PN 32,412; R29/1943-44

# FIRST REPORT

# FAIR EMPLOYMENT PRACTICE COMMITTEE

July 1943-December 1944

United States
Government Printing Office
Washington: 1945

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#### LETTER OF TRANSMITTAL

Committee on Fair Employment Practice, Washington, May 1, 1945.

The President of the United States.

Sir: I have the honor to transmit herewith the First Report of the Committee on Fair Employment Practice, covering its operations pursuant to Executive Order 9346 for the period beginning July 1, 1943, and ending December 31, 1944.

Malcolm Ross, Chairman.

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#### INTRODUCTION

The past 2 years have found the American working force at top use of its skill and energy. It has met its production schedules. It has supplied the fighting forces on two fronts with that extra edge of armament needed to win battles with a minimum loss of American lives. At critical points in the production program minority group Americans have played an essential role. Every twelfth American in prime war industries is a Negro. In Federal Government service every eighth worker is a Negro. Mexican-American citizens by the scores of thousands have been keyed into the aircraft, shipbuilding, and mining industries. Citizens of recent foreign extraction, under handicaps of different language and manners, have been accepted freely on our production lines.

The war morale of minority group Americans lacks nothing in comparison with that of their majority group fellow workers. The divisive tactics of Germany and Japan, which early sought to set American race against race and creed against creed, were met in June 1941 by the firm declaration of President Roosevelt that no American worker would be denied full opportunity in employment because of

race, creed, color, or national origin.

That national policy, as applied by the various Departments and contracting agencies of Government, has at once given protection to minority groups and served as the symbol of their loyalty to a great cause. It might have been otherwise; yet the Nazi and Fascist powers derived small comfort from their attempts to weaken American war

production by driving the wedge of hate between groups.

Religious hatred, such as Hitler used in his rise to evil power over the bodies of his scapegoats, has for 4 war years sullied Europe, yet the calculated Nazi hope that it would infect this country has been forestalled. The margin of our victory over religious intolerance has been narrow. Hoodlums have attacked Jews in some of our wartime cities. The dangerous undercurrent is there. In war industries and Government service citizens of the Jewish faith have been denied opportunity to serve their country. Yet it may still be said that such cases, however symptomatic, have been relatively few in number. The spread of religious intolerance has so far been kept in check by the force of the contrary opinion of the American public.

This first report of the Committee on Fair Employment Practice is a statement of the experience of the administrative agency charged with moving against discovered discrimination in Government service and war industry. It covers the 18 months from July 1, 1943, to December 31, 1944. The various aspects of FEPC activities are treated at full length in the hope that they may fitly record a vital phase of American wartime experience. Viewing the picture as a

whole, these highlights appear.

#### MINORITY GROUP WORKERS

The 13 million American Negroes comprise the minority group against whom discrimination is practiced most frequently. Eighty-one percent of the cases docketed by FEPC during the last fiscal year involved complaints from nonwhites. Jews, with a scattering of other creeds, filed nearly 9 percent of FEPC cases. The remaining 10 percent concerned foreign origin, with Mexican-Americans comprising the majority.

#### GROUPS AND ISSUES INVOLVED

Private industry was charged with discrimination in 69.4 percent of the cases, Federal agencies in 24.5 percent, and labor unions in 6.1 percent. The discriminatory practices faced by minority group workers have importance in this order: refusal to hire, unwarranted dismissal, refusal to upgrade, discriminatory working conditions, and refusal to refer qualified workers for employment.

#### REGIONAL DISCRIMINATION PATTERNS

A heavy concentration of complaints of discrimination from the big war industry centers is both to be expected and is a fact. Cases from the industrialized East form 32.5 percent of FEPC's docket. The Midwest and Far West together come second; the South last. Yet compliance in southern war industries does not lag notably behind the rest of the country. It is higher than in the Far West, although figures from that section reflect a large number of unsolved cases in one industry. If a generality is to be derived from FEPC experience, it is that the successful use of minority group workers in war industry has been achieved. The guiding hand of Government has been essential. The previous efforts of private agencies over many years had familiarized industry with the problem and had developed many effective techniques for dealing with it. Obviously success is easier where those immediately involved, employers and workers, determine that it shall be done. Geographical considerations have often proven of secondary importance.

#### EFFECTIVENESS OF EXECUTIVE ORDER 9346

FEPC has served as a clearing house for many complaints not entirely related to its work, but obviously in need of screening by an objective third party to increase all-around understanding. The Committee's field staff, in the 18 months, refused to docket 1,442 complaints, largely for lack of Committee jurisdiction. Of the 5,803 cases actually docketed as having face value, about 64 percent were dismissed for lack of merit, insufficient evidence, or other causes. Thus, FEPC has disposed of many controversies that would have been inimicable to the war effort. The other 36 percent of cases were accepted, processed, and brought to successful conclusion.

In this sifting process there were some 800 employers who never knew they had been charged with discrimination, since FEPC, without notice to the parties charged, persuaded the complainants that

they did not have valid cases.

The 1,723 satisfactory adjustments cover a wide range of territory and varying patterns of discrimination. Resistance has not been a matter of the compass, nor has successful application of the Executive order. Southern shipyards were persuaded to use Negro welders,

aircraft plants to upgrade Mexican-Americans, white workers to cooperate with colored workers on the same production lines. Reluctant eastern manufacturers of highly involved war mechanisms through experience discarded their belief that Negro workers could not acquire the requisite skills. Government agencies accepted in new positions qualified minority workers referred by Civil Service. Trade unions policed their own nondiscrimination policy in the cases of recalcitrant locals. Employers rearranged work schedules to permit Sabbatarians and Orthodox Jews opportunity to observe religious customs. In some 40 war plants where racial disputes led to work stoppages, the strikers were persuaded to go back to work and, having done so, paved the way for the removal of the causes of racial friction.

These solutions have mostly been accomplished by informal negotiation, without benefit of publicity. The more difficult cases have gone to public hearings, of which the Committee held 12 during the 18 months. Here, witnesses of all parties were given an opportunity to be heard. In many cases the mere scheduling of a hearing has led

to negotiation and satisfactory settlement.

The practical effects in the war effort are clear. Available manpower figures indicate that America's 17 million people in manufacturing (including munitions and related industries) decreased by approximately one million during the past calendar year. During the same period, it is estimated that there were over 100,000 new Negro workers who entered this working force, making a total of approximately 1,350,000 Negroes among the 16 million total on December 31, 1944. The trend of Negroes to war work during this critical production period, must be largely ascribed to the opening of plant gates through

which they might freely enter.

FEPC has no enforcement powers of its own under Executive Order 9346. Government Departments, the War Manpower Commission, the Army, the Navy, and the Maritime Commission (all of whom are equally bound to prevent discrimination) have resolved a great many discriminatory situations. Thus, effective support of Executive Order 9346 has been given freely by many agencies, with FEPC able through their aid and its own efforts to remove from the field of active disputes all but the most stubborn situations. Although few in number, the latter cases represent the ultimate test of the national policy against industrial discrimination. Even in wartime, persuasive appeals to national need, plus public discussion of the issues, have not been sufficient to attain solutions. The only recourse open to FEPC is to cite cases unsolvable at Committee level to the President of the United States. During the 18 months only 1 case, against 14 railroads and 7 labor organizations, has been so cited. The Committee has labored over other difficult cases for periods of many months each, in the hope that solutions might be reached short of Presidential citation.

#### PROBLEMS AHEAD

A one-front war entails the siphoning of workers from cut-back plants and shipyards into one of two places—(1) war plants which will expand to provide material for Pacific warfare, (2) plants reconverted to consumer goods.

Negroes and Mexican-Americans, who comprise the two minority groups large enough to be set aside as a known economic problem,

have found war work largely in those industries due to have the deepest employment cut-backs during the war against Japan. Both groups must abide by the seniority rules applying in their industries, and special privilege in lay-offs would be both impossible and harmful. Both, however, need special protection against discrimination in whatever industry the laid-off workers attempt to enter, be it another

war plant or a reconverted plant.

During the Japanese phase FEPC under its Executive order will not be able to protect those minority group workers who meet discrimination in expanding consumer goods industries, since no jurisdiction is provided in the Executive order over plants wholly reconverted to peacetime production. Committee studies of racial tension in congested war production areas show the necessity for keeping the channels of job opportunity open to all applicants. Continuing high production, and high morale, are both at stake.

#### TREND OF MINORITY GROUPS TOWARD INDUSTRIAL EMPLOY-MENT

Chapter VIII of this report, which deals with the long-range trend of Negroes toward industrial employment, is worth thoughtful reading by those concerned with readjustment of the population and work

habits brought about by the war.

The migration North during the past 5 years of half a million Negroes cannot be viewed as a unique phenomenon of this present world conflict. The move away from the agricultural South and toward the industrial North began in 1915 when the war plants of World War I first offered comparatively high wages to all comers. Over the past 30 years Negroes have left southern farms for southern cities, and left southern cities for the North. The net loss of Negroes to the South, as indicated in chapter VIII, was 716,000 in the decade following World War I. As they did after World War I, Negro workers in new localities today still hold to the same habit of sending word back home for their relatives to follow them.

The dislocation of southern labor markets is matched East, North, and West by problems of employment for the hundreds of thousands of new Negro war workers whose habit it has always been to remain as permanent urban wage earners. In the past the only alternative

to wages has been public relief.

The experience of FEPC is offered in this report for whatever light it may throw on the existing problems of minority group Americans, and whatever guidance it may offer for their eventual integration into the country's productive working force.

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### FAIR EMPLOYMENT PRACTICE

### Chapter I. The Basis and Extent of FEPC's Authority

#### THE EXECUTIVE ORDER

The authority under which FEPC operates is based upon Executive Order 9346 promulgated by President Roosevelt on May 27, 1943. Under the order, which amends and is not materially different from Executive Order 8802 of June 25, 1941, a Committee consisting of a full-time chairman and six other members, serving without compensation, is established in the Executive Office of the President. The stated purposes of the order are "to promote the fullest utilization of all available manpower, and to eliminate discriminatory employment practices." The Committee is ordered to formulate policies to achieve these purposes and to—

Make recommendations to the various Federal departments and agencies and to the President which it deems necessary and

proper (par. 4).

Recommend to the Chairman of the War Manpower Commission appropriate measures for bringing about the full utilization and training of manpower in and for war production without discrimination because of race, creed, color, or national origin (par. 4).

Receive and investigate complaints of discrimination forbidden by the order (par. 5).

Conduct hearings (par. 5). Make findings of fact (par. 5).

Take appropriate steps to obtain the elimination of such dis-

crimination (par. 5).

Utilize the services and facilities of other Federal departments and agencies and such voluntary and uncompensated services

as may from time to time be needed (par. 7).

Accept the services of State and local authorities and officials; performing the functions and duties and exercising the powers conferred upon it by the order through such officials and agencies and in such manner as it may determine (par 7).

Promulgate such rules and regulations as may be appropriate or necessary to carry out the provisions of the order (par. 8).

In addition, Executive Order 9346 expressly orders—

(1) All contracting agencies of the Government to include in all contracts and in all subcontracts negotiated or renegotiated a provision obligating the contractor not to discrimi-

nate against any employee or applicant for employment because of race, creed, color, or national origin (par. 1).

(2) All departments and agencies of the Government concerned with vocational and training programs for war production to take all measures appropriate to assure that such programs are administered without discrimination because of race, creed, color, or national origin (par. 2).

The President clearly defined the rationale of the order in three introductory "Whereas" clauses. In the first of these he declared, "The successful prosecution of the war demands the maximum employment of all available workers." Furthermore, it is the policy of the United States to encourage full participation in the war effort on the part of all of its citizens, "in the firm belief that the democratic way of life within the nation can be defended successfully only with the help and support of all groups within its borders." Contrary to this need and this policy, "there is evidence that available and needed workers have been barred from industries engaged in war production solely because of their race, creed, color, or national origin, to the detriment of the prosecution of the war, the workers' morale, and national unity."

This outline of the exigencies of the national situation is followed by a "Now, Therefore," clause which reaffirms the national policy and declares that "it is the duty of all employers, including the several Federal departments and agencies, and all labor organizations \* \* \* to eliminate discrimination in regard to hire, tenure, terms or conditions of employment, or union membership \* \* \*."

#### AMENDMENTS TO EXECUTIVE ORDER 9346

The basic provisions of Executive Order 9346 now must be interpreted in the light of several amendments to the War Agencies Appropriation Act for the fiscal year 1944–45, which as passed contained an appropriation of \$500,000 for FEPC and the following restrictions:

1. Funds are provided only for those expenses necessary to enable the Committee "to carry out any functions lawfully vested in it by Executive orders numbered 8802 and 9346."

2. The funds appropriated may not be used "to pay the compensation of any person to initiate, investigate, or prosecute any complaint" against any parties charged with discriminatory employment practices where such party charged does not have "the same right to appeal" to the President which is "asserted by or allowed" the Committee.

3. Nor may the funds appropriated be used "to pay the compensation of any person to initiate, investigate, or prosecute any proceeding" against any party charged with discriminatory employment practices "which seeks to effect the seizure or operation of any plant or other property" of such party charged "by Federal authority for failure to abide by any rule or regulation \* \* \* or \* \* \* any order passed by the Committee \* \* \*"

4. No employee of FEPC is to be compensated "who issues or attempts to enforce any rule, regulation, or order which repeals, amends, or modifies any law enacted by the

Congress."

#### JURISDICTION

#### Agencies Within the Jurisdiction of the Committee 1

Executive Order 9346, as limited by the congressional amendments, confers jurisdiction upon the Committee to receive, investigate, and dispose of three categories of complaints alleging discriminatory employment practices:

1. Complaints against all departments, agencies, and independent establishments of the Federal Government over whose employment relationships the President is authorized by the Constitution or the statutes of Congress, made pursuant thereto, to exercise directly or indirectly general supervision and control.

2. Complaints against all employers, and the unions of their employees, having contractual relations with the Federal Government which contain a nondiscrimination clause regardless of whether such contracts pertain to the war

effort, and

3. Complaints against all employers, and the unions of their employees, engaged in the production of war materials or in activities necessary for the maintenance of such production or for the utilization of war materials, whether or not these employers have contractual relations with the Government.

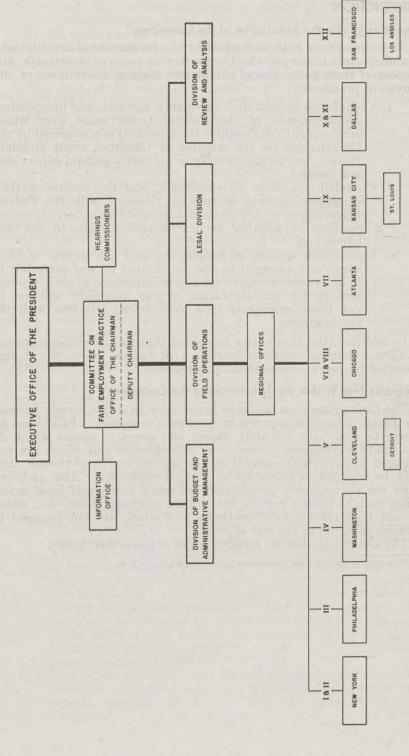
In addition, the Committee has ruled that its jurisdiction extends to all war training programs financed with Federal funds even though operated by private educational institutions.

#### Agencies Not Within the Jurisdiction of the Committee

The Committee does not have jurisdiction in a case merely because the party charged is engaged in interstate activities. FEPC has no power to deal with privately owned and operated plants which do not hold Government contracts or subcontracts and which are not engaged in activities essential to the war effort, even though they may be engaged in interstate or foreign commerce. Also excluded from the Committee's jurisdiction are retail stores and local enterprises such as beauty parlors, law offices, specialty shops, etc., which do not hold Government contracts and which are not engaged in services essential to the war effort.

The Committee has no jurisdiction over the armed forces.

<sup>1</sup> For a detailed analysis of the Committee's jurisdiction, see ch. VI, p. 46.



## Chapter II. The Administrative Organization of the Committee on Fair Employment Practice

#### **OUTLINE OF COMMITTEE ORGANIZATION**

An organizational chart of FEPC appears on the opposite page. The agency is headed by the Committee, which determinesp olicy and program, hears cases, makes findings of fact, and issues directives. The chairman, assisted by the deputy chairman, administers the program and directs the staff. The Division of Field Operations, which is composed of a headquarters staff and 12 field offices, is responsible for the examination and settlement of charges of discrimination other than those which are referred to the Committee. The Legal Division prepares and presents those cases of discrimination which cannot be settled by negotiation and which are heard by the Committee. Members of the Division, serving as Hearing Commissioners, also assist the Committee in its hearings function. Facilitating organizational units include the Administrative Division, which is responsible for administrative management, budget, personnel, and fiscal matters; the Division of Review and Analysis, which carries on program planning, research, and education and operational analysis; and the Information Office, which handles relations with the media of public information.

#### THE COMMITTEE AND THE OFFICE OF THE CHAIRMAN

As originally constituted under Executive Order 8802, issued June 25, 1941, the Committee was to be composed of a chairman and four other members, serving on a voluntary, unpaid basis. However, prior to the announcement of any appointments, the membership of the Committee was increased to six by Executive Order 8823 of July 18, 1941, and on that date the following persons were appointed by President Roosevelt: Mark Ethridge, of Kentucky, publisher of the Louisville Courier-Journal, Chairman; David Sarnoff, of New York, president of the Radio Corporation of America; Earl B. Dickerson, of Illinois, member of the council of the city of Chicago; Philip Murray, of Washington, D. C., president of the Congress of Industrial Organizations; William Green, of Washington, D. C., president of the American Federation of Labor; and Milton P. Webster, of Illinois, international vice president of the Brotherhood of Sleeping Car Porters, A. F. of L.

Subsequently, the President appointed Mr. Frank Fenton as alternate for William Green and Mr. John Brophy as alternate for Philip Murray. Upon the resignation of Mr. Fenton in December 1942, Mr. Boris Shishkin was appointed as alternate for Mr. Green.

By Executive Order 9111, of May 25, 1942, the number of Committee members was increased to seven and Dr. Malcolm S. MacLean of Virginia, president of Hampton Institute, was appointed Chairman

in place of Mr. Ethridge, who had resigned the chairmanship, but who

continued to act as a member of the Committee.

The Committee was established first in the Office of Production Management where it functioned within the Labor Division. Subsequently, on January 26, 1942, OPM was abolished, and the Committee was transferred to the War Production Board. On July 30 of the same year it was placed within the War Manpower Commission and made subject to the direction and supervision of the Chairman of that agency.

The staff of the first Committee consisted of an executive secretary, an assistant executive secretary, and 6 field investigators. The Committee devoted itself to policy while the executive secretary and the assistant executive secretary supervised the processing of complaints and the day to day administration of the program. In addition, the assistant executive secretary acted as general counsel and directed the hearings activities of the Committee. At the time of the transfer to WPB, the staff included 7 officers, together with 5 clerical and stenographic employees. In May 1943, just before the establishment of the new Committee, the personnel had grown to 27 professional persons and 16 clerical employees, a total of 43 persons of whom 35

were in the central office and 8 were in the field.

The seven members of the new Committee, which was set up as an independent agency following the promulgation of Executive Order 9346, were: John Brophy, of Washington, D. C., director of Industrial Union Councils, CIO; Samuel Zemurray, of Louisiana, president, United Fruit Co.; P. B. Young, of Virginia, publisher of the Norfolk Journal and Guide; Boris Shishkin, of Washington, D. C., economist, A. F. of L.; Sara E. Southall, of Illinois, supervisor of employment and service, International Harvester Corporation; Milton P. Webster, of Illinois, international vice president, Brotherhood of Sleeping Car Porters, A. F. of L.; and Monsignor Francis J. Haas, dean of the School of Social Sciences, Catholic University, Chairman. On October 18, 1943, Monsignor Haas resigned to become Bishop of Grand Rapids and was succeeded by his Deputy Chairman, Malcolm Ross, author and one-time director of Publications, National Labor Relations Board. Upon the resignation of Mr. Zemurray and Mr. Young, for reasons of health, Mr. Charles H. Houston, of Washington, D. C., Attorney, and Mr. Charles L. Horn, of Minnesota, president, Federal Cartridge Corporation, were appointed to the Committee.

The Committee usually meets twice a month for 1 or 2 days to decide important policy matters and to determine what cases shall go to hearing. The whole Committee sits at all major hearings, makes all findings of fact, and issues all directives. As of December 31, 1944, the Committee's full-time staff numbered 119 persons, including the Chairman, 56 professional, and 63 clerical employees.

The Chairman is responsible for the operation of the agency within the limits of program and policies established by the Committee. He presides over the meetings of the Committee. The work of the various divisions and the internal management of the agency are directed by him. In addition, he selects and appoints all personnel. It is his function to coordinate the interdepartmental relations which are important to an agency such as FEPC both because it is advisory to the President and because it sometimes must effectuate its program through the action of other Government agencies.

The Deputy Chairman assists the Chairman in working with the Committee. He prepares the agenda for meetings, and all communications to and from the Committee are channeled through him. He is the only staff member who attends all meetings of the Committee and he presents staff proposals. It is his responsibility to assist the Chairman in the coordination and direction of the staff. He also serves as the general counsel of the Committee and as the director of the Legal Division.

#### THE DIVISION OF FIELD OPERATIONS

The Division of Field Operations is the operating division of FEPC, and is responsible for the entire handling of cases, including receipt, docketing, processing, and closing. Its personnel consists of 36 field examiners and 27 clerical workers. Before its establishment on July 1, 1943, cases of discrimination had been processed largely through correspondence by the small staff of examiners in Washington. The work of the Division, from the time of the reorganization of the Committee to date, can be divided roughly into 2 parts: that connected with the setting up and administration of FEPC's regional offices, including the preparation of techniques for the investigation and disposition of complaints, and that accomplished on a national level involving, chiefly, the development of working relationships with other Government agencies.

The new Committee's first regional office was opened in New York on July 1, 1943, as a continuation of the first Committee's office for the region. A temporary office was authorized for Detroit during the same month. By the end of November 1943, there were in operation nine regional offices and two suboffices. Another suboffice was set up in November 1944 in St Louis.¹ The Division, moreover, has established a system of case reporting and maintains a field manual of instructions and memoranda which pertain to jurisdiction, case docketing, case handling, interagency cooperation, and public relations.

The regional directors of FEPC have much independent authority in their work. Complaints are adjusted within regional offices, no clearance with the central office being required before a case is closed. Only when all the efforts of the regional staff have failed to accomplish a settlement is there referral to Washington, although at times Washington may be asked for assistance without formal referral of the case. When a case is closed, a report of final disposition, describing the complaint, the position of the party charged, and the action of FEPC, is submitted to the central office. Weekly reports<sup>2</sup> prepared by the regional directors present questions for the decision or advice of the Director of Field Operations, discuss outstanding cases and events in the region and inform headquarters of contacts with the regional offices of other Government agencies. In addition, each region submits a monthly statistical record of case load activity. The first of the annual conferences of the regional directors met in Washington in February 1944.

At the national level the Division is administered by the Director of Field Operations, who is assisted by an Associate and Assistant Director and two headquarters examiners. All instructional material is developed by the Directors who also decide basic case policy. The

 $<sup>^{1}</sup>$  Since January 1945 new regional offices have been opened in Pittsburgh, Cincinnati, San Antonio, and New Orleans. The Dallas office has been discontinued.  $^{2}$  Reports are now submitted biweekly.

Associate and Assistant Directors are each responsible for a group of regions. With the help of examiners, they review the case work of the field, give assistance on difficult cases, and maintain close cooperation with their regional directors. They are also responsible. with their examiners, for negotiation at the Washington level and

for trouble-shooting in the field.

One of the most important accomplishments of the Division's departmental staff during the period of this report has been to formalize the working relationships between the Committee on Fair Employment Practice and other Government agencies. Agreements now exist with the War Manpower Commission, the Civil Service Commission, the War and Navy Departments, the Maritime Commission, the War Shipping Administration, the National War Labor Board and the Office of Labor Production of the War Production Board, whereby the majority of these agencies themselves implement their responsibility for eliminating discrimination in their organizations.3 As a result of these agreements, complaints of discrimination involving any of these agencies may be referred to representatives of the particular department and their cooperation enlisted. There are also informal agreements or frequent consultation with the National Labor Relations Board, the Post Office Department, and the Treasury Department.

All of the cases of the Committee are handled initially by the Division of Field Operations. The processing of cases is best explained by the summary of operational statistics for the year which appears in chapter V.4 The regional staff has had many difficulties to face. First, it had to work toward the reduction of a backlog of 1,052 cases acquired from the former Committee. As fast as cases were closed, new ones were docketed. The average active case load of a field examiner was 42 as of December 31, 1944. This constitutes a far heavier burden than that carried by comparable personnel in other regulatory agencies. Furthermore, the regional officers, working without the authority of court enforcement of the Executive order behind them, have had to rely heavily on persuasion in order to administer Government policy effectively in a new and difficult field.

#### THE LEGAL DIVISION

Although the conduct of hearings was one of the most important functions of the first Committee under Executive Order 8802, a limited budget necessitated the carrying on of all of the legal work by two attorneys under the supervision of the Assistant Executive Secretary.

Since the establishment of the new Committee, the Legal Division has grown gradually until by December 31, 1944, there were five lawyers and three secretaries on its staff. In addition, the Deputy Chairman served as the Director of the Division.<sup>5</sup> The Committee has appointed special counsel upon the occasion of several important

hearings.

The chief activities of the Legal Division are concerned with the holding of hearings. As previously indicated, major hearings are held before the full Committee, but others are conducted by a panel

<sup>&</sup>lt;sup>3</sup> More detailed discussion of these agreements can be found in ch. IV, pp. 23-28.
<sup>4</sup> See pp. 29-45 and the statistical tables in the appendix, pp. 114-136. See also the sections on strikes and assistance to other Government agencies, p. 78-84.
<sup>5</sup> Since April 1, Macco Hubbard has been the Acting Director of the Legal Division.

of members or by a hearings examiner under procedures more fully explained in chapter III.<sup>6</sup> Three hearings examiners and two trial attorneys comprise the Legal Division.<sup>7</sup> Their functions are kept separate, although the small size of the staff makes it sometimes necessary for examiners to act as attorneys. However, they do not function in both capacities in any one case. Hearings examiners are under the supervision of the Committee when they are assisting it in hearing a case or in formulating decisions, but in carrying out all Legal Division activities they are responsible to the Deputy Chairman. This delineation regarding supervision is accompanied by careful attention to the separate responsibilities of attorneys and examiners. The procedure is followed in order to assure due process in accordance with the recommendations of the Attorney General's Committee on Administrative Procedure.8 In the 3½ years prior to December 31, 1944, the Legal Division conducted 21 hearings involving 77 companies, 34 unions, and 5 Government agencies, 2 of which concerned training programs.

The most important hearings were those involving 23 southern railroads and the 14 unions of their employees; the International Brotherhood of Boilermakers and certain west coast shipyards including the Kaiser Co., the Oregon Shipbuilding Co., Western Pipe and Steel Co., the Shipbuilding Division of the Consolidated Steel Corporation, and the California Shipbuilding Co.; the Philadelphia Transportation Co. and the union of its employees; the Los Angeles Railway Corporation; and the St. Louis hearings involving 8 companies.9

The Legal Division is also responsible for general counsel functions. In this capacity, it develops legal opinions for the agency, mainly for the Division of Field Operations with regard to operating problems. But it also writes opinions for the Committee in response to requests from other Government agencies and private parties, subject to the jurisdiction of or connected with the work of the Committee. It has formulated the Committee's statement of its jurisdiction and drafted rules and regulations for Committee hearings procedure. The Division is also responsible for analyzing legislation, court decisions, and the decisions of administrative bodies directly affecting the Committee or relating to the Committee's operations. 10

#### THE DIVISION OF REVIEW AND ANALYSIS

In August 1943, the Division of Review and Analysis was established under the supervision of a Director and an Assistant Director. With the expansion to regional offices, the new Division relinquished all operating activities performed by its antecedent. Compliance was not attempted by correspondence from Washington, but was decentralized as a responsibility of the field staff and carried out on a continuing basis as a matter involving employer relationships. duties of the present Division include operational analysis, program planning, and research and education. These are performed by a staff of 10 people, 7 of whom are professional.<sup>11</sup> In an agency as small as FEPC, complete functionalization is difficult of attainment.

<sup>&</sup>lt;sup>6</sup> See pp. 20-21.

<sup>7</sup> Hearings examiners are no longer attached to the Legal Division, but are merely assigned to it from time to time for special duties.

<sup>8</sup> See the report of the Attorney General's Committee on Administrative Procedure, S. Doc. 8, 77th

Cong., 1st sess.

§ For a complete list of hearings, see appendix, pp. 108-110.

§ For a description of other activities of the Legal Division, see ch. VI, Interpretation of the Executive

<sup>11</sup> This includes Wilfred C. Leland, Jr., Consultant on Program Planning.

It has, therefore, been necessary to place all of those functions which

are nonoperational in one Division.

To facilitate operational analysis, the Division assisted in the development of a docket system and in devising the codes to be used and the form of the docket cards. It is responsible for the collation and analysis of statistical case load data, on which it reports monthly, quarterly, and annually. These operational statistics reveal the nature of the Committee's program and the effectiveness of its work. Through them standards are developed which serve as a test of operational performance. The Division has worked with Field Operations in the evolution of procedures. It conducts administrative audits of operating agreements with the other agencies which investigate complaints at the request of FEPC to determine the effect of such agreements and to provide a basis for recommendations regarding improvement. Review and Analysis still makes compliance surveys from reports sent in from the field and from War Manpower Commission data, but it no longer deals with employers directly.

As has been indicated, the Division is also responsible for program planning. In this regard it assembles, analyzes, and relates all of the data concerning the labor market and war mobilization which in any way affect the utilization of minority group labor. For this purpose it maintains liaison with the War Production Board, War Manpower Commission, Bureau of Labor Statistics, Community War Services, Office of War Information, the War Department, and private and State agencies. This material is channeled through a staff committee which, under the chairmanship of the Director of the Division, makes policy recommendations to the Chairman, the Deputy Chair-

man, and the Committee.

Related to this function are the Division's activities which involve liaison with other Government agencies at the programming level. A representative of the Division sits at the meetings of two subcommittees of the War Production Board's Production Readjustment Committee, but has no voting capacity in the case of one of them. Review and Analysis is also responsible for liaison with the Retraining and Reemployment Administration of the Office of War Mobilization and Reconversion at the programming level and with the War Man-

power Commission in regard to Program Development.

The Division has been required to engage in research concerning the background of the problems before the Committee. It compiles educational material related to the field and develops training data for the staff. Abstracts on all pertinent literature are prepared for the field and central office staff, or, if such literature is in pamphlet or mimeographed form, the material itself is supplied. Continuing studies of industrial race tensions by critical areas are made based on data collected from FEPC field personnel, from Government sources, and a few private organizations. Inquiries received from Government and private agencies and individuals concerning the special information in the Division's files are answered and assistance is given on the research projects and publications of such agencies or persons. Relationships are maintained with professional and civic organizations and with schools working in the field of race relations in industry.

President Roosevelt's request of Government agencies to report on their employment of Negroes is effectuated through Review and



Analysis, which determines the type, time, and manner of reports and negotiates with agencies for submittals. At this writing there have been three Committee studies made of the employment of

Negroes in the Executive Branch of the Federal Government.

The staff also maintains a record of the best techniques which the Committee has developed on the industrial problems with which it is concerned. Analysis is made of the handling of racial strikes in industry and the methods used in arriving at good settlements of complaints of discrimination. The Division is doing independent research on management and union techniques for the integration of Negroes and Mexicans in war industries. This material is made available at conferences of industry, labor, State governments, and interested associations.

Other special research and analysis projects are undertaken by the staff from time to time at the request of the Division of Field Operations, the Legal Division, the Administrative Division, and the Chairman and Deputy Chairman. Respectively, these deal with operational analyses, expert data for hearings and for budget and administrative planning, and material for public appearance, congressional

hearings and the like.

The Division of Review and Analysis is responsible for the preparation of the annual report and for publications explaining the nature of FEPC and its work, such as FEPC: How it Operates.

#### THE ADMINISTRATIVE DIVISION

The administrative functions of FEPC were coordinated for the first time under an administrative officer on August 1, 1942. Supervision of a small staff designated to handle mail and files and responsibility for the maintenance of limited budget controls were assigned to the administrative officer, but the exercise of final control remained in the hands of War Manpower Commission officials. Until the establishment of the new Committee, there was actually no separate administrative unit and approximately three-fourths of the adminis-

trative officer's time was devoted to case handling.

On July 1, 1943, a division was created to manage exclusively the problems of administration for the reorganized FEPC. It assumed the entire administration of the budget, including planning and the management of the Committee's financial affairs. This made necessary a complete audit of the agency's functions in order to establish regulations in conformity with the purposes for which funds were made available to the Committee. The Administrative Division also took over the personnel work of the agency, including the development and administration of personnel policies and procedures and the interpretation of the rules and regulations of the Civil Service Commission and the Bureau of the Budget. In addition, it became responsible for the interpretation to the Chairman and the staff of statutory provisions, Executive orders, Decisions of the Comptroller General, and other administrative rules concerning and involving the obligations of funds.

To meet the need for increased administrative services caused by the establishment of the Committee's regional offices and the expansion of the departmental staff, a working relationship was developed between the Administrative Division of FEPC and the Office for Emergency Management. In this way FEPC's Nation-wide communications, arrangements for the disbursal of checks, and processing of appointments by the Civil Service Commission were handled by employees of the Central Administrative Services. CAS also had responsibility for all accounting and auditing for the agency and controlled its actual cash expenditures by drawing the necessary

warrants, issuing checks, and performing similar services.

In October, the Administrative Division and the Budget Bureau undertook the preparation of the first independent budget justification to be submitted to Congress for approval. In order to make ready for the hearings before the House and Senate Appropriations Committees, a broad program was planned and standards were established for measuring the work load of the Committee's entire personnel. In addition, the expected work load for 1944–45 was estimated, the administrative organization of the Committee planned, along with the agency's needs in regard to travel, communication, and other services. Because FEPC was a new agency seeking a Congressional appropriation for the first time, it was necessary to present a full picture of the Committee's existing and planned organization and functions, offering detailed explanation of its operations in terms of cost and need.

The enactment by Congress on June 26, 1944, of the National War Agencies Appropriations Bill, which included a \$500,000 appropriation for FEPC, which hitherto operated on the President's emergency funds, necessitated the reexamination of the activities of the various divisions by the Administrative Division to make certain that these activities were within the scope contemplated by Congress in providing funds. In addition, through its budgetary and fiscal controls, the Division assisted the Chairman in establishing and regulating

the new program.

In August 1944, it was revealed that the Central Administrative Services of the Office for Emergency Management would be dissolved on November 1 and that a number of fiscal duties therefore would have to be assumed by the Administrative Division of FEPC. By November 1, the Division's staff had reached 20. Its new functions comprehended the determination of the legality of all expenditures made by the agency and of the availability of funds, and also the day-to-day examination of program plans and activities to determine whether such plans and activities conformed with the intent of Congress in making the appropriation. The Division also assumed responsibility for the provision of payment of all obligations and the rendering of various services to the Committee's field and departmental staff.

In more detail, the administrative staff began to handle all fiscal affairs for the agency, departmental and field. Contracts for services rendered to the various offices are examined and approved, and the Division controls items and services purchased as well as their rate of purchase. FEPC's administrative officers must approve all operational expenditures for payment by the Treasury Department and must reconcile the accounts of the Committee with the cash account maintained for FEPC by that Department. It deals directly with the Civil Service Commission in regard to appointments and promotions. It also furnishes such financial reports as may be required by the Treasury, the Bureau of the Budget, and the Congress.

#### THE INFORMATION OFFICE

The Information Office is attached to the Office of the Chairman. It is composed of the Information Officer, his assistant, and secretary and is responsible for liaison with the press and other media of public information, with other Government agencies and private groups. It also has the duty of keeping the staff informed of current events

bearing on the Committee's work.

In carrying out these functions, it answers requests for information from the general public, labor unions, private organizations and business groups; holds press conferences; controls relations with the Office of War Information; assists the Chairman and other members in their public relations activities; provides a clipping service for the headquarters staff; edits and prints a weekly information digest for the entire staff and serves as the channel for all staff and Committee contacts with the press. This latter function includes day-to-day activities as well as coverage of Committee hearings.

One of the most important problems which the Committee has faced has been to achieve public understanding of its work. It is necessary for the public to know the story of the many FEPC cases which are settled by voluntary negotiation and which result in adjustments in this difficult field.

adjustments in this difficult field.

#### Chapter III. Case Handling

#### **PROCEDURES**

#### Definition of a Case

The Committee operates for the most part by means of a case system. A complaint received by the Committee is docketed, becomes part of the reported case load, and requires investigation when it is—

a signed complaint, against a named employer, union, or Government agency,

alleging discrimination,

relating to employment, placement, or training, because of race, creed, color, or national origin.

In addition, verified information pertaining to discriminatory advertisements, placement orders or application forms, as well as evidence of violation of Executive Order 9346 referred to the Committee by another Government agency, may constitute a docketable case. A complaint which lacks one of these elements is not docketed until and unless such information is supplied. Complaints which on their face are deficient for lack of jurisdiction are not deemed docketable cases. For the period beginning July 1, 1943, and ending December 31, 1944, a total of 1,442 nondocketable complaints was reviewed and rejected by the field staff. Multiple docketing is avoided by treating as one case either (1) a complaint by several persons of the same type of discrimination or (2) a complaint by one person of several types of discrimination. Consolidated cases are separable at the time of closing if for any reason like disposition cannot be made regarding either the persons or the issues involved.

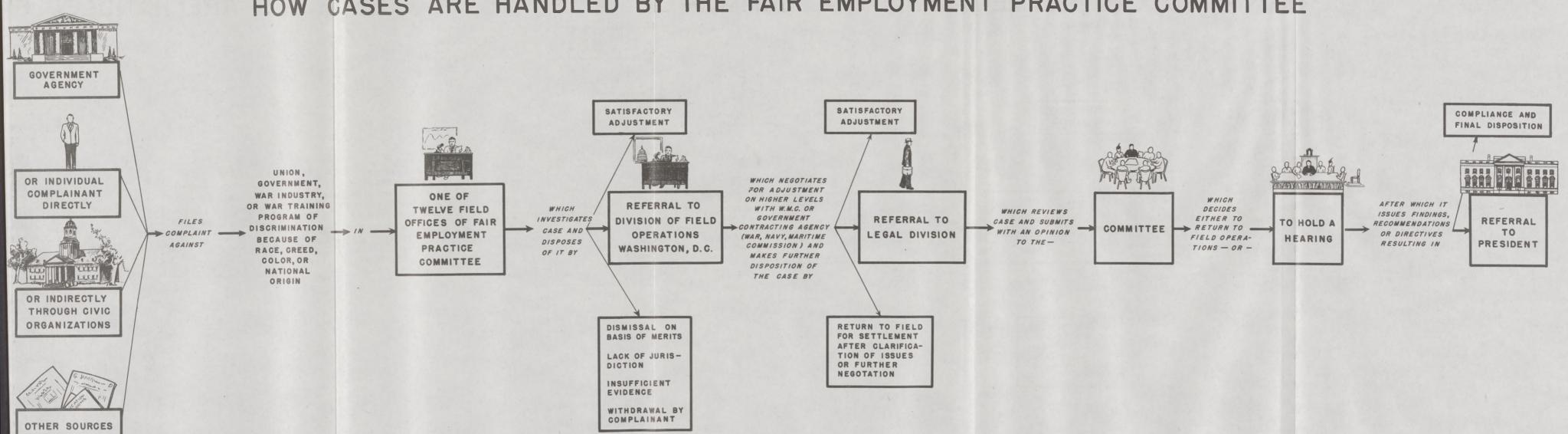
#### Source of Cases

The Committee initiates investigations both on the basis of allegations of discrimination by the parties aggrieved and as a result of complaints received from others acting in their behalf. Thus, civic, religious, and racial organizations may be a source of the cases handled by the Committee. In addition, in some situations the Committee is empowered under the provisions of the Executive order to make recommendations upon its own initiative regarding the elimination of discrimination.

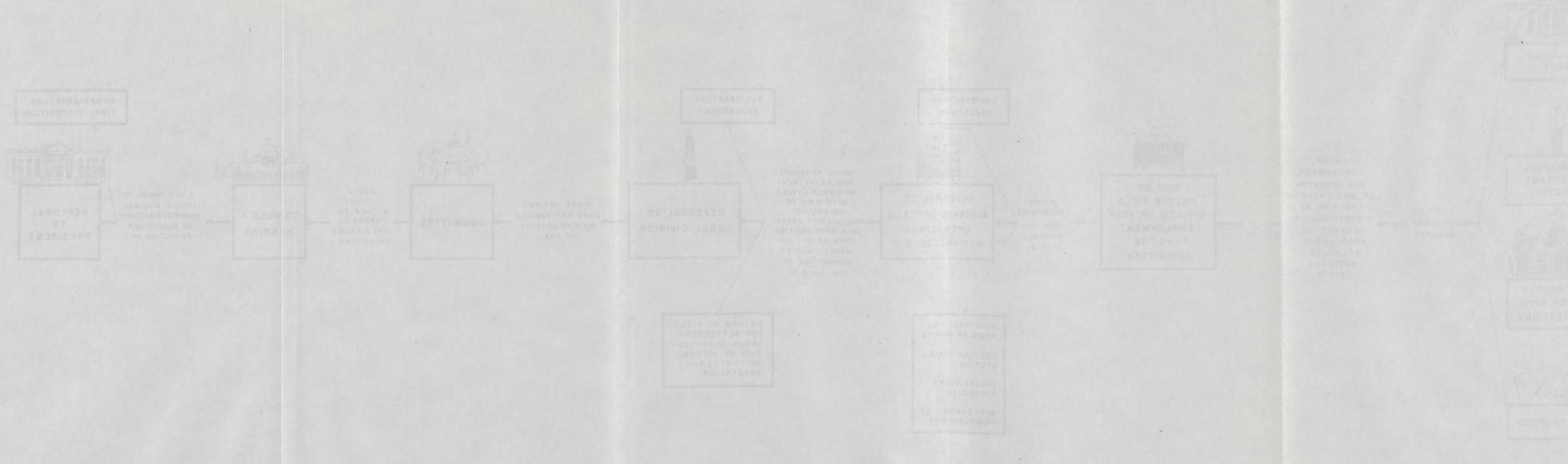
#### Investigation at Regional Level

All cases are filed in the regional office of the area in which the alleged discrimination has occurred. After docketing, the first steps are to obtain from the complainant whatever additional information may be necessary and to check with other sources such as Government agencies or interested parties for material regarding the union,

### HOW CASES ARE HANDLED BY THE FAIR EMPLOYMENT PRACTICE COMMITTEE



### HOW CASES ARE HANDLED BYTHE FAIR EMPLOYMENT PRACTICE COMMITTEE



employer, or Government agency charged. Thereafter, if the fair practice examiner is satisfied that a prima facie case exists, he visits the party charged. After obtaining the latter's version of the facts and comparing it with the complainant's, the examiner then determines if the complaint should be dismissed or further investigation and efforts toward adjustment undertaken. If an employer or union official reminded of his responsibilities under Executive Order 9346 complies with the recommendations of the examiner and the regional director, the case is closed. If a case cannot be adjusted by the usual steps taken at the regional level, the regional office refers it to the Director of Field Operations in Washington. About 5 percent of all cases are handled at the central office on the basis of being unadjustable in the region. An additional 10 percent of the cases is referred on an informal basis for advice and consultation prior to settlement in the field.

#### Definition of Types of Disposition

All cases are closed under one of the following categories: Satisfactory adjustment, dismissed on merits, insufficient evidence, with-

drawn by complainant, lack of jurisdiction, or other.

A satisfactory adjustment of a valid complaint is based upon written commitments, must in no way conflict with the policies of the Committee, and should achieve (a) the elimination of discrimination against the complainant, (b) the cessation of other acts of discrimination in employment discovered during the course of the investigation, and (c) the implementation of a fair employment practice program by the party charged which will serve to prevent future discriminatory acts. A case is dismissed on merits if no discrimination is found after contact with the party charged and a full investigation have been made. A case is closed because of insufficient evidence when its weakness becomes apparent very early in the investigation, making it unnecessary to confer with the party charged. The disposition "withdrawn by complainant" is used only where withdrawal is requested by the complainant. The disposition "lack of jurisdiction" is reserved for those cases where jurisdiction over the party charged is found wanting. Relatively few cases are closed on this basis. But instances arise in which, for example, the complainant has not made clear the exact nature of his employer's business, revealed by later investigation to lie outside the authority of the Committee. All cases not covered by the above dispositions, as in instances of the death of the complainant or the closing of the business of the party charged, are closed as "other."

#### Investigation at National Level

Cases are referred to the Director of Field Operations for further negotiation with the party charged, with national officials of the War Manpower Commission, the contracting agencies of the Government, which include mainly the War and Navy Departments and the Maritime Commission, or with other Government agencies, after efforts at adjustment with their regional representatives have broken down. In some troublesome situations, the dispatching of a fair practice examiner from the Washington office, armed with the additional prestige of that office and perhaps with newly developed information, brings about a satisfactory disposition of the case. Novel or difficult cases are first screened for possible Committee action

in the office of the Director of Field Operations, and new techniques of case handling frequently are devised and tested on the basis of total agency experience by his staff. At this step in the investigation, all of the skills of the headquarters operating and research personnel concerning racial problems in industry are brought to bear upon

seemingly unadjustable cases.

Cases not disposed of by the procedures available to the Director of Field Operations are referred to the Legal Division. Such cases may pose jurisdictional problems, may involve parties already before the Committee or in defiance of previously issued Committee directives, or may require professional services in connection with negotiations leading to settlement. The issues in unadjusted cases are clarified by the legal staff prior to presentation to the full Committee with recommendations for scheduling a hearing.

