING OF THE COLLEGE OF THE CITY OF NEW YORK

Dr. LAWRENCE PLOTKIN. I have a prepared report which will be of interest to the committee—report of the television monitoring survey on the frequency of appearance of Negroes, New York City, April 1962, the Committee on Integration, the New York Society for Ethical Culture, Lawrence Plotkin and Douglas Pugh, cochairmen.

THE PURPOSE

The major aim of the monitoring survey was to determine empirically the frequency of appearance of Negroes on television. To our knowledge, no published study in this area exists. We felt that it would be important to learn the extent of Negro appearance on the screens viewed by millions of Americans. Because of television's educational impact in forming attitudes and molding opinion, how the Negro is depicted is as important as how frequently he appears.

There has been increasing concern and discussion about the image of the Negro on television.

A second purpose was to note the pattern of employment of Negro artists. Employment practices constitute a basic criterion of discrimination. The extent to which the television industry employs Negro actors and performers is a measure of its observance of fair employment practices.

Another purpose was to involve people in a research project through which they could observe at first hand one dramatic aspect of the Nation's most painful ethical dilemma, the treatment of the Negro as a second-class citizen.

This survey was planned to determine how frequently, and in what guise, Negroes appear day in and day out, hour by hour, on the television screen.

METHOD

A one-page instruction sheet and several monitoring sheets—copies are appended at end of report—were distributed to volunteers who were asked to record the desired information. The volunteers were members and friends of the New York Society for Ethical Culture. Over 60 people returned the monitoring sheets with reports of programs viewed.

Three major networks were viewed from April 1, 1962, through April 13, 1962, from 8 a.m. to midnight. The New York channels selected for monitoring were 2, 4, and 7; no other channels could be covered expediently. In order to maximize public participation in the survey, the volunteers were not assigned specific times or channels; instead, they were asked to sample the three channels at their convenience. We did not anticipate complete coverage; the size of our program sample depended on the number of volunteers and their hours of viewing.

Inherent in the method adopted is some duplication. We used multiple reports of the same program as a check on the reliability and validity of the reports. Almost all of the multiple reports agreed; where they did not, if a Negro was reported to have been seen by any one individual, he was counted even if others did not so report.

There were many uncontrolled factors in the method used. The biases of our volunteers could operate to result in either under reporting or overreporting of Negro appearance. For example, some respondents might report only those programs on which a Negro appeared, others only those on which no Negro appeared. Selective factors were operating in determining whether or not some volunteers returned the survey sheets. Uncontrolled also were the factors leading to the viewing of a particular channel at a specific time and date and reporting it. Further, we cannot state how representative the 2-week period selected for the monitoring is for television in general. It is safe to assume, however, that any nonsummer 2-week survey of the three major networks is representative.

RESULTS

The unit selected for statistical analysis of the frequency of Negro appearance was the half hour. Thus an hour program contributed two units whereas a 15-minute one contributed only a half unit. There

were 1,344 units in the 2-week period on the three channels; 398 of these were viewed and reported by our respondents. The 30 percent of program units with reports is deemed adequate for tentative conclusions. Table 1 presents the percentages of half hour units reported, and the percentages of units reported to have Negro appearances by day of week, time of day, and channel. As expected, weekend and evening programs were more frequently reported than weekday morning and afternoon ones. Channel 2 was more frequently viewed than others.

The findings show that if one viewed television for 5 hours on any channel at any time on any day, he would see two Negroes, one for less than 3 minutes and one for more than 3 minutes—appearances of a few seconds have the same weight in table 1 as one of a half hour duration. The respondents, who were instructed to have a clock or watch present when they viewed, reported that 22 percent of all Negro appearances were under 1 minute, 25 percent lasted from 1 to 3 minutes, and 53 percent exceeded 3 minutes.

TABLE 1.—*Proportion of total ½-hour units reported and proportion of those reported with at least 1 Negro, observed on Apr. 1–13, 1962, from 8 a.m. to midnight on channels 2, 4, and 7 in New York City, by day of week, time of day, and channel*

	Total in period	Number reported	Number reported with Negro	Percentage	
				Reported	With Negro
	(*a*)	(*b*)	(*c*)	(*b*) to (*a*)	(*c*) to (*b*)
All ½-hour units	1,344	398	89	30	22
Sundays	192	93	22	49	24
Weekdays	960	243	49	25	20
Saturdays	192	62	18	32	29
Morning (8 a.m.-noon)	336	72	17	22	24
Afternoon (noon-6 p.m.)	504	143	24	28	17
Evening (6 p.m.-midnight)	504	183	48	36	26
Channel 2	448	178	36	40	20
Channel 4	448	127	36	28	28
Channel 7	448	93	17	21	18

In 78 percent (table 2) of the units reported, no Negro appeared; in 22 percent of the units a Negro did appear. The remarkable consistency of the proportion of half-hour units in which a Negro appears is seen in table 1 where it ranges from 17 percent (afternoon) to 26 percent (evening), from 20 percent (weekdays) to 29 percent (Saturdays) and from 18 percent (channel 7) to 28 percent (channel 4). The percentages of reported programs with a Negro appearance do not differ significantly (based on statistical tests at 4 percent level of significance) by day of week, time of day, or channel. That is, the observed differences are due to chance fluctuations only.

In order to determine how the Negro is portrayed, we analyzed the type of appearance in the half-hour units reported (see table 2). It is clear that the Negro's most frequent appearance is in the role of a performer (musician, singer, or dancer); about one-third of all appearances are in this category. If one adds to this, the percentage of appearance as domestics and caddies in sports, it appears that in more than half of his appearances on television, the Negro is cast in traditional, stereotyped roles.

TABLE 2.—*Type of appearance of Negroes reported in ½-hour units observed on channels 2, 4, and 7, Apr. 1–13, 1962*

Type of appearance of Negro	Number	Percent
All ½-hour units reported	398	100
No Negro appeared in ½-hour unit	309	78
1 or more Negroes appeared in ½-hour unit	89	22
Negro as a performer	27	7
In white-collar role, including in audience	25	6
As domestic or attendant	13	3
In sports activity, usually as caddies	9	2
In other and unknown roles, including children and natives	15	4

NOTE. The 398 ½-hour units observed covered 306 different programs.

The white-collar appearance rate (second only to performing rules) occurs primarily as the result of Negroes on news panels, interviews, and in audience participation shows.

We can now summarize the data described in the first two tables: A Negro appears once every 2½ hours; in more than half of these appearances, he is cast in traditional roles assigned the Negro; namely, performing or personal service.

Another analysis possible is suggested above, to note the type of program in which Negroes appear. (Table 3 presents the frequency of appearance by type of program, based on the A. C. Neilson classification system.) Although some classification groups have very few programs reported, certain patterns can be noted.

TABLE 3.—*Appearance of Negroes in ½-hour units, by type of program* [1]

Type of program	Number reported	Percentage Negro appearances	
All ½-hour units reported	398	22	
Local	68	22	
Network, not sponsored	23	9	
Network, sponsored	307	23	
Adventure (A)	5	20	
Audience participation (AP)	34	30	24
Quiz (QG) (QP)	11	9	
Children (C), (CO)	16	0	
Comedy variety (CV)	4	50	
General variety (GV)	7	42	40
Musical variety (VM)	6	0	
Talent variety (VT)	3	100	
Situation comedy (CS)	37	17	
Documentary (DO)	8	50	
Forum and discussion (FD)	1	100	
Interview (I)	2	0	57
News (N)	16	44	
Talks and educational (TE)	4	0	
Daytime serial (DS)	42	5	
Western (DW), (EW)	17	0	
Mystery drama (MD)	19	21	
Suspense drama (SD)	4	25	22
General drama (GD)	26	27	
Popular music (PM)	6	83	
Serious music (SM)	2	100	88
Sports event (SE)	21	43	
Feature film (FF)	8	25	
Format varies (FV)	4	25	
Unclassified (U)	4	25	

[1] Based on publications of A. C. Neilsen Co., 575 Lexington Ave., New York City.

Musical programs (although infrequent in our sample) have the highest incidence of Negro appearances, closely followed by informational and educational programs (57 percent of the news, interviews, educational and documentaries have a Negro reported). Sport and variety shows also have a high incidence of appearance (43 and 40 percent).

Two significant areas have no Negro appearance reported: Children's programs and westerns (33 half-hour units reported). Another serious deficiency is found in daytime serials where, in only 5 percent of the units, does a Negro appear (42 programs reported).

Thus, it would seem that programs designed primarily for women and children systematically exclude the presence of the Negro on the American scene.

IMPLICATIONS

In spite of the limitations in this survey, it is our conclusion that the television industry is not keeping abreast of the changing American social scene. Children are exposed to a lily-white screen and women's serials have less than token depiction of the Negro. All too frequently, the Negro is presented in dramatic programs as a menial and roles for Negro actors are sharply limited.

On those factual programs which reflect the national scene (news and discussion), Negroes appear on more than half the programs, underlining the discrepancy between the Negro as a focal point of national interest and his fictional depiction.

In response to the State Commission for Human Rights' charge that television is not presenting a true picture of the Negro, all three networks asserted that they have a longstanding policy of nondiscrimination in the use of Negro actors on television. (New York Times, June 4, 1962.) It seems to us that employment of Negro actors is secondary to the more general educational problem of the Negro image conveyed to millions of homes. Here, with vision, the television industry could serve its Nation well by portraying the emergent Negro as he really is or in treating the historical past as it really existed. The most momentous western of them all, the Lewis and Clark Expedition, included a Negro.

As for employment of Negro actors, it seems strange that skin color prevents Negroes from being cast as anything other than Negroes. The suspension of belief which leads to the acceptance of backdrops, incredible coincidences, the rapid passage of time is impossible to producers when it comes to skin pigmentation. The test of an actor is his ability to project a characterization; Negro actors should be allowed to follow their trade just as white actors portray Japanese, God, and extra-planetary visitors. It seems to us that the television industry is missing an excellent chance to benefit itself as well as Negro actors by insisting that there must be verisimilitude in skin color alone. Brave experimentation here would speak more loudly than the hiring of Negro actors periodically in stereotyped roles about the fair employment of Negroes.

The television industry is required by law—as well as conscience— to avoid perpetuation of invalid stereotypes. Government recognizes this, as evidenced by its strictures against "unreasonable prejudice

or disadvantage", in legislation determining the functions of the Federal Communications Commission.[1]

For the public at large, we suggest that many problems in television deserve attention. The method employed in this project could be meaningfully applied to the way religion is treated, the content of children's programs, the degree of violence or sexuality, and many other significant problems. To know the facts is the first step in social progress. We urge other community groups to monitor television to determine exactly what we had our children see.

I can very briefly summarize it. I represent here the Committee on Integration of the New York Society of Ethical Culture. Although I am a professor of psychology at City College, this committee of which I and Douglas Pugh were chairmen instituted as a joint social action of our committee a television monitoring survey to cover the period.

Chairman POWELL. Mr. Pugh is the gentleman for whom I got the job in the department of mediation—Federal Mediation Service. Go right ahead.

Dr. PLOTKIN. We as a social action group decided to monitor television for a 2-week period to determine empirically the frequency with which Negroes appear on television. We used the volunteers. Either more important than the sheer statistical encounter is the frequency of Negro appearances, for me as a psychologist, is the problem of the image conveyed which reaches homes.

The problem of discrimination in the hiring of Negro actors while it is related to this general problem of image was a secondary factor in this. Very briefly, within the limitation of our survey, the fact is it covered only 2 weeks in April. The fact that we used volunteers, the fact that we could not monitor every half-hour program in that 2-week period from 8 a.m. to 12 midnight, the times of the survey.

Within these limitations, then, let me give you the results. Our findings show that if one viewed television for 5 hours on any channel at any time on any one day, he would see two Negores. One for less than 3 minutes and one for more than 3 minutes.

More important, however, is this statistically. This means the total half-hour programing on channels 2, 4, and 7 which were the only ones surveyed, in only about 1 out of every 5 half-hour units does a Negro appear. The flicker of the screen, somebody was in an audience. We just counted every Negro appearance.

The critical question from the point of view of the image now is how does the Negro appear? It is clear from the results that the Negroes most frequent appearances is in the role of a performer. That is a musician, a singer or a dancer. Seven percent of the 22 percent of the apearances were in this role. This is one-third. If one adds to one-third of the total Negro appearances, the number of times the Negro appears as a domestic or engaged in some personal service, it

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[1] Communication Act of 1934, title II—Common Carriers:
Discrimination and preferences—sec. 202A. "It shall be unlawful for any common carrier to make an unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or in services for or in connection with like communication service, directly or indirectly, by any means or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, *or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage.*" [Our emphasis.]

appears that in more than half the Negroes appearances on television he is cast in the traditional stereotype role.

The only mitigating factor is that on educational programs, interviews, documentaries, in that class of programs, the Negro appears more than 50 percent of the times in the sample of programs.

This suggested the final analysis we made. What kind of programs do Negroes appear in and what kind are they excluded?

Two very significant areas have not a single Negro reported, the children's programs and the westerns. Thirty-three half-hour surveyed. They never showed a Negro.

In the daylight serials, there is another serious deficiency. In only 5 percent, that is 1 out of every 20 half-hours of daytime serials, does a Negro appear.

Thus it would seem to us that in the programs designed primarily for women and children, these programs systematically, include the appearance of a Negro on the American screen.

As a psychologist, the impact in forming attitudes and forming opinions in probably what is America's foremost national problem, is beyond calculation. I have no evidence of what this does.

As for Negro acts, and I grant it is a bread-and-butter issue for them, this is a secondary concern, although real to them.

There is no doubt that Negro actors, that is people employed to portray roles on television, are sharply restricted in their appearance, whereas Negro musicians, instrumentalists, and dancers appear most frequently of all professional Negroes.

I would like to submit for this committee the report which, while done by volunteers and volunteers did all the tabulation, et cetera, the report is signed by myself and Douglas Pugh as chairmen of this Committee on Integration on the New York City of Ethical Culture and we take responsibility for this.

Chairman POWELL. Thank you.

We stand adjourned until tomorrow at 10 a.m.

Whereupon, at 12 noon, the committee was adjourned to Tuesday, October 30, 1962 at 10 a.m., same place.)

EMPLOYMENT PRACTICES IN THE PERFORMING ARTS

TUESDAY, OCTOBER 30, 1962

COMMITTEE ON EDUCATION AND LABOR,
New York, N.Y.

The committee met, pursuant to notice, at 10 a.m., in room 518, 110 East 45th Street, New York, N.Y., Representative Adam C. Powell (chairman) presiding.

Present: Representative Adam C. Powell, New York.

Chairman POWELL. Due to the funeral at St. Patrick's Cathedral of members of our Fire Department, who died in the recent disaster, it was impossible to cross town; that is why we are late.

Accordingly, we will extend the hearings by a half an hour if the witnesses can stay that long.

The committee will please come to order.

At this time I would like Mr. Otto Preminger to come forward please, an old friend of mine.

Have a seat right there, if you will. Give your name, your profession, and your address to the reporter, please.

STATEMENT OF OTTO PREMINGER, DIRECTOR AND PRODUCER OF MOTION PICTURES AND STAGE PLAYS, NEW YORK, N.Y.

Mr. PREMINGER. I am Otto Preminger. My office is at 171 Fifth Avenue. My home address is 129 East 64th Street. I am a producer and director of motion pictures and stage plays.

Chairman POWELL. Do you have any statement to make at all, so that we can ask questions?

Mr. PREMINGER. I think it would be better if I were asked questions.

Chairman POWELL. This is entirely informal, a friendly hearing. All we are trying to do is put our finger on the basic reason why there is discrimination in the performing arts. We have had testimony, as you probably read in today's press, from outstanding actors and actresses, people like Sidney Poitier; Ossie Davis, and others. Your particular field is motion pictures. Mr. Poitier made the astounding assertion yesterday that he was the only Negro actor in the United States who made a living from acting, and that he had made two motion pictures, 13 years apart, but didn't expect to make another one for 13 more years.

Some blamed the unions, some blamed the producers. Mr. Poitier pointed out yesterday that moving pictures, such as "The Longest Day", where all of the cast, all of the extras were totally white, was a paradox, because the Army at that time was integrated. Therefore we would like to get your views, as a respected and highly successful

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producer, as to why it is that Negroes and Puerto Ricans do not receive more employment in the motion picture industry.

Mr. PREMINGER. Well, I would say, sir, that if discrimination is regarded as some intentional action, where people in the motion picture field do the casting would deliberately exclude Negroes and Puerto Ricans, I do not think this is so. It is not so, at least, among the people I know.

If you refer only to the fact that Negroes and Puerto Ricans have less than their due share of employment, with that, I would agree. I do not think that there is any intention on anybody's part to discriminate against or exclude Negroes or Puerto Ricans. I think it is partly neglect, partly, perhaps also, the lack of initiative which would stimulate employment.

Maybe the Government could help. Maybe legislation could help. But certainly private initiative is needed.

For instance, and I only want you to know that I know these facts do exist, I believe Mr. Poitier, who is a friend of mine, exaggerates when he says he will wait another 13 years before he makes a picture, because I have a part for him in a picture that I am making that starts in February.

I also do not think that Mr. Poitier can say he is the only actor, because I have made pictures in which Dorothy Dandridge and Sammy Davis, Jr., also a Negro actor——

Chairman POWELL. I think Mr. Poitier was referring to pure acting, and not musicals.

Mr. PREMINGER. That is true, but they make enough money to make a living, not only out of motion pictures. If anything, they are talented enough to sing and dance—but this is not my point.

Where I feel initiative is lacking, and where people could help would be if, in private business, let us say—I thought of this only since I got your wire, because, naturally, we are all busy and we don't go around thinking of other people's problems—but it occurred to me, when I got the wire, that there is, for instance, no agent in Hollywood or here that I know of who is a Negro. If, for instance, Mr. Poitier and Mr. Belafonte, or a prominent, successful legal artist would encourage this by giving their business to a special business agent, where a Negro would be the head of an agency, a man who would look after their interests, that would help. A man, of course, could not live if he were Negro or white, by trying to get employment only for the unsuccessful actors, but, suppose the successful actors would say to William Morris and the other agencies, "You have enough business from white people. Let us have a clever man—it is not so difficult to learn, it could be a lawyer or somebody who has some knowledge of the field—let us get a clever man and back him with our business, to start a talent agency in California or in New York. At least, their business alone, would be plenty to guarantee him a good living. Then he could go out and, by the very fact that he is a Negro, could make the rounds and remind producers that they could use a Negro actor.

For instance, I made a picture in Washington. I was making a picture of the U.S. Senate, so I had an executive assistant of a Senator played by a Negro. I saw a picture the other day called "The Manchurian Candidate"——

Chairman POWELL. I resent the fact that you did not let me try out for the Southern Senator's part. [Laughter.]

Mr. PREMINGER. I tried to interest Martin Luther King to play the Senator, and, as a matter of fact, he had already agreed, we had agreed on all the details, because, while I was attacked for it, I wanted to show why there is no colored Senator at the moment.

Chairman POWELL. A lot of people thought that was a publicity gimmick, but I happened to be on the inside, Martin Luther King told me about it, and I know it was an honest offer on your part.

Mr. PREMINGER. The whole picture was a fantasy, in a way, it was not a real President of the United States. I wanted them to play only the future. I wanted a small bit, just to indicate that it is possible, that, at least, the law would permit it, because people in foreign countries might think that it was against the law. We had a Senator from Hawaii, anyway. People in foreign countries might think that nobody would be able to become Senator if he was a Negro. I thought it would be a valuable contribution, but Martin Luther King withdrew, and I did not want to press the point because I felt, then, it would make for more trouble. However, I saw the "Manchurian Candidate," for instance, and I noticed, without any particular reason, that a doctor in the Army there was cast as a Negro. I do believe that if somebody had pointed out to Mr. Zanuck, whom I have known for years, that he had overlooked the fact in "The Longest Day," if he had been reminded in time, he may have done something about it. I am sure he must have just overlooked it. I am sure nobody thought of it. I am sure he wouldn't have done it deliberately because I know him, and I know he has no bias of any kind.

Chairman POWELL. I was amazed myself.

Mr. PREMINGER. Apparently the troops lent to him for the picture were not integrated, because he got troops from the American Army stations, but he could probably have hired actors to play those parts. However, I am sure, nobody pointed it out to him.

My point is, initiative is lacking.

My point is that, apart from this, and I don't want to deny the fact that it exists, I think there is a lack of employment of Negroes and Puerto Ricans in the entertainment industry generally.

Chairman POWELL. One other question: It was testified also, again by Mr. Poitier, that of the few pictures he made, one picture did not have a single Negro working on the lot in any capacity, except as a coffee boy, and on another picture he made there wasn't a single Negro employed on the lot, except two shoeshine boys.

Mr. PREMINGER. I was coming to the same point.

I feel that where very important work can be done is with the unions. It should be suggested to the unions that they help.

Chairman POWELL. It is a union problem, then?

Mr. PREMINGER. Most important unions are closed completely to even white people, as well as Negroes. In other words, nobody can get into the Cameramen's Union unless he waits for 4 or 5 years, so we have mostly old cameramen, or editors. But wherever people are admitted now, his years have passed, they haven't had an opportunity, either through education or their own ability, to join unions, so I think it would be a good idea if the unions would help with the general program, aside from legislation, where a committee could be

formed to do something about this. I would be happy to serve on such a committee, a committee that would stimulate employment, a committee that would not just talk, but which could stimulate interest, which would have meetings with union people, to see what they could do.

For instance, on every picture I have made young people write in to me to ask if they could come and observe and learn. I have never received a letter from a Negro or a Puerto Rican. I would be very happy to have them, I would not be against anybody wanting to learn. Of course, what is happening now is also a consequence of the past, the lack of opportunities in the past, and that can only be rectified if people take advantage now, while they are young, to get an education, to know show business, to learn the "behind the cameras" show business.

For instance, there is no producer, and very few directors, who are Negroes. It is a question of initiative because nobody can help the producer. Initiative and help from prominent people would be in order.

Chairman POWELL. In the hearings yesterday, without substantiation, although we are working on ascertaining whether it is true or not, a statement was made that in the Lincoln Center for Performing Arts, a new multimillion-dollar capital of culture in our country, the repertory theater has already picked 25 actors and actresses, all white, and that in the training group, below the actors and actresses, there two young Negro male actors, who have been accepted in the training center.

In the New York City Center the same problem exists, I was told, but I will check into it. The repertory acting groups there are all white.

But to summarize what you have said, you say that the men behind the scene constitute a union problem, camera, makeup, grits, and those things?

Mr. PREMINGER. I must tell you, I don't remember ever having had, on any of my pictures—it never occurred to me, but since you bring it up—I don't remember ever having had an assistant camerman who was a Negro. Certainly they can learn as well as anybody else. It is merely a question of learning, of admitting them to the union, and some additional initiative in the beginning, until they get in. It will not happen by itself. That is my point.

Initiative, whether it comes from Government, from private committees, from interested people, but initiative is necessary, because, in the past, it never happened.

There is also no excuse—I have had many pictures and I don't think that in the South pictures are being discriminated against because Negroes are cast in them. I have only had one instance of where Duke Ellington and Jimmy Stewart were seated on the same piano bench. This objection came from South Africa——

Chairman POWELL. The Union of South Africa or South Carolina?

Mr. PREMINGER. South Africa.

Chairman POWELL. It is the same thing.

Mr. PREMINGER. There was no difficulty, so there is no excuse on the side of the producers that they would lose money by employing Negroes.

Chairman POWELL. Just before you leave, I want to pose a question: When they make "No Strings" in the movies, I wonder what white actress they will take to do Diana Carroll's part?

Mr. PREMINGER. I am quite sure they will take nobody else.

Chairman POWELL. That would be the great test.

Mr. PREMINGER. If they did such a thing, I think they would frustrate their own interests, because I don't think anybody could play it better than Diana Carroll.

Chairman POWELL. I want to assure you, in addition to our friendship, that this committee will help you or any other producers, and maybe out of this there will come a citizen's committee for the abolition of discrimination in the performing arts, but we will get some form of legislation out of this committee in January.

Thank you very much.

Mr. Ed Sullivan, please come forth.

We are very happy that you could come over. I know you are a very busy man.

We have had some testimony here, in praise of your show, and we hope it will be carried on to other shows. I don't know anyone in television who has utilized the services of minority entertainers as much as you have, and I would like to get your expert views on the acceptability by television audiences of the use of minority entertainers on your show.

Have you had any reaction against the utilization of Negro performers?

STATEMENT OF ED SULLIVAN, NEW YORK

Mr. SULLIVAN. We have been on now for 15 years and I have been and am now using Negro performers only because they are great performers, and in those 15 years I have had no major problem at any time.

The show has been top rated throughout the country during all those years.

We have no organized pressures out of the South either.

Chairman POWELL. Would you be free to tell the story about the southern Governor, or don't you want to do that?

Mr. SULLIVAN. As a matter of fact, I pointed out in the letter to the committee that Governor Talmadge of Georgia, whose record is not of the brightest, that Governor Talmadge of Georgia sent me a Negro performer.

Chairman POWELL. I just wanted that to go into the record, because television producers say they would like to use them, "But, if we do, the South will boycott the commercial product that we are selling." We get that so often.

Mr. Sullivan is a top-rated show, and the Negro performer was sent to him by the Governor of Georgia.

Mr. SULLIVAN. He is a fine performer.

Chairman POWELL. Would you mind mentioning his name?

Mr. SULLIVAN. He is a pianist and the trick in his act, what attracted the Governor's attention is that he covers the entire piano with a sheet, then plays brilliant piano music. He recommended him to me and I used him and then sent him back, and Governor Talmadge wrote me a letter and thanked me for using him.

I think it is often just thoughtlessness. It is not deliberate meanness.

Chairman POWELL. They have told us that they cannot use Negroes because their product would be boycotted by the South, and I wanted you to tell us for the record, because I know that you know, and that you are living proof of the fact, that this is completely untrue.

Mr. SULLIVAN. It is untrue.

I have had only one amusing experience on one occasion. There was an automobile dealer in Baltimore, who was strenuously opposed to using Negro performers. I suggested to him that he is a Catholic and I am a Catholic, and we should talk things over. I ran into him one night in New York and suggested that I had not heard the bishop of Baltimore had turned over to the automobile dealer the right to judge people.

One night we had the Metropolitan Opera artist Cline on our show. He sang Rodgers and Hammerstein shows, and one song that he sang I had not gotten to check the lyrics on. That song was "How Darkies Were Born." We had all kinds of wires, and stories in the Negro press, so I apologized and said that it was my fault, that I had not checked it. But the most vociferous complaint was from this one dealer in Baltimore, and I said, "I don't understand what this is." I said, "You don't make yourself clear." He said, "You don't understand my objection to this, why I resent it."

I said, "No, I don't, not from what I have heard you say and how I have heard you talk and from all the arguments we have had."

He said, "Negro doctors, Negro lawyers, Negro professional men bought 23 Lincolns from me and I have to get this straightened out."

This is so important because the Negro occupies a peculiar place on television. I have had men from the Negro Actors Guild, AFTRA, save that union from what easily could have been a takeover by the Communists. There was an attempt to take the union over by the Communists.

You have to understand how an AFTRA meeting was carried on. If we were all actors here, there would be a loudspeaker, and over that loudspeaker would come the announcement, "Powell, you are wanted for such and such a part. Ed Sullivan, you are wanted for so and so." Consequently, all the Commies had to do was to wait until the afternoon, when our side would be vitiated, by everybody going off for their parts. Then they would move to a vote.

Now, the Negro actors were not working, so I got hold of 60 members of the Negro Actors Guild, and talked to them, and that bulk vote of 60 defeated the Communists, so I say, just from the standpoint of fairplay, the people of TV should go out of their way on this.

I think it is often not out of meanness or viciousness, that this is practiced. I think it is out of thoughtlessness. Some of them think they will be boycotted in the South if they use Negro performers, but that is ridiculous.

Chairman POWELL. You are living proof of the fact that it is never boycotted. The sales of your cars would show that also.

Mr. SULLIVAN. It has always been a top-rated show.

Chairman POWELL. The Negro market is tremendous.

Mr. SULLIVAN. Yes, it is tremendous.

Chairman POWELL. Fortune magazine took a survey of the Negro market in 1954, and they asserted that the buying power of the Negro in the United States of America was more than that of all of Canada.

Mr. SULLIVAN. Well, the market is wide open to any show that will do it.

Now, our type of show, of course, is exceptional. I won't take too many bows on it because our type of show is more easily adapted to the use of many more types of people. Dramatic shows haven't as much opportunity as we have because in a dramatic show there must be a part written in for Negro performers.

In our show I can use headliners, stars, singing, dancing stars and all of this, but I think on panel shows, for instance, it would be a fine thing for our country, for the image of our country, if on each of the panel shows there would be a Negro personage. It would be a fine thing.

We found, when we were in Russia, where I took over two Negro performers, little Buck and Margaret Hines, a very fine singer, whom you must remember from Bo Jangles' funeral in your church, where you said he only had two weaknesses, gambling and ice cream—so we took these two Negro stars over with us and the Russian people were tremendously impressed by this. The "Voice of America," when we came into Vienna, had me on, and discussed this at great length. They said, "This was a tremendous thing to have happened here, because this indicates that these reports about America discriminating, while they are true, still have another side that has been presented here."

It would be a fine thing, particularly since TV shows are going to be syndicated around the world, to have these syndicated shows around the world show that we do use Negro performers.

Chairman POWELL. Thank you, Mr. Sullivan. We appreciate your remarks.

Chairman POWELL. Mr. Alexander Cohen; good morning, sir. Give your name, your profession, and your address to the reporter, please.

STATEMENT OF ALEXANDER COHEN, THEATRICAL PRODUCER, NEW YORK, N.Y.

Mr. COHEN. My name is Alexander Cohen. I am a theatrical producer. My office is at 20 East 46th Street.

Chairman POWELL. You are in the throes of giving birth to a new play, aren't you?

Mr. COHEN. Yes; we have a show called "Beyond the Fringe."

Chairman POWELL. How about that?

Mr. COHEN. That is an import. It was originally presented in England, where it has been running for the past 2 years. I imported the authors of the material, who also perform, so that I don't think it is quite germane to the issue here.

Chairman POWELL. What are your views concerning this problem before us?

Mr. COHEN. I would like to say that I have been active in this field, being chairman of the Committee of the League of New York Theatres, which framed the original antidiscrimination statement.

Chairman POWELL. The 1960 statement?

Mr. COHEN. It goes back before that, to about 1955, when the first statement was framed, and they have been bringing it up, in terms of the problem today, but I am here as an individual and my views do not necessarily reflect the views of the League of New York Theatres, although I am a member of that organization. I cannot speak for anyone but myself.

Chairman POWELL. Where do you think the fault lies? On the producing side or the union side?

Mr. COHEN. Well, in our small portion of show business, Mr. Congressman, I don't think I could apply the word "fault." We are the proud area of show business, even though the smallest. I would have to say that I do not believe, to the best of my own knowledge, and I have testified and written a great deal on this subject, that there is a producer who has either now or ever in the past discriminated against Negro, Jewish, or any other kind of talent.

I think we are in a unique and rather special position, going back to the days of McCarthy, when the legitimate theater stood up under great strain. We have never had, to the best of my knowledge, even one incident of blacklisting in the legitimate theater. We are not prone to the problems of television, which had problems of sponsorship during the McCarthy era, or the motion picture industry. There were no boycotts among us. We stood up under picketing at that time and today the legitimate theater has a proud record.

The League of New York Theaters has an agreement with Actors Equity Association. Broadway shows will not play in a theater that is segregated, and we sit here this morning proud of the fact that no Broadway show will play in any theater that has any problem of segregation.

Chairman POWELL. I remember when the National Theater was closed down in Washington, because a friend of mine couldn't buy tickets for a show.

Mr. COHEN. That is how it should be.

Chairman POWELL. Take "Subways Are Not for Sleeping." Why would David Merrick have a show like that all white, when the very actors in the show never even get on the subways, while 75 or 80 percent of subway riders are Negro or Puerto Rican?

Mr. COHEN. I would respectfully suggest that you ask that question of Mr. Merrick.

Chairman POWELL. The questions I am going to ask are the ones I am going to ask about: "I Can Get It for You Wholesale" doesn't have one Negro performer or Puerto Rican performer, yet 75 percent of the garment industry are Negro.

Mr. COHEN. Again, I suggest you ask Mr. Merrick. That is his show. I can only say, from the total point of view of the producer, that it is my function as a producer, in collaboration with the director, to interpret what the author wants. It is the author who writes the music, the story, or novel on which the play is based. My field is to interpret that for the theater.

We are, in the main, anxious to have representatives of every race, color, and creed in our theater. We pride ourselves on our liberal approach to society in general, and, I think, if there is any discrimination in the theater, it is, perhaps, in the subconscious nature of the man who may not be thinking totally of the problem at the time.

I recently did a piece for the Tribune on the subject, and, in retrospect, since I have been very interested in the problem, realized that I had, in fact, 5 or 6 years ago produced a show in an eastern college, and when I was analyzing the show I produced, I realized there was not a Negro girl among 10 girls that I was using in college. The show lasted only 3 or 4 days, but it shows something about my thinking.

This show was written by a man named Ford, directed by Alfred Drake, to whom segregation or discrimination is anathema, it was put on by myself, and I pride myself on being a progressive, yet, at the time we did not think that one of those roles could be cast with a Negro.

Today I think we are actively conscious of that, and, perhaps, in that area there will be improvement, but, to say, Congressman, that it is possible that somebody in the theater is actively discriminating, I think would be a misstatement of fact.

Chairman POWELL. Do you think a citizens committee, composed of Negro actors on the one hand, and producers and the union on the other hand, could keep this image before the management end and the union end, so that this problem would be lessened?

Mr. COHEN. I cannot say that that is the answer. I think the people who are truly making a contribution to interpretation would have no problem about it. I think the problem is with the author. What is he writing, and for whom, and how, when he writes his play or his novel or his story, which may later be adapted to the Broadway stage? How is he conceiving the characters and the people of that play, and what is his instruction at the preface of the play to the producer, because we are the interpreters only.

Chairman POWELL. Since you cannot speak for any Broadway producer, I can tell you, Broadway reeks with discrimination: "I Can Get It for You Wholesale"; "How To Succeed in Business Without Really Trying," do not have a Negro or Puerto Rican performer in the entire cast. However, those are not your plays.

Thank you ever so much for coming, sir.

At this time we would like to ask Mr. Theodore Fetter, vice president and program director of ABC, to come forward.

We are happy to have you with us.

Do you want to consider your statement as filed, or do you want to read it?

Mr. FETTER. I would prefer to read it, if I may.

Chairman POWELL. Go right ahead.

STATEMENT OF THEODORE FETTER, VICE PRESIDENT AND DIRECTOR OF PROGRAMS, AMERICAN BROADCASTING TELEVISION NETWORK

Mr. FETTER. My name is Theodore Fetter and I am vice president and director of programs for the American Broadcasting Co. television network. Mr. Thomas Moore, American Broadcasting Co., to whom the letter of October 19, 1962, from Mr. Odell Clark was addressed, is vice president in charge of the ABC television network. I am appearing before this committee in place of Mr. Moore who regrets that previous commitments make it impossible for him to be with

you today. In my official capacity I am fully familiar with the policy of the company in relation to the subject matter before this committee.

At the outset, I should like to state that the American Broadcasting Co. has had a nondiscriminatory employment policy for many years. This policy is applicable to staff personnel and to performers on our programs.

In the area of staff personnel, where we are directly involved in employment, managerial personnel are fully aware of our policy, and are completely cooperative in the implementation of nondiscriminatory employment practices. To this end, a broad program is followed under which recruiting sources include advertisements in newspapers with wide circulation, New York State employment services, and schools and colleges with nonwhite student bodies. Posters, supplied to us by the New York State Commission on Human Rights advising all applicants of our policy of nondiscrimination, are posted throughout the company.

In addition, wide distribution of relevant printed material of the commission is made to all personnel. Our director of personnel, along with other executives, has on occasions met with representatives of the NAACP, the Urban League, and the New York State Commission for Human Rights to exchange views and enlist their assistance in the referral of applicants.

We are pleased to report that currently we have nonwhite employees in many diverse, creative, and technical capacities, including managerial positions. We believe that we have, over the years recognized our responsibility to provide equal staff employment opportunities on the basis of qualifications.

With respect to performers, ABC encourages the hiring of the best talent available regardless of color. This policy is effectuated through the selection of individuals for programs predicated upon their talent and suitability for the particular part and not because of nationality, race, creed, or color.

This committee may be aware of the fact that much of our programing is licensed to the American Broadcasting Co. by outside independent producing companies. Several programs are produced by ABC itself. In this regard the committee may know of the recent selection by Mr. James Hagerty, vice president in charge of news for the American Broadcasting Co., of Mr. Malvin R. Goode, veteran reporter for the Pittsburgh Courier, as a staff member of the ABC news department. At the time of ABC television's coverage of the "United States-Russian Track and Field Meet" last July, we engaged Rafer Johnson as one of the commentators to cover the event. We produced the Bell & Howell "Closeup" series and are proud to have among its presentations the documentary concerning the world of the American Negro which was entitled "Walk in My Shoes" and which received outstanding critical acclaim.

Dick Gregory was featured in another program in the series entitled "What's So Funny?" and a number of Negroes, part of the presentation of a large unemployed segment in Detroit, Mich., were featured in a documentary on automation called "The Awesome Servant."

"Day in Court," a daytime serial which has been carried by the ABC television network for many years, has cast Negroes as attorneys, probation officers, and social workers, as well as in other minor roles.

Leontyne Price and Mahalia Jackson are scheduled to appear on our fine musical series, the "Voice of Firestone." On the highly successful current radio program series, "Flair," Joe Laiton has interviewed many outstanding artists, including Pearl Bailey, Nat King Cole, Eartha Kitt, and Mahalia Jackson. The radio network has, as you know, carried for many years the United Negro College Choir on Sundays.

With respect to outside produced programs, this committee may be aware of the fact that on November 11, 1961, representatives of the Association of Motion Picture Producers and the Alliance of Television Film Producers—the associations to which our principal outside suppliers belong—met with representatives of the NAACP and others, and that in a report of this meeting the objectives of the NAACP were outlined as follows:

> They stated emphatically that their target was merely to see to it that, in films depicting the American scene, the Negro was given the same prominence that he has in American life. With specific reference to the casting of extras, it was pointed out, for example, that it would be rare to find, in a large American city, a street scene, mob scene, or baseball or prize fight audience without the presence of Negroes. In this connection it was important to bear in mind demands which have been occasionally made in the past by Negro organizations which were not made at the November 17 meeting. For example, it was not suggested that any quota system be applied to any picture or studio. Furthermore, it was not suggested that producers refrain from using Negro actors and extras in unsympathetic roles. The representatives of the NAACP made it perfectly plain that the NAACP has no policy against the use of the Negroes in any kind of role provided that the total range of casting displays Negroes (as whites are displayed) "as they appear in American life—good, bad, or indifferent."

The American Broadcasting Co. has stated its sympathetic cooperation in the implementation of such policy.

Thus, Negro players have played important roles in many ABC television programs. Among them have been "Naked City," "Rifleman," "Ben Casey," and "77 Sunset Strip."

Three Negro ladies have been crowned "Queen for a Day" within the past year. Sammy Davis, Jr., was featured in "Lawman"; Diahann Carroll will apear over our network shortly in another episode of that program series.

This committee will be interested in a list of programs attached to my statement reflecting the above and other programs exemplifying the employment of featured Negro performers and personalities which were carried over the ABC television and radio networks during the past 2 years. This list is not intended to be a complete list, since no attempt is deliberately made to record performances on any such basis. We prefer to adhere to our policy of emphasizing the engagement of talent upon ability and experience rather than upon any distinguishing characteristics of race, creed, or color.

We feel that our policy and its implementation reflects our awareness of the matter of human rights. We commend this committee for its continued interest in this subject.

Thank you.

Chairman POWELL. Thank you, sir.

I would like to state that these are just exploratory talks, that the whole matter will be gone into in much more detail by the subcommittee which I shall appoint in January. We will hold hearings of that committee in various sections of the United States. Therefore, I am not going to hold you, knowing that you are busy, for questioning now. There will be more time in January and February.

Thank you for coming.

I shall now ask Mr. Gregory to come forward. Mr. Gregory is a very busy man and I know he has to leave.

I kept your name yesterday, Mr. Gregory. You said you did not object to the "Longest Day" being all white, but that you insisted there be a subtitle, "This portrays a segregated regiment."

