OHIO CIVIL RIGHTS COMMISSION

FIFTH ANNUAL REPORT

JULY 1964

240 PARSONS AVENUE
COLUMBUS, OHIO

OHIO CIVIL RIGHTS COMMISSION

FIFTH ANNUAL REPORT

JULY 1, 1963
through
JUNE 30, 1964

JAMES A. RHODES
Governor

COMMISSION MEMBERS

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Chairman

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* Appointed January 1963, to unexpired term of Albert J. Dillehay
** Appointed July 1963, to succeed expired term of Mrs. C. R. Looman
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Columbus, Ohio
1964

GOVERNOR RHODES AND THE OHIO CIVIL RIGHTS COMMISSION

Left to Right: Commissioners Roosevelt Dickey, Charles Bishop, Arthur L. Peterson; Chairman, Governor James A. Rhodes; Ellis L. Ross, Executive Director; Commissioners Clingan Jackson and William Green. (March 11, 1964)

THE OHIO CIVIL RIGHTS COMMISSION

James A. Rhodes
Governor

Arthur L. Peterson
Chairman

Charles Bishop
Roosevelt Dickey
William Green
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Ellis L. Ross
Executive Director

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240 Parsons Avenue
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Hon. James A. Rhodes
Governor

Hon. John W. Brown
President
Ohio Senate

Hon. Roger Cloud
Speaker
Ohio House of Represe

Dear Sirs:

Events during the period covered in this Report have illumined the swiftly chan scene of American race relations. Crises and tragedy have underscored the increasi need for effective enforcement of a public policy of non-discrimination with a minimu community divisiveness.

The Commission's position throughout its five years of existence has been and continues to be that its functions are, by their very nature, controversial but that the riding consideration must be a strong commitment to and faithful execution of the ant discrimination laws of Ohio. It is our hope and belief that the beneficial results of laws will speak for themselves.

The Ohio Civil Rights Commission is a relatively young agency, but the proble with which it deals are old. The solution to these problems has long been known bu applied. Almost a half century ago, an Ohio court reached the heart of the matter in following language which is wholly applicable today.

> "Said sections...(of the then existing General Code provisions prohibiting discrimination by places of public accommodation)...were passed by our Legislature not for any imaginary, but a real purpose. A little more consideration, a little more obedience to these laws on the part of the people...might render some of the problems which have arisen a little less perplexing."

The Commission concurs and herewith respectfully submits this Report of its a vities in the hope that its efforts have indeed rendered "...some of the problems wh have arisen a little less perplexing."

Respectfully,

Arthur L. Peterson

Arthur L. Peterson
Chairman

Columbus Blank Book Company
Columbus 7, Ohio
1964
Bound by the State of Ohio

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REPORT OF COMMISSION ACTIVITIES

Jurisdiction and Procedures

The jurisdiction of the Ohio Civil Rights Commission derives from Ohio Revised Code, Sections 4112.01 through 4112.08 and 4112.99, enacted in 1959 and amended in 1961, as well as from the Executive Code of Fair Practices, promulgated by Governor James A. Rhodes on June 25, 1963.[1]

A digest of the acts declared to be unlawful with respect to employment practices and places of public accommodation, as well as administrative means of enforcement, is contained in Appendix No. 1.

Case Intake and Disposition for Employment and Public Accommodations

The 1963-64 reporting period was characterized by a substantial case load throughout the State, involving 659 allegations of unlawful discrimination. An additional 271 cases were carried over from the preceding year. The latter involved cases under investigation, as well as cases which had been adjudicated, but in which the Commission had retained jurisdiction for the purpose of verifying continued compliance with the appropriate law.

The combined case load (new allegations and "carry over" cases) totaled 930. This, coincidentally, is the same figure which confronted the Commission at the conclusion of the 1962-63 reporting period.

The following table contains comparative data since the establishment of the Commission in July 1959.

[1] The text of the Executive Code of Fair Practices is contained in Appendix No. 2 of this Report.

CUMULATIVE TOTAL OF CASES
(August 1, 1959 through June 30, 1964)

	Aug. '59 through July '60	Aug. '60 through July '61	Aug. '61 through June '62	July '62 through June '63 (a)	July '63 through June '64 (a)
New allegations 1963-1964 (Employment and Public Accommodations(b)	160	498	755	688	659
Carried over from 1962-1963		57	111	242	271
Total	160	555	866	930	930

(a) Reporting period adjusted to coincide with fiscal year.
(b) Figures include public accommodation cases only since October 1961 when this area was added to the Commission's jurisdiction.

The following dispositions were made of all charges received during the current reporting period or carried over from the prior reporting period.

DISPOSITION OF CASES
(July 1, 1963 through June 30, 1964)

Disposition of Case	Employment Cases	Public Accommodation Cases	Total
Invalid allegation or no affidavit received(a)	267	60	327
Under investigation (as of June 30, 1964)	59	46	105
Compliance Being Reviewed (following conciliation)(b)	66	40	106
Compliance Obtained Case Closed(c)	114	112	226
Charges Dropped (no probable cause or other reasons)(d)	131	35	166
Total	637	293	930

(a) "Invalid allegations" refer to charges which, even if true, would not constitute violations of law. "No affidavit obtained" refers to charges which were not supported by affidavit and which did not warrant initiation by the Commission.
(b) "Compliance being reviewed" includes cases in which a finding of probable cause had been made and in which the implementation of remedial measures is currently under review.
(c) "Compliance obtained—case closed" indicates that appropriate and sufficient remedial measures have been implemented and no additional reviews were deemed necessary.
(d) "Charges dropped" includes cases in which the Commission found no probable cause to support the charges, as well as cases in which the complainants elected to withdraw their charges.

As in prior years, race and color predominated as the grounds for allegedly discriminatory acts, constituting 84 per cent and

94 per cent of employment and public accommodations charges respectively.