#### **HEARINGS**

The decision to hold a hearing is not automatic. It is made only after the members of the Committee have agreed upon such action. The hearings conducted by the Committee are essentially fact-finding proceedings the purpose of which is to determine the existence of discrimination, the duties of employers, and the rights of employees under Executive Order 9346. The full Committee may hear the case or may designate a member or panel of members to conduct the hearing, with or without a hearings examiner, or may authorize such examiner to preside alone. Trial attorneys assigned to the Legal Division present evidence in support of the allegations of the complaint and other relevant material to the Committee. Hearings examiners are responsible directly to the office of the Chairman of the Committee. It is the function of a hearings examiner, either when sitting with the Committee or presiding alone, to review the record for the Committee and to prepare a decision for the Committee's approval and issuance. A person serving as hearings examiner in a given case does not participate in the preparation of the case for a hearing, nor in its presentation. Conversely, the person assigned to the case as trial attorney does not participate in the preparation of the decision in the case.

The Committee's hearings are conducted as administrative proceedings. Although not limited by court rules of evidence and procedure, they are grounded in the basic concepts of due process. Ample notice of the hearing and of the specific charges is given to the party charged. Parties may appear in person or be represented by counsel and may examine and cross-examine witnesses and present evidence. The Committee lacks the power of subpena, but usually requests the party charged to present evidence. The Committee has adopted and published formal procedural rules and regulations

governing the conduct of its hearings.1

The rules and regulations incorporate the above-mentioned elements of due process and contain, as well, other constitutional safeguards necessary to assure full and fair hearing. They provide, among other things, for motions, exceptions, briefs, oral argument, reargument, rehearing, and appeal to the President. They allow for issuance, after close of a hearing, of a proposed Committee decision or in lieu thereof the proposed findings and conclusions of counsel, after which a final Committee decision is issued. However, provision is made for a final

<sup>1</sup> December 29, 1944, 8 Federal Register 7183. See appendix pp. 111-113.

Committee decision, supported by substantial evidence, upon the full record in the absence of a prior proposed decision or finding. This is a right reserved for the purpose of enabling the Committee best to serve the public interest and covers the exceptional case where circumstances are such to demand more immediate action than would otherwise be possible.

The Committee's decisions usually consist of findings of fact, conclusions, and directives, although sometimes recommendations have been used in lieu of or in addition to directives. Before the Committee renders a final decision, however, the case may be settled by negotia-

tion, as at any other stage after investigation has commenced.

The Committee's authority to issue directives, in conformity with well-established administrative procedures, is implied in Executive Order 9346 which states that the Committee shall "take appropriate steps to obtain elimination of \* \* \* discrimination."

#### REFERRAL TO THE PRESIDENT

The final step in the processing of cases concerns those few which remain unsettled as a result of noncompliance with Committee directives. Such cases may be referred to the President for final disposition.

#### DISTRIBUTION OF PENDING CASE LOAD

Of the 2,054 cases active with FEPC at all levels on January 1, 1945, 1,553 or 75.6 percent were pending in the regional offices. The distribution of the remaining 24.4 percent was as follows: with the Director of Field Operations, 7.1 percent; Legal Division, 1.3 percent; Committee, 6.6 percent; and with the President, 7.2 percent. In addition, 46 cases or 2.2 percent were alienage cases being held at the central office pending clarification of the Committee's jurisdiction over such complaints.

#### THE ELIMINATION OF DISCRIMINATION

When an employer admits that he is or is found to be discriminating, he is required to make proper remedy in the particular case and to change his recruitment and personnel policies to avoid subsequent acts of discrimination. Actual compliance with the Government's nondiscrimination policy, beyond statements on paper and token hirings, must be measured by subsequent checks to determine whether or not an employer is consistently meeting his labor requirements from all available workers solely on the basis of their skills and qualifications.

Frequently the employer or the union has no idea of how to go about the elimination of discrimination. In such cases, FEPC personnel can provide expert advice and counsel on techniques for integrating minority workers, and frequent revisits are made for this purpose at the employer's request.

#### SANCTIONS

Without recourse to the courts for the enforcement of its directives, FEPC has been able to settle all but a small percentage of its case load. Although noncompliance is ultimately referred to the President in order that his wartime powers may be invoked in its behalf, the Committee has, in the handling of difficult cases, a number of

intermediate sanctions at its disposal. Violation of a war contractor's obligations, brought to the attention of the proper contracting agency, including either the War Department, the Navy Department, or the Maritime Commission, may result in cancelation of the contract or in failure to renew it. Referral of situations involving recalcitrant, employers also is made to the Chairman of the War Manpower Commission under a formal agreement between that agency and FEPC.<sup>2</sup>

Sometimes the application of a single sanction is effective. However, in cases of open and serious defiance of the Government's non-discrimination program, compliance can be achieved by bringing to bear the full power of the war contracting and war regulatory agencies.

<sup>&</sup>lt;sup>2</sup> See ch. IV, p. 24.

## Chapter IV. Interdepartmental and Regional Relations and Agreements

#### THE EFFECTIVENESS OF COOPERATION

The Committee has found that cooperation with other Government agencies and with organizations of various types has aided its operating program extensively. As previously stated, negotiation with these agencies and groups takes place at all levels of Committee activity. It involves the utilization of all procedures leading to adjustment and sometimes requires the application of sanctions. In addition to many informal working relationships, FEPC has formal operating agreements with seven Government agencies and one international labor union. In a number of cases, the Committee's regional directors, negotiating on a local basis with the regional representatives of other agencies, have established agreements which ultimately result in the signing of national agreements. Conversely, these directors have arranged frequently for local supplementation of the national program to meet regional needs. Such regional relationships, however, do not give the field staff authority to undertake any activity or obligation which is contrary to Committee policy as established in Washington.

#### FORMAL AGREEMENTS

War Manpower Commission—August 2, 1943

The War Manpower Commission is primarily responsible for the wartime mobilization of the Nation's manpower. Its administrative machinery is based upon comprehensive procedures for the training, placement, and utilization of all workers. Employees of WMC are instructed to make a positive effort to eliminate discrimination in carrying out this program. They are required to refer and classify workers without regard either to race, creed, color, or national origin or to discriminatory specifications on the part of employers. Because the agency is able to reach discriminatory employment practices at an important source, the use of its staff and facilities is especially important to FEPC. In accordance with the operating agreement, WMC personnel are to handle complaints and evidence of discrimination received originally by the agency in the course of its regular work. Specific procedures have been established to deal with the various types of cases, the agreement providing that in each WMC regional office one staff member shall be assigned to coordinate the agency's activities in regard to discrimination and to cooperate with the regional or central office of FEPC.

When discriminatory hiring orders or training requirements are received by a local office of the United States Employment Service, they are not to be cleared. In addition, efforts must be made to

persuade the employer or training agency to conform with national policy by removing the discriminatory specifications. If adjustment is not obtained within 10 days, a USES 510 report is to be submitted to the appropriate regional director of FEPC. After consultation, additional time may be allowed for WMC representatives to adjust the case. If there is no settlement within the allotted period and no request for additional time, or in the event that the adjustment made is not satisfactory to FEPC, the Committee's regional office then processes the case. It is agreed that the WMC regional staff shall

continue to offer every possible assistance.

Following similar procedures except for the type of form used in preparing reports, WMC also has a responsibility to take steps to eliminate discrimination in war training which is reported by sources other than local employment offices. In those States which by law require separate training facilities, the War Manpower Commission's regional offices are instructed to review State and local training programs and to eliminate therefrom any discriminatory features. Staff personnel who encounter discrimination in connection with other parts of the WMC program are required by the operating agreement to investigate the situation and follow the most appropriate of the above procedures.

If a complaint is received from the public against an employer with whom the WMC has no contact, the complaint is referred immediately to the FEPC regional director. On the other hand, the regional director of the Committee may at times submit a request for action directly to WMC. In cases of this sort, a report must be made to FEPC after 10 days. If no request for additional time is made by WMC or if the request is denied, the case reverts to the Committee.

Regional instructions of the WMC concerning nondiscrimination in some cases have gone beyond those in the national manual of operations. An outstanding example is the Commission's office in region II, where a far-reaching program has been defined. For this area, the Commission makes a very detailed explanation of what practices shall be considered discriminatory and describes what steps shall be taken to eliminate them. To carry out the program there exists a Regional Staff Committee on Discrimination, composed of employees of the Commission appointed by the regional director and responsible to her, which advises and assists the director in matters of policy and procedure. As a sanction automatically applied, region II-WMC denies referral service to employers and training agencies on a discriminatory order. It also suspends or denies such service when FEPC certifies that an employer or training agency is engaged in discriminatory practices. It defines segregation in employment as a form of discrimination. The procedures which govern the processing of 510 reports insure the receipt of complete information by top level regional officials of both WMC and FEPC early in the investigation. Region II-WMC also has outlined special procedures for cooperation between the Railroad Retirement Board and the Commission concerning nondiscrimination, while other agencies and organizations "to which WMC functions have been delegated" including the War Shipping Administration and the Civil Service Commission, are required to observe nondiscriminatory policies.

To implement the provisions of the agreement and to discharge its over-all responsibilities regarding manpower utilization, WMC may

apply various sanctions. These sanctions may be invoked upon its own initiative or upon request by FEPC. The sanctions include the granting of certificates of availability to the employees of noncomplying employers or the withholding of such certificates from employees who protest or strike over the employment of minority workers. WMC may refuse entirely its recruitment and referral services, the only channel through which male workers may be obtained. It may reduce the employment ceiling of an employer or revoke the priority of referral to him, a sanction that not only delays his schedule but deprives him of the most qualified persons available.

The Maritime Commission—September 27, 1943

The procedure for handling cases against all plants operating under contract with the Maritime Commission is the same for Government-owned and privately owned establishments. An examiner in processing a case against a plant under contract with the Maritime Commission establishes contact with the highest ranking regional representative of the Commission, informs him of the complaint, and requests his 'cooperation' in dealing with the party charged. This representative then attempts to obtain compliance with the Executive order. If he is unsuccessful there are conferences with representatives of the party charged, the Maritime Commission, and FEPC. If no compliance is achieved in the region, conferences are held on a national level, between high-ranking officials of the two agencies. Continued noncompliance after such negotiations results in referral to the full Committee.

Civil Service Commission—November 5, 1943

The rules of the United States Civil Service Commission forbid discrimination against or in favor of any applicant, eligible, or employee because of race or religion. It has been agreed formally that the Commission will submit to FEPC copies of all complaints which allege such discrimination. Reports of action taken in these cases by the Civil Service Commission also are submitted to the Committee. If a report is not satisfactory to the Committee's regional director, the case is docketed in the regional office, with the Civil Service Commission given as the source of the complaint, and thereafter is processed according to regular FEPC procedure.

Before the issuance of formal instructions by the Committee's

Before the issuance of formal instructions by the Committee's central office, several of the regional directors already had established working relationships on a regional level with the Civil Service officers in their regions. In April 1944, all regional directors were advised to negotiate regional agreements which would allow for (1) direct reporting to the FEPC regional director on all complaints filed with the local Civil Service Commission and (2) cooperation in the investigation of complaints filed with FEPC against Government agencies in the region. These now have been completed for all regions.

The Civil Service Commission assumes no jurisdiction over complaints in which there are allegations of discrimination pertaining to working conditions and work assignments. In cases of this sort, the complainant is advised that he may take up the matter with officials of the employing agency. If he requests that Civil Service establish contact with the appropriate officials in his behalf, copies of the complaint and of letters written to the employing agency by officers of the Civil Service Commission are submitted to the Committee on Fair

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Employment Practice. If the complainant does not indicate that he desires further action on the part of the Commission, the case is regarded as closed and no report to FEPC is deemed necessary.

The National War Labor Board—March 11, 1944

The operating agreement between the Committee on Fair Employment Practice and the National War Labor Board serves as a basis for the exchange of information rather than for the development of procedure. Upon request, the National War Labor Board or one of its regional boards will inform the Committee if it has on its dockets any cases pending before the National or Regional War Labor Boards. The WLB also will receive the Committee's findings and determinations in any case pending before the National or Regional War Labor Boards and will give appropriate consideration to these findings and determinations. Informal working relationships have been established between the regional representatives of both agencies.

#### Office of Labor Production, War Production Board—May 30, 1944

This office is concerned with labor problems as they affect war production. It attempts to diminish friction, stimulate increases in production, correct inadequate labor utilization, and solve problems relating to industrial health and safety, worker transportation, and war housing. The agreement between the Office of Labor Production and the Committee on Fair Employment Practice was established primarily to coordinate the operations of the two agencies, providing for exchanges of information to prevent overlapping of functions and duplication of effort. It is the responsibility of FEPC to advise OLP of any labor difficulty encountered in the course of its work which affects war production and of any situation in which efforts to eliminate discrimination are being hampered by the practices of a labor organization. On the other hand, OLP refers promptly to FEPC any complaint of discrimination which reveals violation of Executive Order 9346 and advises the Committee of any discriminatory practices within FEPC jurisdiction which it discovers during its routine operations. OLP consults FEPC before intervening in any situation involving racial tension, disputes between whites and nonwhites, or alleged violations of Executive Order 9346, and there is joint negotiation wherever action by both agencies is desirable.

#### War Shipping Administration—June 16, 1944

Among its duties the War Shipping Administration recruits and refers seamen to vessels, operating through the regional offices of its Recruitment and Manning Organization. RMO has issued instructions to its representatives to recruit and refer seamen without regard to race, creed, color, or national origin. Seamen who are aliens are registered subject to the laws and security regulations governing noncitizens. When an employer or union submits a discriminatory request for seamen, RMO representatives advise this employer or union that seamen are referred in the order in which they are registered. If a seaman is denied employment because of race or creed, the employer or union is informed of the provisions of Executive Order 9346. Deviations from the rotary system which result in assignment on the grounds of race, creed, or color are made only in order to prevent delay in sailing or to assure efficient utilization of a vessel. In cases of this sort, a report is made to the Assistant Deputy Administrator

of RMO, with a copy to the Assistant Deputy Administrator for Maritime Relations of the WSA. Reports are sent through the same channels whenever complaints of discrimination are received by these agencies. The War Shipping Administration's Assistant Deputy Administrator for Maritime Labor Relations furnishes the Committee on Fair Employment Practice with copies of such reports and, upon request, discusses them with Committee representatives. If no agreement is reached, the matter is referred to the full Committee.

## War Department—November 24, 1944

This agreement authorizes FEPC representatives investigating charges of discrimination against War Department plants to hold "\* \* full discussions of charges on a local level before the preparation and submission of formal complaints." Thus, an examiner who has determined that there exists a prima facie case against a Government-owned and operated plant, a Government-owned, privately operated plant or a privately owned plant may request conferences with the establishment's commanding officer or with the plant representative.

If no compliance is obtained through negotiation at the regional level, the matter is referred to the Director of Field Operations in Washington and then is brought to the attention of the appropriate War Department officer. Should the ensuing disposition be unsatisfactors to EFPC the restant and the full Correction.

factory to FEPC, the matter is referred to the full Committee.

# Navy Department—December 9, 1944

In addition to providing for conferences between Navy and FEPC officials to discuss "policies, procedures, and practices of general interest," this agreement describes a detailed procedure for the handling of complaints of discrimination against naval shore establishments.

The chief features of the procedure are as follows:

(a) When investigating cases involving discharged employees or applicants for positions, FEPC representatives, after determining the existence of a prima facie case, may request a report from the appropriate naval establishment. Such requests may be handled through informal discussion between representatives of the Navy and of FEPC or through formal correspondence. FEPC representatives may be requested to be present at and to assist in investigations made by the Navy in developing facts for its report. If the report and findings of the Navy are not satisfactory to FEPC, the matter is referred to Washington, where the Committee's Division of Field Operations may appeal to the Navy Department for further consideration of the case.

(b) Complaints of discrimination involving employees of naval establishments are handled according to Navy grievance procedure. FEPC regional representatives, when presented with cases of this type, are to inform the employees concerned of their right to raise their questions as employee grievances. At specific stages of this grievance procedure, FEPC officers may represent employees, serving as Government representatives concerned with the effectuation of national policy rather than as individuals appearing on behalf of the employees. If an employee is dissatisfied with the decision of the Department in regard to his grievance, he may appeal to FEPC for further assistance. The Division of Field Operations, receiving such an appeal from the FEPC regional office, refers the case to the Navy

Department for further consideration. If the Navy Department's disposition of the complaint is unsatisfactory to FEPC, the matter is referred to the full Committee.

# United Automobile, Aircraft and Agricultural Implement Workers of America, CIO—August 26, 1944

The first operating agreement to be established between the Committee and a labor union provides for procedures to be followed by FEPC Examiners in processing all cases in which the UAW is the party charged or in which a UAW-CIO local or organizing committee exists in the plant of the party charged. The union, through its Fair Practice Committee, cooperates with FEPC in the investigation and the adjustment of all cases brought to the attention of the UAW and has issued to all union personnel instructions designed to implement

such cooperation.

When a case which lies within the scope of the agreement has been docketed and appears sufficiently meritorious to warrant contact with the employer or the union, the regional office of the Committee submits to the UAW-CIO Fair Practices Committee a summary of the complaint, the findings to date, and a statement of what action, if any, is requested of the UAW local or organizing committee. Before any such case is referred to the Director of Field Operations, the FEPC regional office sends a summary to the UAW-CIO Fair Practices Committee specifying what action is desired from the international union. If this action is not taken or does not bring adjustment within a time period set by the regional director, the case is referred to the Director of Field Operations.

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# Chapter V. The Statistical Analysis of the Committee's Work

## SUMMARY OF CASE ACTIVITY

#### Cases Docketed

The Committee's system of case docketing serves as a means of maintaining a permanent record of all case action. It affords a detailed description of each complaint or group of complaints, supplying such information as the type of party charged, the reason for discrimination, the type of discrimination, case status, and all other pertinent data necessary in addition to the narrative record for a complete case history. Altogether there are some 240 items coded on the docket cards. Only those complaints possessing all the essential elements of a valid case <sup>1</sup> are docketed and reported. The following statistical analysis of the Committee's activities covers

those complaints which were found to be docketable.

On July 1, 1943, when the new Committee began to function, there were pending 1,052 cases. Between July 1, 1943, and June 30, 1944, the regional staff received 4,081 complaints, an average of 340.1 per month.<sup>2</sup> Thus, a total of 5,133 cases was on docket during the fiscal year, a fifth of which represented cases inherited from the old Committee. During the last 6 months of 1944, the field staff docketed 1,722 cases, making a total of 5,803 docketings for the 18-month period ending December 31, 1944, an average of 322.4 a month. Considering the backlog of 1,052 cases in addition to the 5,803 new complaints recorded, there were 6,855 cases on docket during the period July 1, 1943, through December 31, 1944. Of this total, cases carried over from the former Committee formed 15 percent. The chart on page 30 reflects cases on docket for the 18-month period, cases closed, and cases pending as of January 1, 1945, by region. It is important to note that in practically every office, the field examiners disposed of more than 50 percent of the cases on docket.

# Cases Closed

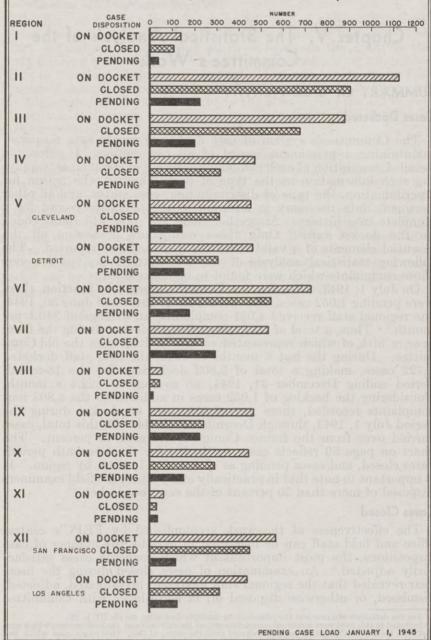
The effectiveness of the work accomplished by FEPC's central office and field staff can be measured in part by the number of case dispositions, the most important of which concerns cases satisfactorily adjusted.<sup>3</sup> An examination of cases closed during the fiscal year revealed that the regional staff analyzed, investigated, adjusted, dismissed, or otherwise disposed of, in accordance with Committee

For the definition of case dispositions, see ch. III, p. 19.

<sup>&</sup>lt;sup>1</sup> For the definition of a case and the procedure for multiple docketing, see ch. III, p. 18.
<sup>2</sup> Included in this total were numerous complaints against the railroads and the Boilermakers which were filed with the former Committee but not docketed until the spring of 1944. Thirty-two cases which had been closed but subsequently redocketed when additional evidence was presented to warrant further action also were included.

# TOTAL CASES ON DOCKET, CLOSED, AND PENDING

BY REGION, JULY 1, 1943 - DECEMBER 31, 1944



policies, 3,030 cases, at the rate of 252.5 a month. Cases satisfactorily adjusted during this period accounted for 1,099 or 36.3 percent of all

cases closed.

Between July 1, 1944, and December 31, 1944, examiners closed 1,771 cases, with closings for this 6-month period exceeding docketings by 49. For the 18-month period, satisfactory adjustments numbered 1,723, averaging a fourth of the 6,855 cases on docket and 35.9 percent of the total 4,801 closed. It should be noted that cases were adjusted satisfactorily at the rate of 95.7 per month. The remaining 3,078 cases were given the following disposition: cases dismissed on merits, 1,505, or 31.3 percent; cases dismissed because of insufficient evidence, 623 or 13 percent; cases falling without the Committee's jurisdiction, 195 or 4.1 percent; and cases given "other" dispositions, 427 comprising 8.9 percent. Three hundred and twenty-eight cases forming 6.8 percent were withdrawn by the complainants. The cases in the various dismissal categories represent allegations of discrimination which would have remained as continuing disputes had they not been subjected to a careful examination by a third party.

The chart on page 32 shows cases closed, by type of disposition and by region. It can be seen that in most of the offices, cases satisfactorily

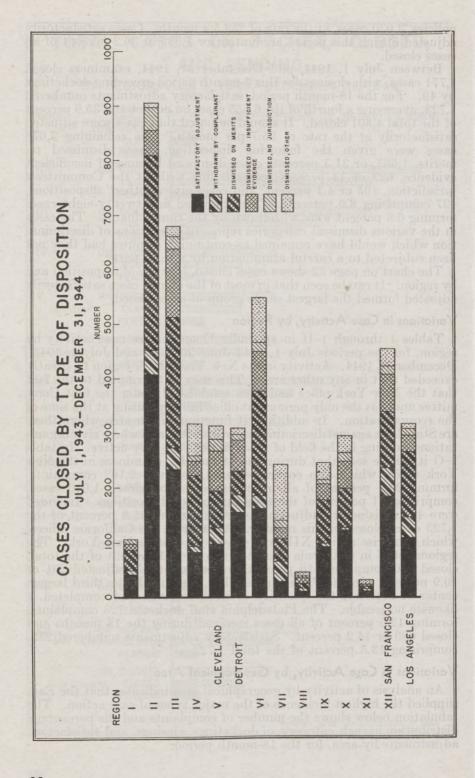
adjusted formed the largest single group of cases closed.

# Variations in Case Activity, by Region

Tables 1 through 1-H in appendix E summarize case activity by region, for the periods July 1, 1943-June 30, 1944 and July 1, 1943-December 31, 1944. Activity in the New York office, region II, greatly exceeded that in any other area. This may be attributed to the fact that the New York office had been established under the first Committee and was the only permanent office fully operating at the time of the reorganization. In addition, it functions in an area where there are State laws against discrimination in industry and where civic organizations working in the field of race relations are very active. In table 1-G it can be seen that during the 18 months, examiners in the New York office, which also covers region I, received 1,162 complaints, forming 20.1 percent of all incoming cases and closed 1,010 cases, comprising 21 percent of the total number of dispositions. Included were 447 satisfactory adjustments amounting to 25.9 percent of the 1,723 cases closed in this manner. Activity in the California offices, which comprise region XII, was second to that in New York. The regional staff in California docketed 935 or 16.1 percent of the total, closed 770 comprising 16 percent, and satisfactorily adjusted 291 or 16.9 percent. In the Philadelphia office, region III, the third largest center of activity, the quantity of work received and completed is likewise noticeable. The Philadelphia staff docketed 723 complaints, forming 12.5 percent of all cases received during the 18 months and closed 680 or 14.2 percent. Satisfactory adjustments numbered 232, comprising 13.5 percent of the total 1,723.

# Variations in Case Activity, by Geographical Area

An analysis of activity by geographical area indicates that the East supplied the highest incidence of the major types of case action. The tabulation below shows the number of complaints and the percentage distribution in each category, of docketings, closings, and satisfactory adjustments by area, for the 18-month period:



# DISTRIBUTION OF CASE LOAD

JULY 1943 - JUNE 1944



THE LESS - THRE TOTAL

Area	FEPC regions	Complaints docketed	Percent of total	Cases closed	Percent of total	Cases satisfactorily adjusted	Percent of total
Total	Floresserva ha	5, 803	100.0	4,801	100.0	1,723	100.0
East South Midwest Far West	I-II-III. IV-VII-IX-X V-VI-VIII. XI-XII.	1, 885 1, 670 1, 265 983	32. 5 28. 8 21. 8 16. 9	1,690 1,098 1,213 800	35. 2 22. 9 25. 3 16. 7	679 321 422 301	39. 4 18. 6 24. 5 17. 5

A heavy concentration of cases in specific areas is by no means an indication that discrimination is more prevalent in those sections of the country than in others. It may reflect, among other things, only the length of FEPC operation or the amount of activity by civic organizations in the region. The number of cases satisfactorily adjusted is to a degree related to and determined by the problems inherent or peculiar to each region. Although the second largest number of complaints originated in the southern region, in regard to total closings and satisfactory adjustments reached, this area became third. In the Midwest where fewer complaints were received, the number of satisfactory adjustments obtained was above that for the South. Complaints received and disposed of in the far West formed the fourth group. There was little difference between this section and the southern region, with respect to the number and proportion of cases satisfactorily adjusted. However, the low satisfactory adjustment rate of the far West can be explained chiefly by the large number of complaints against the Boilermakers.

An analysis of complaints docketed between July 1, 1943, and June 30, 1944, by labor market area discloses that a large number of complaints were filed in war production centers where nonwhites form a significant part of the total population or of the inmigrant war labor force and where the value of defense contracts amounted to at least \$1,000 per capita. As the attached map indicates, in seven areas, namely, the New York metropolitan area, Philadelphia, Washington, D. C., Detroit, Chicago, Los Angeles, and the San Francisco Bay area, complaints docketed ranged from 100 to well over 200. The analysis indicates further that there are a considerable number of areas in which there are large proportions of minority workers, but relatively few complaints, a fact which no doubt reflects cultural patterns.

# Case Activity by Month

The steady rise in the number of complaints received between July and November 1943, was a result of the expanding operations of the regional offices. During the first month of the new Committee, complaints of discrimination occuring in all sections of the country, except region II, were received in the central office. Between August and November, however, eight regional and two subregional offices were established and by December 1, 1943, all complaints were being filed in the regional office of the area in which the alleged discrimination had occurred.

Table 1-H shows the number and percent distribution of cases docketed, closed, and satisfactorily adjusted, by month. Charges of discrimination increased from 256 in July 1943, representing 4.4 percent of cases for the 18 months, to 391 or 6.7 percent in October 1943. From November through February 1944, the number fluctuated between 383 and 355. In March, however, cases docketed

reached a peak of 439 comprising 7.6 percent and in May, 400 forming 6.9 percent. Complaints filed in June and October 1944, decreased to the lowest number ever received, 242 or 4.2 percent for each month. The peak periods were far above the general average of 322.4 complaints per month and were more or less considered as abnormal times. As has been pointed out, the deviation from the normal monthly trend was caused by the inclusion in March and May 1944, of the car-

ried over railroad and Boilermakers' cases.

More significant than the rise in the number of complaints received, since these have been consistently high, is the increase in the number of cases closed, especially in regard to those receiving satisfactory adjustment. The increase both in total cases closed and cases satisfactorily adjusted, is similarly related to the opening of regional offices. Cases closed rose from 3 or 0.1 percent in July 1943, to 334 in November 1943, constituting 7 percent of all the cases closed between July 1, 1943, and December 31, 1944. Satisfactory adjustments increased from 2 or 0.1 percent in July to 140 in November 1943, representing 8.1 percent of all cases so adjusted for the 18-month period. It can be seen by further reference to table 1–H that a monthly average considerably above the general level of 95.7 satisfactory settlements was maintained during 9 of the 18 months.

These monthly changes also are illustrated by the chart on page 35. It should be pointed out that closings cut deeply into the pending

load in April, June, August, October, and November of 1944.

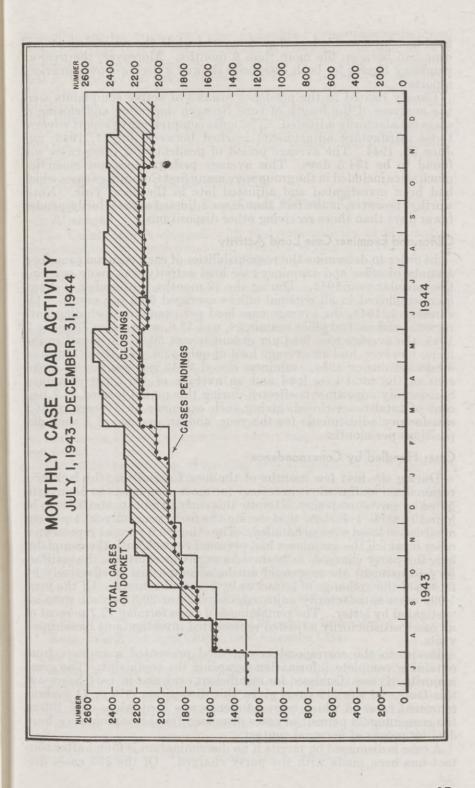
# Cases Pending

At the end of the 18-month period, the Committee had on docket 2,054 cases. Of this total, 1,553 or 75.6 were pending at the regional level while 501 or 24.4 percent were on file in the central office. The headquarters case load was distributed as follows: 146 pending in the office of the Director or Field Operations; 27 in the Legal Division; 135 awaiting issuance of or compliance with Committee directives; 147 pending Presidential action; 46 complaints of aliens, action on which was suspended until clarification of Committee jurisdiction.

As has been mentioned in this report, FEPC sanctions depend to a large extent upon the action of war contracting or regulatory agencies. The Boilermakers' cases comprised, as of December 31, 1944, most of the cases awaiting compliance with Committee directives. The cases against the railroads and railway brotherhoods constituted those in the President's hands. Pendency at these levels is therefore

heaviest for the South and the west coast areas.

Much has been accomplished by way of reducing pending case loads and the length of time between docketings and closings. The first two pendency reports made during 1944 reflected a significant accumulation of cases falling in the group pending 6 months and longer. This was a result both of the large inherited case load and the unavoidable delays in processing cases filed with regional directors during the early stages of setting up the field offices. The regional staff, which had been devoting most of its time and effort to current cases, was requested to lower the pending load by ridding the files of as many old cases as possible. The results of this special program were apparent in the third and fourth reports made during the year. The fourth study, covering the 1,559 cases pending at the regional level on December 1, 1944, showed that 59 percent of the total case



load had been on file less than 6 months while the remaining 41 per cent had been on file more than 6 months. Moreover, the over-all pendency figures for both categories showed a decrease over previous

reports

Closely related to the pendency studies of active complaints were the analyses of the length of time between docketing and closing of cases satisfactorily adjusted. The most comprehensive report covered those satisfactory adjustments reached between July 1, 1943, and June 30, 1944. The average period of pendency for these cases was found to be 134.5 days. This average perhaps does not mean too much since included in the group were many first Committee cases which had been investigated and adjusted late in the fiscal year. Noteworthy, however, is the fact that cases adjusted satisfactorily pended fewer days than those receiving other dispositions.

# Office and Examiner Case Load Activity

In order to determine the responsibilities of each regional examiner, a study of office and examiner case load activity was made covering the calendar year 1944. During the 12 months, the number of examiners employed in all regional offices averaged 36.6 per month. On January 1, 1944, the average case load per examiner, including both regional and central office examiners, was 53.6, whereas on January 1, 1945, the average case load per examiner was 50.0. Regional examiners, however, had an average load of only 42.0. Of the 5,766 cases on docket during 1944, examiners closed 3,712 representing 64.4 percent of the total case load and an average of 101.7 per examiner. Satisfactory adjustments effected during this period formed 35.7 percent of total cases closed, giving each examiner an average of 36.2 satisfactory adjustments for the year, and an average of 3 such dispositions per month.

# Cases Handled by Correspondence

During the first few months of the new Committee, the lack of a regionalized staff made it necessary for most complaints to be investigated by correspondence. Despite this early handicap, statistics to be found in table 1–F show that during the fiscal year only 30.4 percent of all cases closed were so handled. The other 69.6 percent represented cases in which the examiners had personal contact with the complainant, the party charged, or both. As might be expected, the satisfactory adjustment of cases could not be accomplished as effectively by means of the exchange of letters as by personal contact. Of the total 1,099 cases satisfactorily adjusted, only 223 or 20.3 percent were investigated by letter. The remaining 876 cases forming 79.7 percent of all cases satisfactorily adjusted represented investigations based upon visits.

Resort to the correspondence method prevented examiners from obtaining complete information regarding the complaint. The great majority of cases dismissed for insufficient evidence in part bears out this fact. Of the 449 cases given this disposition, 319 or 71 percent represent cases in which correspondence was used while only 130 or the remaining 29 percent of cases dismissed for this reason were handled by means of personal contact.

A case is dismissed on merits if no discrimination is found after contact has been made with the party charged. Of the 895 cases dis-

missed on merits, 701 or 78.3 percent received personal investigation, indicating that it is to the advantage of the party charged to have personal contact established. With regard to the other dispositions, that is, withdrawals, cases dismissed for lack of jurisdiction, and those classified as "other," the majority were cases in which there was personal contact of some form. These figures emphasize the fact that only through direct interviewing can examiners obtain the necessary information regarding the practices and policies of employers charged with discrimination and the local problems which affect the complaint in question.

## THE REASON FOR DISCRIMINATION

# Distribution of Complaints: by Race, Creed, National Origin, and Alienage 4

The Committee is charged with the responsibility of eliminating discrimination in employment in war industries and Government service because of race, creed, national origin, or alienage. A comprehensive study of the complaints received by it emphasizes that Negroes are the minority group against whom discrimination is practiced most frequently. Of the 4,081 complaints docketed during the fiscal year, 3,298 comprising 80.8 percent represented allegations of discrimination because of race. Practically all of these, 3,188 or 96.7 percent involved Negroes while only 110 forming 3.3 percent concerned other non-Caucasians.

Charges of discrimination because of creed numbered 355 or 8.7 percent of all complaints received. Most of them, 258 or 72.7 percent came from Jews. Seventh-day Adventists, Jehovah's Witnesses, Catholics, and other religious groups also encountered discrimination. For the most part this involved the restriction of employment opportunities as a result of questions about religious beliefs on applica-

tion forms.

Discrimination because of national origin accounted for 6.2 percent or 253 of the complaints docketed between July 1, 1943, and June 30, 1944. Of this total, the majority or 182 comprising 71.9 percent involved Mexican complainants. A lesser number of complaints was received from Italians, Germans, Chinese, Japanese-Americans, and other nationals. Complaints received from aliens constituted 4.3 percent or 175 of all incoming cases.

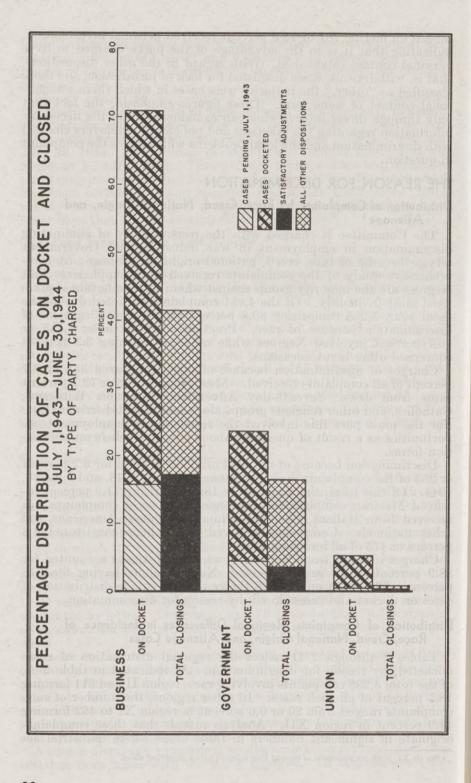
Charges received from Negroes, Jews, and Mexicans accounted for 88.9 percent of all cases docketed, Negroes alone having filed 78 percent. The chart on page 38 shows the percentage distribution of

cases on docket and cases closed, by reason for discrimination.

# Distribution of Complaints: Regional Differences in Incidence of Race, Creed, National Origin, and Alienage Cases

Tables 2 through 2–D reflect the regional distribution of cases docketed, by reason for discrimination. As indicated in table 2–A, of the total 3,298 complaints involving race, region II had 611 forming 18.5 percent of all such cases. In other regions, the number of such complaints ranged from 20 or 0.6 percent in region XI to 492 forming 14.9 percent in region XII. Analysis reveals that these complaints originate in significant numbers in those areas where industrial ac-

<sup>4</sup> See ch. VI, p. 49, for statement of present Committee's policy regarding aliens.



celeration has resulted in considerable inmigration of Negro labor. Region II also reported the largest number of creed cases, a total of 152 or 42.8 percent of all cases in this category. Since a large proportion of the Jewish population resides in New York, this concentration

is to be expected.

Similarly, complaints because of national origin were concentrated in those areas in which the majority of Mexican nationals and Spanish-Americans reside. Of the total 253 complaints because of ancestry, 115 totaling 45.4 percent were filed in region X, while 77 or 30.4 percent came from the west coast area, region XII. Alien complaints received were more or less evenly distributed between regions II, III, VI, and XII.

Table 2-B shows the number of complaints by reason for discrimi-

nation on a regional basis and the percentage distribution within each It will be noted that in every regional office complaints of discrimination because of race were more frequent than for any other category. The distribution ranged from 53.4 percent in Los Angeles, suboffice of region XII, to 95.6 percent in regions VII and IX. cant differences were noticeable, however, in regions II and X. region II, the 152 creed cases formed 18.5 percent of the total docketed in that area, while in region X, the 115 national origin complaints constituted 35.7 percent of that region's total complaints.

A further break-down of the reason for discrimination, as may be seen in tables 2-C and D, shows that the overwhelming number of cases received in each region were from Negro complainants. Complaints from this minority group varied from 20 filed in region XI to 596 recorded in region II. It will be noted that the majority of complaints from Jews, Catholics, Germans, and Italians developed in eastern regions, while practically all Mexican cases were filed in the Southwest and west coast areas. There is little geographical concentration

of complaints from aliens.

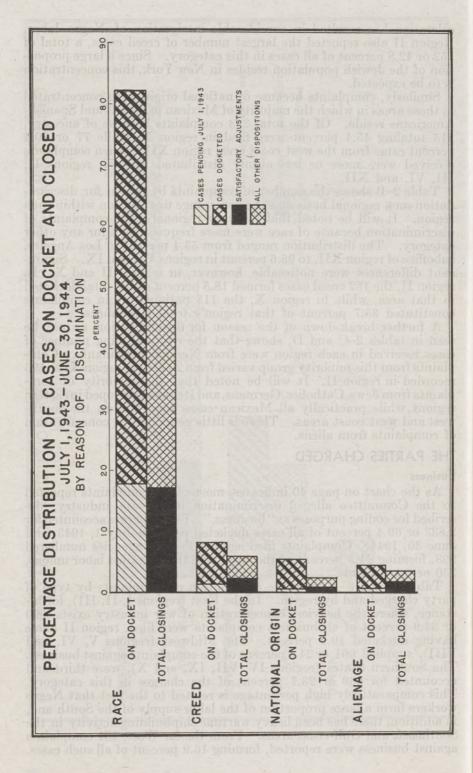
# THE PARTIES CHARGED

#### Business

As the chart on page 40 indicates, most of the complaints reported to the Committee alleged discrimination in private industry, described for coding purposes as "business." These charges accounted for 2,833 or 69.4 percent of all cases docketed between July 1, 1943, and June 30, 1944. Complaints filed against Federal agencies numbered 998, forming 24.5 percent of the total, and those against labor unions.

250 or 6.1 percent.

Tables 3 and 3-A show the distribution of complaints by type of party charged and by region. In the East (regions I, II, III), for instance, where the heaviest concentration of war industry exists, 990 or 34.9 percent of all business complaints were filed, region II alone having docketed 19.9 percent. The Midwest (regions V, VI, and VIII), supplied 661 or 24.5 percent of the complaints against business. The Southern States (regions IV, VII, IX, and X), were third and accounted for 669 or 23.7 percent of the charges in this category. This comparatively high percentage is related to the fact that Negro workers form a large proportion of the labor supply of the South and, in addition, there has been heavy wartime shipbuilding activity in the Southeast, and Gulf-coast areas. From the far West, 481 complaints against business were reported, forming 16.9 percent of all such cases.



#### Government

A comparison of complaints against Government establishments showed that 400 or 40 percent came from the East and 308 or 30.8 percent from the South. In both regions, many Army depots, Navy shore establishments, and field offices of the Federal Government have been established and, in addition, in the regional definition used in this analysis the South includes region IV at Washington, D. C., where the departmental offices of the Federal Government are located. These two areas alone, the East and the South, supplied 70.8 percent of all Government complaints. Of the remaining 29.2 percent, 15.9 percent were reported from the Midwest and 13.3 percent were filed in the far West.

#### Labor Unions

Charges against unions were more prevalent in the South than in any other section. Region VII supplied 62 or 24.8 percent, which constituted the majority of the 92 complaints in this section. The East and far West each reported 63 and the Midwest 32. This perhaps indicates the area in which Negroes participate in union activities. In the Midwest, for example, Negroes are well integrated into the industrial unions and in several instances hold important offices. In other sections of the country, especially the South and West, the craft unions which predominate in war industry either refuse to admit Negroes to membership or grant them limited status.

As reflected in table 3-A, charges against business formed more than half of the total complaints made in each region, except IV. In region IV, complaints against Government agencies formed 52 percent

of all charges made.

Comparisons: Reason for Discrimination Related to Party Charged

Tables 4 through 4–B give a complete account of cases docketed by reason for discrimination in relationship to parties charged. Of total complaints against business, 2,243 or 79.2 percent represented allegations of discrimination because of race, while of total charges against Government agencies and labor unions, such discrimination constituted 82.8 percent and 91.6 percent, respectively. Creed was involved in 9.3 percent of charges against business, 8.5 percent against Government and 2.4 percent of all charges against unions. It appears by reference to the tables that there is very little discrimination in Government other than that against Negroes, except perhaps—and to a much lesser extent—against aliens. In industry, Negroes are the main objects of discrimination, but other minorities are discriminated against to a greater degree than in Government agencies and unions.

Comparisons: Type of Party Charged Related to Satisfactory Adjustment

With regard to disposition, it will be noted that the majority of cases satisfactorily adjusted involved business. Of the total 3,030 cases closed, 890 or 29.4 percent were in this category while only 192 forming 6.3 percent involved Government agencies and 17 or 0.6 percent unions. A comparison of cases docketed with cases closed showed that complaints against business were received, closed, and satisfactorily adjusted at a much faster rate than those against Government agencies and unions. The comparative figures for satisfactory adjustments are as follows: Business 74.2 cases per

month, Government 16, and unions 1.4. It is clear that industry, when challenged, eliminated discrimination much more readily

than labor unions.

It is noteworthy that for the period of the fiscal year cases against Federal agencies were 24.5 percent of all cases docketed but provided only 6.3 percent of all satisfactory adjustments. However, current statistics indicate a sharp rise in this category of closings. During the period when FEPC had no field staff, it relied largely on the Civil Service Commission to investigate cases of discrimination against Government agencies. Now FEPC's own examiners, specialized in investigating discrimination, can do a more precise job. On the whole, the disparity between charges of discrimination against Government and the rate of satisfactory adjustments can be traced to two factors. Government workers are better protected as to tenure and are quicker to bring charges of discrimination. Government procedures necessary to maintain the merit system make it more difficult to prove discrimination.

In summary, it may be pointed out that of all cases satisfactorily adjusted, for each type of party charged, those involving race were in uniformly high proportion as follows: For business they represented 701 or 78.8 percent of the satisfactory adjustments in the category, for Government 159 or 85.4 percent, and for unions 16 or 94.1 percent.

#### TYPES OF DISCRIMINATION

Complaints docketed between July 1, 1943, and June 30, 1944, stemmed from 22 different kinds of alleged discriminatory practices. Refusal to hire was cited in 1,900 or 46.6 percent of all incoming cases, and, together with unwarranted dismissal, refusal to upgrade, and discriminatory working conditions accounted for three-fourths of all incoming cases. The pattern of discrimination followed the over-all trends previously described and was almost identical in regions II, IV, VII, and XII-Los Angeles office. In regions III, V-Cleveland office, IX, and XII-San Francisco office, refusal to refer replaced discriminatory working conditions as the fourth main type of discrimination. Despite the fact that these latter regions reported less discrimination in preemployment training courses than other areas, the problem did arise when the opportunity to make use of the training acquired was denied applicants for employment. Charges of refusal to refer included both unions and Government recruiting agencies.

In regions I, II, and VI, one of the principal types of discrimination complained of involved discriminatory newspaper advertisements and questions concerning religion, ancestry, and race or color on application forms. In the Detroit office of region V, many complaints cited placement and discriminatory wage differentials in addition to refusal to hire and dismissal. In region X, Mexican-American workers

charged wage differentials and refusal to upgrade.