STATEMENT OF DICK GREGORY

Mr. GREGORY. It is a pleasure being here.

I walked in late, but from the testimony I heard, I can't see what the hearings are being held for. It seems like all the Negroes are working, but really, after these meetings are over, you should go out and look into it yourself. It will be very simple.

Chairman POWELL. We had ample testimony yesterday, contradicting what has been said here today, from actors, and we are sure from your own experience, you can give evidence, as you just have, that there is plenty of discrimination.

Mr. GREGORY. The only TV show that hires Negroes regularly is the Saturday night boxing. After that, we can forget about it.

Chairman POWELL. And Puerto Ricans?

Mr. GREGORY. Yes.

I don't know, I can't speak for myself, as far as racial discrimination goes, in television, because I am more comfortable myself in a nightclub, making social comments. You have to take into consideration that you have in television a mass medium, with 20 or 30 million people listening who may not have the proper educational level to grasp what you are saying, so I find more leeway in a nightclub.

I almost would not hesitate to take a census of where 90 percent of that would fall.

Chairman POWELL. That is the first time this has been brought up.

Mr. GREGORY. We cannot even advertise Cadillacs. As far as movies and certain roles on television are concerned, I heard certain people don't write any Negro parts. I would like to know who would have to write me a Negro part? I have been one all my life. If you give me the part of a doctor to play, I will make him a Negro, I can't do anything else, but I think a lot of research should go into this, because this is a very touchy thing.

It is a point where all America, minority groups, are getting tired of this. The only time you ever see Negroes in a movie is in a jail scene or in a Communist rally. I don't think anybody would have an objection to the "Untouchables" showing a Negro scientist or something like that.

Down through the years, the Chinese have always been portrayed as Charlie Chan or a simple Chinese detective. How can you explain to an American kid that the Chinese are a world power, because we have always shown the negative side?

They say, "There is a lot of things you can't do on television today," and minority groups are being blamed for this—that we are touchy.

Years ago you heard of Step-n-Fetchit and all these Negro actors, playing the kind of roles they had to play, but we did not frown on that. A lot of minority groups have made a mistake in grumping about that. We did not frown on it. Step-n-Fetchit got top billing with Bob Hope.

Years ago the stomach was hungry; today the stomach is no longer hungry, but the mind is hungry. At that time we had to be easily satisfied. Today they aren't satisfied in their minds so easily.

Hollywood made a great mistake years ago, during Hitler's time. They should have know how the mass medium affects people in different sections of the world. How can you show "Naked City" with no Negroes involved? How can you show anything with no Negroes involved? The response is: "We would do it, but we would lose customers."

Chairman POWELL. Ed Sullivan this morning testified that that is totally untrue; that Negro performers in his show have not met with any reaction at all, except in increased car sales. The advertising agencies are lying; the producers are lying, and Ed Sullivan's testimony proves it.

Mr. GREGORY. Ed Sullivan's show is an exceptional case.

I have to take my hat off to Jack Paar, because Jack Paar used sophisticated Negroes on his show, more than just an entertainer or a performer, and I think his show played a great part in the acceptance of minority groups.

I ask myself: What is the difference between a Governor Barnett in Mississippi taking the stand that he decided to take to save his face with his Mississippi friends, and the "Huntley-Brinkley Report" being afraid to lose their customers? I ask myself: What is the difference between a General Walker and these other shows?

It has come to a point now where someone has to get into it, the Federal Government, or someone, because all this affects the Federal Government.

Chairman POWELL. Absolutely, that is the image of the United States.

What is your experience with the unions? What union do you belong to?

Mr. GREGORY. I belong to AGVA. Now I must be honest with you, I know nothing about my union. My office takes care of the union dues. I never met any of the officials before I made it, so I don't want to meet any of them now. My office sends a check out to the union whenever the dues become due.

Chairman POWELL. Thank you for coming. I appreciate your comments and I am glad you nailed it on the head, when you said it is the advertising agencies in television who are responsible.

Will Mr. George H. Fuchs, vice president in charge of personnel, National Broadcasting Co., please come forward?

Am I pronouncing your name correctly, sir?

Mr. FUCHS. You are, sir.

Chairman POWELL. Please be seated.

Is there any way you can file this statement and give us all testimony, or pick out the highlights from your statement?

Mr. FUCHS. My whole statement will be substantially less in length than the one that was submitted by the American Broadcasting Co.

Chairman POWELL. Then, we will consider this without objection, as part of the minutes.

STATEMENT OF GEORGE H. FUCHS, VICE PRESIDENT IN CHARGE OF PERSONNEL, NBC

Mr. FUCHS. My name is George H. Fuchs. I am vice president in charge of personnel, NBC, and have occupied that position since March 1961. Previously, and for a period of 13 years, I was involved in personnel and labor relations activities with NBC and RCA.

NBC is grateful for the opportunity to appear before this committee and comment on employment opportunities for minority ethnic groups in broadcasting.

The National Broadcasting Co.'s employment policy is simple, clear, and well known. There can be no discrimination because of race, creed, religion, or national origin against anyone seeking employment with the company. There can be no such discrimination in any matter applying to any employee of the company.

This principle is applied, without exception, in all phases of NBC's operation.

In television programing, the company has a long-standing and continuing policy of nondiscrimination in employment of actors and other performers. NBC encourages, subject to their availability and competence as performers, an increasing participation of Negroes and members of other racial minorities in the programs broadcast over its facilities.

NBC, as you know, is a subsidiary of the Radio Corp. of America. The Employment Practices Manual of the Radio Corp. of America states the basic employment policy of RCA and its subsidiaries:

> There shall be no discrimination against any employee or prospective employee because of race, color, age, creed, or national origin in hiring, placing, promoting, demoting, transferring, laying off, terminating (other than the company's established retirement policy as set forth in the RCA retirement plan), recruiting (including recruitment advertising), establishing rates of pay and other forms of compensation, or selecting employees for training or other related programs.

This is not a newly developed policy or practice. It has been a guiding principle for many years and the internal policy statement I have read dates back to 1919.

May I call this committee's attention to the activities of RCA in this regard.

In 1954, Mr. Frank M. Folsom, then president of RCA, testified before the U.S. Senate Committee on Labor and Public Welfare, Subcommittee on Civil Rights, and had this to say:

> Nearly 2 years ago, on April 16, 1952, I was privileged to speak before your Subcommittee on Labor and Labor-Management Relations in support of the principles that have inspired the bill you are now considering. The position of RCA remains the same today, strengthened by 2 more years of applying those principles successfully to its employment policy.
>
> We at RCA favor the adoption of legislation involving the principles of this bill. Since the founding of RCA in 1919 we have practiced nondiscrimination in hiring and promoting personnel on any grounds other than initiative and ability. This attitude has been applied as basic policy to all activities of the corporation * * *

Again, in 1955, Gen. David Sarnoff, while discussing RCA's employment policy before the President's Committee on Government Contracts, said:

> From the very beginning of its organization—in 1919—RCA has maintained the following policy:
>
> 1. Employment opportunities are open to all qualified people solely on the basis of their experience and aptitudes.
>
> 2. Advancement is based in the individual's achievement and potential for promotion.
>
> Over the years, our policy and our methods for implementing it have worked out well. The proof is in the fact that minority groups are employed in positions representing a substantial cross-section of RCA operations. Many of these employees have attracted attention—not because of their race, creed, or national origin—but because of their outstanding accomplishments.

This policy has been applied assiduously and consistently and, as recently as July 12, 1961, at a meeting with President Kennedy and Vice President Johnson, RCA announced its participation in the President's program entitled "Plans for Progress"—a long-range program to reemphasize and extend policies of nondiscrimination in employment because of race, crede, color or national origin.

Among other measures, the RCA "Plan for Progress" provides for (1) comprehensive plans by each operating division and subsidiary company to increase employment and career opportunities for Negroes and other minority groups, (2) a concerted effort during hiring campaigns to increase representation from these groups, especially at the higher skill levels, (3) increased contacts with Negro and other organizations in the development of qualified job candidates, and (4) a program to stimulate training and upgrading of Negro and other minority group employees.

The NBC program and policy of nondiscriminatory employment practices has been reiterated time and again by its president, Robert E. Kintner. Following the "Plan for Progress" pronouncement, Mr. Kintner issued a directive reminding all executives of the importance of implementing the policy fully and wholeheartedly. This has been followed up by a reminder of the importance of this matter, in the form of a memorandum to all NBC station managers and key headquarters officials. (See exhibits A and B attached.)

As vice president in charge of personnel, I am responsible for the coordination of this continuing program at NBC.

To obtain guidance and advice with regard to minority group employment, NBC officials remain in close touch with Negro community leaders. This contact provides not only the most effective relations with an important segment of the community, it also is the best means for exploring and developing sources of applicants for technical and professional positions.

Within NBC, the nondiscriminatory policy is reflected in the people of all races, creeds and colors who are included among our staff employees in a great variety of job classifications in our New York headquarters and at every location where we do business.

For example, here are some of the executive supervisory and technical positions Negroes occupy:

Program policy editor, standards and practices department. (Incidentally, this job has been held by George Norford, one of our long-term employees. He has been granted a leave of absence to serve as

special consultant with the New York State Commission on Human Rights. We consider it a singular honor to Mr. Norford and to NBC that he should be selected for this most worthwhile assignment.)

Leadman.
Manager of accounting.
Production coordinator.
Stage manager.
Film editor.
Magazine editor.
Unit manager.
Film studio engineer.
Stagehand——

Chairman POWELL. Did you say "Stage manager" or "Stagehand?"

Mr. FUCHS. Stagehand; and scenic arts.

These are just some of the positions occupied on a regular basis. I have recited them to give this committee an indication of the productive results flowing from our well-established policy.

Employment agencies are recognized as an important source of many types of employees. To help implement our policy in practical, tangible terms, our manager of employment has sent letters to some 37 employment agencies in the metropolitan New York area, restating NBC's long standing policy of nondiscrimination in considering all qualified applicants. The letter requested that the employment agencies continue the practice of referring potential employees on the basis of merit alone and without regard to race, color, religion, or national origin. (See exhibit C attached.)

So far, I have been speaking chiefly of staff employment. There is another aspect, the actors and creative talent associated with our programing. It is important to note that in the field of the performing arts, the supply always exceeds the demand. Actors and other performers of all races, all creeds, all religions, all national origins may find themselves from time to time without engagements.

In the entertainment field, the principal source of our programs are independent production companies who select all of the creative and performing talent and deliver to NBC a completed program, over which NBC, of course, has approval on the basis of taste and propriety. NBC has been diligent in bringing home to the outside production companies the policies we want followed in having our programs faithfully reflect faithfully the role and participation of minority ethnic groups in American life. For example, in April of this year, Mr. Mort Werner, vice president, programs, television network; together with Mr. Ernest Lee Jahncke, Jr., vice president, standards and practices; and Mr. Edwin Friendly, vice president, program administration, visited each of the production centers on the west coast where our programs are produced to place special emphasis on the matter.

Meetings were held with the production executives and our people made it unmistakably clear that it was our firm intention to have the policy as to the utilization of minority ethnic groups implemented in every degree.

Following these meetings, Mr. Mort Werner, in a letter dated May 31, 1962 (see exhibit D attached), to all NBC producers and production companies supplying programs to NBC, urged them to cast Negroes

and members of other racial minorities, subject to their availability and competence as performers in many varied roles.

As a continuing followup, the NBC program executives have constantly inquired of the producers as to the steps each is taking in this regard.

We have signed a talented young discovery to a special contract that may lead her to stardom. Ena Hartman, a young fashion and photographer's model from Buffalo, N.Y., is the latest talent discovery to be signed to an NBC development contract. She was signed in August as the result of excellent performances in a series of NBC talent auditions. She is being groomed as a dramatic actress and singer, and is being sent to dramatic school and to a vocal teacher. She is the fifth performer NBC has placed under such a contract—and the first Negro. There was, incidentally, no mention of her race in the NBC press release that announced her signing.

This is not new, but I would like to mention that NBC has a regular audition system that is designed to uncover new talent. Since 1959, the company has been holding talent auditions weekly. They are open to everyone.

Within recent months, an NBC committee, of which I am the chairman, has had a number of meetings with the Committee on Employment of Negro Performers, a group made up of some of the Negro performers themselves. With them, we have explored their problems in connection with employment and we have tried to come up with solutions. Our meetings have been very constructive, and suggestions have been exchanged which made it more evident to the committee as to program employment opportunities on NBC shows.

Before indicating to this committee roles in programs we broadcast which have been filled by minority groups, and in particular Negroes, I should like to quote briefly two of America's leading television critics. I want to quote them because it seems to me that their words bring into sharp focus everything that I have been trying to say.

First, Gilbert Seldes, in the October 20 issue of TV Guide, in reviewing "Sam Benedict," a program on NBC about a dynamic attorney practicing law inside and outside the courtroom of a busy metropolitan community, called it admirable and added that it was something many other programs might learn from. In citing three instances from early episodes, Mr. Seldes commented:

> Each of these three people belongs to a minority—one is Chinese, one a Jew, one a Negro. They are treated as members of the human race, capable of being foolish, simple, dignified. There is neither stress ("Look how broadminded we are!") nor evasion.

Second, Robert Lewis Shayon, in the Saturday Review of October 20, talked about TV westerns, and had words of praise for "Laramie," a western series back for another season on NBC.

> It is an integrated western—

Mr. Shayon writes, referring to the part of Jamie, a Negro veterinarian and Civil War veteran—

> He befriends the white lawman hunting the bank robber. Together they survive close death, and, side by side, they draw fire, hit the dust, and win the gunfight against the two bad guys. It is a surprise twist, with a touch of modern theme in an old charade: it is done well and with some dignity.
>
> It is good to see a Negro actor in a television western—playing a man.

Chairman POWELL. What is his name?

Mr. FUCHS. Robert Lewis Shayon.

The "Today" and "Tonight" programs, both produced by NBC, have had performers of minority ethnic groups innumerable times. I venture to say that a week does not go by when such performers are not used in either or both of these programs.

This is interesting in the light of what Mr. Gregory has stated.

There have been instances such as a full 2-hour "Today" program made up of the cast of an off-Broadway all-Negro show, "Kicks and Company," who did scenes from its musical. Here is an example where young artists were given exposure on a full network to showcase their talents in a satirical revue.

The "Tonight" program is well known for the part it has played in launching the careers of young artists. Dick Gregory, now a well-known comedian, attributes his success and popularity to the opportunities afforded to him on this program. There are many, many others, too numerous to mention, and the availabilities on the "Tonight" and "Today" programs are well known to all artists. On other programs broadcast over our facilities, the types of roles portrayed by Negroes and other minority groups are:

Investigating police chief, patrolman—in a continuing role throughout the series—nurses, interns, jury foremen, postal clerk, radio operator, labor leader, librarian, veterinarian, and tavern owner.

Again, the foregoing list is by no means all inclusive, since records are not maintained, but it is a representative showing of the sincere and conscientious efforts utilized to engage artists on the basis of merit, and of showing them in contemporary surroundings as members of the community.

This applies whether the program is a daytime audience participation show or a dramatic or musical program during evening viewing hours.

I am sure the members of this committee recall Miss Leontyne Price, the Negro opera singer, who was given a starring role in one of the NBC specials, the opera "Don Giovanni." Miss Price had starring roles in three productions of the NBC Opera Co. In each of these roles, she was engaged because of her ability and not because the parts had any particular racial requirements.

Effective implementation of a policy such as this requires more than simply a management decision to move ahead, however. It calls for a second element—knowledge of the levels of education and of attitudes among the present working force, the local minority groups, and the people of the community in which we are located.

I have received invaluable help in this respect from the National Urban League, governmental employment services, and other groups that have made it their business to help combat discrimination in employment.

From the standpoint of good business, it is worth reemphasizing that the policy of hiring people for what they can do rather than for who they may happen to be is hardly sentimental indulgence. The programs we broadcast are as good as the manpower behind them, and viewers are not concerned about whether the hands that are involved are black or white, or whether the individual goes to one church or another.

NBC, as part of our society, recognizes a moral and patriotic duty to eliminate discrimination. We are striving conscientiously for the day when this will be an established and accepted fact throughout the Nation. None of us is perfect, and we are, at all times, ready to listen to suggestions from objective and well-meaning individuals or groups. We do not claim to have a solution to all employment problems which might confront minority ethnic groups. We say again, however, the NBC policy remains firm and unmistakable.

I am grateful to you for the opportunity you have afforded the National Broadcasting Co. to participate in this hearing. All of us have reason to be grateful for the continuing efforts which are being made by government and industry in this important undertaking.

(The following letters were submitted by Mr. Fuchs:)

EXHIBIT A

AUGUST 29, 1961.

On March 6, 1961, President John F. Kennedy issued Executive Order 10925, In essence the Executive order directs all companies having Government contracts to provide equal employment opportunities for all employees and qualified applicants without regard to race, color, creed, or national origin. The term "equal employment opportunities" is interpreted in the Executive order to include upgrading; transfer; recruiting and recruiting advertising; layoff or termination; rates of pay; and selection for training. The Executive order also establishes the President's Committee on Equal Employment Opportunity which is empowered to adopt rules and regulations and to enforce provisions of the directive.

In May of this year the President's Committee requested RCA and eight other major defense contractors to participate in a pilot study covering all areas of equal employment opportunities for Negroes and representatives of other minority groups. The results of the study were well received by the President's Committee and, as a result, Mr. John L. Burns was invited to attend a meeting at the White House on July 12, 1961. At this meeting, Vice President Lyndon B. Johnson and Mr. Burns, signed a "Plan for Progress," a copy of which is attached. I have also attached a copy of the General Order No. B–12, which was distributed on July 10, 1961.

Of course, the general order involves no substantial change in our own long-standing policy. It does, however, serve to encourage us to pursue our policy with even greater care and vigor, and the RCA general order is designed toward that end. I expect your full cooperation in implementing this policy wholeheartedly.

I have asked George H. Fuchs, vice president of personnel, to be responsible for the coordination of this program and to make periodic progress reports to me. Mr. Fuchs, working through the appropriate management channels and the local personnel functions will review the policies and practices of all locations and will prepare a consolidated plan for the National Broadcasting Co.

ROBERT E. KINTNER.

EXHIBIT B

AUGUST 22, 1962.

I know all of you are familiar with our policy of nondiscrimination in employment and our objective of having our programs reflect a natural profile of the community scene with regard to appearances of Negroes and other members of minority groups, and I also know that this policy is actively and sincerely followed both at NBC headquarters and at the owned station locations. I am writing this memo for the purpose of reemphasizing the policy, and to ask you to give it continuing conscious attention.

It is not our policy to engage Negroes as employees or performers merely because they are Negroes, or to create a statistical record. It is our policy to engage employees and performers on the basis of their qualifications and suitability for the particular assignment without regard to race, color, or creed. Because of the significant number of Negroes and members of other minority groups in the total population, and their distribution in many of the areas of skills and crafts involved in broadcasting, the normal effect of our policy would be a fair representation of Negroes among the various occupational classifications of NBC employees throughout our locations.

We do not keep records as such on Negro employees, except as these are required for purposes of reporting, through RCA, to the President's Committee on Equal Employment Opportunity. In reviewing the records kept for this purpose, I am gratified to see that Negro staff employees—apart from those engaged on the artists' payroll—are represented in over 50 different occupational classifications at NBC, including supervisory and technical positions. This indicates to me that our policy of nondiscrimination is working. There should be no letdown in its conscious implementation, but even more active attention to it in every area of your operations.

Similarly, in locally produced programs, including interview and panel shows, without seeking the appearance of Negroes simply because they are Negroes, you should keep in mind that Negroes in various walks of life are a part of the respective communities you serve and their appearance in programs, where it would be natural, should not be overlooked.

ROBERT E. KINTNER.

EXHIBIT C

APRIL 27, 1961.

DEAR MR. ———: As you know, it has been the policy of the Radio Corp. of America since 1919 to consider all qualified applicants for employment without regard to race, color, creed, or national origin. The National Broadcasting Co. takes this opportunity to reaffirm this policy and point out that it conforms to Executive Order 10925, issued on March 6, 1961, by the President of the United States.

We request that your organization, as it receives our manpower solicitations, continue the practice of referring all qualified applicants in accord with the above policy and the Executive order.

Sincerely,

JOAN DALY, *Manager, Employment.*

EXHIBIT D

MAY 31, 1962.

DEAR———: The purpose of this letter is to direct your attention to NBC's longstanding and continuing policy of nondiscrimination in employment and of encouraging in all programs broadcast on our facilities a natural reflection of the role of minority groups in American life.

NBC's employment policy is simple, clear, and well known: There can be no discrimination because of race, creed, religion, or national origin against anyone seeking employment with NBC. This principle applies, without exception, in all phases of NBC's operations.

In programs depicting the contemporary American scene, NBC follows a policy of portraying all members of minority groups fairly and honestly, avoiding stereotypes, in a manner consistent with their relationship to the society as a whole and with the realities of everyday life. While this policy applies to all racial minorities, obviously its principal reference—because they constitute such a sizable minority—is to the casting and depiction of Negroes. Our policy and objectives in this area were discussed in some detail in meetings recently held on the west coast between representatives of the NBC Program and Broadcast Standards Departments and the producers of all filmed NBC programs. We believe, however, the importance of the subject warrants its emphasis again, and in writing, so that all concerned will take affirmative steps to recognize these objectives in program planning and casting.

The purpose of the policy, apart from its basic intention of assuring fairness in employment, is to present through our medium, where pertinent and within the permissive framework of dramatic license, a reasonable reflection of the contemporary American scene. As an example of one way it may be effectively implemented, producers are urged to cast Negroes subject to their availability and competence as performers, as people who are an integral segment of the national society, as well as in those roles where the fact of their minority status is of dramatic significance. Negroes are actually engaged in many occupations that are part of the background of storytelling, and accordingly there should be opportunities to include them in roles where it would be natural and realistic for the Negro to appear. This does not mean that any special effort should be

made merely for its own sake to include members of racial minorities in programs that do not logically call for their presence. But it does mean that an effort should be made to include them in programs in which their presence contributes toward an honest and natural depiction of places, situations, and events.

We believe that NBC's performance in pursuing this policy is preeminent in the broadcasting industry. At the same time we recognize that we must constantly seek improvement if we are to maintain our position of leadership, and we intend conscientiously to do so.

Sincerely,

MORT WERNER.

Chairman POWELL. We will hear next from Mr. Thomas K. Fisher, vice president, Columbia Broadcasting System.

Mr. FISHER. I have here Mr. Lawrence Lowman, vice president of labor relations of CBS. He will testify.

STATEMENT OF LAWRENCE W. LOWMAN, VICE PRESIDENT OF PERSONNEL, CBS

Mr. LOWMAN. Mr. Chairman and members of the committee, my name is Lawrence W. Lowman. I am vice president of personnel of Columbia Broadcasting System, Inc. My duties include responsibility for the development and administration of the personnel and labor relations policies of the operating divisions of CBS.

In your letter of invitation to us to participate and testify it was stated that the subject of this phase of your hearings relates to discrimination in employment in the performing arts, "mainly radio, television, moving pictures, drama, dance, the concert world, and in the field of professional modeling." The activities of CBS include, of course, two of the performing arts mentioned, radio and television, as well as the production of phonograph records.

Located in New York City are the headquarters of CBS radio, CBS television network, CBS television stations, CBS news, and Columbia Records, each a division of CBS. These divisions employ approximately 4,300 permanent staff employees in New York City. In addition, these divisions employ talent on a nonpermanent basis under engagements varying from a few hours to a term of several years. A large number of performers appearing on our television programs are employed by program packagers independent of CBS. There are also performers who appear in the commercial messages of advertisers; commercials are produced by parties independent of CBS, namely, the advertising agencies.

As a broadcasting organization, as a producer of phonograph records, and as an employer, CBS is fully aware of the problems long encountered by Negroes and other minority groups in seeking employment opportunities free of discrimination by reason of race, color, or creed. We believe that the solution of these problems is one that cannot be worked out only by the minority groups affected. We believe that these problems are problems facing and affecting all of us, majority as well as minority, and that their final solution must be one in which all of us play a part.

We view the invitation by the committee as an opportunity to relate what efforts CBS has made and is making to the end that no qualified man or woman is denied the opportunity of competing for work because of racial, religious, or color reasons.

In the years immediately following World War II, CBS initiated its policy of actively searching for qualified Negroes on a permanent staff basis for its offices in New York. Discussions were held by us with the National Urban League, the NAACP, Negro clergymen, and employment agencies concerning the recruitment of Negro applicants. At the same time, measures were taken to break down prejudices within the organization, so that Negro applicants would be more readily acceptable.

For example, Negro secretaries were put into the executive secretarial pool and assigned throughout the company. Departments in need of temporary help were given Negro replacements to demonstrate their capabilities. Negroes were added to our internal messenger staff, circulating throughout our office to further accustom our employees to the natural acceptance of Negroes as fellow employees. This was our beginning.

As a result of our continued efforts, CBS now employs on a permanent staff basis in New York City approximately 250 Negroes. (Our employment records do not reflect color; this estimate is therefore, based on an informal check for the purposes of this hearing.) The various job categories in which Negroes are employed are listed below:

CORPORATE AND BROADCASTING DIVISIONS

Office: Administrative assistant, secretarial, comptometer operator, mimeograph operator, teletype operator, keypunch operator, air-conditioning engineer, typist, clerical, stock clerk, guard, messenger, expediter.

Production: Network announcer, associate director, wardrobe handler, grip, stagehand, technician, assistant technician, stage manager.

Administrative and professional: Press representative, musician, orchestra coordinator, supervisor of scheduling.

Columbia Records Division: Staff assistant to director of standards and procurement, national field sales promotion manager, producer of popular music, secretary, clerk, coordinator, attendant, technician, clerk-typist, supervisor, keypunch operator, tabulator operator, mail correspondent, proofreaders, group leader, telephone contact, comptometer operator.

Chairman POWELL. It is very impressive.

Mr. LOWMAN. This listing of job categories, I would note, includes so-called higher level positions. One of our press representatives in the CBS news division is a Negro. Prior to taking his present position, he handled press relations for the CBS radio network. For over 10 years, a Negro headed our television graphic arts department.

Chairman POWELL. I would like to interrupt you for a moment, if I may.

You say that as a result of your efforts, you have employed approximately 250 Negroes?

Mr. LOWMAN. That is right.

Chairman POWELL. Good. That is all. Go ahead.

Mr. LOWMAN. At the present time, we have a Negro staff announcer. He was employed after we had auditioned a number of Negro announcers. He works for both the radio and television networks and

our radio and television stations in New York City. In addition, he now has his own feature programs on WCBS, broadcast on Saturdays and Sundays. He appears as a substitute newscaster on our New York City television station, WCBS–TV.

Of our current staff musicians, four are Negroes. In supplementing the staff orchestra, an additional three Negroes have been employed each week. The coordinator of our staff orchestra is a Negro. He came to CBS as a porter.

In the technical area, we have three technicans and seven assistant technicians who are Negroes. Nine of these men were taken from their original porter and messenger jobs and trained by us for technical assignments. We have a Negro associate director in the CBS Radio Network Division and from time to time he has acted as director of radio programs. We have a Negro associate director in the CBS Television Network Division. A Negro stage manager was employed recently in the CBS Television Network Division.

At Columbia Records Division, the national field sales promotion manager of our subsidiary sales corporation is a Negro. The staff assistant to the director of standards and procurement of our Columbia Record Club is a Negro. A producer of "Popular Music" is a Negro.

During the past 2 years, as part of our regular CBS executive trainee program, we have sought out Negro trainees in order to increase their number in executive positions at CBS. Colleges and universities we visit are advised in advance that we are interested in considering Negro candidates. Although at present few Negroes have a master's degree in business administration, which is the normal requirements of the program for eligibility, one with a master's degree from Columbia University is presently in training for an executive post. Another Negro trainee from last year's program was recently placed in our television operations unit in charge of technical scheduling.

Our program of increasing Negro employment on a permanent staff basis is a continuing one.

I turn now to the subject of appearances of Negroes on the air. During the days when radio was the sole broadcast medium, the question this committee is now exploring had not been articulated by broadcasters and Negroes. During the 20 years of radio preeminence in broadcasting, Negroes did appear on occasion in some programs as singers, musicians and, of course, in a few sporting events.

The new medium of television, however, brought with it a sharper focusing of the problem we are discussing today. In the beginning of television in the late 1940's its programing formats and patterns were for the most part borrowed from the two decades of radio experience. So it was that the appearances of Negroes in the early days of television remained comparable to their appearances on radio. Ed Sullivan touched briefly on this, with regard to his show, which started its long tenure in television in 1948, and which included Negro performers, singers, et cetera. It is still including them regularly 14 years later. Negroes appeared in the top rating "Arthur Godfrey and His Friends" and Arthur Godfrey's "Talent Scouts" programs. On the former program appeared for the first time, to the best of my knowledge, a mixed male quartet, "The Mariners," two of whom

were Negroes. The appearances in broadcasting of such artists are sometimes belittled on the grounds that this talent is obviously in the star class and hence that such appearances constitute no real contribution toward a solution of the discrimination problem. But let us not forget that it was through broadcasting, and in particular, television, that, for the first time, these Negroes of high artistic ability entered the living rooms of millions of homes in both the North and the South.

The decade of the 1950's witnessed a gradual evolution in the nature of Negro appearances on television. Negroes were included as contestants, along with whites, on quiz programs. On the popular "Person to Person" program, such celebrities as Jackie Robinson, Duke Ellington, Mahalia Jackson, Roy Campanella, and Sugar Ray Robinson were visited in their homes, just as other guests were similarly interviewed. The "See It Now" camera captured the Negro soldier in Korea and followed the great Marian Anderson as she toured the world. Newspapers acclaimed her broadcast as "worth more than 200 sputniks." When "The Big Record" was broadcast over the television network, Negroes whose records had made the best seller list were invited to appear as guests on the same basis as were their white colleagues. News interview programs began to include leaders of the Negro race. Dr. Ralph Bunche became not only a name but a familiar face in American homes. The "Phil Silvers Show" featured a Negro soldier as one of the cohorts of Sergeant Bilko, and in a few instances, Negroes played leading or supporting roles in "Studio 1" and "Playhouse 90." Those were both large shows.

Our two television network religious programs, "Look Up and Live" and "Lamp Unto My Feet," have regularly included Negro performers. They have appeared in straight dramatic roles in these programs, some of which have been concerned with the plight of the Negro race and some of which have had no relation to that subject at all.

The 1960's are witnessing a step-up in this evolution, not only in the number of appearances by Negroes but in the depiction of the Negro as he lives in today's society. The chairman of this committee; the Honorable Edward R. Dudley, Manhattan Borough president; the Honorable Robert C. Weaver, administrator of the Federal Housing and Home Finance Agency; Hon. James R. Dumpson, New York City commissioner of welfare; and the Honorable Madison S. Jones, executive director of the Commission on Human Rights of New York City, have all appeared on the "New York Forum," broadcast over WCBS–TV.

For two semesters of the "Sunrise Semester," an educational program of our local television station, Elliott P. Skinner, assistant professor of anthropology at New York University, was the instructor.

"Clear Horizon," a daytime serial, included Negroes in the role of man and wife, the man playing the part of a career Air Force airman, first class.

"Camera 3" employs Negro talent in its dramatic and dance programing.

Negro ministers are appearing on the daily religious program "Give Us This Day" over our New York television station. The tele-

vision network public affairs program "Accent" included Negroes in several of its discussion and dramatic presentations. A monthly half-hour series man-on-the-street interview, "We Ask You," has presented Negroes and Puerto Ricans.

The "Eye On New York" series of our New York television station uses two Puerto Ricans from time to time in its studies of local problems.

In May of this year, Hubbell Robinson, senior vice president—programing of the CBS Television Network, sent the following memorandum to all network staff producers, independent producers of network program packages, and producers of programs for advertising agencies placed on the CBS Television Network:

> We would like our programs to more adequately depict the Negro as he lives in today's society.
>
> It is our feeling that in many cases the failure to cast Negroes in dramatic programs is simply a matter of thinking only in terms of white actors. Therefore, it would be appreciated when you are casting your shows to keep in mind possibilities for Negro performers.
>
> There are many Negro doctors, lawyers, schoolteachers, engineers, policemen, nurses, jurymen, etc., in everyday life today. Let's be realistic about having them appear as such in our dramatic programs.

This memorandum, I believe, represents one of the highlights in our efforts to further the evolution which I have outlined to you. Current instances of implementation of this philosophy are found in the award-winning network program, "The Defenders," and in the "The Nurses" series that you mentioned, new to our schedule this fall. In "The Defenders," which centers on the activities of a father and son team of trial lawyers, Negroes have been employed in such roles as judge, police lieutenant, courtroom guard, jury foreman, juror, and courtroom spectator.

"The Nurses," which explores life in a large metropolitan hospital, employs a Negro actress in the continuing role of a nurse, and includes Negroes as patients and orderlies.

"The Verdict Is Yours" had Negroes in the jury box.

The "Art Linkletter House Party" program has included as guests not only the Ethel Waters, Billy Williams, and Sarah Vaughns, but numerous Negro children in the very popular segment of this program in which Art asks questions of schoolchildren. It is a regular feature.

I wish to emphasize, Mr. Chairman, that this recital of CBS programing in which Negroes have appeared is in no manner intended to be all inclusive. An all-inclusive report is impossible for me to make, because we have not kept records over the years reflecting the race, color, or creed of those appearing on our air. In preparing for this testimony before your committee, I have merely tried to recall, with the help of a few of my colleagues, some of the programs on which Negroes have appeared.

Before leaving the area of Negroes in broadcasting, I should briefly note that our news coverage includes Negroes as and when they participate in news events locally and nationally. In the reporting of news by television, the depiction of the Negro is, of course, entirely real life. His faults, his greatnesses, are shown, just as the faults and greatnesses of whites.

And finally, in the programing area of my discussion, let me also recall one other activity of television which, although not immediately relevant to your inquiry, should nevertheless be considered in an overall appraisal of the Negro and broadcasting:

"Who Speaks for the South?" "Who Speaks for Birmingham?" "Back to School in New Orleans," "Mississippi and the 15th amendment," "United States versus Mississippi," and "The Other Face of Dixie" are among the landmark programs which have presented the historic events transpiring since the Supreme Court decision of 1954.

I am sure I need not detail at length the names of the many Negroes who are on the roster of artists of the Columbia Records division. There are 195 artists on our Popular Artists and Repertoire Roster, of whom one-fourth are Negroes. These include Johnny Mathis, Miles Davis, Mahalia Jackson, Leslie Uggams, Carmen McRae, Oscar Brown, Jr., Michael Olatunji and Eugene Wright, the outstanding basist in the famous Dave Brubeck Quartet.

Mr. Chairman, the evolution of which I have spoken will go beyond today. Like all social changes, there was the period of slow initial growth, but the pace has been accelerated. Much remains to be done and CBS will, of course, play its part.

Thank you for the opportunity of appearing.

Thank you very much for the opportunity of being here. If there are any questions I would like to have them.

Chairman POWELL. I congratulate you very much on the "Defenders" and "The Nurses."

Have you met with any resistance from sponsors on these shows?

Mr. LOWMAN. I don't believe we have.

Chairman POWELL. You support Mr. Sullivan's testimony, then?

Mr. LOWMAN. Oh, yes. If there have been one or two incidents in the news or on public affairs, where sponsors have been squeamish about it, we have put them on anyway.

Chairman POWELL. You are making progress, that is evident. Have you met with any of the representatives of the Ethical Culture Group on employment for Negroes?

Mr. LOWMAN. Yes. What we have done, aside from the four obvious groups, is to consult with a number of Negro leaders in the field, just to get some sense of overcoming what difficulty there is in this field.

I think it is accelerated now, and I think it should improve.

Might I just comment for a moment on that Ethical Culture study?

As near as I can see, the study was a proper one, but I did have our own schedule checked, and if I can read from my notes here, I found out we have a number of programs in those 13 days from the 1st of April to the 13th, that included Negroes. I am not sure that the time they had mentioned for having programs would be as little as they pointed out.

Chairman POWELL. I would like you to leave that as an exhibit, if you would. All this information will be carefully examined by the staff. The subcommittee, in January, will proceed on the basis of this information.

Mr. LOWMAN. Those are only my notes.

Chairman POWELL. Would you like to prepare them a little bit?

Mr. LOWMAN. Yes, I would.

Chairman POWELL. We have Mr. P. Jay Sidney, and following him, chairman of the State commission on human rights.

I would like the minutes to indicate that the Actors Equity Association has asked that he be permitted a file a statement.

This is his telegram.

OCTOBER 29, 1962.

Congressman ADAM C. POWELL,
110 East 45th Street, New York City:

Although Mr. Ellsworth Wright and I appreciate the opportunity to appear before your committee, it is my understanding that Equity President Ralph Bellamy hopes to submit a statement for the record of the current hearings which will, in his absence, present the association's position on the subject under study. Thank you.

Sincerely,

ANGUS DUNCAN,
Executive Secretary, Actors Equity Association.

Chairman POWELL. Without objection, that statement will be inincluded in the record.

I would like a letter from Mr. Darryl F. Zanuck, who has just returned from Europe, to be included in the minutes:

OCTOBER 27, 1962.

Mr. ODELL CLARK,
Chief Investigator, Investigative Task Force, New York, N.Y.

DEAR MR. CLARK: This is in reply to your letter of October 20. I have been in Europe and did not have an opportunity to reply before now.

I cannot, of course, speak for any other producer or film corporation but I can speak for the past activities of Darryl F. Zanuck Productions, Inc., and the future activities of 20th Century-Fox Film Corp.

As an individual, throughout the years, I have aggressively fought against all types of discrimination. My record in this regard is well known throughout the motion picture industry and I believe to the public at large. I personally produced films that fought against the curse of discrimination. These films include: "Pinky," "No Way Out," "Island in the Sun," "Gentleman's Agreement," "Grapes of Wrath," etc.

The first three aforementioned films because of their liberal and progressive antisegregationist themes were barred throughout most of the theaters in the South. Actually more than 6,000 theater bookings were canceled.

There has never been nor will there ever be discrimination in any film or television production with which I am associated. While I cannot wholeheartedly approve of some of the tactics approached by certain "pressure groups" nevertheless I have never failed to meet with representatives of any bonafide or legitimate organization representing minorities.

Sincerely yours,

DARRYL F. ZANUCK.

Chairman POWELL. Mr. Sidney, will you give your name, occupation, and address to the reporter, please.

STATEMENT OF P. JAY SIDNEY, ACTOR

Mr. SIDNEY. My name is P. Jay Sidney. I am an actor. I would first like to read my prepared statement, then if the committee would grant me another few minutes, I would like to comment.

Chairman POWELL. We cannot do that, due to shortage of time. Your statement contains nine legal-sized pages.

Mr. SIDNEY. I will read it very quickly.

Chairman POWELL. All right, go ahead.

Mr. SIDNEY. Mr. Chairman, I intend to give testimony indicating discrimination against Negroes in television and radio—discrimination that is almost all prevading, that is calculated and continuing—

discrimination which is possible in the degree that it is practiced because of the "cooperation," if not the outright collusion of public officials.

Chairman POWELL. Is that a tape recorder you have on the table beside you?

Mr. SIDNEY. This is not recording what I say. It is a tape recording of something else that I refer to in my statement.

Chairman POWELL. All right. I asked, because tape recordings are forbidden to be made in a congressional hearing.

Mr. SIDNEY. I understand that the concern of this hearing is the hiring practice, per se. I have engaged in a campaign to bring about a fairer presentation of Negroes—imagewise. If some of my facts seem, at first glance, to be digressions from the committee's area of concern—I beg the committee's indulgence; I think you will find my testimony, in the end, entirely relevant to the committee's concern.

I have some competence to testify on the subject of Negro employment in television. I have appeared in more than 170 shows and have worked in television for 11 years. I have even more years experience being a Negro; someone once said that every Negro has two careers—one at which he makes a living, and the other of being a Negro.

I believe that Negroes are discriminated against to a large extent because of the image of Negroes that is held by most white people in the United States. When Negroes were first dragged off slave ships, Christian white Americans could justify enslaving them on the premise that the Negroes were less than human; this was the white's image of the Negroes. Today, after several hundred years of alleged progress, the Negro is suffering still from the image that white Americans have of him.