Complainants who came before the Commission alleged that they had encountered discrimination involving a broad spectrum of jobs, including skilled, semi-skilled, and unskilled classifications; as well as sales, office, professional, technical and other types of work. The types of industries in which such alleged acts of discrimination took place included durable and non-durable manufacturing, construction, transportation and utilities, wholesale and retail trade, finance, insurance and real estate, as well as service and other industries.

With regard to charges involving denial of service by places of public accommodation, the following types of establishments were cited: lodging facilities; food and beverage establishments; places of recreation; places of personal service; and a variety of miscellaneous establishments. No charges were filed involving denial of service by transportation facilities or by retail stores.

The following three tables contain illustrative statistics relative to places of public accommodation:

PUBLIC ACCOMMODATIONS CHARGES
By Type of Service

Classification	No. of Invalid Allegations	No. of Cases Lacking Affidavits	No. of Cases Accepted for Investigation	Totals
Lodging services (Hotels; Motels; Inns; Resorts; Trailer Parks or Camps)	5	—	4	9
Food & Beverage Service (Restaurants; Night Clubs; Taverns; Bars)	9	3	53	65
Recreation (Bowling; Dance Halls; Theatres; Skating Rinks; Swimming Pools; Golf Courses)	4	2	31	37
Transportation (Surface, Air or Water, by Bus, Train, Plane, Boat, Taxi, Trolley, Rail, etc.)	—	—	—	—
Personal Services (Barber Shops; Beauty Parlors; Hospitals)	9	1	6	16
Retail Stores	—	—	—	—
Others	22	4	9	35
TOTALS	49	10	103	162

EMPLOYMENT CHARGES
By Type of Industry

Classification	No. of Invalid Allegations	No. of Cases Lacking Affidavits	No. of Cases Accepted for Investigation	Totals
Manufacturing (Durable and Non-Durable)	46	21	77	144
Construction	7	4	32	43
Transportation and Utilities	10	6	18	34
Wholesale and Retail Trade (exclusive of gas stations; auto garages; restaurants)	26	24	34	84
Finance, Insurance Real Estate	7	5	6	18
Service and Miscellaneous (inclusive of gas stations; auto garages; restaurants)	87	29	67	183
TOTALS	183	89	234	506

EMPLOYMENT CHARGES
By Type of Job Sought

Classification	No. of Invalid Allegations	No. of Cases Lacking Affidavits	No. of Cases Accepted for Investigation	Totals
Skilled	45	35	40	120
Semi-Skilled	18	7	31	56
Unskilled	30	15	53	98
Sales	19	14	30	63
Office	29	7	25	61
Professional and Technical	12	3	12	27
Other (Including Commission Initiated)	30	8	43	81
TOTALS	183	89	234	506

FORMAL HEARINGS

All employment cases in which probable cause was found, during the 1963-64 reporting period, were resolved by the relatively informal means of conferences and negotations. As in prior years, "conciliation agreements" and "joint statements", stipulating the terms and conditions upon which a given case has been resolved, as well as the obligations of the respondent, were used extensively and successfully. An illustrative statement is contained in Appendix No. 3.

Such agreements or statements do not constitute admissions or evidence of a violation of law. This is specifically recognized by the Commission's Rules and Regulations (Section III-F) which state that:

> "If as a result of conference and conciliation, the Commission is able to provide for voluntary compliance with Sections 4112.01 through 4112.08, Revised Code, and to effect the elimination of any unlawful discriminatory practices, it may prepare a conciliation agreement which shall set forth all measures to be taken by any party, including provisions for compliance reports, and which shall be signed by the respondent and a representative of the Commission. *Nothing stated in any conciliation agreement shall be interpreted as an admission by any party of a violation of any provision of Sections 4112.01 through 4112.08, Revised Code.*" (Emphasis added)

In no instance involving employment did the Commission find it necessary to hold a formal hearing or to issue a cease and desist order during the fiscal year 1963-64.

ILLUSTRATIVE CASES — EMPLOYMENT

The following summaries of illustrative employment cases will provide additional insight into the nature of the issues which came before the Commission, and the various ways in which they were resolved. The problems which these cases highlight include the frequently expressed fear that white employees will work with Negroes only grudgingly, if at all; as well as the belief that Negroes cannot perform public contact or saleswork satisfactorily. In cases where Negro applicants present superior qualifications and training, there still remains a discernible practice of overlooking or discounting such attributes. In addition, the practice of discrimination sometimes becomes self-perpetuating, as when a firm refuses to hire minority persons initially, and justifies its subsequent refusals on the grounds that the minority applicants do not possess the requisite experience.

I

Aptitude and Personality Transcend Race

A Negro woman seeking temporary employment at a concession at the Ohio State Fair, operated by a private party, was refused an interview, even though she had been referred for employment by an employment agency in response to a job order by the concessionaire. No previous sales experience was required. Other women, none of them Negro, were hired after the Negro woman had applied.

An investigation was conducted by the Commission following receipt of a charge of discrimination by the applicant. In view of the fact that the job was scheduled to last only for the duration of the fair, ten days, the investigation was expedited. The concessionaire acknowledged that he had never hired Negro help because he did not feel certain that Negroes could do saleswork satisfactorily. In order to resolve the matter, however, he agreed to hire the Negro applicant so as to permit her to demonstrate her abilities. The applicant worked for the entire ten day period and her work performance was such that the concessionaire asked her to return to work, if possible, during subsequent fairs.

II

Rescinded Offer Results In Back Pay Award

The Complainant, a young Negro woman, was seeking em-

ployment and called various factories, including the Respondent who requested that she report the following morning "ready for work". This she did.

When the Respondent saw that the applicant was a Negro, he refused to hire her. He did, however, apologize for having promised her employment. He also allegedly informed the Complainant that his present employees were southern white girls and that they would refuse to work with a Negro, whereupon the Complainant filed a Charge with the Commission.