As shown in table 8, all forms of discrimination are practiced against Negroes, the most usual being total exclusion from employment. Discriminatory questions on application forms, refusal to hire, and discriminatory dismissal provided the basis of practically all complaints by Jews. Discrimination against Mexican workers caused them to be restricted to heavy and menial types of work, to be paid less than "Anglos" for the same or similar work and to be considered

nonpromotable men, that is, refused skilled and semiskilled jobs. Since many Mexican workers were imported to ease labor shortages, refusal to hire would not show up in the case load as a difficult problem.

### SEX OF COMPLAINANTS

A compilation of complaints by sex revealed that of the 4,081 cases docketed during the fiscal year, 1,255 or 30.8 percent were made by women, with 1,082 or 26.5 percent filed by Negro women. The traditional occupational hardships of women have fallen upon the Negro woman worker with special intensity. According to the 1940 Census, Negro women represent 13.8 percent of the total female working population. It can be seen how disproportionately Negro women are concentrated into lower job brackets when it is considered that of all colored women workers in 1940, 68 percent were engaged in service occupations and only 18.3 percent of working white women were thus employed.

Table 9 shows the distribution of complaints from women by region. It can be seen that the figures range from 8 in region XI to 200 in region III where they constitute 15.9 percent of all women

complainants.

Women complainants were involved in 1,100 or 36.3 percent of the total 3,030 cases closed and in 25 percent of all satisfactory adjustments. It may be noted again for this discussion that satisfactory

adjustments averaged 36 percent of total cases closed.

Negro women filed 86.2 percent of all complaints made by women, and in region III were involved in 16.9 percent of the total 1,082 cases docketed. With respect to other types of case action, they represented proportions consistent with docketings, being 86 percent of the total 1,100 cases closed for female complainants and 83.5 percent of the total 278 satisfactory adjustments in the above category of closings.

Table 10 lists docketings for the 12 most representative parties charged, by sex. These involve, for the most part, marginal war industries and are the ones cited in 2,526 or 61.9 percent of all complaints received. Male complainants filed a total of 1,732 or 68.6 percent of

these cases and women 794 or 31.4 percent.

# THE INDUSTRIES INVOLVED IN DISCRIMINATION 5

The distribution of complaints by type of party charged revealed two important factors, (1) that a large number of complaints were filed against industries which have been traditionally closed to Negroes and other minorities, such as the aircraft industry and (2) that numerous complaints concerned marginal industries of purely wartime character such as shipbuilding, ordnance, etc.

Table 11 lists all the industries involved in FEPC cases for the fiscal year, by reason for discrimination and by sex. It shows that the aircraft industry was concerned in 378 or 9.3 percent of all complaints. Of these 298 were cases of discrimination because of race, chiefly representing Negro complainants. The War Department was

<sup>&</sup>lt;sup>b</sup> The industrial code of the Committee is an adaptation of the Social Security Industrial Classification Code, which is comparable to the Standard Industrial Classification Manual issued in 1941 by the Division of Statistical Standards of the Bureau of the Budget. The FEPC code does not represent a deviation from this standard, but includes a more complete listing of Government agencies and of unions. Since the Committee's code was designed primarily for the purpose of collating data on the types of parties charged against whom complaints had been received, it was necessary to include these further classifications even though they had not been listed in detail in the Social Security Code.

the party charged having the next highest incidence of complaints. numbering 341 or 8.4 percent of all complaints received. Race was the reason for discrimination in 287 of these. The only industry listed in which the Negro worker was not the main source of complaints was in nonferrous metals. Mexican complainants filed 108 cases against this industry, representing 71.1 percent of all complaints received against nonferrous metals. As previously stated, these were complaints concerning refusal to upgrade and wage differentials. However, in the majority of cases, the discrimination experienced by the complainants concerned their inability to obtain employment. The only variation in the pattern beyond that introduced by the Mexican worker, was in the railroad transportation industries where problems of promotion and wage scales were types of discrimination cited by Negro workers. In general, table 11 indicates that FEPC is doing a job related almost entirely to war industries which have been in need of labor since the beginning of the defense program.

Further analysis within industry groups reveals that public utilities were charged with discrimination in 493 cases or 12.1 percent of the total 4,081 docketed for the fiscal year. Table 12 shows the distribution of these complaints, indicating that the highest incidence occurred in New York, Philadelphia, Chicago, and Atlanta which together had a total of 358 complaints or 73 percent of all cases involving public utilities. Numerous complaints also were received in Washington, D. C., in region IV, the Cleveland office of region V

and both California offices, region XII.

More specifically, this group of complaints represents charges against local transit lines. The industry is of vital importance in war production centers, most of which have experienced large and sudden increases in population and consequent strain on existing facilities. Employment on local transit lines has been considered a desirable occupation in terms of wages, permanency, and prestige.

Most of the complaints received charge an inability to obtain employment as street-car conductors and motormen and as bus operators, positions referred to in the industry as platform jobs. Complaints from region VII—Atlanta area, however, indicate that employers refuse to hire Negroes at any level. Practically all of the transit cases, except those against the Capital Transit Co. of Washington, D. C., have been satisfactorily adjusted and an increasing number of platform jobs and other types of skilled work in the industry are being filled by Negroes.

The New York office has received a large number of complaints which cite discriminatory practices by the communications industry. Negro women have been refused employment as telephone operators. Several of these cases also have been settled satisfactorily indicating

gains made in a new field.

The majority of the complaints which involved Government-owned and operated plants originated in regions III and XII, while the majority concerning Government-owned, privately operated plants, were filed in regions II and VII.

## SOURCE OF COMPLAINTS

Complaints submitted to the Committee stem from two major sources, (1) charges of discrimination by individual complainants

and (2) evidence of discrimination referred to the Committee by other Government agencies or by interested parties and organizations.

Table 13 shows the distribution of complaints by source and by region. Of the total 4,081 cases received during the fiscal year, 1,302 or 31 percent originated from complainant letters while 1.069 or 26.2 percent were based on complainant visits. Together these sources constituted more than half of all incoming cases. Referrals from other Government agencies such as the War Manpower Commission, including the USES 510 reports, formed 1.042 or a fourth of the complaints received. Slightly less than a fifth of the case load grew out of referrals by civic, religious, and racial organizations.

In terms of regional variation, analysis shows that most of the cases in regions II, III, and XII represented personal visits from complain. ants while in V, VI, VII, and X, complaints were made chiefly by

letter.

# CASES INVOLVING THE CONTRACTING AGENCIES 6

Of the 4,081 cases docketed during the fiscal year, 1,077 or 26.4 percent involved a contracting agency. This does not mean that the agency was called upon for assistance, but merely that FEPC jurisdiction in 26.4 percent of its cases was established by mere Governmental contact. The distribution of these cases among the agencies was as follows: 12.5 percent involved the Army; 8.9 percent the Navy; 3.7 percent the Maritime Commission; and 1.3 percent all other agencies. Approximately 38 percent of all cases docketed in

region III involved a contracting agency.

A glance at table 14 indicates a fairly even regional distribution of cases among the Army, Navy and Maritime Commission. The Detroit office of region V and regions IX and X appear to have a disproportionate number of cases in which the Army is the contracting agency. Cases involving the Maritime Commission were concentrated in regions II and XII. In all of these cases, the concentration may be accounted for in terms of heavy production activity for the particular Government agency in the region. This would indicate that FEPC has followed the needs of the war effort.

<sup>&</sup>lt;sup>6</sup> See ch. VI, p. 46 for a discussion of the requirements of the Executive order with respect to the inclusion of nondiscrimination clauses in all Government contracts. For further information concerning the Committee's relationships with the contracting agencies, see ch. III, pp. 21, 22, and ch. IV, pp. 25, 27.

# Chapter VI. The Interpretation of the Executive Order

JURISDICTION

Government Contracts and the Mandatory Nature of the Nondiscrimination Clause

In paragraph numbered 1 of Executive Order 9346, it is ordered as follows:

1. All contracting agencies of the Government of the United States shall include in all contracts hereafter negotiated or renegotiated by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin and requiring him to include a similar provision in all subcontracts.

In July 1943, inquiry was made by the Chief of the Space Section of the Office for Emergency Management as to whether the above provision of the Executive order was interpreted by the Committee to require the inclusion of a nondiscrimination clause in all OEM leases. The Chairman replied that leases were contracts within the meaning of the order and advised that sound precedent for his opinion was to be found in the practice of incorporating a nondiscrimination clause in all of its Government leases by the Field Space Division of the Public Buildings Administration which supervises the leasing of Government property under the First War Powers Act and Executive

Orders 9001 and 9023.

On October 7, 1943, the Comptroller General of the United States addressed a letter to the Liaison Officer, Office for Emergency Management, in reply to a letter from the Director, Division of Central Administrative Services, who had requested "a decision whether contracts and leases which do not contain an antidiscrimination clause of the nature prescribed by Executive Order 9346 entered into and payments made thereunder in cases where the contractor refuses to execute a contract or lease containing such a clause and similar services or suitable office space cannot be secured from other sources." This request by Central Administrative Services grew out of the refusal of a mid-western telephone company, the only available source of telephone service for the regional office of a certain Government war agency, to enter into proposed contracts containing routine nondiscrimination clauses. In commenting on the effect of the omission of the clause, the Comptroller. General concluded that the provision in paragraph numbered 1 of Executive Order 9346 "was intended only as a directive," rather than a mandate to the contracting agencies of the Government, "so that failure to include such a provision will not render void an otherwise proper contract or render objectionable otherwise proper payments thereunder."

In view of the doubt which this opinion cast upon the powers and duties of FEPC, the Committee requested clarification of the intent of President Roosevelt's language in the paragraph in controversy. The President's ruling on the matter was revealed in a letter addressed to Attorney General Biddle on November 6 in which he stated that he wished "to make it perfectly clear that these provisions are mandatory and should be incorporated in all Government contracts. order should be so construed by all Government contracting agencies."1

To avoid further uncertainty regarding the requirements of inclusion or omission of the clause as interpreted by the Committee itself, the Committee issued a nine-point statement of definition and limitation on December 27, 1943. Two points were added on June 13, 1944, and another on September 30.4 These comprise the only public statements which the Committee has issued defining Executive Order 9346. Generally, in this statement, the Committee has ruled that the nondiscrimination clause must be included in all contracts, made, amended, or modified which call for the employment of persons. Such inclusion does not depend upon the amount of money involved and is required even though the contract does not cover war activity.<sup>5</sup>

### War Industries

The inclusion of the nondiscrimination clause in Government contracts is a requirement which gains its major significance, however, not in respect to leases of space in buildings and related services, but as an obligation upon war contractors which is effected through the contracting agencies of Government. Thus, employers under contract to the Government to produce the munitions and other goods needed for waging the war, must employ needed workers without regard to considerations of race, creed, color, or national origin. such instances, no question arises concerning the Committee's jurisdiction over the contractor, because he is bound both by the provisions of his contract and by the over-all requirements of Executive Order 9346 that there shall be no discrimination in war industries.

Questions have been raised, nevertheless, about the Committee's jurisdiction over war industries where no contract is involved and especially in instances of nonproduction war industries. No definition of what it regards as war industries has been issued by the Committee, although one has been formulated for intra-agency use. Committee accepts as a general guide the War Manpower Commission's List of Essential War Industries, but reserves to itself the right to determine in each case whether the party charged is a war industry within the meaning of the order. During the periods when FEPC was a part successively of OPM, WPB, and WMC, opinions were submitted to the Committee by the general counsel of the particular agency in response to inquiries about steamship lines, common carriers, telephone and telegraph companies, and city transit lines.6 In each instance, the Committee was advised that its jurisdiction covered the industry in question. From time, to time the

<sup>&</sup>lt;sup>1</sup> For the full text of President Roosevelt's letter see appendix, p. 145. <sup>2</sup> The Federal Register, title 29, ch. 10, sec. 1201.1, par. (a) through (i), vol. 9, No. 29, p. 1592, February 10, 1944

<sup>&</sup>lt;sup>3</sup> Ibid, pars.(j) and (k), vol. 9, No. 128, p. 7126, June 28, 1944.
<sup>4</sup> Ibid, par. (1), vol. 9, No. 212, p. 12715, October 24, 1944.
<sup>5</sup> See appendix, p. 144.
<sup>6</sup> Opinions, John Lord O'Brian, January 7, 1942, and April 29, 1942; Opinion, Office of the General Counsel, WMO, September 28, 1942. Confidential Report of the President's Committee on Fair Employment Practice, May 1943. Multilithed.

Committee has sought advice and informal opinions from the Attorney General. The Committee has assumed jurisdiction, for example, over the employment policies of the shipbuilding and aircraft industries, the Nation's railroads, local and interurban bus and streetcar lines, and the manufacturers of railroad equipment, tanks, ordnance, chemicals and allied products, and electrical and nonelectrical machinery. It has processed complaints of discrimination against the iron and steel industry, metal mining, aluminum products, and the motor vehicle industry. It has rejected jurisdiction over such enterprises as bake shops, theaters, hotels, restaurants, and over wholesale druggists, pottery manufacturers, and educational institutions not conducting war training programs supported by Federal funds.

Government Agencies

The Committee's jurisdiction over complaints against Federal agencies and federally financed vocational and training programs for war production, is set forth in clear language in Executive Order 9346. President Roosevelt's intent to bring the employment policies of all departments and independent establishments of Government within the scope of the order was additionally fortified by his letter of September 3, 1941, to the heads of such departments and establishments emphasizing the necessity of impartial administration of the Federal civil service, without prejudice based on creed, race,

or national origin.7

The Committee has operated almost exclusively on the basis of complaints received, investigated, and adjusted or otherwise settled. It has not initiated general surveys of industries or areas for the purpose of finding and eliminating discrimination in industry or Government, although authority for utilizing such a procedure is found in paragraph numbered 4 of the Executive order. In this paragraph, the Committee is empowered to "formulate policies" to achieve the purposes of the order and to "make recommendations to the various Federal departments and agencies and to the President which it deems necessary and proper to make effective the provisions of this order." It is ordered as well to recommend to the Chairman of the War Manpower Commission "appropriate measures for bringing about the full utilization of manpower in and for war production without discrimination " ""."

The full force of this recommending power has not been invoked by the Committee, which has been engaged in building a sound body of information and experience in a field relatively new as a subject of Government regulation. The Committee now contemplates a wider use of the recommending power with the growth of its experience in fair employment practice and as an aid to other Government agencies handling the various problems related to the utilization of

manpower and efficient war production.

#### Labor Unions

No comprehensive interpretation has been made by the Committee of the language of the "now therefore" clause declaring it to be "the duty of labor organizations \* \* \* to eliminate discrimination in regard to hire, tenure, terms, or conditions of employment, or union membership because of race, creed, color, or national origin." The question has arisen notably in the so-called Boilermakers' cases, in-

<sup>7</sup> See appendix, p. 145, for text of the letter.

volving the International Brotherhood of Boilermakers, Iron Shipbuilders and Helpers of America and the west coast shippards with which they hold closed shop contracts. Since the locals of the union have not admitted Negroes to membership, but have placed them in auxiliaries in which certain privileges of union membership are withheld, the issue of Committee jurisdiction over discriminatory membership rules is clearly presented when Negro workers file complaints concerning their auxiliary status.

In the auxiliary union, the Negro worker is denied participation in collective bargaining rights and in business negotiations equal to those exercised by the white members of the regular subordinate lodge. The Committee's directives in the Boilermakers' cases, as in all cases involving labor unions, have been addressed to the elimination of discrimination in terms and conditions of employment, and partial compliance, adjusting some of the more outstanding inequities, has

been accomplished.

Other serious employment problems based upon the denial of union membership have arisen in the railroad cases, involving, as some of the parties charged, the railway brotherhoods which are the statutory bargaining representatives for all the employees of certain classes and crafts of railroad workers. The Committee found that the brotherhoods not only do not admit to membership Negro workers of such classes or crafts, but they refuse also to represent the interests of these

workers fairly.

When a union holds a closed shop contract, denial of membership becomes theoretically tantamount to denial of employment although some unions holding these contracts have developed such devices as work permits and the auxiliary local to provide restricted employment opportunities. Other unions refuse to issue work permits or to handle the grievances of minority workers. Fundamental to an approach to the problems of exclusionist or discriminatory policies and practices by labor unions, however, is a recognition of the reluctance of courts and legislative or administrative bodies to interfere with the internal management of labor organizations.

# Jurisdictional and Policy Questions Involving Certain Minority Groups Aliens

It seemed clear that the responsibility of FEPC to prevent discrimination in employment because of race, creed, color, or national origin would involve cases affecting alien workers. In order to make certain the Committee's obligations concerning this group, the Chairman addressed a letter to President Roosevelt in December 1941, and received the following reply, written on January 3, 1942:

"I have given careful consideration to the problem raised by you as to the jurisdiction of the Committee on Fair Employment Practice over cases involving alleged discrimination in defense

industries based on national origin of noncitizens.

It was the original intent of Executive Order 8802 of June 25, 1941, to include noncitizens in the scope of the Committee's responsibilities. I, therefore, feel it appropriate that your Committee investigate cases in which noncitizens allege that they

The International Union, holding a quadrennial convention in January 1944, at Kansas City, Mo. refused to revise its constitutional provision excluding Negroes from membership in the regular locals.
 FEPC hearings, September 15, 16, 17, 1943, Washington, D. C.

have been discriminated against because of their national origin in a manner more restrictive than required by the law governing their employment in defense industries."

Two principal barriers stood in the way of the effective utilization by employers of the alien labor supply. The first of these was the failure to understand and to make proper application of the Government security regulations concerning the employment of aliens for work on classified or aeronautical war contracts. The second was prejudice against the members of particular groups because of their

national origin and noncitizenship.

Recognizing that important numbers of loyal alien workers were not being effectively employed in the war effort, to the detriment of war production, the workers' morale, and national unity, early in 1942 President Roosevelt requested the Secretary of War, the Secretary of the Navy, the Attorney General, and the Chairman of the Fair Employment Practice Committee to recommend to him action which might be taken to solve this problem. Such recommendations were submitted in May 1942, and served as the basis for the public state-

ment issued by the President on July 11 of that year.<sup>10</sup>

Pursuant to the publication of the statement of policy, the War Manpower Commission, FEPC, and the procurement agencies took measures to facilitate placement of alien workers in essential work. The United States Employment Service assisted alien workers in filling out their portion of the alien questionnaires required as a basis for approval of employment on classified or aeronautical contracts. In January 1943, the War and Navy Departments put into effect a streamlined procedure for granting approval of such requests. By July 1943, the authority to grant such approvals had been decentralized to the Army's Service Commands and the time required was thus

further reduced.

Although President Roosevelt's statement had been released to the press, it had not been distributed to individual contractors. Many employers who held no aeronautical or classified contracts refused to employ aliens, although the employment of these workers under such circumstances had been, not restricted, but encouraged by the Govern-Furthermore, many aeronautical and classified contractors failed to request permission to employ qualified alien workers whose services they needed in spite of the fact that 95 percent of all such requests made had been granted by the procurement services. Therefore, on June 7, 1943, a joint statement was issued by the Secretary of War, Secretary of the Navy, the Attorney General, and the Chairman of the Maritime Commission. Copies of this statement were sent by the Chairman of the War Manpower Commission to 175,000 war contractors and subcontractors so that they might have accurate information concerning the security requirements and the Government's policy to encourage full use of the potential alien labor supply.

The joint statement included among its provisions two paragraphs concerning the application of the nondiscrimination clause in Govern-

ment contracts to the employment of aliens.11

The Committee continued to process cases on the basis of these statements of policy until June 1944. A question as to the Committee's jurisdiction over complaints of refusal to employ persons because

<sup>See appendix, p. 146 for the full text.
See appendix, p. 147 for text of these paragraphs.</sup> 

of their alien status was raised by members of Congress during hearings on the Committee's appropriation for the ensuing fiscal year. Accordingly, action on such cases has been suspended by the Committee pending clarification of this question.

#### Japanese-Americans

Soon after the outbreak of the war, American citizens of Japanese ancestry were suspended from civilian employment in the War Department under the provisions of Executive Order 8972 until their loyalty could be established by careful investigation. 12 Following their suspension, a few Japanese-Americans filed complaints with the first Committee. In view of the conflict between the policy of the War Department and the requirements of Executive Order 8802 that there should be no discrimination in employment in Government because of race or national origin, an opinion regarding its responsibilities was sought by the Committee in September 1942 from the General Counsel of the War Manpower Commission, since at that time FEPC functioned within WMC. In reply the General Counsel stated, " \* \* \* there is no question that the Committee has jurisdiction to receive and investigate complaints made by persons of Japanese ancestry suspended as a result of the War Department's present policy, and \* \* \* to make recommendations to the War Department and to the President." Pointing out that ordinarily FEPC would have no authority to inquire into the appropriateness of measures taken by the Secretary of War in the exercise of his discretion under Executive Order 8972, the opinion continued: "Where the measures taken are based primarily on considerations of race or national origin, however, and where they are alleged to be in violation of Executive Order 8802, the President's Committee may inquire into their appropriateness."

The policy of the present Committee with respect to the processing of complaints of discrimination against Japanese-Americans was clarified in October 1943, in a field instruction which quoted President Roosevelt. In a message to the United States Senate a month earlier, the President had said, "\* \* \* Americans of Japanese ancestry have shown that they can, and want to, accept our institutions and work loyally with the rest of us \* \* it is important to us to maintain a high standard of \* \* \* equal treatment for the people of this minority as of all other minorities." In holding that Japanese-Americans are entitled to the protection of Executive Order 9346, the Committee pointed out that it could not modify the order nor place one category of American citizens in a situation less favorable than citizens of other ancestry. Of the 23 cases involving Japanese-Americans received by the Committee from July 1943 through December 1944, 6 were referred by the War Relocation Authority, which has had the primary responsibility of handling the problems of this

minority group during the war.

Now that restrictions involving the retention and relocation of Japanese-American citizens have been lifted, 13 it is quite likely that the Committee will be called upon more frequently to investigate

<sup>12</sup> Executive Order 8972 of December 12, 1941, authorizes, and directs the Secretary of War "whenever he deems such action necessary or desirable, to establish and maintain military guards and patrol and to take appropriate measures to protect from injury or destruction national-defense material, national-defense premises, and national-defense utilities," as defined in the applicable statutes.

18 See Public Proclamation No. 21, Commanding General of the Western Defense, effective January 2, 1945, Basic Legislation and Orders, War Relocation Manual, Washington: 10.1.14. See also Mitsuye Endo vs. The United States, 232 U. S. 283. Decided December 18, 1944.

complaints of discrimination against these workers in violation of Executive Order 9346.14

#### Complaints Involving Creed

Sabbatarians.—Many of the 355 cases docketed during the fiscal year which cited creed as the reason for discrimination concerned persons whose religious faith requires that they refrain from work during the 24 hours beginning sundown Friday. Included in this category of complainants are Seventh-day Adventists and Orthodox Jews, who, in observing their Sabbath, are unable to adhere to the routine work schedules of Government agencies and war plants. Employers contend that to make arrangements for absence by these workers interferes with production schedules and gives rise to similar demands by other workers for special arrangements to suit personal convenience

Many plants operate on the basis of a 24-hour day and 7-day week, with a variety of shifts among the departments. In such instances, the Committee has held that management should arrange for the use of Sabbatarians, especially since these workers are usually willing and eager to make up the time lost. In plants where shifts are not flexible, the solution is not easy. Nevertheless, the Committee has realized that the nonutilization of Sabbatarians in areas where they are numerous causes a serious waste of manpower, particularly when such areas coincide with areas of acute labor shortage. And, in negotiating for the settlement of these cases, it has urged the readjustment of work schedules both in terms of manpower needs and in the belief that such action on the part of employers gives assurance to conscientious workmen that the war effort is intended to and does safeguard religious freedom.

In establishing its policy, the Committee was guided by the policy of the War Department enunciated in September 1942 in an administrative memorandum on religious holidays for War Department em-

plovees, as follows: 15

1. The policy of the War Department is to permit absence from work to those whose conscience leads them to spend certain

holy days in religious devotion.

2. If possible those employees should seek some method by which they can make up the production time so lost. Wherever the situations permit, work schedules should be rearranged so as to provide substituted work time.

3. Where work schedules cannot be rearranged, the absence shall be charged against annual leave accredited to the employee.

4. Whenever the employee has no annual leave to his credit,

<sup>14</sup> In March 1945, the Chairman of FEPC addressed an inquiry to the Under Secretary of War concerning the War Department's policy with respect to the employment of American citizens of Japanese ancestry in war industries. On April 16, Under Secretary of War Patterson replied in part as follows:

"You will recall immediately after the outbreak of war it was considered advisable, in the interest of security, to withdraw all persons of Japanese ancestry from certain regions. At the same time very careful investigations were made of the loyalty of Japanese-Americans before they were permitted to work on certain classes of military contracts. However, it has always been the War Department's policy to permit fullest practicable utilization of Japanese-Americans within the limits of security.

"At present, as you know, there has been a relaxation in the geographical restrictions and movement of Japanese-Americans. Japanese-Americans may be employed without prior loyalty investigation on War Department contracts except for a certain group of classified contracts. The managements involved know whether they are included in this restricted category. All other managements engaged on War Department contracts may employ Japanese-Americans without restriction."

15 A similar policy was announced by the Secretary of the Navy on July 6, 1943.

his absence shall be recorded as leave without pay with no prejudice to the employee's standing.

With respect to employers holding Government contracts falling under its jurisdiction, the War Department issued the following statement:

Although the refusal to employ workers whose religious convictions require them to be absent from work on Saturday, or to follow other practices which interfere with normal work schedules, is not considered to be a violation of the antidiscrimination clause in war contracts, employers should be encouraged to find means of adjusting work schedules to make use, whenever possible, of employees whose particular religious convictions conflict with customary schedules.

On January 6, 1943, the Chairman of FEPC recommended to the Civil Service Commission that the instructions issued by the War Department on the matter of religious holidays be made general throughout Government service. As a result, the United States Civil Service Commission presented a recommendation concerning the need for a statement to the White House. On February 12, 1943, the Commission informed the Committee by letter that it had been advised by the White House that "this is a matter which has been given consideration from time to time and all departments have been consulted. The policy of granting leave without prejudice to persons of religious affiliations which require them to refrain from business activities on Saturday has been uniformly agreed to."

The following test was applied by the first Committee in determining whether or not there had been religious discrimination within the

meaning of Executive Order 8802:

Wherever an establishment indicated its willingness to employ Sabbatarians but merely asked that they conform to the established procedures applicable to all employees, it could not be held that Sabbatarians were being discriminated against. Under these circumstances, Committee action was limited to requesting some arrangement, wherever feasible, whereby the party charged could permit Sabbatarians to absent themselves from work on Saturday for religious worship. It did not attempt, however, to compel compliance with this request on the part of employers who refused, inasmuch as it could not be shown that failure to provide special accommodations for one group constituted discrimination, when other groups with similar religious traditions and practices found it possible to accommodate themselves to existing war production schedules.

In September 1943 the new Committee revised its policy to provide

thus:

In cases in which it is alleged that a person has been discriminated against in connection with employment in war industries or Government service, because of creed, and it appears upon investigation that such person has been denied employment or dismissed from employment because he or she on account of his or her creed conscientiously cannot perform secular work on certain days, the Committee takes the position that if it is possible, even at considerable inconvenience, for the party charged to arrange work schedules so as to permit such person to absent himself or herself from work on days on which he or she because of creed conscientiously cannot perform secular work,

failure to arrange such work schedules will be regarded as a violation of

the provisions of Executive Order 9346.

Jehovah's Witnesses.—The 22 cases docketed by the Committee during the fiscal year as a result of complaints by the above sect were based on these major charges:

1. Dismissal because of refusal to purchase war bonds.

2. Dismissal because of refusal to salute the flag or stand during the playing of the National Anthem.

3. Refusal of the employer to request a draft deferment.

4. Refusal of the employer to request an appeal from an unsatisfactory decision by a local draft board.

Employers have contended that the unwillingness of Jehovah's Witnesses to conform to customary patriotic observations so inflames their fellow workers that the latter will not work with them. management has pleaded the threat to production schedules, not

creed, as the primary cause of dismissal.

In considering these cases the Committee first undertook to determine whether or not the acts complained of were actually established precepts in the religious thinking of Jehovah's Witnesses. connection the Committee found that the governing body, the Watch Tower Bible and Tract Society, Inc., has no formalized body of religious principles. Its position with respect to the purchase of war bonds, for example, is that this is a matter for individual determi-The Society stated further, "\* \* there is no specific single publication that states all of the 'tenets' of this society except the Holy Bible."

After analysis of the cases submitted to it, the Committee developed a policy which provided that FEPC would decline jurisdiction in cases of discrimination based on religious grounds unless it is shown that the action taken by the complainant was related to some estab-

lished precept of a creed.16

With respect to cases where Jehovah's Witnesses complain that they have been discharged from employment for refusal to buy war bonds, the Committee has held that the mere fact of discharge for such refusal is not evidence of discrimination because of creed. Nor does the Committee consider a complaint by a Jehovah's Witness alleging that an employer refuses to request draft deferment or refuses to appeal from an unsatisfactory decision by a local draft board, to involve discrimination because of creed. The Committee's position with respect to saluting the flag and standing during the playing of the National Anthem has been expressed in a decision after hearing.<sup>17</sup>

Questions concerning creed on application forms.—The Committee has sought to eliminate reference to creed on all application forms or in hiring specifications as one step in overcoming the arbitrary rejection of workers. Early in the Committee's history, it recommended to all Government agencies that the item requiring the disclosure of religion in application forms be deleted.18 Most of the agencies

<sup>16</sup> Creed was interpreted by the first Committee as embracing adherence to a formalized religious faith. membership in a particular religious denomination or sect, or identification with a particular group which is presumed to be devoted to a code of principles and practices of a religious character. Personal "conscience" unrelated to the religious code of an organized sect was not considered creed as a basis of discrimination within the meaning of Executive Order 8802.

17 See infra, D. 56. See also West Virginia State Board of Education vs. Burnette, 319 U. S. 624, decided June 14, 1943, overruling Minersville School District vs. Golitis, 310 U. S. 586, decided on June 3, 1940.

18 The Committee has no objection to the recording of race and religion after an individual has been employed.

ployed.

readily agreed to the proposal, but some continued to require that the item be answered. The Committee then took the matter up with the Civil Service Commission, which acting under its authority to establish a uniform application form for service in the United States Government, provided a form which contained no reference to creed.

The Committee also recommenced to the major contracting agencies of the Government that contractors remove any reference to religion from their application forms. The Secretaries of War and Navy and the Chairman of the Maritime Commission issued directives to accomplish this recommendation.<sup>19</sup>

# PRINCIPLES ESTABLISHED: BY THE COMMITTEE, AFTER HEARINGS

The hearings held by the Committee pursuant to paragraph numbered 5 of the Executive order which authorizes the Committee to "conduct hearings, make findings of fact, and take appropriate steps to obtain the elimination of discrimination" have resulted in the establishment of a body of interpretive principles. These have developed in the normal process of administrative adjudication as a necessary incident to the formulation of decisions in many controversies. By routine application of key provisions of the Executive order to specific fact situations, it has been possible to derive a more elaborate statement of propositions than that contained in the order, thus implementing and clarifying, in some degree, the basic tenets under which the Committee operates. Not all of the principles thus established have been included in the listing which follows. Moreover, the manner in which these principles will be applied by the Committee to analagous situations will, of course, depend on the facts of each case.

For the sake of convenience the selected principles have been arranged under five classifications: Discrimination by employers, discrimination by unions, defenses to charges of discrimination, directives, and enforcement.

# Discrimination by Employers

### Facts Which Do Not Establish Discrimination

1. The fact that an employer hires no minority group workers or employs them only in small numbers may be considered by the Committee in arriving at a determination that such employer has discriminated against members of minority groups in their efforts to secure employment. However, the mere fact that no members of minority groups or few members of minority groups are employed in any specific plant does not, in itself, constitute sufficient evidence to justify a finding of discrimination. The Committee has found discriminatory hiring practices to exist, however, when (a) a company hired no Negroes, (b) it contended, as justification, that "certain skills were concentrated in certain nationalities" and (c) the plant guard turned Negroes away at the gate pursuant to his function of determining "what applicants (were) entitled to consideration for employment." In re Bethlehem Shipbuilding Company, Vultee Aircraft Company. A. O. Smith Corporation, Nordberg Manufacturing Company, and Allis Chalmers Corporation.

<sup>19</sup> Joint letter of July 2, 1942, by the Army, Navy, and Maritime Commission.

2. The practice of an employer of requiring applicants for employment to state their race or religion, or both, on application forms, or otherwise, does not violate the provisions of the Executive order but is a factor which may be considered by the Committee in arriving at a determination that the employer is discriminating against applicants for employment because of race, creed, color, or national origin. The Committee may, however, direct the removal of such inquiries from application-for employment forms where it finds, after hearing, that the employer has engaged in discriminatory hiring practices forbidden by the Executive order.<sup>20</sup> In re Douglas Aircraft Corporation, Bethlehem Shipbuilding Company, and Gulf Shipbuilding Corporation.

#### Facts Which Establish Discrimination

1. Facts showing that it is the policy or practice of an employer to hire members of a minority group as laborers or in custodial work only, regardless of their particular skills, are adequate to support a finding of discriminatory employment practices forbidden by the Executive order. In re Lockheed Aircraft Corporation and Vega Airplane Company.

2. When an employer recruits a substantial group of skilled workers from a technical school numbering Negroes and Jews among its students, but fails to employ any of the Negro students and hires a proportionately small number of Jewish students, the employer is engaged in discriminatory hiring practices forbidden by the Executive order. In re Buick Aviation Engine Plant, Melrose Park, Ill.

3. Evidence that an employer has placed a personnel recruiting advertisement in a newspaper, containing racial or religious specifications, is adequate to support a finding of discriminatory employment practices forbidden by the Executive order. In re Bearse Manufacturing Company, Simpson Construction Company and Titeflex Metal Hose Company

Hose Company.

4. Evidence that an employer has submitted to the United States Employment Service requests for workers containing racial or religious specifications is sufficient to support a finding that such employer has engaged in discriminatory employment practices forbidden by the Executive order. In re Carl Norden Incorporated and Titeflex Metal Hose Company.

5. The discharge of employees who refuse to salute the American flag or to stand during the playing of the National Anthem because of their religious convictions, constitutes a discriminatory employment practice forbidden by the Executive order. *In re Jehovah's* 

Witnesses v. Pittsburgh Plate Glass Company.

6. Evidence that an employer has expressed a "preference" for employees of a particular race to subordinates entrusted with hiring responsibilities is sufficient to support a finding that such employer has engaged in discriminatory employment practices forbidden by the Executive order. In re-St. Louis Shipbuilding Company.

7. Evidence that an employer refused to hire a Negro craftsman on a war project, unless he obtained a permit from a labor organization which barred him from membership on a parity with white craftsmen, is sufficient to support a finding that such employer has

<sup>20</sup> See supra, p. 54, for statement of Committee policy regarding application forms.

engaged in discriminatory employment practices forbidden by the

Executive order. In re Steamfitters' Protective Association.

8. Evidence that an employer hires Negroes under a quota system which restricts employment to the approximate percentage of Negroes residing in the area is sufficient to justify a finding of discriminatory employment practices forbidden by the Executive order since the quota system operates to the disadvantage of individuals in both minority and majority groups by permitting considerations of race rather than those of qualifications and availability to operate. The use of the racial quota system to select employees for lay-off purposes is likewise contrary to the Executive order even though it occasionally operates to the advantage of Negro employees and to the prejudice of white workers. The Executive order forbids discrimination against white as well as against colored employees. In re McQuay-Norris Manufacturing Company.

## Discrimination by Unions

1. Evidence that a labor organization subject to the jurisdiction of the Committee bars Negroes from membership by practice, custom, tradition or other devices, rather than by written rule or constitutional provision is sufficient to justify a finding that such labor organization has engaged in discriminatory employment practices forbidden by the Executive order. In re Chicago Journeymen Plumbers' Union, Local 130.

2. Evidence showing the existence of an agreement between an association of employers and a labor organization which prevents the employment or upgrading of qualified Negro workers on war projects, because of their race, is sufficient to justify a finding that both parties have engaged in discriminatory employment practices forbidden by the Executive order. In re Steamfitters' Protective

Association.

3. Evidence that a building trades union refuses to admit Negroes to membership and also refuses to permit Negroes to work on war construction projects so long as members of the union are unemployed is sufficient to justify a finding of discriminatory employment practices forbidden by the Executive order. In re Chicago Journeymen

Plumbers' Union, Local 130.

4. Evidence that a building trades union, composed entirely of white workers, opposes the employment of Negroes on war construction projects except on condition that the employer arrange to have whites and Negroes work on separate buildings is sufficient to justify a finding that the union has engaged in discriminatory employment practices forbidden by the Executive order. In re A. J. Honeycutt &

Company.

5. Evidence that a union subject to the jurisdiction of the Committee denies Negroes membership in its regular local but sets up an auxiliary organization for them, under which equal union rights and privileges are denied, is sufficient to justify a finding that such union has engaged in discriminatory employment practices forbidden by the Executive order if, in addition, it (a) has a closed shop contract with the employer and (b) refuses to clear Negroes for employment or orders them discharged if they decline membership in the auxiliary while indicating a willingness to become members of the regular local. In re International Brotherhood of Boilermakers, Iron Ship-

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builders, Welders and Helpers of America, Subordinate Lodges 72

and 401.

6. Evidence that a union has construed its contract with an employer so as to bar its Negro members from employment in certain job classifications is sufficient to justify a finding that such union has engaged in discriminatory employment practices forbidden by the Executive order. A finding of discriminatory employment practice in such a case is proper even when the contract is not discriminatory on its face. In re Philadelphia Rapid Transit Employees' Union.

# Defenses To Charges of Discrimination

#### Agency

Where personnel officers or other hiring agents have clearly engaged in discriminatory employment practices, the Committee will not sustain a defense by the employer that such personnel officers or other hiring agents were acting outside the scope of their authority. The Committee has held that the prompt dismissal of an employment manager who refused to employ Negroes is a proper means of correcting such practices. However, where a company established that a request to the United States Employment Service specifying "White Christian" workers was placed without the knowledge of any "responsible" official, the Committee directed that the charge and complaint be dismissed. In re Vultee Aircraft Corporation, St. Louis Shipbuilding Company, Majestic Radio and Television Corporation, and Carl Norden Incorporated.

#### Partial Compliance

1. When an employer is charged with failing to hire Negro women contrary to the Executive order, because of their race, it is no defense for him to show that he hires Negro men. Partial compliance is partial violation and any violation is forbidden by the Executive order. In re Wagner Electric Corporation, Bussman Manufacturing Company, and McQuay-Norris Manufacturing Company.

2. The fact that an employer complies with the Executive order in certain of his plants is no defense to a charge of violation in his other plants although this fact may be considered by the Committee in conjunction with all the other circumstances as bearing upon a determination of discriminatory employment practices. In re U. S.

Cartridge Company.

#### Confession and Avoidance

1. The contention by an employer that his white workers will refuse to work alongside Negroes is no defense to a showing that such employer has engaged in discriminatory employment practices forbidden by the Executive order, particularly where it appears that Negroes have been traditionally employed in the industry involved or in other war industries in the area. In re Atlantic Coast Line Company and Bussman Manufacturing Company.

2. The contention by an employer railroad that "the community served \* \* \* is made up of a dominant white citizenship in which Negroes are not permitted to exercise control over white people" and that consequently it cannot upgrade Negroes to positions in which they may be required to exercise authority over white workers, is entirely without merit. In re Atlanta Joint Terminals.

3. An employer charged with discriminatory hiring practices can-

not set up as a defense the existence of a labor contract authorizing or requiring discrimination. In re Atlantic Coast Line Company and

other railroad cases.

4. An employer charged with discriminatory hiring practices under the Executive order cannot effectively set up as a defense that his contractual obligation with an employee's bargaining representative requires him to employ only union members under a closed shop contract when he is aware of the fact that the union does not accept Negroes except as members of an auxiliary which is different in union rights and privileges. In re Kaiser Company, Incorporated and Oregon Shipbuilding Corporation.

5. The contention of a labor organization that Negro building craftsmen refused to submit to an "agreement" which would have permitted them to work only in Negro communities and then only on Negro buildings is not a valid defense to evidence showing that the union has refused to admit Negroes to membership and refused to permit Negroes to work so long as members of the union were unemployed. In re Chicago Journeymen Plumbers' Union, Local 130.

6. When an employer has been duly notified that the Committee will hold a hearing on charges brought against him but fails to be present or represented at the hearing, he cannot thereafter object to the findings and directives of the Committee. The Committee may, in such a case, issue findings and directives if the evidence adduced at the hearing establishes that the party charged has engaged in discriminatory employment practices forbidden by the Executive order. In re Allis-Chalmers Corporation.

### Directives

In implementation of its power "to take appropriate steps to obtain the elimination of \* \* \* discrimination" the Committee may, after finding that a party has engaged in discriminatory employment practices, direct that it:

1. "Cease and desist" from such practices;

2. Adjust its employment policies and practices so that all needed workers will be hired or upgraded without regard to race, creed, color, or national origin;

3. Extend in-plant training to all qualified employees without

regard to race, creed, color, or national origin;

4. Issue formal instructions to all personnel officers and employees having authority to hire and upgrade workers, to carry on their activities in the recruiting, training, or upgrading of workers and prospective workers solely on the basis of the qualifications of workers or applicants for employment without regard to their race, creed, color, or national origin;

5. Give formal notice to all employment agencies, public or private, through which it recruits workers or trainees, that it will accept workers for all classifications of work or training, solely on the basis of their qualifications without regard to their race, creed, color, or

national origin;

6. Submit monthly statistical reports revealing the classification of

newly hired employees;

7. Abrogate wherever necessary provisions of existing contracts which are repugnant to the national policy expressed in the Executive order;

8. Submit periodic compliance reports:

9. Eliminate all questions as to race and religion from employment

application forms;

10. Take whatever additional steps the Committee considers warranted by the facts of the case to carry out the provisions of the In re Atlantic Coast Line Company and all cases following.

### Enforcement

The Committee has the power and privilege of reporting its findings to the President of the United States. Preliminary Statement, New York Hearings, Feb. 16 and 17, 1942.

# APPLICATION OF THE EXECUTIVE ORDERS: BY OTHER **GOVERNMENT AGENCIES**

Policies consistent with their obligations under the Executive orders have been formulated by several Government agencies in the performance of their particular functions. Such implementation is to be distinguished from the customary employment practices of these agencies in recruiting, hiring, and upgrading their own personnel.

Notable among those which have recognized their responsibilities are the National Labor Relations Board and the National War Labor Board, whose jurisdiction over labor problems frequently involves the consideration of issues relating to discrimination against workers because of race or some other minority group identification. In a number of instances, these agencies have decided cases before them according to the requirements of Executive Orders 8802 and 9346. The Committee does not regard such administrative adjudication as

an infringement upon its jurisdiction.

Four decisions of the National Labor Relations Board are noteworthy in this respect. All concern representation cases in which the question before the Board involved a determination of the appropriate unit for purposes of collective bargaining. Together, they establish the Board's policy of refusing to delimit such units on the basis of race. In the Matter of Bethlehem—Alameda Shipyard Incorporated, the Board has stated that it entertained "grave doubt whether a union which discriminatorily denies membership to employees on the basis of race may nevertheless bargain as the exclusive representative in an appropriate unit composed in part of members of the excluded race." 21

In a later case, the Board added, "The color or race of employees is an irrelevant and extraneous consideration in determining in any case, the unit appropriate for the purposes of collective bargaining." 22

The Board has said in a recent decision that it would "consider scinding any certification which may be issued herein \* \* \* if rescinding any certification which may be issued herein it is later shown \* \* \* that the union has denied equal repre-\* employee because of his race, color, sentation to any creed, or national origin

In a pending case, the Board has before it the report and recommendations of its trial examiner who has recommended the disestablishment of a union which has, "by establishing a separate local for colored employees within the unit \* \* \* engaged in discriminatory segregation running counter not only to the Board's frequently

Cases No. R-5693 and 5694.
 In the Matter of U. S. Bedding Company, Case No. R-5792.
 In the Matter of Carter Manufacturing Company, Case No. 15-R-1232.

enunciated policy but also to the national policy expressed by the President of the United States in Executive Order 9345 (sic)." 24

The decisions of the War Labor Board relating the provisions of the Executive orders to questions of discrimination arising under its jurisdiction have been more numerous. The classifications "colored laborer" and "white laborer" were abolished and both reclassified simply as "laborer" with the same rates of pay by the Board in Southport Petroleum Company, a well-known case. Its decision, said the Board, was "a realization of the \* \* sound American principle of equal pay for equal work as one of those equal rights in the promise of American democracy regardless of color, race, sex, religion, or national origin \* \* \*" and "\* \* is in line with the President's Executive Order 8802" 25

A minority dissent has been filed in one case on the ground that the Board should have determined "the relation between the proposed adjustment and the charge that the \* \* \* Company is practicing race discrimination in employment." 26 The Board has ordered that grievances over pay and upgrading "shall be considered and determined in the light of the national policy against discrimination in the employment of workers in defense industries It has held in one case involving discrimination against Mexicans that the seniority section in the collective bargaining contract should include a statement of employer policy providing for opportunity for employment and advancement for all. 28 Conversely, the Board has rejected a seniority clause contended for by the employer which discriminated against aliens.29

"The security and prestige" of a maintenance of membership clause has been granted by the Board to a union composed mainly of Negroes employed in a southern plant, 30 and also to unions of the employees of four meat-packing companies engaged in competition for membership in a situation "where (the) employment of a large number of colored persons subjects unions to risk of loss of entire blocs of members through 'playing off' white and colored workers" against each

other 31

In at least three other cases the Board's directive order has provided for the inclusion of a nondiscrimination clause in the contract between the union and the compay: in one, no explanation was made for the incorporation of the clause; 32 in another, the clause was included as part of the settlement of a dispute over working rules and conditions between a union and four companies operating Great Lakes ore boats; 33 in the third, in answer to dissent by its industry members who had pointed out that "there is a duly constituted Government agency (FEPC) whose sole duty is to investigate racial discrimination and to take action in those cases in which it is warranted," the Board issued a subsequent opinion in which it stated that FEPC would concede

<sup>24</sup> In the Matter of Larus & Brother Company, Incorporated, Case No. 5-R-1413.
25 8 W. L. R. 714.
26 In re Capital Transit Company, 10 W. L. R. 783.
27 In re Hercules Powder Company, 5 W. L. R. 455.
28 In re Phelps Dodge Corporation, 1 W. L. R. 29, 33.
29 In re Arcade Malleable Iron Company, 1 W. L. R. 103, 157.
30 In re Buckeye Cotton Oil Company, 2 W. L. R. 145, 155.
31 Four Meat Packing Companies, In re Swift and Company et al., 6 W. L. R. 395.
32 In re Frank Foundries Corporation, 3 W. L. R. 224.
33 In re Interstate Steamship et al. Nort:—Although intended to increase the labor supply in a seasonal industry, the clause constitutes an amendment to a previously awarded union security clause which provided for the maintenance of membership on a proportional basis, and has interesting implications for minority workers. minority workers.

the Board's obligation to take appropriate action in this respect in

settling disputes.34

The Board has adjusted discriminatory pay rates involving the Mexican, Indian, and Negro employees of nonferrous metal mines in the Southwest by ordering increases to a basic minimum and establishing fewer job classifications.35 And it has unanimously ordered striking employees to return to their jobs and refused "to order any change in the company's \* \* \* policy of providing common facilities for white and Negro employees." 36

#### RELATED COURT DECISIONS

#### Decisions of the United States Supreme Court

Three cases decided by the Supreme Court on December 18, 1944, are concerned with the employment problems of "minorities" under labor-management contracts. In all three cases the Court discusses the nature of the duty of labor organizations which have been recognized as "exclusive bargaining representatives," to represent all employees in the craft or class or unit being represented. The decisions, particularly in the Steele and Tunstall cases, will have an important bearing on the Committee's work. Many questions, however, which are related to the issues in these cases and which are of significance to FEPC, were not decided. The position of minority group applicants is not discussed. And, on the question of membership in the labor organization designated as the bargaining representative, the Court has not said that the opportunity for membership must be open to all presons employed at the time the contract is entered into. either in a closed or open shop situation.