Television is the greatest opinion-molding medium yet devised; one does not have to be able to read to be influenced by it. It is ubiquitous; it has been estimated that there are more television sets than toilets in America. What is this most formidable of opinion-molding media promulgating as regards Negroes? By excluding Negroes from what purports to be a true representation of the American scene, television is projecting the image of Negroes as nonexistent except possibly as servants here and there.

The epitome of the damaging image of Negroes projected by the broadcasting industry is the following: I know of only one instance where Negroes appeared in an outer space program—and that time, Captain Video landed on some planet and found it inhabited by Negroes dressed like savages and we made sounds like animals.

This imagery—false imagery of Negroes—affects adversely not only the hiring practices in the broadcasting industry, but everywhere that a Negro applies for a job, he not only has to qualify, but also has to get past the white interviewer's image of him (an image preconceived, and reenforced daily by the mass media, the most effective of which is television, effective because "one picture is worth a thousand words").

My campaign to have Negroes presented as they occur on the American scene bears directly on the employment of Negroes in television programs, since it is to be presumed that if Negroes are to be presented fairly, Negro actors would have to be hired to play Negroes.

Negroes do not necessarily play Negroes on radio, however. I cite the following to point up the extremity—I repeat, the extremity of

the exclusion of Negroes from broadcasting generally—and from radio in particular. On February 4, 1962, the "Eternal Light" radio show did a dramatization of George Washington Carver's life. Five of the characters were Negroes by historical fact—yet four of these five characters were played by white actors. I played George Washington Carver. I assumed that I had been hired because I do the southern accent well (Mr. Carver spoke with the accent of the Deep South). I was not allowed to use the southern accent, however, because the little white boy who played Carver as a boy could not do the southern accent. Insult was added to injury, which was compounded with absurdity.

I indicated to the director, when the program was over, my outrage at this ultimate in exclusion of Negroes from employment in broadcasting. The director, Daniel Sutter, an NBC employee, told me that he did not know any Negro actors—he only knew of me because I had been recommended by George Voutsas, previous director of "Eternal Light." Mr. Voutsas, in turn, had only heard of me by asking a Negro secretary at NBC if she knew a Negro actor.

Chairman POWELL. May I interrupt? Where does the union fit into this? You all belong to AFTRA, don't you?

Mr. SIDNEY. Well, you see, traditionally, the union doesn't take any part in the casting of shows.

Chairman POWELL. Where would someone go to find union actors?

Mr. SIDNEY. I am getting to that.

Please note that Negro actors are not sought out in the normal channels. I was at that time listed in Players' Guide as having appeared in more than 150 television shows and more than a dozen Broadway plays. This again demonstrates that, for most white people, Negroes are not actors, or doctors, or lawyers—not really—but are, rather, all members of a secret lodge, domiciled in Harlem or some other colored town—all knowing each other, and all experts on each other.

It was ironic. Here I was on February 4, 1962, playing on a radio show not because of my talent or my considerable experience, but because the particular secretary whom Mr. Voutsas had asked earlier if she knew a Negro actor, happened to have gone to college with my wife.

With the route so circuitous, is it any wonder that so few Negroes get work on radio?

Mr. Sutter said that he did not know any Negro actors or actresses. I talked with Ruby Dee that same night and she said that he knew her very well. It turned out that Mr. Sutter had called two Negro actresses who are sisters and live together. For some reason, neither of them could do the show. So Mr. Sutter expended one telephone call in his search for Negro actors.

In a letter dated February 26, 1962, NBC Vice President George Fuchs defended Mr. Sutter thus, and I quote:

> **The program director then contacted the Jewish Theological Seminary and spoke with Miss Barbara Tillman requesting her assistance in obtaining Negro children to play parts in the porgram. Miss Tillman could offer no suggestions in this area.**

Please note that NBC Vice President Fuchs sees nothing wrong with Mr. Sutter's not finding Negro children since, after all, Mr. Sutter had sought Negro children through the Jewish Theological Seminary. Now, isn't that the logical place to inquire if one really wanted to find

Negro children? I don't know why Mr. Sutter did not try the Swedish consulate.

Chairman POWELL. He should have called the Abyssinian Baptist Church.

Mr. SIDNEY. I pointed out to him—and I restate here—that I see nothing wrong with whites playing Negroes on radio, if Negroes are given an opportunity to play anything their voices qualify them to play. But I said that I was bitter if Negroes are restricted to playing Negroes—and then are even displaced from roles historically Negro.

Then Mr. Sutter told me that some years ago, a directive was issued to all NBC radio directors that Negroes were to be used wherever they qualified—but he admitted that that directive had never been implemented. I have with me a tape recording of that conversation.

I have cited and shall cite my own experiences—not to dramatize myself, but rather because I felt it was better to speak authoritatively about my own experiences, than to conjecture second-handedly about someone else's experiences.

Since television is visual, the exclusion of Negroes is even more obvious and incontrovertible than on radio. Negroes are not presented in the roles in which they appear in everyday American life. Failure to do so reflects in the almost total lack of employment for Negro actors—and, as might be expected under such circumstances, the minimum wage allowance is almost always the maximum paid to Negro actors.

My campaign to have Negroes presented more fairly first took the form of letterwriting. I got some pious, self-righteous replies—some were evasive—some utterly unresponsive to the issue.

I received one very revealing letter from NBC director of broadcast standards, Carl M. Watson. He insisted that NBC had an ironclad nondiscriminatory policy and went on to prove it by citing the use of Leontyne Price on the NBC Opera. I replied to him that Negro stars had never been at a loss for work—but that white performers could get work on NBC without being of star stature.

Chairman POWELL. That is an interesting point.

Mr. SIDNEY. Mr. Watson noted that NBC had been commended by the State commission against discrimination; this, and other facts that I shall bring out, will, I believe, mark the State commission as NBC lovers.

From the letterwriting stage, I moved into the more overt stage of my campaign. Lawrence Langner of the Theatre Guild, which produces the "United States Steel Hour," scrawled an impressive message in pencil on the bottom of a letter I had written to him, and returned it to me. Mr. Langner's message cited a play from the 1930's and one from the 1940's as evidence that I was slandering one of our "few friends in the theater." With condescending and paternalistic friends like the Theatre Guild, Negro actors don't need enemies.

With the insult of this pencil-written note added to the injury of the almost total exclusion of Negroes from the "United States Steel Hour's" representation of the American scene, I decided to begin my picketing at the Theatre Guild, apropos of the "United States Steel Hour."

On the second day of picketing, I was asked in to talk with George Kondolf, who produces the "United States Steel Hour" for the Theatre

Guild, Armina Marshall, a partner and a cofounder of the Guild, Warren Caro, a partner in the Guild, and one of the Theatre Guild's attorneys named Forster.

Mr. Caro hastened to reassure me that Miss Marshall was not prejudiced, because "she entertains Negroes in her home." I tried to make clear that the object was getting Negroes represented on the "United States Steel Hour"—not social acceptance by Miss Marshall.

Among other things said at that meeting, Mr. Kondolf admitted that many fewer Negroes were being used on the U.S. Steel Hour than (January 17, 1962), then during the years 1954–56. Mr. Forster urged me to seek relief through the State Commission Against Discrimination; the reason for that will be clearer when I explain why I picketed the State Commission, accusing it of being "a political gimmick to lull Negroes into a sense of false security."

At one point, the Theatre Guild's lawyers, Fitelson and Mayers, attempted to intimidate me into silence by threatening litigation. They sent a 3-page telegram threatening to sue over the fact that my signs quoted Mr. Caro on Miss Marshall's entertaining Negroes up at the "Big House," and that I quoted what Mr. Langner had scribbled in pencil, and quoted a statement, ascribed by the New York Post to Mr. Kondolf, to the effect that "there are not too many parts that can be believably played by Negroes."

My attorney, Bruce Wright, answered Fitelson and Mayers by return mail, pointing out that not only was I properly exercising my right of free speech with the picket signs, but that quite possibly, the passage of their telegram through so many hands constituted publication of statements that are legally actionable. The fact that Fitelson and Mayers did not bring action on behalf of the Theatre Guild suggests that they merely threatened suit in the hope of silencing my protests.

Next, with some friends, I picketed David Susskind in regard to the failure to show Negroes on the Armstrong Circle Theatre. Mr. Susskind agreed, as did the Theatre Guild, to use Negroes more fairly. And it must be said in his behalf that the Armstrong Circle Treatre has made a more earnest effort than the U.S. Steel Hour.

It became evident that there was not time or energy enough to picket each show. So I approached the State Commission Against Discrimination, now called the State Commission for Human Rights. (I cannot help suspecting that the name was changed because, as shameless they are, even they became uncomfortable with the "Against Discrimination" in their name when they were and are so patently ineffectual against discrimination—possibly by design.)

On January 31, 1962, I met with Commissioner George Fowler (now chairman). He said that he was so biased in favor of my position that he would turn my complaint over to another commissioner. He suggested, however, that we have lunch the next week.

At lunch, Mr. Fowler all but assured me that the Governor would appoint a committee of "top people" to investigate the exclusion of Negroes from television. (I have recordings of that and other conversations with Mr. Fowler, with the then chairman, Ogden Reid, and with Vice Chairman Bernard Katzen. These recordings should be required listening for anyone who doesn't yet know the definition of "a snow job".) He suggested that I request an audience with the then chairman, Reid.

On March 1, 1962, I, with several others who had interested themselves in my campaign, went to see Mr. Reid. The others were Bruce Wright, Rev. Sidney Lanier, and Jesse Walker of the Amsterdam News. I set forth my premise that the Negro people were all being hurt by the image fostered by television's exclusion or misrepresentation of Negroes. I repeatedly asked if this image complaint was within the competence of the State commission. Repeatedly, Mr. Reid assured me that it was.

I would like to say, in passing, that I am not citing the actions of the State commission by way of appealing to a higher body for review, but I cite this ignoble history more to indicate the poor prognosis of getting any help—at this level of government—for the grievous plight of Negroes in relation to the broadcasting industry.

Mr. Reid said he would talk to the "top men in television" whom he knew personally. I objected to this "drink at the club" type of law enforcement.

What with Mr. Reid's telling me one thing and telling a New York Times reporter another—it became increasingly clear that I was knee deep in deceptions and misrepresentations at the State commission.

First I picketed the State commission, then the Governor's New York office. I wanted some public statement of intent, to correspond to the private, but recorded, representations given me by Messrs. Reid and Fowler. On May 18, 1962, Mr. Fowler, by then chairman, declared against the damaging image of nonwhites put forth by television. The New York Times report of the above date quoted Mr. Fowler in what was a recapitulation, almost verbatim, of the complaint I had made to Mr. Fowler on our first meeting. Mr. Fowler did not indicate that the idea did not originate with him; nowhere did he mention my having made the complaint. The Times reporter, however, having heard me set forth the ideas before, noted at the end of the article that I had initiated the complaint. It seemed to me important who made the complaint, because that would determine who might drop the issue, as apparently Mr. Fowler has done.

When I went to lunch with Mr. Fowler, he asked me to call him George, and he called me Old Buddy; this was seemingly in lieu of action by him in the area of his competence and responsibility.

The final stroke that made me know I had mistaken the holdup men's hangout for the police station came when the State commission rendered a decision on a specific charge that I had leveled against NBC. I complained to the State commission that I had sought a job "in the production of television shows." In order to find in NBC's favor, the commission changed "in the production of television shows" to "producer." The producer is the topman, but there are many jobs under him. I should not have been such a fool as to apply for a job as producer; but the State commission made me out such a fool to protect the network. First NBC was commended by Elmer Carter, former chairman, State commission against discrimination, and now Bernard Katzen protects NBC by changing the wording of my complaint. I cannot help wondering if NBC is not a branch of the State government.

Also, there have been deceptive maneuvers and pronouncements by CBS and ABC. CBS made a big thing of hiring Rex Ingram as a regular on the "Brighter Day" program—only a few weeks before it announced that "Brighter Day" was going off the air permanently.

The New York Times of September 5, 1962, observed that it was going to "be a short day for Mr. Ingram." Since network program plans are made quite far in advance, one cannot help suspecting that Mr. Ingram was installed as a crewmember on a ship that was known to be sinking. It is my considered belief that the announcement of Mr. Ingram's employment as a "regular," which indicated continuing appearances, was made as a publicity gimmick.

At ABC, James Hagerty drew out his alleged search for a Negro newsman for many months. There was a great deal said and written about his intending to hire a Negro newsman. It had a lot of the quality of being the Harlem version of the much-publicized search for someone to play Scarlett O'Hara; it was a propaganda manuever. Mr. Hagerty acted as if the news department were the only area in which Negroes were being excluded by ABC; it was a smokescreen, and not a very successful one.

Unimaginatively, the other networks followed suit and hired a Negro newsman. The fashion in pets changes from time to time. This season, no network worth the mention would want to be caught without a Negro newsman in tow.

It seems to me that in this aping of each other, hiring only newsmen, the networks have displayed no ingenuity—and have been utterly unresponsive to the charge of employment discrimination against Negroes. It is too little and much, unconscionably much too late.

Commercials are the "Ole Miss" of the broadcasting industry. I don't know of any commercials that have been made using Negroes, that are shown on television or played over radio stations other than over the so-called Negro stations.

Commercials are perhaps the most lucrative broadcasting activity that a nonstar can engage in. And there are no Negroes really in it. Commercials have been made with Negroes but those have not been shown, to the best of my knowledge.

In August 1961, N. W. Ayer, one of the biggest advertising agencies, called in five or six Negroes to try out for a radio commercial for Feenamint. I was chosen. I made three commercials. I heard no more about them, which is a sign that they were not being used; the big money from commercials comes not from the making of them, but from their reuse.

On March 1, 1962, when I spoke with the then chairman Reid of the State commission, I told him of my experience with N. W. Ayer. I told him I thought it was a maneuver on N. W. Ayer's part to be able to say, "We used a Negro once; we don't discriminate."

By the oddest coincidence, I got a call the next day from N. W. Ayer. I made some more Feenamint commercials; this time, the man from Pharmaco—they make Feenamint—gleefully assured me that my commercials would be distributed "to all the Negro stations." I speak well enough to have been hired last year to narrate a Life magazine film, in competition with some of the best announcers in television; I narrated a film describing General Dynamics Corp.'s commercially available atomic reactor; I narrated a film on the rehabilitation program of the State of New Jersey, which won an award; I recently narrated a film commemorating the 150th anniversary of J. P. Stevens Textiles. But according to Pharmaco and N. W. Ayer,

I can urge only the colored section to keep regular with Feenamint.

Except for the Life magazine film, the films I listed above were made under the aegis of On Film, Inc. It is a small film producing company, but they were integrated before there was any pressure to be so. But the State commission has given them no commendation.

I had intended to confine this statement to hiring policies in broadcasting, but there is one section of the theater which I urge this committee to examine—that is the tax-exempt Ford Foundation grants to repertory theaters that will not hire a Negro as a regular member of the acting company. I protested to Dr. Henry T. Heald, of the Ford Foundation, earlier this year. The answer I got was that the foundation does not interfere in the internal workings of the recipient companies. However, I take the view that, insofar as and to the extent that the Ford Foundation and the recipient theaters are tax exempt—to that extent, the Federal Government is subsidizing them; the Federal Government is subsidizing theaters that restrict Negroes to darky parts, or exclude them altogther. Is it possible that the Ford Foundation does indeed exercise some control, detrimental to Negro employment opportunities, by supporting theaters that discriminate, while withholding support from the New York Shakespeare Festival which is eminently fair in its employment of Negroes?

Apropos of the Federal Government's role in discriminatory hiring practices: The Voice of America's broadcast of "The Patriots," May 19, 1962, had a white English actor playing Thomas Jefferson's Negro servant. On May 23, 1962, I sent the following night letter to Edward R. Murrow:

I understand that on Voice of America broadcast of May 19, 1962, an English actor was used to portray an American Negro servant of Thomas Jefferson. How far can you go in excluding Negroes from your presentation of America?

You noticed that the networks say: "We can't do anything about the packages. See, they bring us a package. What can we do about it?" But when a package does something good, they claim credit for it. Ed Sullivan personally decides on the casting of his show, but you notice NBC took credit for it. However, if something goes wrong, they say, "What can we do about it?"

Chairman POWELL. That should be gone into.

Now, what did Mr. Murrow say in reply to your letter?

Mr. SIDNEY. I got a very unresponsive reply from one of his subordinates. I have it here.

Chairman POWELL. I would appreciate it if you would let us have a copy of your letter to him and a copy of Mr. Murrow's reply.

Mr. SIDNEY. Let me send it to you later.

Chairman POWELL. A place in the record will be left open for that correspondence.

To follow this up, I will see that you get copies of the executive department's reply to me.

Mr. SIDNEY. Pious mouthings don't get anything done. They say: "For years we have had a nondiscriminatory policy," but that doesn't show on the air. Everybody is passing the buck. You have had top people here, yet the buck is being passed.

Chairman POWELL. We had proof here from Dr. Plotkin on monitoring, which proof has not been challenged.

Mr. SIDNEY. I am a human being. They don't have to write a role for me as a Negro.

In my conversation with Mr. Kondolff, who is here, back in the days of radio, the "United States Steel Hour" was—how shall I say——

Chairman POWELL. Receptive?

Mr. SIDNEY. I am trying to find the right word—"liberal" isn't the word I mean, but they were freer in their use of people. On several occasions I played parts that weren't written for Negroes. On one occasion I played a radar instructor in a play. There was no indication that he should have been a Negro playing a part. He reasonably might have been anybody in American life today. There was no comment—nothing in that particular instance, I happen to know, for a fact, that that was a role not written for a Negro. It was just decided that they should put a Negro into it. The best roles I have had have been as a result of that kind of thing.

In summary, I think that the broadcasting industry is guilty of discrimination against Negroes. I think this discrimination would not be possible in New York without the aid and cooperation of State officials. And finally, I think I have shown that the Federal Government aids, abets, and, indeed, practices the same discrimination against Negro performers.

My campaign has not gone unnoticed in the press—although the networks have tried to pretend that my fight did not exist, or at least, that if they ignored me, I would go away.

Recently, a CBS vice president told me he had not heard of my campaign—in spite of the fact that the following publications have carried articles written wholly or in part about it: Journal-American, February 20 and 27, March 2, June 19, and July 2; Times, March 7 and 24, April 7, May 19, June 6 and 10; Variety, February 21 (front page), March 7, May 9, May 30 (front page), June 27; Daily Variety, May 31 (front page); Post, February 11 and 13, 23 (late city), June 4 and 11; Herald Tribune, June 13; Amsterdam News, February 3, March 3, 10, 24, and 31, April 7, May 26, June 2, and 16, July 14; Newsweek, August 20; and Broadcasting magazine, September 3, 1962.

Chairman POWELL. I want to thank you, Mr. Sidney, for coming. I am sorry there is no more time, but there will be more time next year.

Commissioner Fowler, will you please come forward?

I want to apologize to all of you but, as I said earlier, the delay was due to the funeral at St. Patrick's Cathedral, and we couldn't get through the traffic.

Please give your name to the reporter.

STATEMENT OF GEORGE H. FOWLER, CHAIRMAN, NEW YORK STATE COMMISSION FOR HUMAN RIGHTS

Mr. FOWLER. George H. Fowler, chairman, New York State Commission for Human Rights, 96–18–20 Fifth Avenue, Elmhurst, Long Island.

Chairman POWELL. Do you have a statement to make?

Mr. FOWLER. Yes, I do.

As you know, on October 26 of this year, I sent you a telegram, requesting the opportunity to appear and be heard before this committee. I would like to express my appreciation to you, at the outset, for, despite the very busy schedule I know you have, you have permitted my presence here. I shall be brief and to the point, but, before I comment further, I should like to suggest to you that one of the advantages I have had in listening to these hearings so far is that I am convinced that the real need is action and not words, and that is what I should like to show you today and prove to you in relation to our program.

We have a preventive conciliation program which our Commission has launched for the promotion of equal opportunity for Negroes and for other minority groups, and at that point I would like to make this clear—that if anyone feels that our effort to provide or promote equal opportunity for Negroes and Puerto Ricans, and that the proper image is devoid or, in a sense, not connected with the image and freedom of all our citizens, then they have missed our attempt, because we believe that this affects Jews, Catholics, Protestants, the whole works, but we are emphasizing, in the nature of things, our responsibility in relationship to Negroes and other minority groups.

Secondly, I would like to assure the committee of our sincere concern and our strong desire that television reflects a more realistic picture of the participation in community life of Negroes and other minority groups.

And, finally, I intend to make an observation concerning the responsibility of the Federal Government in the achievement of the same goals that the State Commission for Human Rights in New York State has, and which I think is very timely and appropriate, and we are delighted that you are holding these hearings.

I want to emphasize, Mr. Chairman, as I suggested before, I want to emphasize, in the strongest possible terms, that our program is an action program. It is designed for action now and will be spelled out in detail and not for some discussion in some far distant future.

Our purpose is not to conduct another study of a matter which has already been subjected to such extended study and so much attention over the years.

I remember in 1942, when I went into the Army and shortly before that time, hearing Walter White, the late executive secretary of the National Association for the Advancement of Colored People, talk so dramatically of the significance of our democratic image implicit on the screen and other media. I must say to you, Mr. Chairman, also, that many times over the years, you have stated publicly your awareness and concern in the same concept.

This, I must confess, is no Johnny-come-lately idea. The newness of it relates to what are we going to do about it and do now.

I will say to you, we are prepared to take action in this field.

When I was appointed chairman of this commission less than 6 months ago, in May 1962, by Gov. Nelson Rockefeller—and I am proud of it—I began to hold conferences with leaders in television, and I can name them. I have held many such conferences with them and also in related industries with union officials and with responsible, knowledgeable individuals interested in this problem. I have met

with men and women who have long been identified with efforts to improve the image and opportunities for members of minority groups. It was out of these talks and with the benefit of such wise and knowledgeable counsel, that our program has been developed.

I respectfully submit to this committee that conferences with those to whom I have referred were rather prerequisite in my judgment to the implementation of an action program to achieve our ends with a minimum of delay. It was necessary to obtain the corporation of groups and individuals who have an interest in the problems we are dealing with today, in order to produce a program that will work.

It is also our feeling that, though much time has been expended by the various segments of the mass communications industries, all of them, in the issuance of proclamations of equality of opportunity, have devoted too little time putting these policies into effect, but we will help to put them into effect.

It is possible for this reason that the State Commission for Human Rights has taken a bit in our teeth, and I might suggest, I am not by any means inferring that we can do the job alone, nor should we be expected to do the job alone. We are not looking for credit. We are looking for progress. But we are assuming our responsibilities and have already begun to assemble a staff to get our program moving. That staff has the responsibility to achieve the following purpose:

To assist the television networks and their allied agencies in the achievement of their stated goals, regarding the utilization of minority groups on TV. We intend to use these methods:

We are establishing and have established and intend to maintain lines of communication between the broadcasting industries, the advertising and casting agencies, the TV sponsors and ourselves. That is the first prerequisite. We are going to have everybody involved.

Secondly, we are going to recommend on-camera crews where minority group members can be employed to the advantage of all concerned.

Thirdly, we are going to enlist the cooperation of casting and talent agencies in making recommendations of minority group performers for roles that do not fall into the stereotype cliche.

We have had people ask us, "Are you going to become an employment agency and put us out of business?"

No, but we are going to make the search, because we think this is one of the important ways of getting the job done.

Then, we are going to consult, on a continuing basis, because one of the problems here is that there is too much focus on the problem now but not enough followthrough. So we are going to consult, although we always have, with the appropriate minority group organizations. This goes for all of them—Negro, Italian, Jewish, all of them, Puerto Rican—in an effort to give substance to members of minority groups.

These are techniques of approach that we plan to use.

To begin with, we will analyze the pattern of employment of minority group performers and off-camera personnel.

Secondly, establish the programing areas, children shows, daytime soap operas, commercials, where almost total exclusive exclusion of minority group members exist.

Also we will determine in advance what the program projections will be, then make a review of the projections and realistic recom-

mendations will be made relating to the inclusion of minority group members before concepts, formats, scripts, and casts are frozen.

Mr. Chairman, this is our program.

I would like to suggest and emphasize to you once again, that the State Commission does not set itself up as the agency that has been able to rectify a problem that has been in existence over the years, but we do say to you that we are giving this program the highest priority.

We have, for example, a budgetary increase of $440,000 during the last year. We are going to spend the necessary money to try to put this program into effect.

In my telegram to you, Mr. Chairman, indicating my desire to be here today, you will recall, there was a mention of certain comments to be made by a witness who has appeared. I did not see the testimony. It was sent to my office. It was with regard to a conference with the committee and other members of the State Commission, and, only because my silence might be interpreted as agreement with the testimony of the witness, I would just like to say simply the following:

My very presence here today and my willingness and desire to be subjected to any questions that may be put to me, I feel, is all I need in my own defense. However, I do say to you, and I feel a solemn duty to say it, I strongly object, strongly object, to the unwarranted inference and acquisition concerning the former chairman of the State Commission Against Discrimination, now the State Commission of Human Rights, whom you know, Elmer Carter, whom you know, also my present vice chairman, Bernard Katzner. The record of these men will prove that their actions will also bear close scrutiny.

I want to make it completely clear, as I close, that we in the State Commission on Human Rights are in complete agreement, so no one can have a different idea, so no one can say we are not for this thing, we are for it, we have always been for it, and, incidentally, with all due deference to the comment in reference to my statement to the Times, Mr. Jones of the Times, I am sure, would indicate that I had stated that I had an opportunity to discuss this with the witness who was concerned, whose name I did not mention. The fact is his name was mentioned but I did not write the article and I am willing to give credit to everybody, from 20 to 30 years back, who is interested in this fight and has stood up for it, but I want to say this, that we are in complete agreement with the urgent need for immediate improvement with regard to the image and employment opportunities for Negroes.

We are dedicated to that purpose. It has been suggested by many to whom I have spoken, and this may be of interest to you, during the last months, that the problem being discussed here today is of such a national and international significance that it falls logically, legally, and morally within the purview of the Federal Government.

I support this view, despite the fact that the urgency of the times demands, in my opinion, that all levels of government, along with industry, labor, the professions, and all citizens, cooperate in bringing about the needed changes, without further delay.

Finally, I would like to assure you of the dedication of our commission to its action program, to the task of achieving the goals that I have set forth here.

It is our conviction that when these goals are achieved, our measure of success will not be necessarily on the lips of man, but in the hearts of man, and that we will have contributed in rich measure to the enlightenment and progress of all our citizens.

Chairman POWELL. Thank you ever so much for your statement.

I would like to ask you one question, Mr. Chairman: How do you propose to enforce your views, your goals, once you have exhausted, step by step, the outline that you gave me in approaching this problem? Suppose you come now to the end of all you have said and you still have met with no progress, you still find resistance?

Mr. FOWLER. I would think, Mr. Chairman, that this is a matter that the Legislature might well consider.

Chairman POWELL. We don't really have the power.

Mr. FOWLER. I would like to comment on that, if I may. I think these hearings are doing a great service and I think the effect of them, if I might suggest, is going to be constructive, in terms of concrete results. I believe that. So I am not suggesting that, even without legislation—although I think this is a proper matter for the legislature—I am not suggesting that we contemplate no progress because of the legislation.

Chairman POWELL. Don't you have the power, though, to go to court and get a cease-and-desist order? After all of this is finished, and you still meet with the resistance, still are making no progress, don't you have the power of enforcement?

Mr. FOWLER. No, sir; we do not.

Chairman POWELL. I am just going to bring this out, not to question you, but just throw it out in the air, so that everyone here will know that we are not going along blindly.

You know the statement filed with the commission on February 22 by the Musical Director Buster Davis?

Mr. FOWLER. No, sir; I do not.

Chairman POWELL. I wish you would check that. It has been filed with your commission, and these are some of the comments.

Buster Davis is a musical director in New York on Broadway shows:

> Negroes who are auditioned go right down to the finals and then inexplicably are not hired. This has come to be most embarrassing to me and I would prefer to not even audition Negro singers than to just go through the motions.

Then he goes ahead and gives examples:

> I have, for example, had to turn down Leon Bibb time and time again, because the producer won't go along with me.
>
> In "Subways Are for Sleeping" I was strapped for a good girl soprano. Della Lawrence, a Negro, was the best I had heard. She eclipsed anyone else there. Jule Styne, Betty Comden, and Adolph Green said "marvelous," and everyone there applauded. But when it came to the selection, Michael Kidd, the director said "No," I said, "Why?" He said, "Negro."
>
> In casting the road company of "Do-Ra-Me," I was really in a bind. We had three auditions and no one was right. I asked if there was any objection to my calling Mary Louise and Della Lawrence. But they were turned down. There was no reason for it because they were not going into the South. They were going into Chicago, Toronto, and Detroit.
>
> Again in "Do-Ra-Me," after much resistance, I hired Josephine Lang, an attractive Puerto Rican. The costume sketches came out for a scene in which she was to dance with a white male dancer. They dressed her as a Japanese girl. She was the only one in the scene in a special costume. She said, "I feel so ridiculous."

In the show, "A Cook for Mr. General," Negro soldiers were not hired because it was stated "There were no Negro soldiers stationed at the scene of the play," which was a Far East Army rehabilitation center during World War II.

Then there is the other case, which is before your commission, Mr. Chairman, possibly, the case of Carmen Morales.

You know that case?

Mr. FOWLER. I think I recall it.

Chairman POWELL. Carmen Morales, a beautiful Puerto Rican girl, applied for a part as a dancer in "No Strings." She had done colored roles and noncolored roles. She played the part of a Puerto Rican in "West Side Story," but they made her wear body paint.

In "Happiest Girl," she had to darken up to be a Greek maiden.

In "Kicks and Company," she was grouped with Negroes so no paint was needed.

This girl was auditioned for a part in "No Strings," was selected for a final audition, but with other Negroes, was not allowed to participate. After all selections were made, she was refused, with the statement, "If there are any parts for colored, she and the other Negroes would at that time be permitted to go into rehearsal."

The next case before you, Mr. Chairman, is the case of Livonia Hamilton.

Livonia Hamilton auditioned for "Subways Are for Sleeping." After the first audition she was told, "I don't know if we are going to use colored dancers in this show, but I want you to come back to the finals." At the finals the three girls were told, "I am sorry, we decided not to use colored dancers."

Again, on the affidavit of Alyce Elizabeth Webb who, with three other Negroes were refused a part in "Do-Ra-Me" solely because they were Negroes—when they complained to their union representative, Mr. Ellsworth Wright, they were told there was nothing the union could do about producers' decisions after castings.

Now, these are cases that are before the commission at this time and I just wanted to remind you of these because, while the issue is hot, maybe you can strike now.

Again, I apologize to everyone.

Tomorrow morning we will have the director of the "United States Steel Hour," Mr. George Kondolf; Miss Carmen Morales; Miss Martha Flowers; Miss Dianne Carroll will try to come. A representative of CORE and Harry Novick of station WLIB.

The hearing is adjourned.

(Whereupon, at 12:40 p.m. the hearing was adjourned to Wednesday, October 31, 1962, at 10 a.m.)

EMPLOYMENT PRACTICES IN THE PERFORMING ARTS

WEDNESDAY, OCTOBER 31, 1962

COMMITTEE ON EDUCATION AND LABOR,
New York, N.Y.

The committee met, pursuant to notice, at 10 a.m., in room 518, 110 East 45th Street, New York, N.Y., Representative Adam C. Powell (chairman) presiding.

Present: Representative Adam C. Powell, New York.

Chairman POWELL. The committee will come to order.

At this time we welcome Mr. Norman Hill. Make yourself at home, sir. This is all very informal.

Give the lady your name and address.

STATEMENT OF NORMAN HILL, ASSISTANT TO THE PROGRAM DIRECTOR, THE CONGRESS OF RACIAL EQUALITY, NEW YORK, N.Y.

Mr. HILL. Norman Hill, assistant to the program director of the Congress of Racial Equality, a national organization, with our national headquarters office at 38 Park Row, New York City.

Chairman POWELL. Do you have a prepared statement?

Mr. HILL. Yes, sir, I do.

Chairman POWELL. Go right ahead, Mr. Hill, and read it.

Mr. HILL. I wish to thank the committee for this opportunity to appear and to present to you a summary of CORE's activities and recommendations for action against discrimination in the performing arts, particularly theater, television, and motion pictures.

Recognizing that motion pictures, radio, television, and theater are not only prime entertainment vehicles in our society but also serve as a means for both the molding and reflecting of ideas and values in our society, we feel that a clear and definite responsibility flowing from the role of these media as cultural conveyors is to present all races with contemporary and historical authenticity.

Therefore, through investigation and negotiation, we, along with the Committee for the Employment of Negro Performers and the Hollywood Race Relations Bureau, have documented our initial impression that equal opportunity is not a reality for the Negro performer. Our investigation has shown that discrimination occurs in at least four ways: deliberate exclusion of Negroes; lack of imagination in casting—confining of Negroes to roles in motion pictures, plays, television, and radio shows in plots specifically concerned with race relations—token integration, which often limits casting just to the few well established Negro performers; and providing roles to con-

form to the stereotype Negro image of eye rolling, shuffling, grinning, and general obsequiousness.

In theater, Actors Equity reports only 126 out of 2,061 jobs for actors in the 1961–62 season were open to Negroes. To illustrate specifically the lack of opportunity for Negroes, I would like to discuss a recent Broadway show, "Subways Are for Sleeping" produced by David Merrick. This play based on New York subway life hired no Negro performers. The firm position of the Congress of Racial Equality and the Committee for Negro Performers was and continues to be that "Subways Are for Sleeping" could have truthfully portrayed Negroes in their ever expanding role in American life, by employing them as dancers, singers and actors in such roles as station guard, delivery boy, caretaker, social worker, teenagers, photographer, museum guard, doorman, and subway riders. Are we to conclude that there are no Negro subway riders?

In striving for realism in the theater, producers and directors have expended great sums of money and made physical and emotional demands on actors. Yet David Merrick contrived an unrealistic all-white subway. Whereas we recognize Merrick's right to cast as a producer, we feel that he has an obligation not only to be against discriminatory casting practices but to take positive steps to correct the existing situation of minimal openings for Negro performers.

Furthermore, as evidence of sincerity and good faith the very least Mr. Merrick could have done was to meet with CORE and the CENP to discuss the situation. Mr. Merrick has refused to this date to even acknowledge our request.

This is why we picketed "Subways Are for Sleeping." We do not say that the attitude of David Merrick is representative of every Broadway producer, but we do insist than an investigation of the theater industry by the New York State Commission on Human Relations is long overdue.

The television monitoring surveys conducted by the Committee for the Employment of Negro Performers and the Committee on Integration of the New York Society for Ethical Culture indicate that in spite of the fact that Negroes appear on a substantial proportion (more than half according to one study) of national news and discussion programs, a significant number of the roles in which Negroes are cast (more than half) are in musical programs or menial occupations. Openings for the Negro actor are severely limited.

Monitoring reports recorded no incidence of Negroes being used in children's programs and westerns and very infrequent use of Negroes in daytime serials and commercials. These practices continue to exist with an occasional exception despite recent policy statements in support of merit casting for all roles by the major networks.

An illustration of the lack of forthrightness and willingness to take concrete immediate steps to change the discriminatory casting practices in the television industry is the meeting with Garry Moore, his producer, Bob Banner and members of his production staff on June 18.

Mr. Moore stated that he had received the CBS policy statement urging nondiscriminatory casting on all of its shows and agreed with the position in principle. However, he felt that his show being a weekly had a special problem and that production was facilitated by a set cast of singers and dancers.

Garry Moore was of the opinion that the casting of a Negro singer or dancer in his show in a close physical contact sequence would present a "message," no matter how subtly it was done. He further indicated that the public was not ready for such scenes. Garry Moore did say that he would discuss with his staff the expansion of his chorus of singers and dancers to include Negroes and attempt to be more imaginative in the casting of Negro performers in the future.

The television industry is required by law to follow a nondiscriminatory policy. Section 202–A entitled "Discrimination and Preferences" under the Communication Act of 1934, title II: Common carriers states:

> It shall be unlawful for any common carrier to make an unjust or unreasonable discrimination in charges, practices, classifications, regulations, facilities, or in services for or in connection with the communications service, directly or indirectly, by any means or device, or to make or give any undue or unreasonable preference or advantage to any particular person, class of persons, or locality, or to subject any particular person, class of persons, or locality to any undue or unreasonable prejudice or disadvantage.

We urge that immediate steps be taken by the Federal Communications Commission to enforce and encourage the implementation of this law.

Our problem in motion pictures is graphically illustrated by a current Darryl F. Zanuck production called "The Longest Day" portraying the D-day invasion of France during World War II, "one of the greatest moments of history."

Negro troops played an important role in D-day. At least 1,700 Negroes took part in the first wave establishing the Omaha and Utah beachheads in France. General Eisenhower in a speech in July of 1944 spoke of the participation in the June 6 operation of the Negro 320th Automatic Aircraft Balloon and the 385th Quartermaster Truck Companies praising "the splendid manner in which they carried out their mission" and noting the fact that they "landed under enemy machinegun and artillery fire, which caused losses in men and equipment."

CORE, the CENP and the Hollywood Race Relations Bureau met with representatives of Darryl F. Zanuck and later picketed "The Longest Day" protesting the total absence of Negro actors in the film, the failure to portray Negroes in the troops background of the movie with any prominence and the implicit lack of recognition of Negroes as an integral part of American society and their expanding and increasingly significant role in the life and events of this country.

Zanuck's representatives stated that the casting was based on the description of the real-life characters in Cornelius Ryan's book "The Longest Day." Yet, in this film and book there are at least two parts which could easily have been played by Negro actors. One role is that of a typical rank-and-file GI. The great bulk of Negroes who were in World War II were "rank-and-file GI's."

The other part is that of a soldier who receives a "Dear John" letter from his recent bride shortly before landing on the beach in France. This certainly is not an experience limited to people of one race. The net result was a movie labeled a historic document which in no significant way gives recognition to the contribution of Negro troops and thereby presents an incomplete, if not distorted, version of an actual event.

Contrast "The Longest Day" with another current film, "The Manchurian Candidate," in which a Negro portrays a clinical psychologist and one of the members of a U.S. Army platoon which is captured is a Negro.

Discrimination in the motion picture industry warrants not only Federal legislation, but investigation and action by both the New York State Commission on Human Rights and the California Division of Fair Employment Practices.

Darryl Zanuck himself stated as early as July of 1942 what could be a meaningful policy for the entertainment industry when in reply to the late Walter White, former executive secretary of the NAACP, he said: "It seemed to me that Walter White's statement of the problem was simple and direct. What he is actually asking for is that Negroes be used in motion pictures in the same manner in which they occupy positions in life: some are heroic, some are not; some are serious-minded, others are comedians; some are industrious, some are lazy; some hold highly responsible positions; some, of course, menial occupations. There is no objection to using a Negro occasionally for comedy, but he would like to have them used as often as possible in the more heroic roles—in the positions which they occupy in real life as normal and integral parts of the American and world scenes."

Other producers and television networks have made similar statements. However, there remains a significant gap between pronouncement and practice. There are far too few opportunities for the Negro performer outside of all-Negro casts or shows whose specific plot is racial tension and conflict.

Discrimination in the performing arts is further evidence for the urgent need of an enforceable Federal fair employment practices law. Quick effective action by the appropriate agencies in the Federal and State branches of Government will greatly enhance the possibility of fair employment for the Negro performer becoming a reality.

Chairman POWELL. That is excellent, Mr. Hill, especially your statement concerning the Federal law in connection with the Federal Communications Commission.

I direct the staff to make an investigation and advise me how to best pursue that angle.

I would like to state that we have a letter from the New York State Commission on Human Rights in which Chairman Fowler advises me that the cases I cited yesterday concerning Della Lawrence, Josephine Lang, Carmen Morales, Livonia Hamilton, and Alyce Elizabeth Webb, that these instances of alleged discrimination were filed after the 3-month statute of limitations contained in the law, and therefore the State commission on human rights has no jurisdiction because of the statute of limitations. That means that whenever there is an instance of discriminatory practice, it is best to file the case immediately, or within the 90-day limitation period.

In the work of CORE, have you in any way evaluated the guilt, in terms of producers, in terms of unions?

Mr. HILL. I would say this: We have been working closely with a number of Negro performers who are members of the union. Our general impression is that the union is sometimes a willing partner in the discrimination. The basic responsibility is, of course, with the person who does the casting, that is, the producer or the director.

Chairman POWELL. The basic responsibility. That is what we are trying to find out in these exploratory conferences, just where the fault lies. We have had different views from different people.

You feel, from your experience, that it is the producers.