Upon investigation, the Respondent stated that his employees had never said they would refuse to work with Negroes. He justified his actions by stating that he "felt" they would refuse to do so.

The Complainant was a high school graduate and fully qualified to perform the Respondent's promised assignment. He had hired three white girls who performed the job over a period of about five months before being laid off. None were measurably superior to the rejected Negro. The rejected applicant admittedly should have been hired.

A finding of probable cause resulted and a Conciliation proposal was submitted the Respondent, stipulating that any future hiring would be based upon individual qualifications only. The Conciliation proposal also specified that the Complainant be compensated for the total hours she might have worked had she been hired initially.

These provisions were accepted and the Complainant received a gross cash award totalling $243.80.

The Respondent also agreed to offer the Complainant employment whenever his business required additional employees in her area of competence.

Reviews will be conducted to verify the Respondent's continued adherence to the Ohio Fair Employment Practices Act.

III

Qualified Negro Passed Over For Engineering Job

A Negro Complainant, an ex-army officer and mechanical and civil engineer, responded to a newspaper advertisement for a technical assignment with the Respondent who furnishes technical and professional employees to some of America's largest manufacturers. Complainant was tentatively promised employment and was requested to report for an interview.

The Complainant did as requested only to be told that the job had been filled. The Complainant alleged that the job had not been filled, and that he had been refused the job because of his race.

A subsequent Commission investigation, which included an examination of the Respondent's records as well as interviews with the Respondent's managerial personnel, revealed that a white applicant had been interviewed by the Respondent prior to the Complainant's interview. The white applicant, however, had failed to equal the Respondent's job requirements and had not been hired. When the race of the Complainant became known to the Respondent, however, the white job applicant was recontacted and hired.

The Respondent's executives were apprised of the above facts. The Complainant was immediately hired by the Respondent at an hourly wage of $2.80. The Respondent also voluntarily granted him a back pay award totaling $614.03. The case was dismissed by the Commission on the basis of Respondent's compliance during the investigation.

IV

Feared Reactions By White Employees Fail to Materialize

A Negro man seeking factory work was told that only experienced persons were being employed and that, in any event, only women were needed. The applicant, believing that men were also being hired, charged that the firm had sought to mislead him in order to avoid hiring him.

The Commission's investigation disclosed that some 80 per cent of the firm's factory employees were women, *but that some 30 men had nevertheless been hired shortly after the Negro applicant had applied.* Some, but not all, had prior experience with the firm in question. (The Complainant had previously worked for another firm in the same industry.) The firm acknowledged that it had wished to avoid hiring the Complainant; that it had no Negro personnel (except for several warehousemen, employed intermittently); and that there had been some adverse comments from employees about a white female employee who had allegedly married a Negro. Much of the company's resistance to the employment of Negro personnel stemmed from its belief that this incident had alienated the white employees. Additional resistance stemmed from the fact that members of the local Negro community did not possess prior work experience in this specific type of consumer goods industry, largely owing to their exclusion because of race.

The Commission noted (1) that the firm's fear of adverse reactions by white employees was conjectural in nature and (2) that inasmuch as the firm was the only one of its type in its locality, persons—Negro or white—could not realistically be expected to obtain the requisite experience anywhere else.

Negotiations with the firm resulted in the following remedial measures:

(1) Employment of the Negro applicant, plus two additional Negro production workers as well as three female Negro production workers;

(2) Employment of two female Negro office employees;

(3) Issuance and distribution of a comprehensive company policy on non-discrimination, both within the company and to various recruitment agencies;

(4) Execution of a Conciliation Agreement with the Ohio Civil Rights Commission setting forth a policy of non-discrimination and specifying procedures for subsequent reviews of employment practices.

To date, there have been no observable manifestations of discontent among employees who were on the payroll prior to the hiring of the Complainant.

V

Adoption Of Negro Child No Bar To Employment

One of the most unusual cases to come before the Ohio Civil Rights Commission in its five years of existence resulted in a back pay award of $1,000.00 to a white college professor.

This case originated through a "third party" charge filed by the wife of a college professor teaching in Ohio. The charge stated that a white college professor, who is not a citizen of the United States, and who resides in a foreign country, was offered employment by an Ohio firm during a summer vacation period. After passing up other lucrative offers to accept the job in the U. S. A., the Complainant was notified the job was not available. It had been learned that the white professor and his white wife had adopted a Negro daughter. There was a vague reference to the difficulty the family would encounter in attempting to find desirable living quarters.

The Commission investigated the case, and found ample evidence to support the charge. Upon conciliation, the company agreed to send to the professor a check in the amount of $1,000.00. This agreement was fulfilled, and the company agreed further to follow a policy of non-discrimination in all of its future employment activities.

VI

School Hiring Policy Changed

A Negro college graduate from a neighboring state traveled to a southern Ohio community to be interviewed for a position as a

grade school teacher. The school system had reviewed her credentials and had, in fact, invited her to be interviewed. She was interviewed by the personnel director as well as the grade school principal. During the course of conversations she was told that the school system was reluctant to hire her, since one new Negro teacher had already been hired in the school in question. The school was located in a predominantly white neighborhood.

The young lady filed a charge with the Commission which was subsequently investigated and probable cause was found to credit her charge. The Commission entered into conciliation. In the meantime, the Complainant secured employment at a higher level of pay in another school system and no longer desired to take a position with the Respondent.

A conciliation agreement was executed, stipulating that the school system would conduct a thorough educational program for its Board of Education and through the administrative ranks, including all school principals, in order to enlighten responsible individuals of their obligations under the Ohio Fair Employment Practices Act.

The school system has since employed Negroes in teaching and non-teaching positions which had previously been held only by white persons. Two Negro teachers were employed in the grade school involved in the charge, and a Negro teacher was employed in a previously all-white school for the first time. The school system is also embarking on special educational programs designed to improve community relations between various racial and ethnic groups and has expressed a desire to maintain a cooperative relationship with the Commission in the future.