Nevertheless, in the Steele case, 37 the Supreme Court has established new principles for the protection of minority workers against discrimination. It has held that the statutory representative of a craft has a "duty to exercise fairly the power conferred upon it in behalf of all those for whom it acts, without hostile discrimination against them." Although it must represent nonunion or minority union members "fairly, impartially, and in good faith," the bargaining labor organization is not denied under the statute, stated the Court, the right to

determine eligibility to its membership.

A companion case, 38 filed in a Federal District Court, presented the major issue raised in the Steele case and, in addition, the further question of the jurisdiction of the Federal courts over such a suit. Holding that the right asserted by Tunstall is a Federal right over which the Federal Courts have jurisdiction and further that the petitioner was without available administrative remedies, the Court reached the same conclusion as in the Steele case.

In the Wallace case, 39 the Court has concluded that the National Labor Relations Board was not stopped from going behind the certification of an independent union to find evidence of "company domination," although the Board's action resulted in the destruction of a closed-

<sup>34</sup> In re Montgomery Ward and Company, 18 W. I., R. 371.
35 In re Miami Copper Company et al, 14 W. L. R. 146.
36 In re Western Electric Company, Incorporated, 13 W. L. R. 42.
37 Ester William Steele vs. Louisville and Nashville Railroad Company, Brotherhood of Locomotive Firemen and Enginemen et al., 323 U. S. 192.
38 Tom Tunstall vs. Brotherhood of Locomotive Firemen and Enginemen, Ocean Lodge No. 76, Port Norfolk Lodge No. 775 et al., 323 U. S. 210.
39 The Wallace Corporation vs. The National Labor Relations Board, 323 U. S. 248.

shop contract. It is not clear what the majority opinion might have been in the absence of a finding of company domination. Referring to the provision of the National Labor Relations Act which authorizes closed-shop contracts, the Court stated: "We do not construe (it) as indicating an intention on the part of Congress to authorize a majority of workers and a company, as in the instant case, to penalize minority groups of workers by depriving them of that full freedom of association and self-organization which it was the prime purpose of the act to protect for all workers." 40

#### Other Federal and State Court Decisions

Compulsory membership in the segregated auxiliary is the gravamen of a series of California State court and Federal district court cases in which injunctive relief has been sought. The Federal court dismissed the three cases before it on the ground of lack of jurisdiction, holding that no Federal question was involved in the controversy and that

there was no diversity of citizenship.<sup>41</sup>

The cases filed in several California State courts were, during the period covered by this report, as yet unsettled. In the James case, 42 preliminary injunctive relief against compulsory membership in the auxiliary local or dismissal from employment for refusal to join had been granted on the basis that the actions of the union "in discriminating against and segregating Negroes into auxiliary unions (are) contrary to the public policy of the State of California." However, the issues arising out of the auxiliary system were resolved for the State of California on January 2, 1945, when the supreme court of that State affirmed the injunctive order of the lower court in the James case. The question involved for decision, said the court, was whether "a closed union coupled with a closed shop is a legitimate objective for organized labor." Holding that the two are incompatible, the court continued:

Where a union has, as in this case, attained a monopoly of the supply of labor by means of closed-shop agreements and other forms of collective labor action, such a union occupies a quasipublic position similar to that of a public-service business and it has certain corresponding obligations. It may no longer claim the same freedom from legal restraint enjoyed by golf clubs or fraternal associations. Its asserted right to choose its own members does not merely relate to social relations; it affects the fundamental right to work for a living.

Defendants in the James case contended that the plaintiff failed to exhaust an available administrative remedy provided by Executive Order 9346. After commenting on the procedures and authority of FEPC, the court concluded that the remedy afforded by the Committee "is not such a complete and adequate administrative remedy as is contemplated by the rule invoked," nor was it intended to "supplant the ordinary remedies afforded by the courts."

<sup>40</sup> All of the discharged were white persons and constituted a numerical minority.
41 (a) Joseph James et al. vs. I. B. of Boilermakers, et cetera, et al., filed November 1943, in the District Court of the United States in the Northern District of California, Southern Division.
(b) W. H. Griffen et al. vs. I. B. of Boilermakers, et cetera, Bethlehem Steel Company et al., filed December 1943, in the District Court of the United States in the Northern District of California, Southern Division.
(c) Earl C. Browne, et al. vs. I. B. Boilermakers, et cetera, Moore Dry Dock Company et al., filed December 1943, in the District Court of the United States in the Northern District of California, Southern Division.
42 Joseph James, et al. vs. I. B. of Boilermakers, Iron Shipbuilders and Helpers of America, Marinship Corp. et al., filed January 1944, in the Superior Court of the State of California in and for the County of Marin.

Preliminary injunctive relief has been granted by a Rhode Island court, following an effort by the International Brotherhood to establish an auxiliary local and prevent the counting of ballots of Negroes accepted as members by the regular local union. 43 Again the court based its decision upon public policy with regard to equal treatment of all persons, irrespective of race or color, as evidenced in the Fourteenth Amendment to the Constitution, as well as upon a provision of similar import in the Constitution of the State of Rhode Island and the Rhode Island Civil Rights Statute. The appeal taken in this case has not been determined.

The decisions reached in the State courts will be binding only in the jurisdictions involved and will affect the Committee's work only

in those jurisdictions.

No court has attempted to decide whether or not Executive Order 9346 establishes rights cognizable by courts of law generally. Rhode Island court found that the Executive order is a declaration of the public policy (although of doubtful enforceability as a matter of law). It is not specifically mentioned in the California lower court decisions, in spite of having been urged in justification of the relief Nor is it mentioned in the decisions in the California Federal court cases, although it was specifically pleaded. An Ohio court dismissed complaints filed by two Negro women against two separate Cleveland war contractors charging discriminatory refusal to hire. After holding that Executive Order 8802 does not create any rights enforceable by it, the court disposed of the cases on the merits upon a finding that the parties charged were not guilty of discrimination.44

48 Hill, et al., vs. I. B. of Boilermakers, S. B. B. and H. of A. and Local 308 et al. Equity No. 17760, Superior Court, Providence County, Rhode Island, January 7, 1944.
44 Claretta Jean Johnson vs. Thompson Aircraft Products Co., Thompson Products, Inc., Cases No. 19165-19163, and Effic Mae Turner vs. Warner & Swasey Co., Case No. 19164, in the Court of Appeals of Ohio, County of Cuyahoga, Decided June 21, 1943.

## Chapter VII. The Effectiveness of FEPC

During the war period minority workers, along with other workers, have made important industrial occupational advances. These have been the result not only of the labor shortage incident to all-out war production, but also of the activities of the President's Committee on Fair Employment Practice, the War Manpower Commission, and the contracting agencies of the Federal Government. State and private action and the policies of some labor unions have played a part in

many places.

The best barometer of the progress made is to be found in the measure of gains by Negro workers. The depression years brought about the loss of many of the industrial footholds the Negro worker had been able to establish between 1910 and 1930. Three months after Pearl Harbor, when the defense program was nearly 2 years old, it was estimated that Negro workers constituted only 2.5 to 3 percent of all persons in war production. By November 1944 nonwhites, of whom about 96 percent are Negroes, had risen to 8.3 percent of all workers in war industries reporting to the War Manpower Commission. Between April 1940 and April 1944, Negro civilian employment increased by one million persons. Moreover, the number of Negroes employed as skilled craftsmen, foremen, and semiskilled operatives doubled from one-half million to one million during the same 4 years.

Improvement could be noted in Government service as well. As of March 1944, Negroes formed 19.2 percent of all persons employed in the Federal departmental service and nearly 12 percent of Federal employment throughout the country. These figures can be compared roughly with the fact that in 1938 Negroes were only 8.4 percent of all employees of the Federal Government in Washington and not quite 10 percent of all Federal workers. The gains have been qualitative, as well, in terms of classification in the higher categories of service and

pay.

The role of the Executive orders and of the Federal policy of non-discrimination and full utilization of manpower have been extremely important in achieving these and similar results. The foregoing chapter on the interpretation of Executive Order 9346 makes clear that the order is binding upon all Federal agencies, and FEPC alone cannot accept credit for the many steps that have been taken to implement the order and the policy. But, as a separate agency established for the purpose of administering the policy, FEPC guarantees to the various American minorities their right to participate in the all-out effort of a democracy at war. No measure can be made of the contribution to national morale and unity resulting from the mere existence of such an agency, although it is a factor of paramount significance in an evaluation of the Committee's effectiveness. Moreover, the indirect effects upon minority group employment of this agency are

incalculable, for many firms never involved in negotiations with the Committee have altered their employment policies to comply with Executive Order 9346.

#### COMPLIANCE

With particular reference to the employment records of companies investigated by FEPC, a statistical measure of the changes in the utilization of nonwhite workers is possible. Here again, such factors as labor shortages and the supply of available minority workers are reflected along with the results of efforts by FEPC to eliminate discrimination. Compliance studies are, nevertheless, a useful index to FEPC of its effectiveness. Statistics 1 have been compiled for two groups of companies investigated by the first Committee operating under Executive Order 8802: firms appearing at the four 2 major hearings held by the first Committee, and those involved in investigations only, but considered by FEPC examiners to be major cases.

#### COMPANIES INVOLVED IN HEARINGS

There were 37 companies which appeared before the Committee in public hearings before the issuance of Executive Order 9346. ployment figures are available for 31 of these.

#### Changes in Total and Nonwhite Employment

Significant changes in employment have taken place in the plants charged with discrimination at the four hearings under discussion, and these are pictured in the graphs on pages 67 and 68. Total employment for all of the establishments at the time of their respective hearings was 277,681, with 4,262 or 1.5 percent of these workers nonwhite. By the winter of 1943-44 the figures had risen to 468,517 and 23,759 and nonwhites comprised 5.1 percent of all employees.

Since the individual plants involved in FEPC hearings were establishments in which resistance to the hiring of nonwhites was most stubborn, this figure falls below the 7.2 percent figure which the War Manpower Commission gave for all war industries as of January 1944.<sup>3</sup>

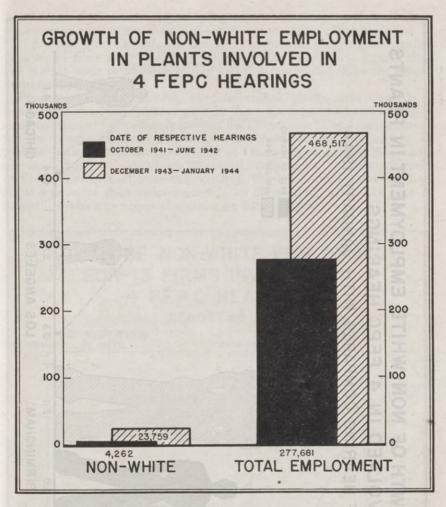
The graph on page 68 shows that in January 1944 nonwhite workers comprised only 3.4 percent of the workers employed in the specific plants involved in the Los Angeles hearings. However, six out of the nine firms in this group whose records have been tabulated are in the aircraft industry, which employed virtually no nonwhites before the beginning of our country's preparation for war. Proof of FEPC's effectiveness in this field lies in the current employment by several of these companies of large numbers of minority workers in skilled, semiskilled, and unskilled jobs.

For the Chicago group, the percentage is pulled down by the fact that four of the nine firms are located in Milwaukee, Wis., a city in which nonwhites comprised only 1.3 percent of the labor force in 1940 and which has not been a center of extensive Negro inmigration during the war. On the other hand, the high percentage of nonwhite workers

<sup>1</sup> Based upon ES-270 reports of the War Manpower Commission or upon data from Committee records which are not obtainable from WMC reports. Since this compliance study was made very early in 1944, the employment statistics used are, in some cases, a year old.

2 Los Angeles, Calif., October 20-21 1941; Chicago, Ill., January 12-20, 1942; New York, February 16-17, 1942; and Birmingham, Ala., June 18-20, 1942.

3 A more precise comparison would have been obtained by measuring the employment changes of the hearings firms against those of other companies in the same industries and areas. This was impossible because (a) in the Los Angeles area, virtually all of the region's large aircraft firms were involved in the hearings and (b) the companies appearing at the Birmingham hearings were located in 5 cities, 4 States and 2 WMC-FEPC regions, making impossible any comparison on an area basis.



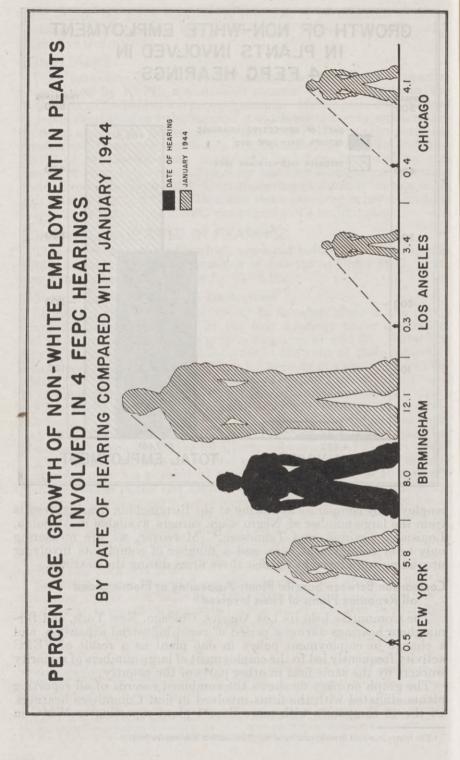
employed by companies appearing at the Birmingham hearings results from the large number of Negro wage earners available in Alabama, Louisiana, Georgia, and Tennessee.<sup>4</sup> Moreover, we are measuring only total employment here, and a number of complaints involving upgrading were brought against these firms during the hearings.

# Comparison Between Specific Plants Appearing at Hearings and all Reporting Plants of Firms Involved

The Committee held its Los Angeles, Chicago, New York, and Birmingham hearings during a period of rapid industrial expansion, and a change in employment policy in one plant as a result of FEPC activity frequently led to the employment of large numbers of minority workers by the same firm in other parts of the country.

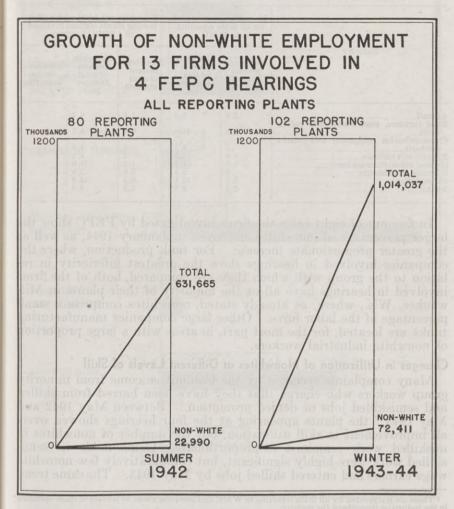
The graph on page 69 shows the combined records of all reporting plants affiliated with the firms involved in first Committee hearings. Of the 13 companies with more than 1 plant reporting to WMC in

<sup>4</sup> The States in which firms appearing at the Birmingham hearings are located.



April 1944, 9 showed a larger proportion of nonwhites for all their plants combined than they did for the particular plant included in FEPC hearings. The plants involved in hearings were investigated because of their discriminatory policies. Therefore, it is logical that the Nation-wide establishments of the 13 firms would show the better numerical records

Proportionately, however, the individual plants investigated in hearings showed the greater gain in the employment of nonwhites, a demonstration of the effectiveness of FEPC action. Total employment for the plants involved in the four hearings rose approximately 25 percent between the summer of 1942 and the early months of 1944 while the employment of nonwhites increased 228 percent. For the affiliates of the same firms all over the country, the total increase in employment was more than twice as much, or 59 percent, while the rise in nonwhite jobs was about the same, or 230 percent.



Including all the reporting plants, the companies involved in the 4 first Committee hearings employed more than 1 million war workers in April 1944. Of these, 77,190 were nonwhite Americans.

#### Employment Gains by Nonwhites in Firms Involved in Hearings and in Same Industries as a Whole

An additional test of FEPC effectiveness is provided by a comparison of the gains in nonwhite employment in all reporting plants of the companies involved in the four hearings with the general gains in the same industries.<sup>5</sup> The table below shows for the two groups the percentage of nonwhites to total employment for July 1942, and for January 1944. The graph on page 71 pictures the proportionate increase in nonwhite employment during this 18-month period.

TABLE A

	Nonwhite employment for all firms reporting to WMC		Nonwhite employment for all re- porting plants of firms involved in 4 FEPC hearings			
Industry	Nonwhite percent of total July 1942	Nonwhite percent of total January 1944	Nonwhite percent of total July 1942	Nonwhite percent of total January 1944	Number of firms reporting	
Aircraft Blast furnaces, steel works, and rolling	2. 9	5. 3	1.5	6. 1	8	
mills	9.8	11.4	6.4	9.5	SOLAR UDAT 1	
Communication equipment and related products. Engines and turbines General industrial machinery Scientific instruments Shipbuilding Tanks	.7 1.9 1.6 .9 5.7 2.2	4. 5 3. 5 4. 1 2. 3 10. 1 5. 5	.5 .2 1.1 3.0 8.3 1.1	4.9 1.3 11.0 3.8 14.9 2.0	3 2 2 2 2 5 5	

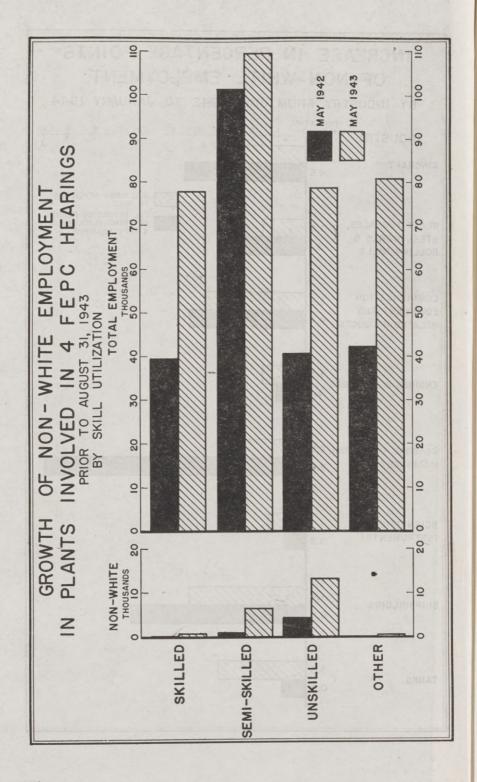
In five out of eight cases the firms investigated by FEPC show the larger percentage of nonwhites employed in January 1944, as well as the greater proportionate increase. For tank production, where the companies involved in hearings show the greatest inferiority in relation to the group with which they are compared, both of the firms involved in hearings have all or the majority of their plants in Milwaukee, Wis., where, as already stated, nonwhites comprise a small percentage of the labor force. Other large companies manufacturing tanks are located, for the most part, in areas with a large proportion of nonwhite industrial workers.

#### Changes in Utilization of Nonwhites at Different Levels of Skill

Many complaints received by the Committee come from minority group workers who charge that they have been barred from skilled and semiskilled jobs or denied promotion. Between May 1942 and May 1943, 7 the plants appearing at the four hearings showed overall improvement in skill utilization, but the number of nonwhites in unskilled work remained disproportionate. Gains made in semiskilled work were highly significant, but comparatively few nonwhite wage earners had entered skilled jobs by May 1943. The same trend

These are represented by all firms reporting to WMC and comprise about 90 percent of those operating in the industries throughout the country.
 For background, see ch. VIII, pp. 85-87.
 May 1943 is the last date for which ES-370 data showing skill breakdowns were available.

#### INCREASE IN PERCENTAGE POINTS OF NON-WHITE EMPLOYMENT BY INDUSTRY FROM JULY 1942 TO JANUARY 1944 PERCENTAGE POINTS O INDUSTRY 2.4 AIRCRAFT 4.6 ALL FIRMS REPORTING ALL REPORTING PLANTS OF FIRMS INVOLVED IN 4 FEPC HEARINGS BLAST FURNACES, 1.6 STEEL WORKS & 3.1 ROLLING MILLS COMMUNICATION 3.8 EQUIPMENT AND 4.4 RELATED PRODUCTS 1.6 ENGINES & TURBINES GENERAL INDUSTRIAL 2.5 MACHINERY 9.9 1.4 SCIENTIFIC INSTRUMENTS 0.8 4.4 SHIPBUILDING 6.6 3.3 TANKS 0.9



has continued to date, with more and more minority workers entering semiskilled work and a comparatively small group obtaining skilled

and "other" positions.8

Increases in total employment were largest in the skilled, unskilled, and "other" categories, and the number of workers in these groups rose, respectively, from 39,403 to 77,653; from 40,645 to 78,735, and from 42,230 to 80,663; semiskilled workers increased from 101,135 to 109,617. For nonwhites, as stated, the most significant gain was in semiskilled employment, a category which grew from 958 to 6,340. Nonwhite workers in skilled jobs rose from 29 to 605; those in unskilled work, from 4,249 to 13,048, and those in "other" positions from 3 to 441. These figures are represented graphically on page 72.

#### MAJOR CASES

The compliance records of firms investigated at the regional level alone must be included in any discussion of FEPC's effectiveness since most cases examined by the Committee never reach the hearing stage. Accordingly, a study was made of 41 plants chosen as major cases by FEPC examiners. The number of man-hours spent on each case was the chief criterion for selection.

#### Changes in Total and Nonwhite Employment

There were 7,086 nonwhite workers employed by all of these plants in May 1942, a number which formed 2.0 percent of the 356,456 persons comprising their total employment. By April 1944, Negroes were 7.5 percent of all employees in the plants and numbered 46,733 in a total of 623,003 workers. The graphic representation of these figures is on page 75.

#### Changes in Utilization of Nonwhites at Different Levels of Skill

Figures on skill utilization were available for 29 of the same plants, and the combined records of these establishments are shown graph-

ically on page 74.

Just as in the firms involved in the four first Committee hearings, those chosen as major cases revealed the greatest gains for nonwhites in semiskilled jobs. In this category, nonwhite employment rose

from 887 in May 1942, to 8,080 in May 1943.

The major cases showed somewhat better records in the skilled and "other" categories than did those involved in hearings. Nonwhites in these groups increased, respectively, from 114 to 2,157 and from 35 to 922. There were 3,160 nonwhites in unskilled work in May 1942, and 14,672, in May 1943.

Total employment expanded at rates which were almost the same for all skill categories. The number of skilled workers rose from 74,064 to 125,214; semiskilled, from 103,826 to 178,472; unskilled,

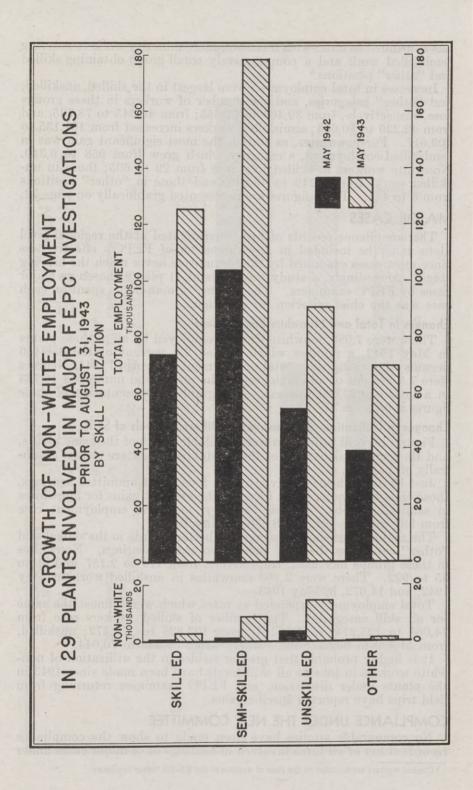
from 54,392 to 90,607; and "other," from 39,238 to 70,044.

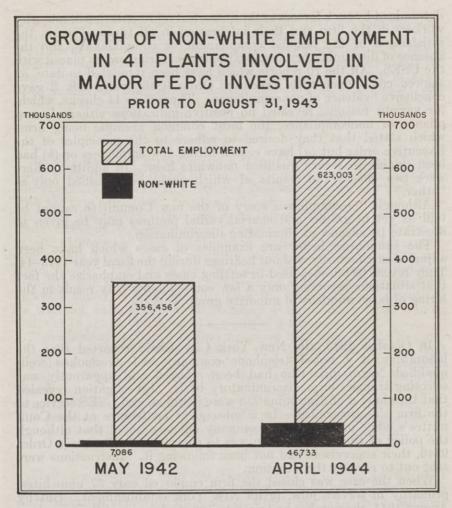
It is highly probable that greater strides in the utilization of nonwhite workers in jobs at all skill levels have been made since 1943 in the plants under discussion, and FEPC examiners returning from field trips have reported specific gains.

#### COMPLIANCE UNDER THE NEW COMMITTEE

No comparable studies have been made to show the compliance records either of all firms involved in hearings or of major cases under

<sup>8</sup> Clerical workers are included as one class of workers in the ES-270 "other" category.





the new Committee. The demands of an expanding operational program and the development of more formalized procedures of case handling prevented, for a time, routine gathering of compliance data. Moreover, such data were not immediately available on a new operation. With the discontinuance by WMC of reporting skill breakdowns on ES 270 reports, a standard was lost by which individual firm progress could be measured against industry or area gains, and for the future, FEPC must rely on its own files for information concerning gains in skill utilization.

However, in August 1944, a new compliance program was developed by FEPC which provides for revisits to companies against which cases of discrimination have been closed as satisfactory adjustments. The regional staff has been requested to devote approximately 10 percent of its time to the making of compliance checks and has received detailed instructions concerning this new function. Reports of compliance findings are sent to the central office and will provide the Committee with a basic measure of its effectiveness. Compliance is determined by such factors as the numerical representation of minority workers in the firm and their integration in all types of work, the satisfaction of the original complainant or complainants, and the absence of discriminatory specifications from hiring orders placed with the USES. Of the 70 reports which have been tabulated to date, 52 showed compliance with Executive Order 9346, while only 2 gave conclusive evidence of noncompliance. There were 14 checks, which, for various reasons, revealed no positive indications either of compliance or noncompliance, the most common example being firms which stated that they desired to adhere to the principles of the Executive order but (a) have ceased hiring new employees or (b) had been unable to secure qualified nonwhite help. In addition, there were two checks the results of which could be classified only as "other."

Although the compliance story of the new Committee cannot be told as yet in graphs and charts, verbal pictures may be given to

illustrate its success in eliminating discrimination.

The summaries below are examples of cases which have been adjusted satisfactorily without hearings during the fiscal year 1943-44. They reveal techniques used in settling cases and emphasize the fact that situations involving only a few complainants may result in the hiring of large numbers of minority group workers.

In October 1943, the New York City USES reported that the laboratory of a noted telephone company had overlooked well-qualified Negro girls who had been referred and apparently was selecting trainees on a discriminatory basis. Investigation revealed that the charges of discrimination were justified, and USES service to the firm was suspended. In a subsequent conference at the Committee's office in New York, company officials stated that although the policy of their organization was to comply with Executive Order 9346, their supervisors had not been following it. Instructions were sent out to remedy the situation.

When the case was closed the firm employed only 57 nonwhites, primarily in service jobs, in its New York establishment. But by August 1944, the number had risen to 186, and many of these workers held professional and clerical jobs, as well as skilled positions in shop and maintenance departments. One Negro member of the firm's technical staff attends meetings with other companies as a representa-

tive of the laboratory.

A chemical company in Philadelphia, Pa., which once sent an order to the USES specifying the need for white laborers is now training Negroes as chemical operators and is hiring colored workers for various jobs. Negro employees who were doing unskilled work have been upgraded and one is now a leader in charge of a mixed crew of riggers.

The War Manpower Commission referred the case to FEPC after the USES had been unable to change the company's request for white personnel. The WMC reported that the firm wanted to employ qualified nonwhites, but statistics nevertheless showed that all Negroes working for the firm were in unskilled positions. Conferences and a trip through the plant by the FEPC examiner revealed that the company had a complex problem in training inexperienced help for technical work. Management officials stated that a previous effort to use Negroes in nonlaboring jobs had resulted in a walkout and asked the Committee's representative to aid them in working out their program of upgrading and integration. Suggestions were made, and as a result of several meetings the company is now hiring and promoting non-whites through its new industrial relations department.

No Negroes were employed by a large Cincinnati firm in October 1943, when the local USES filed a report of discrimination involving this company. After FEPC entered the case, conferences were held with the firm's president, personnel manager, and legal counsel. During these discussions a plan was agreed upon which provided for the initial hiring of 10 Negro women. These new employees, selected with careful attention to their qualifications, were to open their orientation course with a visit to the plant, to be conducted by company and union heads. They were told that they were to be employed permanently and that they would be advanced as their ability permitted. It was planned, in addition, that after the first group had completed its training, each member was to select 4 additional colored women and was to act as unit head of a group of 5 trainees.

Management explained to its employees that there would be complete sharing of washroom, cafeteria, and locker-room facilities, and stated that the Negro trainees would be asked to submit to Wasserman tests only if the same requirement were met by all workers in the plant. The program went into operation in March, and the USES referred some 15 Negroes per day until 400 had been hired by the company. The president of the firm has written to express his appreciation to

the agencies which helped him solve his employment problem.

There are now more than 500 Negroes working on Chicago's transit lines. Three companies and the unions of their employees worked with FEPC in achieving integration, which has taken place without incident, and colored personnel serve as trainmen and conductors on elevated trains, as bus drivers and as streetcar conductors and motormen. In the fall of 1943, when the cases were opened, Negroes were employed only as laborers or in service positions.

Negro and white organizations had been trying for several years to obtain skilled jobs for Negroes, and FEPC started negotiations soon after the opening of its Chicago office as a result of referrals by these organizations. Ill feeling had been growing in the Negro community, with tension high between white operators and colored passengers. There were even preparations for the boycotting and picketing of Chicago streetcars. After conferences, the largest of the three companies informed FEPC that it would accept applications from Negroes for platform jobs. The other two firms followed suit a short time later.

In November 1943, four Negro welders at a California drydock company complained to the Committee that they were not being

given the opportunity to transfer to repair work along with other employees. This type of work pays a higher wage rate than other crafts in the yard and requires additional skill. Although the company stated that the volume of repairs was low and that not everyone could work on repairs who desired to do so, FEPC pointed out that there was no evidence that any Negroes were employed in this type

of job.

The firm, which maintains no separate employment records according to race, made spot personnel checks and reported that 113 Negroes were engaged in repair work in January 1944. Since the company's early negotiations with the Committee there has been a special attempt to develop equal employment opportunities for colored workers. The 4 complainants were given the chance to work on repair, and other new positions have been opened to Negroes. In April, FEPC's San Francisco office reported that 240 Negroes held repair jobs at this company's yard in Alameda, Calif.

In June 1944, FEPC's New York office received a visit from a man who charged that he had been refused employment because of his religion. He stated that on several occasions the personnel office of a certain plant, which employed about 2,000 persons to fill army contracts requirements, had turned down his applications. Since he had obtained 2 years' experience as a riveter-assembler in aircraft with the Brewster Corporation, he felt that his rejection was based on the fact that he was of the Jewish faith.

FEPC requested the general manager of the company to look into the case. On the basis of his investigation, which revealed no valid reason for refusing to hire the applicant, he ordered him employed. A few days later the complainant called FEPC to state that he had

been hired.

A woman of Mexican descent visited FEPC's Los Angeles office in December 1944, to complain that her husband was refused promotion only because of his national origin. She said that because of a health condition, his doctor had recommended a change of work. Furthermore, an official statement had been issued by the employer which showed an opening of the type he desired, but repeated requests for upgrading had been refused.

The next week FEPC submitted the complaint to the company and

received a reply which promised an investigation.

The company subsequently informed FEPC that arrangements had been made for the transfer of the Mexican worker to the desired position. Two weeks later the complainant wrote: "They have given me my release, and have transferred me to the job of carman helper. I give you my sincere thanks."

## FEPC ASSISTANCE TO OTHER AGENCIES

Aid in Settling Strikes

Another qualitative measure of the effectiveness of FEPC may be illustrated by a report on the role it has played in times of crisis in advising and assisting various agencies concerned with manpower utilization.

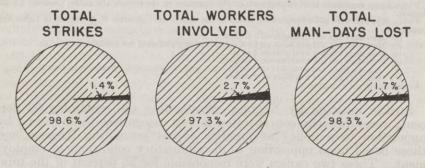
During the period between July 1943 and December 1944, FEPC aided in the satisfactory settlement of 40 strikes affecting more than 286,594 workers and resulting in the loss of more than 148,969 mandays in some of the most important war production plants in the country. These were all strikes arising over racial issues, but actually constituted only 1.4 percent of the total number of strikes which occurred during the period for all reasons. They accounted for only 2.7 percent of the total workers involved in strikes and only 1.7 percent of the total man-days lost, as shown in the charts.<sup>9</sup>

By quick action, the Committee has been able to prevent the additional loss of thousands of man-days and avert major strikes in such plants as the Carnegie-Illinois Steel Corporation, Jones and Laughlin Steel Co., Youngstown Sheet and Tube Co., Illinois Ordnance Plants,

General Cable Co., and others.

# STRIKES OVER RACIAL ISSUES CONSTITUTE ONLY A SMALL PROPORTION OF TOTAL STRIKES

JULY 1943 - DECEMBER 1944



The strikes which FEPC aided in adjusting were mainly of two types: (1) those initiated by white workers against the employment and upgrading of Negroes and (2) those initiated by Negroes because

of discriminatory employment practices.

As shown in table B, strikes by white workers against the employment of Negroes comprised 18, or 45 percent of the total number of strikes over racial issues, affected 30.5 percent of the total number of workers involved, and 87.4 percent of the total man-days lost. The largest single cause of this category of strikes was opposition to the promotion of Negroes and comprised 12.5 percent of the total strikes, 34 percent of the total workers involved, and 50.8 percent of the mandays lost. There were only two strikes by white workers against the common use of toilet and eating facilities. One of the strikes shown in table B was initiated by white workers because Negro workers were discriminated against.

Ocomputed from data supplied by the Bureau of Labor Statistics, U.S. Dept. of Labor.

B.—Distribution of strikes which FEPC aided in settling, according to causes, number of workers affected, and man-days lost for the period July 1943-December 1944

	Number of strikes	Workers affected 1		Man-days lost 2	
		Number	Percent	Number	Percent
Total	40	286, 594	100.0	148, 969	100. (
(a) Opposition by white workers to the promotion of Negroes	10	69, 927	34. 0	75, 732	50.8
(b) Opposition by white workers to the hiring of Negroes	5	9, 634	3. 4	330	
Opposition by white workers to the nonsegregated facilities Opposition by white workers to Negroes in the	2	4, 337	1. 5	39, 017	26. 5
training school  (c) Opposition by Negroes to enditions of employ-	1	3, 468	1. 2	15, 055	10. 3
d) Opposition by Negroes to a policy of nonpromo-	7	50, 601	17. 7	10, 400	7. (
tion	7	84, 237	29. 4	695	HT2
fers	3	50, 307	17.5	1. 297	
(f) Opposition by Negroes to wage differential Opposition by Negroes to discriminatory dis-	4	13, 194	4, 6	395	
charge Opposition by white workers to discrimination	1	304	.1	(3)	
against Negroes	1	585	. 2	6,048	4.0

<sup>1</sup> This figure represents total employment in the company at the time of the strike. Source: ES 270 Report.

Man-days lost were not computed for strikes of less than a day. Source: U. S. Bureau of Labor Sta-

(a) Man-days lost not available on 3 strikes.

Man-days lost not available on 4 strikes.

3 Information not available.

Strikes initiated by Negroes, representing the remaining 52 percent, were primarily concentrated in two categories: those caused by opposition to a policy or practice of not promoting Negroes and those based upon opposition to discriminatory conditions of employment. These two causes were responsible for 35 percent of the total strikes as shown in the table. It is also significant that there was only one strike against discriminatory discharge.

As shown in table C below, more than one-fourth of the strikes occurred in region III which comprises the Pennsylvania, New Jersey, and Delaware area, while the next highest number of strikes took place in region V, which includes Ohio, Michigan, and Kentucky, and in region IX, which is composed of Missouri, Kansas, Arkansas, and Oklahoma. All of these regions have had a high degree of racial tension, especially in the metropolitan areas of Detroit, St. Louis, and Philadelphia. It was, therefore, imperative that any industrial disturbance occurring in these areas be settled as quickly as possible.

Table C.—Distribution of strikes which FEPC aided in settling during the period July 1943-December 1944, by region

Region:	Number of strikes	Region—Continued.	Number of strikes
III	11	IX	8
IV		X	2
VI		All	
VII	2	Total	40

 <sup>(</sup>a) wan-days lost not available on a strikes.
 (b) Man-days lost not available on 4 strikes and workers affected not available in 1 strike.
 (c) Man-days lost not available on 1 strike.

<sup>(</sup>é) Man-days lost not available on 2 strikes and workers affected not available in 1 strike.
(f) Man-days lost not available on 2 strikes.

The role of FEPC in aiding in the settlement of a work stoppage centered around its prestige as an agency to adjust valid complaints of discrimination in war industries on account of race, creed, color, or national origin. It does not attempt to render this service unless called upon by another Government agency or a company or union. However, if the strike is a direct outgrowth of complaints of discriminatory employment practices, the Committee has responsibility under Executive Order 9346 to obtain the elimination of such discrimination. It is the policy of the Committee to get the strikers back to work and then give them full protection under the order. In most cases, they have expressed confidence in the Committee and, as a result, FEPC has been able to persuade them to return to work after management and other Government agencies have failed.

In some cases the Committee has been able to bring the work stoppage to an end merely by sending the strikers a telegram which advises them to return to their jobs and informs them that their complaint

will be investigated by the Committee.

In a few cases, especially where the grievance is spread over a longer period, it has been necessary to dispatch an examiner to the scene of the stoppage for a direct appeal. After work is resumed the examiner investigates the complaint, following the same procedure used in any other complaint. Usually the only difference found is in the complexity of the grievance. After the investigation has been completed, the Committee is in a position to point out the specific cause of the grievance and suggest recommendations for its remedy.

At times the complaint has indicated that a correction of the discrimination complained of was hampered by a recalcitrant local union or local company officials. Negotiations then are undertaken with national representatives to clarify and settle the issues so that a

satisfactory adjustment may be achieved at the local level.

The practical application of policy outlined above can be seen in the action of the Committee in the following cases:

#### Work Stoppage in the Carnegie-Illinois Steel Corporation

A stoppage of work in the Carnegie-Illinois Steel Corporation in which 1,488 employees participated, threatened to shut down other plants affecting 30,000 workers in important war production with the resultant loss of thousands of man-

days and major disruption of steel production.

The Clairton byproducts plant, where the strike occurred, is a coke plant of the Carnegie-Illinois Corporation and the largest of its kind in the world. It makes coke and gas used in the manufacture of steel for the entire Ohio Valley. This gas is piped to the various plants and a continuous flow must be maintained. An extended shut down in the coke plant automatically will cut off the flow of gas. The coke plant in operation utilizes a series of batteries of ovens while another series is undergoing rebuilding. Thus, if one series should burn out, it would mean that the Carnegie-Illinois Steel Companies and plants which cover six straight miles of buildings and operations would be idle for 3 or 4 weeks. The danger of such damage is great when coke is left in the ovens unattended.

The stoppage in the coke plant which occurred at midnight, February 25, 1944, was the result of a long series of incidents dating back as far as 1933. Prior to 1933 the entire coke works was manned by Negroes, but thereafter management began to introduce white workers who were taught the various processes in the plant by Negroes. As soon as the white workers became proficient in the operations of the various machines, the Negro workers were transferred to other departments and jobs of a lower classification. Various incidents of this type

continued to occur up to December 1943.

The Negro workmen realizing that they were being steadily barred from all of the higher jobs formerly held by them, decided that the only way to regain what they had lost was to tie up the plant by striking. However, by this time, the United Steel Workers of America, Local #1557, had completed an agreement with the management which provided for a definite line of progression from laborers to the top machine job in the plant. But because of the fact that all the top jobs were already in the hands of white operators who had displaced Negroes, it appeared that there was little opportunity for Negro workmen to regain these jobs in spite of the new agreement. Moreover, very few of the workmen knew anything at all about this agreement and there had been insufficient time to show any definite improvements attributable to the agreement. Negro workmen on the midnight shift at the byproducts plant refused to work, claiming that they were denied promotions and were actually being passed over by white men with far less seniority.

Representatives of the United States Conciliation Service, Army Ordnance, and Navy Industrial Relations were unable to persuade the men to return to work. Meanwhile, the strike forced the closing of the entire Carnegie-Illinois works, shut off the flow of gas to the Valley's steel plants and, by leaving the coke in the ovens unattended, threatened the burning out of an entire battery of the ovens

at Clairton.

An FEPC examiner in the Philadelphia region was gotten out of bed early Saturday morning, February 26, by Commissioner Ward, United States Conciliation Service, and Major Gallup of Army Ordnance. The three men were rushed to the scene by Army transportation. Meanwhile, the regional director of FEPC for the region involved wired the union, urging that the men return to

work.

The FEPC examiner went into the plant and talked to the men, group by group, asking them to appoint a representative of each group to discuss their problems with him. He also advised them that the Committee would investigate any valid complaints that the men had in regard to discrimination in upgrading, provided the men went back to work and kept the plant in operation. In this manner he was able to get a sufficient number of men to return to their jobs to keep the coke ovens from being ruined. This process had to be repeated with each new shift. At this point in the negotiation, the United States Commissioner of Labor and the representatives of the Army and Navy told both management and labor that

they were turning over all of their authority to the FEPC examiner.

At the request of the examiner, the union officials called a special meeting of their membership and explained in detail the operation of the promotional agreement. The attendance at this meeting was so great that a loudspeaker had to be set up in the doorway to take care of the overflow that remained in the streets. When the meeting began to get out of hand on account of the shouts urging another shut-down, the examiner took over. He explained to the workmen the need and importance of abiding by their contractual obligations and illustrated by a large diagram the exact way a promotional sequence worked, thereby giving the men a chance to visualize and understand their chances of promotion. After this and other discussions, the examiner was convinced that the major problem was a lack of understanding between management, the men, and the union leaders. At a later meeting of a committee of workmen the examiner was advised that they felt that a satisfactory settlement had been effected and that there would not be a recurrence of the work stoppage.

This investigation and settlement indicated that had FEPC been called in earlier the stoppage could have been avoided. In lauding the Committee for adjusting this problem, Major E. E. Gallup, Jr., Chief of the Labor Section, Pittsburgh Ordnance District, wrote: "\* \* During the last few days Mr. Manley (FEPC examiner) has directed another fine job in the Clairton plant of Carnegie, Ill.

I know that Lieutenant McCormack of the Navy and Major Ward of the Federal Conciliation Service are just as appreciative as I for Mr. Manley's help."

#### The Jones & Laughlin Steel Plant

Mr. Daniel Goot, of the Labor Production Division of the War Production Board, called the Washington office of FEPC on September 3, 1943, to request the Committee's assistance in preventing a second walkout at the Jones and Laughlin Steel Plant in Aliquippa. Approximately 3 weeks prior to this call 450 Negro workers employed in the 14-inch bar mill of Jones and Laughlin walked off the job, charging the company with discriminatory employment practices. A belief that the company had refused to upgrade two Negroes to the positions of inspector and straightener was the immediate cause of the strike in the entire mill

On September 11, at the request of WPB and the Navy Department, the Committee took jurisdiction over a series of work stoppages that the United States

Conciliation Service, WPB, and WMC had been unable to settle.

The Jones and Laughlin Steel Plant which manufactures iron and steel products. employs 14,000 workers. It is one of the leading plants in the area, and whatever it does becomes a precedent for other establishments in the section.