Do you have a Hollywood section of CORE?

Mr. HILL. Yes, the Hollywood Race Relations Bureau, it is called. Someone will testify to this later on.

Chairman POWELL. Thank you ever so much, sir.

At this time I would like Mr. Joseph Erazo to come forward.

Mr. Erazo is not slated as a witness, but I would like him to give his name and address to the reporter and see if we can develop something here that will be of interest to all.

Give the young lady your name.

STATEMENT OF JOSEPH ERAZO, ATTORNEY, NEW YORK, N.Y.

Mr. ERAZO. Joseph Erazo. I reside at 152 East 116th Street, in Manhattan. I am an attorney.

Chairman POWELL. We have had some difficulty this week in obtaining Puerto Rican artists to testify. Information has come to me that you, as a lawyer, are acquainted with some of the facts, as to why these artists have been loath to testify, and I would like to ask you if you would be kind enough to tell me, for the benefit of our record, why it is that we have been unable to get Puerto Rican artists to testify in these hearings.

Mr. ERAZO. At this time there is an injunction against the organization of Puerto Rican artists, the union of Latin American artists.

Chairman POWELL. Has this injunction been filed?

Mr. ERAZO. Yes.

Chairman POWELL. In what court was this injunction obtained?

Mr. ERAZO. The Supreme Court of New York County.

As a result of this injunction——

Chairman POWELL. When was the injunction obtained, roughly?

Mr. ERAZO. Unfortunately, I was only informed a few days ago. The court has granted it. As a result, many of these artists are reticent to come before these committees, for fear of judicial punishment, and to testify before it.

Chairman POWELL. The injunction was obtained against picketing?

Mr. ERAZO. It was obtained, I believe, against any activities.

Chairman POWELL. Any activity?

Mr. ERAZO. Right. I think it is an all-embracing injunction.

The thing is this: At this time I would not venture to give any names or any details, because I don't know how all-embracing that injunction might be, and to protect these artists, I would recommend that your attorney, Mr. Wingate, look into the legal aspects of the matter and see how to approach it, but, despite that, I would like to give the committee a few details and to destroy the illusion that there was no participation on the part of the Puerto Rican organization.

At this time I appear, not as any artists' attorney, but as attorney for the Federation of Hispanic Societies; the Congress of Puerto Rican Hometown Talent; the Council of Brooklyn Organizations, and the United Organization of the Bronx. The organizations have united, they have joined, and they embrace at this time the Negro community,

the Negro organizations that have testified before this committee and wish to express also their intent, insofar as being able, in the future, of willingness to participate actively and directly with these groups, being able to materialize better working conditions for the artists as a whole.

Chairman POWELL. You also include in that the hospital workers who testified last week?

Mr. ERAZO. Exactly. In fact, today we have with us the president of the Federation of Hispanic Societies, who happens to be a hotel worker, but unfortunately, because of lack of communication with these various groups, they did not appear to testify. However, I think they join completely in the work the committee has been doing here.

Chairman POWELL. Would it be possible, without any deadline, for this man to file a statement which we could incorporate for that particular day on which he has testimony on whatever field this man works in?

Mr. ERAZO. I am sure that would be agreeable.

Chairman POWELL. Thank you.

Mr. ERAZO. I wanted to make one recommendation to the committee. I believe Mr. Ortiz informed me that there is an intention later to appoint a subcommittee to look into the matter.

Chairman POWELL. That is right, in January.

Mr. ERAZO. Would it be possible now to form some kind of a watchdog committee to collect evidence and present it before that subcommittee, rather than to come wholly unprepared as this time?

Chairman POWELL. We shall do that. The staff here and in Washington will be spending November, December, and part of January in evaluating what we have already heard in these hearings, including any evidence which anyone desires to submit to us.

I would like to ask you something else. First, have you finished your statement?

Mr. ERAZO. I think I have said it all.

Chairman POWELL. About this injunction against the Union of Latin American Artists——

Mr. ERAZO. The plaintiff is a firm that controls or owns theaters known as Teatro Puerto Riqueno, the Tivoli, the Jefferson, and a couple of others, about five theaters.

Chairman POWELL. About five theaters that cater mostly to Latin American audiences?

Mr. ERAZO. Yes, and, as a result, they have not been in any type of activity.

They attempted to organize into a union, to be able to function more effectively and to better their conditions. They were stopped by certain manifestations that they have a contract with AGVA.

Chairman POWELL. AGVA will be here tomorrow.

Mr. ERAZO. According to information we obtained, AGVA never in any way approached these artists to join this union or this organization; dues were never taken out of their pay, and there was never any connection or servicing to the artist, and they rebelled and felt they should have an opporunity to organize their own organization.

Chairman POWELL. You say dues were deducted?

Mr. ERAZO. As far as they were concerned, no dues were ever deducted.

Chairman POWELL. They were not members, then?

Mr. ERAZO. That is our feeling.

Chairman POWELL. I never heard of a union like that.

Mr. ERAZO. Unfortunately, in this contract, they stated that dues would be paid by the employer and that he would take them at the request of AGVA, so it would be pretty easy to cover up anything that we might claim, but there were many abuses, and we have affidavits from many of the artists. Perhaps it would be well to read something here, to the effect that a former professional master of ceremonies, who at the time he worked for the Jefferson Theater, had to kick back a certain percentage of his salary.

Chairman POWELL. What is that you are reading from?

Mr. ERAZO. An affidavit.

Chairman POWELL. After this hearing this morning, we will get together on that, because that is a clear criminal act. I was wondering why there was this great fear. I did not discover this until you brought it to my attention.

What I wanted to do is to work with you and get the Government, State, and city moving in these areas in connection with this, where we have these criminal violations.

Tell me something else: Were these actors and actresses paid the union scale?

Mr. ERAZO. Well, I have the contract and I cannot understand it, because they even had classes of performances. In reading the contract, which I have here, there weren't even any classifications as to what types of actors or actresses they were, or what kind of performers, so it would be hard for me to say whether they were paid or not.

Chairman POWELL. This would give the unions an opportunity to do anything they wanted.

Mr. ERAZO. Let me say also, that if this contract was used legally as a reason why the actors should not organize, because they claimed there was a binding existing document which prevented anybody else from organizing them, it does not seem to me to be the right kind of a document. The fact is that they never had any contract with the union.

Chairman POWELL. That sounds like a "sweetheart" contract. We shall explore this tomorrow with AGVA.

Mr. ERAZO. Is there anything else, Mr. Chairman?

Chairman POWELL. No I just want to thank you.

I want to apologize to the next witness, Mr. George Kondolff, executive producer of the "United States Steel Hour."

First, Mr. Kondolff, I did not know you were here yesterday until toward the end of the hearing; secondly, in reading your letter of October 29, I came across, in the first paragraph, this statement: "I do not feel qualified to comment," so I felt, because of that, you were not going to be a witness. Therefore I want to apologize for not calling you yesterday. I really did not know you were here because I misread your letter.

Will you kindly give your name and occupation to the reporter?

STATEMENT OF GEORGE KONDOLFF, EXECUTIVE PRODUCER, "UNITED STATES STEEL HOUR"

Mr. KONDOLFF. George Kondolff, executive producer of the "United States Steel Hour."

Chairman POWELL. Would you like to say something informally to us about your experience?

Mr. KONDOLFF. I said in my very brief letter that I did not feel I could comment on the theater part. I have been a Broadway producer but I haven't produced a show in a long, long time, so I felt any help I could give should be confined to television, as I am working actively in that field.

Chairman POWELL. Since you were here yesterday, you heard several people saying that the "United States Steel Hour" casting is not as good, in terms of opportunity, as it was, say, years ago. Do you have anything to say about that?

Mr. KONDOLFF. I recall that conversation. We attempted to get together with Mr. P. Jay Sidney. I recall that we had several meetings with him. I had a feeling we were really moving along quite well. Then, apparently, it stopped abruptly. We had a show in which we had one or more Negroes in small parts and, unfortunately, that particular scene was cut. That seemed to infuriate Mr. Sidney, although he had played 175 roles on television and he should know that, particularly with live television, you are sometimes 20 minutes over before you go on the air and any number of scenes have to go. This was a scene that included about 15 people. We felt it was unnecessary and that it could go. As a result of that, he started a whole series of actions which I thought were unfortunate. I felt that we were talking about something very helpful. We were trying to find ways to help.

Chairman POWELL. Why was it so difficult to find ways to cast Negroes and Puerto Ricans on the "United States Steel Hour"?

Mr. KONDOLFF. Well, in the first place, I don't think our record has been too bad. We go on the air every 2 weeks. There are 22 weeks a year in which we always have one or two preemptions. We have had two so far this year. The season isn't over yet. We still have 2 more months to go. That would reduce the number of opportunities to 20. We, so far, have used Negroes on six shows this year. They have mostly played small parts. One part was played by an actor in this room, who was actually starred. He gave a brilliant performance.

Chairman POWELL. What is his name?

Mr. KONDOLFF. Godfrey Cambridge. That was 2 months ago. It was taped in the middle of the summer sometime.

I certainly can state flatly that there was no prejudice of any kind.

Chairman POWELL. Maybe you agree with Mr. Preminger's statement of yesterday.

Mr. KONDOLFF. What was that?

Chairman POWELL. Mr. Preminger said that if there was any prejudice at all, it might have been unintentional.

Mr. KONDOLFF. Yes, that would be true.

Chairman POWELL. He also thought that conferences with people in the trade might prevent the unintentional from becoming intentional.

Mr. KONDOLFF. I talked with Godfrey Cambridge quite informally, and we decided we would get together, but why we didn't is nobody's fault.

It should be remembered that the stories written over the past hundred years that could be dramatized have been written by white people and for white people. Habit is awfully strong among playwrights, and I believe there has been a real social lag, beginning with the inception of the story, to the play. I think the participation of Negroes and Puerto Ricans in every phase of modern life has just not caught up with the writers. Perhaps we are all at fault.

Chairman POWELL. The producer of "Brecht on Brecht," which is a very sophisticated and fine use of highly skilled actors and actresses, last week put a Negro girl in the cast which consists of only about four or five people. It was not a part, obviously, for a Negro girl, because Brecht was German and wrote originally in German, but she has been tremendously successful in that part. That shows that type casting is no longer of any value, if you have the courage to practice democracy.

Mr. KONDOLFF. Our client tells us over the years——

Chairman POWELL. Who is your client?

Mr. KONDOLFF. United States Steel. They tell us that a certain type of show seems to do better, in terms of rating and popular response. One type is a smalltown family show. I think that immediately presents a minor casting problem because the participation of Negroes in small towns in the North or in the Middle West is certainly not as great as it is in the larger metropolitan cities.

Chairman POWELL. When you go to a United States Steel plant in Gary, Ind., where I was last Thursday night, and in Youngstown, Ohio, where I was a few months ago, you will find that the number of Negroes working for United States Steel is now 20 percent in their plants. Those are small towns. If anybody is here from Gary or Youngstown, I apologize.

Mr. KONDOLFF. I was thinking of it more particularly in this way: I think you will agree that the numerical representation of Negroes in small towns, by and large, is less than it is in big cities, and therefore they do not participate to the same degree. In an effort to honestly cast a show, I think that that somehow excludes their participation, to the degree that we would all like.

Chairman POWELL. I can give you names of scores of Negro doctors and Negro dentists practicing in small towns where their practice is 75 to 80 percent white, and they are tremendously successful.

Mr. KONDOLFF. I agree. I was just making the very big point about their large concentration in New York and Chicago, and that is about all.

Chairman POWELL. Thank you for coming. I am sorry to have inconvenienced you.

Knowing you and knowing the Theater Guild, I think a more advisable contact with Negro actors and actresses, through some kind of a citizen's committee, would be very helpful to both.

Mr. KONDOLFF. I agree. As a matter of fact, I would like to continue the contact that I started with CORE, through Godfrey Cambridge. I think that would be very helpful. It seems to me, I cannot recall the details, that we worked out, in very broad lines, some

way of having them in even on the reading of our scripts before or after the show is done and have them in an unemotional atmosphere, let us say, talking to us about it. I am sure everybody at the Guild, including myself, would like to use Negroes more. We have to be helped.

Chairman POWELL. Very good. I like that statement. Thank you, sir.

I would like at this time to put into the record a statement from John Jones, and since the statement goes in in full, there is no point in taking any of my words down:

NEW YORK, N.Y.,
October 28, 1962.

STATEMENT OF JOHN F. JONES RE CITY CENTER BALLET COMPANY

In January 1962, I was hired as a guest artist for a new ballet called Jazz Variant. I gave about five performances. When the run of Jazz Variant was over, that was the end for me, as was specified in my contract.

The ballet was done again during the spring season of 1962, but I was not notified. It is a professional policy of ballet companies to invite, in particular, any solo artist who has helped the choreographer conceive a particular ballet to perform the role again in succeeding performances of the ballet. When I heard Jazz Variant was being done again, I telephoned John Tarns, the assistant choreographer, and asked him why I had not been notified, at the same time letting him know of my availability.

Mr. Taras seemed quite surprised that I had not been notified. I then asked him if he would look into the matter and inform me as to the decision whether or not I would do the part.

To this date, I have not heard from Mr. Taras or anyone else concerned with City Center's Ballet Company.

When the day for the performance came, it was obvious that I was not going to repeat my role in Jazz Variant. I was informed by one of the members of the City Center Ballet Company that one of the permanent white members of the company was dancing the role.

JOHN F. JONES.

Chairman POWELL. I would like the staff to ask the New York City Center Ballet Company in the particular case, what was the reason for that. I have been assured the staff has already made contact with them.

At this time Mr. Harry Novik will kindly come forward, identify himself, state his profession and address for the record.

Mr. HARRY NOVIK. Mr. Chairman, I have a prepared statement.

Chairman POWELL. Will you read it for the record, please?

STATEMENT OF HARRY NOVIK, PRESIDENT, NEW BROADCASTING CO., INC.

Mr. NOVIK. My name is Harry Novik and I reside at Foxwood Road, Stamford, Conn. I am president of New Broadcasting Co. Inc., which owns and operates radio station WLIB under a license granted by the Federal Communications Commission. Our offices and studios are located at 125th Street at Lenox Avenue, New York City.

New Broadcasting Co., Inc., has owned and operated radio station WLIB since September 1949. I have been active in the management and operation of the radio station since that date.

Our radio station has been programing and serving the Negro community for approximately 12 years, and has sought to promote

for Negroes equality in employment, equality in education, and equal recognition of their constitutional and human rights as citizens of this country. We are proud that for its efforts our radio station has been honored by commendations from leading civic, religious and community organizations, among which are National Association for the Advancement of Colored People, Greater New York Urban League, New York branch of the National Association for the Advancement of Colored People, Vocational Guidance Center, Harlem branch of the YMCA, Harlem branch of the YWCA, Abyssinian Baptist Church, St. Martin's Church, National Association of Rural Schools.

Radio station WLIB has a total of 35 employees, of whom 22 are Negroes. These 22 are employed in every department of our radio station: our sales department, program department, and Negroes serve as secretaries to our principal officers.

The Negroes employed by us applied themselves diligently to the performance of their duties, became trained and assumed positions of responsibility.

Let me cite concrete examples of our own experience.

Our public affairs director is George W. Goodman. He was a social worker with no experience in radio. I am not reluctant to state that as a public affairs director he is as able and efficient as any other public affairs director. When Mr. Goodman was hired in 1954 he was employed as a news reporter. As a result of the training and experience he received, he became a news director. Our news department was subsequently enlarged and he became the first to hold the position of public affairs director, a very responsible position.

Mr. Charles Herndon, our news director, was a reporter for a weekly paper. He likewise started his employment as a news reporter. Prior to this employment by us, he had never spoken into a microphone. Another of our reporters, Clarence Rock, was completely inexperienced when he was first employed. Our newest employee in the news department, Ed Williams, formerly worked in the New York Public Library as a reference clerk.

We mention the above individuals simply as examples. There are many others in our organization who have been similarly trained and who have become efficient and trusted employees of Radio Station WLIB.

Other employees who received their training and experience with our organization were able to obtain attractive offers from other radio stations.

For example, Billy Taylor, who was an accomplished jazz pianist and teacher, was unknown to the radio audience. WLIB created with Mr. Taylor a weekly jazz show which later became the only daily jazz show on any radio station in New York City. Having been given this opportunity and with his talent, his brilliance was recognized and as a result he has received and accepted a very tempting offer for employment with one of the largest radio stations in the city of New York—Radio Station WNEW.

Our experience has demonstrated that a Negro, if given the opportunity to learn and the same opportunity for training as any other person, can become as able, qualified, efficient, and devoted as well as any other employee of any other race, color, or creed.

Chairman POWELL. I am grateful to you for coming today, because I knew you would present the view that if you give a man an opportunity it doesn't matter if he is black or white, he will either measure up or not measure up, and it will not be on the basis of the color of his skin. Is that correct?

Mr. NOVIK. That is right.

Chairman POWELL. Is your station unionized?

Mr. NOVIK. Some of our departments are unionized.

Chairman POWELL. Which departments?

Mr. NOVIK. Our engineering department is unionized.

Chairman POWELL. Do you have Negro men in that union?

Mr. NOVIK. As the chairman knows, we are a small station, we have four people in the unit. Two are Negroes and two are white.

Chairman POWELL. Have you had any problems with unions at all in reference to the employment of Negro workers?

Mr. NOVIK. In my experience, I have to say no. As a matter of fact, the two Negroes whom we have employed were not members of the union when they came to us, and, in order to accept employment, they had to join the union.

Chairman POWELL. The union accepted them?

Mr. NOVIK. That is right.

Chairman POWELL. Take a man like George Goodman. George Goodman was born in Boston, wasn't he?

Mr. NOVIK. I would say yes.

Chairman POWELL. Now, when George Goodman speaks over the microphone, you wouldn't know he was a Negro, would you?

Mr. NOVIK. I would say no, there is no question about that.

Chairman POWELL. He is an excellent commentator, is very highly educated.

Mr. NOVIK. I forgot to mention George Goodman was dean of men at Fisk University.

Chairman POWELL. He is a man who is a Ph.D., who was born in Boston, but I am sure there isn't a radio or television station in the United States that would employ him, although there is no way of typing him.

Thank you ever so much.

Will Mr. Godfrey Cambridge please come forward?

Give your name, address and profession to the young lady, please.

STATEMENT OF GODFREY CAMBRIDGE, ACTOR, NEW YORK, N.Y.

Mr. CAMBRIDGE. My name is Godfrey Cambridge. I live at 792 Columbus Avenue, New York. I am an actor, a comedian.

Chairman POWELL. I just want to get something straight in my own thinking. Are you connected with CORE?

Mr. CAMBRIDGE. No, but I am first vice chairman of the Committee of Negro Performers. I would like to clear away first the question of "Naked City."

I was on that show. Larry Lowman was talking about how the authors had certain concepts of roles, and my discussion with him, I said, "The author will recognize your power."

The role I did in "Mail Call" was that of a mess sergeant. It was a comedy role, nonracial. As a matter of fact, that part was written by the author as a Jewish-Brooklyn part, another cliche.

When the author was told they were considering casting me, and I think one of the reasons they considered casting me was because they were being picketed downtown, he saw fit to cast me, and the author, who had conceived the role as a Jew in Brooklyn, had no alternative.

Chairman POWELL. The author doesn't have the veto power in casting, does he?

Mr. CAMBRIDGE. That is right.

Now, I have sat here and listened to the fatuous lie that the author all of a sudden is given all sort of integrity as to whom to cast. The author would cast somebody with polka dots on his skin if the producer told him to do so.

That man told me quite frankly, "Godfrey, I am pleased with your work in the role. The role showed me something, because I had conceived this as a Brooklyn-Jewish part, and when they said they were going to give this to Cambridge, I was glad to see that it worked out fine."

One of the reasons my talks with Mr. Kondolff broke off is because I am willing to spend as much time as necessary, as long as I am accomplishing something. I said to Mr. Kondolff, "I will sit in with you if you get me 10 of the top producers. We will go over 10 scripts. We will read them, and I will make suggestions to you as to how they could be integrated, so you will eventually develop a modus operandi in casting Negro performers."

He said, "You can't do that," and he brought up this smalltown concept. Also he brought up, "Suppose I was doing an English play?"

I said "Are you aware of the fact that there are Indians, there are West Indians, there are Africans in London? They could fit in very easily."

Chairman POWELL. About 100,000.

Mr. CAMBRIDGE. As a matter of fact, they have gotten enough now so they too have a problem.

So I sat there for many hours and talked with Mr. Kondolff and about all I accomplished out of it was a free sandwich, because he had the Theatre Guild attorney take me out to lunch. I didn't try to resume the negotiations because it was a waste of time, I thought.

As far as Mr. Kondolff saying they have used Negroes in 13 out of 20 shows, that is ridiculous, because that means you simply see a Negro passing through there.

When he says Mr. Sidney's part was cut out because the play was too long, I want Negroes to have parts that are intrinsic to the drama. Don't give me something where I walk across the set and my mother blows her nose. He does that and thinks he has done a beautiful job. Mr. Kondolff and the Theatre Guild are unwilling to learn, they don't want any new ideas.

I have sat in rehearsals and watched these steel executives who came down to watch this pedestrian little service comedy run out of a factory, and watched these men looking at this bit of trivia as if it meant the end of the world. That is why they don't want any ideas. They are little, frightened men. They are afraid somebody will go into a hardware store in a small town in Alabama to buy a hammer and ask if it is made of U.S. steel.

Now, I would like to read something about TV's new policy for Negroes.

Chairman POWELL. What is the date?

Mr. CAMBRIDGE. I won't tell you the date yet. I will tell you later. This is from Jet magazine. It says that television is not welcoming the Negro actor but that today a startling new change is taking place on the TV screen; that it began last January, when Leontyne Price appeared in Tosca.

Yesterday they were so proud of that. This new day was being heralded in Jet magazine in the year 1955, and here we sit today and they are still talking about Leontyne Price. What has happened since then?

Chairman POWELL. There has been no evidence to the contrary, from the summary that Dr. Plotkin gave us the other day, when any week on any station, in any 5 hours, one Negro will appear every 3 minutes.

Mr. CAMBRIDGE. I have been an actor for 9 years. I received an Obie Award from the Village Voice, which is a local paper, for the most distinguished performance in the blacks in 1961, and I received a Tony nomination for my performance in "Purlie Victorious."

To any other actor, being white, who got these awards, the doors would just open wide. I have seen such people, nominated with me, go on to great things.

I was called for an important role, after my award, I was called by "Naked City," cast by a friend, and I was offered a four-line part on the show. They told me that instead of paying me the tremendous sum of $90, because they respected me as a performer, they were going to pay me $100.

I said, "Well, look, I have just been a Tony nominee, I am respected as an actor in the field, there isn't a part in this 'Naked City' that I can't play."

She said, "Well, there is a race problem."

I said, "I thought you said there was no race problem. You told me that this great liberal cast these shows any way he saw fit."

There were many parts in that show I could have played, but, no, I had to play this small role.

Now, "Naked City" is filmed here in New York and they go on our public airways with their shows and they exclude me.

Then ABC comes in and says, "We have Malvin Good in our news department, we have one Negro."

ABC is very proud of "Naked City." They quoted that they have William Gunn, they have Terry Carter. They don't keep records. This is purely from memory. Also they are going to have Diahann Carroll, but this is just the result of pressure that our organization brought on them.

Mr. Leonard still hasn't met with us. He is always too busy. He can never sit down and talk to us. He says, "I am a liberal. I did 'Route 66' with a Negro cast, Ethel Waters, all Negroes," as though there were no white people in the world.

This is what they think makes me happy. I want to be integrated in the national scene. I don't want to be in an all-Negro fantasy world. This is outrageous, and this man should not be allowed to continue.

Oh, NBC was here yesterday. They were talking about how they enjoyed the meetings. The meetings, they thought, were very fruitful, and all the meetings were peaches and cream. I sat in on all but the last of those meetings. I didn't attend the last meeting because they said I was hostile. The reason I was called hostile was because I insisted that we did not want them to discriminate. I said, "If you are really going to show good faith, why don't you call in your packagers and we, the members of the committee, will sit in?"

They said they couldn't do that. I asked, why? I said, "If you are going to tell them not to discriminate, why can't we do it out in front and not be acting sub rosa?"

They said, "We don't have any control over the package." Yet if the packager sends them an obscene film, they won't run it.

This brings to mind also the concept of local option, which is a dirty little thing that is used to boycott the program with Negro performers.

Chairman POWELL. That philosophy conflicts with Ed Sullivan's statement, in which he said he does go into the South and there is no resentment.

Mr. CAMBRIDGE. That is Mr. Sullivan's statement. I was going to get to that later.

We have always, since the days of the old plantation, been accepted in our traditional role.

Chairman POWELL. You are talking about the packages now?

Mr. CAMBRIDGE. Yes, the shows. I have yet to see—there was a controversy between myself and Jackie Robinson last summer over this—I have yet to see a Negro in a play on television and I have yet to see a Negro toe dancer. They aren't integrated. We had Lena Horne, we tried to get "Raisin in the Sun" with Poitier done on Ed Sullivan's show, a scene from it. We have never had a scene done on that show, so that Mr. Sullivan is not really doing that much, you know. We will always be accepted as singers and dancers, because that is not offensive. If a play deals with ideas, you may be offensive somewhere.

Talking now about NBC and their good faith, when I asked them to sit in with their packagers, they refused, so I stopped going to their meetings, because I knew where they would lead.

I remember in 1955 the rest of the committee sat in with them and they say, "Our major problem is: We don't know where the Negro actors are, so have them come in and everything will be fine."

To this day they haven't had anybody. Their policy is the same. Their hiring of one unidentified Negro girl they play up to the hilt, but what about all those other people who have been here learning their craft, who are professionals, and are not working? Why, when I call up one of the producers of the Du Pont Show of the Month, who is doing the "Sound of Hunting," a story about a regiment, an American regiment in Italy during the war, he says, "There were no Negroes in that regiment."

Chairman POWELL. The idea has been advanced by nearly every representative of production that they had no contract with Negro performers, therefore they were just forgotten. You pointed out the many contracts that your committee has had with individual producers.

Mr. CAMBRIDGE. They know where to find them.

WMCA is a station I also had some dealings with. I was called to do a thing about the Mack Parker case. I was hired to do Mack Parker, which was quite serious. I got down there and found there was a white actress playing my mother, and I felt, on radio, I didn't mind, so long as it was reciprocal, but I remember quite vividly a number of years ago going down to this station to do a part and having asked them, you know, if I couldn't play the district attorney, because I could double, and he looked at me as though I was out of my mind.

I was only called to that station when they had a Negro role to do, and at times I even had difficulty because they said they didn't like my southern Negro accent.

Chairman POWELL. Where were you born?

Mr. CAMBRIDGE. In New York, and I was educated in Canada, but I can get them a sufficient down-home accent to please them, because this is what's happened.

Bill Ham hired this white actress, and I said, "Fine, but please, can I have an opportunity to do a white role?"

The thing he did there was to get a number of Negro actors, and I, being a man of great reputation, was hired to do a bit and got down there, only to find out that the one who was doing the Negro lead in the show was a white actor, so this is how it goes throughout the whole industry. When you receive awards and are recognized in the industry, if you are white, the payments are fantastic; if you are not, they are not.

As far as Mr. Preminger is concerned, I don't want to forget about him. He says there should be a Negro agency. Now, Ernestine McClendon has spent a lot of time and energy establishing such an agency in New York, but the fact is that Mr. Preminger still must accept facts. I went to him a couple of years ago when he was producing a play called "Goggo," a terrible travesty, that closed in Washington. I enjoyed 2 weeks, however, before it closed in Washington. I went to him and asked for a part of a building superintendent. Now, if there is any profession we predominate in, it is that of a building superintendent. He said he wouldn't consider Negro actors for this part and he said, "In addition, you have no right here to question me, because, after all, I did 'Carmen Jones' with an all-Negro cast."

I would like to ask Mr. Preminger what he does when he has non-Negro pictures. When you do "Porgy," you do an all-Negro cast. I am tired of Negro problem pictures; I am tired of Negro fantasy world. Mr. Preminger accepted or understood this concept.

I guess I have offended everyone now.

Chairman POWELL. You have not offended me.

Mr. CAMBRIDGE. "Car 54" is an NBC show. They were pleased with that. They said they have a Negro in a running role. They have Frederick O'Neill, who is an established actor, and who is given two lines in that show. As a matter of fact, I was offered a replacement part in that show. The biggest insult to an established actor is to give him two lines, and then give him no billing.

Chairman POWELL. Mr. O'Neill is an executive official of Actors Equity.

Mr. CAMBRIDGE. That matters not.

Also CBS yesterday said they have 250 Negroes employed in New York—out of what total employment record, I would like to know.

All stations talk about their documentary series, which is fine, but anybody who appears in a documentary doesn't earn a quarter.

Columbia Records, owned by CBS, said they have approximately one-quarter of their 195 artists who are Negroes. How about their classical artists?

He also said, in "The Verdict Is Yours," that we appear in the jury box. I watched this show and I would like to know why we are put in the august position of judging white people instead of being judged by them. We have never appeared in any part on that show.

And the State commission on human rights—a complaint was filed by us with them because they advertised that they wanted a chorus line of white girls for the Nat King Cole show. We gave them——

Chairman POWELL. The State commission claimed they could not find the complaint.

Mr. CAMBRIDGE. They couldn't find the club that we were complaining against. We gave them the address and the town, but, maybe it is a speakeasy, I don't know.

I reiterate the same point that P. J. Sidney made yesterday—my voice entitles me to play any role. I could do commercials. I feel the Government has to do something about it. They have the FCC. They can bring pressure. You cannot shoot a film in New York unless you have a shooting permit. These films go across State lines.

Chairman POWELL. I will ask Mr. Wingate to look into the last point that you made.

We have to move right along now.

Will Miss Carla Pinza come forward, please?

STATEMENT OF MISS CARLA PINZA, SINGER, DANCER, ACTRESS, NEW YORK, N.Y.

Miss CARLA PINZA. My name is Carla Pinza. I live at 951 Whittier Street. I am a singer, dancer, actress.

As an entertainer and member of the American Guild of Variety Artists, I have found employment for the Puerto Rican artist extremely limited, limited to playing in theaters and clubs or in the Teatro Puerto Riqueno in the Bronx, or the San Juan Theater in Washington Heights, and clubs like the Chateaux Madrid and the Omega Room, that are solely patronized by Spanish-speaking people.

Chairman POWELL. May I interrupt? This is one thing I have been asking my staff about, including the Puerto Rican members of my staff. The most attractive place in New York on a Sunday afternoon is a restaurant called La Fonda del Sol. At La Fonda del Sol people stand in line to eat Sunday brunch. They have anywhere from four to five, sometimes six different acts. What happens to those acts on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday? Do they hire them for 1 day only?

Miss PINZA. They just don't work. If they want to segregate themselves, which I refuse to do because I was raised here, they can go to the Teatro Puerto Riqueno, which I mentioned, or the San Juan Theater.

Chairman POWELL. But the La Fonda del Sol is one of our top restaurants in New York. The clientele is probably 80 percent non-Latin American on Sunday, so this shows that their views of segregating Latin American entertainers is socially wrong.

Proceed, please, and excuse me.

Miss PINZA. With the exception of "West Side Story," which I am not too sure on the number, but I think they had in the original company four persons who had been raised very much the same way I had been, in the city, we had the same type of thing. We can sing and dance better than we can act, and we have a few films. Now, I would like to bring up this thing of films. There was a film sometime back—I don't know if you remember the title—the "Young Savages." I was called by an agent and they told me, "Carla, I would like you to go down and read for this film." There were several others, like Carmen Morales, Cesar Rovello—we were both born in Puerto Rico but educated here. When we went down we were not allowed to read. They said that we were too clean-cut looking. I didn't understand that, but John Frankenheimer later went into the streets of Harlem and hired kids that had never in their lives looked at a script, who were never trained for the theater, who had absolutely no background whatsoever, but he hired these people and they didn't have one professional actor in the "Young Savages," Puerto Rican, that is. They hired a lot of kids.

Chairman POWELL. Probably got them at a much lower rate, too?

Miss PINZA. That I don't know.

Jackie Gleason recently had one of his shows, where the scene was laid in Spain. He had an American white girl singing "Granada." There are so many of us who can sing "Granada."

Chairman POWELL. With more authenticity.

Miss PINZA. Exactly.

Recently, I was called to read for what was once a Broadway show called "Hazel Flagg." But the part was that of Hazel Flagg herself. They were very impressed with my reading, my dancing, my singing, and before I left they said, "We will call you back. We must see other people."

I said, "Why?"

They said, "You aren't white enough or black enough. We will have to see two Latins."

We were either not white enough or not black enough, I don't know. [Laughter.]

I only want to be allowed the opportunity, as an American citizen, to offer my services as a performing artist and to be accepted as such by the people I have been raised among.

Chairman POWELL. Tell me something: What did the union do about this? Is this within their jurisdiction?

Miss PINZA. I don't think it is within their jurisdiction.

Chairman POWELL. Where does the fault lie, is it with management?

Miss PINZA. Yes, with the producer, with the casting.

Chairman POWELL. Thank you very much. I hope you aren't under the injunction that the other Puerto Rican actors are under.

Miss PINZA. I don't think so.

Chairman POWELL. Will Miss Abbey Lincoln come forward please?

Be seated and give your name, address, and profession to the reporter, please.

STATEMENT OF MISS ABBEY LINCOLN, SINGER, ACTRESS, LYRICIST, NEW YORK, N.Y.

Miss LINCOLN. My name is Abbey Lincoln. I am a singer, actress, lyricist by profession, and I reside at 78 Columbus Avenue, New York City.

I have a prepared statement.

Chairman POWELL. You may read it. It will be put into the record.

Miss LINCOLN. The nature of discrimination in the performing arts in regard to the Negro performer is practiced by the producers, agents, writers, and casting directors by simply ignoring the fact that we, as performers, exist. It is as if the Negro performer were invisible; more than that, as if the black man as part of the society in this country, does not exist.

It is a policy among the producers, writers, casting directors, and agencies, to simply exclude the Negro artist in the portrayal of life in the United States, in the media of television, movies, and the Broadway stage. No black performer has ever starred in his or her own sponsored network TV show. We are told that sponsors simply will not buy a Negro personality starring in his or her own TV show.

The Nat King Cole fiasco, if you remember, was an example.

Chairman POWELL. That was the only one.

Miss LINCOLN. Yet these same artists are not considered to be objectionable as guests on other white stars' network TV shows, and these few guest appearances are the extent of jobs open, and then only to our top name performers.

The Negro television and movie extra is hardly existent, so that there is virtually no bottom to start from and a very low ceilinged top at which to arrive.

Television commercials, another very lucrative field, are completely closed to the Negro performer. It would be suggested that the Negro population consumes no milk, uses no toothpaste, eats no food, washes no body or clothes, and the role the Negro is forced to perform in real life as a menial laborer, such as maid, gardner, butler, et cetera, are switched on the TV screen to portray white actors and actresses in those roles.

Roles portraying personalities, historically known to be of the black races of people, such as Cleopatra, Queen of Sheba, Hannibal, are given to white actors and actresses on the movie screen. Life in the United States as depicted by the movie industry is a white society.

It is as if the black performer and citizen are invisible, and is only used as reference purposes.

The late and celebrated Al Jolson made his fame and fortune in black face, singing songs, believed to be Negroid in story and character, and achieved heights of recognition and remuneration that no black performer or personality can ever hope or has ever hoped to achieve.

Our great creative black musicians have been plagiarized, their sounds badly imitated, their stories sometimes hinted at but portrayed on the screen by white actors and performers.

There is almost no outlet for our talents, the one limited area in which some of our performers are allowed to operate, the night club, is further diminished for the Negro performer because he or she is almost totally excluded from the other and more lucrative and nationwide media, television, movies, and Broadway stage, since all media of entertainment are interdependent for all actors and performers.

I would like to read a copy of a letter that I wrote to Mr. Michael Charnee and Mr. Geoffrey Rudaw, producers. This was in answer to an ad in Show Business magazine:

DEAR SIRS: I refer to your advertisement in Show Business magazine concerning "The Nine Millionth Star."

You went unnecessarily out of the way in letting the Negro actors and actresses know that they were not wanted, and to please stay away. It's possible that a black face, seen close up, may bring you some discomfort, but be that as it may, it is tacitly understood among the whole Negro population that unless it is specifically stated that Negroes are to be used in any production, obviously, they aren't wanted.

It is quite painful and frustrating enough, trying to find an outlet for our talents as artists. I took it as a personal effrontery upon reading your advertisement and finding the words, "No Negroes."

I'm sure that this social phenomenon is the source of much discomfort and embarrassment to producers throughout the country, but we should, at least, expect to be spared discourtesies.

Respectfully yours,

ABBEY LINCOLN.

Chairman POWELL. What date was that ad?

Miss LINCOLN. The date is not on the letter, but it was about a year and a half ago.

Chairman POWELL. That is a clear violation of the law. It is against the law for any such ad to appear in any New York State publication.

The statute of limitations has expired on this, but I would suggest that we ask Commissioner Fowler, with his $443,000 increased budget, why he doesn't monitor the press a little bit better.

I also would like to inform my friend, Leo Shull, that I am ashamed of him for accepting advertising like that.

Following up on the statement you made about the Negro being ignored, I would like to quote from both the Times and the Herald Tribune of this morning—although it may also be in other papers which I have not read—a study that has just come out from the center for research in marketing.

A press conference was held yesterday at the New York University Club. The president of the center, who is William Capitman, made the statement that Negroes today spend $20 billion—$20 billion—a year. I said, yesterday, that Negroes spend as much in the United States as all of Canada, and this supports that statement.

This organization made a survey of 3,016 Negro households in the small towns, urban and rural, South, and small towns, urban and rural, North, and they found out that Negroes buy for cash more than the white consumer. This is important. They have a higher awareness of brands. They buy quality merchandise. They are wary of the unknown, and when it comes to whisky, Negroes prefer Scotch

more than non-Negroes. They like a dignified, pleasant surrounding to relax in.

This is an objective survey, made by an outstanding research center in the United States, on markets.

Then you come along and get this ad of Barney's, of Monday, October 22, "Smorgasbord—All Men Come to Barneys."

Here is an ad, with not a Negro or Puerto Rican in it. When we called the manager of Barney's the next day, he said "35 percent of our business comes from Negro and Puerto Rican people."

That is due to the advertising agency.

Every single advertising agency that this committee has requested to appear here has refused to appear—every one.

Now, when this committee meets in January, I shall then utilize subpena powers, and any one that we want to testify will testify, will come in response to the subpena; they will have to come.

Miss LINCOLN. I feel, as far as the performing arts are concerned, I am a member of AGVA, I am a member of Equity, I used to be a member of the Screen Actors Guild, and the only reason I am not a member any more is because I made one movie, a singing part, many years ago. Our union does nothing for the performer.

Chairman POWELL. You say that concerning AGVA and Actors Equity? Tomorrow we will have AFTRA, represented by Donald Conway and Mortimer Bicker. We will have the Screen Actors Guild, represented by Harold Hoffman. We do not have AGVA listed. They are in the process of making up their minds.

Have Actors Equity made up their minds yet?

Mr. CLARK. Not yet.

Miss LINCOLN. We should be able to go to our union and complain. The condition is ludicrous.

Chairman POWELL. How much do you pay, when you work, to AGVA?

Miss LINCOLN. Well, you are in certain brackets. I pay something like $78 a year.

Chairman POWELL. What do you pay to Actors Equity per year?

Miss LINCOLN. $25 a year. I work so little in the theater.

Chairman POWELL. To the Screen Actors Guild, what did you pay there?

Miss LINCOLN. I know it was $10 to join, but I am so discouraged by the general outlook that I don't even go to pursue jobs, because I know what usually happens.

Chairman POWELL. Thank you.

Will Mr. Charlie Mingus come forward please?

It is good to see you, after so many years.

Will you give your name and profession to the reporter, please?

STATEMENT OF CHARLIE MINGUS, JR., MUSICIAN

Mr. MINGUS. Charlie Mingus, Jr., musician.

Chairman POWELL. One of the best bases living anywhere in the world.

Mr. MINGUS. When they say I am great, they are actually taking money out of my pocket. It would take a lot of time to explain that, so you had better read my book. I don't believe in famous actors. I

believe artists should be able to do something. You are in the profession because you love it. That is better than being known by people who ask you for autographs and that kind of thing.