SPECIAL ISSUES CONCERNING PLACES OF PUBLIC ACCOMMODATION

The Commission found it necessary, during the 1963-64 reporting period, to schedule nine formal hearings in connection with acts of discrimination by places of public accommodation. One hearing was cancelled, however, following intensive and successful efforts at conciliation. This involved a dental office in which separate waiting rooms were maintained for white and Negro patients, a practice which was discontinued in accordance with the terms of a conciliation agreement.[2]

Three formal hearings were ultimately held. Findings of fact were issued by a hearing examiner in one case[3], and are pending in two instances. The latter involved a tavern and a swimming pool respectively, both of which denied admission to Negro patrons on the grounds that they were "clubs" and, therefore, open only to "members". The remaining five cases, all involving swimming pools, are scheduled for hearings during the summer and fall of 1964. These establishments also claim to be "private clubs", but the available evidence indicates that the establishments are run on a proprietary basis for profit and that the alleged membership qualifications, subjective in nature, are invoked solely with respect to prospective Negro patrons. Of equal importance, the purported members appear to have no control over the operation of the alleged clubs, other than the right to patronize or not to patronize. This, of course, is the right which Ohio law seeks to make available to all, without discrimination as to race, color, religion, national origin or ancestry.

Spurious Clubs

As indicated above, the use of spurious "clubs" as a means of evading the clear intent of Ohio law constitutes a major problem. The Commission believes it warranted to cite from its last (Fourth) Annual Report in this regard.

[2] The segregation of patrons or clients constitutes a denial of the "full enjoyment of the accommodations" for reasons of race, contrary to Section 4112.02 (G) of the Ohio Revised Code. This practice also contravenes Section 4112.01 (G) which defines discrimination so as to include segregation or separation on the basis of race.

[3] Reported under CEASE & DESIST ORDER ISSUED, at p. 17 of this Report.

"There is, of course, no question that non-profit *bona fid* private clubs or organizations may be established for th exclusive use of their actual members and guests. The ant discrimination statutes of Ohio vest the Commission with r jurisdiction over the structure, organization, purposes c membership policies of such *bona fide* groups. The issue wit which the Commission is concerned, and over which it h jurisdiction, centers about establishments which though ope to the general public and are operated for profit, neverthle wish to exclude one or more segments of the public becau of race, color, religion, national origin or ancestry by purpor ing to be "clubs" when confronted by members of the grou whose patronage is not desired.

"The device of purported private clubs was noted by the Co mission in an earlier publication[4]. The issue of whether a establishment constitutes a club or a place of public accomm dation also has been raised under Ohio's civil and crimin statutes, prior to the 1961 amendments.

"The utilization of purported clubs varies. Prospective Neg patrons have, at times, simply been told that an establishme was a "club". Other instances have involved more elabora procedures, such as the issuance of "membership cards" up payment of a nominal sum and the use of "sponsors" as a p requisite to admission. Still more elaborate techniques ha included the establishment of non-profit corporations wh charters set forth a variety of non-commercial, social purpos Such corporations are then leased or assigned the facilities a commercial establishment and access, or denial of access, the establishment is ostensibly governed by the non-profit les or assignee. Investigation has often revealed purported "clu to be extremely lenient in their admission practices when wh persons seek admission, but that the full array of "members requirements", including sponsorship, screening by a "me bership committee", and other factors, comes into play w a Negro seeks admission. The disparity in procedures, applied to majority and minority groups, mitigates the sertion that a *bona fide* club is involved."

The Commission anticipates that the cases in which Hear Examiners' Reports are pending, as well as those which are c rently docketed for hearings, will contribute to the clarification this issue. Nevertheless, remedial legislation is also required, detailed in RECOMMENDATIONS, *Clarification of Definition Places of Public Accommodation, p. 37.*

CEASE AND DESIST ORDER ISSUED

The one instance in which the Commission found it necess to issue a Cease and Desist Order involved the following facts circumstances.

[4] See *Discrimination in Public Accommodations in Ohio, A Report by the Civil Rights Commission*, December 1960, p. 17.

A group of ten boy scouts, three of whom were Negro, sought admission to an establishment which had facilities for picnicking and swimming. The leader was allegedly told that the white scouts could enter, but that the swimming facilities were not utilized by or available to Negroes. The Negro boys, when apprised of the circumstances, suggested that their white troop members go ahead and swim and they would return to their homes, some miles distant. Charges of discrimination were subsequently filed by the mothers of the Negro scouts. The ensuing investigation by the Commission verified that admission had been denied because of race, and that the establishment was otherwise open to the general public. Efforts at conciliation were of no avail and a formal hearing was held on August 13, 1963, with Professor Stanley W. Harper, Assistant Dean of the University of Cincinnati Law School as examiner. This formal hearing substantiated the allegations of discrimination, and a Cease and Desist Order was issued on December 18, 1963.

The establishment has since filed an appeal, now pending before the Court of Common Pleas of Warren County.

Public Accommodations Statute Ruled Valid

On January 3, 1964, the Ohio Court of Appeals unanimously ruled that the public accommodations statute administered by the Ohio Civil Rights Commission is constitutional, thereby reversing a contrary decision by the Court of Common Pleas of Green County. The fact situation involved a barber in Yellow Springs, Ohio, who had refused to cut the hair of a Negro patron, alleging that he did not know how to do so. The Commission's investigation revealed that lack of ability was not the actual reason, but that the denial had been predicated solely on the complainant's race. A Hearing Examiner for the Commission subsequently came to the same conclusion and a Cease and Desist Order was accordingly issued.

The Commission's order was struck down by a ruling of the Greene County Court of Common Pleas, holding the public accommodations statute invalid as to the respondent, for the following reasons.