An investigation by the Committee revealed that an adjustment of these two complaints would not cure the conditions existing at the plant. A conference on

this case showed:

1. A lack of understanding of the problems of the Negro worker by the Jones and Laughlin management. In addition, the white superintendents did not attempt to adjust minor grievances at the mill; everything went to the front offices.

2. An unyielding position on the part of the company which caused them to reject all proposals made by the representative of the union. The company held that employment and upgrading were management functions, and that it was not obligated to employ specific persons.

 Very little education or training among the Negro workers in the plant.
 Very weak union leadership. The section of the union agreement pertaining to the details relative to seniority of job or department had never been worked out.

After several conferences, a "Memorandum of Understanding" was agreed This memorandum was good for 90 days to provide ample time to stabilize management-labor relations in the 14-inch mill and at the same time to permit the whole question of seniority to be taken up. The position of the Committee was that of a catalyst, helping management and labor to remain in session until some adjustment was made, trying to keep nonessentials and irrelevancies from upsetting the negotiations, and stressing the ill effects growing out of spasmodic disruption of production. The Committee endeavored to see that the agreement worked out was strictly a management-labor project acceptable to both and not forced on either.

Mr. Charles R. Ward of the United States Conciliation Service of the Labor Department again gave credit to the Committee for (1) averting a major stoppage and (2) making management aware of the need for improvement in their racial industrial relations. In a letter addressed to the Committee examiner, Mr. Ward stated: "Your fairness and keenness in being able to judge the right and wrong side of the case was noted by the Army and Navy men as well as myself."

#### The Nature and Extent of Other Services

During the period July 1943-December 1944, the Committee has rendered a wide range of services to Government agencies, labor unions, and private industry in the promotion and adjustment of industrial relations. About 56 percent of the requests for FEPC assistance have been made by Government agencies, 24 percent by

labor unions, and 20 percent by private industry.

The largest single type of assistance requested has been that of settling strikes and of averting threatened strikes. Aid has been sought in formulating programs for the utilization and integration of minority workers in war industries, in solving problems arising from the employment of Negroes, Japanese-Americans and other minority groups, in special recruitment drives for war workers, in settling labor disputes, in handling special personnel problems, in determining causes and prevention of work stoppages, and in many other types of service directly connected with the elimination of discrimination in the Government and in war industries.

The largest number of requests for FEPC assistance has come from Government agencies, principally the War Department, the United States Conciliation Service, the Navy Department and the War Relocation Authority. Government agencies most frequently have called upon FEPC for assistance in settling or averting strikes. These agencies also have solicited aid in eliminating discriminatory barriers against war workers and in developing procedures whereby new minority workers might be utilized with the least amount of friction.

The types of assistance requested by private employers and unions closely follow those rendered to Government agencies. A large number of requests were made by private employers for help in connection with problems arising from the employment of Negroes and other minority groups, for advice on improving personnel practices and on handling special personnel problems.

This chapter has pointed out some of the ways in which industrial patterns are changing under the national nondiscrimination policy. It demonstrates that an analysis of the gains made thus far involves the consideration of many complex factors and often must be qualitative rather than quantitative. Quite as important as counting the number of workers hired by one firm after an investigation by FEPC is a recognition of improved over-all trends under the double stimulus of national policy and war needs. The success with which barriers to the full employment of workers of whatever color, creed, or ancestry have been released must be interpreted in the light of the problems that have faced these workers. This is the background story that has been developed as part of chapter VIII, and better than any other method, it tells of the effectiveness of FEPC.

Government agencie, principally the War. Department; the United States Conciliation States the Nav. Department and the War Relocation Authority. Government agencies most frequently have called upon FEPC to assistance in setting or avaiting strikes. These

# Chapter VIII. The Wartime Utilization of Minority Workers

America is a nation of many different peoples. The white majority itself is composed of various minorities and when questions of creed or national origin arise around the issue of job opportunities, the minority status of the individual concerned becomes a very important question. For example, the average white American who happens to be a member of the Jehovah's Witnesses sect finds himself in much the same position as a Negro worker if other white workers object to his being employed on the same job. A Mexican worker who can get any job for which he is qualified in the East will face considerable discrimination in the Southwest. Fully one-third of the total American population belongs to minority groups of one kind or another that fall within the protective provisions of Executive Order 9346. There was a time in America when it was quite common for orders to the United States Employment Service to include the requirement "WXP" (White, Christian, Protestant).

Figures for nonwhite workers will be used chiefly in this chapter because they constitute the best data available on the employment of minority groups. For the United States as a whole, Negroes represent about 96 percent of all nonwhite workers, the remainder including persons of Japanese, Chinese, Filipino, and Indian origin. In 1940, there were in the United States about 13,000,000 Negroes, 127,000 persons of Japanese, and 78,000 persons of Chinese origin, 46,000

Filipinos, and 362,000 American Indians.

The other principal minority groups consist of approximately 5 million aliens, 3 million Latin Americans, and 4½ million persons of Jewish ancestry. Altogether, the national origin minorities, including Germans, Italians, Canadians and others totalled some 21,000,000 persons.<sup>1</sup>

But of America's minorities, its 13 million Negroes are the main objects of discrimination and 78 percent of FEPC's case load is con-

cerned with their employment problems.

#### BACKGROUND OF NEGRO EMPLOYMENT

The first separate occupational census of Negro workers showed that in 1890 Negroes were confined almost wholly to agricultural pursuits and domestic and personal services. Of more than 3,000,000 wage earners, nearly 60 percent were in agriculture and 30 percent were in service jobs. The majority of some 200,000 Negro workers in manufacturing and mechanical pursuits were unskilled and were for the most part employed as railroad hands, laborers in lumber and

<sup>&</sup>lt;sup>1</sup> U. S. Bureau of the Census, Sixteenth Census of the United States; "Minority Peoples in a Nation at War," Annals of the American Academy of Political and Social Science, vol. 223, Philadelphia: September 1942; Carey McWilliams, Brothers Under the Skin, Boston: Little, Brown & Co., 1943.

planing mills, iron and steel plants, and tobacco factories. workers were chiefly artisans such as carpenters, bricklayers, plasterers and blacksmiths. In 1890, 90.3 percent of the total Negro population of 7% million persons resided in the South. Thus, it was not unusual that in the South were 96 percent of all colored agricultural workers. practically four-fifths of Negro domestics and personal service workers, nearly 83 percent of Negro industrial workers, and almost four-fifths of those employed in trade and transportation.<sup>2</sup>

#### BEGINNING OF THE INDUSTRIAL ADVANCE OF THE NEGRO WORKER

The decade between 1900 and 1910 marked the beginning of the Negro's advance in industry. During these 10 years, the number of Negroes engaged in manufacturing and mechanical pursuits increased more than 100 percent, from 275,116 in 1900 to 552,815 in At the same time there were decreases in agricultural and service occupations with corresponding increases in the employment of Negroes in trade and transportation.3

These early advances were due mainly to expansion in certain typical "Negro jobs" industries such as saw and planing mills, coal mining, and foundry work in the iron and steel industry. In 1910 there were only 475 Negro steam boilermakers but 3.120 machinists. However, there were other skilled and semiskilled workers in iron and steel factories and in woodworking plants and furniture mills.4

Railroad hands doing construction and maintenance-of-way work accounted for most of the increase in trade and transportation, although about one-fifth of Negro railroad workers were serving as firemen, brakemen, and switchmen. Few Negroes were employed in local transit industries but in Cleveland, Detroit, and Indianapolis, Negro motormen and conductors worked without friction. Colored workers also advanced in other fields, such as telephone and telegraph communications, hacking and chauffeuring, longshore work, and to a slight extent they gained status in clerical work and small business.

The over-all industrial advances of the Negro during this period were such that at the close of 1910 practically one-fifth of all colored workers were engaged in mechanical and industrial pursuits, trade and transportation, and professional work. This was a considerable increase over 1890 when only about one-tenth of all Negro workers were in nonagricultural and nonservice occupations.

#### PARTICIPATION OF NEGROES IN INDUSTRY DURING THE FIRST WORLD WAR

The year 1920, reflecting the preceding war years, represented the height of the Negro industrial advance which began after 1900. Yet neither the 965,804 listed as engaged in manufacturing and mechanical industries nor the 540,451 in trade and transportation fully indicated the activity of the Negro in World War I. It is estimated that over a million Negroes were employed in northern industrial plants alone

<sup>&</sup>lt;sup>2</sup> U. S. Bureau of the Census, Special Report on the Statistics of Occupations in 1890, p. 19, and L. J. Greene and C. G. Woodson, The Negro Wage Earner, Washington: Association for the Study of Negro Life and History, 1940, p. 40.

<sup>3</sup> Cf. U. S. Bureau of the Census, op. cit., p. 19 and U. S. Bureau of Census, Negro Population in the United States, 1790-1915, pp. 526-527.

<sup>4</sup> U. S. Bureau of the Census, Population: 1910, vol. IV, table VI.

during the war period. When the census of 1920 was taken a general depression had begun and many colored workers had been laid off.5

Occupations

Although a small number of Negroes achieved semiskilled and skilled status in industry during World War I, the majority were concentrated in unskilled jobs. Apparently the greatest gains in skilled status occurred in shipbuilding. Approximately 20 percent of the Negro employees in shipyards under the jurisdiction of the U. S. Shipping Board were engaged in skilled occupations, and in the remaining 80 percent classified as unskilled, there were probably some semiskilled workers.

#### Industries

In addition to shipbuilding, Negro workers participated to some extent in all industries basic to the war effort. Iron and steel foundry work, meat packing, and ordnance were areas of considerable gain for the colored worker. Negro women, replacing men drafted for military service, also secured employment in manufacturing plants. Several thousand found new opportunities in clerical jobs in both private business and the Federal Government. A partial survey of Negro women in clerical jobs in 1918 found 5,538 doing efficient work in the offices of shops, mail-order and other business houses as typists, stenographers, bookkeepers, filing clerks, billing and addressograph operators, and packing and shipping clerks. Most of these workers, as well as those in the Federal Government under civil-service classification, were discharged after the war. Only a few secured a permanent foothold.6

Migration

The Department of Labor estimated the Negro migration in 1916–17 at 400,000 to 500,000. Other estimates by individual experts and private bureaus ranged as high as 800,000. The states which contributed most largely to the masses of migrants were North Carolina, South Carolina, Florida, Alabama, Mississippi, Louisiana, Texas, Arkansas, and Tennessee. The migrants from these states greatly supplemented the colored workers already sparsely employed in Pennsylvania, New Jersey, Michigan, and Illinois. In retrospect this movement of Negroes from agricultural to industrial areas and from South to North was one of the most important consequences of the war for the colored labor force, for during World War I, the Negro gained a secure foothold in American industry. True enough the employment was chiefly as unskilled labor, but unlike most domestic and agricultural pursuits there was considerable room for advancement.

#### NEGRO EMPLOYMENT AFTER THE FIRST WORLD WAR

Gains made by Negroes in industry were not continuously maintained after the first World War. In the shift from military to civilian production and during the depression which affected industry in the years 1920-21, a great part of the wartime advance was temporarily lost. However, the experience gained and the employment patterns

<sup>&</sup>lt;sup>5</sup> U. S. Department of Labor, George E. Haynes, *The Negro at Work During the World War and During Reconstruction*, Washington: Government Printing Office, 1921, ch. 7.

<sup>6</sup> *Ibid.*, p. 128.

<sup>7</sup> U. S. Department of Labor, *Negro Migration in 1916–17*, Washington: Government Printing Office, 1919.

established during the first World War made it possible for nonwhite workers to regain and somewhat extend their position in industry during the more prosperous period of the late 1920's. For the country as a whole, there were 14 percent more Negroes engaged in manufacturing and mechanical industries in 1930 than there had been in 1920.8

The significant result of the experience of Negro workers in industry in World War I was the stimulus it gave to migration out of the South and the greatly increased employment of Negro workers in northern industrial communities. It is estimated that 716,000 Negroes migrated out of the South between 1920 and 1930.9 This flow was directed primarily to 5 major industrial cities: New York, Philadelphia. Pittsburgh, Chicago, and Detroit. Sixty percent of the entire Negro

population in the North resided in these five cities in 1930.10

Most of the industrial advances of Negro workers in the North during this period occurred in the nonmanufacturing groups: domestic and other service workers, helpers and delivery men in stores, draymen, teamsters, truck drivers, laborers in the building trades, street and road construction workers, maintenance-of-way employees on railroads, attendants at automobile garages and greasing stations, and to some extent coal miners. Among the manufacturing industries, the most noteworthy gains were made in iron and steel, machinery, automobiles, clothing manufacturing, and meat packing. But, as is shown in table 19 in the appendix, Negro firemen on southern railroads, boilermakers, and machinists all suffered severe drops from 1920 - 30.

On the basis of the foregoing observations concerning the history of nonwhite employment after the first World War, we may draw certain conclusions which are applicable to the coming postwar era. some of the gains made by minority workers during the present period of war production may be temporarily lost during the process of reconversion, the gains will be recovered and extended if and when we achieve high levels of employment in postwar civilian production.

#### THE DEPRESSION AND NEGRO LOSSES IN EMPLOYMENT

The economic depression of the thirties gave impetus to the already established trend of removing Negroes from jobs which had become desirable either as a result of technical improvement or the raising of wage scales through unionization. 12 Negroes lost heavily on railroads as firemen and in the building trades, while continuing their downward trend in employment as boilermakers and machinists. Unemployed whites took over the traditional "Negro jobs" of waiters, bell-men, porters and truck drivers and, with the loss of these service jobs, the Negro was literally pushed off the bottom rung of the occupational ladder.13

<sup>8</sup> U. S. Bureau of the Census: Negroes in the United States, 1920-32, Government Printing Office, 1935,

p. 292. <sup>o</sup> Gunnar Myrdal, *An American Dilemma*, New York: Harper and Brothers, 1944, 2 vols., p. 1231. <sup>o</sup> Lyonel C. Florant, "Negro Internal Migration," *American Sociological Review*, December 1942, pp.

<sup>10</sup> Lyonel C. Florade, 182-791.
11 Gunnar Myrdal, op. cit., p. 294.
12 For discussions of the relation of the American labor movement to the Negro minority see S. D. Spero, 12 For discussions of the relation of the American labor movement to the Negro minority see S. D. Spero, 12 For discussions of the relation of the American labor movement to the Negro minority see S. D. Spero, 12 For discussions of the relation of the Negro, New York: Columbia University Press, 1931; H. R. Cayton, and G. S. Mitchell, Black Workers and the New Unions, Chapel Hill: University of North Carolina Press, 1939; and H. R. Northrup, Organized Labor and the Negro, New York: Harper and Brothers, 1943. Also see table H. R. Northrup, Organized Labor and the Negro, New York: Harper and Brothers, 1943. Also see table 19 in the appendix.

13 See Ira De A. Reid, In a Minor Key, Washington: American Council on Education, 1940, for a description of the decline in "Negro jobs" since 1890.

The depression seriously curtailed occupational gains which Negroes had made in such industries as iron, steel, meat packing, shipbuilding, and automobile manufacturing during World War I and the decade thereafter. In 1940, colored workers constituted even a smaller proportion of the workers in mining, manufacturing, trade, and transportation than they had in 1910. The greatest relative and absolute loss occurred in manufacturing, a decline from 6.1 percent of the total in 1910 to 4.9 percent of the total in 1940.14

Despite the lack of employment opportunities in the North, Negro migration northward out of the South continued during the depression. It was not as high during the thirties as in the preceding decade, but estimates indicate that 317,000 Negroes moved from the

South to the North between 1930 and 1940.15

#### NEGRO WORKERS AND WORLD WAR II

Comparisons between the occupations of whites and Negroes in 1940 reveal that Negro labor was disproportionately concentrated in unskilled, service, and agricultural jobs. Agricultural workers and other laborers constituted 62.2 percent of all employed Negro men but only 28.5 percent of all employed white men. Only about 5 percent of Negro men as compared with approximately 30 percent of white men were engaged in professional, semiprofessional, proprietary, managerial, and clerical and sales occupations. Skilled craftsmen represented 15.6 percent of employed white men but only 4.4 percent of employed colored men. Moreover, more than half of the Negro craftsmen were mechanics or artisans in the construction trades, further indicating the scarcity of Negro skilled workers in manufacturing industries. Striking differences also between the occupations of white and colored women.<sup>16</sup> were shown

When the period of defense preparation began in 1940, local white labor was absorbed and outside white workers were imported into centers of expanding activity, but the local Negro labor supply was not utilized to any appreciable degree. 17 Both management and the unions practiced a policy of excluding Negroes from the new job openings. The Tolan Committee found in 1941 that 9 A. F. of L. unions and the Railway Brotherhoods still had constitutional provisions barring Negroes from membership. Numerous other unions discriminated by tacit consent or by forcing Negroes into auxiliaries. A survey in the fall of 1941 by the Bureau of Employment Security of the Social Security Board revealed that Negroes would not be considered by industry for 51 percent of 282,215 job openings expected to occur by February 1942. 18 The War Manpower Commission estimated early in 1942 that nonwhites constituted 2.5 to 3 percent of employees in war industries. 19

<sup>14</sup> Robert C. Weaver, "The Employment of Negroes in War Industries," Journal of Negro Education, vol. XII, 1943, pp. 386-387.

15 Gunnar Myrdal, op. cit., pp. 197 and 1231.

16 U. S. Bureau of the Census Sixteenth Census of United States, 1940, Population, vol. III, The Labor Force, pt. 1, United States Summary, tables 60, 61, 62 (pp. 84 et seq.).

17 See the following articles and pamphlets: "The Negro's War," Fortune, vol. XXV, 1942, pp. 79 et seq.; Lester B. Granger, "Negroes/and War Production," Survey Graphic, vol. XXXI, 1942, pp. 469 et seq.; Social Security Board, Bureau of Employment Security, Negro Workers and the National Defense Program, Washington: September 16, 1942; and these by Robert C. Weaver: "Racial Employment Trends in National Defense," Phylon (Atlanta, Ga.), vol. II, 1941, pp. 337-385 and vol. III, 1942, pp. 22-30; "The Employment of the Negro in War Industries," Journal of Negro Education, vol. XII, 1943, pp. 386-396 and "Employment of Negroes in United States War Industries," International Labour Review, vol. I, 1944, pp. 141-159.

18 Labor Supply and Demand in Selected Defense Occupations Through the Period May-November 1941, Washington: Federal Security Agency, September 1941.

19 See Robert C. Weaver, "The Employment of the Negro in War Industries," loc. cit., p. 391.

Factors which have hindered the participation of Negroes in war industries include racial discrimination, the occupational characteristics of the Negro labor force, and the geographic distribution of the Negro labor force in relation to the geographic distribution of war contracts. Three-fourths of the Negro population lived in the South in 1940, and two-thirds of the colored labor force was located in 14 Southern states where only 13.5 percent of the nation's war contracts

have been awarded.20 The major factors which have contributed to the present industrial advancement of the Negro worker have been the tight labor market characteristic of wartime and the action of the Federal Government in breaking down the barriers to job opportunities.<sup>21</sup> Pre-employment and in-plant training courses have prepared colored workers for skilled and semiskilled jobs, thereby making possible the transition from agricultural and service jobs and the upgrading from unskilled industrial work.22 The migration of southern Negroes to urban areas in the South and from the South to northern and western centers of production has rearranged the geographic distribution of the colored labor force.<sup>23</sup>

#### War Training Programs

The participation of Negroes in war training programs is worthy of special notice. Pre-employment and supplementary training were provided for the following industry groups: aircraft industries, shipbuilding, sheet metal and welding, automobile mechanics, machine shops, electricity and radio, and inspection and foremanship. white trainees participated in training for each of these groups, but have been concentrated most heavily in machine shops, aircraft, and These were the industries, the latter two being highly shipbuilding. marginal, in which Negroes were almost entirely denied employment in the earlier phases of the defense effort.24

In the South Negro trainees participated in very much less degree than would be indicated on the basis of their local population ratio, but this was slightly offset numerically by increased participation in other regions. A survey in 1942 indicated that the South with roughly 80 percent of the Negro population was training about 20 percent of all Negro participants, while the North with 20 percent of the Negro population was training about 80 percent of all Negro participants.25

#### Employment Gains in Defense Industries

The percent of nonwhite workers in firms reporting to the War Manpower Commission has risen steadily. From less than 3 percent in early 1942, nonwhite participation rose to 4.6 percent in September 1942, 6.4 percent in January 1943, 7.2 percent in January 1944, and

<sup>&</sup>lt;sup>20</sup> From data supplied by the War Manpower Commission.
<sup>21</sup> For over-all accounts of the battle against discrimination in industry, see Committee on Fair Employment Practice, Division of Review and Analysis, FEPC: How it Operates, Washington: Government Printing Office, 1944; Leon A. Ranson, "Combatting Discrimination in the Employment of Negroes in War Industries and Government Agencies," Journal of Negroe Education, vol. XII, 1943, pp. 405-416; and John A. Davis, "Educational Programs for the Improvement of Race Relations: Organized Labor and Industrial Organizations," Journal of Negroe Education, vol. XIII, 1944, pp. 340-348.

<sup>22</sup> See the statistical summary of the war training programs in table 20 of the appendix and Herman Branson, "The Training of Negroes for War Industries in World War II," Journal of Negro Education, vol. XII, 1943, pp. 376-385.

<sup>1943,</sup> pp. 376-385.

23 See pp. 96-97 for a discussion of Negro migration during the war.

24 Herman Branson, op. cit., and Robert C. Weaver, "The Employment of the Negro in War Industries," loc. cit., pp. 390-392.

24 Herman Branson, "The Training of Negroes for War Industries in World War II," loc. cit., p. 377.

8.3 percent in November 1944.26 More than a million nonwhite

workers are now employed in war industries.

Some idea of the industrial advance of the Negro in specific industries can be obtained by noting the following comparisons between July 1942 and November 1944.<sup>27</sup>

Industry	Nonwhite workers as percent of all em- ployees		
or all Negro Preferal enquisyment in Washington was 10 percent was elected, administrative, ford fiscal,	July 1942	November 1944	
Agricultural machinery and tractors.  Aircraft.  Aluminum and magnesium products.  Ammunition (except for small arms).  Blast furnaces, steet works, and rolling mills.  Communication equipment and related products.  Electrical equipment for industrial use.  Engines and turbines.  Explosives.  Firearms under .60 caliber (small arms).  Fireworks and pyrotechnics.  General industrial machinery.  Guns, howitzers, mortars, and related equipment.  Iron and steel foundry products.  Metalworking machinery  Ordnance accessories, not elsewhere classified.	9.8 .7 1.0 1.9 3.3 .7	5.8 6.4 11.6 11.0 4.8 2.7 6.3 4.5 4.7 7.1 24.8 1.7 5.9	
Plastic materials.  Primary smelting and refining of nonferrous metals and alloys Rolling, drawing, and alloying of nonferrous metals (except aluminum).  Scientific instruments Shipbuilding Small arms ammunition.  Tanks.  Tires and inner tubes.	8.7 4.6 .9 5.7 7.2 2.2 3.3	8. 6 9. 6 12. 4 8. 8 9. 8	

Shipbuilding has been the area of most dramatic increase in nonwhite employment. Nonwhite employment increased from 10,099 in the whole industry in 1940 to 157,874 in 96 shipyards in March 1944. While total employment increased 888.9 percent, nonwhite employment during the period of wartime growth increased 1,463.2 percent.28

Negroes in the Local Transit Industry

Increased transportation needs at a time of gasoline and rubber shortages have made local transit companies war industries of prime importance. Traditionally both the management and unions of local transit companies have excluded Negroes from platform operations in nearly all major cities of the United States. However, by January 1945, the number of local transit companies hiring Negroes in platform operations had risen to 21 and the number of Negroes in such positions had risen to 3,601. New York and Detroit each had more than one thousand Negroes in platform jobs and San Francisco had 750. In other cities the employment of Negroes as drivers, operators, and conductors signaled their entrance and consolidation of gains in an important occupational field.29

<sup>&</sup>lt;sup>26</sup> Accurate comparisons between one month and another cannot be made because the group of firms reporting one month is not identical with that reporting in the other.

<sup>27</sup> Tables 21 and 22 in the appendix give data for the same period with percentages for intervening months as well. Table 22 is a more comprehensive list of industries and includes both numbers and percents. Again the samples in these tables, including the one above, are not matched since the group of plants reporting to WMC on ES-270 reports is not identical for each month.

<sup>28</sup> OWI News Release, May 10, 1944.

<sup>29</sup> Fair Employment Practice Committee, Division of Review and Analysis, Employment of Negroes as Platform Operators in the Local Transit Industry, January 1945, mimeographed. See also ch. V, p. 44.

Negroes in Government

Improvement has been noted in Government as well as in industry. In March 1944, Negroes formed 19.2 percent of Federal departmental service (chiefly located in Washington, D. C.). This figure can be compared roughly with that in 1938 when Negroes were only 8.4 percent of all persons employed by the Federal Government in Washington. According to the 1940 Census, Negroes were 28.2 percent of the local population. The gain has also been qualitative. Whereas in 1938, 90 percent of all Negro Federal employment in Washington was custodial, only 10 percent was clerical, administrative, and fiscal, clerical-mechanical, and professional. Today 40 percent of Negro workers are custodial and 60 percent are in the higher-paid and more desirable clerical and professional jobs. Thus one-half of all Negro departmental workers have been redistributed into higher levels of pay and status. In addition, whereas Negroes were less than 10. percent of Federal employment throughout the country in 1938, they are today almost 12 percent. This low figure, in comparison with their representation in departmental service, may be accounted for by the fact that they were only 11.2 percent of the field service where 90 percent of all Federal employment is found.30

The present relatively good position of the Negro in the Federal Government is qualified by the fact the most of the heavy employment and good utilization, in terms of skill, has been achieved in temporary war agencies. The overwhelming proportion of Negro employment, 70 percent, is really industrial and is confined to the Army Service Forces and Navy shore establishments. Only 30 percent of all Negro Government workers are in classified service. Moreover, 57.7 percent of those in classified Civil Service jobs were employed in

temporary war agencies.31

Impact of the War on the Negro Labor Force

Employment of Negroes in civilian jobs increased by almost a million between April 1940 and April 1944, the number of employed men rising from 2.9 to 3.2 million and the number of employed women from 1.5 to 2.1 million.<sup>32</sup> The shift from the farm to the factory was the most outstanding change in the male Negro labor force. The proportion of Negro workers on farms declined from 41 percent to 28 percent, or by 13 points, and the proportion in industry increased by the same amount. Moreover, the number of Negro males employed as skilled craftsmen, foremen, and semiskilled operatives doubled from one-half million to one million during the 4-year period. Despite these increases, the proportion of Negroes in unskilled jobs remained the same, or one in five. The employment changes of Negro women followed the same pattern.<sup>33</sup>

Ocmmittee on Fair Employment Practice, Division of Review and Analysis, The Wartime Employment of Negroes in the Federal Government, January 1945, mimeographed.

<sup>31</sup> Ibid.
32 U. S. Bureau of the Census, Monthly Report on the Labor Force, April 1944.
32 U. S. Bureau of the Census, Monthly Report on the Labor Force, April 1944.
33 S. L. Wolfbein, "War and Postwar Trends in Employment of Negroes," Monthly Labor Review, vol. 60, January 1945, pp. 1-3.

The numerical increases made by Negroes in the higher occupations (skilled, semiskilled, clerical, and sales, proprietors, and professional) have been offset by the entry into the labor force of a million workers, most of whom are unskilled workers from the farms or women and men seeking work for the first time. Thus, the Negro labor force is still made up predominantly of unskilled and service workers.

Below are tables which show the distribution of total and nonwhite workers in major industry divisions. Table A covers the entire labor force and table B shows total and nonwhite employment in manu-

facturing industries.

Table A.—Labor force pattern, November 1944 [In thousands of workers]

	Total labor force	Nonwhite labor force	Percent non- white
Total labor force	64, 110	7, 280	11.4
Armed forces	11, 900 52, 210	910 6, 370	7. 6 12. 2
Unemployed Employed	680 51, 530	151 6, 219	22. 2 12. 1
Agriculture Nonagriculture	8, 140 43, 390	1, 783 4, 436	21. 9 10. 2
Mining Construction Transportation and public utilities Trade Finance, business, personal and miscellaneous services Domestic service Federal War Agencies	812 629 3, 771 7, 299 4, 315 1, 730 1, 611	134 61 256 540 423 950 193	16. 5 9. 7 6. 8 7. 4 9. 8 54. 9
Other Federal Government State and local government Manufacturing (public and private) All other	1, 611 838 3, 045 16, 020 3, 320	97 100 1, 282 400	11. 6 3. 3 8. 0 12. 0

#### NOTE

(a) In the labor force pattern for all workers, figures on civilian labor force, unemployed, employed, agriculture, and nonagriculture are from the Monthly Report on the Labor Force, Special Surveys Division, Bureau of the Census.

Bureau of the Census.

(b) The number of workers in each of the various nonagricultural industries was estimated from data obtained; om the Bureau of Labor Statistics and War Manpower Commission.

(c) The total figures for the nonwhite civilian labor force, unemployed, employed, agriculture, and non-agriculture are estimates based on unpublished data of the Bureau of the Census. The sample upon which the Monthly Report on the Labor Force operates is designed to provide national totals on employment, unemployment, and the labor force. It should be noted, therefore, that the data on the industrial distribution of the employed nonwhite population are based on a sample of a comparatively small number of persons and are subject to a larger sampling error than the national totals.

(d) The number of nonwhite persons in the armed force was estimated from figures supplied by the War.

are subject to a large.

(d) The number of nonwhite persons in the armed forces was estimated from informand Navy Departments.

(e) The percentages of nonwhite persons in Federal Government Agencies were estimated from information obtained from the Civil Service Commission.

(f) The percentage of nonwhite workers in manufacturing was estimated on the basis of ES-270 Reports of the War Manpower Commission.

(f) The percentage of nonwhite workers in manufacturing was estimated on the basis of ES-210 Reports of the War Manpower Commission.

(g) The other percentages of nonwhite employment in nonagricultural industries were based upon ES-270 Reports of the War Manpower Commission and unpublished data of the Bureau of the Census.

(h) Finance, business, personal and miscellaneous services include employment in finance, insurance, real estate, business and personal service, amusement and recreation, and such industries as forestry and fishing, but does not include domestic service.

(i) All other includes all self-employed workers including proprietors and professional people and other miscellaneous industries. It is a residual category and adjusts any discrepancies between Census and Bureau of Labor Statistics forures.

reau of Labor Statistics figures.

Table B.—Labor force pattern in manufacturing industries, November 1944 [In thousands of workers]

orkers from the mans or women and men	Total labor force	Nonwhite labor force	Percent non- white
Manufacturing	16, 020	1, 282	8.0
Munitions	9,070	726	8.0
Aircraft	1,670	107	6.4
Shipbuilding	1,470	182	12. 4
Ordnance and accessories	1,590	142	8.9
Communications equipment	400	19	4.8
Basic iron and steel	530	60	11.4
Basic nonferrous metals	210	22	10.6
Rubber	230	16	6.8
Other munitions and metallic nonmunitions	2, 970	178	6.0
All other manufacturing	6, 950	556	8.0
Lumberin	480	30	6. 8
Furniture	400	48	12. (
Stone, clay, and glass	390	20	5. 2
Textiles	1, 160	44	3, 8
Apparel	930	47	5. 1
Leather	330	7	2. 1
Food and kindred products	1, 370	201	14. 7
Tobacco manufactures	90	33	36. 6
Paper and allied products	370	31	8. !
Printing and publishing?	510	23	4. 5
Petroleum and coal products	200	14	
Other chemicals	400	44	11. 1
Miscellaneous manufacturing	320	14	4. 4

Note.—Nonwhite employment in lumbering and printing and publishing estimated from available data. All other percentages of nonwhite employment obtained from Summary of ES-270 Reports of the War Manpower Commission, November 1944.

#### Current Minority Employment Before VE-Day

The two foregoing tables show the nonwhite labor force pattern which has been established as the result of the changes that have taken place during the war. This pattern serves as the basis from which to measure the further changes that will occur after VE-day and before victory over Japan.

In speaking of the current period of intense war production, former Director of War Mobilization and Reconversion James F. Byrnes said in his report of April 1, 1945, "Manpower has become the major 

"If we are to meet schedules, we must draw on workers in less essential activities. There is no other way out. We must still concentrate on getting the right workers into the right jobs and places at the right time." 35

#### Utilization of Minority Workers

It is estimated that over 400,000 minority group workers are still available for war industries or for other essential work. Approximately 151,000 nonwhite workers were unemployed in November 1944; 36 and, even though a certain amount of frictional unemployment is unavoidable, this number could be considerably reduced. Furthermore, minority workers comprise a more than proportionate number of persons now engaged in less essential industries and occupations. A considerable pool of such workers might be shifted from the amusement, personal, and domestic service occupations into more essential

<sup>34</sup> War Production and VE-day; Second Report by the Director of War Mobilization and Reconversion, April 1, 1945, p. 4.

<sup>25</sup> Ibid., p. 7.

<sup>86</sup> Unpublished data from Monthly Report on the Labor Force, U. S. Bureau of the Census, November 1944.

work. Finally, a great number of these workers are still employed in relatively unproductive agricultural areas, and could be shifted to

more productive work.

Perhaps an even more important source of increased labor productivity lies in the upgrading, in accordance with experience and skill, of minority workers now limited to unskilled work in essential industries. A great many cases have come to the Committee's attention in which experienced Negro and Mexican-American workers actually train newly recruited white workers for promotion to more highly skilled jobs denied to themselves. It is by taking action to assure the more effective employment and utilization of minority workers in war production that the Committee can make its principal contribution to solving the current manpower problem.

#### Minority Employment During "Period 1"

The time between victory in Europe, "VE-day," and victory over Japan, "VJ-day" is now being referred to as "Period I." The Director of War Mobilization and Reconversion has outlined the Government's plans for reducing war production and increasing civilian output during that period. The over-all release of resources from munitions production in the first quarter following the defeat of Germany is estimated at about 20 percent, with an additional 5 percent to be released in the second quarter, and still another 5 percent in the

third quarter.37

Conservative estimates for the reduction in Army requirements amount to about 15 to 20 percent for the first 3 months after VE-day, and about 40 percent before the end of the year following the defeat of Germany. The programs of the Navy and the Maritime Commission, which are now on curtailed production schedules, will undergo little further change after VE-day. The ship construction program of the Navy decreases from a quarterly rate of \$1,570,000,000 in the first quarter of 1945 to approximately \$1,000,000,000 by the first quarter of 1946. The ship-construction program of the Maritime Commission decreases from \$970,000,000 in the first quarter of 1945 to \$400,000,000 in the fourth quarter of 1945.

The declining schedules in ship construction may be expected to result in the displacement of a considerable portion of the 180,000 nonwhite workers who were employed in that industry in November 1944. A portion of the workers released from ship construction may be absorbed by the increased labor requirements for ship repair

work.39

There has been some increase in the employment of nonwhite workers even in those munitions industries which have had stationary or declining total employment since November 1943.<sup>40</sup> This may indicate that white workers have greater alternative employment opportunities, and that a larger proportion of white than nonwhite workers have tended to move into jobs which will continue after the end of the war, or else have withdrawn from the labor market. This trend may continue during the current period and may be intensified after VE-day. It will mean that VJ-day will find Negroes heavily

Director of War Mobilization and Reconversion, op. cit., p. 14.
 Ibid., pp. 12 and 13. Mr. Krug, Chairman, War Production Board, has announced that all reduction estimates are conservative.

See Table B, Labor Force Pattern in Manufacturing Industries, November 1944, p. 94 in order to estimate the impact of VE-day on total and nonwhite employment.
 See Summary of ES-270 Reports, War Manpower Commission, November 1943-January 1945.

concentrated in war industries and their prospects poor for finding work in reconverted plants. Generally, however, minority workers have accumulated less seniority in those war industries which have post-war possibilities, and will be in a more precarious position during the reconversion to peacetime production.

#### Negro War Migration

Throughout the entire period of defense and war mobilization, there has been an extensive movement of people from agricultural regions to industrial areas. They have migrated from the rural South and the states in the interior of the country, to the East and West coasts and the rim of the Great Lakes region. If we assume the same racial composition of population flow since 1940 as before, we may estimate a net migration across state lines of 4,350,000 persons. including 470,000 Negro migrants, between April 1940 and November 1944.41 If we add to these figures the movement of Negro workers and their families from rural areas and smaller communities to major war production centers, within the same states, we get a total figure for Negro migration which has been estimated at 600,000 through 1943 42 and 750,000 through 1944.43

Three main streams of Negro population flow were developed before 1930 and much of current migration has followed the same course: from Georgia through the Atlantic Coast states to Pennsylvania and New York; from Mississippi and Alabama through Tennessee and Kentucky to Michigan, Ohio, Indiana, and Illinois; and from Louisiana through Arkansas and Missouri to Illinois, Indiana, and Michigan.44 The new flow which has been gaining in importance since 1940 has been from Louisiana, Texas, Arkansas, Oklahoma, and

Missouri to the West coast.45

The total population increase between 1940 and 1944 for the 10 congested production areas surveyed by the Bureau of the Census amounted to 1,840,000, including over 205,000 or 11.2 percent nonwhite migrants. The general movement of Negro migrants has been from southern agricultural areas to the southern cities, and from southern cities and towns to northern and western industrial centers. For example, 37 percent of the Negro migrants into Mobile, Ala., came from farms, whereas only 14 percent of the Negroes who migrated to Detroit, Mich., were from rural areas. Again 70 percent of the Negroes who moved to Charleston, S. C., came from elsewhere in the same State and only 27 percent from other states. On the other hand, only 15 percent of the Negroes who migrated to San Francisco came from other parts of California, whereas 85 percent came from other states.46

Historical records and current surveys indicate that between onehalf and two-thirds of the minority workers who have migrated

<sup>4</sup> See "State Variations in War Migration and Post-war Demobilization," Monthly Labor Review, U. S. Department of Labor, September 1944, for population changes by state from April 1940 to November 1943. It is assumed that the same rate of population flow continued through November 1944. Nonwhite migrants represented 10.8 percent of total interstate migrants between 1935 and 1940.

42 "Negro Internal Migration 1940-43. An Estimate," A Monthly Summary of Events and Trends in Race Relations, Fisk University, Nashville, Tenn., September 1943.

48 Reginald Johnson, "Inmigration of the Negro Worker," Opportunity Magazine, National Urban League, Spring 1945, p. 102.

49 Warren C. Thornthwaite, Internal Migration in the United States, Philadelphia: University of Pennsylvania Press, 1934.

40 Lyonel C. Florant, op. cit., p. 782-791.

41 See U. S. Bureau of the Census, Series CA-3, 1944: Reports No.: (1) Mobile, Ala., (2) San Diego, Calif., (3) San Francisco Bay Area, Calif., (4) Charleston, S. C., (5) Los Angeles, Calif., (6) Portland, Oreg.-Vancouver, Wash., (7) Hampton Roads Area, Va. (8) Puget Sound Area, Wash., (9) Detroit-Willow Run, Mich. and (10) Muskegon, Mich.

into war production centers will remain in these communities after the war.47 In addition to the general problem of absorbing permanently a large increase in population, the communities to which large numbers of minority workers have migrated will be faced with the necessity of adjusting intergroup relations.

## THE WARTIME EMPLOYMENT OF OTHER MINORITIES

Other minority group workers have been greatly affected by the demands and opportunities of war production. That less information concerning their experience is available than for Negro workers has been indicated, but some of the more important changes may be noted.

Alien Labor Supply

Approximately 5 million aliens resided in the United States in 1941.48 It is estimated that nearly 3 million were in the labor force. Information from the Bureau of the Census indicates that almost one-third of all alien workers have had experience in manufacturing industries.49 Furthermore, these potential workers are concentrated in precisely those war production centers having the greatest increase in labor requirements as a result of the war. The following table indicates the concentration of aliens and of war contracts, in seven of the major industrial states:

State	Number of aliens <sup>1</sup>	Percent of total aliens	Percent of total war contracts cumulative through June 1942 <sup>2</sup>
New York Illinois Michigan Massachusetts New Jersey Pennsylvania California	1, 235, 425 320, 125 296, 934 360, 390 275, 620 365, 192 531, 810	25. 1 6. 5 6. 0 7. 3 5. 6 7. 4 10. 8	8. 9 4. 1 9. 5 2. 6 5. 6 5. 8
SubtotalOther	3, 385, 496 1, 535, 956	68. 7 31. 3	45, 2 54, 8
Total	4, 921, 452	100.0	100. (

<sup>&</sup>lt;sup>1</sup> Alien Registration Division, U. S. Department of Justice.
<sup>2</sup> Bureau of Programs and Statistics, War Production Board.

## Utilization of Alien Workers on Government Contracts

The effect of Government action to provide for the full utilization of alien workers in war industries outlined in chapter VI is indicated by the fact that 193,113 aliens were approved for employment on classified and aeronautical War and Navy Department contracts between December 1941 and December 1944.<sup>50</sup> Thousands of additional aliens are employed, of course, on other war work and in essential civilian employment. While complaints of refusal of employment because of alien status have been diminishing, there still appears to be considerable under-utilization of the potential alien labor supply. Reference has been made to FEPC's present practice of not processing

<sup>47</sup> See Myrdal, op. cit., ch. 8. A private survey revealed that over 50 percent of both nonwhite workers and other employees of shipyards in the Pacific Northwest intend to remain in those communities after the war. See also A Monthly Summary of Events and Trends in Race Relations, Fisk University, Nashville, Tenn., September 1943, p. 12.
48 Alien Registration Division, U. S. Department of Justice
49 Sixteenth Census of the United States: 1940, Series P-14. No. 9.
50 Tabulation by the Office of the Provost Marshal General. War Department, January 25, 1945.

complaints based upon alien status, pending clarification of the Committee's responsibility in such cases.<sup>51</sup>

## Japanese Workers

In 1940 there were 126,947 persons of Japanese descent in the United States, 112,353 of whom were concentrated on the west coast.<sup>52</sup> Under a series of orders 110,000 persons, including 79,642 American citizens, were evacuated from this area and placed first in assembly centers and later in relocation centers where loyalty investigations were made. Those whose loyalty was established became eligible for relocation in certain restricted areas. Later the area restrictions were removed and as of March 10, 1945, 39,300 persons had left the relocation centers. This number included 2,599 American citizens of Japanese descent inducted into the U.S. Army. The War Relocation Authority expects that all the evacuees will be out of the centers by December 1, 1945.

Japanese workers possess a wide range of skills. A distribution of

their occupational classification is given in the table below.

Primary occupational classifications of persons of Japanese ancestry at the 10 relocation centers, Jan. 1, 19431

O	To	tal	American born			
Occupational classification	Number	Percent	Number	Percent		
Total	49, 610	100. 0	25, 155	100. (		
Agriculture	23, 264	46. 9	9, 900	39. 8		
Managerial and professional	6, 218	12.5	2, 097	8. 3 17. 7		
Sales Domestic service	5, 845 4, 072	11. 8 8. 2	4, 440 2, 753	10.		
Personal service	3, 679	7.4	1, 467	5. 8		
Clerical	3, 141	6. 3	2, 815	11. 3		
Professional	1,727	3. 5	924	3. '		
Semiprofessional	735	1.5	448	1.		
Fishery	354	.7	224	Section .		
Other service	575	1, 2	87			

Adapted from tables in the appendix, Semiannual Report, War Relocation Authority, Washington: Jan. 1 to June 30, 1943.

## Wartime Gains of Mexican-Americans

There are in the United States approximately 3,000,000 persons who are classed either as Mexicans, Mexican-Americans, or Spanish-Americans.<sup>53</sup> United by language, they constitute a distinct cultural group and suffer many of the economic discriminations meted out to Negroes and other minorities.

In 1940 the majority of the million and a half Mexican-Americans in the labor force were in agricultural jobs or engaged in unskilled labor in heavy industry. Except for industrial workers in a few northern cities, the great majority of Mexican-Americans were concentrated in Texas, Colorado, New Mexico, Arizona, and California.

For 18 months after Pearl Harbor, Mexican-Americans found little employment in war industries. Their utilization was confined to common labor, mainly in construction jobs. Increased manpower shortages and the efforts of FEPC induced industry to use Mexican-

<sup>51</sup> See p. 50, supra.
52 U. S. Census, 1940.
53 This estimate is made by the Office of War Information, Bureau of Intelligence, Special Services Division, Spanish-Americans in the Southwest and the War Effort, Report No. 24, August 18, 1942.

Americans in other than common-labor jobs after 1942. In the mining, aircraft, shipbuilding, and oil industries, they made signal gains from common laborers to semiskilled jobs such as welders, pipefitters' helpers, machine-operator helpers, riveters, assembly helpers, and oiler helpers in aircraft plants, shipyards, and ammunition factories. They have been utilized in some instances as skilled craftsmen and in supervisory capacities. In railroad, transit, public utilities, telegraph and telephone companies they continue to be utilized only as common laborers and in a limited number of semiskilled jobs.

In mines, mills, and smelters in Arizona and New Mexico some 14,000 Mexican-Americans are employed; 60 percent as common labor, 35 percent in semiskilled jobs, 5 percent as skilled craftsmen. The southern California shipyards use some 10,000 Mexican-Americans: 40 percent as common labor, 60 percent in semiskilled and skilled jobs. The aircraft industry in San Diego and Los Angeles employs some 96,000 in detailed assembly, general assembly, rivet-

ing, and as supervisors and inspectors.