Chairman POWELL. You have been in the field of music as a performer and as a composer. You have played with some of the outstanding orchestras of the world. What do you think keeps a man of your high caliber from getting his just recognition in television and radio and from being integrated into a Broadway show? Is it the union or is it management?

Mr. MINGUS. The union is somewhat responsible. By making me famous, that keeps me from really working most of the time. This doesn't apply only to me but to many musicians. White boys have contests, because jazz doesn't dig me now. I complained about it once, and the white people said, "If he is here, this is still swinging."

It seems that automatically, while he has a system going for himself, whether he knows it or not, being famous doesn't help him.

Chairman POWELL. You think it is collusion, then?

Mr. MINGUS. Yes, because if I look into the union book I see a lot of the union guys are also in management and in booking agencies, the same as the gangsters are.

Chairman POWELL. I would appreciate it if you could inform the committee of the names of some of these conflict of interest of musicians.

Why is it that we don't have one or two, at the most, in the pit orchestras of the Broadway shows? I went to see "Carousel" and I don't know what this girl played, but the orchestra came in, 25 pieces, I guess, and she came in with them. Then she disappeared down under the right-hand part of the stage. I know she was making some kind of sound there, but what it was I don't know. Then when the first act was finished, she came out of her hole and walked out with the musicians. I don't know if anyone knows what I am talking about.

Mr. MINGUS. She plays the tin pins.

Chairman POWELL. You mean, down in a hole where you can't see her?

Mr. MINGUS. That was one.

Chairman POWELL. It is always one. You either have to play base at the extreme left or percussions at the extreme right.

Mr. MINGUS. Dizzy Gillespie couldn't get into the legitimate theater.

Chairman POWELL. I can recall when I actually pressured the State Department to send Dizzy on that world tour and there never has been any group that the State Department sent on a world tour that exceeded the reception that Dizzy Gillespie received, and the good that he did for the United States, but after that, back to the salt mines.

Have you any suggestions to offer? We are going to have these unions here tomorrow.

Mr. MINGUS. I wish you could get me out.

Chairman POWELL. How much dues do you pay?

Mr. MINGUS. I am serious. I wrote a couple of notes down because, for instance, in Baltimore 5 years ago, they got two unions, but one day a white guy came and collected my dues, about $80, I don't know. They had two unions, so they had a white guy in the band anyway, just now they want me to pay again.

Chairman POWELL. Five years ago?

Mr. MINGUS. This is 5 years ago, and the union ain't got it straight yet, because they aren't close enough to know what is going on. This happened to be again in Philadelphia, so you have to get me out, because I don't belong.

In Philadelphia they have two Jim Crow unions where they have a Japanese girl and a piano, and a guy as white as you are was playing a trombone. So this white fellow asked for the dues, so I paid him the dues. About a week later he said, "Give me some money." I said, "I sent you a check." He said, "I am collecting from everybody." I said. "The whites too? I already paid them."

Chairman POWELL. What union is this?

Mr. MINGUS. I don't know, man, but it is in Philadelphia.

Chairman POWELL. A musicians union?

Mr. MINGUS. That will be one, you see.

Chairman POWELL. We will take it up tomorrow.

Mr. MINGUS. I have a letter here. Arthur Goldberg. I wrote about everything that is wrong down here.

Chairman POWELL. May I have it copied and give it back to you?

Mr. MINGUS. There is a lot of cuss words in it.

Chairman POWELL. Thank you very much.

Will Mr. Howard Sanders, an advertising executive, please come forward?

Give your name, position and address to the reporter, please.

STATEMENT OF HOWARD SANDERS, ACCOUNT EXECUTIVE, WWRL

Mr. SANDERS. My name is Howard Sanders. I live at 409 Edgecomb Avenue, Manhattan. I work for WWRL. I am an account executive there.

Chairman POWELL. Do you have a statement to make?

Mr. SANDERS. I have a brief statement to make.

We rather briefly mentioned this morning, Mr. Chairman, the area of the advertising industry, that is, of the agencies. I have been in the industry now, in the advertising industry for some time. I worked for a rep shop called Bob Dawes that represented about 32 Negro stations.

Chairman POWELL. You mean stations aimed at Negro audiences?

Mr. SANDERS. These stations were labeled "Negro stations."

Chairman POWELL. Not ownership?

Mr. SANDERS. No. As a matter of fact, there is only one in the country like that.

During my tenure there I learned quite a bit and still many of the things I observed there are in effect. One of them is that in the advertisement industry you will find Negroes employed only in the marketing area; that is, to present the kind of data you have on hand. If the product is one which is geared toward the Negro, or one which is thought of as having a great consumption among the Negroes, then money is spent in this area. It is only there.

You will find no Negroes employed, as I said before, except in the marketing area; that is, to do research on the Negro, to speak when consideration is being given to Negroes. On the other hand, there is no involvement, except for one or two agencies—one who works for

B.B.D. & O. and another for Benton & Bowles, in the musical areas as an arranger.

Negroes are not used as copywriters. Negroes are not used to do commercials. They are not used in any creative area, unless it applies to or is geared for the Negro; that is, if they are going to spend money in Ebony magazine, at that point Negro girls are considered but only then.

If they are going to spend money on what they call Negro broadcasts, at that point they will consider the use of Negroes or the use of what they call endorsers, which will up the sales and increase expenditure.

Now, I have a feeling that most of this lurks out of an organization called Negro Stations Representatives Associates. This organization is made up primarily of all whites, who own Negro stations throughout the country. There are 600 Negro programs stations in the country.

These men meet here on Madison Avenue three to four times a year.

Chairman POWELL. What is the name, again?

Mr. SANDERS. National Negro Radio Program Associates. They meet here and they decide at these meetings what format Negro radio should take, what is acceptable, or the kind of thing that is salable, in terms of programing, and the kind of image that Negro radio should have. Then they take it back to their representative markets and they put this program into effect.

I listened to Mr. Harry Novik sit here and expound about the tremendous job he is doing in the Negro market and the kind of thing he is doing on a Negro station or with Negroes, but in that station, as well as in all the others, there is not a union station in the city of New York, or doing what they call a Negro program. They are all nonunion, with the exception of two or three men whom he still has left in that engineering area.

George Goodman, nor any of these men, make more than $200 a week. He had a Negro accountant that he hired from Ebony magazine, Christenberry, who enlightened the other talent in the station, that they should receive a talent's fee. He was later discharged. They now get a talent fee because they are educated to the fact that they should have one, but by the pay scale, Negro versus white, the Negro makes one-third of what the average white personality on the station makes.

Chairman POWELL. On a station of the same size?

Mr. SANDERS. Of the same size, doing the same job.

Chairman POWELL. A man like George Goodman on WMCA would make how much?

Mr. SANDERS. About $400 a week, from $400 to $600 a week, in that area, in that range.

I want to get back to this organization.

This organization meets here and goes back with the program. They have become convinced that only gospel and rock and roll are the kinds of programs which appeal to all Negroes.

Now, thrown into the bottom of this is the news, which is vitally important, because it takes in the Negro community, because everybody participates and everybody is involved or concerned, so you listen to hear the news or the personality at the end of the program.

Chairman POWELL. Perhaps that is one of the reasons why, of all

the people I am associated with, and I know a considerable number of them, I know of nobody, including myself, who ever tunes in on these stations.

Mr. SANDERS. There is another evil in the advertising agencies that shows that the greatest amount of the Negro population is listening to this station, and that is how they receive dollars. They will show, then, that Negroes are all listening to these stations. When Negroes are hired for Negro program station they must first have an inflection which reflects the Negro, that is the prime prerequisite. They must have an inflection, so when the listener tunes in on the dial he is able to discern where the station is.

In the musical programing they choose rock and roll because this is supposed to have the greatest appeal, or they choose gospel because this is the other appeal.

Now, how in the midst of all of this, the real reason is that out of it comes the segregation aspect of the market. The market is able to be divided from the total concept, because it has a different identification.

Now, when the market is divided, they are able to divide it by the programing. It is both gospel and rock and roll. These two things supposedly keep the market going and divided from the other part, but what it actually does is to perpetuate the stereotype of the Negro, and this is the tragedy in the whole thing.

Most Negroes who are found in the broadcast industry must endure this kind of thing and perpetuate this stereotype before they can even begin to qualify for network or independent white stations.

Now, they can never qualify because the right kind has not been selected in the beginning, because the right qualifications have not been given the opportunity to compete.

George Goodman can be discerned as a Negro and you can realize that all of them are Negroes. This is true all away across the country. It emanates from Madison Avenue and the National Negro Representatives Association and when they decide next year, that they should delete the gospel or include some kind of program of public service, they will do it. Otherwise they won't.

It seems to me that if the FCC permits double standards in the industry, they permit this to go on, the same as when you take the independent white stations that do not appeal in the same manner, they are not categorized in the same way and do not have the same responsibility.

Part of the problem is that the market is divided at the agency level and most of this is done because of housing and church life, and this kind of thing. It is divided so they can point to a specific market, because it is all crumpled up into a ghetto, and they can orbit within that orbit and can walk out of that market in a year with $2 or $3 million and pay nobody more than $200 a week to get this job done.

Across the country you will find that no Negroes are employed, except on the microphone, that is, to get the job done in the image which they want to project, but in the category of programing, in stations, in the category of sales, there are only two Negro account executives in the whole thing—one at WLIB and I at WWRL.

Chairman POWELL. Yet this press conference that was held yesterday by the Center for Research in Marketing issued a statement which

contradicts the philosophy that these men hold who own these stations.

They point out that Negro audiences are a higher level audience.

Mr. SANDERS. The potential for purchase is greater, but at the same time the programing will not compete. You cannot take it into the total stream. Negroes are forced to stand out on the side and just perpetuate this one little ethnic idea, and they cannot qualify to come into the total stream of the broadcast industry.

So NBC or ABC sends out and finds this one Negro who can qualify, but none of the other Negroes who apply or compete can qualify because they don't have the experience because from the outset they have not been given the right kind.

So I thought I might bring that to the attention of the committee, to make an appeal or to bring it to the attenion of the National Negro Radio Associates.

Chairman POWELL. If you will furnish us with the exact name and the officers we will talk with them.

Mr. SANDERS. I brought along also the Harvard Business Review which tells in detail what the whole Negro radio programing is about. It is by Dr. Henry Allen Bullock.

Chairman POWELL. The Harvard Business Review of June 1961 will be marked as an exhibit.

(Harvard Business Review, June 1961, marked as an exhibit, appears in the committee files.)

Mr. SANDERS. Female personalities on this station must be called by some name like Lizzy Tizzy. The men must take on a name like Dr. Jive or Jocko, or some ridiculous thing, which sets them apart from the total stream.

Chairman POWELL. The committee is going to adjourn in 5 minutes.

We will hear from Josephine Lang now.

Mr. Brown will be first tomorrow.

Miss Lang, will you come forward, please?

STATEMENT OF MISS JOSEPHINE LANG, SINGER-ACTRESS, NEW YORK, N.Y.

Miss LANG. I am a singer-actress. I live at 303 West 66th Street.

Chairman POWELL. Sit down, Miss Lang, relax. We are all informal here. Just tell us your story.

Miss LANG. A lot of the things I meant to say have been said already here. The gentleman before me said many true things about discrimination. He said that this discrimination against Negro and Puerto Ricans keeps us answering the stereotype preconceived by others.

To expedite, I will read the statement given by the Union of Negro Performers to Actors Equity Association.

Chairman POWELL. This is your case of discrimination?

Miss LANG. Yes, sir.

Chairman POWELL. Was this one of the affidavits filed with the State commission on human rights?

Miss LANG. Yes.

I became a member of the "Do Re Mi" company after attending the chorus call and the final audition for girl singers. I was with the

company until it closed, a little over 1 year. During that time, I spoke to Neal Hartley and May Muth, stage managers, about understudying bit parts from the chorus. At first I was told by Mr. Hartley that everything was being covered and that there was nothing available for me.

During the run of the show I became aware of the fact that I never got anything extra to do and that, at times, even Miss Muth went in for absent singers in their special "spots." Finally, I spoke to Miss Muth when I learned that another singer was going to cover the part of "Marsha" during an audition scene in the show. Said singer was a replacement who came in to do one of the trio (swinger trio) and was already understudying the part of "Gretchen." The parts of "Marsha" and "Gretchen" came within minutes of one another with complete costume changes and, if both parts needed to be covered on the same night by one actor, it would be awkward, to say the least. Things were left as they were, however. On only one occasion after the aforementioned conversation with Miss Muth did I go in for one dancer who had a line in a montage scene, while the dancer was on vacation for a week. But at the close of the show, I was the only singer who had not had the opportunity to get any of the "spots" which were available to singers in the show and which were given to replacements who came into the show after I did.

I did not learn about the management's reluctance to hire me because they thought I was a Negro until recently. I was aware, however, of typecasting procedures which, at times, did not seem too consistent. There were times in which I questioned myself and wondered why I was not given the extra things to do and I tried to figure out if I were at fault professionally.

Along with this statement, I submit a letter which Mr. Garson Kanin very kindly gave to me when I had occasion to audition for parts in a summer stock company.

Along with this a complete statement was given by Mr. Buster Davis, who mentions the fact that once I was auditioned and they didn't want me to come back for the finals because they didn't want Negroes in the show.

Chairman POWELL. I read his statement yesterday, the statement in which he said he was reluctant to interview anyone because it was embarrassing to him.

Miss LANG. I have another case regarding the Perry Como show. This is the other Ray Charles I am talking about.

I first auditioned for Ray Charles almost 2 years ago, after having called the Roncom office for an audition. Several months later, I was notified to appear again for another audition. (Both times, I sang and sight-read for him.) After the second audition, he asked what I had done professionally, and then asked whether I would be interested in doing an industrial out-of-town. I explained that I was on my way to the finals for the Broadway show "Do Re Mi" and that I understood that the audition his office had called me for was for a replacement on the Como show.

I also told Mr. Charles at the time that my decision would depend on whether or not I could get into the Broadway show. He said he would not need a replacement for the Como show for a few months because the singer was not leaving immediately. (She was having a baby.)

When I was offered the contract for the Broadway show, I called him immediately and explained that I could leave the show on a two-week notice and that I was still very interested in doing the Como show. He was very friendly and said he would keep me in mind. After this, I called him on the phone a number of times. Once while the show was on its out-of-town tryout in Boston, and then again when we reached New York. I was informed by several people that he had been very impressed by my audition, and so I kept in touch with him.

Several months later, I found out that he was holding an audition for a soprano replacement for the Como show, and after a series of phone calls, I was able to speak to him personally. I reminded him who I was and offered to sing for him that very afternoon, if he so desired. He said that it would not be necessary because he remembered me quite well. In effect, he went on to compliment me about my voice and my musicianship, and he then said that he would be auditioning for three or four more weeks because he hadn't "found what he wanted."

He said that if he hired me "there would be no problem with you." Then there was a big BUT. He went on to say that it was too bad because "you look too exotic."

I thought he meant my hair which is very long and which I wore up when I auditioned for him, so I offered to have it cut short and restyled. He said, no, Mr. Como wouldn't like my type on his show, and when I offered to do an audition for Mr. Como he said "No."

He went on to say that in spite of the fact that he (Mr. Charles) hires the group, he knows what Mr. Como likes, and I'm not the type.

The conversation ended there and I never heard from him again.

Approximately 1 week later, a friend of mine, a redhead, who was working with me in the Broadway show, was hired by Mr. Charles. She was a redhead.

Chairman POWELL. You should have dyed your hair.

Miss LANG. I tried, I tried everything, but he kept saying it is no use, I was not the type.

Several months later I heard from the Charles office regarding an all-Gershwin program out-of-town. It was a quick replacement thing. His secretary called and said that he, Mr. Charles, couldn't understand how my name had escaped him at the time, but he remembered me and wondered if I could do this out-of-town thing, a one-night stand of several weeks. At the time I had signed to do a straight dramatic part on the Frontiers of Faith, on NBC. This is the letter that I wrote him:

DEAR MR. CHARLES: I was delighted to have heard from your office regarding the opening, out of town, with the vocal group that is doing the Gershwin program. As I explained to your secretary, I had just accepted another job, (Frontiers of Faith) on NBC, which conflicted with your date.

Due to the fact that "Do Re Mi" closed, my schedule at present is much freer. I am still very interested in working for you and in doing the Como show under your direction. I hope you will consider me in the event of any future replacements in the group.

I want to thank you again for having called me.

I never heard from him or anything.

Chairman POWELL. How about the union in these matters?

Miss LANG. Well, unfortunately, I have so many papers, I forgot to bring the union letter.

Chairman POWELL. What is your union?

Miss LANG. Actors Equity; AFTRA, and AGVA.

The union wrote back, saying that they felt that in order to improve the situation, they couldn't arbitrate, because they felt that these cases wouldn't be to the benefit of the union and of the people involved, meaning us, the people who had been discriminated against, and they felt they were going to see to it that the League of Broadway Producers and the Writers Guild and so forth and so forth, would pledge themselves never to break this rule again, but they didn't consent to take any of our cases to arbitration.

Chairman POWELL. Do you have that letter in your résumé?

Miss LANG. Yes.

At the Lewisohn Stadium it has been very obvious to me that when there is a Gilbert & Sullivan night the chorus that does the Gilbert & Sullivan night is always all white. However, there was an all Negro chorus for the Gershwin night, and if you are going to have AGMA here, I would suggest you ask them about that.

Chairman POWELL. All right. We will have some light thrown on that.

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

(Whereupon, at 12 noon the committee was adjourned to Thursday, November 1, 1962, at 10 a.m., same place.)

EMPLOYMENT PRACTICES IN THE PERFORMING ARTS

THURSDAY, NOVEMBER 1, 1962

COMMITTEE ON EDUCATION AND LABOR,
New York, N.Y.

The committee met, pursuant to notice, at 10 a.m., in room 518, 110 East 45th Street, New York, N.Y., Representative Adam C. Powell (chairman) presiding.

Present: Representative Adam C. Powell, New York.

Chairman POWELL. Let us come to order, please.

At this time I would like to ask the gentlemen for the New York State Department of Labor if they are prepared to answer any accusations, statements. If no one is here, it is perfectly all right, we will hear them in January.

No one appears to be here from the New York State Department of Labor.

For the record I would like to state that Angus Duncan, executive secretary of Actors Equity, in a wire, states there will be no one from Actors Equity present because the president, Ralph Bellamy, is not here; the first vice president, O'Neill, is in Illinois; the second vice president, Weston, is in California. He states they will file a statement and appear at hearings next year.

Also, I would like to announce that Mr. Hilliard Elkins has advised me that the famous play, "Golden Boy," written by Clifford Odets, in which John Garfield acted the leading role, has been rewritten and that Mr. Sammy Davis, Jr., will play the part that John Garfield played.

Mr. Elkins pointed that out as an indication that this kind of casting can be done.

Now I would like to repeat that these hearings are entirely informal.

Will Mr. Donald Conaway, national executive secretary of the American Federation of Television & Radio Artists, please come forward?

Sit down, Mr. Conaway, and make yourself at home. We are only here trying to gather some information and get guidelines for more exhaustive hearings which will come later, in January or February.

Now, will you kindly give your name and read your statement? Are you going to stick to your prepared statement?

Mr. CONAWAY. Yes.

Chairman POWELL. All right, proceed.

STATEMENT OF DONALD F. CONAWAY, EXECUTIVE SECRETARY, AMERICAN FEDERATION OF TELEVISION & RADIO ARTISTS, AFL–CIO

Mr. CONAWAY. My name is Donald F. Conaway. I am the executive secretary of the American Federation of Television & Radio Artists, AFL–CIO, which is one of the autonomous unions within the Associated Actors & Artistes of America. I have been invited to submit this statement dealing with the policies of AFTRA in connection with your investigation of discrimination in employment in the entertainment field.

The policy of AFTRA, historically and traditionally, since its inception, has been one of active opposition to any form of discrimination based on race, color, or creed. The preamble to the articles of agreement and constitution of AFTRA expressly provides that—

> there shall be no discrimination in the hiring of performers by reason of race, color, or creed.

In addition, article VI of the constitution states:

> There shall be no discrimination against any person by reason of race, color, or religion, in the eligibility for membership or holding office in this association, and this article may not be amended.

If I may, both section 1 of article IX, as well as VI and the preamble to the constitution have both stated this since the inception of this union some 25 years ago.

Further, section 1 of article IX of the constitution, providing for an annual convention of the union, expressly stipulates—

> that no convention shall be held in any meeting place where racial segregation is practiced.

In this connection, at the national convention held in St. Louis in 1961, a national board resolution was adopted providing that—

> Therefore be it resolved that no official meeting or conference of local executives of AFTRA after April 1961 be held in any place that does not permit the unsegregated housing and feeding of all representatives, regardless of race.

In addition, when arrangements are made for the annual national convention and the annual conference of locals, I have obtained specific commitments from the hotels in which the meetings are being held, that no discrimination of any kind or nature will occur, before concluding arrangements.

For many, many years the national collective-bargaining agreements in the broadcasting field have provided expressly that—

> The producer agrees not to discriminate against any performer because of race, sex, creed, color, or national origin.

Signatories to these national agreements number some 450 producers, who include the national networks, advertising agencies, and independent producers in radio and television. In addition, the collective-bargaining agreements covering employment of staff announcers negotiated between AFTRA and the National Broadcasting Co., Columbia Broadcasting System, American Broadcasting Co., and the Mutual Broadcasting System, contain express no-discrimination provisions. (The New York Television Code contains exactly the same language as in the national code, pertaining to discrimination.)

AFTRA's membership has always been open to all persons without regard to race, color, or creed, and the application form required of new members does not contain any question relating to race, creed, or color. In elections to AFTRA's national board and to the governing boards of AFTRA's locals and in elections of delegates to AFTRA's national conventions, there never have been any restrictions in this respect. National candidates are nominated by petitions signed by any 20 members in good standing.

AFTRA's employment practices likewise have been free from discrimination. AFTRA has employed its staff entirely on the basis of their qualifications for the position to be filled. As examples, let me state that the supervisor of national AFTRA's department dealing with franchised agents—a most important department—is Miss Constance McDowell, a Negro. Miss McDowell has been in the employ of this union for over 10 years.

With the establishment of the AFTRA pension and welfare fund offices in 1956, Miss Anita Mobley, a Negro, became supervisor of the tabulating room and has had charge of the staff of four persons in key-punch tabulation operations. Of this most important adjunct of AFTRA, one of the four tabulating room operators is Miss Loella Cook, a Negro. In the Chicago pension and welfare offices, a two-position office, the assistant to the fund manager is Miss Barbara Bell, a Negro, whose employment began in 1960.

As a result of action taken at a New York local membership meeting and in keeping with the policies announced by the President's Committee on Antidiscrimination, headed by Vice President Lyndon Johnson, the national board of AFTRA has further implemented the policies and procedures testified to by adoption of the following resolution:

Whereas the AFL–CIO has resolved to assure for all workers regardless of race, creed, color, national origin, or ancestry the full benefits of union membership, and has asked to this end that all AFL–CIO affiliates make a special effort to obtain agreement with employers to embody in their contracts nondiscrimination clauses covering hiring, tenure, terms, conditions of employment and advancement, and that effective administration of such clauses be assured, and

Whereas present AFTRA code rules against discrimination are specific but may well benefit by language which spells out the intent of such code language: Therefore be it

Resolved, That a special effort, as requested by the AFL–CIO, be made in the next national code negotiations in 1962, to include in the codes language and enforcement machinery to the end that:

(1) The employers, producers, networks, stations, advertising agencies, sponsors, independent packagers, transcription companies, phonograph recording companies, agents, managers, impresarios and others (hereafter referred to as producer) shall not practice discrimination against any member of AFTRA because of race, creed, color, or national origin, or because of any alleged economic consequences thereof, in the publicizing of auditions and interviews, in calling or requesting the appearances of performers for auditions or interviews, in the hiring of performers, in the discharge or replacement of performers, in the staging of a production, or in any other dealings with or treatment of performers.

(2) That it shall be the obligation of the producer under the agreement to insure that performers are employed and treated during employment without regard to their race, creed, color, or national origin.

(3) To word casting notices in such a way as not to discourage minority group members from inquiring, applying or auditioning.

(4) To give equal opportunity to all AFTRA members for interview, audition, and casting regardless of representation or nonrepresentation by agents or other performers' representatives.

(5) To give equal consideration to all AFTRA members in the filing of such performers' names, pictures, résumés, etc., and in the calling of performers for interview and audition without regard to race, color, creed, or national origin.

(6) To instruct all casting agents and performers' representatives to refer performers without regard to race, creed, color, or national origin.

(7) To select applicants for audition, interview, and employment, and employ performers on the basis of ability without regard to race, color, creed, or national origin.

(8) And to take affirmative steps toward the end that minority group performers are cast in all types of roles, not simply those especially written for or calling for minority group performers; and be it further

Resolved, That the national board of AFTRA urge all locals of AFTRA make a special effort to include such language and enforcement machinery in local contracts, and that, pending the negotiation of new local and national contracts, the national board of AFTRA shall take the following actions:

(1) Notify all employers holding AFTRA contracts, and all signatories to the codes, that AFTRA will continue to pursue violations of paragraps 97 of the Network Television Code and New York Local Television Code, paragraph 48 of Television Recorded Commercials Code, and paragraph 59 of the Network Commercial Radio Code, with all means at its disposal. (Those are paragraphs read earlier in the statement dealing with discrimination.)

(2) Propose to all employers, signatories, and agents the formation of an industrywide committee to study discrimination against Negro and other ethnic minority group members of AFTRA and to work together for its elimination;

(3) Ask all members of AFTRA to submit evidence of discrimination of the local executive secretary promptly and in detail and, whenever possible, with corroboration by witnesses, and that the names of members submitting such evidence be held in confidence and, further that the executive secretary that is, the local secretary, continue to investigate all such claims and to take appropriate action to eliminate such discrimination;

(4) Give the widest publicity possible to these actions to further emphasize to all concerned the seriousness with which AFTRA regards any discriminatory practices against any performer because of race, creed, color, or national origin.

May I take this opportunity to thank you, Mr. Chairman, the committee, and the staff for this opportunity to present this statement.

Chairman POWELL. Thank you, Mr. Conaway.

Do you object to counsel for AFTRA sitting in with you?

Mr. CONAWAY. Certainly not.

Chairman POWELL. Will that statement which read affect only New York?

Mr. CONAWAY. No, sir.

Chairman POWELL. Because it says New York local membership.

Mr. CONAWAY. It is casting in the national code, the present code which expires November 15, 1963. The second part will be for immediate implementation now, directing all locals to enforce, and so forth, and as a matter of procedure, whatever we do in the national code has a tendency to stretch out to the farthest extremity.

Chairman POWELL. When was this adopted as the New York local code?

Mr. CONAWAY. If I remember correctly, the original resolution, followed by the other general resolutions on the subject, were introduced, first, early last spring, and because of the failure of form or the failure of a body that could enact these resolutions, the final resolution, expressing the New York membership's action, was passed this recent September.

Chairman POWELL. How do you propose to enforce this?

Mr. CONAWAY. I think we will attempt at the moment, in the implementation of the present language that we have as stated in the resolution, to pursue that.

Secondly, I think that people attempt, as is set forth in the resolution, to seek a committee, not a committee composed only of producers and casting personnel or of talent agency personnel, but a committee which will meet actively with the union, participating in that composite makeup to really come to grips with some of the things embodied in this resolution.

Chairman POWELL. But specifically I have in mind the actual enforcement power.

Mr. CONAWAY. We have no enforcement powers in our code, per se, other than to pursue by arbitration if investigation warrants that. We will pursue that, as we have always done.

Chairman POWELL. What is the next step if you do not prevail in arbitration?

Mr. CONAWAY. We are assuming we will prevail, otherwise we will have to get real implementation along the lines of this resolution in a national contract.

Chairman POWELL. What does that mean?

Mr. BECKER (general counsel to AFTRA and counsel to the New York local of the same union.) Obviously, we have a problem. If evidence of a violation is secured and a board of arbitration holds against us, we have a problem which is a real legal problem.

It would be our hope and I know there is no hesitancy in setting this off for the record on the part of any member of the governing body of AFTRA, that we would "use all legally coercive methods at our command" to persuade the producer—it might be an agent as well as an employer—that it doesn't pay him to discriminate, because he won't have any performers.

Now , obviously, this will take guts and we think we have the guts to do it.

Chairman POWELL. You mean, after you have finally come to a dead end, then you intend to pull the rug of membership out from under?

Mr. BECKER. We have found, when the dead end appears, you don't have to go that far. We do have, unfortunately, the Taft-Hartley law and, unfortunately, courts which more and more are giving ex parte injunctions on one pretext or another, but we are willing to be held up to the mirror if we have something on which there is substantial evidence which we can adduce in any responsible tribunal, even our own, and we will require the producer to stop this.

Chairman POWELL. This is the first time, then, this has been stated publicly; is that right?

Mr. BECKER. I don't think there has been a forum before in which this would be stated, outside the councils of our own group. We have never been hesitant, and I think the industry will say that with quite a bit of bitterness, we have never been hesitant to say how we feel about anything and what we will do about it.

Chairman POWELL. I said these hearings are informal and exploratory. We get witness after witness, and one witness will say it is the fault of management, the producers, the agents, et al. Another witness will say it is the fault of the unions. I am trying to find out, for my own personal information, where the fault does lie and where discrimination takes place.

Mr. BECKER. We cannot talk for any group. We just talk for ourselves. We stand up, I hope, straight for ourselves. We are willing to be tested at any time.

Chairman POWELL. According to the constitution of AFTRA, wouldn't the action you would take, in case arbitration and so forth goes against you, be in the hands of the national board?

Mr. BECKER. It would be in the hands, first, of the local board, in the area in which the discriminatory acts occurred, then in the hands of the national board.

Chairman POWELL. What is the national board's view on this, do you know?

Mr. BECKER. The national board's view is, if possible, stronger than the local board's view. The national board has taken the resolution which came from the New York membership, the New York local board, and made it a national policy. There is no power, no legal power in any local of AFTRA to go contrary to a national rule of the national board, no power whatsoever.

The constitution expressly states that, and we do not anticipate any trouble with any local of AFTRA on this particular issue. We have had trouble on other issues, but we don't expect it on this.

Chairman POWELL. Thank you ever so much for coming. I appreciate the views you have expressed, and the information you have given me.

At this time will Mr. Manuti, president of Local 802 of the American Federation of Musicians, please come forward?

Mr. Manuti, make yourself at home.

Do you have a prepared statement?

Mr. MANUTI. Yes.

Chairman POWELL. Will you read it please?

STATEMENT OF ALFRED J. MANUTI, PRESIDENT, LOCAL 802, AMERICAN FEDERATION OF MUSICIANS

Mr. MANUTI. With your permission I should like to read a very brief statement regarding the matters you are discussing here today, insofar as they pertain to my own union. Following that, I shall be glad to answer any specific questions.

I should like to state, at the outset, that discrimination of any kind is expressly and specifically barred in the constitution and bylaws of local 802. Further, this policy has been reaffirmed and restated on numerous occasions to our membership, publicized widely, and wherever possible has been translated into specific activity.

It might be pertinent here to point out that local 802 is what is known as a nonreferral union.

Chairman POWELL. What is that?

Mr. MANUTI. A nonreferral union means that we exercise no control on the employment of any of our members, nor do we refer members to specific places of employment or to individual employers. The employer is a completely free agent in selecting our members for any type of musical engagement.

In point of fact, it would be, for us, an equal violation of our constitution to make referrals.

However, within the bounds of this limitation we have continually acted—both in cooperation with groups and organizations dealing with the problem, and on our own initiative—to implement our policy.

I think I can best pinpoint both the philosophy and activity of local 802 with respect to discrimination against Negro musicians by quoting from my monthly report of August 1959 in Allegro, the official journal of local 802. This issue carried an article by A. J. Hayes, president of the International Association of Machinists, entitled "Organized Labor Fights Discrimination," and I had this to say.

LOCAL 802'S POLICY ON DISCRIMINATION

The article on page 7 by Mr. Hayes is an eloquent statement on the injustice and human waste created by discrimination, and an encouraging report on the progress being made to eradicate it.

It also provides an opportune time to restate local 802's policy and basic attitude to something which we despise as Americans, and which we actively oppose and combat as trade unionists and professional musicians.

I use the phrase "restate" deliberately, because our policy with regard to discrimination has not only been stated and publicized from time to time, but has been consistently followed in the official actions of the union, where discrimination was involved.

It should be pointed out that discrimination takes many forms—against color, against religion, against nationality, against political beliefs. Its practice in any of these is equally repugnant to us, and our policy of condemnation and opposition embraces them all.

At the same time we recognize that the Negro has been particularly exposed to this evil, and we make it our concern, too. As Mr. Hayes points out, failure through discrimination to use effectively the skills and abilities of 17 million Americans is also an intolerable waste of human resources.

This is particularly true of the Negro musician, who has made such unique and enduring contributions to American music, and whose talents, if fully used, can benefit and enrich the entire American musical scene.

The high competence of the Negro musician in the jazz and popular fields is almost universally known, and is contributing to the breaking down of the racial barrier here. However, there is a growing pool of highly talented young Negro musicians in the classical field, and we have been consistently calling attention to their availability for auditioning, for symphonic groups and ensembles.

Racial discrimination springs from and is strengthened by ignorance, and by fears which have no basis in fact. That has been proved wherever Negro musicians have been given the opportunity to work side by side with other musicians. Local 802, I am happy to state, has contributed to this by the integrated bands and orchestras of concerts we present through grants of the Music Performance Trust Funds. Since we are not a referral union, however, we do not control the employment of musicians at the source, and the nature of business is such that it is not practicable to do so.

At the same time—and this I emphasize—although the nature of the business our union represents is such that we must, as a practical matter, function on a nonreferral basis, we have never taken this to mean that we cannot take steps against its practice. Any specific instances of employment discrimination against a member of local 802 should be presented to the executive board, with the fullest possible documentation, for appropriate action.

Very simply, we believe that discrimination has no place in a democracy, or in democratic trade unionism, or in our own local. It is both our duty and desire to contribute to its eradication.

I do not believe I can add anything further to the foregoing general statement.

Chairman POWELL. Thank you, Mr. Manuti.

Now, one thing is clearly established—in this area, since you are a nonreferral union, the fault lies, therefore, with management, if there is any fault?

Mr. MANUTI. If there is any fault; yes.

Chairman POWELL. Yesterday we had an outstanding musician, one of the great bases in the field of jazz music, who testified, in documentary testimony, also giving me a letter which he had sent to Mr. Arthur Goldberg, Secretary of Labor, in which he stated that in Philadelphia and again in Baltimore, when he played there, he found that the musicians union had segregated locals—one for Negroes, one for whites.

Is that true?

Mr. MANUTI. Now you are talking about the American Federation of Musicians. I am here representing local 802, as a local. I am president, and I speak for it.

But I think in the statement here of policy, in the short paragraph——

Chairman POWELL. This is national now?

Mr. MANUTI. The statement made by our international president, which I will read. You see, Cleveland had segregated locals, and this is what our international president, Herman Kenin, said about it:

> The fraternal unity of our two long-established Cleveland locals sets an example that I trust will be followed in many other communities where separate white and Negro locals still exist. The achievement of our fundamental policy of complete integration is a tedious process, mainly because many of our Negro locals are wary of surrendering the autonomy granted at their request a half century ago. Nevertheless, the AFM is dedicated to complete integration through orderly procedures that will protect the rights of all concerned.

Chairman POWELL. What is the date of that?

Mr. MANUTI. This was October 3, last month.

Chairman POWELL. 1962?

Mr. MANUTI. Yes.

Chairman POWELL. Well, you therefore, cannot speak——

Mr. MANUTI. These two locals were integrated in Cleveland. We have integrated quite a few of the locals.

Our biggest problem there is that in most of the cases, I would say 99 percent of the cases, it is the Negro local that does not want to integrate. They feel they would lose all their identity, that they may not be represented at conventions, and this is what has created this problem, which we are trying, with everything within our means, to integrate all of these locals. I hope we will be able to bring them all together very shortly.

Chairman POWELL. Would you be in favor of an amendment to the Landrum-Griffin Act, which would prohibit discriminatory separate locals?

Mr. MANUTI. No, sir; I would not.

Chairman POWELL. That explains Mr. Mingus' statement of yesterday, also the fact that you are nonreferral union, sir.

A very good friend of mine, like Meyer Davis, who has been in the music world for 30 years, I guess, and who has innumerable bands, at least 30 bands, yet doesn't have a single Negro musician in his band.

Mr. MANUTI. Again, they go out and get their own jobs.

Chairman POWELL. You don't have a shapeup hall, do you?

Mr. MANUTI. No, we have what is called an exchange hall.

Chairman POWELL. What is that?

Mr. MANUTI. A hall where our members congregate on Monday, Wednesday, and Friday to look for a Saturday and Sunday club job. Some of the leaders come there, some of the contractors come there, and also the side men.

Chairman POWELL. Almost like a shapeup hall.

Mr. MANUTI. Except that the union does not draw. If a contractor comes in looking for a saxophone player, that is where he could find him.

Chairman POWELL. In New York, you do not have separate scales for white and Negro musicians?

Mr. MANUTI. No, sir; our scales apply to all members of the union.

Chairman POWELL. I think you have gone about as far as you can in enlightening me.

Of course, the questions that I have are questions concerning other cities, where I understand there are separate locals and I understand there are separate locals and I understand there are separate wage scales also; and I understand that in some areas, a Negro has to be a man of action, in a sense, he has to pay Peter and Paul both when he goes into a city where there are two locals—a Negro local and a white local.

Mr. MANUTI. If the Negro would have a lower scale, he sets it himself. They set their own scales. The white local sets their scales, and one of the things the national code is insisting upon is that there be fair competition between the two. In other words, they should have the same initiation fee if they want to live this way and the same scale; otherwise it does create unfair competition among members all belonging to the American Federation of Musicians.

Chairman POWELL. It seems to me it would be better to eliminate this "Uncle Tom" thing.

Mr. MANUTI. We agree.

Chairman POWELL. Take an employer, let us say, like the United States Lines or the American Export Lines, on which I have traveled several times. How do they get their bands?

Mr. MANUTI. Through Meyer Davis.

Chairman POWELL. Meyer Davis is a contractor for bands on the United States Lines?

Mr. MANUTI. Yes.

Chairman POWELL. Of course, if you go on one of their ships, like the SS *United States*, the *Constitution*, or the *Independence*, you find that the crew, including first-class, are just in a glory hole, 25 to 50 percent Puerto Rican. Sometimes it is even more than that. The ship's chairman on the SS *United States*, Morris, is a Negro.

Thank you ever so much. You really have helped me in this. You have indicated that you are nonreferral; you have indicated that this is a national problem; that New York does not have such a problem and that you personally are against separate locals and are against separate wage scales.

Mr. MANUTI. Our International Federation feels the same as I do about it.

Chairman POWELL. Will Mr. Weist of the Screen Actors Guild please come forward.

Make yourself at home, give your name and address to the reporter.

Do you have a prepared statement?

STATEMENT OF DWIGHT WEIST, PRESIDENT, NEW YORK BRANCH, SCREEN ACTORS GUILD

Mr. WEIST. My name is Dwight Weist. I do have a prepared statement but I have just this one copy.

I am president of the New York Branch of the Screen Actors Guild. This statement comes from the branch and not from the national.

Chairman POWELL. Your statement comes from the branch, and not from the national?

Mr. WESIT. Perhaps certain information I can give you will be on the national, but this is our statement and any further statements you would have to get from the Screen Actors Guild in Hollywood.

The Screen Actors' Guild is a labor organization composed of and representing actors who make motion pictures. The New York branch is a local organization of the guild made up of those members of the Guild who reside in the New York City area.

More than a year ago the board of directors of the guild by unanimous vote adopted a resolution declaring the national policy of the guild to be "against segregation or discrimination in any form within its jurisdiction" and pledging the guild "to take all possible action in its power to accomplish this objective."

This was only a reiteration of the guild's traditional position.

There is not now and never has been any discriminatory practice in the internal affairs of the guild. All of its members, irrespective of race, creed, color or national origin, stand equal, with the same rights, privileges and powers.

The guild's collective agreements permit of no discrimination. The conditions of employment presented in these agreements apply with equal effect to the work of all actors in motion pictures. The guild has never permitted and will not permit any differentiations upon any ground.

The directors of the guild have acted to give force to their resolution. The details of this action can best be had from the board in Hollywood where the guild's offices are located.

The New York branch has likewise taken action in line with the board's resolution.