> "The Court finds that to require any person performing a service so individual and personal as that given by a barber, to acquire any skill or training not presently possessed by him and to require him to attempt to perform such a service for every person who enters his place of business is an infringement and violation of that person's civil rights as guaranteed by the Constitution of the State of Ohio and the United States".[5]

[5] *Gegner V. Graham & Ohio Civil Rights Commission*, Court of Common Pleas, Greene County, Case No. 34893. Decision dated May 3, 1963.

The Court of Appeals, in reversing the foregoing decis made the following important statements of law.

> "When an owner or proprietor opens up his property or b ness for use by the public, he subjects it and himself to cer rights in his clients or customers.
>
> "Generally, the law does not undertake to govern or regu a citizen in the conduct of his strictly private business. matters of mere private concern, he is free to deal with wl he pleases. However, there are certain classes of busines the management and conduct of which the general public has an interest. The plaintiff-appellee carries on his busi under a license granted him by the state. He has secured to by the law certain privileges and rights which are not enjo by members of the public generally. The power which gran the license represented each member of the public in mak the grant, and each member, with reference to those privile which accrue to the public under it, must be on an equa with every other member. Undoubtedly, the plaintiff-appe can establish reasonable rules and regulations for the cond of his business. He may also limit his practice to the skill possesses so long as he does so for reasons applicable alik all perons regardless of race, color, religion, national origi ancestry. But when he accepts the privileges afforded b public license, he must also accept the obligation to treat members of the granting authority alike. Thereafter, he n not refuse to serve any citizen for any reason which is applicable alike to all citizens . . .
>
> "If barbers were free to turn away Negroes because of th race, then this group would be denied the safeguards to hea provided by law and be denied on their part the equal prot tion of the laws.
>
> "The plaintiff-appellee is not deprived of his property or use thereof or the practice of barbering. The law does require him to develop new skills. It merely provides that must not deny the services of his shop to any person beca of race. He is free to develop any specialties he may choo If a particular customer does not come within one of specialties, he can and probably should tell him so. But the l provides that he may not refuse to serve him because of race.
>
> "Neither does the law require Gegner or any other barber serve every person who presents himself. It specifically serves such right to refuse service. It provides simply that person shall be denied service 'except for reasons applica alike to all persons regardless of race, color, religion, natio origin or ancestry'.
>
> "He will not be deprived of his property or the continued of it, nor the practice of his profession, except by his o choice. If he finds the situation inconvenient, we would empl size a provision of one of the constitutional safeguards whi

he invokes: "Private property shall ever be held inviolate, *but subservient to the public welfare*". (Emphasis in original Article I, Section 19, Ohio Constitution.) None of his property is actually taken, and none need be compensated for.

"We find no constitutional right in the plaintiff-appellee which is being violated. But unless the Cease and Desist Order of the Civil Rights Commission is enforced, the rights of others will be denied.

"We are here dealing with a question of constitutional law. We have declared the principle which we believe applies. That being established, we apprehend that it will provoke no economic or professional convulsion. Barbers and customers will continue to deal together on the basis of personal preference. But the *right* of any member of the public not to be discriminated against because of race must be upheld."[6]

The respondent subsequently appealed from this decision to the Ohio Supreme Court. While the case was pending before the Supreme Court, however, the shop changed hands and the new owner has stated that he will comply with the law.

Other illustrative public accommodations cases, processed during the reporting period, are summarized below.

[6] *Gegner V. Graham & Ohio Civil Rights Commission*, Court of Appeals, 2nd Judicial District, Case No. 639, January 3, 1964.

ILLUSTRATIVE CASES—PUBLIC ACCOMMODATIONS

I

Negro Exclusion Not Legal Means of Avoiding "Violence"

A Negro man and woman were refused table service by waitress who offered to sell them food for consumption off th premises.

The owner ratified his waitress' actions and added that it wa his policy not to accord service to Negroes because he feared thi would hurt his business. When the Complainants informed th Respondent that he was violating the Ohio Public Accommodation Law he stated, "you can see my position".

The Complainants filed Charges with the Commission an upon investigation, the Respondent admitted that the allegation were substantially correct and he attempted to justify his action by stating that it was his responsibility to anticipate and preven the trouble which he believed would follow because of his patron hostility to Negroes.

An extensive interpretation of Ohio's Public Accommodation Law was submitted to the Respondent and, as a result, the pro prietor agreed to enter into a Conciliation proposal which calle for the treatment of all patrons in like fashion, regardless of thei race, color, religion, national origin or ancestry.

Reviews are being made to verify the Respondent's continue adherence to Ohio's Public Accommodations Law.

II

Trailer Court Admits Negro Couple

A charge was filed by a recently married Negro engineerin student, who had purchased a 50'x10' trailer as a residence fo himself and his wife, that he had been denied the use of a traile court because of his race. He alleged that, after applying for space the trailer court manager had told him there were no vacancies although several vacant areas were apparent.

During the ensuing investigation, the owner of the traile court said the Negro had been denied space because the court wa being replatted and improved and he did not want to admit ne tenants until this work was completed. The Commission found tha

ten plats were large enough to accommodate the Negro complainant's trailer and that five of these lots were vacant. There was no visible need for any "improvements" to these lots and a study of the trailer court's records revealed that the vacant lots were, in fact, ready for occupancy.

The owner thereupon agreed to admit the Negro and his wife and they moved in shortly thereafter, as the only Negro occupants in the trailer court. Neither the Negro couple nor the owner of the court have reported any adverse reactions from the white occupants.

The potential disruption of plans of a young couple seeking to live their lives on terms of equality with other Americans was, therefore, prevented.

III

National Origin Not Valid Reason For Refusal

Upon investigating a sworn charge from an American citizen of Mexican ancestry that he had been denied service by a tavern, on the grounds that he was not a member of the "club", the Commission found no indicia of a *bona fide* private club, but only the proprietor's contentions that he wished to operate the establishment as a private "club" in order to exclude "troublemakers". A review of local court records indicated that the establishment had been the scene of prior altercations, but that the complainant had not been involved.