In the oil industry in Texas and Oklahoma 6 to 8 percent of the employees are Mexican-Americans. Their utilization has for the most part been restricted to common labor, yardmen, and custodial jobs. However, since the beginning of 1945 some improvement has been made in the oil companies of Houston, largely as a result of FEPC activity. Mexican-Americans also have made important gains in the shipyards of Houston and in the aviation plants of Dallas. Still, out of one million Mexican-Americans in the State of Texas, less than 5 percent are employed at present in war industries. 54

## Size and Location of Jewish Population

There are between 4,000,000 and 5,000,000 Jews in this country. Since regular reports of the United States Census include no breakdown of population by religion, no accurate count is available. A census publication of 1936 dealing with religious bodies gave a national figure of 4,641,184 for members of Jewish congregations. However, it must be remembered that there are Americans of Jewish ancestry who are not actively religious, and that there are others who live in localities which have no Jewish congregation. The same study of religious bodies shows that 99.1 percent of the members of Jewish congregations were concentrated in urban areas. While another source states that four-fifths of all Jews in the United States live in cities of more than 100,000. The 2,000,000 Jewish inhabitants of New York City constitute nearly one-third of its population and represent nearly one-half of their coreligionists throughout the country.

## Industrial Distribution of Jewish Workers

There are available no Nation-wide figures on the industrial distribution of the Jewish worker, but statistical studies have been made for selected cities which, because of the urban concentration of Jews, may be taken as more or less typical.

All data on Mexican-Americans used here are from FEPC files.
 U. S. Bureau of the Census, Religious Bodies: 1936. Washington: Government Printing Office, 1941.

<sup>&</sup>lt;sup>56</sup> Percentage derived from Bureau of the Census, op. cit., table I.
<sup>57</sup> H. M. Kallen, "National Solidarity and the Jewish Minority," Annals of the American Academy of Political and Social Science, vol. 223, Philadelphia: September 1942, pp. 17-28.

Between 1935 and 1939 different studies using different sampling methods <sup>58</sup> were made in Dallas, Tex., Detroit, Mich., New London and Norwich, Conn., and Passaic and Trenton, N. J. Table 23 compares in percents the occupational distribution in these cities. In table 24 this distribution is isolated for Detroit and is compared with that of the entire Detroit labor force for the same industry groups. The distribution of Jewish gainful workers and of all gainful workers in New York City in 1937 is given in table 25.

The tables show great concentration in trade for all cities. Manufacturing comprised the second largest category, and the proportion of Jewish workers in manufacturing was larger in New York than elsewhere. 59 In all cities Jews were well represented in the professions, poorly in transportation and communication, public service and

"other" fields.60

The disposition of Jews to enter trade has historical roots. Barred in the Middle Ages from land ownership and from membership in craft guilds, many Jews became "middlemen," small proprietors, and later independent artisans, occupations eventually enabling them to maintain the liquid assets which made possible escape from Europe

during religious persecutions.

Although Jewish workers appear to be concentrated to an unusual degree in certain areas of endeavor, general concentration in the same fields also has been increasing. A study by Anderson and Davidson 61 reveals that since 1870 the percentage of agricultural workers in the United States has decreased steadily, a fact which would give Jews, migrating heavily to America during this period, little reason to leave traditional fields to enter farm work. At the same time, trade and the professions have been expanding rapidly in American cities, providing a market for urban Jewish workers.

## Economic Discrimination Against Jews

It is more than a possibility that the concentration of Jews in a few fields is greatly dependent upon the fear and knowledge of discrimination in other occupations, as well as upon the historical development of certain skills. The American Jewish Congress has found that economic discrimination against Jews in the Greater New York area exists in many industries and takes various forms. 62 Of 1,000 complaints studied, about 43 percent were concentrated in the following 5 classes, listed in order of numerical importance: financial institutions, professional and kindred work,63 machinery and metal occupations, chemical and allied industries, and employment agencies. More than 90 percent of the complaints charged refusal to hire, rejection at the hiring point being manifested by executive policy.64 discriminatory advertisements, discriminatory application forms, and discriminatory hiring orders filed with employment agencies.

light industry.

Since the figures selected are for urban areas, the paucity of Jews engaged in agriculture is not reflected.

H. D. Anderson and P. E. Davidson, Occupational Trends in the United States. Stanford University,

<sup>58</sup> The methods used in obtaining estimates of Jewish population and employment status varied from study to study. For discussions, see Sophia Robison, ed., Jewish Population Studies, Conference on Jewish Relations, New York: 1943.
69 Jews are especially important in garment manufacturing, which comprises a large part of New York's

<sup>1940,</sup> pp. 16-17.

Rabbi J. X. Cohen, "Analysis of Manifestations of Economic Discrimination," Memorandum to the New York State Commission Against Discrimination, pp. 1-11.

Falling primarily in the specialized fields of accounting, advertising, engineering, and law.

Defined to include company policy or the prejudice of personnel managers, foremen, or department

heads.

The jurisdiction of FEPC does not include financial institutions, nonessential work in the professions, or private employment agencies, so that the burden of eliminating discrimination in these fields has

fallen upon civic organizations.

FEPC experience indicates that at the outset of the war, there was considerable discrimination against the Jew in the aircraft and instrument industries. During the period from July 1, 1943, to June 30, 1944, a significant number of complaints also were received against establishments of the War and Navy Departments, shipbuilding and repair, the iron and steel industry, ordnance, and machinery and contract construction, all of which were vital to the war effort.

Much work has been done in certain cities toward eliminating advertisements which contain religious specifications. Results have been especially good in New York City, where the American-Jewish Congress has been very active and in Cleveland, Ohio, where officials of the major newspapers have agreed to bar such advertisements. FEPC seeks to eliminate discriminatory advertisements when they are submitted to newspapers by industries under its jurisdiction.

As has been stated in chapter V, Jewish complaints comprised 6.3 percent of all those docketed by the Committee during the fiscal year. The FEPC hearings held in Los Angeles in 1941 and in New York in 1942 revealed that a number of large concerns barred Jews from employment. Recently the proportionate importance of discrimination against these workers at the hiring point has fallen, and for the fiscal year, complaints of refusal to hire comprised but 45.7 percent of all complaints filed by them. The next largest categories were discriminatory dismissal, discriminatory working conditions, and discriminatory application forms, all of which showed larger percentages for complaints by Jews than for total cases. Refusal to upgrade, which totalled about 10 percent of all complaints docketed for the period, was responsible for only 3.5 percent of Jewish complaints.

## Chapter IX. Fiscal Statements

Prior to July 1, 1944, the Committee was financed by allocations from President Roosevelt's emergency funds. During this period allocations were made in the amount of \$622,552. These funds were spent by fiscal years as follows:

## Fiscal year ended June 30, 1943

Object class: Personal services Travel Transportation of things Communications	\$96, 550 32, 486 42	Object class—Continued. Other contractual services Supplies and materials Equipment	3, 955
Rents and utility services Printing and binding	1, 834 752 555	Total	147, 619

## Fiscal year ended June 30, 1944

Object class: Personal services Travel Transportation of things Communications	659 12, 148	Object class—Continued. Other contractual services————————————————————————————————————	\$24, 252 3, 091 11, 723
Rents and utility service_ Printing and binding	13, 526 1, 971	Total	431, 609

## Appendix A. The Executive Orders

## EXECUTIVE ORDER NO. 9346

FURTHER AMENDING EXECUTIVE ORDER NO. 8802 BY ESTABLISH-ING A NEW COMMITTEE ON FAIR EMPLOYMENT PRACTICE AND DEFINING ITS POWERS AND DUTIES

In order to establish a new Committee on Fair Employment Practice, to promote the fullest utilization of all available manpower, and to eliminate discriminatory employment practices, Executive Order No. 8802 of June 25, 1941, as amended by Executive Order No. 8823 of July 18, 1941, is hereby further amended to read as follows:

"Whereas the successful prosecution of the war demands the maximum employment of all available workers regardless of race, creed, color, or national

origin; and

"Whereas it is the policy of the United States to encourage full participation in the war effort by all persons in the United States regardless of race, creed, color, or national origin, in the firm belief that the democratic way of life within the nation can be defended successfully only with the help and support of all groups within its borders: and

"Whereas there is evidence that available and needed workers have been barred from employment in industries engaged in war production solely by reason of their race, creed, color, or national origin, to the detriment of the prosecution of the war, the workers' morale, and national unity:

"Now, therefore, by virtue of the authority vested in me by the Constitution and statutes, and as President of the United States and Commander in Chief of the Army and Navy, I do hereby reaffirm the policy of the United States that there shall be no discrimination in the employment of any person in war industries or in Government by reason of race, creed, color, or national origin, and I do hereby declare that it is the duty of all employers, including the several Federal departments and agencies, and all labor organizations, in furtherance of this policy and of this order, to eliminate discrimination in regard to hire, tenure, terms or conditions of employment, or union membership because of race, creed, color, or national origin.

"It is hereby ordered as follows:

"1. All contracting agencies of the Government of the United States shall include in all contracts hereafter negotiated or renegotiated by them a provision obligating the contractor not to discriminate against any employee or applicant for employment because of race, creed, color, or national origin and requiring him to include a similar provision in all subcontracts.

"2. All departments and agencies of the Government of the United States concerned with vocational and training programs for war production shall take all measures appropriate to assure that such programs are administered without discrimination because of race, creed, color, or national origin.

"3. There is hereby established in the Office for Emergency Management of the Executive Office of the President a Committee on Fair Employment Practice, hereinafter referred to as the Committee, which shall consist of a Chairman and not more than six other members to be appointed by the President. The Chairman shall receive such salary as shall be fixed by the President not exceeding \$10,000 per year. The other members of the Committee shall receive necessary traveling expenses and, unless their compensation is otherwise prescribed by the President, a per diem allowance not exceeding twenty-five dollars per day and subsistence expenses on such days as they are actually engaged in the performance of duties pursuant to this order.

"4. The Committee shall formulate policies to achieve the purposes of this order and shall make recommendations to the various Federal departments and agencies and to the President which it deems necessary and proper to make effective the provisions of this order. The Committee shall also recommend to the Chairman of the War Manpower Commission appropriate measures for bringing about the full utilization and training of manpower in and for war production without discrimination because of race, creed, color, or national origin.

'5. The Committee shall receive and investigate complaints of discrimination forbidden by this order. It may conduct hearings, make findings of fact, and take

appropriate steps to obtain elimination of such discrimination.

"6. Upon the appointment of the Committee and the designation of its Chairman, the Fair Employment Practice Committee established by Executive Order No. 8802 of June 25, 1941, hereinafter referred to as the old Committee, shall cease to exist. All records and property of the old Committee and such unexpended balances of allocations or other funds available for its use as the Director of the Bureau of the Budget shall determine shall be transferred to the Committee. The Committee shall assume jurisdiction over all complaints and matters pending before the old Committee and shall conduct such investigations and hearings as

may be necessary in the performance of its duties under this order.

"7. Within the limits of the funds which may be made available for that purpose, the Chairman shall appoint and fix the compensation of such personnel and make provision for such supplies, facilities, and services as may be necessary to carry out this order. The Committee may utilize the services and facilities of other Federal departments and agencies and such voluntary and uncompensated services as may from time to time be needed. The Committee may accept the service of State and local authorities and officials, and may perform the functions and duties and exercise the powers conferred upon it by this order through such officials and agencies and in such manner as it may determine.

"8. The Committee shall have the power to promulgate such rules and regulations as may be appropriate or necessary to carry out the provisions of this order. "9. The provisions of any other pertinent Executive order inconsistent with

this order are hereby superseded."

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, May 27, 1943.

## EXECUTIVE ORDER

REAFFIRMING POLICY OF FULL PARTICIPATION IN THE DEFENSE PROGRAM BY ALL PERSONS, REGARDLESS OF RACE, CREED, COLOR, OR NATIONAL ORIGIN, AND DIRECTING CERTAIN ACTION IN FURTHERANCE OF SAID POLICY

Whereas it is the policy of the United States to encourage full participation in the national defense program by all citizens of the United States, regardless of race, creed, color, or national origin, in the firm belief that the democratic way of life within the Nation can be defended successfully only with the help and support of all groups within its borders; and

Whereas there is evidence that available and needed workers have been barred from employment in industries engaged in defense production solely because of consideration of race, creed, color, or national origin, to the detriment of workers'

morale and of national unity:

Now, therefore, by virtue of the authority vested in me by the Constitution and the statutes, and as a prerequisite to the successful conduct of our national defense production effort, I do hereby reaffirm the policy of the United States that there shall be no discrimination in the employment of workers in defense industries or government because of race, creed, color, or national origin, and I do hereby declare that it is the duty of employers and of labor organizations, in furtherance of said policy and of this order, to provide for the full and equitable participation of all workers in defense industries, without discrimination because of race, creed, color, or national origin;

And it is hereby ordered as follows:

1. All departments and agencies of the Government of the United States concerned with vocational and training programs for defense production shall take special measures appropriate to assure that such programs are administered without discrimination because of race, creed, color, or national origin;

2. All contracting agencies of the Government of the United States shall

include in all defense contracts hereafter negotiated by them a provision obligating the contractor not to discriminate against any worker because of race,

creed, color, or national origin;
3. There is established in the Office of Production Management a Committee on Fair Employment Practice, which shall consist of a Chairman and four other members to be appointed by the President. The Chairman and members of the Committee shall serve as such without compensation but shall be entitled to actual and necessary transportation, subsistence, and other expenses incidental to performance of their duties. The Committee shall receive and investigate complaints of discrimination in violation of the provisions of this order and shall take appropriate steps to redress grievances which it finds to be valid. The Committee shall also recommend to the several departments and agencies of the Government of the United States and to the President all measures which may be deemed by it necessary or proper to effectuate the provisions of this order.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE, June 25, 1941.

(No. 8802)

(F. R. Doc. 41-4544; Filed, June 25, 1941; 12:17 p. m.)

## Appendix B. Directory of Regional Offices

REGIONS I AND II

Maine Vermont New Hampshire Massachusetts Connecticut Rhode Island New York

Pennsylvania New Jersey Delaware

District of Columbia Maryland West Virginia North Carolina Virginia

Ohio Kentucky Michigan

Detroit (suboffice)

Illinois Indiana Wisconsin North Dakota South Dakota Nebraska Minnesota Iowa

Georgia South Carolina Tennessee Alabama Florida Mississippi Edward H. Lawson, Regional Director 6320 Empire State Building 350 Fifth Avenue
New York City 1, N. Y.
MurrayHill 3-6800, Ext. 300-305

## REGION III

G. James Fleming, Regional Director 803 Stephen Girard Building 21 South Twelfth Street Philadelphia 7, Pa. Rittenhouse 9420, Ext. 282

#### REGION IV

JOSEPH H. B. EVANS, Regional Director 339-A Standard Oil Building 261 Constitution Avenue NW. Washington 25, D. C. Republic 7500, Ext. 3650

#### REGION V

WILLIAM T. McKnight, Regional Director 860 Union Commerce Building East Ninth Street and Euclid Avenue Cleveland 14, Ohio Cherry 7900, Ext. 283

EDWARD M. SWAN, Examiner in Charge 1516 Penobscot Building Griswold and Fort Streets Detroit 26, Mich. Randolph 2808, Ext. 73-77

#### REGIONS VI AND VIII

ELMER W. HENDERSON, Regional Director Room 1549 222 West Adams Street Chicago 6, Ill. Andover 3600, Ext. 180

## REGION VII

WITHERSPOON DODGE, Regional Director Room 525 10 Forsyth Street Building Atlanta 3, Ga. Walnut 4121, Ext. 562

## REGIONS IX AND XI

Kansas Idaho Missouri Oklahoma. Montana Arkansas Utah Colorado

Wyoming

St. Louis, Mo. (suboffice)

ROY A. HOGLUND, Regional Director 724 Rialto Building

906 Grand Avenue Kansas City 6, Mo.

Harrison 6464, Ext. 16

THEODORE E. BROWN, Acting Examiner in Charge 1 1125 Paul Brown Building St. Louis 1, Mo.

Central 3200, Ext. 479

REGION X

Texas Louisiana New Mexico

W. Don Ellinger, Acting Regional Director 1001 Mercantile Bank Building Ervay and Main Streets Dallas 1, Tex.

Riverside 5711, Ext. 440

REGION XII

California Washington Oregon Nevada Arizona

HARRY L. KINGMAN, Regional Director Room 627 Furniture Mart Building 1355 Market Street San Francisco 3, Calif. Klondike 2-2300, Ext. 985

Los Angeles area (suboffice) ROBERT E. BROWN, Jr., Examiner in Charge 342 Western Pacific Building 1031 South Broadway Los Angeles 15, Calif.

Prospect 4971, Ext. 41-42

The following changes have taken place in the location and personnel of the regional offices since December 1944.

REGION III

New suboffice: Pennsylvania (western) MILO A. MANLY, Examiner in Charge 412 Fulton Building Sixth Avenue and Duquesne Way Pittsburgh, Pa. Grant 2962, Ext. 152–153

REGION V

New suboffice: Ohio (southern) Kentucky

LETHIA W. CLORE, Acting Examiner in Charge 713 Keith Building Cincinnati 2, Ohio Parkway 0100, Ext. 234

REGION X

Texas (western) New Mexico Arizona

CARLOS E. CASTANEDA, Regional Director 321-323 New Moore Building 321-320 1. 106 Broadway San Antonio, Tex. Fannin 5321, Ext. 298–299

REGION XI

Colorado Idaho Wyoming Montana Utah

Carlos E. Castaneda, Acting Regional Director 321–323 New Moore Building 106 Broadway San Antonio, Tex. Fannin 5321, ext. 298–299

REGION XIII

W. Don Ellinger, Regional Director 1015 Carondelet Building New Orleans, La.

Canal 3481, Ext. 162-163

Texas (eastern) Mississippi Louisiana

<sup>1</sup> Mr. Brown is now the Examiner in Charge.

# Appendix C. Chronological List of FEPC Hearings

PUBLIC HEARINGS

· totofel(G-(modipall) units	E	ate of hearing		
Name of party charged	Full committee	Subcom- mittee	Examiner- type	Place of hearing
Bethlehem Shipbuilding Co. Douglas Aircraft Corp. Hercules Foundry Co. North American Aviation Inc. Lockheed-Vega Aircraft Corp. Atlas Imperial Diesel Engine Co. Consolidated Aircraft Corp. International Association of Machinist Local No. 68.	Oct. 20, 1941	Joseph		Los Angeles, Calif
Douglas Aircraft Corp	do			Do.
Hercules Foundry Co	do			Do.
North American Aviation Inc	do			Do.
Lockheed-Vega Aircraft Corp	Oct. 20, 21, 1941			Do.
Atlas Imperial Diesel Engine Co	Oct. 21, 1941			Do. Do.
Consolidated Aircraft Corp	do			Do. Do.
chinist Local No. 68.				Do.
International Association of Ma- chinist Aeronautical Mechanics'	do		011111111111	Do.
Poulsen & Nardon Co	do			Do.
No. 751. Poulsen & Nardon CoShipyard Workers Union Local	do			Do.
No. 802				
Vultee Aircraft Co	do			Do.
Vultee Aircraft Co Buick Aviation Engine Plant	Jan. 19, 1942			Chicago, Ill.
Buick Aviation Engine Plant Stewart-Warner Corp Allis-Chalmers Co Bearse Manufacturing Co. Hornischforer Corp	do			Do.
Allis-Chalmers Co	Jan. 20, 1942			Do.
Bearse Manufacturing Co	do			Do. Do.
Heil Co	do			Do.
Nordborg Manufacturing Co	do			Do.
Nordberg Manufacturing Co Simpson Construction Co	do			Do.
A. O. Smith Corp	do			Do.
Studebaker Corp	do			Do.
Studebaker Corp Becton, Dickinson Co	Feb. 16, 1942			New York, N. Y.
Fairchild Aviation Corp.	do			Do.
Fairchild Aviation Corp. Wright Aeronautical Corp. Babcock & Wilcox Co. Continental Can Co.	do			Do.
Babcock & Wilcox Co	Feb. 17, 1942			Do.
Continental Can Co	do			Do. Do.
Ford Instrument Co	do	2.338ETT		Do
Carl Nordan Inc	do			Do.
Rehearing	July 21, 1942			Washington, D. C.
Sperry Gyroscope Corp	Feb. 17, 1942			New York, N. Y.
Titeflex Metal Hose Co	do			Do.
Rehearing	July 21, 1942			Washington, D. C
Rehearing Sperry Gyroscope Corp. Titeflex Metal Hose Co Rehearing Chicago Journeyman Plumbers		Apr. 4, 1942		Chicago, Ill.
Steamfitters Protective Association	AREA MEALINE	do		Do.
Vultee Aircraft Inc	June 18, 1942			Birmingham, Ala
Local No. 597. Vultee Aircraft IncAlabama Drydock & Shipbuilding	June 19, 1942			Do.
Co.	1000 1000 1000	PIPE HOLD		
Gulf Shipbuilding Corp	do			Do.
National Defense Training Pro	do			Do.
national Delense Training Fro-	ao			100.
Guil Shipbuilding Corp. A, J. Honeycutt Co. National Defense Training Program of Atlanta, Ga. Defense Training, city of Birmingham, Ala. Delta Shipbuilding Co.				
Delta Shipbuilding Co	do			Do.
ermakers. Iron Shipbuilders &	do	President and the second		- unattrol
McEvov Shipbuilding Corp.	do			Do.
Helpers of America, Local No. 37.  McEvoy Shipbuilding Corp.  Savannah Building Trades Council.  United Brotherhood of Carpenters	do			Do.
United Brotherhood of Carpenters	do			Do.
& Joiners, Local No. 256.	Or who was all	2ACT 19		
& Joiners, Local No. 256. Glass, Ceramic & Silica Sand	Dec. 21, 1941			Washington, D. C
Workers	THE RESERVE TO SERVE THE PARTY OF THE PARTY	110 2 10 1334 -		- INTERPORTED STATE
Pittsburgh Plate Glass Co Window Glass Cutters League of America.	do			Do. Do.

Name of party charged		ate of hearing	latinani for a	Place of hearing
Ivaine of party charged	Full committee	Subcom- mittee	Examiner- type	Trace of nearing
Gulf, Mobile & Ohio R. R. Brotherhood of Locomotive Fire-	Sept. 15, 18, 1943. Sept. 15, 16, 17,			Washington, D. C.
men & Enginemen. Brotherhood of Ry. & Steamship Clerks, Freight Handlers, Ex- press & Station Employees.	18, 1943. Sept. 16, 1943		all a series	Do.
Cantrol of Goorgia Ry	do			Do. Do.
Norfolk & Southern Ry. Co System Federation No. 103, A. F.	do			Do.
of I.		The second second second	10.5 09.5	
System Federation No. 105, A. F. of L.				
Norfolk & Western Ry. Co Union Pacific R. R. Co	Sept. 16, 17, 1943 Sept. 16, 17, 18, 1943.			Do. Do.
Atlantic Coast Line R. R. Co	Sept. 16, 18, 1943			Do.
Brotherhood of R. R. Trainmen Brotherhood of Ry. Carmen Illinois Central R. R. Co	do			Do. Do.
Illinois Central R. R. Co	do			Do.
International Association of Ma- chinists.	do			Do.
International Brotherhood of Blacksmiths, Drop Forgers, &				Do.
Helpers. International Brotherhood of Boilermakers, Iron Shipbuilders & Helpers of America. International Brotherhood of Elec-	do			Do.
International Brotherhood of Elec- trical Workers.	do			Do.
trical Workers. Louisville & Nashville R. R. Co New York Central R. R. Co Atlanta Joint Terminals. Baltimore & Ohio R. R. Georgia R. R. Louisers Will Terminal	do			Do.
New York Central R. R. Co	Sept 17 1943			Do. Do.
Baltimore & Ohio R. R.	Sept. 17, 1943			Do.
Georgia R. R	do			Do.
Jackson Ville Terminal	do			Do. Do.
Seaboard Air Line Ry	Sept. 17, 18, 1943			Do.
Georgia R. R. Jackson Ville Terminal St. Louis-San Francisco Ry Seaboard Air Line Ry Southern Ry Baltimore & Ohio Chicago Termi-	Sept. 18, 1943			Do. Do.
Brotherhood of Locomotive Engi-	do	Pair all dot	A September 1	Do.
neers. Brotherhood of R. R. and Shop				Do.
Craft. Chesapeake & Ohio Ry. Co Chicago & Northwestern Ry. Co Missouri-Kansas-Texas R. R. of	do		500	Do.
Chicago & Northwestern Ry. Co	do			Do.
'l'ayas				Do.
Pennsylvania R. R.	do			Do.
Order of Ry. Conductors Sheet Metal Workers Interna-	do			Do. Do.
tional Union.				
Dow Chemical Co- Northwest Mining & Exchange Co-			Sept. 28, 1943	Midland, Mich. Clearfield, Pa.
United Mine Workers of America			do	Do.
No. 99. International Brotherhood of Boilermakers, Iron Shipbuilders &	Nov. 15, 16, 1943			Portland, Oreg.
Helpers of America.	do			Do.
IBBISHA, Sublodge No. 72	do			Do.
IBBISHA, Sublodge No. 401	do			Do.
Helpers of America. IBBISHA, Auxiliary Lodge A-32. IBBISHA, Sublodge No. 72. IBBISHA, Sublodge No. 401. Kaiser Co. Inc. Rehearing Do.	Aug. 7, 1944			Do. Los Angeles, Calif
Do		Oct. 18, 1944_		Portland, Oreg.
Olegon surbounding Corb	1907. 10, 10, 1040.			Do.
Rehearing	Aug. 7, 1944	Oct. 18, 1944		Los Angeles, Calif Portland, Oreg.
California Shipbuilding Co	Nov. 19, 20, 1943			Los Angeles, Calif
Rehearing	Aug. 7, 1944			Do. Do.
Consolidated Steel Corp	Aug. 7, 1944			Do. Do.
International Brotherhood of Boiler- makers, Iron Shipbuilders & Helpers of America	Nov. 19, 20, 1943 Aug. 7, 1944 Nov. 19, 20, 1943 Aug. 7, 1944 Nov. 19, 20, 1943			Do.
IBBISHA, Auxiliary Lodge A-35_IBBISHA, Sublodge No. 92	do			Do.
IBBISHA, Sublodge No. 92. Western Pipe & Steel CoRehearing	do			Do.
	ao			Do. Do.

	galmed to sin p	Date of hearing		
Name of party charged	Full committee	Subcom- mittee	Examiner- type	Place of hearing
Philadelphia Rapid Transit Employees Union. Philadelphia Transportation Co Amertorp Corp. Bussman Manufacturing Co Carter Carburetor Corp. Wagner Electric Corp. McQuay-Norris Manufacturing Co. McDonnell Aircraft Corp. St. Louis Shipbuilding & Steel Co U. S. Cartridge Co. Los Angeles Railway Corp. Seafarers International Union. Oilworkers International Union. Oilworkers International Union. Local No. 367. Shell Oil Co Line Material Co. Capital Transit Co. Western Cartridge Co General Cable Co General Cable Co Cambridge Tile Manufacturing Co. Crosley Corp. Kirk and Blum Manufacturing Co. Crosley Corp. Kirk and Blum Manufacturing Co. Schaible Co Baldwin Co F. H. Lawson Co United Biscuit Co. of America (Strietmann Biscuit Co. Division). Victor Electric Products, Inc. Key System of Oakland, Callit, Division 192 Amalgamated Association of Street, Electric Ry. and Motor Coach Employees of America.	Aug. 1, 1944	Oct. 10, 1944	Dec. 28, 1944  do. Jan. 12, 1945  Mar. 9, 1945	Do. Do. Do. Do. Do. Do. Los Angeles, Calif. New York, N. Y. Houston, Tex.  Do. Zanesville, Ohio. Washington, D. C East Alton, Ill. St. Louis, Mo. Cincinnati, Ohio. Do. Do. Do. Do.
	EXECUTIVE	ESESSION		A THE LAND AND LAND IN
U. S. Department of Commerce	Feb. 19, 1942			Washington, D. C.
U. S. Office of Education	Apr. 13, 1942			Washington, D. C.
Newport News Post Office			Dec. 10, 1943	Newport News, Va.

## Appendix D. President's Committee on Fair **Employment Practice**

## PROCEDURAL RULES AND REGULATIONS

Pursuant to the authority vested in the Committee on Fair Employment Practice by Executive Order No. 9346 (8 F. R. 7183) approved May 27, 1943, and to effectuate the purposes of said Order it is hereby ordered as follows:

(a) Statement of charges, answer and notice of hearing.—Formal proceedings shall be instituted by the Committee by the issuance of a statement of charges setting forth the alleged unfair employment practices and a notice of hearing fixing the time and place of hearing. The statement of charges may be amended at any time before the close of the hearing or withdrawn, without prejudice, to a subsequent hearing on such charges as are withdrawn. The statement of charges together with the notice of hearing shall be served upon the party or parties charged at least 15 days prior to the date of hearing. The party or parties charged shall have the right within 10 days from service to file an answer. The answer shall be signed and shall contain a short statement of facts which constitute the grounds for defense. The answer may be amended at any time prior to hearing and, in the discretion of the official or officials presiding at the hearing, may be amended upon motion during hearing.

(b) Motions.—Motions may be filed at any time during the course of the proceeding. If made prior to or following the hearing, they shall be filed with the Committee. If made during the hearing, they shall be addressed to the presiding official or officials and may be either oral or written. All motions should briefly state the order or relief applied for and the grounds therefor. Motions made during the hearing shall be ruled upon by the presiding official or officials. Such rulings shall not be appealed to the Committee, except by special permission of the Committee, but shall be included in the record and may be raised with the

Committee by exception in accordance with paragraph (e).

(c) Hearing.—The hearing may be held before the full Committee or a member or panel of members of the Committee and/or a Hearing Commissioner, as may be determined by the Committee. A verbatim transcript of the hearing shall be made. The hearing shall be public, unless otherwise ordered by the Committee, and shall be conducted in such manner as to develop fully the facts necessary to determine whether the party or parties charged have engaged or are engaging in the practices set forth in the statement of charges. The presiding official or officials and counsel for the Committee shall have the power to call, examine and cross-examine witnesses, and to introduce into the record documentary or other evidence. Any party charged shall have the right to appear at the hearing in person, by counsel or otherwise, to call, examine or cross-examine witnesses, and to introduce into the record documentary or other evidence. Rules of evidence prevailing in courts of law or equity shall not be controlling. Stipulations of facts or other agreements of counsel may be introduced in evidence with respect to any issue. Any objections to the conduct of the hearing, including objections to the introduction of evidence, may be made orally or in writing and, together with the rulings thereon, shall be included in the record. Rulings on objections may not be appealed to the Committee, but may be raised with the Committee by exception in accordance with paragraph (e). Upon request, any party shall be entitled to a reasonable time for oral argument and shall be entitled also to file a written brief. In the discretion of the presiding official or officials, the place of the hearing may be changed and the hearing may be continued or adjourned at any time. In all other respects, the presiding official or officials shall have complete control of the conduct of the hearing, providing that he or they may submit

or reserve for decision by the Committee any questions which arise during the Where the hearing is not held before the full Committee but is held before a member or panel of members of the Committee and/or a Hearing Commissioner, the case shall be deemed to have been transferred to the Committee up

close of the hearing.

(d) Proposed decision of the Committee; proposed findings and conclusions of counsel.—By appropriate notice prior to or during the hearing, the parties shall be advised either by the Committee or by the presiding official or officials whether, after close of the hearing, (1) a proposed decision shall be issued by the Committee or (2) proposed findings and conclusions shall be prepared by opposing counsel, including counsel for the Committee, except that where the public interest demands or by agreement of the parties the Committee may finally decide the case, as provided for in paragraph (f), without the issuance first of a proposed decision or the preparation of proposed findings and conclusions of counsel. At any time before close of the hearing, any party may request that proposed findings and conclusions be prepared by counsel in lieu of issuance by the Committee of a proposed decision. A proposed decision shall be served upon all parties, including counsel for the Committee. Proposed findings and conclusions of counsel shall be filed with the Committee within 15 days from close of the hearing or within such other time as may be fixed by the presiding official or officials, copies shall be exchanged by counsel within the same period, and it shall be reported in writing

to the Committee that copies have been so exchanged.

(e) Exceptions, briefs and oral argument.—Where a proposed decision is to be issued, any party may file exceptions thereto or to any part of the record or proceedings (including rulings upon motions or objections) as it relies upon, together with a supporting brief, within 15 days from service of the proposed decision. Where proposed findings and conclusions are to be prepared by counsel, exceptions to the record or proceedings and a supporting brief may be filed within 15 days from close of the hearing. Exceptions to the record or proceedings and a supporting brief may also be filed within 15 days from close of the hearing where the case is to be finally decided without the issuance first of a proposed decision or the preparation of proposed findings and conclusions of counsel. Matters not included in the exceptions may not thereafter be objected to before the Committee and failure to file exceptions shall operate as a submission of the case to the Committee on the record. Upon request, and in the discretion of the Committee, any party may be given permission to argue orally before the Committee provided that such request is filed within 15 days from service of a proposed decision, or within 15 days from the filing of proposed findings and conclusions of counsel, or otherwise within 15 days from close of the hearing.

(f) Decision and other action of the Committee.—After expiration of the period for filing exceptions and briefs as provided for in paragraph (e), or after oral argument, the Committee may decide the matter upon the record and issue its decision, except that the Committee may make final its proposed decision or adopt proposed findings and conclusions of counsel; or, after appropriate notice, the Committee may reopen the record and receive further evidence either itself or before a member or panel of members of the Committee and/or a Hearing Commissioner; or it may close the case upon compliance with recommendations contained in its proposed decision; or it may make other disposition of the case. Where the Committee makes final its proposed decision and exceptions thereto have been taken, or where the Committee adopts proposed findings and conclusions of counsel, it shall state the reason for its action. The decision of the Committee shall be supported by substantial evidence, and copies of the decision shall be served upon all parties. Motions to reopen the record, or motions for rehearing or reargument, may be filed with the Committee within 15 days from service of the decision. Such motions shall show good cause and specify the evidence to be adduced or issues to be heard or reargued as may be relevant to the relief requested. The Committee may, at any time, upon appropriate notice, modify or set aside, in whole or in part, any disposition of the case made by it.

(g) Record.—The record shall consist of the Committee's statement of charges and any amendments thereto, the notice of hearing, answers and any amendments thereto, motions, rulings, orders, the stenographic report of the hearing, stipulations, exhibits, papers filed by the parties (other than separately presented briefs), proposed decision, if issued, and the decision in the case.

(h) Waiver of hearing.—By stipulation between the parties, hearing may be involved and decision of the case.

waived and decision rendered by the Committee on an agreed statement of facts. (i) Appeal.—Any party against whom an adverse decision is rendered by the

Committee may appeal therefrom to the President.

(i) Miscellaneous .-

(1) Service and filing of papers shall be deemed to be effected as of the date of transmittal of such papers. Extension of time for filing may be granted upon

application to the Committee for good cause shown.

(2) All papers required to be filed with the Committee shall be filed in triplicate at its offices in Washington, D. C., except as the parties may be otherwise advised in writing. Where there are multiple parties charged, copies of papers filed with the Committee by one party shall be furnished to the other parties charged.

(3) Impertinent, scandalous or scurrilous statements shall be expunged from the record and any papers filed with the Committee, including briefs, which contain

such statements may be rejected by the Committee.

(4) A copy of the record in the case shall be available for inspection by any party at any time during regular business hours at the offices of the Committee in Washington, D. C., or at such other place as may be designated.

(5) Other procedural matters, such as depositions and interventions, not herein provided for, shall be determined by the Committee on its own motion or on

application and with appropriate notice.

(k) Effectiveness.—These rules and regulations shall become effective upon publication in the Federal Register and shall continue in force and effect until amended and rescinded by rules and regulations hereafter made and published by the Committee.

Published in Federal Register December 29, 1944, Title 29, Chapter X, Part 1203 (Federal Register Code Numbers 1203.1 through 1203.10 corresponding to (a) through (j) of this document).

# Appendix E. Tables 1–14, Statistical Tables, Summaries and Comparisons of Case Load Activity, July 1, 1943–June 30, 1944

Table 1.—Summary of case load activity—cases docketed, cases closed by type of disposition, and cases pending, by region

	as of	July	docket	July		Closings	by typ	e of dis	position		as of
ing to the func	pending a ıly 1, 1943	.d	73	losed ough	ad-	by		Dismi	ssed—	in / line	
Region	Cases Jan 1, 194 30, 19 30, 19 Total Cases Table 1, 194 30, 19 1, 194 1,	ca.	1, 194 9 30, 19 cases c 443, thr 944		Withdrawn b	On merits	Insufficient	No juris- diction	Other	Cases pending July 1, 1944	
Total	1,052	4, 081	5, 133	3, 030	1,099	282	895	449	104	201	2, 103
I	12 92 157 93 102 205 122 108 11 46 14 13 45 32	77 820 556 244 261 145 442 297 34 206 322 33 365 279	89 912 713 337 363 350 564 405 45 252 336 46 410 311	71 632 424 206 221 246 327 100 30 121 213 14 261 164	29 303 134 39 67 133 81 22 7 39 86 7 104 48	8 37 31 10 28 29 22 34 4 4 3 2 43 27	17 232 158 84 44 22 119 15 6 40 54 4 46 54	10 34 76 22 51 44 52 18 8 21 33 1 56 23	7 22 13 7 15 6 8 2 1 2 12 0 6 3	0 4 12 44 16 12 45 9 4 15 25 0 6 9	18 280 289 131 142 104 237 305 15 131 123 32 149 147

Table 1-A .- Summary of case load activity-regional percent of total

				Per	rcent dis	stributio	on				1, 1944	
	as of July ough		Dock- 1943, ne 30,	Closings by type of disposition								
Region	ling a 1943	thro 1944	on Do	ses	ory	a ph		Dismi	ssed—		ling July	
	Cases pending as of July 1, 1943  Cases docketed July 1, 1943, through June 30, 1944  Total cases on Docket July 1, 1943, through June 30, 1944	Total cas	Satisfactory	Withdrawn by complainant	On mer- its	Insuffi- cient ev- idence	No juris- diction	Other	Cases pending			
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	
I	1. 1 8.7 14. 9 8. 8 9. 7 19. 5 11. 6 10. 3 1. 0 4. 4 1. 3 1. 2 4. 3 3. 0	1. 9 20. 1 13. 6 6. 0 6. 4 3. 6 10. 8 7. 3 8 5. 0 7. 9 8. 9 6. 8	1. 7 17. 8 13. 9 6. 6 7. 1 6. 8 11. 0 7. 9 4. 9 6. 5 8. 0 6. 1	2. 3 20. 9 14. 0 6. 8 7. 3 8. 1 10. 8 3. 3 1. 0 4. 0 7. 0 5. 4	2. 6 27. 6 12. 2 3. 5 6. 1 12. 1 7. 4 2. 0 .6 3. 5 7. 8 .6 9. 5 4. 4	2.8 13.1 11.0 3.5 9.9 10.3 7.8 12.1 1.4 1.4 1.1 .7 15.2 9.6	1. 9 25. 9 17. 7 9. 4 4. 9 2. 5 13. 3 1. 7 4. 5 6. 0	2. 2 7. 6 16. 9 4. 9 11. 4 9. 8 11. 6 4. 0 1. 8 4. 7 7. 3 . 2 12. 5 5. 1	6.7 21.2 12.5 6.7 14.4 5.8 7.7 1.9 1.0 1.9 11.5 0 5.8 2.9	0 2. 0 5. 9 21. 9 8. 0 5. 9 22. 4 4. 5 2. 0 7. 5 12. 4 0 3. 0 4. 5	13. 3 13. 7 6. 2 6. 8 4. 9 11. 3 14. 5 5. 8 1. 8 7. 0	

Table 1-B.—Summary of case load activity—percent distribution within each region

	-		ryalf			Percen	t distri	ibution					-
cint out to	3-24	July 1,	1, 1943, 1944		Closi	ngs by	type o	f dispos	sition	100		d to	pending total on
Davies		jC	uly 1,		adjust-	com-		Dismis	ssed—			cases closed on docket	s pen
Total  Cases pending as 1943	Cases docketed July through June 30, Total	Total	Satisfactory ad ment	Withdrawn by plainant	On merits	Insufficient	No jurisdiction	Other	Total	Percent of cases clos total on docket	Percent of cases July 1, 1944, to docket		
Total	100.0	20. 5	79.5	100.0	36. 3	9. 3	29. 5	14.8	3. 4	6. 6	100.0	59. 0	41.0
I III III III IV V(Cleveland Operorit VIII VIII IX VIII IX XXII San Francisco Los Angeles III III III III IX Angeles IV Angeles III III III III III III III III III I	100. 0 100. 0	13. 5 10. 1 22. 0 27. 6 28. 1 58. 6 21. 6 26. 7 24. 4 18. 3 4. 2 28. 3 11. 0 10. 3	86. 5 89. 9 78. 4 71. 9 41. 4 78. 4 73. 3 75. 6 81. 7 95. 8 71. 7 89. 0 89. 7	100. 0 100. 0	40. 8 47. 9 31. 6 18. 9 30. 3 54. 1 24. 8 22. 0 23. 3 32. 2 40. 4 50. 0 39. 8 29. 3	11. 3 5. 9 7. 3 4. 9 12. 7 11. 8 6. 7 34. 0 13. 3 3. 3 1. 4 14. 3 16. 5 16. 5	23, 9 36, 7 37, 3 40, 8 19, 9 36, 4 15, 0 20, 0 33, 1 25, 4 28, 6 17, 6 32, 9	14, 1 5, 4 17, 9 10, 7 23, 1 17, 9 15, 9 18, 0 26, 7 17, 4 15, 5 7, 1 21, 5 14, 0	9, 9 3, 5 3, 1 3, 4 6, 8 2, 4 2, 0 3, 3 1, 7 5, 6 0 2, 3 1, 8	0 6 2.8 21.4 7.2 4.9 13.8 9.0 13.3 12.4 11.7 0 2.3 5.5	100. 0 100. 0	79, 8 69, 3 59, 5 61, 1 60, 9 70, 3 58, 0 24, 7 66, 7 48, 0 63, 4 30, 4 63, 7 52, 7	20. 2 30. 7 40. 5 38. 9 39. 1 29. 7 42. 0 75. 3 33. 3 52. 0 36. 6 69. 6 36. 3 47. 3

Table 1-C.—Cases docketed, by month and by region

Region	Total	July 1943	Au- gust	Sep- tem- ber	Octo- ber	No- vem- ber	De- cem- ber	Jan- uary 1944	Feb- ruary	March	April	May	June
Total	4, 081	256	284	294	391	383	360	355	365	439	312	400	242
[	77	9	12	5	9	5	6	2	7	9	9	1	3
II	820	64	58	63	61	46	92	100	103	83	40	52	58
III	556	59	62	54	75	60	37	34	26	52	34	48	15
IV	244	22	27	29	27	11	30	16	25	9	12	19	17
V Cleveland	261	7	25	11	14	69	21	39	44	14	7	7	3
V Detroit	145	7	13	17	20	11	8	7	6	16	8	14	18
VI	442	24	25	42	51	53	35	38	21	38	34	56	25
VII	297	6	16	10	9	6	15	12	23	60	29	90	21
VIII	34	5	5	6	5	2	1	1	0	1	2	5	1
[X	206	12	14	15	17	15	13	8	19	29	22	18	24
X XI	322	7	10	20	46	46	21	19	46	40	39	22	6
(C Th	33	3	2	1	2	3	0	3	0	6	5	8	0
XII San Francisco	365	18	8	16	26	39	61	48	24	33	36	25	31
Los Angeles	279	13	7	5	29	17	20	28	21	49	35	35	20

Table 1-D.—Satisfactory adjustments, by month and by region

Region	Total	July 1943	Au- gust	Sep- tem- ber	Octo- ber ber	No- vem- ber	De- cem- ber	Jan- uary 1944	Feb- ruary	March	April	May	June
Total	1,099	2	24	68	72	140	93	129	113	109	130	125	94
I	29 303	0	1 20	8 48	2	4 49	1 19	2 19	0	4	6	1	0
III	134	1	1	1	25 16	11	19	19	18	30 10	24 29	39 17	12 22
IV	39	0	0	3	1	2	5	2	10	3	6	3	4
V (Cleveland	67	0	0	0	0	7	11	15	5	0	0	16	13
VI Detroit	133 81	0	0	0	0	26	15	19	10	17	14	19	13
VII	22	0	0	1 0	18 2	6	9	14	10	6	12	3	4
VIII	7	0	0	1	ő	0	0		1	0	5 2	0	6
[X	39	ő	ő	Ô	0	8	4	2 7	2	6	4	8	0
X	86	0	ĭ	3	i	15	7	12	12	8	15	8	4
XI	7	0	0	0	1	0	1	0	4	ĭ	0	0	0
XII San Francisco	104	0	0	1	5	9	7	23	19	15	9	7	9
Los Angeles	48	1	1	2	1	3	0	4	13	4	4	4	11

Table 1-E.—Cases pending, by month and by region

						Cas	es pen	ding					
Region	July 1, 1943	Aug.	Sept.	Oct.	Nov.	Dec.	Jan. 1, 1944	Feb.	Mar.	Apr.	May	June 1	July 1
Total	1,052	1, 305	1, 552	1,709	1, 836	1, 885	1, 931	1, 932	2, 038	2, 179	2, 154	2, 171	2, 103
Ţ	12	21	32	21	20	15	19	16	21	21	22	16	18
[]	92 157	155 215	182 276	154 329	141 324	102 336	146 330	198 329	264 328	283 343	261 326	250 337	280 289
IV	93	115	142	155	177	181	195	204	206	197	182	148	13
Cleveland	- 102	109	134	142	157	199	177	173	206	213	201	171	14:
Detroit	205	212	225	242	262	228	199	177	169	146	132	116	10
VI.	122	146	171	211	227	258	259	243	218	232	208	243	23
VII	108	114	130	139 26	133 28	139	143	147 20	156 18	207	229	296	30-
X	11 46	16 58	71	85	96	88	92	82	97	110	115	117	13
X	14	21	30	45	80	96	89	75	103	125	132	127	12
X	13	16	18	19	19	19	18	21	15	19	24	32	3
XII San Francisco.	45	63	70	85	94	113	136	135	136	134	152	135	149
Los Angeles	32	44	50	53	78	89	105	112	101	130	153	164	14'