Among other things, it created a standing committee to deal with discriminatory practices in the employment of actors. This committee has under continuous consideration the measures which could be undertaken by the guild here in New York to enlarge employment opportunities of those who are the victims of prejudice.

With a view to this objective the committee has moved to enlist the understanding and aid of the industry. On its initiative, a meeting was held last spring with representatives of producing organizations and of the Film Producers Association of New York. The purpose of the meeting was two-fold, to convey to the producers the guild's concern over discrimination and to arouse in them an awareness of the problem and an active desire to aid in its solution. The response of the producers was decidedly cooperative and the meetings would be held from time to time in order to promote joint action.

On the recommendation of its committee, the council of the New York branch adopted a series of resolutions on the question of discrimination.

The resolutions expressed the view of the council that the guild should lend its influence and prestige in support of ending segregation in motion picture theaters and in the elimination of discriminatory practices.

The council also expressed its opinion that when the time comes for the renegotiation of the guild's basic collective agreements, provisions be inserted in furtherance of the objective to put an end to discrimination.

The council has stated publicly that it was prepared to take action either under the guild's existing contracts or under the New York law if it were furnished with evidence of any current discriminatory practice and it has invited the members of the New York branch who may experience or witness such a practice to come forward with the evidence.

In pursuance of joint guild-producer action, the council late in August instructed the president of the New York branch to send a letter to all those in New York who are signatories to the guild's collective agreements. So that the purpose of this letter may be clear, a copy is set out in full as part of this statement.

Within the recent past, representatives of the New York council met with officials of both the Urban League and the NAACP. The purpose of the meeting was to obtain suggestions as to concrete measures which the New York branch could take in combating discrimination. The meeting was adjourned upon an understanding that when either of these organizations developed any project which the branch could undertake, it would be presented to the branch's council.

The work of the New York branch has already borne fruit. It is acknowledged that as a result opportunities for employment have been opened up to Negroes on TV entertainment shows which are produced here in New York. The branch will continue its efforts. It will do all that it can within the limits of its resources and its powers to eliminate discriminatory practices in the motion picture industry.

I will now read the letter sent to all signatories of the SAG agreements:

To All Signatories of Screen Actors Guild Agreement.

GENTLEMEN: At the request of the New York Council of Screen Actors Guild the committee on minorities has been considering the problem of the greater employment opportunities for minority groups in motion pictures.

At a recent meeting with representatives of the film industry in New York it was pointed out that many producers, especially in the industrial and educational field, are simply unaware that minorities have not been used as extensively as they might. It was felt that producers might conscientiously plan their productions to include minority performers as a natural and integral part of American life.

In many theatrical and television pictures both in Hollywood and New York, this has been successfully accomplished.

To this purpose, the guild asks all producers to cooperate by alerting and advising their writers, directors, and casting personnel. We will continue our efforts to implement the following resolution adopted by the guild's national board of directors on August 14, 1961:

Resolved, That the board of directors concurs in the Associated Actors & Artists of America's declaration of principles against segregation or discrimination in any form within its jurisdiction and hereby goes on record that Screen Actors Guild will continue to take all possible action in its power to accomplish this objective.

Further efforts by the guild in conjunction with film industry representatives will continue. Other meetings are planned to re-evaluate the problem. Please call on us at any time we may assist in any way in this matter which deserves your serious cooperation.

Chairman POWELL What is the date of that letter, please?

Mr. WEIST. August 21, 1962.

Now, there follows the New York branch of the Screen Actors Guild resolution, adopted August 7, 1962:

Resolved—

1. The New York branch standing committee continue its activities of combating discrimination in the employment of actors in the motion picture industry in the New York area and increasing employment opportunities for those who suffer discrimination. That this be accomplished with the cooperation of industry representatives who shall be invited to participate in these purposes;

2. Members of the New York branch be asked to furnish the executive secretary of the New York branch with the evidence of any current discriminatory practice whenever such evidence comes to their knowledge so that the secretary may take appropriate action either under the guild's collective agreements or under the New York law. It is understood that such evidence of discriminatory practices should be submitted by the member who experienced it or a member who was an eyewitness willing to testify as to its occurrence.

Chairman POWELL. Are there any Negroes on the standing committee?

Mr. WEIST. Yes, there are. As a matter of fact, the chairman, Mr. Weber, is a Negro.

Chairman POWELL. Is he the only Negro?

Mr. WEIST. Yes.

Chairman POWELL. How many members are there on the standing committee?

Mr. WEIST. About seven.

3. It is the sense of the New York Council that the guild should lend its influence and prestige in support of ending segregation in motion picture theaters and should by public action show its concern with the problem of discrimination and its desire to aid in its elimination; this would include publicly recording its opposition to discrimination by means of the press and urge all other unions and organizations to support such stand;

4. It is the opinion of the New York Council that at the time the guild's collective agreements are renewed, provisions be added which will further the objective of keeping the motion picture industry free of discriminatory practices.

That is the resolution.

Now, at a recent meeting, at the November 8 meeting of the council of the New York branch of the Screen Actors Guild——

Chairman POWELL. What is the date of that meeting?

Mr. WEIST. November 8 is the date of the meeting. The date here on the top is the date of the resolution which was presented at the most recent meeting. The action was taken on October 22, 1962.

The resolution follows, and you will note, in essence and in some of its parts, is a resolution very similar to the one adopted by ACTRA:

RESOLUTION A

Whereas the national board of Screen Actors Guild in its meeting in Hollywood on October 1 unanimously approved the action of the Associated Actors and Artists of America in its request that the branches of the Associated Actors and Artists of America make every effort to include a nondiscrimination clause in all collective bargaining agreements: Therefore be it

Resolved, That the New York membership of SAG go on record in support of the action taken by the guild's national board and recommends to the national board of SAG seek to include langauge and enforcement machinery in its forthcoming code negotiations to the end that:

(1) The employers, producers, advertising agencies, sponsors, independent packagers, agents, managers, and others (hereafter referred to as producers) shall not practice discrimination against any member of SAG because of race, creed, color, or national origin, or because of any alleged economic consequences thereof, in the publicizing of auditions and interviews, in calling or requesting the appearance of performers for auditions or interviews, in the hiring of performers, in the discharge or replacement of performers, in the staging of a production, or in any other dealings with or treatment of performers;

(2) It shall be the obligation of the producers under the agreement to insure that performers are employed and treated during employment without regard to their race, creed, color, or national origin;

(3) Casting notices be worded in such a way as not to discourage those who are subject to discriminatory practices from inquiring, applying or auditioning for employment;

(4) Equal opportunity to afford to all SAG members for interview, audition, and casting regardless of representation or nonrepresentation by agents or other performers' representatives;

(5) Equal consideration be given to all SAG members in the filing of performers' names, pictures, résumés, etc., and in the calling of performers for interview and audition without regard to race, color, creed, or national origin;

(6) All casting agents and performers' representatives be instructed to refer performers for roles which could be played by a member or a group which suffers discrimination without regard to race, creed, color, or national origin;

(7) Applicants be selected for audition and interview on the basis of suitability to play the role without regard to race, color, creed, or national origin; and

(8) The industry be urged to cast performers belonging to groups that are the subject of discrimination in all types of roles so that the American scene may be portrayed realistically.

That ends my prepared statement.

Chairman POWELL. Do you have any antidiscrimination clause in your constitution?

Mr. WEIST. There is none in the constitution, there is none that I know that specifically states that, and to this end, we of the New York branch have been requesting that this be included.

Chairman POWELL. You have requested that at national conventions?

Mr. WEIST. We have no national conventions.

Chairman POWELL. You never meet nationally?

Mr. WEIST. We meet once a year, a general meeting of the membership held in Hollywood, and to that general meeting members of the national board from the various branches go, and there is a national board meeting held of all national board representatives able to attend.

Chairman POWELL. Has that been presented at that meeting?

Mr. WEIST. No; but it will be at the forthcoming meeting.

Chairman POWELL. When will that be?

Mr. WEIST. November 12.

Chairman POWELL. November 12. Now you mentioned that your resolution was similar to the one that AFTRA has.

Mr. WEIST. Correct.

Chairman POWELL. I therefore ask you the same questions that you heard me ask the gentleman from AFTRA: How do you propose to enforce this resolution?

Mr. WEIST. The first course, I would judge, would be to take a case to arbitration, and if we did not succeed in obtaining results from an arbitration, the Screen Actors Guild has a rather forceful method of getting results.

Chairman POWELL. Will you explain to me what this forceful method is?

Mr. WEIST. Yes. We can declare a producer unfair if it is found that he is engaging in unfair practices, which will include any unfair practice, and once we have the language in our code, then certainly, if there were any discrimination which could be proved against this employer, not merely asserted but proved against the employer——

Chairman POWELL. When you say you have the language in your code?

Mr. WEIST. I beg your pardon. I meant to say this is the language I have said we will try to obtain in our forthcoming code, the language I have just read is proposed language for the codes.

Chairman POWELL. That is the resolution of the New York local?

Mr. WEIST. Yes. With that language being in the code, we will then be able to act, and if a producer has been found to be unfair, he is placed on an unfair list, which means that no actor who is a member of SAG may work for that producer as long as his name remains on the unfair list.

This is a powerful weapon, because it means that the only actors that producer can get will be nonunion actors, and, of course, as you are aware, under the Taft-Hartley law, he can still operate.

Chairman POWELL. What is the feeling of the resolution becoming law at the November 12 meeting?

Mr. WEIST. From the conversations I have had with the coast, the results will be successful.

Chairman POWELL. As you know, it has been mentioned in the hearings which began this week, we are trying to amend the Landrum-Griffin Act to put in a clause prohibiting discrimination, and I know that if an organization like yours, AFTRA, and others, did this voluntarily, I would be disposed personally to push this through the committee and through the House next year. It is always better for our individuals in our society to practice democracy than have democracy enforced, as happened in Mississippi.

Mr. WEIST. What unions are you referring to specifically? Are you referring specifically to the AAAA's, or is this all unions?

Chairman POWELL. All unions. However, if we saw indications that unions were doing this, unions such as SAG, then I know that I personally would bide my time. That resolution that you have was adopted October 22; is that right?

Mr. WEIST. That is the date.

Chairman POWELL. Last week?

Mr. WEIST. Yes.

Chairman POWELL. Now this letter that went out concerning new contracts—was that from the local or the national office?

Mr. WEIST. It was from the New York branch.

Chairman POWELL. That was mailed when?

Mr. WEIST. April 21, 1962.

Chairman POWELL. Now you have left it up to the NAACP and the Urban League, both fine organizations, to bring you a specific program, after your conference with them?

Mr. WEIST. We suggested it, yes, we were willing to take it up ourselves, but we welcome suggestions from them.

Chairman POWELL. I don't think that either of those organizations is equipped to advise you as well as individual employees in the industry could advise you.

Mr. WEIST. We have also met with a group of Negroes within the industry, we have had several meetings, and it was in this regard that a lot of the action that is contained in that statement was taken, as a direct result of our meetings with them and our consulting with them, in an attempt, within the limits of the power of the union, to get for them what we could.

Chairman POWELL. Now until the adoption of this resolution by the New York branch within the past week, would you say the fault of Negroes not being employed was the fault of management or the union?

Mr. WEIST. I wouldn't agree that it was the fault of the union.

Chairman POWELL. Prior to this resolution, then, the union still pushed, trying to get Negro artists into pictures?

Mr. WEIST. Let us go back a bit. As a union, we may not try to get preferred employment for any member, be he white or Negro.

Chairman POWELL. Are you a nonreferral union as the musicians union is?

Mr. WEIST. It is not exactly the same, but when you are casting for a specific role, it is quite different from just picking an able saxophone player.

Chairman POWELL. Who does the casting?

Mr. WEIST. We do no casting, we take absolutely no part in the casting, and I cannot refer any performers.

Chairman POWELL. Then you are a nonreferral union?

Mr. WEIST. Perhaps I am not familiar with that definition.

Chairman POWELL. I was not either, until Mr. Manuti told us. All I am trying to find out is who is at fault.

AFTRA, when questioned by me, said publicly for the first time, that they were ready to pull workers out if arbitration failed. Now that protects men and women who pay their dues. You are still in the area of conjecture, are you not, because this has to be passed by the national body on November 12?

Mr. WEIST. That is right.

Chairman POWELL. How many Negro members do you have in SAG in the New York local, do you have any idea?

Mr. WEIST. We have no record of that, because our cards do not indicate at all. As a matter of fact, they do not indicate sex either. Sometimes we have trouble with the Evelyns and the Joes. We send out a letter to a "Miss" when it should be "Mr." and we get a letter back informing us.

Chairman POWELL. Thank you ever so much for coming before us and giving these hopeful signs that have taken place in the last couple of weeks in the form of resolutions. I hope they will be crystallized into policy of the national group on November 12. I also hope the national group will put in its constitution a nondiscrimination clause,

Mr. WEIST. I assure you every effort will be made as far as our branch is concerned.

Chairman POWELL. One last question. I have a statement from my staff—I don't know what it means—What is "residual pay" from commercials and television film work? What is that?

Mr. WEIST. Residual pay is a payment that is made upon reuse of a performer's services. The amount of that pay is set down in our contract.

Chairman POWELL. That goes to the union?

Mr. WEIST. No: the residual pay goes to the actors. They use two terms, "reuse," and "residual pay," but generally it is used as residuals, as far as production is concerned. A motion picture or TV picture calls for a "residual," while a commercial calls for "reuse." I don't know why the difference in language, but it is generally divided up that way.

Chairman POWELL. That, according to your annual report, was $5 million last year.

Mr. WEIST. I don't remember the figures.

Chairman POWELL. No share of that, obviously, went to the Puerto Rican or Negro workers, because they did not do any commercials.

Mr. WEIST. As far as commercials are concerned, I would say that very few Negro performers are used. I have heard of certain cases, especially here in New York, I think, although I would not want to go on record on that because it has to do with the New York theater—that this is a strictly New York operation, and, as far as the national picture is concerned, I don't know of any.

Chairman POWELL. I don't either.

Mr. WEIST. I would just guess that the reason would be that the investment through an advertiser or sponsor is quite considerable and if it means he cannot use it in the South, it would mean he would have to make another version of that, for use in these prejudiced areas which exist in the South more than they do here.

Chairman POWELL. But Ed Sullivan testified here that nobody in the South has complained about his television show which has been going on for 15 years, and nobody has asked to cut the shows off.

Mr. WEIST. That is true also of "Car 54" and "Naked City," produced here in New York. As far as we know, we have received no objection from the South on Negro performers.

Chairman POWELL. Minority groups, according to the report of the Center of Market Research, indicate that $4 billion a year was spent by Negroes, and that they buy quality goods and brand names. Of course, that has nothing to do with you.

We have asked every advertising agency in town to come and give us their views, but not one has come forth. However, when we open the hearings in the early part of next year and if none of them comes, we will subpena them, because they are the crux of the matter. Negroes and Puerto Ricans drink tea and use Dial soap.

I just got news that McCann-Erickson, an advertising agency, will be here tomorrow.

Now will my old friend Joey Adams please come forward?

Will you give your name, position, and address, please?

STATEMENT OF JOEY ADAMS, PRESIDENT, AMERICAN GUILD OF VARIETY ARTISTS

Mr. ADAMS. Joey Adams, president of the American Guild of Variety Artists, offices at 551 Fifth Avenue.

The gentlemen with me are Bobby Faye, executive secretary, also Harold Berg, counsel.

Chairman POWELL. These hearings are entirely informal and are merely to help me clear up my own ignorance, so that when we do start in depth next year I will be able to use a digest of these hearings.

We have been getting conflicting testimony back and forth from management, within management, from actors, from within actors, as to who is the guilty party in these various areas. The Musicians Union is a nonreferral union, therefore there is nothing they have to do with the selection of musicians. We have learned that SAG, the Screen Actors Guild, is also nonreferral.

Is there any statement you want to make before we engage in colloquy?

Mr. ADAMS. Nothing, except to say that where AGVA has something to say about it, we have insisted that Negroes should be employed in the same proportion as entertainers for their talents. In other words, we have an AGVA youth fund, where we employ our AGVA entertainers, not only to entertain but to teach, so that we can use the ego of these alleged juvenile delinquents for good instead of evil.

We also have auditions where we audition our entertainers before the acts. These entertainers also are paid. This is under the control of AGVA, so, because it is under our control, we hire an equal amount of Negro entertainers, white entertainers, Puerto Rican entertainers, whatever entertainers there are, whoever wants to come and work on these projects.

When I went on a trip around the world for President Kennedy, good will tour, we had 20 entertainers in our troupe, and 5 were Negroes. So, as a matter of fact, I just finished writing a book, called "Comic in Striped Pants," where I told the story. In it I say there is more discrimination against Negroes in India, for instance, and dark races, and more in Asia, than in the city of New York, especially for entertainers, although they have claimed at various times that we have been discriminating against the Indonesian group. That happened in Virginia. They complained to our Government, but we had the same kind of complaints in India. The Four Step Brothers went in for haircuts in India, and they said they couldn't cut their hair, "Because we don't cut black hair," while the Indian who was saying this was darker than Al Williams.

Chairman POWELL. When I was in Bombay in 1955, in a press conference that I held, I made a statement that stopped the Communists in their tracks, because they were using Indians as reporters to go around and circulate anti-American ideas, so at the press conference I pointed to this one and said, "You have 70 million people in India who do not associate with or call upon the untouchables"—of course, this was before a television show. I pointed out to the Indonesian press there: "You have 300,000 Indonesians who happen to be Christians that you have got to find barbed wire on a certain island because you are a Moslem country."

I went through this and I know what you are saying is true.

Mr. ADAMS. In every country we went we found the Communist blocs all reported from the Communist Party. They are pretty strong there because the hot breath of Communist China and Communist Russia is within spitting distance of those people. They would sneak in these questions, questions to the boys with me, the five boys, "How are you treated in America?"

Now as you know, there are passionate Americans and there are subtle Americans, and these fellows were passionate Americans, and believe me, they let them have it. So it was that AGVA, with me at the head of it, originally, 20 years ago, brought the first black and white entertainment into Miami, with Harry Richman and myself, so it is these people who are an example of no discrimination in show business.

Chairman POWELL. I would say, compared with all the other four A's, AGVA is ahead of all of them.

Now yesterday we had a very tense situation here, which you probably read about in the papers. Puerto Rican entertainers refused to testify yesterday because they were scared, they were afraid, because 10 months ago a gentleman by the name of Rosenberg, who owns the five theaters that are beamed to Puerto Rican audiences in New York City got an order from Judge Greenberg, prohibiting picketing and "any further activity," and Mr. Rosenberg was here yesterday. He sat in the audience in the back. So these Puerto Rican entertainers were afraid to testify, for fear of what would happen to them, because that is their major source of income.

However, they produced, through their lawyer, Mr. Arazo, a contract that had been entered into with AGVA by the employer.

Now, in AGVA you do have certain classifications, don't you.

Mr. ADAMS. We have chorus classifications, star classifications, and you pay your dues according to how much money you earn. In other words, the average dues are $36 a year. For this they get many benefits, but if you earn more than a thousand dollars a week, the dues are a little higher.

Chairman POWELL. This particular contract—and I am positive that you personally are not aware of it—this particular contract which we have has no specifications of what kind of employment at all. The workers themselves, and we have affidavits, have never paid, have never known that they belonged to a union.

We also have affidavits to the effect that there has been a kickback between the employer and AGVA on these contracts, which we call, in the trade, "sweetheart contracts."

Mr. ADAMS. If I ever found anything like this, Mr. Chairman, we would be the first to expose it, so we want to clear this up, just as we are against anything happening under the table and in side rooms. We should see that contract. It may be a phony.

Mr. FAYE. May we see the contract?

Chairman POWELL. I will not give those contracts to you in this open meeting, but I will make them available to you. I do not want to make them part of the minutes at this particular time, because the matter is before the Supreme Court in the form of an injunction.

There is an affidavit here in which this man, who signed his name to it this year, says he had to kick back $25 to $50 every time he was paid. That is just one of them.

Mr. ADAMS. Is this an entertainer?

Chairman POWELL. Yes.

Mr. ADAMS. Does he say to whom he kicked back?

Chairman POWELL. After the meeting, I will show it to you. If I show it to you now it will be part of the record. We are referring this to the proper authorities for criminal action.

Mr. ADAMS. And is this to an AGVA representative?

Chairman POWELL. No, to an employer.

Mr. ADAMS. Oh, well, that is different. There was an organization that was trying to infringe on AGVA. That happens all the time. It has happened in the South, and in Canada. They may have signed a contract with them, saying they were AGVA, but I am sure there would never have been a kickback in AGVA, certainly there never would have been with our knowledge.

Chairman POWELL. I believe you 100 percent. I have known you for some time. That is why I was so shocked.

I know when this meeting is over that you will take appropriate steps.

Mr. ADAMS. I know it is not with AGVA. The AGVA agreement is a standard form agreement between the employer and AGVA, so they could not run a theater unless it was a scab theater using nonunion musicians. I would like to investigate that. You know I will give it the fullest attention and give you the fullest cooperation.

Chairman POWELL. Now, we have another complaint that has just come before me this morning. I don't know anything about it. It is in relation to a jurisdictional question on the "Jazz Train."

Mr. ADAMS. We discussed that with them. The jurisdiction question was that AGVA claimed that these people working in a variety unit should belong to AGVA, and naturally, being Equity members, they would have to pay half dues. We have the same reciprocation with all the other unions—if they belong to any one of the four A's, they pay only half dues. In other words, when an entertainer is hurt in our jurisdiction, if he is hurt on the job or going to and from the job, he gets benefits up to $500 for the same $36 dues that he pays a year. It costs us $45 to service that man, so ours is only a service organization.

Naturally, when Variety people come in to our jurisdiction, even if they are legitimate entertainers or SAG members or so on, we, in order to protect them, and that is our fight in Germany now, where we have no protection for our entertainers, the only way we can protect them is to make them a member of AGVA.

We love the other theatrical unions, they are all cooperative, but if they are in our jurisdiction, we are responsible for the entertainers and we must see that these people are protected equally; we must see that their money is protected and put up in bond. In other words, if an entertainer works, we want to be sure that he will get his money, so we insist on a bond. We want to see that the dressing rooms are decent. But we want to protect the actor, sometimes even against himself.

Chairman POWELL. Have you met with these performers of "Jazz Train"?

Mr. ADAMS. Yes, they were all in Mr. Faye's office. I was there with them. Do you want to tell them about it, Bobby?

Chairman POWELL. They feel they have not been treated right.

Mr. ADAMS. They were members of AGVA for only 2 weeks and then the company broke up after that, so they don't see the benefits of it yet. They were, naturally, forced to join AGVA.

Chairman POWELL. They said they were forced to pay part of their checks for the payment of dues.

Mr. ADAMS. That is not so. We try to be as liberal and friendly as possible. In other words, instead of asking them to put up their money in advance, which a union has a right to do, to pay $150 initiation fee and $36 dues, instead of that, these people were brought in as chorus people rather than as stars, which they are, but we wanted to be decent, so, instead of having them brought in as personalities, specialty entertainers, they were brought in as chorus people, at half rate, so they are members of Equity, and instead of paying $150 initiation, they only pay $50; also instead of paying $36 a year to us, they paid $18 and $9 for the quarter. That is all they paid. And instead of asking them for money in advance, we asked permission first, to take out that money from their salaries every week, and I thought, and AGVA thought, this is a very fair deal.

Now, when people are paying extra dues and don't know what it is for, they feel a little hurt about it and naturally put up a little protest.

Chairman POWELL. One more question:

Puerto Rican performers who met with me afterward, in my other office, told me that they have no choice, that they were put into AGVA without their consent. Does AGVA have a closed shop agreement with the theaters in New York?

Mr. ADAMS. When we sign with the theaters in New York, we sign a basic agreement, and the theater owner must put up a salary bond and adhere to the rules and regulations of AGVA, which means minimum salary, conditions in the theater, working days, how many shows a day, and so on, so we are really protecting the actor himself against himself, and, although he doesn't want to join AGVA, when we have a minimum basic agreement, we arrange with the theater that he will only hire AGVA entertainers. It is not a closed shop; it is an open union. But, for instance, we try to cooperate with the Musicians Union, and they try to cooperate with us, with AFTRA, with SAG, so we try to work out everything for the betterment of the entertainer.

Of course, it would be wonderful if there was only one card for all unions, I would love it, but since it is run this way, we do everything we can to make these people more comfortable.

Now, you cannot help a personality, an entertainer, a Puerto Rican, a Negro, a white man, who says, "I don't want to belong to a union." He does not have to belong to a union. Nobody is forced to belong to a union. There is no closed shop, but all we do is protect them. They could not get Blue Cross, hospitalization, or anything for the $36 a year which they pay us. We give them $200 or $300 worth of benefits for the $36 a year.

We have an old-age home. The first member of that old-age home was a Negro, George Raleigh. You remember, he was an old juggler.

Chairman POWELL. I remember him.

Mr. ADAMS. In our youth fund shows, we have as many Puerto Ricans and Negroes as we have white people, so we cannot force anybody to join our union, but when they do, we give them more for their money than they can possibly hope for, again, against themselves very often. They are paying $9 and they want to know what that is for.

Chairman POWELL. They don't have the right to ratify their contracts, they have no prior consent to the ratification of a contract?

Mr. ADAMS. They have this right. We have conventions every year. We have four board meetings every year, where representatives of our entertainers come into the meetings, at least four times a year, and every month there are national executive meetings where elected members come in, Negro, white, Puerto Rican, they all come to the meetings. Those elected come in and discuss our contracts, and every time the contract comes up for any reason, whether it is going on a cruise, working in a circus, or theater or vaudeville, a new contract is submitted to the national board.

Chairman POWELL. How many members are there on the national board?

Mr. ADAMS. Forty-five.

Chairman POWELL. How many Negroes?

Mr. ADAMS. Two.

Chairman POWELL. How many Puerto Ricans?

Mr. ADAMS. I don't think we have any Puerto Ricans. That is elected, of course. We have an executive in AGVA, John Dunn, who collects dues, goes to all the night clubs and theaters. He is a Negro.

We have a Puerto Rican who does a pretty good job for us too.

We have a Chinese gentleman who is head of the contract department.

Now, I told our national administration, when I was looking for secretaries and switchboard operators, and I had big talks with some of your Negro leaders, some of them who are good friends of mine——

Chairman POWELL. Who are Negro leaders? I have never been able to find out. I would like to know. [Applause.]

Applause is not allowed in these hearings.

Mr. ADAMS. I thought the applause was for me.

Chairman POWELL. Maybe you are a Negro leader and it was for you. [Laughter.]

Mr. ADAMS. I am.

Well, I tried even to ask, you know, naturally, the agencies, and they would say to me, "Do you want any particular kind of person, a Jew, a Puerto Rican, an Episcopalian, white, black?"

Chairman POWELL. Do you mean agencies like William Morris?

Mr. ADAMS. No, hiring agencies, agencies for employees.

Now, I have said this time and time again, I have said it to Robinson, for instance, Major Robinson, and the Step Brothers, and other friends of mine, I have said, "Send me a girl"——

Chairman POWELL. There is one agency that I didn't know about before, who was mentioned here in these hearings by an executive vice president for a national television chain, who gave us the name of an agency, Hallmark, operated by a Negro named Dick Clarke. He praised this as the only agency—that was NBC—and said they sent out 34 letters to 34 employment agencies and not one replied except this one, Hallmark, and that since then they have a wonderful relationship with them and he is giving them the best of qualified workers, so I would recommend that to you. If it is good enough for NBC, it is good enough for AGVA.

Mr. ADAMS. I am looking for a good secretary. Do you know anybody who is available?

Chairman POWELL. I might want the job myself after Tuesday. [Laughter.]

Mr. ADAMS. Certainly in our business the only barometer is character and talent and we have shown it time and time again.

Chairman POWELL. You are a nonreferral union?

Mr. ADAMS. What is that?

Chairman POWELL. I didn't know what it was either until today. The Musicians Union and the Screen Actors Guild do not refer people for jobs.

Mr. ADAMS. We don't give anybody jobs. We are not a hiring hall. The only time we have any control is when we have the celebrity shows, which means that actors, 8 tor 10 entertainers per session auditioned for the agents, and they get paid for that. We do that. We make sure, wherever we run them, that everybody has a chance. As a matter of fact, there is a great perponderance of Negroes and Puerto Ricans in these shows.

This never occurred to us before, but all of a sudden you hear stories and see in the papers about all of this, otherwise we never would have thought of it. We would go to Harlem as readily as downtown when suddenly it became obvious to the whole world, through Little Rock and Mississippi. We never thought of color, religions, creed in those areas in show business, except in a few little unimportant instances, because of the time we didn't know what was happening. If it happened it was not within our consciousness at all. We never discussed it. Lately, because of what is happening in the South, and these vulgar things demonstrated in that part of the country, it has come to our consciousness.

Even, we the great champions of this, are afraid to talk about it because everybody is so conscious of it now on account of the vulgar publicity.

The American Guild of Variety Artists last year—every year we give an award to one entertainer as the man of the year in show business—and last year we gave it to Sammy Davis, Jr. Now, if that is not an indication of how we feel, to give the man of the year award to a variety performer from AGVA, at one of the biggest dinners of the year—I don't know what is.

Chairman POWELL. One of the major things that has come out in the hearings and it is so obvious is this: The problem is not getting work for stars; stars make their money. The problem is the rank and file, those who are trying to become stars, that is the problem.

Now, you would say, therefore, since you are not a referral union, that the fault, if there is any fault, would rest with the agencies?

Mr. ADAMS. No. For instance, they must do what we do. AGVA right now, in fighting juvenile delinquency, is going into these juvenile delinquency areas and taking some of these Negro and Puerto Rican kids and is teaching them the craft of show business and when we teach them these crafts, they are taught by white, Negro and Puerto Rican teachers, who are members of AGVA, not professional teachers, but entertainers. When we teach these kids the craft of show business we make them members of AGVA, by giving them jobs immediately, so that they get paid. In other words, if we get a quartet, who are just tough kids, not committing crimes for money, but to show off, we teach these kids how to be showoffs for good instead of evil.

Once we have trained these kids for 6 months, we bring them into the same areas to entertain and we pay them and out of that pay they

become members of AGVA. They have to pay their way too. Some of us pay their initiation fees personally, but the only way to do it, and it is very tough to tell the Governor of Mississippi, that you have got to bring troops down for one boy, is to fight it in every way through the laws, and the only way to do it is through AGVA, only one way:

We give them the jobs, not the big stars, but the little guys, in every show. For instance, I can tell you about myself.

I was offered a job in a nightclub in Cincinnati in a hotel. As I have done in every show, I asked to have a Negro entertainer with me on my show—a lot of friends of mine in this room know that I always do that. I have always done that all my life, and fitted it in with my show. They told me at this nightclub that they had never had a Negro entertainer. I have a contract for a Joey Adams show. This was my price. My contract didn't say who was going to be in the troupe. Now, when the man called me on the phone, he said they had never had Negroes in this particular hotel and they didn't want to start it. I said, "Well, then, my contract is canceled."

If all of us do that, including the Negro stars, and if all of us say they won't work otherwise, something can be accomplished. Now, anybody is entitled to have 300 white entertainers and no Negro, if that is what he wants. But if it is proven that he doesn't want those people because they are Puerto Ricans, or Episcopalians, Jews or Negroes, this would be against any code, against our constitution.

Chairman POWELL. Do you have a discrimination clause in your constitution?

Mr. ADAMS. Yes.

Chairman POWELL. You have it in your codes?

Mr. ADAMS. Yes, we have.

Chairman POWELL. Even though you are not nonreferral, you do what SAG has just indicated they have decided to do within the past few weeks—that is, they are going to try to make this a national policy in their national meeting November 12. Then they are going to urge it to arbitration and so forth. Then the people who will not abide by this, producers, will be blacklisted.

Mr. ADAMS. We have always had that policy. We have always had it. It is a very difficult thing to prove that a producer or director, with all due respect to this committee and with all due respect to what AGVA is trying to do, to prove that a man prefers a certain dancer to another because of his color, but over a period of years, if he has not used any Negro or Puerto Rican, I would like to know about it.

Chairman POWELL. Do you control dancers in the Music Hall?

Mr. ADAMS. It is our union. We don't tell them whom to employ, if that is what you mean.

Chairman POWELL. The Music Hall lines them up every day four times a day and have been doing it for years. There has never been a Negro in the corps of dancers, that is, so far as we know [laughter], just as James Meredith is not the first Negro in Mississippi.

Mr. ADAMS. As a matter of fact, I was personally responsible for putting in Lew Parks' Twister Review, and that is seven people. Only this week I arranged with Leon Leonidoff——

Chairman POWELL. I heard about that.

Mr. ADAMS. I put them in myself. In other words, I don't get paid as president of AGVA, so, naturally as an entertainer, I have the right to get jobs for as many people as I can.

Chairman POWELL. Every once in awhile there is a Puerto Rican festival and Puerto Ricans get a job for one day, but the Rockettes are lined up every single day, four times a day. The orchestra comes up in a white cloud and disappears. That is right here in New York. I am not talking about Oxford, Miss.

You know that a Negro girl or a Puerto Rican girl can dance just as well as a white girl. I should think that even though we are non-referral union, you ought to work on seeing about the Rockettes. I should think that the Rockefellers ought to love that.

Mr. ADAMS. Mr. Congressman, I have never been approached by any group to work in any particular direction, although I have done it as an individual and as president of AGVA for years. You know my feelings, of course.

Chairman POWELL. I know, but how about your two Negro members?

Mr. ADAMS. One of them is in Toronto, Canada. I am doing something about it. We are all doing something about it every day, but you point me in the direction, and you get me on the phone or have your staff do it, and just tell me how I can help, how and where AGVA can help. This is very near and dear to our hearts. We will go to the highest places and talk to them and put out deals.

For instance, the Twisters were the first. I am going into Radio City Music Hall, either in January, February, or March, according to the picture that will be playing, and I am going to take a black and white review with me. I am going to pick entertainers according to their talents as I have done from the first day I have started in show business. This is what I would like to do.

If you point me in the right direction or Bobby Faye, AGVA will cooperate with you with all our hearts.

Chairman POWELL. Very fine.

Thank you.

The next witness is Amiel Brown.

Will you come forward please, Mr. Brown? Give your name, address and profession to the reporter, please.

STATEMENT OF AMIEL BROWN, NEW YORK, N.Y.

Mr. BROWN. My name is Amiel Brown. I live at 202 West 140th Street, New York.

I have been a professional entertainer for 35 years, starting in drama and then going into the variety field because of lack of jobs.

Chairman POWELL. Do you have a prepared statement?

Mr. BROWN. Yes.

Chairman POWELL. Do you want to read it?

Mr. BROWN. I won't read it, but will give you the substance of it.

Beginning with the days of the late Bill Robinson, I took my act, the Five Hot Shots, around the world, playing every important theater, nightclub, hotel, casino, auditorium, arena, musical review, aquacade, film and television show. We were the first Negro act to play at Miami Beach, Fla. Joey talked about taking the first Negro act into Miami; we were the first in Miami Beach.

The first time I went to an agent, the biggest agency, like William Morris Agency, now defunct, MCA, and General Artists, I found they were the reason why the Negro variety entertainers couldn't obtain any work, develop or get to be stars in their field, because those agencies control all the work. Everything is built around the white stars they have within their offices, because they produce their own package shows, and as of today, they make their own television shows, film their own television shows, and, naturally, they build them all around their own artists, so you are left out unless they have a little bit of money left over to pay for a supporting act to be on the bill.

Chairman POWELL. I would suggest that you stick to your prepared talk, because we have only 5 minutes left.

Mr. BROWN. This book and this album, "Show Biz," written by Abel Green and Joe Laurie, and "Variety," written by the same people, have kept the Negro out of show business completely.

Chairman POWELL. What do you mean by that?

Mr. BROWN. Everything in show business was created by the Negro. That book was written by and that album was put together by the editor of Variety magazine, and there is no mention of any Negro there, except Cab Callaway.

Chairman POWELL. How many stars are included in the album?

Mr. BROWN. Maybe 40.

Chairman POWELL. Did you say this is the editor of Variety?

Mr. BROWN. Yes.

Chairman POWELL. That is censorship.

Mr. BROWN. Now, getting to the subject of industrial shows, which Equity and AGVA are fighting for control over—these are interspersed in such a way, like the shows that come into the Coliseum or the Armory, or the General Motors Motorama, and they are a very lucrative field. They don't want to use any Negroes.

Chairman POWELL. You have tried, for how many years, to get General Motors in New York City to put Negro actors on their industrial shows, how many years?

Mr. BROWN. About 12 years.

Chairman POWELL. In their annual show they have never used a Negro?

Mr. BROWN. Never.

Chairman POWELL. If Negroes would stop buying Cadillac cars, General Motors would go broke.

Mr. BROWN. All right.

Also, getting back to what someone just implied about steamship cruises—steamship cruises were a highly lucrative field, but they don't employ Negro musicians or artists.

And, incidentally, this should come before one of your committees in Washington: There is a company called Trans-Atlantic Sea Co., which signed a contract to build two 90,000-ton ocean liners, going back and forth across the Atlantic, cafeteria style, for $50 each way, Europe and back, and they will have entertainment lounges all over the place and will employ a great amount of entertainers. Now, they are urging everybody to write to their Congressmen because they want to build two big additional liners with that kind of entertainment.

Chairman POWELL. Are you suggesting that I put a Powell amendment to it?

Mr. BROWN. Mr. Chairman, in view of the fact that this collaboration goes right on up, I would appreciate it, when your committee meets in Washington, D.C., if I were given a chance to show the insides of the industry, step by step. I am sure I can show you where the culprit lies.

Chairman POWELL. Where does the culprit lie?

Mr. BROWN. The culprit lies with the people in the television industry. For example, the television industry owns the recording industry. The recording industry never became a giant until the Negro musicians were brought into the field. The film companies and the television companies, when they make recordings of Negro stars, from which they make huge profits, never build a show around the Negro star, as they do around the white star.

The same company has made 2 million sales on one record from a Negro star, yet they do not arrange personal appearances for him, as they do for a white star.

Chairman POWELL. People like Ella Fitzgerald and Johnny Mathis, people like that?

Mr. BROWN. I am not speaking about the stars. For instance, take Chubby Checkers, just suppose Chubby Checkers were white?

Chairman POWELL. Then you wouldn't have any twist.

Mr. BROWN. Correct.

Chairman POWELL. I appreciate any information, Mr. Brown, that you have, because you have furnished me with information off and on for many years, and you can still give that information now to the committee when we meet in Washington when we will have more opportunity. In fact, I think the subcommittee will be coming into New York for extended hearings, too.

Mr. BROWN. It is a little lengthy, I don't want to take up your time now, but I would appreciate it if I am given a date to do it.

Chairman POWELL. Thank you.

At this time we will hear from Mr. C. B. Atkins.

Mr. Atkins, will you please come forward?

STATEMENT OF C. B. ATKINS, PRESIDENT, PROGRESSIVE TALENT, INC., NEW YORK, N.Y.

You own a talent agency; is that correct?

Mr. ATKINS. Yes. I have somewhat of a prepared statement. I will start it off, but I prefer questions and answers.

My name is C. B. Atkins and I am president of Progressive Talent, Inc., a talent management agency, located at 200 West 57th Street in the borough of Manhattan, city of New York.

Progressive Talent is the largest wholly Negro owned management agency in the world. Although the company is owned by Negroes, its clientele is thoroughly interracial.

Among the nationally prominent stars managed by the agency are Sarah Vaughan, Gloria Lynne, Al Hibbler, Ken Coleman, Max Roach, Toni Harper, Louis Jordan, and Joe Louis.

I believe that it can be said without fear of contradiction that the American public usually looks upon the field of entertainment and "show business" to be freer from racial discrimination and bias than any other employment medium. Generally speaking, this attitude is

correct. Nevertheless there is still a great deal of discrimination in various areas of show business which penalize Negro performers unfairly and which cause them to lose millions of dollars in potential revenue each year. I will attempt here to indicate more specifically some of the various areas in which discrimination affects the Negro's opportunity for gainful and rewarding employment in the field of entertainment.

First of all, booking agencies that book Negro acts—and let us not speak of it as Negro acts—the average large agency has a hundred or so entertainers. The average agency works on commission and percentages. The more they sell, the more money the individual agent makes. There is no special way that has been taken in the past to sell a Negro act. A Negro act needs a great deal of help. The star is not necessarily sold, but the individual, the people who make $250 or $300 a week, have no opportunity to work. There is no extra help handed them in any way.