No evidence was found, during the Commission's investigations, of the refusal of service to persons other than those of Mexican ancestry. The proprietor subsequently acknowledged that he feared the presence of "Mexicans" would annoy his other customers. The community in question contained a number of families of Mexican ancestry who had originally migrated to Ohio as seasonal farm workers. A number had established permanent residences.

After a thorough explanation of the reasons for and the intent of the Ohio Public Accommodations statutes, a Conciliation Agreement was executed, specifying that ancestry (as well as race, color, religion and national origin) would not constitute impediments to equal access and service and, furthermore, that the complainant could use the facilities without hindrance or discrimination based upon his national origin.

The complainant and companions have since returned to the establishment and have received courteous service.

IV

No Loss Incurred By Compliance With Accommodations Law

A Negro couple entered a recently-opened billiard establis ment which advertised that both men and women were invited patrons. The proprietor informed them that they could not use l facilities because it was his intention to operate as a priva organization and that persons who played billiards there wou have to possess a membership card.

Upon inquiring as to the procedure for obtaining a membe ship card, the couple was told that there was a $125,000 investme in the establishment which had to be protected. The complaina asked how much memberships cost and was again told that the was an investment of $125,000.

In a subsequent conference with the manager, the latter stat that the complainant and her friend might have been refused t privilege of using the facilities. Despite the fact that he continu to imply that admission of Negroes would greatly increase t probability of a loss of his investment, the manager agreed to ent into a conciliation agreement after the contents of the Pub Accommodations Law had been explained to him in thorough det He took this action upon the advice of his attorney who had re resented him in this matter.

Compliance reviews are being conducted to verify continu adherence on the part of the establishment.

EDUCATIONAL PROGRAM

The twelve months covered by this Report have dramatically confirmed the continuing need for a comprehensive program of information and education in the areas of intergroup relations and civil rights, in order to foster a better understanding of their nature and to facilitate the resolution of related problems. It is hoped that the Commission's activities have contributed in some measure to reason, clarity and objectivity.

The underlying philosophy of the Commission's education program has been, and continues to be, that it is not sufficient to supply information alone but that there must also be opportunities to *experience* equality on the part of those to whom this status has been denied. The public schools of Ohio can be a major vehicle in providing such experiences and for this reason the bulk of programming has related to the public schools.

Review of Prior Programs: 1959-1963

The Commission's education program has undergone an evolution since its inception in 1959. The first phase was a broad, statewide information program for recognized educational leaders regarding the nature of the Ohio Civil Rights Commission and its functions. Inasmuch as the Commission was a new entity, this was a necessary first step.

After this initial phase, it was agreed that an agency with fair employment practices responsibilities should deal with school guidance practices in view of the relation of such practices to the world of work. The second major program, therefore, was the development and implementation of pre-service and in-service education resources for counselors working with minority group youth. As an adjunct to this program, the Commission published a professional manual entitled *Counseling Minority Group Youth,* which has been circulated widely.

September of 1963 saw the beginning of the third major program, which was designed to reach public school principals and, through them, teachers, parents and students.

In addition, increased activity in civil rights throughout the state served to involve the Commission in numerous cooperative programs with labor, management, "direct action" groups, college students, religious groups, professional associations, citizens'

groups, youth service agencies, and a variety of other public a private organizations.

In 1962-1963, for example, the Education Department dev oped programs affecting over 1500 school principals, over 600 co selors and over 400 counselor-education majors, as well as over 6 persons in numerous public meetings, including teachers, princip college and high school students, and various other groups. O 8000 copies of *Counseling Minority Group Youth* were distribu to Ohio counselors and educators. The Commission also comple *A Survey of the Intergroup Content in the Problems of Democr Courses in Ohio High Schools.* A concise manual on *Legal Tre in De Facto Segregation* was also published and distributed to Ohio school boards.

Educational Activities: 1963-1964

Over 700 School Administrators in Training Sessions

In September 1963, seven school systems were asked to consi an experimental training program in intergroup relations edu tion for principals working with minority group youth. The sponse to this program has been excellent. Over 700 public sch principals and administrators have since participated in C mission-sponsored and planned training programs of this nature

Over 800 Teachers In Training Programs

The Commission has also been able to involve over 800 cl room teachers in special training sessions on intergroup educat and on teaching minority groups; as well as the problems of te ing in depressed areas. Teachers were reached through the w shops on Moral, Spiritual and Religious Values held at Kent S University and Western Reserve University and more were rea through individual school systems.

5800 Junior and Senior High School Students Reached

In an effort to encourage young people to plan their fut on the basis of abilities and interests, the Commission has, the cooperation of schools and youth service agencies, rea approximately 5800 secondary school students. Programming included slides and other visual aids to demonstrate the exp ing job opportunities for minority groups and the need for cation beyond high school. Discussion periods have provided t students with a valuable opportunity to explore themselves, t intergroup attitudes, as well as their plans for the future.

Over 2000 College Students in Programs

The Commission's resources have been widely used by colleges and universities to improve the intergroup understanding of their students. In addition to cooperating in the establishment of Ohio's First Annual College and University Conference on Human Relations, over 2000 college students have been reached through classrooms, conferences, seminars, workshops and general community meetings. Cooperating institutions have included Ohio University, Ohio State University, Kent State University, University of Cincinnati, Bluffton College, Cuyahoga Community College, Antioch College, Wilberforce University, Miami University, Hebrew Union College and University of Toledo.

Religious Groups Bring Over 1500 Into Programs

In cooperation with various religious groups, the Commission has reached well over 1500 individuals in addition to the contacts noted elsewhere. Staff members have assisted in planning activities and have served as consultants, panelists, and speakers for religious groups throughout Ohio, including United Church Women; National Council of Jewish Women; the Ohio Council of Churches, local Councils of Churches; University Religious Advisors; the Board of Christian Education of the United Presbyterian Church; and other segments of various religious denominations. Programs and services have dealt with housing, education, employment, public accommodations and local civil rights problems.