0.00   100	All	Corresp	ondence	Personal contact		
Type of disposition	closings	Number	Percent	Number	Percent	
Total	3, 030	922	30. 4	2, 108	69. 6	
Satisfactory adjustment Withdrawn by complainant Dismissed:	1,099 282	223 103	20. 3 36. 5	876 179	79. 7 63. 5	
On merits	895	194	21.7	701	78. 3	
Insufficient evidence	449	319	71.0	130	29.0	
Lack of jurisdiction	104	43	41. 3	61	58. 7	
Other	201	40	19.9	161	80. 1	

Table 1-G.—Cases docketed and closed (by type of disposition) and pending, by region, July 1, 1943-Dec. 31, 1944

THE SECOND	100	2		Clos	ed by t	pe of d	ispositi	ion	100	Cases pending Jan. 1, 1945			
0 ES - ES	Case	Cases dock- eted		- B	With-	1-14	Dismis	ssed—	200	03/07		Z Z	
Region	as of July 1, 1943	y 1, 1943-	Total	Satis- factory adjust- ment	drawn by com- plain- ant	On- mer- its	Insuf- fi- cient evi- dence	No juris- dic- tion	Other	Total	Re- gion	Cen- tral office	
Total	1, 052	5, 803	4, 801	1,723	328	1, 505	623	195	427	2, 054	1, 553	501	
I II III IV Cleveland {Detroit VI VII VIII VIII X XI XII (San Francisco {Los Angeles	12 92 157 93 102 205 122 108 11 46 14 13 45	127 1, 035 723 380 353 261 607 430 44 424 436 48 526 409	106 904 680 318 312 309 549 241 43 244 295 30 453 317	40 407 232 82 97 154 161 27 10 91 121 10 183 108	8 44 40 10 29 33 37 4 8 4 2 50 36	38 358 240 129 68 43 193 42 10 74 7 105 120	12 45 125 28 72 58 73 21 9 30 48 2 69 31	8 43 24 10 23 9 16 12 2 6 15 0 15	0 7 19 59 23 12 83 102 8 31 33 9 31	33 223 200 155 143 157 180 297 12 226 155 31 118 124	26 168 163 110 114 138 135 152 11 200 136 15 78	7 555 37 45 29 19 45 145 126 19 16 40	

Table 1-H.—Summary of case load activity by month—July 1, 1943-Dec. 31, 1944
[Monthly percent of total and percent distribution within each month]

note	ning	Hon	docket	0-			Jo 1	dimmis	I	Percent	t distri	ibution			
notice Alice	each month	70	on do	Ca	ses clos	ea	onth,	pe	Cases closed		ed	0	to ret	g to	
Month	Cases pending, of each m	Cases docketed	Total cases on dock during each month	Total	Satisfactory	All other	Cases pending, er	Cases docketed	Total	Satisfactory adjustment	All other	Total	Cases closed to total on docket	Cases pending t	
Total		5, 803		4, 801	1, 723	3, 078		100.0	100.0	100.0	100.0		live	10197	
July 1943 August. September. October November. December. January 1944 February March April May June July August. September October November. December	1, 052 1, 305 1, 552 1, 709 1, 836 1, 885 1, 931 1, 932 2, 038 2, 179 2, 154 2, 171 2, 103 2, 143 2, 139 2, 139 2, 057	256 284 294 391 383 360 355 365 439 312 400 242 314 315 292 242 286 273	1, 308 1, 589 1, 846 2, 100 2, 219 2, 245 2, 286 2, 297 2, 477 2, 458 2, 413 2, 417 2, 458 2, 425 2, 433 30	3 37 137 264 334 314 354 259 298 337 383 310 274 323 251 279 368 276	2 24 68 72 140 93 129 113 109 130 125 94 127 109 89 120	1 13 69 192 194 221 225 146 189 207 258 216 147 214 162 159 278	1, 305 1, 552 1, 709 1, 836 1, 885 1, 931 1, 932 2, 038 2, 179 2, 154 2, 171 2, 103 2, 143 2, 135 2, 176 2, 139 2, 057 2, 054	4. 4 4. 9 5. 1 6. 7 6. 6 6. 2 6. 1 6. 3 7. 6 5. 4 6. 9 4. 2 5. 4 5. 4 5. 4 5. 4 7. 4 7. 4 7. 4 7. 4 7. 4 7. 4 7. 4 7	$\begin{array}{c} .1\\ .8\\ 2.9\\ 5.5\\ 7.0\\ 6.5\\ 7.4\\ 5.4\\ 6.2\\ 7.0\\ 0.6\\ 5.7\\ 6.7\\ 5.7\\ 5.7\\ 5.7\\ \end{array}$	. 1 1. 4 3. 9 4. 2 8. 1 5. 4 7. 5 6. 6 6. 3 7. 5 7. 4 6. 3 5. 2 7. 0 5. 2 5. 2	6. 2 6. 3 7. 2 7. 3 4. 7 6. 1 6. 7 8. 4 7. 0 4. 8 7. 0 5. 3 5. 2 9. 0	100. 0 100. 0	0. 2 2. 3 7. 4 12. 6 15. 1 14. 0 15. 5 11. 3 12. 0 13. 5 15. 0 12. 8 11. 3 13. 1 10. 3 11. 5 11. 5 11. 3	99. 8 97. 7 92. 6 87. 4 84. 9 86. 0 84. 5 88. 7 88. 0 87. 2 88. 7 86. 9 89. 7 84. 8 88. 2	

Table 2.—Cases docketed—reason for discrimination, by type: Percent distribution within each type

Reason for discrimination	Number	Percent
Race	3, 298	100. (
NegroOther	3, 188	96. 7 3. 3
Creed	355	100. (
Jew Seventh-day Adventist Jehovah's Witness Catholic Other	258 34 222 4 37	72. 7 9. 6 6. 2 1. 1 10. 4
National origin	253	100. (
Mexican Italian German Chinese Japanese Other	182 19 14 	71. 9 7. 8 5. 8 1. 6 . 8

Table 2-A.—Cases docketed—type of reason for discrimination: Regional percent of distribution

months and make			Number	r		Percent distribution						
Region	Total	Race	Creed	Nation- al origin	Alien- age	Total	Race	Creed	Nation- al origin	Alien- age		
Total	4, 081	3, 298	355	253	175	100.0	100.0	100.0	100.0	100.0		
I	77	47	14	0	16	1.9	1.4	3.9	0	9. 1		
II	820	611	152	31	26	20. 1	18. 5	42.8	12.2	14. 9		
III	556	461	61	6	28	13. 6	14.0	17.2	2.4	16. 0 6. 3		
IV	244	215	16	2	11 10	6.0	6. 5 7. 2	4. 5	.8	5. 7		
v Cleveland	261	239 129	11 10	3	3	3. 6	3. 9	2.8	1.2	1. 7		
VIVDetroit	145 442	389	22		27	10.8	12. 0	6. 2	1.6	15. 4		
VII	297	284	5	3	5	7. 3	8. 6	1.4	1, 2	2. 9		
VIII	34	26	6	0	2	.8	.8	1.7	0	1, 1		
IX	206	197	2	2	5	5.0	6.0	. 6	.8	2. 9		
X	322	188	5	115	14	7.9	5.7	1,4	45.4	8.0		
VI	33	20	0	9	4	.8	.6	0	3.6	2. 3		
XII San Francisco	365	343	9	8	5	8.9	10.4	2.5	3.2	2. 9		
XII Los Angeles	279	149	42	69	19	6.8	4.5	11.8	27.2	10.9		

Table 2-B.—Cases docketed—type of reason for discrimination: Percent distribution within each region

THE RESULT OF THE PARTY OF			Number	r	1000	Percent distribution					
Region	Total	Race	Creed	Nation- al origin	Alien- age	Total	Race	Creed	Nation- al origin	Alien- age	
Total	4, 081	3, 298	355	253	175	100.0	80.8	8.7	6. 2	4. 3	
T	77	47	14	0	16	100.0	61.0	18. 2	0	20.8	
II	820	611	152	31	26	100.0	74.5	18.5	3.8	3. 3	
III	556	461	61	6	28	100.0	82.9	11.0	1.1	5.	
IV	244	215	16	2	11	100.0	88.1	6.6	.8	4. 8	
(Claveland	261	239	11	1	10	100.0	91.6	4.2	.4	3.	
V Detroit	145	129	10	3	3	100.0	88. 9	6.9	2.1	2.	
VÌ	442	389	22	3	27	100.0	88.0	5.0	. 9	6.	
VII	297	284	5		5	100.0	95 6	1.7	1.0	1.	
VIII	34	26	6	0	2	100.0	76. 5	17.6	0	5.	
IX	206	197	2	2	5	100.0	95.6	1.0	1.0	2.	
X	322	188	5	115	14	100.0	58.4	1.6	35. 7	4.	
XI	33	20	0	9	4	100.0	60.6	0	27.3	12.	
(Con Francisco	365	343	9	8	5	100.0	93 9	2.5	2.2	1.	
XII Los Angeles	279	149	42	69	19	100.0	53.4	15.1	24.7	6.	

Table 2-C.—Cases docketed—reason for discrimination, by region

	Alien- age	175	91 828 101 827 84 84 84 84 84 84 84 84 84 84 84 84 84
	Other	32	01 1 2 1 1 2 2 4 1
	Jap- anese	2	T I
gin	Chinese	4	8
National origin	Ger- man	14	0 1 1 1 1 0
Nat	Italian	19	24 21
	Mex- ican	182	108 6 63 63
	Total	253	0.00 0.00 0.00 0.00 0.00 0.00 0.00 0.0
	Other	37	₩ × 4 × 1
	Cath-	4	0 11 11
pea	Jehovah's Witness	22	04
Creed	Seventh- day Ad- ventist	34	404444 40 00
	Jew	258	131 46 46 16 16 18 33 77
	Total	355	1152 116 111 110 110 110 100 100 100 100 100
	Other	110	110 10 10 31 39 6
Race	Negro	3, 188	224 224 229 229 284 284 284 284 284 284 284 284 284 284
	Total	3, 298	215 215 239 239 284 284 26 26 27 197 188 343 149
	Total	4,081	244 2556 254 261 145 145 297 34 322 33 33 365 365
	Region		IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII

Table 2-D—Cases docketed—reason for discrimination: Regional percent of total

-		Alien- age	100.0	0.441 0.000 000 0.000 0.000 0.000 0.000 0.000 0.000 0.000 0.000 0.000 0.000 0.
		Other	100.0	0.000000000000000000000000000000000000
		Jap- anese	100.0	0,0000000000000000000000000000000000000
	l origin	Chinese	100.0	0,0000000000000000000000000000000000000
	National origin	Ger- man	100.0	42.9 42.9 7.1 7.1 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
		Italian	100.0	63.2 21.1 21.1 0 0 5.3 0 0 0 0
		Mex- ican	100.0	00000000000000000000000000000000000000
,		Total	100.0	0.324
		Other	100.0	0.04.00 10.1.06 10.07.00 10.00
		Cath-	100.0	25.0 25.0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
	ed	Jehovah's Witness	100.0	0.044800004000 0.04480000000000000000000
	Creed	Seventh- day Ad- ventist	100.0	11.8.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.
		Jew	100.0	50.83 17.82 17.82 1.12.20 1.22.7 12.27
		Total	100.0	6.24.4.6.23.9.1.1.0.2.1.1 0.8.22.1.1.1.0.2.1.1
		Other	100.0	88
	Race	Negro	100.0	2.7.4.0 2.7.4.1.1.6 2.0.0 2.0.0 3.0.0 3.0.0 4.0.0 5.0.
		Total	100.0	-1.83.4.0.0.93.88 .0.0.0.14.4.0.0.0.0.0.0.0.0.0.0.0.0.0.4.4.0.0.0.0.0.0.0.0.0.4.2.0.0.0.0
		Total		
	Region		Total	II

Table 3.—Cases docketed—type of party charged: Regional percent of total

Region		Nun	nber	112 4	Percent distribution					
Region	Total	Business	Govern- ment	Union	Total	Business	Govern- ment	Union		
Total	4, 081	2, 833	998	250	100.0	100.0	100.0	100.0		
I II V V , {Cleveland	77 820 556 244 261 145 442 297 34 206 322 33 365	57 565 368 99 180 125 356 180 32 156 234 18	18 212 170 127 76 11 69 55 1 50 76 7	2 43 18 18 5 9 17 62 1 0 12 8	1. 9 20. 1 13. 6 6. 0 6. 4 4. 6 10. 8 7. 3 . 8 5. 0 7. 9 . 8	2. 0 19. 9 13. 0 3. 5 6. 4 4. 4 12. 6 6. 4 1. 1 5. 5 8. 3 . 6 8. 4	1.8 21.2 17.0 12.7 7.8 1.1 6.9 5.5 .1 5.0 7.6	. 8 17. 2 7. 2 2. 2 2. 2 3. 6 6. 8 24. 8 4 0 4. 8 3. 2 15. 6		

Table 3-A.—Cases docketed—type of party charged: Percent distribution within each region

		Nun	nber		Percent distribution					
Region	Total	Business	Govern- ment	Union	Total	Business	Govern- ment	Union		
Total	4, 081	2, 833	998	250	100.0	69. 4	24.5	6. 1		
[	77	57	18	2	100.0	74.0	23. 4	2. 6 5. 2		
I	820	565	212	43	100.0	68.9	25.9	5. 2		
II	556	368	170	18	100.0	66. 2	30.6	3. 2		
V	244	99	127	18	100.0	40.6	52.0	7.4		
Cleveland	261	180	76	5	100.0	69.0	29.1	1.5		
Detroit	145	125	11	9	100.0	86. 2	7.6	6. 5		
/Ì	442	356	69	17	100.0	80.5	15.6	6. 2		
VII	297	180	55	62	100.0	60.6	18.5	20.9		
/III	34	32	1	1	100.0	94.1	2.9	2.9		
X	206	156	50	0	100.0	75.7	24.3	0		
ζ	322	234	76	12	100.0	72.7	23.6	3, 1		
XI	33	18	7	8	100.0	54. 5	21. 2	24.		
(0) 30	365	239	87	39	100.0	65, 5	23.8	10.		
XII San Francisco	279	224	39	16	100.0	80.3	14.0	5.		

Table 4.—Summary of case load activity—cases docketed by type of party charged and type of reason for discrimination, by region

	-d - !	00	1111111111111
	Alien- age		
	Na- tional origin	12	1 00001
Union	Creed	9	1 -0 1
	Race	229	411 118 118 117 177 177 179 189 199 199
	Total	250	188 100 100 100 100 100 100
	Alien- age	35	mr.9mm   NM   NM   NM   NM   NM   NM   NM
nt	Na- tional origin	52	20 50 H H 33
Rovernment	Creed	85	888 88 88 88 88 88 88 88 88 88 88 88 88
Go	Race	826	159 1111 1111 1111 1111 149 149 149 149 14
all I	Total	866	1212 1212 1270 1277 127 101 11 101 101 101 101 101 101 101 101
	Alien- age	137	113 123 123 124 124 125 125 126 127 127 127 127 127 127 127 127 127 127
SS	Na- tional origin	189	7.8.1.1.8.4.1   2.0.7.4.8.8.
Business	Creed	264	1118 488 488 888 888 65 5 5 5 5 5 5 5 5 5 5 5 5 5
	Race	2, 243	295 86 86 1114 1111 173 173 173 173 173 173 173 173 17
	Total	2, 833	57 565 368 368 30 1125 1125 1180 126 127 128 128 128 128 128 128 128 128 128 128
	Alien- age	175	658 82.00 82.00 84.44 86.00 86
	Na- tional origin	253	050484800550086
Total	Creed	355	1152 1152 116 110 110 122 22 22 22 24 25 25 26 46 47 47 47
-	Race	3, 298	441 6111 239 239 129 389 284 284 197 197 197 198 343 149
	Dock- eted	4,081	77 820 820 556 261 145 145 7297 8322 332 333 365 279
	Region		I

Table 4-A.—Cases docketed—type of party charged and type of reason for discrimination: Regional percent of total

				Business				D	Bovernmen	ıt	THE REAL PROPERTY.			Union		
Region	Total	Total	Race	Creed	National	Alienage	Total	Race	Creed	National origin	Alienage	Total	Race	Creed	National	Alienage
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
III	20.1 13.66 6.60 10.86 10.86 10.86 10.87 10.88 10.88 10.88 10.88	29.00.00.00.00.00.00.00.00.00.00.00.00.00	1.88.88.88.89.89.89.89.89.89.89.89.99.99.	444 81.68.88.1.1	0001. 140.0144.0444.00012. 140.0144.	11. 829.0522222222222222222222222222222222222	21.2 17.0 17.0 17.0 17.0 17.0 17.0 17.0 17.0	1179.1 1779.1 1779.2 17	8.8.6.11 8.8.6.11 8.8.6.14 7.4 7.4 7.1.11		200 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0	.17.7.50% Q404% Q004% Q0	8.57.7.52% 6.4% 6.04% 6.	16.7 16.7 16.7 16.7 16.7 16.7	8 15.7 7 7 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8 8	33.3 66.73

Table 4-B.—Cases docketed—type of reason for discrimination related to type of party charged: Percent distribution

There of manger for		Nun	ber			Percent di	stribution	
Type of reason for discrimination	Total	Business	Govern- ment	Union	Total	Business	Govern- ment	Union
Total	4, 081	2, 833	998	250	100.0	69. 4	24. 5	6. 3
Race Creed National Origin Alienage	3, 298 355 253 175	2, 243 264 189 137	826 85 52 35	229 6 12 3	100. 0 100. 0 100. 0 100. 0	68. 0 74. 4 74. 7 78. 3	25. 0 23. 9 20. 6 20. 0	6. 9 1. 1 4. 1

Table 5.—Cases closed—type of reason for discrimination, by region: Percent distribution within each region

			Number				Perce	nt distril	oution	
Region	Total	Race	Creed	Alien- age	Na- tional origin	Total	Race	Creed	Alien- age	Na- tional origin
Total	3, 030	2, 442	295	175	118	100.0	80.6	9.7	5.8	3. 9
I	71	40	11	19	1	100.0	56.3	15.5	26.8	1.
II	632	441	126	31	34	100.0	69.8	19 9	4.9	5.
III IV	424	352	38	28	6	100.0	83.0	9.0	6.6	1.
V Cleveland	206 221	172 200	17 14	10 6	7	100. 0 100. 0	83. 5 90. 5	8.3 6.3	4. 9 2. 7	3.4
V Detroit	246	220	12	14	0	100.0	89.4	4.9	5. 7	0
VÍ	327	284	21	19	3	100.0	86. 9	6, 5	5.8	
VII	100	87	5	4	4	100.0	87. 0	5. 0	4.0	4.
VIII	30	24	3	3	0	100.0	80.0	10.0	10.0	0
IX	121	113	1	6	1	100.0	93.4	.8	5.0	8
X	213	154	4	14	41	100.0	72.3	1.9	6.6	19.
XI	14	7	3	3	1	100.0	50.0	21.4	21.4	7.
XII San Francisco.	261	245	8	5	3	100.0	93. 9	3.1	1.9	1.
Los Angeles	164	103	32	13	16	100.0	62.8	19.5	7.9	9.

Table 5-A.—Cases closed—type of party charged, by region

		Nun	aber	A Park		Percent di	stribution	
Region	Total	Business	Govern- ment	Union	Total	Business	Govern- ment	Union
Total	3, 030	2, 134	841	55	100. 0	70. 4	27.8	1.8
I II III III III IIV V{Cleveland Detroit VII VII VII VII VII VII VII IX X XI XII Los Angeles	71 632 424 206 221 246 327 100 30 121 213 14 261 164	53 466 287 92 153 234 253 45 27 77 146 11 163 127	18 160 132 106 67 9 72 54 3 44 61 3 79	0 6 5 8 1 3 2 1 0 0 6 6 0	100. 0 100. 0	74. 6 73. 7 67. 7 44. 7 69. 2 95. 1 77. 4 45. 0 90. 0 63. 5 78. 6 62. 5 77. 4	25. 4 25. 3 31. 1 51. 5 30. 3 3. 7 22. 0 54. 0 10. 0 36. 4 28. 6 21. 4 30. 3 20. 1	0 1, 2 3, 9 1, 2 1, 0 1, 0 0 0 2, 8 0 7, 3

Table 6.—Summary of cases closed—type of party charged and type of reason for discrimination, by region

	1 1	9	
The state of the s	Nation- al origin		
	Alien- age	2	
Union	Creed	4	
	Race	43	428 331 3 73
	Total	55	00008818828000044
NW.	Nation- al origin	44	12 3 3 2 3
ent	Alien- age	34	41-004 00 11101
Government	Creed	65	23882111888
ğ	Race	869	1122 110 881 881 872 873 873 874 874 875 875 875 875 875 875 875 875 875 875
	Total	841	182 132 132 106 67 72 84 84 84 84 83 83 83 83 84 84 84 84 84 84 84 84 84 84 84 84 84
100	Nation- al origin	89	22 1 1 22 1 1 25 1 1 25 1 1 25 1 1 25 1 1 1 25 1 1 1 1
	Alien- age	139	24244471286828281
Business	Creed	226	0.000000000000000000000000000000000000
	Race	1, 701	28 315 237 237 237 210 215 40 21 70 107 107 167 78
	Total	2, 134	287 287 287 283 283 253 45 277 277 277 277 277 277 277 277 277 27
The state of the s	Nation- al origin	118	14807H0840H14L86H
	Alien- age	175	10 10 10 10 10 10 10 10 10 10 10 10 10 1
Total	Creed	295	111 138 138 112 112 112 112 113 113 113 113 113 113
A.	Race	2, 442	441 352 172 200 220 284 87 87 1113 154 1 245 103
	'Potal	3, 030	71 632 424 206 221 246 327 100 30 121 14 261 164
	Region	Total	I   I   I   I   I   I   I   I   I   I

Table 6-A.—Cases closed—type of reason for discrimination related to type of party charged: Percent distribution

Type of reason for		Nur	nber			Percent di	stribution	
Type of reason for discrimination	Total	Business	Govern- ment	Union	Total	Business	Govern- ment	Union
Total	3, 030	2, 134	841	55	100. 0	100.0	100.0	100.0
Race Creed Alienage National origin	2, 442 295 175 118	1, 701 226 139 68	698 65 34 44	43 4 2 6	80. 6 9. 7 5. 8 3. 9	79. 7 10. 6 6. 5 3. 2	83. 0 7. 7 4. 0 5. 2	78. 2 7. 3 3. 0 10. 9

Table 6-B.—Cases closed—type of reason for discrimination related to type of party charged and type of disposition

					P	ercent	of total	- 44-				
	A	ll elosin	gs		Busines	SS	Ge	vernme	ent		Union	
Type of reason for discrimination	Total	Satis- fac- tory ad- just- ment	All other	Total	Satis- fac- tory ad- just- ment	All other	Total	Satis- fac- tory ad- just- ment	All other	Total-	Satis- fac- tory ad- just- ment	All other
Total	100.0	36.3	63.7	70.4	29. 4	41.1	27.8	6.3	21.4	1.8	0.6	1.3
Race	100. 0 100. 0 100. 0 100. 0	36. 1 36. 3 26. 3 45. 7	63. 9 63. 7 73. 7 54. 3	69. 7 76. 6 57. 6 79. 4	28. 7 33. 6 16. 1 40. 6	41. 0 43. 1 41. 5 38. 9	28.6 22.0 37.3 19.4	6. 7 2. 7 9. 3 5. 1	21. 9 19. 3 28. 0 14. 3	1. 8 1. 4 5. 1 1. 1	0.7	1. 1 1. 4 4. 2 1. 1

Table 6-C.—Cases closed—reason for discrimination related to type of party charged and type of disposition

	A 1	ll closir	200		Type	of part	y char	ged and	l tyre	of disp	osition	
	A	ii ciosii	igs	I	Busine	SS	Go	vernm	ent		Union	
Reason for discrimination	Total	Satisfactory adjustment	All other	Total	Satisfactory	All other	Total	Satisfactory	Ali other	Total	Satisfactory adjustment	All other
Total	3, 030	1,099	1, 931	2, 134	890	1, 244	841	192	649	55	17	38
Race	2, 442	881	1, 561	1,701	701	1,000	698	164	534	43	16	27
NegroOther	2, 374 68	854 27	1, 520 41	1, 642 59	679 22	963 37	689 9	159 5	530 4	43	16	27
Creed	295	107	188	226	99	127	65	8	57	4	0	4
Jew Seventh-day Advent-	207	78	129	160	72	88	45	6	39	2	0	2
ist Jehovah's Witness Catholic Other	29 17 4 38	2 1 0 26	27 16 4 12	16 15 1 34	0 1 0 26	16 14 1 8	12 1 3 4	2 0 0 0	10 1 3 4	1 1 0 0	0 0	1
National Origin	118	31	87	68	19	49	44	11	33	6	1	
Mexican Italian German Japanese Other	43 20 23 1 31	13 2 5 0 11	30 18 18 1 1 20	26 12 10 0 20	7 2 2 2	19 10 8	12 7 13 1	5 0 3 0 3	7 7 10 1 8	5 1 0 0 0	1 0	4
Alienage	175	80	95	139	71	68	34	9	25	2	0	2

Table 6-D.—Cases closed—reason for discrimination, percent of total within type of party charged and within type of disposition

	A 1	l closin	ore.	8	Type	of part;	y charg	ed and	-ype	of disp	osition	
	A	1 Closii	igo	]	Busines	SS	Go	vernm	ent		Union	- Police
Reason for discrimination	Total	Satisfactory adjustment	All other	Total	Satisfactory adjustment	All other	Total	Satisfactory	All other	Total	Satisfactory	All other
Total	100.0	100.0	100.0	100.0	100.00	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Race	80. 6	80.2	80.8	79.7	78.8	80.4	83.0	85. 4	82. 3	78.2	94. 1	71.1
Negro Other	78. 3 2. 2	77. 7 2. 5	78.7 2.1	76. 9 2. 8	76. 3 2. 5	77. 4 3. 0	81. 9 1. 1	82. 8 2. 6	81.7	78. 2	94.1	71.0
Creed	9.7	9.7	9.7	10.6	11.1	10.2	7.7	4.2	8.8	7.3	0	10.5
Jew-	6.8	7.1	6.7	7.5	8.1	7.1	5.4	3.1	6.0	3. 6	0	5. 3
Seventh-day Adventist Jehovah's Witness Catholic Other	1.0 .6 .1 1.3	. 2 . 1 0 2. 4	1.4 .8 .2 .6	.7 .7 0 1.6	0 .1 0 2.9	1.3 1.2 .1 .6	1.4 .1 .4 .5	1.0 0 0 0	1. 5 . 2 . 5 . 6	1.8 1.8 0 0	0 0 0 0	2.6 0 0 0
National origin	3.9	2.8	4.5	3. 2	2. 1	3.9	5.2	5. 7	5. 1	10.9	5.9	13. 2
Mexican Italian German Japanese Other	1.4 .7 .8 0 1.0	1. 2 . 2 . 5 0 1. 0	1.6 .9 .9 .1 1.0	1. 2 . 6 . 5 0	.8 .2 .2 .2 0	1.5 .8 .6 0 1.0	1.4 .8 1.5 .1 1.3	2.6 0 1.6 0 1.6	1. 1 1. 1 1. 5 . 2 1. 2	9. 1 1. 8 0 0 0	5.9 0 0 0	10.5 0 0 0 0
Alienage	5.8	7.3	4.9	6. 5	8.0	5.5	4.0	4.7	3.9	3.6	0	5. 3

					Туре	of part	y charg	ed and	type o	of dispos	sition	
	Al	l closin	gs	E	Busines	S	Go	vernm	ent	1	Union	00
Reason for discrimination	Total	Sat- is- fac- tory ad- just- ment	All other	Total	Sat- is- fac- tory ad- just- ment	All other	Total	Sat- is- fac- tory ad- just- ment	All	Total	Sat- is- fac- tory ad- just- ment	All other
Total	100.0	36. 3	63. 7	100. 0	41.7	58. 3	100. 0	22. 8	72. 2	100.0	30. 9	69. 1
Race	100. 0	36. 1	63. 9	100.0	41. 2	58. 8	100.0	23. 5	76. 5	100.0	37. 2	62. 8
NegroOther	100. 0 100. 0	36. 0 39. 7	64. 0 60. 3	100 0. 100. 0	41. 4 37. 3	58. 6 62. 7	110. 0 100. 0	23. 1 55. 6	76. 9 44. 4	100.0	37. 2	62. 8
Creed	100. 0	36. 3	63. 7	100.0	43.8	56. 2	100. 0	12. 3	87.7	100.0		100.0
Jew.	100.0	37. 7	62. 3	100.0	45. 0	55. 0	100.0	13.3	86.7	100. 0		100.0
Seventh-day Adventist Jehovah's Witness Catholic Other	100. 0 100. 0 100. 0 100. 0	6. 9 5, 9 0 68. 4	93. 1 94. 1 100. 0 31. 6	100. 0 100. 0 100. 0 100. 0	0 6. 7 0 76. 5	100. 0 93. 3 100. 0 23. 5	100. 0 100. 0 100. 0 100. 0	16.7 0 0 0	83. 3 100. 0 100. 0 100. 0	100. 0		100.0
National Origin	100.0	26. 3	73.7	100.0	27. 9	72.1	100.0	25. 0	75. 0	100.0	16.7	83. 3
Mexican Italian German Japanese Other	100. 0 100. 0 100. 0 100. 0 100. 0	30. 2 10. 0 21. 7 0 35. 5	69. 8 90. 0 78. 3 100. 0 64. 5	100. 0 100. 0 100. 0	26. 9 16. 7 20. 0 40. 9	73. 1 83. 3 80. 0	100. 0 100. 0 100. 0 100. 0 100. 0	41. 7 0 23. 1 0 27. 3	58. 3 100. 0 76. 9 100. 0 72. 7	100. 0	20. 0	80.0
Alienage	100.0	45. 7	54. 3	100.0	51.1	48. 9	100.0	26, 5	73. 5	100.0		100.0

Table 7.—Comparison of cases docketed with closings—type of reason for discrimination related to type of party charged

		E	T. A. C. L. J.		3/6%		Type of 1	party cha	urged: D	ocketing	Type of party charged: Docketings and closings, by type of disposition	igs, by t	ype of dia	position	y est	A The
		4	Otals			Bus	Business			Gove	Government	2 -2		Ū	Union	
Reason for discrimination			Closed				Closed				Closed				Closed	Gidas
	Dock- eted	Total	Satisfac- tory ad- justment	All	Dock- eted	Total	Satisfac- tory ad- justment	All	Dock- eted	Total	Satisfac- tory ad- justment	All	Dock- eted	Total	Satisfac- tory ad- justment	All
Total	4,081	3, 030	1,099	1, 931	2, 833	2, 134	890	1, 244	866	841	192	649	250	55	17	38
Race. Creed National origin. Alienage.	3, 298 355 253 253 175	2, 442 295 118 175	881 107 31 80	1, 561 188 87 95	2, 243 264 189 137	1, 701 226 68 139	701 99 119 71	1,000 127 49 68	826 855 35 35	698 65 44 34	164	534 57 33 25	229 6 12 3	64400	16	27 27 22 22
		5.11		-4	PE	RCENT	PERCENT OF TOTAL	CAL						10000		
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0
Race. Creed. National origin Alienage.	80.8 .2 .2 .2 .2 .2 .2 .2 .2 .2 .2 .2 .2 .2	80.6 9.7 8.9 8.9 8.9	80.09.07. 3.8.7.2.3.8.7.3.8.8.7.3.8.8.7.2.9.8.8.7.2.9.8.7.2.9.8.7.2.9.8.7.2.9.8.7.2.9.8.7.2.9.8.7.2.9.8.7.2.9.8.7.2.9.8.7	80.8 9.7 4.9 4.9	20.00 20.00	79, 7 10, 6 3, 2 6, 5	78.8 11.1 2.1 8.0	80.4 10.2 3.9 5.5	99 50 50 50 50 50 50 50 50	83. 0 7. 7 5. 2 4. 0	80 40 40 40 40 40 40 40 40 40 40 40 40 40	88 99 99 90 90 90 90 90	91.6 4.2.4 1.2 2.1.2	78.2 7.3 10.9 3.6	94. 1 0 5. 9 0	71.17

Table 7-A.—Comparison of cases docketed with closings—type of party charged, by region

		Pend- ing	214	288 1157 125 125 135 135 135 135 135 135 135 135 135 13
		All	38	4400-000
Union	Closed	Satis- factory adjust- ment	17	1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
		Total	55	09481881890064
		Dock- eted	250	433 188 177 177 188 189 189 189 16
		Pend- ing	406	256824872487
nt		All	648	112 103 103 86 60 60 60 61 84 83 84 83 84 83 84 84 84 84 84 84 84 84 84 84 84 84 84
Government	Closed	Satis- factory adjust- ment	192	200 200 200 200 200 200 200 200 200 200
Ď		Total	841	180 180 180 190 190 190 190 190 190 190 190 190 19
		Dock- eted	866	212 212 170 170 176 11 11 11 10 10 10 10 10 10 10 10 10 10
		Pend- ing	1, 483	1101 101 101 101 101 101 101 101 101 10
		All	1, 244	27. 213. 183. 183. 165. 183. 44. 46. 46. 49. 183. 49. 40. 40.
Business	Closed	Satis- factory adjust- ment	890	253 104 104 119 109 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7 7
		Total	2, 134	53 466 287 92 153 234 253 45 77 77 77 116 116 127
		Dock- eted	2, 833	567 368 368 368 125 326 130 130 130 234 130 234 234 234 234
		Pend- ing	2, 103	280 280 289 131 142 104 237 305 131 123 32 149
		All	1, 931	220 220 230 290 1154 1113 246 72 82 127 177 116
Total	Closed	Satis- factory adjust- ment	1,099	29 303 134 134 133 133 81 7 7 7 7 104 48
		Total	3, 030	71 632 728 228 228 237 100 100 30 30 121 121 121 121 121 121 121 121 121 12
		Dock- eted	4, 081	2556 244 244 241 241 244 297 34 322 33 365 279
		region	Total	IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII

Table 7-B.—Comparison of cases docketed with closings—type of party charged, by region: Percent of total

	Pend-		100.0	25.7.3.1.7.7.9 25.7.3.1.9.0 26.7.3.3.9 27.7.3.9 27.7.1.9
Union		All	100.0	0.01.0.0.0.0.0.0.0.0.0.0.0.0.0.0.0.0.0.
	Closed	Satis- factory adjust- ment	100.0	0 H 40000000000000000000000000000000000
		Total	100.0	000.0.4.1.0.0.0.0.0.0.0.0.0.0.0.0.0.0.0.
-	Dock- eted		100.0	
	Pend- ing		100.0	.811 .027.4.0.17.9 .7.7.1.0.4.
ıt		All	100.0	4.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1
Government	Closed	Satis- factory adjust- ment	100.0	1.75.1.0.6.9.0.0.0.0.0.0.0.0.0.0.0.0.0.0.0.0.0
Ge		Total	100.0	10.01 10.01 10.02 10.03
	Dock- eted		100.0	12.1.2 17.0 17.0 17.0 17.8 17.8 17.8 17.8 17.8 17.0 17.0 17.0 17.0 17.0 17.0 17.0 17.0
	Pend-		100.0	0.4.11.0.0.0.0.0.0.0.0.0.0.0.0.0.0.0.0.0
	Closed	All	100.0	2,1,4,7,1,8,4,8,1,8,6,1,6,6,1,6,6,1,6,6,1,6,6,1,6,6,1,6,6,1,6,6,1,6,6,1,6,
Business		Satis- factory adjust- ment	100.0	2.82 2.42 2.44 2.45 2.45 2.45 2.45 2.45 2.4
		Total	100.0	22.22 13.4 + 8.33 11.00 11.00 11.00 11.00 10.00
	Dock- eted		100.0	0.001 0.001 0.000 000 0.000 0.000 0.000 0.000 0.000 0.000 0.000 0.000 0.000 0.000 0.
	Pend-		100.0	
		All	100.0	2.5.2.8.8.8.2.4.1.4.68.6.
Total	Closed	Satis- factory adjust- ment	100.0	ସମ୍ପ୍ରଭ୍ବସ୍ଥାନ୍ୟ .ଜ୍ନ .ଡ଼୍ୟ ବରସ୍ଟ୍ରମୟ ୧୯୯ .ଡ଼୍ୟ
		Total	100.0	2.0241 8.00.6.1.4.7
	Dock- eted		100.00	20.1 20.1 20.0 20.0 4.0 20.0 20.0 20.0 20.0 20.0
	Region			I III III III III III III III III III

Table 7-C.—Comparison of cases docketed with closings—type of party charged, by region: Percent of total within each region

	Pend-		10.2	11820 1183 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
Union	Closed	All	2.0	04.00.04.0 04.00.04.0 04.00.000
		Satis- factory adjust- ment	1.5	000000000000000000000000000000000000000
	-	Total	1.8	0 .1.8.1.0000054
	Dock- eted		6.1	00000000000000000000000000000000000000
Government	Pend-		19.3	2.6.24.4.4.8.0.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2.2
	Closed	All	33.6	25.00 20.00
		Satis- factory adjust- ment	17.5	10.12.2.13.3.3.0.4.3.0.0.0.0.0.0.0.0.0.0.0.0.0.0.
		Total	27.8	4 % 1 1 1 2 % 8 2 4 6 6 8 4 8 6 8 6 8 8 8 8 8 8 8 8 8 8 8
	Dock- eted		24.5	23.2 25.2 25.2 25.2 25.2 25.2 25.2 25.2
	Pend-		70.5	2.27 2.27 2.44
Business	Closed	All	64.4	64.44 64.47 64.67
		Satis- factory adjust- ment	81.0	89.7 44.8.7 7.7.6 89.6 97.0 10.0 10.0 69.2 87.5 86.4 13.6 10.0 69.2 87.5 87.5 87.5 87.5
		Total	70.4	74. 6.6. 7.7. 7.7. 7.7. 7.7. 7.7. 7.8. 8.8. 8
	Dock- eted		69.4	4.86 6.66 6.00 6.00 6.00 6.00 6.00 6.00 6
	Pend-		100.0	100.0 100.0 100.0 100.0 100.0 100.0 100.0 100.0
	Closed	All	100.0	100.0 100.0 100.0 100.0 100.0 100.0 100.0 100.0 100.0
Total		Satis- factory adjust- ment	100.0	100.00000000000000000000000000000000000
		Total	100.0	100.0 100.0 100.0 100.0 100.0 100.0 100.0 100.0
- 4	Dock- eted		100.0	1000.0 1000.0 1000.0 1000.0 1000.0 1000.0 1000.0 1000.0
Region			Total	I

Table 8.—Cases docketed—type of discrimination related to reason for discrimination

Alienage	Percent of total	100.0	8.0 8.0 8.0 13.3 1.1 1.2 1.3 1.3 1.4 1.4 1.4 1.4 1.4 1.4 1.4 1.4 1.4 1.4
Alie	Total	175	01
	Other	32	204-8 8-1 H
	Japanese	7	
	Chinese	4	2 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
origin	Оегтап	14	88
National origin	neileti	19	Q4 4 0
Na	Mexican	182	110 113 111 111 125 127 133 14
	Percent of total	100.0	1214 124 124 124 124 124 124 134 134 134 134 134 134 134 134 134 13
136	Total 'Fotal	253	4.15.2 4.1 1.0 2.1 1.0 1.0 1.0 1.0 1.0 1.0 1.0 1.0 1.0 1
	Other	37	33-1 -1 63
	Catholic	4	
	-tiW s'dsvodel sean	22	1 2 1 2 1 1 1 1 2
Creed	Seventh-day Adventist	34	001 2 11 14
	Jew	258	81.0 α 4 ω - 1 α κ - 1 1 1 4
	Percent of total	100.0	6.00 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0
	1stoT	355	133 100 100 100 100 100 100 100 100 100
	Other	110	20 00 10 10 10 10 10 10 10 10 10 10 10 10
0.0a	Negro	3, 188	1, 591 3, 474 1, 3, 474 1, 3, 474 1, 3, 474 1, 474
Race	Percent of total	100.0	80.000.444.9
	IstoT	3, 298	1, 610 1380 1380 1380 1380 838 833 133 10 10 10 10 10 10 10 10 10 10 10 10 10
	Percent of total		6410 6444811111 601000001110
	Total number		4888 4888 2412 2412 2413 1165 1165 117 10 10 10 10 10 10 10 10 10 10 10 10 10
	Type of discrimination	Total	Refusal to hire  Discriminatory dismissal  Discriminatory working conditions.  Discriminatory advartisement.  Discriminatory advartisement.  Discriminatory wage differential  Application form  Application form  Application form  Application form  Application form  Pacement order  Imprope elassification  Union refusal to refer  Discriminatory transfer  Union refusal to applicate  Union refusal to admit  Union refusal to grant seniority  Refusal to refester  Refusal to refester  Refusal to refester  Refusal to register  Union auxiliary organization  Refusal to register  Refusal to grant scenority  Other discrimination

Table 9.—Comparison of docketings with closings (by satisfactory adjustment and other), involving total and Negro women complainants,

15.19		Percent of total	13.1	23.7.7.7.7.7.9.8.6.6.9.9.9.9.9.9.9.9.9.9.9.9.9.9.9.9
		Other	108	010101010000000000000000000000000000000
	Women	Percent of total women	86.9	66. 76.03 76.0
	Wo	Negro	714	100 100 1161 61 73 64 105 110 110 100 3
		Percent of other and alspositions	42.6	35. 36. 39. 37. 37. 37. 37. 37. 37. 37. 37. 37. 37
		Total	822	151 174 170 170 171 171 171 171 172 173 174 175 175 175 175 175 175 175 175 175 175
		Other dispositions	931	42 329 290 1164 1154 1113 246 78 127 127 1167
		Percent of total mamow	16.5 1,	25.0 25.0 25.0 25.0 6.3 6.3 25.0 25.0 43.5 43.5
		Other	46	1 1 4 2 1 1 0 0 1 0 1 1 2
pa	nen	Percent of total momen	83. 5	0.000 883 883 884 895 900 900 900 900 900 900 900 900 900 9
Sases closed	Womer	Negro	232	277 273 113 124 135 145 145 145 145 145 145 145 145 145 14
Cases		Percent of satisfac- tory adjustments	25.3	83.93.94.1.0.0.0.0.0.0.0.0.0.0.0.0.0.0.0.0.0.0.
		Total	278	482 252 27 28 27 27 27 27 27 27 28 18 18
	quə	Satisfactory adjustn	1,099	29 303 303 407 133 133 134 104 104 104 104 104 104 104 104 104 10
		Percent of total women	14.0	25.5.0 2.5.0 2.5.0
		Other	154	984 122 122 120 102 102 103 104 105 105 105 105 105 105 105 105 105 105
	men	Percent of total women	86.0	8.47.88.88.47.19.99.87.7.89.88.67.7.99.89.67.7.99.89.67.7.99.89.67.7.99.89.67.7.99.89.89.89.89.89.89.89.89.89.89.89.89.
120	Womer	Negro	946	1132 76 883 833 1132 1132 1132 1133 124 125 125 127 127 127 127 127 127 127 127 127 127
		Percent of total	36.3	22.25.4.4.4.4.4.4.4.4.4.4.4.4.4.4.4.4.4.
189		[stoT	1, 100	1189 226 888 888 885 95 133 144 100 100 100 100 100 100 100 100 100
		Total	3, 030	221 220 221 221 221 221 327 30 30 121 121 121 121 164
		Percent of total women	13.8	24.8 8 8 8 9 8 9 9 0
		Other	173	23 23 23 23 24 25 25 25 25 25 25 25 25 25 25 25 25 25
eted	nen	Percent of total momen	86.2	77.7.3 76.3.3 90.4.4.0 90.4.4.0 90.7.4.0 90.7.4.0 90.7.4.0 90.7.4.0
dock	Womer	Negro	1,082	171 183 183 67 100 47 154 44 11 41 41 41 41 41 41 41 41 41 41 41
Cases docketed		Percent of total docketed	30.8	28.45.66.69.69.69.69.69.69.69.69.69.69.69.69.
		[stoT	, 255	1000 1000 1000 1000 1000 1000 1000 100
		TetoT	4,081 1,255	820 820 556 244 261 145 442 297 34 322 33 322 33 279
		Region	Total	10 V V V V V V V V V V V V V V V V V V V

Table 10.—Cases docketed involving 12 representative parties charged by sex 1

		M	ale	Female		
Industrial code <sup>2</sup>	Total	Number	Percent of total	Number	Percent of total	
Total	2, 526	1,732	68.6	794	31.4	
Aircraft and parts	378	202	53.4	176	46.6	
War Department	341	188	55.1	153	44.9	
Ship and boat building and repairing	280	221	78.9	59	21.1	
Railroad (transportation only)	245 213	229	93.5	16	6.5	
Iron and steel and their products	213	135	63.4	78	36.6	
Navy Department	152	128 138	60.1	85 14	39.9	
Electrical machinery	150	86	90.8 57.3	64	10. 1 42. 7	
Ordnance and accessories, except tanks	146	74	50.7	72	42.7	
A. F. of L	141	136	96. 5	5	3.5	
Miscellaneous industries	136	104	76.5	32	23. 5	
Food and kindred products	131	91	69.5	40	30. 5	

<sup>&</sup>lt;sup>1</sup> This covers 61.9 percent of the total case load. <sup>2</sup> See ch. V, footnote 5, p. 43, for definition.