There is an exclusion of Negro performers from the college circuits, that is, from the concert circuit. You may be aware of this. There has been no effort on the part of the agent to secure college concerts for Negroes. I think Dave Ruak was the first one, and he has made a great deal of money in this field. There are jazz musicians who would do very well in concert, such as Dizzy Gillespie and Miles Davis.

This is Herbert Wright, my vice president, who is here with me.

About 6 months ago we attempted to bring this about with Indiana University. At that time we worked with the NAACP to do a benefit performance with them with Sarah Vaughan. Sarah Vaughan couldn't make the date, so we replaced her with Miles Davis.

The university turned us down completely for the concert with Sarah Vaughan.

Chairman POWELL. What group in the university?

Mr. ATKINS. The joint student faculty committee.

The NAACP chapter appealed from the action and thousands of students voted overwhelmingly in a referendum to revoke the action of the student-faculty body. It was later revealed that one of the officials who voted denied the NAACP the right to hold the concert on campus, was on the payroll of a talent agency in New York. This was definite.

Chairman POWELL. I have read your statement. I think you have made an interesting point. I would like to bring this out in questioning.

Take Billy Eckstein, whom you have in your statement. He was auditioned for a commercial?

Mr. ATKINS. No, this was the situation:

The secretary that I had worked for Mecury Records. A talent agency advertising the firm called Mercury Records and asked for someone to sing a commercial jingle.

Chairman POWELL. What agency was that?

Mr. ATKINS. I can get it for you.

The girl, in turn, offered Billy Eckstine, and then Sarah. She was informed they were not interest in Negro performers or Negro singers at all; they wanted a white singer.

Chairman POWELL. It has been brought out here there has never been a single Negro performer who did a commercial on television.

Mr. ATKINS. I contradict that.

Chairman POWELL. National or local?

Mr. ATKINS. I can only say locally—yes, even nationally, Wrigley's Spearmint used the voice of a singer out of Chicago, Loralene Hunter.

Chairman POWELL. The voice, but not the face?

Mr. ATKINS. No, not the face, just the voice.

Chairman POWELL. Then, we can stand on the fact that there has never been a Negro or Puerto Rican face on commercials?

Mr. ATKINS. They have used the voice of the Mills brothers recently.

Chairman POWELL. You say here that record companies exclude Negro musicians from recording sessions. Do you mean when they have a scale band put together?

Mr. ATKINS. This is what I mean by that:

I record a lot of stars that I work with. We give the contracts to the contractor and he secures the musicians. I have to request Negroes to be there.

Chairman POWELL. Scale bands?

Mr. ATKINS. Right.

This holds true for national shows and local television shows—no Negro musicians—two or three, at the very most.

Chairman POWELL. The president of the Musicians Union was here this morning and pointed out that they are a nonreferral union. Whose fault is it?

Mr. ATKINS. It is the union's fault.

Chairman POWELL. But they are not a referral union.

Mr. ATKINS. Regardless of what he said, they collect dues from musicians.

Chairman POWELL. Then, you say, the Musicians Union does refer musicians?

Mr. ATKINS. The Musicians Union, through the contractor, does refer musicians.

Chairman POWELL. Who is the contractor?

Mr. ATKINS. He is not, per se, an agency.

Chairman POWELL. He is a part of the union?

Mr. ATKINS. Yes.

Chairman POWELL. This is interesting.

Mr. ATKINS. He is a musician, so he has to be part of the union.

Chairman POWELL. I don't mean that. I mean, he is not a part of the staff of the Musicians Union; he is only a musician who pays dues?

Mr. ATKINS. Let me point out the situation that happened to me.

Chairman POWELL. Is he a member of the staff of the Musicians Union, or is he just a musician who pays dues?

Mr. ATKINS. Let me answer as best I can:

I found this out to be true. I understand that the union law does not allow any member of the staff to contract, but by the same token, there is, nevertheless, a working agreement that has been exercised in the past, for a long time. This has to be so, because of the lack of Negro musicians employment, as far as records, concerts, and record dates, and as far as TV shows are concerned.

Chairman POWELL. Are there any Negro contractors?

Mr. ATKINS. I have made several Negroes my contractors. This is the only way I have ever achieved my point.

Chairman POWELL. These men that you have made contractors are members of the Musicians Union, are they?

Mr. ATKINS. That is right.

Chairman POWELL. Then they can contract a scale band?

Mr. ATKINS. Yes.

Chairman POWELL. As I said, these hearings will just clear up my ignorance until January. Let us get into the "Bell Telephone Hour" now. The "Bell Telephone Hour" has never used a Negro?

Mr. ATKINS. I think they used Ella Fitzgerald once. I will go into detail on this.

Chairman POWELL. We do not have time for that.

Mr. ATKINS. I have been informed that the "Bell Telephone Hour" will not sponsor or have anything to do with a show that has Negroes on it. For example, my office was producing a show, a television show, which we took to NBC and to CBS.

Chairman POWELL. I will get to that next.

You put together a package?

Mr. ATKINS. Right.

Chairman POWELL. You had signed contracts?

Mr. ATKINS. I had letters of agreement.

Chairman POWELL. You had letters of agreement from Bob Hope?

Mr. ATKINS. All right.

Chairman POWELL. From Gene Kelly?

Mr. ATKINS. Yes.

Chairman POWELL. Monroe—what Monroe what that?

Mr. ATKINS. Marilyn Monroe.

Chairman POWELL. Then, with these letters—do you have any of those letters with you?

Mr. ATKINS. I have a couple of them.

Chairman POWELL. With these letters, you tried to arrange a meeting with Mr. Mort Werner, vice president of television, NBC?

Mr. ATKINS. That is right.

Chairman POWELL. And 20 times you called and he refused to see you, although you had a signed agreement. Here is one from Gene Kelly, and you say you have letters similar to that from Bob Hope, and Marilyn Monroe?

Mr. ATKINS. Sammy Davis, Jr., Carmen deCaballo, and the Hi-Lo's, also Ray Charles.

Chairman POWELL. And the only reason, with names like that, that they would not see you, was because——

Mr. ATKINS. Because we were Negroes, and we were turned down completely.

Mr. WRIGHT. We tried to see them, called for an appointment. We made 20 calls but never got a return on any calls. We had to use a subterfuge to get a simple appointment. That was the threat of a national picket line around all the NBC offices. With that, we got an appointment.

Chairman POWELL. Then, when you saw them, they were impressed, but that was 4 weeks later?

Mr. WRIGHT. Four weeks later we were advised by the network that they would be unable to sell us 1 hour of prime time at any period during the television season, beginning September 1962 and running through to June 1963.

Chairman POWELL. Then you took your show over to CBS and NBC refused to give CBS a waiver on your show which they wouldn't use themselves?

Mr. WRIGHT. They refused to give us a waiver on Bob Hope. At first we were told Bob Hope would never consent to this, so we got in touch with Bob Hope's manager and his manager called Mort Werner at NBC. His manager expressed an interest in doing the show. In turn, they said they would do it themeslves, not to worry about it, so we relaxed for a month.

Then they called in Jim Stabile and Lester Gottlieb and three or four attorneys who said they couldn't give us a waiver on Bob Hope to work for CBS, they couldn't help us, they would not produce the show. They said they had planned their full season for 1962 and 1963.

Then I asked them how many Negro performers they had on schedule for 1962 and 1963 in NBC. They said they didn't know, they were generally fair. They had been fair in the past with Negro performers, and would continue to be that way.

We brought the show in at the lowest rate possible. Ordinarily, a show with that kind of stars would cost a fabulous amount of money. At that time Marilyn Monroe was getting a minimum of $100,000 a show. We got the people to come in for $10,000 each. Bob Hope would get anywhere from $190,000 to $200,000 per show.

Chairman POWELL. When a white man of the stature of Bob Hope wants to be discriminated against all he has to do is get a Negro agent.

Mr. ATKINS. We used the favored-nations clause in there, that no entertainer would get more than the other. We asked Max Liebman, a producer-director, to do the show. We told him, Negroes had been ostracized in the television field. Mr. Liebman said he would do it, very graciously, and we explained we couldn't pay him more than $10,000. His general fee is $35,000, but he agreed and said, "If you find anybody else that is better, you may use him," and he would advise us. At this time we found Norman Jewison who was the hottest director in the business, and we got a signed statement from Marilyn Monroe, we got a signed statement from Gene Kelly, and from all the individuals, that they would do the show. At that point we approached Norman Jewison and he said he would gladly do the show at any time we could arrange it with his schedule.

Chairman POWELL. I see here a letter signed by Norman Jewison, in which he agreed to do it, and also said that Gene Kelly had agreed to come along.

Mr. ATKINS. We went to Hubbell Robinson with the show. He agreed to do the show. We brought the show in for $250,000. The show would have cost $750,000 to a million dollars, but we brought it in for $250,000.

Since then Hubbell Robinson has agreed, but there seems to be a lot of diversion at this point and we don't know what the situation is. We have rewritten the script. We had arranged with John Ellsworth to rewrite the script since Marilyn Monroe's death.

We have approached Marlon Brando, who has agreed to do it. He said, "Get Marlon Brando, who has never done a TV show."

We went directly to Marlon Brando and told him what we had in mind. He said, "For this cause I will do the show."

In turn, we went back with his answer to the network, and the network at this point is still dubious.

Mr. WRIGHT. The situation now is this:

First of all, NBC says they simply couldn't sell us 1 hour of prime time between now and June 1963. We were willing to pay $150,000 for 1 hour of prime time, but they wouldn't sell it to us. We now have a commitment from CBS, that, provided we can get Marlon Brando, and we have a tentative commitment from Brando now, they will give us the hour for the show sometime early in February or March of the coming year.

Chairman POWELL. I appreciate this.

Unfortunately, our time has run out.

Mr. ATKINS. I heard you mention a point about segregation in unions. There is a union in Chicago, run by Harry Gray, a musicians union.

Chairman POWELL. We are working on that.

At this time I would like to include in the record a report furnished by these gentlemen on the Negro as a consumer.

Without objection, it is ordered to be put in the record at this point.

THE NEGRO AS A CONSUMER

The Negro consumer has come under increasing scrutiny in recent years by manufacturers and retailers seeking to increase their sales. These studies of the Negro market reveal:

1. It's big. There are over 19 million Negroes in America, representing a gross income of more than $19 million.

2. It is increasingly urban. Today 75 percent of America's Negroes live in cities of 50,000 or more. "The bulk of Negro spending power is now concentrated in the 50 top U.S. cities. These are the Nielsen A and B markets where nine-tenths of the Nation's wholesale and two-thirds of all U.S. retail sales are made," according to a Johnson Publishing Co. survey.

A look at the population of 14 of the Nation's largest cities indicates the growth of the Negro in the city:

	Percent Negro		*Percent Negro*
Washington, D.C.	53.9	Atlanta, Ga	38.3
New Orleans, La.	37.2	Memphis, Tenn	37.0
Detroit, Mich	28.9	St. Louis, Mo	28.6
Cleveland, Ohio	28.6	Philadelphia, Pa	26.4
Chicago, Ill	22.9	Houston, Tex	22.9
Cincinnati, Ohio	21.6	Pittsburgh, Pa	16.7
New York, N.Y.	14.0	Los Angeles, Calif	13.5

4. It is younger. While the median age for whites is 30.2, the median age for Negroes is 23.4. This fact alone is of great significance for manufacturers attempting to reach families with young children, those attempting to establish brand identification early, and those who seek to influence the young buyer.

5. Negroes spend more than white consumers on certain kinds of products. Negroes spend more than white families on food, as much as 17 percent more on clothing, up to 38 percent more on toiletries and cosmetics, up to 19 percent more on home furnishings, 3 to 81 percent more on appliances, 22 to 138 percent more on television sets and phonographs. (2)

A B.B.D. & O. study shows that Negro women, for instance, buy more and spend more for hosiery than do their white counterparts—8.8 pairs every 6 months, compared to 5.4 for whites. Negro women consistently bought the better grades of hosiery while white women vacillated between good and cheap brands.

Negro families spend $90.48 annually for soft drinks while white families' average outlay on this item is $22. Negroes spend 13 times as much for hair preparations, 6½ times as much for phonograph records, and 185 percent more for movie attendance.

6. Negroes are attracted to name brands and exhibit a high degree of brand loyalty. Premium Practice magazine states: "The urban Negro population spends money freely on luxury consumer goods. In proportion to population and income, Negroes buy more quality products than any other comparable U.S. group." Because certain avenues of spending are closed to the Negro consumer, or because he shuns them, or because they are impractical to him, "* * * he spends more on certain categories of consumer goods, especially on himself in clothing, food, and on his home in furnishings."

Negro consumers prefer the brands that are known as quality brands, perhaps because of experiences with shoddy merchandise in the past. Moreover, "Negro consumers seem to prefer the brands that recognized the Negro as an important consumer." Once attracted, the Negro consumer tends to stay. "Brand usage extends over a period of 3 or more years," says a Johnson Publishing Co. survey. (1)

To cite a few cases, of the 76 percent of Negro men who drink, 34 percent use Scotch—White Horse, Johnnie Walker, and Haig & Haig, in that order. Of the 68 percent of Negro men and 49 percent of Negro women who drink beer, Pabst, Budweiser, and Schlitz outsell all other brands. Three of every four Negro men wear hats and Stetson, Dobbs, and Adams share 75 percent of this market. Florsheim gets 32 percent of the Negro shoe market, Pillsbury and General Mills 75 percent of the baking mix Negro sales, Uncle Ben's one-third of the rice sales. Nearly half America's Negro families own autos and Chevrolet, Buick, Ford, and Oldsmobile are the top four autos Negroes buy.

7. Negroes are better educated than ever before. The number of Negroes attending colleges and universities is up 86 percent over what it was a few years ago. Today 212,000 attend colleges as opposed to 114,000 at that time.

The Negro consumer seeks not only a quality product but one which grants him some form of recognition. He does not like to be spoken down to or held up to scorn. When he decides he likes a product, he usually remains loyal to it for an extended period of time.

The Negro consumer is growing at a rapid rate in the Nation's cities, and the effect of this growth, the increasing sophistication of the Negro's needs, his desire for more gracious living, for self-expression, is having an increasingly important impact on the urban retailer—and the manufacturers who supply him.

A sophisticated, intelligent, informed approach to the $19 billion market will pay heavy dividends to the manufacturer who looks ahead.

Sources: "The Urban Negro Market Potential," Johnson Publishing Co., Chicago, Ill.

Don Connell, vice president, Market Research Corp. of America, Sales Executive Club speech, New York City, September 15, 1960.

"Portrait of the Urban Negro Household," Research Department, Johnson Publishing Co.

Chairman POWELL. Miss Diahann Carroll, please come forward.

We apologize for getting you up so early.

Now, if anybody doubts how old Diahann Carroll is, I married her parents; when she was born I baptized her, and when she got married, I married her too.

STATEMENT OF MISS DIAHANN CARROLL, NEW YORK, N.Y.

Miss CARROLL. We have come a long way together.

Chairman POWELL. What is your address?

Miss CARROLL. 277 West End Avenue, New York.

Chairman POWELL. Have you any remarks to make, or should I just ask you some questions and then we can talk back and forth?

Miss CARROLL. I would like you to ask questions first.

Chairman POWELL. You are the last witness in the field of entertaining arts. Tomorrow we will have models and advertising agencies. That will be the end of the hearing.

We cannot understand here the continued exclusion of Negroes from drama, not only Broadway, but television as well. Variety shows we can always get by with someone there. We have not been able to get any statement from Actors Equity. They have wired us that they will submit one later.

Have you any feeling concerning where the guilt lies in the field of drama, Broadway, television? You have broken through to the very top. Have you feelings about this at all?

Miss CARROLL. Well, actually, I am living proof of the horror of discrimination, because, when you consider how little employment I have had, really, in the field of television and Broadway, and yet being as well known as I am, you will understand what I mean by that. My yearly salary will carry me at this point, but usually a person as well known as I am makes a much higher yearly salary than I make.

I have been discriminated because of my color. I have done two dramatic television shows, and I have been in the business for 8 years. This is my second Broadway play. This play came about through a man who was attracted to my talent when I was 18 years old and then, at this stage of the game, had to have a property tailored for me in order to put me on Broadway. He could only do this because——

Chairman POWELL. Do you mean Mr. Rodgers?

Miss CARROLL. That is it. He is internationally known and respected. His reputation was not at stake, and he had every confidence in me and proceeded to have a script especially written for me to do.

There have been two or three scripts in a period of 7½ years presented to me, but I feel that is a very bad representation of Broadway.

In my first production I won an award—at this time I don't remember the name of it—but for a young girl to come to Broadway and win an award for her acting and musical ability——

Chairman POWELL. That was in "The House of Flowers."

Miss CARROLL. And then to go so long without work.

I have done variety television quite a bit. I have been more fortunate than many. There are, however, variety shows that were never open to me. When I approached the agents about the problem, they could do nothing.

I will not tell you the name of the show I am talking about. They have hired Negro performers, but Negro performers of such great talent and respect all over the world, that it would be a shame for such a show not to have, at least, one such Negro on it, so they hire the kind of performers who cannot be ignored. That is the only kind of performer they will hire. I don't have to name them.

I have asked repeatedly why such shows are not open to me. I don't get an answer. "I have been working on it," they say, and they have been working on it for 6 years.

Chairman POWELL. Naturally, if your agent gets you work, they get more money, so the resistance is beyond the agent?

Miss CARROLL. Yes.

Chairman POWELL. Would it be the advertising agency?

Miss CARROLL. I don't know, but I know the resistance is there, it is definitely there. I don't feel that in 6 years there is not one season that I cannot be included.

Too, it is a crime to look at the record of a Negro artist who has not been allowed to be in a spectacular or to be given a replacement in a show. It is disgraceful that we have Negro artists who have gone around this country and around the world and who draw standing room only, sell a phenomenal amount of recordings every year and yet who cannot do a summer replacement television show in the United States of America.

They can go to Europe and work and work and work and come back to their own homeland and yet cannot go on summer replacement television show, which is enough to drive you up against the wall. You ask questions about it; there are answers. They will give you more answers next week, but the job never comes through.

Chairman POWELL. Mr. Ed Sullivan was here. He has a variety show which has included Negroes for 10 or 15 years on television and he says he has received no criticism from the South, has never been blocked off in New York City. On the other hand, however, they come along and say they would like to give you a job but the South won't take the show.

Miss CARROLL. His program is proof. It is the oldest variety show on television. If it is that important to have southern stations tuned in on a television show, then so it must be. If it is not so important, then the people who are in the hiring end are not interested in working with Negro people.

I have requested also to do dramatic television. We can only become better through working. Every actor has to work at his trade in order to improve, and it is not fair to say: "Look at what has happened to Diahann Carroll; look, she has been working 7½ years and hasn't grown," but where can I grow if I am not given the opportunity to ply my trade?

Just recently, like 2 weeks ago, I was given my second dramatic television show. I am aware that at this point in my career I am of a great deal of value to that show, much more than they are to me, but I took it because I feel, if the script has any dignity at all, I cannot at this time, for the other Negro actors who can benefit by my working and the people working with me learning that it is not such a big problem to work with a Negro actor, as I say, I cannot at this time turn it down, because I hope others will gain employment through that.

Chairman POWELL. I don't know how many times I have seen your show, I am so busy looking at you, I never look at the pit, but how many musicians in the pit are Negroes?

Miss CARROLL. One.

Chairman POWELL. What is the reason for that?

Miss CARROLL. I will personally vouch for the fairness of the orchestra of "No Strings," because the conductor is a man I have worked with and known for many years.

Chairman POWELL. The conductor hires the musicians?

Miss CARROLL. He hires every man in the orchestra. He has hired men he has worked with for years, and purely on ability.

Chairman POWELL. This is the first time I have learned that.

Miss CARROLL. In Broadway productions I have a feeling this is always the same.

This man that I am referring to very recently was involved in—what are these large automobile shows that go around the country? An industrial? He hired an orchestra for one of those that included two Negroes, and the people who were involved came to him and told him that they had to get out of the contract.

Chairman POWELL. That is what Mr. Amiel Brown has said for years.

Miss CARROLL. They wouldn't hire Negro musicians. He realized that the show had been put together and they were in a bind, so he insisted and they accepted the Negro musicians, but they had requested that they be fired.

Chairman POWELL. Backstage, the stagehands, the grips, the wardrobe mistresses, all of those, they are usually white, aren't they?

Miss CARROLL. Here I am going to name a name. I have worked a great deal of television with the Gary Moore people and I have found that their staff is more thoroughly integrated, to my joy, than any that I can recall at the moment, so that, having worked with them more often than with anyone else, I find Negro people on the floor, not behind the cameras, I have not found one behind a camera, but in the wardrobe department, in the orchestra, in their personal staff, and I am very proud of them.

Chairman POWELL. How about "No Strings" backstage?

Miss CARROLL. In "No Strings" we have Negro people working wardrobe and, as I say, one is in the orchestra. You see, having done so little, my experience there is very bad. I can only tell you about unemployment on Broadway.

Chairman POWELL. Here is the brightest star on Broadway, a girl who virtually made "No Strings,"—Mr. Rodgers and all the critics have said so—yet, you have only worked twice in 7½ years?

Miss CARROLL. Have you gone into the question of films at all?

Chairman POWELL. We had Sidney Poitier here, and he testified that in the two films he made there were two Negroes on the entire lot, one a coffee boy and another a shoeshine boy.

Miss CARROLL. That situation is disgraceful.

Chairman POWELL. I remarked here that if they made a film of "No Strings," they would probably get a white girl and darken her up.

Miss CARROLL. I wouldn't be surprised, but I will personally be there to picket.

Chairman POWELL. Thank you very much.

The hearing is now adjourned.

We will meet again tomorrow morning at 10 o'clock.

(Whereupon, at 12 noon the hearing was adjourned to Friday, November 2, 1962, at 10 a.m., at the same place.)

EMPLOYMENT PRACTICES IN THE PERFORMING ARTS

FRIDAY, NOVEMBER 1, 1962

COMMITTEE ON EDUCATION AND LABOR,
New York, N.Y.

The committee met, pursuant to notice, at 10 a.m., in room 518, 110 East 45th Street, New York, N.Y., Representative Adam C. Powell (chairman) presiding.

Present: Representative Adam C. Powell, New York.

Chairman POWELL. The hearing wil come to order.

Mr. Fred Frost, of Young & Rubicam, if you are present, please come forward.

These hearings are informal. Be relaxed. They are hearings to educate me as chairman for the next year on what we decide to do.

I would first like to congratulate you regardless of what you may say because of all the major advertising agencies in this city, we requested to come, your agency is the only major one, although I see we have Foot, Cone & Belding.

Regardless of what happens, I want to thank you for coming and congratulate you.

Will you give your name and title and address to the reporter?

STATEMENT OF FREDERICK W. FROST, MANAGER, TV ART AND PRODUCTION DEPARTMENT, YOUNG & RUBICAM

Mr. FROST. My name is Frederick W. Frost. I am manager of the TV art and production department of Young & Rubicam. This department is responsible for the visualizing and the production of TV commercials written by our agency personnel. It also produces radio commercials.

Chairman POWELL. Do you have a prepared statement?

Mr. FROST. I have some informal notes which I can either read or use as a basis for questions.

It might be helpful if I added that for about 10 years I was employed as an advertising copywriter, a supervisor, and group head of copywriters. For that reason I am not unfamiliar with the attitudes of print copy as distinct from the TV copy or the art departments, so far as it pertains to the use of Negro talent.

I think it is important to make one thing clear. When we talk about the field in which I work, and am qualified to speak, we are not talking about the opportunities for Negroes in shows, or programs or in the larger artistic presentations. The business of advertising is selling our clients' products to the total market, and ads, TV commercials, and radio commercials are sales messages, not entertainment, although we hope that some are entertaining.

It is obvious, of course, that Negroes have employment possibilities in advertising and, I believe, that such opportunities will increase as integration increases.

There is hardly a month that passes when Negroes are not employed as musicians helping to make the music that is part of our TV commercials and radio messages, or when Negro announcers are not reading our advertising copy or when Negro talent is not part of our total advertising.

The fact that print and TV advertising provide the biggest opportunity for Negro employment when such advertising is addressed specifically to a Negro audience, or is placed in media which appeals to this group is simply a fact, a fact associated with our particular moment in social growth.

As you know, magazines published for racial minorities and other media make a pretty persuasive case at times that you can reach a minority market most effectively and most economically by using them. For that reason, where advertising budgets allow—and where advertising objectives suggest that there is a marketing advantage to be gained by appealing to a specific ethnic or racial group—advertising will continue to call for Negro performers to reach Negro audiences and Spanish and Italian performers to provide that identifying link between the sales message and these specialized audiences.

To reach a Negro audience on behalf of Piels beer, I think you can remember what better choice could be made than Nipsy Russell. His appeal as a perfromer extends to other than Negroes but in advertising that is a plus. He is only one of the Negro artists who have been employed in advertising today.

The important point which must be faced with regard to wider Negro employment in ads and commercials is that the advertising dollar that is spent on national advertising, and I underline national advertising, is apt to lose much of its effectiveness if it accentuates any one single minority. To dissipate itself by self-conscious attempts to identify with a minority.

National advertising is usually prepared so that it makes no particular point of race, creed, color, or singularity. Any copywriters will agree to that.

The objective of advertising is to establish a quick and deep identification between words and pictures that we use in a somewhat faceless mass audience. The matter of incorporating specific appeals to each minority group is more readily handled by us by speaking to the known majority. For this reason, most ads, prints, TV, radio, address themselves to the majority audience, the 80 or 90 percent who are white, and at least not readily identified as a minority racial or ethical group.

So long as advertising business is the matter of selling products to the masses and so long as the majority of the country can most readily be reached by making no particular point of racial differences, I think the tendency will be to use white actors and models predominantly in national advertising rather than those from minorities.

How to increase the employment possibilities of the Negro artist or model, or performer in TV commercials, or other advertisements is clearly not an easy question. There are TV commercial writers and copywriters of good will, and I know them. There are agencies greatly

desirous of the day when minority groups will have been fully integrated into the national fabric. But until that time, one can only welcome and attempt to act on any practical suggestions that may be offered to ease minority hurts.

At Young & Rubicam, I assure you, any practical suggestions will be warmly entertained.

Chairman POWELL. Thank you ever so much.

I recognize the problems you stated. I preface my remarks again by saying that we are very, very grateful to Young & Rubicam for appearing before us.

Let us take a company owned by a friend of mine, Rheingold. I don't know who handles their account.

You are speaking objectively now as a pro in this field.

What is the reason that Rheingold in New York City, where there are 2 million Negroes and Latin Americans, Puerto Ricans, doesn't have, in their contest, Negro, Puerto Rican girls?

What do you think is the reason? It seems to me it is good sales. You know what happens, as you probably know better than I do. Rheingold has lost the Harlem market.

Rheingold was No. 1. It is gone. We just had a contest in our area with Schaeffer and Ballentine—Schaeffer. They put on a contest. These beautiful Puerto Rican and Negro girls, have had excellent prizes by the way. It ran into thousands of dollars and other awards. It captured the market. The same as Ballentine. Rheingold lost it. Phil Liebman is a friend of mine Manny Weiss used to be. He is gone. He was secretary-treasurer.

I have talked this over with them. They say it is the advertising agency.

It seems commonsense. We are not talking about the national picture. We are talking about local.

I guarantee you, the first time that a recognized brand name has any kind of contest and allows all the citizens of New York to compete, they are going to boost their sales.

When you talk about the national picture, I can understand the problem. You are talking about the faceless typical American. Vast areas of this country, unfortunately, there is tremendously anti-Semitism; is that correct?

Mr. FROST. Yes.

Chairman POWELL. The first charming girl to win the Miss America contest, although everyone knew she was Jewish, was Bess Myerson. Her face is beamed all over this country. It is beautiful, lovely. By no stretch of the imagination, can you call her the faceless typical American. When you find anti-Negroism anti-Semitism is just a step ahead or a step behind.

Mr. FROST. When I use the term "faceless," I was really speaking of my time as a writer. When you approach an advertisement or commercial, whenever you are writing, you cannot take time, and it is about so small as to isolate a person that you are addressing yourself to. You have to get to everyone. This leads to a certain neutrality of approach.

As I see it as a writer, you sort of have before you no particular person when you are writing for someone. That is what I meant.

I agree with everything you say.

Chairman POWELL. I think that there have been opportunities, there will be again for the agencies to utilize the services of extremely beautiful women who have completed and won international prizes. Like in the film festival in Cannes, France. Negro women from New York won that prize, 2 years in a row.

Mr. FROST. You want to see some beautiful ones.

Chairman POWELL. No. I have seen it.

I think a beautiful woman is a beautiful woman. I think that is the view of all men, Negro or white.

I would just like to see a major agency, such as yours, dare to do this once, just to see what would happen. These girls won the contest at the Cannes festival. They are beautiful, beautiful ladies, and came back to nothing. This is in their own homeland.

Do you have any suggestions or any ideas about what can be done to accelerate integration in the advertising world?

Mr. FROST. Seriously, I think there has been some. It is easy to say "No" if you are on one side and say "No," or say "No;" it is not fast enough. In my 18 or 20 years at Young & Rubicam, I have seen a vast increase, not only in our own employees, I don't mean clerical help. One of our most able jingle writers was a Negro. He went to another agency, not presents lured him away for more dough.

I have talked to Negro secretaries for a number of years before I came here about their attitude. I think it is a bewildering question. I don't think just to say we hope to make it better is enough. I don't think I alone can give an answer to the problem.

Chairman POWELL. You take a man like Harry Belafonte. Harry Belafonte is almost raceless in his appeal, although his philosophy is very, very Negro. Someone like him advertising Standard Brands, I am sure, would be much more attractive than one of these—I am using the phrase advisedly, "faceless" types.

It is a good face. You take the hair, the nose, the eyes, the chin, and the bone structure, and make it someone who won't offend anybody. That is what you mean by "faceless."

You have to do that.

I think a man like Belafonte would be a tremendous asset to some Standard Brands advertising.

Mr. FROST. I think he would too, as he would appear as a commercial performer.

Chairman POWELL. I am talking about Prestige magazine. Take Esquire or Color Photo advertising a Standard Brand of Harry Belafonte; it would be tremendous.

Mr. FROST. There have not been many instances of such notable characters.

Chairman POWELL. Ebony, yes. Some of the ads in Ebony are beautifully done. You have seen Ebony?

Mr. FROST. Yes.

We run these in Ebony.

Chairman POWELL. Let me see that.

Mr. FROST. Yes.

Chairman POWELL. The top fashion photographer of Life magazine, Gordon Parks, what he did this year in Life magazine in June, page after page of Negro models and—it is beautiful. The pages that Gordon Parks photographed, June 29, 1962, issue, you have it on your desk, by the way, are extremely beautiful of Negro models.

Your clients, do they ever give you any specific reason why Negroes should not be used?

Mr. FROST. You have to understand the agency and you probably do. The agency position is this: I can address from the creative point of view. If you are trying to appeal to the mass market, you write one way. If you try to appeal to the specialized market, you write another way. I think your employment possibilities are different in both.

I know too many writers and too many artists to say that any conscious elimination is done. If they have a good idea and it is adoptable to multiracial or whatever the right word for it is, approach, I think they will use them.

Chairman POWELL. Anything, you have to realize, a lot of these radio stations that are beamed at the Negro market, testimony said there were 600 of them in the United States, there are a tremendous number of non-Negroes who tune in to them.

Mr. FROST. I would think that is true.

Chairman POWELL. Therefore, they get the commercials.

I only hope, and I have no solution nor any ideas at all in this field, I hope some major agency like yours would some day take the chance with a beautiful girl or an outstanding personality and just see what would happen. It would be a gamble. Maybe you could do it in some area where there couldn't be a boycott such as United States Steel or something like that.

Your clients never tell you not to use Negroes, do they?

Mr. FROST. No.

Chairman POWELL. It is an agency decision. Later on today——

Mr. FROST. It is not an agency decision not to use them. Just following your sentence.

Chairman POWELL. What is the agency decision?

Mr. FROST. The agency decision is you prepare ads or commercials and they are chosen by a product group to get the largest group for national advertising.

Chairman POWELL. Of all the houses in Paris, as they come and go, Dior, others, the one that really stays there all the time is Balmain, Pierre Balmain. He stays there at the Tiffany, year in and year out. He sells to the best of America.

Balmain had for years a Negro model by the name of Dorothea Towles. She came back to the United States and got nothing. Yet the same people in the United States who were in the United States, went to Balmain and bought individual originals, all from Seventh Avenue, to be copied and sold here in America.

Pierre Balmain told me she was the best model.

There is something wrong. There is something wrong when this happens and you come home and you don't get any recognition at all.

I have no solution at all except I would just—I would like to challenge a major agency to use Negro models, male or female and some top brand that cannot be boycotted and see the reaction. This would be a great contribution. It would be like James Meredith at the University of Mississippi. Of course, he won't be the last one. There will be more.

You have no solution to this at all, no idea except that as Negroes become more and more integrated in the fabric of America. You have testified to that.

Mr. FROST. I think probably not fast enough to make a happy picture. I would deny that there is no usage if you would want to be that firm. I could share your hope that a major agency will

Chairman POWELL. Nationally I can see the problem. Locally in New York, it is sheer stupidity.

I don't know who handles Barney's Clothing Store, I showed this committee the other day a full page ad in the New York Times. "All Men Come to Barney's." They were all white men. We called up Barney's manager. He said 35 percent of the customers are Negro and Puerto Rican. There were 50 men in that ad.

I appreciate you coming in. I really do. I thank you again. I want to get the views of professionals like you to guide me as much as possible next year, that is, if I am elected and the Democratic Party wins. I don't know which one is in less doubt.

Mr. FROST. Thank you ever so much. You are very, very kind.

Chairman POWELL. At this time I would like to have Mr. John Owen of Foote, Cone & Belding.

Give your name and title and address to the reporter.

STATEMENT OF JOHN OWEN OF FOOTE, CONE & BELDING

Mr. OWEN. My name is John L. Owen, known in the business as Jack. You would be surprised, in spite of its brevity how many people misspell it.

Chairman POWELL. I appreciate your coming. You and Young & Rubicam are the only two that agreed to come.

Have you a prepared statement?

Mr. OWEN. I have prepared a statement and I appreciate the informality and I thought it would be more helpful to state it correctly and read it.

I have been associated with Foote, Cone & Belding for over 8½ years. As director of broadcast for the New York office of that agency, I am here to give testimony as requested by the telegram.

We take note of the specific reference in the telegram to "* * * the subject of whether or not there is any discrimination in the performing arts and professional modeling against the Negro and the Puerto Rican * * *." I know of no specific circumstance or policy or general practice of such discrimination and I have not heard of such a practice. I might add that my work brings me into contact with people in all phases of the performing arts including producers, directors, actors, models, engineers, and talent negotiators. As far as our agency is concerned, I am familiar with the practice and policy of the New York office of this agency and would like to state that there is only one important goal—and, therefore, only one important policy—and that is simply to create the best possible advertising for our clients' products. Nothing overrules this goal. There would be no reason or purpose—and I can assure you there is none—in placing any form of discrimination ahead of our stated goal. If we believe an advertising campaign could be more successful in promoting the sale of our clients' goods by featuring a Dane, a German, an Irishman, a Negro, or a Puerto Rican, then we would recommend to our clients that such a feature be included. I have brought with me today some particular examples of such advertising that may be helpful. These

are advertisements created by this agency and run in many New York, Connecticut, and New Jersey newspapers. These ads were an important part of a continuing theme for a former client. Famous and popular athletes are frequently used in the promotion of beer and there is no greater athlete than the man featured in these advertisements. He is Jackie Robinson, whom we also worked with on his Sunday evening radio show on WRCA in New York City.

We work with and employ many Negro and Puerto Rican performers and personalities. There are several very competent Negro musicians who have been employed by us in recording sessions. Many Spanish performers, some of whom may be Puerto Rican, have performed on Spanish-speaking stations. This procedure is often compatible with the audience we seek to reach. We assume, however, that your concern is directed more toward the general media than to such specifically oriented media. For that reason, we point out that Negro and Puerto Rican talent has also been used frequently by our clients on both radio and television stations right here in New York City. I am referring to stations that can be seen and heard throughout the entire area.

On some television programs, the agency exercises some direct control. Such a situation existed when we at the agency created a half hour television series program entitled "Fiesta in Puerto Rico." This show was run on channel 9, WOR–TV, in New York for over a year.

Chairman POWELL. Excuse me. What was the commercial?

Mr. OWEN. Rheingold Beer.

Chairman POWELL. Rheingold Beer was the sponsor.

Mr. OWEN. We worked many, many years with Mr. Liebman. That is now handled by a different agency.

All of the talent on the entertainment part of the shows were Puerto Rican. All of the talent used in commercials for our client's product were Puerto Rican. In order to secure authenticity and natural environment, we produced the show and our client's commercials in San Juan, P.R. I would like to emphasize here that this was a specially designed show produced by people employed by us in behalf of a client of this agency.

Incidentally, this program is now in syndication and can be viewed as a repeat program on channel 9, New York, on Saturdays at 7:30 p.m. We could undoubtedly arrange a special videotape viewing of one of these programs for the committee, if you are interested.

Such a program—where the advertiser or his agency exercise any direct control—is the exception. Most television is tightly controlled by the networks and the stations.

To be specific, more than 50 percent of the domestic budgets for all of this agency's combined clients is spent in the broadcast media. With one exception, every television program in which our clients' commercials appear is purchased from the networks or stations. Our only control is one of selection—a negative selection in that we do not have to purchase any specific program. Further, if a certain program of a series we have purchased conflicts with the business interest of our client, then we can only withdraw from that particular episode. In no event would we have any control of the selection of the actors or their performances.

The program exception I referred to is well known. In this series have been two telecasts of the classic "The Green Pastures" with its Negro cast. On this series, we work very closely with the producers in all phases of production including lead casting.

There is another situation right here in New York City, with which I have personal knowledge, that may be of interest to you. We produced the advertising for a long while on the "Monday Night Fights" on WPIX, channel 11. We also worked closely with the producers and with Jimmy Powers, the sports reporter. Jimmy did many of our commercials and also interviewed various boxers—mainly contenders and champions—between rounds. These special guests were frequently Negroes or Puerto Ricans because many fine boxers are Negroes or Puerto Ricans. I think it is significant that our client dedicated some commercial time to these interviews.

May I offer to show you the newspaper advertisements I referred to and if requested, we will arrange for a special viewing of the videotaped program "Fiesta in Puerto Rico."

Chairman POWELL. Dick Gregory said that the only integrated program on television is "Saturday Night Boxing."

Mr. OWEN. I wouldn't want to argue with the Monday night fights.

In other words, if the interview was very interesting and in our judgment was interesting to the viewing public, we would let that run long and by rules and regulations of the station, we would have to subtract commercials.

Chairman POWELL. "Monday Night Fights" is for the metropolitan audience?

Mr. OWEN. Yes.

Chairman POWELL. Jimmy Powers is a very fine person and I admire him. But, there would be an opportunity to use a Negro sportswriter to do the interviewing?

Mr. OWEN. May I offer the commercials that I have here?

Chairman POWELL. You lost Rheingold, but when you had it, what was their objection to Negroes and Puerto Rican girls competing in the Miss Rheingold contest, can you answer that?

Mr. OWEN. Let me preface it by saying this: I happen to have run a great number of beauty contests elsewhere. It is not directly related to television. It is part of the overall promotion. I have never been involved with that.

I did, however, think that you might possibly, once I would open this subject, address yourself to that. So, I asked around the agency yesterday and I find out, I am told, that there was a Spanish girl, my friends thought that she was Puetro Rican, that did get into the finalists.

Chairman POWELL. She had a Spanish name. I believe her name was Garcia.

Mr. OWEN. I would be happy to answer any kind of question.

Chairman POWELL. You specialize mostly in the New York audience?

Mr. OWEN. Yes. The national audience is part of my business too.

Chairman POWELL. We have two million people in New York who are Negro and Puerto Rican. As I said to the gentleman who preceded you, it seems to me you are overlooking something, Schaeffers and Ballentine have pushed Rheingold right out of Harlem. They are in third place. They have done it by using Negro models.

I wonder if you had a client who would take the risk in the metropolitan area. When Jackie Robinson was on, he was advertising what product?

Mr. OWEN. Rheingold Beer. As you pointed out, the audience potential among the Negro market and Puerto Rican market for a beer beverage is tremendous.