Numerous Private and Public Agencies Solicit Commission Services

Over 5700 other persons have participated in educational programs cooperatively planned and implemented by the Commission and a variety of public and private human relations agencies, including: the Middletown Council of Human Relations; Youngstown Human Relations and Fair Employment Practices Commissions; Ohio NAACP chapters; local chapters of the League of Women Voters; Sandusky Community Relations Committee; East Cleveland Community Council; local Urban Leagues; the Congress of Racial Equality; the Cincinnati School Foundation; local PTA groups; local chapters of the American Civil Liberties Union; National Association of Social Workers in Columbus; Community Resources, Inc. (Columbus); the YWCA; Orrville Mayor's Civil Rights Committee; Cleveland's Community Action for Youth; Hough Community Council School Committee (Cleveland); Columbus Leadership Conference; North Avondale Neighborhood Improvement Association (Cincinnati); local sections of the Greater

Columbus Fair Housing Committee; the United Freedom M
ment (Cleveland); Cleveland City Councilmen; the Ohio City
agers Association; Wayne County Interfaith Commissio
Human Rights; and numerous others.

College Faculties Express Growing Interest

Over 125 college faculty members have participated in
mission programs. The Commission's staff has been involv
numerous efforts to evaluate curriculum and to plan the imp
ment of teacher education in Ohio's colleges and universities

Advisory Committee On Equal Opportunity in Apprenticeship and Training

On August 14, 1963, the Commission convened a newly cr
Advisory Committee On Equal Opportunity in Apprenticeshi
Training. The committee not only assessed apprenticeship
training problems, but adopted a series of recommendations
included the following:

(1) Encourage local Joint Apprenticeship Committe
acquaint the public with the qualifications for admission to ap
ticeship training programs and encourage the developme
apprenticeship information centers in Ohio's larger cities.

(2) Use the Commission's education program for coun
to disseminate information about apprenticeship programs, i
ing the preparation of a related handbook for statewide dis
tion to schools.

(3) Review possible means of supporting a directive
the U. S. Department of Labor to its Division of Apprentic
and Training wherein that agency is provided with effective n
of applying sanctions against sponsors of apprenticeship prog
who do not guarantee nondiscrimination in their standar
selection.

(4) Develop additional programs to provide minority
children and youth with more exposure to information
apprenticeship.

(5) Urge school boards to adopt policies supportive of
equal educational opportunities for minority group children
youth.

(6) Review a possible application of the Manpower
Training Act to recruit and prepare more uneducated and u
ployed minority group persons for apprenticeship, on-th
training or vocational education.

(7) Join with the Bureau of Apprenticeship and Training and the Ohio Apprenticeship Council in their efforts to extend apprenticeship programs to include vocations where no such programs presently exist.

(8) Join with the Bureau of Apprenticeship and Training and the Ohio Apprenticeship Council in a united effort to abolish discrimination in apprenticeship and training, recognizing that Recommendation No. 3 above serves as a first step in that direction.

A number of proposals have already been implemented. Most of our counselor education programs, for example, have included the essence of No. 2 above and a number of local organizations also have indicated interest in cooperatively implementing various combinations of these recommendations. A review of efforts in this field is planned and additional programming expected.

Non-Formal Educative Exposure by Commissioners and Staff

In addition to the more formal approach employed by the educational department of the Commission there was a broadened involvement by Commissioners and staff in response to literally hundreds of requests for speakers. Whereas the concern of minority individuals and groups constituted a major portion of the inquiries and requests during the first years of the Commission's existence, the period covered by this report reflects tremendously increased concern by service and business organizations generally. Approximately 30,000 persons were exposed to presentations by Commissioners and staff members. Slightly more than 300 audiences heard reviews of the *Ohio Laws Against Discrimination* and utilized the question and answer technique to obtain more detailed information relative to their privileges and responsibilities. Those exposed to these appearances included professional and non-professional human relations groups; religious and social organizations; service clubs and political groups; labor and management organizations. Frequent radio and television interviews and speeches were conducive to enhancing the public's knowledge of the law and the agency responsible for its accomplishment. It is entirely conceivable that many potential charges and infractions were avoided by this implementation of the law.

SUMMARY OF 1963-64 SURVEY OF SCHOOL PERSONNEL PRACTICES IN OHIO'S EIGHT LARGEST SCHOOL SYSTEMS

In 1961, when the Commission conducted a *Survey of College and University Placement Offices With Regard to Job Placement of Minority Students*, it was revealed that the number of discrim-

inatory job orders placed with colleges and universities by pub schools was almost as large as that placed by all other sourc Forty-seven percent of the total unlawful job orders reported, i those which contained restrictions based upon race, color, religi or national origin, had been placed by Ohio public schools. T greatest number of such discriminatory job orders were based race and color.

In view of these findings the Commission, in 1963, initia a study of the employment practices of Ohio's public school syste The purpose of the study was to examine not only hiring, promoti and placement of teachers, but also to discover the major proble faced by school administrators in their endeavors to prom "equal opportunity" school systems.

Although the Commission had projected a study of all sch systems in Ohio, it was determined at the outset that the sur would be broken down into several sub-projects according to sch size.

The eight largest school systems were selected as the fi study group. Excellent cooperation from the administrators Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Tol and Youngstown enabled the Commission to assemble a substan amount of factual data. Personal interviews involving the Sch Superintendents, the Commission Chairman and Regional S Directors yielded further insights into problems, programs progress in this area.