Table 11.—Cases docketed—parties charged involved, by type of reason for discrimination and sex

Social		-	I	Reason	for discr	iminatio	n		
security code No.	Industrial code <sup>1</sup>	Total	Per- cent of total	Race	Creed	Na- tional origin	Alien- age	Male	Fe- male
14-19	Total	4, 081	100.0	3, 298	355	253	175	2, 826	1, 255
342 94 343	Aircraft and parts War Department Ship and boat building and re-	378 341	9.3 8.4	298 287	38 24	10 25	32 5	202 188	176 153
40 33	pairing Railroad (transportation only) Iron and steel and their products	280 245 213	6. 9 6. 0 5. 2	228 231 183	31 6 16	11 3 4	10 5 10	221 229 135	59 16 78
94 35	Navy Department Nonferrous metals and their products	213 152	5. 2	169	32	108	3	128 138	85 14
36 19	Electrical machinery Ordnance and accessories, except	150	3. 7	118	11	4	17	86	64
1	tanks A. F. of L Unions	146 141	3. 6 3. 5	125 131	14 2	1 6	6 2	74 136	72 5
50-73 75-81 and 83-91	Miscellaneous industries	136	3. 3	102	24	5	5	104	32
20	Food and kindred products United States Employment Serv-	131	3. 2	113	7	6	5	91	40
28 37	ice Chemicals and allied products Machinery, except electrical ma-	96 83	2. 4 2. 0	78 65	3 6	2 5	13	51 68	45 15
94	chinery Executive Office of the President Water transportation and allied	82 77	2. 0 1. 9	63 61	15 5	1 6	3 5	61 41	- 21 36
34 23	service.  Motor vehicles.  Apparel and other finished products made from fabrics and simi-	76 74	1.9 1.8	74 64	2 5	1	4	75 50	1 24
	lar materials National and international unions	70	1.7	66	3	1		31	39
15-17	(not C. I. O. or A. F. of L.)	68 65	1. 7 1. 6	67 47	1 14	2	2	67 56	1 9
42, 43	Trucking, warehousing, and other transportation Communications	59 55	1.4	54 44	3 2	1 1	1 8	44 27	15 28
94 41	Civil Service Commission Local railways and bus lines	53 45	1.3	47 43	4 2	2	8	17 37	36 8
74 and 82 26	Private educational institutions and agencies, etc	43 43	1.1	33 39	5 3	2	3	28 32	15

Table 11.—Cases docketed—parties charged involved, by type of reason for discrimination and sex—Continued

Social			F	Reason	for discr	iminatio	n		
code No.	Industrial ccde	Total	Per- cent of total	Race	Creed	Na- tional origin	Alien- age	Male	Fe- male
94	Post Office Department	35	0.9	29	3	3		30	
	Other Government agencies	35	.9	31	3	1		27	8
22	Textile mill products	34	.8	28	3	1	2	29	
30	Rubber products	30	.7	20	5	1	4	20	1
13	Crude petroleum	27	.7	16	3	7	1	27	
24-25	Lumber and timber products	26	. 6	23	3			22	
27	Printing, publishing, and allied		10		1				
	industries	24	. 6	19	5			16	
94	Treasury Department	20	. 5	15	4		1	7	- 1
	C. I. O Unions	17	.4	8	2	6	1	15	
29	Products of petroleum and coal	17	.4	14	1	2		15	
32	Stone, clay, and glass products	16	. 4	12	3	1		8	
432	Airlines and allied services (trans-	1.4	9	-	-		0	12	
04	portation only) Veterans Administration	14	.3	7 10	5 3		2	12	1
94 94	Congressional agencies	14 11	.3	11	3		1	5	1
94	Department of Agriculture	11	.3	7	2		2	6	
94	Department of Agriculture	10	. 2	9	1			5	
94	Maritime Commission	9	2	8	1			7	-
341	Railroad equipment	7	2	6	1			6	
31	Leather and leather products	7	.2	7	1			5	
9.1	Other unions	7	2	6	1			5	
48-49	Other utilities	7 7	.2	5	1		1	5	
10	Metal mining	6	1	4	1	1	Î	6	
01-09	Agriculture	4	1 1	3	1		1	2	
14	Nonmetallic mining and quarry-	1			-			~	
11	ing	4	.1	4	Jane Barrel			4	
94	Federal Works Agency	4	.1	4				4	
94	State Department	2	Justille.	2				1	
94	Government corporation	2		2				2	
94	Department of Justice	1		1					
11-12	Anthracite mining, bituminous,		68		100				
	and others, etc.	1		1				1	
3 2	Industry not specified	164	4.0	115	24	13	12	115	4

<sup>1</sup> See ch. V, footnote 5, p. 43, for definition.

Table 12.—Cases docketed—type of plant, by region

		Cas	es docl	reted			Percent distribution				
			Type o	of plan	t			Туре	of plan	nt	
Region	Total	40001	GOPO 1	Public utility	All other	Total	9090	GOPO	Public utility	All other	
Total	4, 081	76	88	493	3, 424	100.0	1.9	2. 2	12. 1	83.9	
I II III IV V[Cleveland {	77 820 556 244 261 145 442 297 34 206 322 33 365 279	1 3 2 27	32 1 1 3 35 11 5	6 148 50 29 28 16 66 94 11 21 1 23	71 635 468 215 231 129 373 167 34 181 296 30 315 279	100, 0 100, 0	0 .6.7 0 .4 0 0 .3 0 1.5 0 6.1 7.4	0 3.9 .2 0 .4 0 .7 11.8 0 5.3 1.6 0 0	7.8 18.0 9.0 11.9 10.7 11.0 14.9 31.6 0 5.3 6.5 3.0 6.3	92.2 77.4 84.1 88.1 88.5 89.1 84.4 56.2 100.0 91.0 91.0 96.3 100.0	

Government-owned, Government-operated. Government-owned, privately operated.

							Sour	ce of (	Comp	laint					
Region	Total	Complainant letters	Complainant	USES-510's	Regional di- rectors	White House	Other govern- ment agencies	Negro organi- zations	WMC	Civic organi- zations	Jewish organ- izations	Foreign embassies	Mexican or-	Members of Congress	All other
Total	4, 081	1, 302	1, 069	564	220	200	167	147	111	28	34	7	3	3	220
III.	77 820 556		224 173	3 196 55	4 23 14	1 2 86	1 88 20	6 28 37	5 49 8 6 7	3 7 1	11 6 11	4		1	57 27 21
V Cleveland VI	244 261 145 442	104 28		5 100 31 23	8 8 60	6 8 25 9	11 2 2 7	6 28 37 8 3 15	6 7 2	1 3 10	1 2 3	2		1	13 10
VII VIII IX	297 34 206	158 14	80	4 1 18	24 2 1	6	10 2 2 2 2	2	2 4 3 3 6	2			*****		2
XI	322 33	170 10	38 9	1 6	70 1	9 2			5 4	1		1	2		
XII San Francisco	365 279	80	91 147	104 17	5	33 9	12 7	11	5 4				1		2

Table 14.—Cases docketed—contracting agencies involved, by region

		Т	otal			Co	ntract	ing ag	encies	invol	ved		
				Ar	my	Na	avy	com	itime mis- on	Tre	asury	Ot	her
Region	Total cases docketed	Number	Percent	Number	Percent of total contracting agencies	Number	Percent of total contracting agencies	Number	Percent of total contracting agencies	Number	Percent of total contracting agencies	Number	Percent of total contracting agencies
Total	4, 081	1, 077	100.0	511	47.4	364	33.8	151	14.0	16	1.5	35	3. 2
I II III III III III III III III III I	77 820 556 244 261 145 442 297 34 206 322 33 365 279	28 267 182 57 52 61 70 23 6 68 44 0 104 115	100. 0 100. 0	11 112 90 28 27 37 37 12 3 44 32	39. 3 41. 9 49. 5 49. 1 51. 9 60. 7 52. 9 52. 2 50. 0 64. 7 72. 7	14 101 64 20 14 22 27 7 3 22 7	50. 0 37. 8 35. 2 35. 1 26. 9 36. 1 38. 6 30. 4 50. 0 32. 4 15. 9	1 53 10 3 3 2 1 2 1 2 	3.6 19.9 5.5 5.3 5.8 3.3 1.4 8.7 1.5 9.1	2 1 6 1	7.1 .4 3.3 1.8	12 5 8 4 2 1 1	6. 6 8. 8 15. 4 5. 7 8. 7 1. 5 2. 3

Percent of contracting agencies to total docketed.	 26. 4
ArmyNavy.	 12.5
Maritime	 3.7
TreasuryOther	 .4

## Appendix F. Tables 15–25, Occupational and Industrial Distribution of Total, Nonwhite, and Jewish Workers and War Training Enrollment

Table 15.—United States workers, total and unemployed, by major industry groups: 1940  $^{\rm 1}$ 

	То	tal workers		Unemp	Unemployed workers			
Industry	Number 2	Negro <sup>3</sup>	Negro percent	Number 4	Negro	Negro percent		
Total	52, 012, 552	5, 299, 621	10. 2	4, 310, 073	524, 387	12. 2		
Agriculture Mining Construction Manufacturing	8, 749, 695 1, 043, 523 2, 765, 140 11, 469, 976	1, 518, 188 58, 852 219, 422 583, 488	17. 4 5. 6 7. 9 5. 1	377, 473 130, 523 708, 866 897, 134	56, 349 5, 871 77, 003 67, 974	15. 0 4. 5 10. 9 7. 6		
Transportation and communication and other public utilities Wholesale and retail trade Finance, insurance, real estate	3, 336, 781 8, 123, 147 1, 535, 468		6. 6 4. 9 4. 9	223, 428 584, 379 67, 871	20, 534 45, 892 7, 370	9. 2 7. 9 10. 9		
Business and repair service Personal services Amusement, recreational, and related services Professional and related services	4, 378, 843 460, 078 3, 422, 955	56, 538 1, 440, 138 38, 472 185, 240	6. 0 32. 9 8. 4 5. 4	84, 032 369, 526 64, 736 104, 474	7, 675 147, 614 6, 285 8, 555	9. 3 39. 9 9. 1 8. 2		
Government Publicemergency work Industry not reporting	1, 810, 849 2, 529, 606 1, 439, 105	59, 863 319, 241 129, 315	3. 3 12. 6 9. 7	57, 362 640, 269	2, 942 70, 323	5.		

¹ Derived from Sixteenth Census of the United States: 1940, Population, vol. III, pt. 1, table 76, and Second Series, Characteristics of the Population, U. S. Summary, table 16. The grand totals include employed workers and experienced workers seeking work.
² The total sample is 98.5 percent of the total United States labor force in 1940 of 52,789,499.
³ The sample of colored workers is 98.3 percent of the total Negro labor force in 1940 of 5,839,191. Note that the Negro sample is 10.2 percent of the total sample here, exactly the same percent of the total Negro labor force in the total United States labor force.
³ Note that the total unemployment figure differs from A. F. of L. and C. i. O. estimates of 10,000,000 or more unemployed in 1940.

more unemployed in 1940.

Table 16.—Comparative percentages of total and Negro unemployed workers in major industry groups: 1940 1

	T	otal workers		Negro workers				
Industry	Number <sup>2</sup>	Unem- ployed 3	Percent unem- ployed	Number 4	Unem- ployed	Percent unem- ployed		
Total	52, 012, 552	4, 310, 073	8.3	5, 299, 621	524, 387	9.9		
Agriculture	8, 749, 695	377, 473	3.9	1, 518, 188	56, 349	3. 7		
Mining	1, 043, 523	130, 523	12.5	58, 852	5, 871	10. (		
Construction	2, 765, 140	708, 866	25.6	219, 422	77,003	35.		
Manufacturing	11, 469, 976	897, 134	7.8	583, 488	67, 974	11,		
Transportation and communication								
and other public utilities	3, 336, 781	223, 428	6.7	220, 725	20, 534	9. 3		
Wholesale and retail trade	8, 123, 147	584, 379	7.2	394, 652	45, 892	11.		
Finance, insurance, real estate	1, 535, 468	67, 871	4.4	75, 487	7, 370	9.8		
Business and repair service	948, 386	84, 032	8.9	56, 538	7,675	13.		
Personal services	4, 378, 843	369, 526	8.4	1, 440, 138	147, 614	10. 5		
Amusement, recreational and re-								
lated services	460,078	64, 736	4.1	38, 472	6, 285	16.		
Professional and related services	3, 422, 055	104, 474	3. 1	185, 240	8, 555	4.		
Government	1, 810, 849	57, 362	3. 2	59, 863	2, 942	4. 9		
Public emergency work	2, 529, 606			319, 241				
Industry not reporting	1, 439, 105	640, 269	48.2	129, 315	70, 323	54,		

<sup>&</sup>lt;sup>1</sup> Derived from Sixteenth Census of the United States: 1940, Population, vol. III, pt. 1, table 76, and Second Series, Characteristics of the Population, United States Summary, table 16. The grand totals include employed and experienced workers seeking work.

<sup>2</sup> The total sample is 98.5 percent of the total United States labor force in 1940 of 52,789,499.

<sup>3</sup> Note that the total unemployment figure differs from A. F. of L. and C. I. O. estimates of 10,000,000 centered unemployment in 1940.

or more unemployed in 1940.

4 The sample of colored workers is 98.3 percent of the total Negro labor force in 1940 of 5,389,191. Note that the Negro sample is 10.2 percent of the total sample here, exactly the same percent of the total Negro labor force in the total United States labor force.

Table 17.—Comparative distribution of total and Negro workers in major industry groups: 1940 1

	Total w	orkers	Negro w	orkers <sup>3</sup>
Industry	Number <sup>2</sup>	Percent distribu- tion	Number	Percent distribu- tion
Total	52, 012, 552	100.0	5, 299, 621	100.0
Agriculture Mining Construction Manufacturing Transportation and communication and other pub utilities Wholesale and retail trade	11, 469, 976 lic 3, 336, 781 8, 123, 147	16. 8 2. 0 5. 3 22. 1 6. 4 15. 6	1, 518, 188 58, 852 219, 422 583, 488 220, 725 394, 652	28. 6 1. 1 4. 1 11. 0 4. 2 7. 4
Finance, insurance, real estate Business and repair service Personal services Amusement, recreational, and related services Professional and related services Overnment	948, 386 4, 378, 843 460, 078 3, 422, 055 1, 810, 849	3. 0 1. 8 8. 4 . 9 6. 6 3. 5	75, 487 56, 538 1, 440, 138 38, 472 185, 240 59, 863	1. 4 1. 1 27. 2 . 7 3. 5 1. 1
Public emergency work Industry not reporting	2, 529, 606 1, 439, 105	4.9 2.8	319, 241 129, 315	6. 0 2. 4

<sup>&</sup>lt;sup>1</sup> Derived from Sixteenth Census of the United States: 1940, *Population*, vol. III, pt. 1, table 76, and *Second Series*, *Characteristics of the Population*, United States Summary, table 16. The grand totals include "employed" and "experienced workers seeking work." <sup>2</sup> The total sample is 98.5 percent of the total United States labor force in 1940 of 52,789,499. <sup>3</sup> The sample of colored workers is 98.5 percent of the total Negro labor force in 1940 of 5,389,191. Note that the Negro sample is 10.2 percent of the total sample here, exactly the same percent of the total Negro labor force in the total United States labor force.

Table 18.- Negro gainful workers in the United States classified into socialeconomic groups: 1910 to 1940 1

Social-economic group		Nui	mber		Per	rcent d	istribu	tion
	1940 2	1930	1920	1910	1940	1930	1920	1910
Total	4, 479, 068	5, 503, 535	4, 824, 151	5, 192, 535	100.0	100.0	100.0	100.0
Professional persons	114, 792	115, 765	77, 118	64, 648	2.6	2. 1	1.6	1. 2
Proprietors, managers, and officials	720, 361	929, 644	973, 253	923, 404	16. 1	16. 9	20. 2	17.8
<ul> <li>(a) Farmers (owners and tenants)</li> <li>(b) Wholesale and retail dealers</li> <li>(c) Other proprietors, managers, and officials</li> </ul>	665, 939 29, 001 25, 421	873, 653 28, 343 27, 648	932, 050 23, 593 17, 610	883, 408 20, 894 19, 102	14. 9 . 6	15. 9 . 5	19.3 .5	17. 0 . 4
Clerks and kindred workers Skilled workers and foremen	97, 325 130, 525	82, 669 176, 912	63, 095 150, 428	38, 698 115, 300	2. 2 2. 9	1, 5 3, 2	1.3	2. 2
Semiskilled workers	551, 701	515, 381	369, 761	258, 258	12. 3	9.4	7.7	5. 0
(a) Semiskilled workers in man- ufacturing (b) Other semiskilled workers	K	181, 079 334, 302	161, 892 207, 869	107, 869 150, 389		3.3 6.1	3. 4 4. 3	2. 1 2. 9
Unskilled workers	2, 864, 364	3, 683, 164	3, 190, 496	3, 792, 227	64.0	66. 9	66. 1	73. 0
(a) Farm laborers (b) Factory and building construction laborers (c) Other laborers (d) Servant classes	799, 120 685, 512 1, 379, 732	1, 112, 510 674, 187 516, 414 1, 380, 053	1, 198, 140 501, 295 446, 154 944, 907	1, 949, 848 438, 327 389, 956 1, 014, 096	17. 8 15. 3 30. 8	20. 2 12. 3 9. 4 25. 1	24. 8 12. 5 9. 2 19. 6	37. 6 8. 4 7. 5 19. 5

<sup>&</sup>lt;sup>1</sup> Figures for 1910 to 1930 are from U. S. Bureau of the Census, Alba M. Edwards, A Social-Economic Grouping of the Gainful Workers in the U. S.: 1930, Washington: Government Printing Office, 1938, p. 13. Figures for 1940 are from Dr. Edward's Comparative Occupation Statistics for the U. S., 1870 to 1940, Washington: Government Printing Office, 1943, p. 189.

<sup>2</sup> All 1940 figures in this column are for employed workers except on public emergency work. The sample is 83.1 percent of the 1940 total Negro labor force of 5,389,191 and 93.3 percent of all employed Negro workers when public emergency workers are included.

Table 19.—Negro employees in 5 selected occupations: 1910 to 1940 1

Occupations	1910	1920	1930	1940	Total employment in 1940
Locomotive engineers. Locomotive firemen Conductors, railroad Boilermakers. Machinists.	335	111	114	398	69, 4f 6
	5, 188	6, 505	4, 642	2, 263	43, 8f 1
	120	33	35	43	46, 1f 5
	475	1, 398	1, 030	506	27, 5f 9
	3, 120	10, 286	8, 218	4, 400	604, 7f 6

<sup>1</sup> Source: U. S. Census of Occupations, 1910-40.

Table 20.—Cumulative enrollments in war production training programs by fiscal years during June 30  $^{\circ}$ 

4	Per- cent non- white	9.0	2.3	1.4 21.1 15.0
Totals: 1941-1944	Non- white	1, 063, 814	200, 829 107, 947	21, 936 617, 017 116, 085
Tota	Total	10. 4 11, 822, 633	2, 586, 792 3, 975, 619	1, 558, 123 32, 929, 343 772, 756
	Per- cent non- white	10.4	14.3	1.8
1944	Non- white	325, 932	29, 860 53, 428	7, 499
	Total	11.1 3, 147, 593	208, 956 1, 297, 651	1, 234, 663
	Per- cent non- white	11.1	10.3	1.7 25.7 18.1
1943	Non- white	474, 070	101, 492 34, 596	10, 393 264, 684 62, 905
	Total	4, 277, 498	984, 744 1, 318, 860	1, 030, 436 547, 313
77.13	Per- cent non- white	6.5	5.0	20.1
1942	Non- white	202, 323	49, 113 14, 330	3, 228 82, 472 53, 180
	Total	3, 135, 594	972, 562 891, 494	436, 362 409, 733 425, 443
	Per- cent non- white	4.9	8.7	13.6
1941	Non- white	61, 489	20, 364 5, 593	34, 716
	Total	1, 261, 948	. 430, 530	119, 293 254, 511
	Programs	Total 2	Vocational training for war production workers. Preemployment	Food production war training. National Youth Administration

<sup>1</sup> This table is derived from data supplied by the War Manpower Commission, Bureau of Training (U. S. Office of Education).

No figures are available for apprentice-training service programs. Training within industry service programs are omitted from the table because no breakdown of nonwhites is available. There were 1,375,767 participants in TWI programs, 131,508 in 1943; 531,781 in 1943; and 712,478 in 1944.

Month of June 1944 estimated at 125,000.

Table 21.—Proportion of nonwhite workers in selected munitions industries, July, November 1942; January, March, July, November 1943; and January, May, July 1944

	Percentage of nonwhite workers <sup>1</sup>									
Industry	July 1942	No- vem- ber 1942	Jan- uary 1943	March 1943	July 1943	No- vem- ber 1943	Jan- uary 1944	May 1944	July 1944	No- vem- ber 1944
Agricultural machinery and tractors.  Aircraft.  Aluminum and magnesium products.  Ammunition (except for small arms).  Blast furnaces, steel works, and rolling	1.9 2.9 7.1 5.2	2, 4 3, 3 7, 1 5, 2	3. 4 3. 0 7. 8 5. 9	3. 6 4. 0 8. 0 6. 2	4. 2 4. 6 12. 6 7. 6	<sup>2</sup> 4. 5 4. 8 12. 5 8. 0	4. 5 5. 3 13. 0 8. 6	4.8 5.3 12.9 9.8	3 4. 0 5. 5 13. 2 10. 1	4 5. 6. 12. 11.
mills	9.8	11. 1	11.6	12. 2	11.9	11.6	11.4	11.5	11.6	12.
lated productsElectrical equipment for industrial	.7	1.6	2.3	2.9	3.8	4.5	4.5	4.7	4.7	4.
use Engines and turbines Explosives Firearms under 60 caliber (small arms) Fireworks and pyrotechnics General industrial machinery Guns, howitzers, mortars, and related	1.0 1.9 3.3 .7	1.3 2.4 4.5 2.7 .1 2.2	1. 5 2. 2 5. 0 3. 0 . 2 2. 5	1. 7 2. 3 4. 9 3. 2 . 3 3. 1	1. 9 3. 1 5. 1 3. 4 4. 1 3. 5	2.3 3.2 5.3 4.4 4.8 3.9	2. 4 3. 5 5. 2 3. 9 4. 6 4. 1	2. 5 2. 6 5. 4 3. 6 11. 4 4. 3	2. 7 2. 6 6. 3 3. 7 3. 3 4. 4	2. 2. 6. 4. 6. 4.
equipment. Iron and steel foundry products. Metal working machinery Ordnance accessories, not elsewhere	3. 4 18. 6 1. 0	4. 2 22. 3 1. 3	4. 1 22. 7 1. 4	4. 5 23. 1 1. 6	4.8 24.7 1.7	5. 8 24. 9 1. 5	5, 8 24, 1 1, 5	6. 4 24. 2 1. 4	6. 2 24. 5 1. 7	7. 24. 1.
classified.  Plastic materials  Primary smelting and refining of non-	1.4	2. 0 4. 9	2. 5 4. 7	2. 6 4. 6	4. 2 5. 9	6. 0 6. 7	5. 9 7. 0	5. 8 7. 7	6. 3 8. 2	5. 7.
ferrous metals and alloys	8.7	9.0	9.2	8.8	9.7	11.9	10.9	10.5	9.8	8.
ferrous metals (except aluminum) Scientific instruments Shipbuilding Small arms ammunition Tanks Ties and inner tubes	4.6 .9 5.7 7.2 2.2 3.3	5.3 1.5 7.0 4.2 3.6 4.4	6. 1 1. 7 7. 9 6. 7 3. 9 4. 7	6. 3 1. 9 8. 7 7. 5 4. 8 5. 2	7. 4 2. 2 9. 4 5. 4 6. 4 5. 7	9. 2 2. 2 10. 0 6. 7 5. 9 7. 4	9. 0 2. 3 10. 1 6. 9 5. 5 7. 8	9. 7 2. 4 10. 7 7. 9 6. 5 9. 2	9. 4 2. 3 11. 3 7. 4 7. 0 8. 8	9. 9 2. 0 12. 4 8. 0 9. 1

These percentages are official figures issued by the War Manpower Commission in their summaries of ES-270 reports.
 Peak of total white and nonwhite employment.
 Peak of nonwhite employment, absolute.
 Peak of nonwhite employment, proportionate.

Table 22.—Employment of nonwhites, in selected industries, September 1942-November 1944

653,647 869,062 1.1 1.5 2.0 2.3 2.7 3.0 3. 932,609 881,464 1.7 1.9 2.1 2.4 2.7 2.8 2.
000 001.404 1.1 1.3 2.1 2.4 2.1

<sup>1</sup> Percentage not computed; less than 100 workers,
<sup>2</sup> Decrease in coverage due to recent headquarters instructions making reporting optional for transportation industry.

Source: Bimonthly employer reports to the WMC (ES-270).

Table 23.—Percentage distribution of gainfully employed Jewish workers by occupational groups—Dallas, Detroit, New London, Norwich, Passaic, and Trenton 1

Occupational groups	Dallas, Tex., 1939	Detroit, Mich., 1935	New London, Conn., 1938	Norwich, Conn., 1938	Passaic, N. J., 1937	Trenton, N. J., 1937
Total	100.0	100.0	100.0	100.0	100.0	100.0
Manufacturing and mechanical Transportation and communication Trade Public service Professional service Clerical occupations <sup>3</sup> Domestic and personal service Other	11. 4 1. 3 51. 9 (2) 11. 7 20. 2 1. 6 1. 9	23. 3 2. 2 54. 1 . 9 9. 5 (2) 9. 6 . 4	16. 2 2. 2 54. 5 1. 0 13. 7 4. 7 5. 6 2. 1	22. 7 1. 6 50. 8 1. 3 9. 4 9. 2 3. 9 1. 1	22. 5 2. 3 43. 2 . 4 12. 3 14. 6 4. 6	11. 7 2. 9 53. 7 9 12. 3 12. 4 5. 3 . 8

¹ Jewish Occupational Council, Patterns of Jewish Occupational Distribution in the United States and Canada. New York: 1940, table 20.
² Not classified.
³ The occupational groups used in this table coincide with certain of the classes called "Industry Groups" by the U. S. Census, with lexception. The table includes "clerical occupations," a category listed by the census in a different group headed "Major occupational group." Actually, "clerical occupations" should not have been coupled with the other categories used, since clerical workers might conceivably hold jobs in any of these fields. Other studies of this type have included "clerks and kindred workers" in studies of so-called socio-economic classes which would appear to be a better procedure. Since this table is being reproduced rather than adapted, however, the clerical category has been included.

Table 24.—Comparative percentage distribution—Jewish workers gainfully employed in Detroit in 1935 and all workers gainfully employed in Detroit in 1940, by selected industry groups 1

Industry groups	Jewish work- ers 1935	All gainful workers 1940
Total	100.0	100. (
Aanufacturing and mechanical	23. 3	47. 2
Cransportation and communication	2. 2	5. 8
Public service	54.1	18. 7 3. 1
Professional service	9, 5	6. (
Domestic and personal service	9. 6	7. 5
Other	.4	11,

<sup>1</sup> Adapted from same source as table I and from U. S. Census, Second Series, Characteristics of the Population: Michigan. Washington: Government Printing Office, 1942, table A-42.

Table 25.—Distribution of all gainful and Jewish gainful workers in New York City in 1937 by general divisions of industry 1

	All gainfu	ıl workers	Jewish gainful workers		
General divi <del>s</del> ions of industry	Number	Percent	Number	Percent	As per- cent of all gain- ful workers
New York City	3, 378, 894	100.0	924, 258	100.0	27. 4
Manufacturing industries Construction industries Transportation industries Public utilities Trade Finance Public service Professional service Amusements Domestic and personal service Other Unemployed	670, 843 330, 728 191, 637 122, 271 573, 780 183, 575 96, 961 222, 547 57, 150 480, 472 76, 728 372, 202	19. 8 9. 9 5. 7 3. 6 16. 9 5. 4 2. 9 6. 6 1. 7 14. 2 2. 3 11. 0	234, 378 48, 000 25, 000 5, 000 236, 820 21, 600 21, 000 68, 800 22, 000 100, 66, 000 125, 000	25. 4 5. 2 2. 7 . 5 25. 7 2. 4 2. 4 10. 9 1. 7 13. 5	34, 9 14, 4 13, 0 4, 1 41, 3 11, 8 21, 4 30, 9 38, 5 30, 0 20, 8 33, 3

<sup>1</sup> Committee on Economic Adjustment, Industrial Classification of Jewish Gainful Workers in New York City. New York: 1938 (mimeographed), table I.

## Appendix G

STATEMENT OF THE PRESIDENT'S COMMITTEE ON FAIR EMPLOY-MENT PRACTICE RELATING TO THE NONDISCRIMINATION CLAUSE TO BE INCLUDED IN GOVERNMENT CONTRACTS

In order to avoid confusion and uncertainty in connection with the inclusion or omission of the nondiscrimination provisions in Government contracts or in contracts with subcontractors, the Committee interprets paragraph numbered 1 of Executive Order 9346 as follows:

(a) The words "all contracts hereafter negotiated or renegotiated" include all contracts made, amended or modified.

(b) A nondiscrimination provision is required in leases, grants of easements, rights-of-way, etc., to the same extent that it is required in other contracts.

(c) The obligation to include the nondiscrimination clause exists even though the contract involves nonwar activity.

(d) The obligation to include the nondiscrimination clause exists even though the contract is required to be awarded to the lowest bidder.

(e) The obligation to include the nondiscrimination clause exists even though the contract is between a Federal Government agency and a State agency or subdivision of a State.

(f) The obligation to include the nondiscrimination clause does not depend on the amount of money or other consideration involved in the performance of the contract.

(g) The nondiscrimination provision required does not refer to, extend to, or cover the activities or business of the contractor which are not related to or involved in the performance of the contract entered into.

(h) Inclusion of a nondiscrimination provision is not required in contracts the performance of which does not involve the employment of persons.

(i) Inclusion of a nondiscrimination provision is not required in contracts with foreign contractors for work to be performed outside the continental or territorial limits of the United States where no recruitment of workers within the said limits of the United States is involved.

(j) The nondiscrimination clause is not required in contracts renewed pursuant to an option to renew in accordance with the terms, conditions, and provisions contained in the original contract.

(k) The requirement that parties to contracts with the Government of the United States (or agencies of said Government) include a nondiscrimination clause "in all subcontracts" is not applicable to lessors of space in buildings except in cases where the Government of the United States (or an agency thereof) is the only tenant involved, or unless a subcontract is entered into solely for the purpose of performing an obligation (or obligations) imposed by the Government lease.

(l) The requirement that parties to contracts with the Government of the United States (or agencies of said Government) include a nondiscrimination clause "in all subcontracts" is applicable only in those cases in which the subcontract is entered into solely for the purpose of enabling the prime contractor to fulfill an obligation (or obligations) imposed by the Government contract.

Sections (a) to (i), inclusive (9 F. R. 1592), were adopted by the Committee on December 27, 1943. Sections (j) and (k) (9 F. R. 7216) were adopted on June 13, 1944. Section (l) (9 F. R. 12715) was adopted September 30, 1944.

## Appendix H

My DEAR MR. ATTORNEY GENERAL:

You have brought to my attention the Comptroller General's opinion holding that Executive Order 9346 is directive only and not mandatory in requiring insertion in all government contracts of a provision obligating the contractor not to discriminate against any employee or applicant for employment on account of race, creed, color, or national origin; and requiring the contractor to include similar contractual provisions in all subcontracts.

There is no need for me to reiterate the fundamental principles underlying the promulgation of the Executive Order, namely, that the prosecution of the war demands that we utilize fully all available manpower and that the discrimination by war industries against persons for any of the reasons named in the Order is detrimental to the prosecution of the war and is opposed to our national

democratic purposes.

I realize the hesitancy of the Comptroller General to withhold payment on government contracts in which these provisions have not been included where there is doubt as to whether the Order is mandatory. I therefore wish to make it perfectly clear that these provisions are mandatory and should be incorporated in all government contracts. The Order should be so construed by all government contracting agencies.

Franklin D. Roosevelt.

NOVEMBER 5, 1943.

Hugh Cox,
Assistant Attorney General,
Department of Justice.

The White House, Washington, September 3, 1941.

To heads of all departments and independent establishments:

It has come to my attention that there is in the Federal establishment a lack of uniformity and possibly some lack of sympathetic attitude toward the problems of minority groups, particularly those relating to the employment and assignment of negroes (sic) in the Federal Civil Service.

With a view to improving the situation, it is my desire that all departments

With a view to improving the situation, it is my desire that all departments and independent establishments in the Federal Government make a thorough examination of their personnel pelicies and practices to the end that they may be able to assure me that in the Federal Service the doors of employment are open to all loyal and qualified workers regardless of creed, race, or national origin.

It is imperative that we deal with this problem speedily and effectively. I shall look for immediate steps to be taken by all departments and independent establishments of the Government to facilitate and put into effect this policy of nondiscrimination in Federal employment.

FRANKLIN D. ROOSEVELT.

## Appendix I

### EMPLOYMENT OF ALIENS IN NATIONAL WAR INDUSTRIES

JULY 11, 1942.

In order to clarify the policy of the Government in regard to the employment of aliens and other persons of foreign birth, the President today issued the follow-

ing statement:

1. Persons should not hereafter be refused employment, or persons at present employed discharged, solely on the basis of the fact that they are aliens or that they were formerly nationals of any particular foreign country. A general condemnation of any group or class of persons is unfair and dangerous to the war effort. The Federal Government is taking the necessary steps to guard against, and punish, any subversive acts by disloyal persons, citizens as well as aliens.

2. There are no legal restrictions on the employment of any person (a) in non-war industries, and (b) even in war industries, if the particular labor is not on "classified" contracts, which include secret, confidential, restricted, and aero-

nautical contracts.

The laws of the United States do provide that in certain special instances involving Government contracts an employer must secure from the head of the Government department concerned permission to employ aliens. Section 11 (a) of the act of June 28, 1940 (Public No. 671, 76th Cong., 3d sess.) contains a provision that:

"No aliens employed by a contractor in the performance of secret, confidential, or restricted Government contracts shall be permitted to have access to the plans or specifications, or the work under such contracts, or to participate in the contract trials, unless the written consent of the head of the Government department concerned has first been obtained \* \* \*"

The Air Corps Act of 1926 has a similar provision:

"\* \* \* no aliens employed by a contractor for furnishing or constructing aircraft parts or aeronautical accessories for the United States shall be permitted to have access to the plans or specifications or the work under construction or to participate in the contract trials without the written consent beforehand of the Secretary of the department concerned."

There are no other Federal laws which restrict the employment of aliens by private employers in national war industries. There are no Federal laws restricting the employment of foreign-born citizens of any particular national origin.

3. Where, under the law, permission to employ aliens is required from the War and Navy Departments, the alien shall go to the nearest office of the United States Employment Service, which will furnish him with application form, and assist him in filling it out. The completed form will then be submitted by the alien to the employer who will fill out the reverse side of the form, and then immediately forward same to the department concerned. Upon receipt of the application, the department will act promptly thereon, in the normal case within 48 hours, and give its approval or disapproval, either of which shall be subject to change at any later time.

4. In passing upon applications for permits, the department will give special and expedited consideration to nationals of United Nations and friendly American Republics, and any other aliens, including enemy aliens, who come within the

following categories:

A. Aliens who have served in the armed forces of the United States and have been honorably discharged.

B. Aliens who have, or who have had, members of their immediate family in

the United States military service.

C. Aliens who have resided in the United States continuously since 1916 without having returned to the country of origin within the last 10 years.

D. Aliens who have married persons who, at the time of marriage, were citizens of the United States and who have resided in the United States continuously since 1924 without having returned to the country of origin within the last 10

E. Aliens who have declared their intention to become citizens of the United States and who had filed petitions for naturalization before December 7, 1941.

5. Any inquiries or complaints by aliens, pertaining to specific instances of discrimination, or intentional failure to carry out the above procedure, should be referred directly to the Committee on Fair Employment Practice, Washington, D. C. This Committee will consider the complaints and take such action as may be warranted in the particular case.

6. Any information concerning disloyal activities in war industries or elsewhere, or indications of disloyalty on the part of persons employed in war industries, should be reported immediately to the nearest office of the Federal Bureau of Investigation. Employees have the same duty in this matter as have employers.

### APPLICATION OF ANTIDISCRIMINATION CLAUSE

Excerpt: Joint statement by the Secretary of War, the Attorney General, the Secretary of the Navy and the Chairman of the Maritime Commission on The Employment of Aliens. Paragraphs 6 and 7. June 7, 1943.

"Pursuant to Executive Order No. 8802, dated June 25, 1941, an antidiscrimination clause (sometimes called "nondiscrimination" clause) has been included that the composition contracts on the second seco in all War and Navy Department and Maritime Commission contracts entered into since June 25, 1941. This clause requires the granting of full employment opportunities to all loyal and qualified workers regardless of race, creed, color, or national origin. This clause is intended to apply equally to citizens and noncitizens. For contractors or subcontractors of the War or Navy Department, or of the Maritime Commission to require American citizenship as an essential condition for employment is considered a breach of the clause in the contract and is contrary to the national policy as expressed in the Executive order.

"Even on aeronautical and classified contracts, if a qualified applicant whose services the contractor needs is an alien whose loyalty to the United States the contractor has no reason to doubt, the contractor is obligated to cooperate with the applicant in applying for consent to his employment. Failure to request consent for the employment of, or to employ such an alien upon securing consent, if except for his alien status he would have been employed, constitutes a breach of the antidiscrimination clause of the contract and is contrary to national policy as expressed in the Executive order. If a contractor refuses employment to a qualified and authorized alien worker, he should be prepared to present specific and sufficient reasons to avoid a charge of discrimination."

## Appendix J

### STATE LEGISLATION FORBIDDING DISCRIMINATORY EMPLOY-MENT PRACTICES

Three States, New York, New Jersey, and Indiana, recently have enacted statutes dealing with discrimination in employment because of race, color, creed, national origin, or ancestry. The New York Ives-Quinn law (ch. 118 of the laws of 1945) is the most comprehensive. It prohibits discrimination in employment or union membership because of race, color, creed, or national origin and is applicable to employers (of more than six persons), to employment agencies and to trade unions. It creates a five-man commission, each member of which will receive \$10,000 a year, to administer the act. The Commission is empowered, following the customary administrative hearing, to issue cease and desist orders and to direct affirmative relief. Such orders are enforceable in the courts. A wilful violation of such an order is punishable by fine or imprisonment. The Commission is also empowered to formulate an educational program. According to press reports, \$200,000 has been allocated for the enforcement of the statute during the next year.

While the unfair employment practices in the New Jersey Hill law are similar to those in the New York law, the enforcement machinery is different. Instead of a five-man Commission, the power to investigate, to conduct hearings and to issue orders enforceable in the courts is conferred upon an assistant commissioner of education, appointed by the Governor with the approval of the senate for a 5-year term. The assistant commissioner's salary is fixed at \$7,000 a year. Violation of the orders of the assistant commissioner is punishable as a misdemeanor. It is reported that \$50,000 will be allocated for the first year's operation of the law.

The Indiana statute (ch. 325 of the laws of 1945) does not make unlawful discrimination in employment but merely authorizes the Indiana Commissioner of Labor to make studies of discrimination and its cure, to cooperate with employers and labor unions in programs to eliminate discrimination and to investigate specific complaints. The commissioner is given no power to issue orders or to compel obedience to any of his recommendations. Thirty thousand dollars has

been appropriated to enforce this measure for the next 2 years.

Altogether 13 States have in the last 12 years enacted legislation forbidding discriminatory employment practices. In addition to the three recent acts mentioned above, which deal with the subject in a more comprehensive manner, separate legislation has been passed specifically applicable to State civil service, home or work relief, public work contractors, war contractors, or trade-unions. The statutes of California, Connecticut, Michigan, and Wisconsin apply only to civil servants. Discrimination by trade-unions is forbidden in Kansas, Nebraska, New York, Pennsylvania, and New Jersey.

Some interesting features of these laws are: The application of one of the New York laws to public utilities; the prohibition in the California law of any notation of a civil service applicant's race, color, or religion; the provision for reinstatement and reimbursement of aggrieved employees in the Minnesota law; the power of the labor commissioner under New Jersey law to make deductions in the nature of penalties from the amounts due discriminating contractors; and finally the provision in another New York law making those who aid or incite a violation equally guilty.

### CALIFORNIA

The Civil Service Act, as amended in 1941 (sec. 196, 201) provides that religion shall not be the subject of inquiry nor in any way influence appointment to State service. It makes unlawful any notation pertaining to race, color, or religion upon any application or record. Racial discrimination in the administration of the act is prohibited.

CONNECTICUT

The 1943 Supplement to Connecticut General Statutes (sec. 426g) forbids discrimination against persons in State civil service because of religion or color.

#### ILLINOIS

A 1933 law (H. B. No. 856) provides that no person shall be denied employment in any capacity on grounds of race or color in performing a contract let by the State or any political or administrative subdivision thereof. Any person so aggrieved may obtain redress through court action.

A 1935 law also forbids discrimination because of race, color, or creed in hiring

for work relief projects. Violators are to be discharged.

The act of July 21, 1941 (Rev. Stat., sec. 24A-24G) makes it a misdemeanor for any "war defense contractor" to discriminate against any citizen of the State because of his race or color in hiring of employees or in "training for skilled or semiskilled employment.'

#### INDIANA

Chapter 270 of the Laws of 1933 requires each contract on behalf of the State or its municipal corporations to obligate the contractor or subcontractor not to discriminate by reason of race or color against citizens of the State of Indiana in the performance of work under the contract.

#### KANSAS

The Towers House Bill No. 231 of 1937 prohibits racial discrimination by contractors and subcontractors in any public work done by or on behalf of the State or any political or administrative agency thereof. Any officer violating the act is subject to fine or imprisonment, or both.

Chapter 265 of the Laws of 1941 forbids any labor organization which discriminates against any person or excludes him from membership because of his race or color to act as a collective bargaining representative in the State, except

those subject to the Railway Labor Act.

#### MASSACHUSETTS

Chapter 170 of the Laws of 1941 (sec. 98B) makes discrimination because of race, color, religion, or nationality in the administration of public works or relief an act punishable by a fine up to \$100.

#### MICHIGAN

The State Constitution (art. VI, sec. 22) provides that the State Civil Service Commission shall determine the qualifications of all candidates by competitive performance, exclusively on the basis of merit, efficiency, and fitness. No removals or demotions may be made for racial or religious causes.

#### MINNESOTA

The Civil Service Act of 1939 (ch. 441, Mason's Stat., sec. 254-63) forbids discrimination for or against any applicant, eligible, or employee because of rediscining the first of against any applicant, trighted, or employee class of religion. Further, no permanent employee may be removed, discharged, or otherwise disciplined by reason of religion. If so disciplined, the employee shall be reinstated and reimbursed for any loss of pay thus occasioned.

Chapter 238 of the Laws of 1941 (Mason's Stat., sec. 254–101) requires every

public supply or construction contract to contain provisions forbidding discrimi-

natory employment practices based upon race, creed, or color.

#### NEBRASKA

Legislative Bill 112 or 1937 (Cons. Stat., sec. 79-1426) forbids any inquiry or

reference to religious beliefs on any application for a teacher's position.

Bill No. 504 of 1941 (Cons. Stat., sec. 48–801) provides that no labor union may discriminate in collective bargaining against any person because of race or

Chapter 114 of the Laws of 1943 makes it a misdeameanor for any person who supplies war supplies to the State or to the Federal Government to refuse to employ a qualified citizen because of his race, color, creed, religion, or national origin.

#### NEW JERSEY

Sec. 18: 5-49 of the Revised Statutes (1920) forbids inquiry as to the religion

of persons seeking teachers' positions in the public school system.

The Revised Statutes of 1937 (title 10) forbids all public work contractors and subcontractors to discriminate because of race, color, or creed in the hiring of laborers, workmen, and mechanics. The Commissioner of Labor may make deductions from amounts due of \$5 a day per worker for the first offense and may

cancel the contract upon the second.

Chapter 114 of the Laws of 1942 makes it a misdemeanor for any war contractor to exclude a citizen from employment by reason of race, color, or creed or previous condition of servitude. Persons who aid or incite in the violation are likewise guilty. The chapter likewise applies to "public employment."

#### NEW YORK

Chapter 234 of the Laws of 1932 (Civil Rights Law, sec. 40a) forbids teachers' employment agencies and school officials to inquire about the religion of any applicant.

Chapter 511 of the Laws of 1933 (Civil Rights Law, sec. 42) makes it a misdemeanor for any public utility to refuse to employ a person because of his race,

color, or religion.

Chapter 158 of the Laws of 1935 (Labor Law, sec. 220e) requires each contract on behalf of the State or municipality for "public work" to contain provisions obligating the contractor and his subcontractors not to discriminate "in the hiring of employees for the performance of work" under the contract by reason of race or color. A penalty is provided of \$5 a day for each person so discriminated against.

Chapter 9 of the Laws of 1940 (Civil Rights Law, sec. 43) makes it a misdemeanor punishable by fine or imprisonment for an officer or member of a labor organization to deny a person membership because of race, color, or creed or to discriminate against a member because of race, color, or creed in designating members to employers for employment, promotion, or dismissal. In addition, the person aggrieved is entitled to a minimum penalty of \$100 recoverable in a

civil suit.

Chapter 676 of the Laws of 1942 (Civil Rights Law, sec. 44) makes it a misdemeanor punishable by a minimum fine of \$50 for any "industries engaged in defense contracts" to exclude a citizen of New York State from employment because of race, creed, color, national origin or previous condition of servitude. The same chapter likewise makes it a misdemeanor to exclude a citizen of the state from any "public employment" because of race, color, creed, national origin, or previous condition of servitude. (See also Penal Law, sec. 514.)

#### PENNSYLVANIA

The Pennsylvania State Labor Relations Act (ch. 294 of the Laws of 1937) contains a provision (sec. 3f) which in effect denies the benefit of the act to any labor organization which denies a person membership because of race, creed, or color. The act also forbids any closed shop if the labor organization seeking it refuses to admit existing employees to membership (sec. 6c)

#### Wisconsin

Section 16.14 of the Civil Service Law as amended in 1937 forbids questions pertaining to religion on application forms or in examinations for State service. It also prohibits discrimination for religious reasons for or against any applicant, eligible or employee of the State service.

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