Chairman POWELL. When Jackie Robinson was on, Rheingold was near the top in New York.

Mr. OWEN. I can agree with that 100 percent. I must say that everything I am referring to here was while they were working with my agency.

Chairman POWELL. Do you put on what they call industrials?

Mr. OWEN. No. We are not in that business at all. Our primary business is the direct advertising to the consumer.

Chairman POWELL. I cannot understand why Negroes can appear coast to coast on variety shows and then General Motors puts on industrials and has refused consistently to employ a single Negro singer or dancer or what-not. That does not make sense. The visible audience on TV is far bigger than the visible audience in industrial.

Have you any ideas at all that can be used fruitfully to start solving this problem?

Mr. OWEN. I took note of the conversation and I am sorry that I feel the same way. It is kind of helpless in not being able to be specific. You are asking a fair question. I think it really, truthfully, and it is a personal opinion, I think it boils down to awareness. I think this is a process of evolution. It has to come.

The very thing you are doing here this morning is maybe a small step—possibly a large step—in the direction of awareness. You are approaching it more directly to the mass audience. You are approaching it to the people who are so directly involved, behind the scenes, if you please, maybe this is the better way to go.

It is, frankly, the only positive suggestion I can think of.

Chairman POWELL. Well, I can excuse you Mr. Frost's lack of anything specific when one of the directors of B.B.D. & O., Philip Bliss, sends me a wire that he is unable to testify because, "I do not feel that I am qualified to testify on this subject matter." That is a pretty interesting quotation from B.B.D. & O.

One of these days a brand name company in the metropolitan area is going to do what is long overdue in the field of practicing democracy and they are going to reap a harvest. Rheingold did it with Jackie Robinson. There is no reason why it should not continue.

I appreciate your appearance here, ever so much. Thank you.

At this time I would like to have Ophelia DeVore come forward. Give your name and title to the reporter.

STATEMENT OF OPHELIA DEVORE, PRESIDENT, GRACE DEL MARCO MODEL AGENCY, NEW YORK, N.Y.

Miss DEVORE. I am Ophelia DeVore, president of the Grace Del Marco Model Agency, 55 West 42d Street.

Chairman POWELL. Would you like to make a statement or have me ask questions?

Do you have a statement prepared?

Miss DeVore. No. I am listening to some of the things that go on.

Chairman Powell. I would like to preface your remarks by saying that Miss DeVore is the No. 1 model agency in our city that does not practice discrimination and at her charm school she has produced several local, national, and international contest winners. She comes with a great deal of experience and many, many years in this field. Whatever she says comes from that background. Go right ahead.

Miss DeVore. One of the reasons why I feel that American colored women are not included and a lot of the things that do pay, the commercial things, is actually the American color is not included in the image of America. I say that—for instance, I did accompany the two girls that became the international queen in Cannes, Frances.

Chairman Powell. They were competing against girls from all over the world.

Miss DeVore. Yes.

Chairman Powell. What were the names of the two girls?

Miss DeVore. The first one was Cecelia Cooper and the second one was LaJeune Hundley.

Chairman Powell. How many girls would be competing at the time of the film festival?

Miss DeVore. Twenty-five. They do represent all the countries. There are other American girls, too, in the first contest.

Chairman Powell. How many were there from the United States?

Miss DeVore. In the first contest there were about three girls from the United States, Cecelia Cooper and two others. They were, of course, white girls.

Chairman Powell. When Cecelia Cooper won the Miss Cannes beauty contest, what kind of work did you get for her?

Miss DeVore. When we returned to the United States we got a great deal of publicity, but the only thing that we could get for her as a person was a contract with a beer company and, of course, their advertising was geared directly toward a special market. She was not included in the national image at all. However, there were things that did happen in Europe which was included in the general image. When she got back to America she was restricted to a specialized image. I think everything leans on America being projected, as it actually exists, with dark people and also fair people. Often when you go to these countries, if you say, where are you from, what are you, I say, I am a Negro. They say, where is the Negro located? It makes you seem very ignorant. If you say you are American—we are not used to saying we are Americans. We are used to saying we are Negro.

I have come to the point to say that we are all American people but we are Americans of color. If the country can be projected in that manner, I think that some of the national advertisers will gain some courage and I say moral courage to include the American colored in the picture, they will only be presenting the picture as it is. You have to have courage to include the picture as it is. There are white Americans and Americans of color.

Chairman Powell. I have gone to Europe, I guess 20 times. I have sat with Negro Americans at cafe tables in nearly every capital in Europe. People would ask them, Where do you come from—no? What are you? They would say, "Americans." Then they would say, "You don't look like one."

Miss DeVore. That is what they told us. They said, "You are not Americans." They wouldn't believe us. The image has been so—so distorted. As a matter of fact, I was visiting no longer than yesterday, 2 days ago, from someone in Japan. We would like to have some beautiful pictures of the models you have here because they are never projected in Japan as anyone that has the kind of beauty and present themselves as the girls that you have here.

One of the other things we always find that a lot of the people get around the idea of using Negroes or Spanish, let us say, American colored. They will use a name quicker than they will use someone with no name.

As American people of color, everyone does not have the kind of money that is necessary to build a name. This is something that we have just got to sort of forget about. They will use him because he is already accepted. This is no step forward, as far as I am concerned. It is just a matter of getting around the point of really delaying something as using a readymade name. I think they should accept people for their ability to produce, if it is going to be included in the entire image for that particular company.

One of the major things in reference to solving this, and if we are going to start, let's don't start with the commercial people who perhaps are a little afraid they are going to be boycotted in the South, or even in the North where there is an awful lot of prejudice that goes on. We just don't know about it.

Let us include in the publications that disseminate the material all the information in the United States, why aren't the American colored boys and girls included in the editorials, in their features? They control the things. The commercial people do not control them.

We go into the TV stations and radio stations. Why aren't they included in the sustaining programs? Why isn't it the image?

Chairman Powell. The noncommercial?

Miss DeVore. That is right.

Chairman Powell. That is the first time it has been raised in these hearings. There is no risk involved.

Miss DeVore. That's right. It is a plus. In order to retain our leadership as a democratic picture we have got to present the picture as it is. We are people of color. We do contribute. We do look like human beings.

Chairman Powell. We had one the other day. I have not got a reply yet from Ed Murrow where the Voice of America did the life of Thomas Jefferson, and Thomas Jefferson's slave was an imported English actor.

Miss DeVore. It was very funny. I was talking to one of the national publications. As soon as something comes up where the American colored girls can fit into the picture we will use them. I said, how about the Cleopatra influence? It is an African country. The people are dark there. It seemed to me that would have been a very appropriate time to include this.

You have Jamaica lipstick and Jamaica influence fashions. Who is in it? It is always the models that are typically white.

If you are waiting for an opportunity, the opportunities are here, just that everybody is overlooking the opportunities.

Chairman POWELL. The girl that won the Miss Jamaica contest, she is a very beautiful girl and is dark, because Jamaica is dark. She is extremely beautiful. All she could do in the United States was to promote some rum for 2 weeks.

Miss DEVORE. What is beauty? If beauty is going to be judged on the color of your skin and also your physical features, then perhaps we are missing the point.

I bring up the same thing—someone did say to me once, "You know why none of the girls ever get into the Rheingold contest, because they are not pretty enough."

I said to him, "If we took all the girls that were in the Rheingold contest and the preliminaries, the colored and white to Africa or some of the darker countries, who would come in first? Who would be the prettiest?"

Beauty again—it is restricted to, if you are not perhaps a certain coloring or certain background, you are not pretty so far as the image of the United States is concerned. You are beautiful because you present a picture of feminine loveliness if it is a lady. It comes from the way you project yourself physically and also the way you think.

Chairman POWELL. It is the sum total?

Miss DEVORE. Yes. As long as we lean on the idea that you have to be of a certain color in order to be beautiful or in order to be right, or in order to be projected in the image of America, we are going to always stay in the same place where we are today, and that is fighting for the little opportunities and little waiting, and waiting which doesn't mean anything at all.

Chairman POWELL. When Miss LaJeune Hundley came back what did she get?

Miss DEVORE. She didn't get anything on the title, except directing her again to the specialized market. She has the name—Miss Hundley has been getting many more things. She doesn't look colored. She doesn't look white. She is a faceless person. They accept her—they think she is white most of the time. She has been getting much, much better breaks.

I had the fortunate opportunity of people not knowing what color I am. I have to speak a foreign language sometimes in order to create that situation. I know a great deal how both sides of the people think.

I was in Washington, D.C. just last week. I was at the Shoreham Hotel. I asked a taxi driver to take me to the hotel, I can't remember—the colored hotel. The Dunbar Hotel. He tried to talk me out of going to the Dunbar Hotel. He said, "It's a colored hotel. You should not be going there." I had to explain to him in order for him to take me there.

Chairman POWELL. Do you have any white girls coming to your agency?

Miss DEVORE. Yes. Generally they will be either in the Jewish background, and the darker type of Jewish girls, or the Italian or Latin-looking girls.

Chairman POWELL. Mediterranean type?

Miss DEVORE. That's right. The general opinion in the other agencies is that they want the Nordic looking models. The darker girls do have problems.

Chairman POWELL. Then you find that so-called white people who are of Mediterranean background have problems of getting placed?

Miss DEVORE. Yes. I am sure it has been better recently. They have had a great deal of trouble, yes. America as an image is depicted with blond, blue eyes and very fair complexion. They have had problems not as much as ours.

When you walk into a place and we are dark, immediately there is a mental block for the person that is interviewing us, no matter what you say and what you do. You have to be a good salesman and fast talker in order to get through.

Chairman POWELL. Your recommendation is—not a recommendation—your view is that we will never be able to change this until we change the picture of America?

Miss DEVORE. Yes.

Chairman POWELL. The picture of America can only be changed through the propaganda people, including the Federal Government?

Miss DEVORE. That is right.

Chairman POWELL. Including the Voice of America, including State Department Cultural Exchange.

I sent a member of my staff on a study of cultural exchange to South America, and the money we have spent on cultural exchange on South America is right down the drain. We sent all-white shows and performers and symphonies into countries like Brazil where the population is 40 percent dark. It was a total flop.

We have not achieved a single bit of good will. I say this, that the U.S. Department of State has not achieved a single bit of good will in its cultural exchange program with South America. The facts are in the committee file and available to anybody who wants it.

What about what I said before, this local market, the metropolitan area, 2 million Negroes and Puerto Ricans? Don't you think that a brand name company would reap a harvest if they use some of your beautiful girls, or any beautiful girl or man in this area as a model?

Miss DEVORE. I think they would, but it will actually have to come from the client itself. It is not going to come from the advertising agency. The agency is very hesitant to stick their necks out. You have got to get to the client. As a matter of fact, most all the changes that have gone on in reference to—including the image of people of color in this total market image, has been from the clients. The clients have put the pressure on the advertising agency to act.

Chairman POWELL. The advertising agents are faceless also.

Mr.. DEVORE. Yes. They are thinking in terms of holding on to this client to pay for bread and butter which makes a lot of sense to us. Somebody has got to take the step forward and it takes the moral courage. Commercially it is going to have to come from the client and it should be the biggest client and the one that cannot be boycotted because the product is so necessary that there is nothing that they can do about it.

Take the telephone company. I see the telephone company advertise in colored publications with white models. They don't put the white models in the white papers, it doesn't make sense. Con Edison and plenty of commercial people. If we wanted to get a list, we can get a list of people that do it.

How much damage could they suffer? Temporary damage, yes. It is new and everybody fears new ventures, but the world is changing. We have got to change with it otherwise as a country we are going to be left in the dust.

Chairman POWELL. We will become a second-class power.

Miss DEVORE. I traveled a great deal in Latin American countries and Europe. There are a lot of things happening, being faceless as I am in these countries, they would not dare tell you if they knew you were an official representative from America.

Chairman POWELL. As an official representative from America and in consultation repeatedly with leaders of nations, prime ministers, presidents, kings, taxicab drivers, the foreign policy of the United States is being judged not only by black Africa and brown Asia but also white Europe with its Negro people.

Thank you very much. I appreciate you coming here.

Chairman POWELL. Miss Dorothea Towles, I would like to welcome you.

Give the committee reporter your name and address.

STATEMENT OF MISS DOROTHEA TOWLES, NEW YORK, N.Y.

Miss TOWLES. Dorothea Towles, 270 Riverside Drive.

Chairman POWELL. I am not going to say what year it was unless you want me to?

Miss TOWLES. A model is ageless.

Chairman POWELL. Yes. When I first saw you in Paris I remember Pierre Balmain told me in front of you, you were his No. 1 model.

I was the one, and I hope you will forgive me, that encouraged you to come to the United States. When you came to the United States I was the one that introduced you to the first fashion here. I hope you will forgive me. Then you were at your very, very peak in every way and when you came to the United States, did you get any jobs at all to do, any modeling?

Miss TOWLES. Yes. Several things you said that I was going to bring out. You did play an important part in my career. It was a great thrill to see you sitting in the audience at Pierre Balmain. It wasn't too often we saw Negroes. I had heard of you and and seen photographs. Upon seeing you I recognized you immediately.

You encouraged me to come to your church and your church has a very good fashion show which they still have every year. It was actually the second show. From then on I went on cross-country tours from the east coast all the way to the west coast. In addition to that, you spoke earlier about Pierre Balmain for whom I was working at the time.

I would like to recall an incident. I had gotten quite a bit of press coverage while I was in Europe and especially from the Negro publications. They were interested because there has never been a Negro girl modeling in Europe before.

One of our biggest publications approached me and sent over a photographer to take pictures of me in Pierre Balmain's clothes. I immediately went to Mr. Balmain and asked him about it. He said, "Let me confer with my lady in press relations and I will let you know."

He came back to me and said I am one of his top models and one of the top models are what you call a "vidette," a star in the Paris world of fashion. He said, "After conferring with my press relations woman, we are afraid to let you be photographed in our clothes for release to Negro publications in America. Dorothea, you know I love you and I think you are wonderful. If I had any prejudice at all, I certainly wouldn't hire you."

He said, "I am afraid with my wealthy clients in America it will hurt me in the pocket economically."

Certainly, I positively well can understand. I said, "I understand that."

But not to be outdone and I guess I liked to do things like this, we had the privilege as models to borrow three or four or sometimes five outfits, as many as we wanted on weekends. It was important that when we were seen we were beautifully gowned and we returned them on Monday.

I said, "All right, thank you for the information." That weekend I checked out about four or five outfits. I called up the photographer on my own. We took the pictures, gave them to Negro publications, because I knew he would never see them. I never heard anything about it.

I am certain that his business was not hurt. He is a wonderful man. A wonderful human being. I can only say in relation to the French people that they were wonderful to me. They accepted me wholeheartedly.

Coming back to what you asked me earlier as to what happened to me in the States. Many of my friends, as you did, encouraged and asked me, "Why go back to America, you have received great acclaim in America as well as from my French friends. Why bother to go back?"

I didn't go to France running from prejudice or because of the racial question. I went seeking knowledge and received acclaim far beyond my faintest hope or dreams. Inasmuch as I had been accepted by the world press and the world's greatest designers there was no doubt in my mind that when I came back to America, if Dior saw fit to hire me or the top designer, certainly I had seen the same people and some of the American designers and also from the fashion magazines come to Paris, sit there, see the collections, see me in the collections and accept me as a model and as a human being that I had the grace and culture and background to show the world's most gorgeous and most expensive clothes.

I had no qualms about coming back to America and I was so sure that the doors would be open to me. I proceeded on my rounds to see the top fashion magazines.

Chairman POWELL. Who had seen you in Europe?

Miss TOWLES. Yes. I posed for the top fashion magazines in Europe. I went in and these are some of the things that I was told. The first thing I was like an oddity. They would call everybody into the office to look at me as if I had dropped in from Mars. Then they would ask me to walk and so forth. They could tell from that, I presume, that I knew what I was doing.

Then they would say, "you are too exotic, too unusual looking," and things like that. They would say, "This is the season we are looking for the all-American type."

I would say, "I am not blond or blue eyed. I am American. I am certainly American. My features might be different."

They would say, this is the year we want the blond girl, the type that is in Rheingold Beer.

Chairman POWELL. Faceless.

Miss TOWLES. They didn't want anything unusual.

Chairman POWELL. The result is that you never landed in the United States of America a single top modeling job in the top modeling agency?

Miss TOWLES. Yes. You get spot things. Not anything continuous. I have some friends and some who are here today, similar things that have happened to them. Say on order of Suzy Parker, we get highlights here and there. The highlights won't sustain you. You need something going permanent all the time.

In this case I go back to you and the part that the Negro people have played in my career. As a result of so much wonderful press, especially in the Negro papers and our top magazines of Johnson and so forth, people were curious about me. As a result, I was able to travel year after year, twice per year and stage fashion shows showing French clothes and some things I had here in America. Otherwise I would have died.

This is where the Negro people were so wonderful. They were so proud and so glad to receive me and members of the certain groups, as the Alpha Kappa Alpha society group, which is a group of college women, staged a large portion of my shows. I went from the extreme North to the extreme South and from the East all the way out of the west coast.

Chairman POWELL. When you were at Balmain, would any of the customers from the United States ever speak to you at all, any of them ever voice their resentment of Mr. Balmain in having you as a model?

Miss TOWLES. Not to my knowledge, and I think Mr. Balmain would have been honest enough to tell me.

Chairman POWELL. He told me not one person ever said one word even when he had the all-U.S. previews which he has for American Buyers. Not one person ever said one word except complimented you.

Thank you ever so much.

Chairman POWELL. Miss Ernestine McClendon, won't you come forward.

Miss McClendon, would you give your name, your profession, and your address, please.

STATEMENT OF MISS ERNESTINE McCLENDON, THEATRICAL AGENT, NEW YORK, N.Y.

Miss MCCLENDON. My name is Ernestine McClendon. I am a theatrical agent, 56 West 45th Street, New York City.

Chairman POWELL. As a theatrical agent, you also place or try to place models?

Miss MCCLENDON. Yes.

Chairman POWELL. Have you a prepared statement to read?

Miss MCCLENDON. I have a few things I want to state.

Chairman POWELL. Incidentally, Miss McClendon was an outstanding actress in her own right, and became an agent to make some money.

Miss MCCLENDON. Well, I have only been a theatrical agent for 9 months. Prior to that, I was a subagent with a big agent.

Chairman POWELL. With who?

Miss MCCLENDON. I was a subagent. I would rather not quote too many names. Prior to that, I was an actress for 18 years, mostly unemployed, and when I was employed, I did the regular stereotype parts such as maids. I have done about 23 movies with big stars and television shows like Sara Churchill, John Pierre Aumont, Ann Sothern, just a lot of stars I worked with, but I only played stereotype roles.

I played "A Member of the Wedding" to get to this story for E.L.T. (Equity Library Theater), for free, to get some recognition from the producers and casting directors so as to get a decent part for money, and I played "A Member of the Wedding" in summer stock six different times. I have done nine seasons of summer stock.

Of course, as you know in summer stock you are not reviewed by people who mostly can cast you in Broadway shows, television, et cetera.

So I was fortunate enough to be selected for the Ethel Waters role in "A Member of the Wedding," the part of Bernice; 300 people auditioned for the complete show. That is how desperate actors are.

I got the part of Bernice.

The white actors who worked with me in the show got all kinds of jobs, televison, stage. Even the little boy who played Don Henry, when I learned that he was making hundreds of dollars a week and TV commercials, I was just sick.

I went 1 night—I was watching a televison show, and my 13-year-old daughter, at that time, said, "Look, colored." You see colored people so seldom that it is really pathetic. This night I couldn't sleep. I said, "What is it, I worked in the show for years. I have been reviewed. Nothing." I go to these agents and directors and they say, "Miss McClendon, you were wonderful, but it's too bad there is no work.

So I remember 4:30 in the morning I couldn't sleep; I was crying. Something in me said, "Stop crying and do something about it."

I got up, and this is the letter that I wrote. I sent it to 500 advertising agents.

Chairman POWELL. 500?

Miss MCCLENDON. 500.

DEAR SIR: Negro housewives, professionals, business people, ministers, lawyers, groups of people from many communities throughout the country, constitute a great percentage of your revenue. Seeing their own race advertise would contribute to a tremendous increase in your consumers. In most households where a Negro maid is employed, it is the maid who selects and purchases the products for household use.

The attention that is given to babies and children in advertising exists regardless of race or color, and I would like to suggest that Negro babies and children be used for TV commercials.

In considering the value of commercials to the vast Negro audience, I would appreciate your giving serious consideration to using me or any other qualified Negro actor or model on commercials to whatever extent available. Once the Negro is presented selling a product, I know that it will be accepted.

Enclosed is a self-addressed post card. I would appreciate your setting up an appointment.

The New York Post carried the story. The News carried the story, I believe. Show Biz carried the story, and some of the comments were:

Some felt that considerable reworking of the text of the commercial would be essential in order for it to be accepted in the South.

That is a long story. I don't have time to go into that.

Chairman POWELL. How many replies did you get?

Miss MCCLENDON. 145 answers. I was interviewed by 45 agencies, including Young & Rubicam.

Chairman POWELL. How many jobs did you get?

Miss MCCLENDON. None. The typical comments were: "We are very interested." "I sympathize with your objectives and have turned over your material to our casting director."

Chairman POWELL. From the New York Post?

Miss MCCLENDON. Some parts of it—"with the suggestion that he keep you in mind for the forthcoming commercials."

"Your letter should put some thoughts in the minds of the right people. I have set an appointment to see you."

The writer, Robert Alan Arthur wrote: "Whenever possible, I have given employment to Negro talent." I questioned him on that. He said: "A few say that our clients are not enlightened enough. You and I know breaking a prejudice takes time."

I am tired. I don't have enough time.

Chairman POWELL. You sound like Pearl Bailey.

Miss MCCLENDON. I am tired, believe me.

I am reading the end of this letter.

Chairman POWELL. That is the N. W Ayer & Son letter, August 23, 1960.

Miss MCCLENDON. I received this letter from Miss Frances von Bernhardi.

DEAR MISS MCCLENDON: A couple of weeks ago you contacted me with regard to talent you are representing in your affiliation with Lilian Arnold.

Our procedure here is to accept pictures of all talent available to us so that we can, when casting, select the types which we feel are needed, prior to submitting them visually and personally to our producers. We shall be very happy to receive whatever pictures you have to offer so that we may be acquainted with your artists.

Incidentally, material that you have been sending to other members of our organization, has been forwarded to me; it is not necessary to contact anyone else here since all talent activities go through this department.

I read this letter because the N. W. Ayer, one of the first advertising agents to use mass production of Negroes on TV commercials which is on the Sunday 9 o'clock show.

Chairman POWELL. Which show?

Miss MCCLENDON. Gospel Show aimed primarily at Negro audiences.

Negroes and Puerto Ricans watch more television than any other group of people because it is the cheapest form of entertainment and we buy the products.

Chairman POWELL. In your agent that you now have, have you met with any success at all?

Miss MCCLENDON. Well, it has been very, very rough. I just want to read this, then I will tell you a little bit about the agency.

I got another letter that I contact the soap people. This was from another one of the advertising agencies, Fuller & Smith.

I have pages and pages of letters and cards that I couldn't possibly bring. This one said:

Your idea is a meritorious one; and most certainly has a great commercial potential; therefore, I suggest you contact agencies handling soap and soap products: foods and food products; and other type of packaged merchandise. Usually these types of accounts use a great deal of people and therefore offer more opportunity for talent employment.

So, I did. I contacted all of these people with the soap and I got nowhere.

I decided that the only way to get around this is to hit these people in the pocketbook.

I got out a petition that I sent to everybody including the Governor. I got an answer, too.

This is the petition that I drew up. I get ideas in the middle of the night and I get up and I write and rewrite until I get it to say what I feel should be said.

We the undersigned have decided to take a united stand for fairplay in television and radio advertising.

Neither Negro actors nor Negro models are used to demonstrate or recommend products on television or major radio stations. The value of the Negro consumer dollar has always been realized, but the value of the Negro actor and Negro model, as a product salesman has yet to be recognized.

We feel that a grave moral wrong is being done the Negro in this area, where he is counted upon to purchase products that he is not allowed to advertise.

Sponsors like the Procter & Gamble Co. and Lever Bros. are gravely guilty of this offense.

Let us take a look at the following Procter & Gamble products that are used on television and radio commercials:

Ivory soap, Camay, Zest, Lava, Ivory flakes, Ivory snow, Dreft, Duz, Oxydol, Tide, Cheer, Premium Dux, Dash, Cascade for dishwashers, Spic and Span, Comet, Mr. Clean, Ivory liquid, Joy, Crisco, Fluffo, Duncan Hines cake mixes, Early American mixes, buttermilk cake and muffin mixes, Big Top and Jif peanut butter—Drene shampoo, Prell, Shasta, Lilt, Party Curl, Pin-In, Pace, Gleem toothpaste, Crest toothpaste, Secret deodorant.

Chairman POWELL. If you boycotted all those, you would be mighty dirty.

Miss MCCLENDON (reading).

Throughout the country Negroes have begun to demonstrate successfully that purchasing power speaks louder than soap-box oratory or appeals to conscience. Executives may ignore our letters of protest, but they cannot ignore their own sales receipts.

The tide of history has risen: let the wage break now!

I signed my name.

I have in my possession close to 5,000 signatures. This is from all over the country. That friend, friends of friends, including your church and St. Martin's Church I got 500 signatures one Sunday. I have 1,000 of these cards that I brought out to people.

"Procter & Gamble does not use Negroes for television and radio commercials—Your money helps to keep these products selling."

Chairman POWELL. Are you suggesting a boycott?

Miss McClendon. I was, but I was advised against it from sources I do not care to disclose at the moment so I felt that—I started it as an agency.

Chairman Powell. I know who would advise you on that. If this boycott can be used in passive form so successfully in the Deep South, and it is legal, I don't see why anyone can be denied the right to resort to it if they decide to do it.

Miss McClendon. One reason I decided against it because I was doing all this alone. I spent thousands of dollars for the campaign.

I went to the Coordinating Council for Negro Performers. Mr. O'Neill said that he would suggest that I not single out Procter & Gamble because he had a pilot firm at the time and that was with Procter & Gamble.

Chairman Powell. Was the film ever used?

Miss McClendon. I don't think so. Mr. O'Neill and the Coordinating Council for Negro Performers at that time, if I felt I could get those people behind my movement, if we all cried together, it would be a big thunderstorm.

Chairman Powell. A rain storm.

Miss McClendon. I started as an agent then to see if I could get work for other minority groups, including the Puerto Ricans and Orientals.

By the way, my office is integrated. I have more white clients than Negroes because there is more work for white clients.

Chairman Powell. You do have white people?

Miss McClendon. Yes. It is just like a Christmas tree, white and colored.

Chairman Powell. You can't get work for Negroes?

Miss McClendon. It is tough for me as an agent to get good jobs for my white clients.

Chairman Powell. That was brought out yesterday with these packages that these people put together, Bob Hope and Gene Kelly and Marilyn Monroe. They were still refused because they were Negroes?

Miss McClendon. That is right.

Chairman Powell. Have you got any ideas specifically in this field—what about the New York State law barring discrimination in employment agencies? Would there be a possibility, Mr. Wingate, of extending that law to include talent agencies which are a form of employment agency?

Mr. Wingate. I think so. Moreover, Government contractors, United States Steel. If they use an unfair policy in their radio programs.

Chairman Powell. That is Lyndon Johnson's committee?

Mr. Wingate. That is right.

Chairman Powell. Suppose you discuss that with Mr. Hobart Taylor, just appointed executive vice chairman, with the view of extending the authority—it wouldn't be extending, with the view of using the authority of the President's Committee on Government Contractors that discriminate with talent.

Have you any other suggestions outside of what we sort of kicked around here?

Miss McCLENDON. Yes. I think it is very unfair when I have top clients that are assigned to me and when a show is casting, I don't get the courtesy due an agent for script, breakdowns.

Chairman POWELL. Whose fault is that?

Miss McCLENDON. With the producers, with the casting directors, et cetera. Some of my people who signed with me exclusively have to get in through other agents. The other agent in turn will call me, "Well, I have a part for this person, would you be willing to split the commission?" Where am I?

Chairman POWELL. Thank you ever so much.

The last witness this morning is Mr. Caleb Peterson who comes from Hollywood.

Before Mr. Peterson speaks, I would like to say that the New York State Department of Labor was to make a report to me this morning concerning specific and very damaging charges made by witnesses. They have requested that they be allowed to make their report in January.

Since we lack subpena power at this late date, but we will have it when the full committee meets, we can only accede to their request.

Mr. Peterson, I am glad to welcome you. Give your name and address to the reporter.

STATEMENT OF CALEB PETERSON, PRESIDENT, HOLLYWOOD RACE RELATIONS BUREAU, LOS ANGELES, CALIF.

Mr. PETERSON. Caleb Peterson, president of the Hollywood Race Relations Bureau, 4207 Sutro Avenue, Los Angeles, Calif.

Chairman POWELL. I appreciate you coming here today to close these hearings of discrimination in the performing artists and to assure you that when the committee meets next year, why, there will be a session, hearings held, in Hollywood. Go right ahead.

Mr. PETERSON. I would like to say first, Congressman Powell, that we are the only organization in the Nation today that started a movement against the power structure—I think I can answer and give you the whole program of what can be done and who is responsible for the discrimination pattern, not only of the performing arts, but of the entire Nation.

The most powerful group at the present time is the performing arts. That is headed by motion pictures and television. They can do more to mold the thinking of the peoples of the world than any other media of influence in modern affairs. Today the film and TV industries have an obligation to fulfill in the new world a-coming that is not just one of furnishing superficial entertainment for the masses.

Especially is this true of the cinema. By combining truth and realism with good picturemaking, this media can do more toward cementing friendships among nations and peoples than all other agencies put together. The day is past when the policy of unsound make-believe must predominate in picturemaking. Mere escapist stuff, based on the theory that all life is a beautiful bowl of cherries and that the world is as we would like to see it—not as it actually is—serves but to create confusion, false ideas, and stagnation.

The peoples of Japan, England, Africa, Latin America, Australia, India, Europe, the United States—yes; of every color and creed

known—have contributed much to universal civilization, have played notable parts in world history. In this connection, the role of the motion picture and of the TV is clear. Each must present this history in true form, must lay entertainment values on fact, not fiction.

Make no mistakes about it. These two media must assume their rightful place in this direction lest they be lost in the imminent shuffle of humanity's surge forward.

There is a power structure in this country that is responsible for this entire discrimination pattern. It starts at the Government level, the President of the United States.

Secondly, it goes to the movies and to television.

Now the Hollywood Race Relations Bureau started a year and a half ago. We went to the motion picture industry in order to give credit to those who contributed toward interracial good will through the media of television and motion pictures. We set up a motion picture unity award affair in Hollywood.

I went to the Academy Award with my guest, Joe Louis. We had an appointment with Mr. Eric Johnston to talk this matter over because he represents the eight major studios in the entire United States. Their propaganda controls the minds and thoughts of most of the people throughout the world.

Mr. Johnston made an appointment with me. When I got there he was not there and did not attend it.

I have been trying to meet with Mr. Johnston for 1 year. He is one of the foremost men who have set up a conspiracy against the American Negro and the image of the American Negro worldwide.

I got in touch with Mr. Clark Wales who is his representative and told him the names of the stars who were participating on this program so we could bring out to the level of the Nation the actors and actresses who were contributing toward interracial good will. He got these names.

Some of the people were Miss Bette Davis and others. Miss Davis was pressured out. Miss Jayne Mansfield was pressured out. Mr. Ed Sullivan who had consented previously to appear would not appear because he said that CBS had contacted him to not become a part of this program.

Chairman POWELL. I want to interrupt. You were going to have a motion picture unity award affair in Hollywood?

Mr. PETERSON. Yes. Ed Sullivan told me he could not appear because of the pressure. I called Mr. Sullivan. He told me why. CBS asked him not to participate in that movement. For that reason I cannot have Miss Mansfield. She was going to appear for Mr. Sullivan.

Miss Shelley Winters was also contacted. She was in New York at that particular time. She told them to go to hell. She was going to have representation at this award affair. She sent to us Mr. Burt Lancaster, the Academy Award winner—this is in 1961—who made the main address.

Chairman POWELL. You did have the affair.

Mr. PETERSON. Yes. Other outstanding stars were Cassavetes, Sammy Davis, Jr., Miss Ella Fitzgerald, who finished a sensational part in a motion picture, Eddie "Rochester" Anderson of the Jack Benny show, Jack Bailey of "Queen for a Day" fame, and many others.

Chairman POWELL. The only non-Negro actors who came were Burt Lancaster——

Mr. PETERSON. And John Cassavetes.

In spite of the blackballing, 2,500 persons of every race, color, and creed attended, including foreign correspondents from 30 countries and they represented the Hollywood foreign press association. They were interested in getting this over to the people of the world.

Among the dignitaries was a representative of Governor Brown of the State of California, Norman O. Houston, president of the Golden State Life Insurance Co., Judge Edwin Jefferson, and one of the world's great architects, Paul Williams.

This was the first public demonstration which helped the beginning of the Hollywood Race Relations Bureau and set the pace for picketing the motion picture industry.

Chairman POWELL. When was this unity award held?

Mr. PETERSON. April 1961.

Now in April we announced to the Nation that we would picket the Academy Awards headed by Wendell Corey. This affair is the most popularized in the world other than the inauguration of the President of the United States.

They promote the discriminatory practices of the motion picture industry against the better image of the American Negro and darker races of the world. We began picketing the Academy Awards affair 3 days in advance. News of the picketing reached the people of the United States through the Associated Press, United Press, and leading Negro newspapers. Jet magazine gave much space to the picketing. The entire motion picture industry was in an uproar because of the picketing at the Civic Auditorium in Santa Monica, Calif., where the occasion was to be held.

I was called in several times by the executives of the motion picture industry, especially by Wendell Corey. Now Wendell Corey said to me—we made a deal—he said that in order for the academy to show a better image so the industry as a whole would change their image, we would have two couples, Paul Williams and his wife representing an architect and Joe Louis representing a former champion of the world.

We would also use a Negro model other than showing Negro clothing just as they showed in "Porgy and Bess." This was the deal we agreed upon.

I never heard from him any more until he tried to get outstanding Negroes to rebuff our program. He tried to get Joe Louis to attend the Academy Awards. When Joe Louis found out that we were picketing for the civil rights of the American Negro he declined to attend.

Chairman POWELL. Wasn't that part of the deal for him to attend the Academy Awards?

Mr. PETERSON. He was going to participate. They didn't allow him to participate. They wanted to rebuff us by inviting prominent Negroes.

Chairman POWELL. You accused Wendell Corey of breaking the agreement?

Mr. PETERSON. He is part of the conspiracy.

Chairman POWELL. Did you have a meeting with him?

Mr. PETERSON. Yes. This is part of the conspiracy.

I was brought in by the executives of the motion picture industry and also the Academy Awards. The thing was getting hot now.

They asked me if I would stop picketing. They said if I did not I was subject to arrest. I said: "My attorney told me I have a right to picket as part of the Constitution and I would do this."

After, they tried to scare us for a period of 2 days, we picketed 2 days in advance. Then 2 hours before the Academy Awards, they asked us to leave the property.

This property is public for 363 days out of the year. Two days it is private because of the academy awards. We told them that we would not. Two hours before the academy awards we were arrested and put in jail, not in Mississippi or Georgia, but in Los Angeles, Calif., and this is a copy of the Associated Press. One of our pickets being ruffled by the police and this is the story. Because of that I was convicted by the court of California. We appealed the case.

Chairman POWELL. For what?

Mr. PETERSON. For trespassing on private property which is now being appealed. Also, at the present time we have filed a million dollar suit against the academy awards. When I return we will file a suit against Wendell Corey for $50,000.

Chairman POWELL. I see here that the American Civil Liberties Union represented you.

Mr. PETERSON. Yes. Free of charge.

Chairman POWELL. You were arrested and convicted for trespassing on city property, Santa Monica Civic Auditorium, which is always public, which was declared private for that day?

Mr. PETERSON. There is a famous gate crasher who crashed Mr. Kennedy's inaugural ball sitting next to Mr. Kennedy. He also went upon this private property, gave an award to Bob Hope and was given worldwide publicity, and 12 Negroes were put in jail.

Chairman POWELL. Who declared this private property?

Mr. PETERSON. A municipal judge. This gives you an idea of the racial bias. This is another conspiracy.

Who supports these motion pictures? Bank of America which is the largest commercial bank in the world. I am giving you now the people who were responsible for this whole discriminatory pattern of the whole Nation. The Bank of America, it represents the biggest commercial bank in the world. The next is the Chase National Bank.

Mr. Rockefeller is a part of the Chase National Bank. He has contributed millions of dollars toward Negro education. He always gave money toward the Baptist Church in the South.

Chairman POWELL. Not in the North.

Mr. PETERSON. Not in the North. He also has millions of dollars in Negro money in Chase National Bank which is being used to disfranchise the American Negro as an image, and Mr. Rockefeller is a part of this conspiracy. These are the men.

Chairman POWELL. Chase Manhattan does——

Mr. PETERSON. They are one of the biggest backers of the motion picture industry.

At the present time the whole thing has been set up as a great white man image that does not include the American Negro or the darker races emerging upon the horizon.

At the present time whenever you see a hospital scene, a locale of a hospital scene in a motion picture where in every particular metropolitan city there are Negro doctors and nurses, they are excluded.

This has a tremendous bearing on the minds of people. If they don't see this, they cannot expect it or realize it psychologically.

Whenever you see Congress involved in motion pictures, you never see a Negro Congressman. When one is involved in school scenes, you wouldn't think Negroes attended school in America. For this particular reason, the psychological effects of this reacts upon the minds of the people and that is why this particular conspiracy is working so beautifully.

Just the other day in joining CORE and CNEP I got next to 20th Century-Fox through Amiel Brown we found out that they are going to do a motion picture, or have done a motion picture which does not include the American Negro.

Since the time of Crispus Attucks through the Revolutionary War, down through the Civil War where 500 Negroes died at one spot, and there were 21 Congressional Medals of Honor during the Civil War, not one has ever been recognized.

They have done "The Longest Day," which Mr. Ed Sullivan, the great white father of television on June 15 wrote an article, and said that he learned from 20th Century-Fox that no Negroes participated in D-day.

I went in to investigate and found out that 1,700 Negroes participated in D-day. Also, that the whole unit of giving materials to D-day men were Negro units. I submitted this. In fact, I talked to Mr. Ed Sullivan over the telephone. I also had a document from Mr. Eisenhower complimenting the Negro soldiers during D-day.

Mr. Sullivan said to me that he would like to have this to run in his column. I brought it to Mr. Ed Sullivan. Mr. Ed Sullivan never put it in his column, but three nights later—as another man that I add to this conspiracy—he had Darryl Zanuck on his program announcing him as a great white father of the American picture industry who discriminates against the American Negro as an image.

This is an insult to the American Negro when he has contributed so much and not even seen in motion pictures.

Last, the television industry, or should I say the advertising agencies, are responsible for the nonworking or the image of the American Negro. As of next Friday afternoon at 3 p.m., headed by the Hollywood Race Relations Bureau, we are going to picket 10 blocks of the—where the agencies are in organization before they leave for their homes in Connecticut. We will picket in New York as of next Friday afternoon at 3 p.m.

I will say one other thing. The way that this can be corrected, to knock off the evils of this discriminatory pattern, first of all, I have contacted two secretaries of the President of the United States to make a statement relative to what a good image of the American Negro would mean to the darker races of the world. He has not answered me.

If Mr. Kennedy would make a statement, this whole pattern would almost change overnight.

Second, if Mr. Darryl Zanuck—we are to meet with Mr. Darryl Zanuck next week. I would like to have you as my guest, if you could be there. This might be a change of the pattern. He is going to see

what he can do to set up a meeting of all of the presidents of the motion picture industry to help change this image in America.

Third, if we can get Mr. Rockefeller to go to the bankers of this country and get them to stop giving money to an industry who preaches bias and discriminatory pattern, then we can get somewhere there. If the unions will freeze up and not work where Negroes are not shown as a good image, that will mean something.

Also, legislation. There is need for this thing to have some sort of legislation. They are the evils of the entire pattern. They are power structure and we have been one of the only organizations at the present time to fight this evil, and at the present time we are getting somewhere.

Chairman POWELL. I want to thank all the witnesses, thank my staff for the job they did, and thank the gentlemen of the press for being as kind as they have been, and don't forget to vote on Tuesday.

(Whereupon, at 12 noon the hearing was closed.)

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