It was mutually agreed among Staff, Commission and Sch Administrators that as relates to Ohio's eight largest sch systems: (1) substantial progress has been made in the past years in the utilization of minority group talents in all areas employment; (2) creative and imaginative programs are n underway to further improve the situation; (3) problem ar still remain and will require further attention, namely (a) development of a greater supply of qualified Negro second teachers, counselors and administrators; (b) the development a willingness on the part of Caucasian and Negro teachers to te where assigned according to talent and need, rather than acco ing to inclination based on racial composition of the partic school involved; (c) the continued, careful attention by sc administrators in hiring, promotion and placement practices sistent with talent, experience and training rather than ra factors, in order to remedy the existing situation wherein an ordinate number of Negro teachers are assigned to predomina Negro schools.

These eight systems employed some 19,453 teachers; 677 principals; 350 counselors; 268 assistant principals; 1670 clerical and secretarial personnel; 1441 cafeteria help; 478 craftsmen and helpers; 75 bus and truck drivers; and 2,949 custodial workers.

In terms of racial background the employment figures were as follows:*

CERTIFICATED PERSONNEL

Teachers	Total No.	No. of Negro	Per Cent of Negro
	19,453	3,550	18.25
Elementary	11,759	2,663	22.65
Secondary	7,694	887	11.53
Principals	677	45	6.65
Assistant Principals	268	42	15.67
Counselors	350	37	10.57

NON-CERTIFIED PERSONNEL

Type	Total No.	No. of Negro	Per Cent of Negro
Clerical & Secretarial	1,670	315	18.86
Cafeteria	1,441	389	27.00
Craftsmen & Helpers	478	6	1.26
Bus-Truck Drivers	75	20	26.67
Custodial	2,949	1,381	46.83

* These figures are as of June, 1964. Several of the school systems have reported a substantial increase in the number of Negro employees in all categories for the 1964-65 school year.

HOUSING

The lack of a statutory prohibition against discrimination housing must be cited as a major deficiency in Ohio.

A comprehensive survey and report on *Discrimination Housing in Ohio* was issued by the Commission in January 19 the overwhelming import of which was that the Negro commun in Ohio is not permitted freedom of ingress to the overall hous market but, on the contrary, is arbitrarily restricted to a segm of the market. Such factors as income, personal preferences the other matters which enter into the acquisition of housing the white community are overridden and subordinated by c siderations of race.

The Commission's 1963 report contained substantial evide to the effect that the restrictions imposed upon the Negro c munity emanate largely from such institutional sources as estate brokers and lending institutions, rather than solely f the wishes of white owners. Inasmuch as these segments of real estate industry are licensed and regulated by the State, question emerges as to whether their existing power to discri nate constitutes an example of unequal protection of the laws. T philosophical and legal question is accompanied by the many ha concommitants of housing discriminations which are present all Ohio cities, namely overcrowding and racial imbalance in pu schools, as well as the potential stultification of community civic morals.

It is the Commission's considered judgment that the need comprehensive legislation on the State level is no less imperat today than it has been in the past. The need has become even m imperative in view of the fact that there have been only neglig results from Executive Order No. 11063 issued by the late Pr dent Kennedy on November 20, 1962, in connection with n federally assisted construction.

In response to substantial demand, the Commission has printed the 1963 report on *Discrimination in Housing in Ohi*

SURVEY AND RESEARCH

Prior Surveys

The Commission's statutory responsibilities, in addition to the enforcement of the employment and public accommodations provisions, include " . . . periodic surveys of the existence and effect of discrimination because of race, color, religion, national origin or ancestry on the enjoyment of civil rights by persons within the state". Prior surveys have included *Discrimination in Public Accommodations in Ohio* (1960); *Survey of Ohio College and University Placement Offices With Regard to Job Placement of Students* (1962); *Discrimination in Housing in Ohio* (1963).

Current Surveys
Schools

The most recent survey, concluded in June 1964, related to the hiring and assignment of Negro public school teachers and other personnel in the city school districts of Akron, Canton, Cincinnati, Cleveland, Columbus, Dayton, Toledo and Youngstown. The results of the survey are summarized under EDUCATIONAL PROGRAMS, elsewhere in this Report.

Cleveland

Pursuant to the authority granted under Section 4112.04 (A-7) of the Revised Ohio Code the Commission, in response to many telegrams, letters and telephone calls, moved to conduct a detailed survey of what came to be known as the "Cleveland situation." The requests came as a result of demonstrations in January, 1964 by the United Freedom Movement of Cleveland and the reaction to these demonstrations. The UFM is composed of various organizations that possess the mutual objective of eliminating de facto segregation and alleged discrimination in the schools of Cleveland. Almost without exception the complaints registered were those ranging from unfair treatment to alleged brutality by the police assigned to the demonstration areas. The survey has concerned itself with the background, as well as the actual incidents surrounding the demonstrations which began in January.

As was to be expected there have been many conflicting views expressed by many of the alleged witnesses. Files of newspaper

clippings have not always agreed in terms of exactly what pened at a given time and place. A review of both still and n film of some of the incidents provided some visible eviden what occurred at a given place at a given time that involved of the accused as well as some of the accusors. Sworn testi from many people has been a necessary phase in the document of events.

Despite the limitation of staff time to devote to this pr the study should clarify and bring into sharper focus the si cance of the various incidents when viewed against the l backdrop of ailing human relations. Hopefully some clues appear that will serve as recognizable warnings to other comm ties. Thus guidelines may be provided that may assist in the i ception or avoidance of situations that may develop beyond point of no return—to the end that sheer violence in its u form erupts beyond control. Unfortunately there are no accep short cuts in the conduct of such a survey. Time will of c render some memories less accurate. Facts will however re essentially the same. The study is presently in the closing pha

ADMINISTRATION AND BUDGET

The Ohio Civil Rights Commission, as a tax financed agency, is mindful of its obligation to conduct its operations within budgetary guidelines. At the same time, the Commission feels that it has an equally major responsibility to carry out its statutory functions to administer the anti-discrimination laws of Ohio in meaningful and effective fashion.

Inasmuch as the Commission was established to render a service, its major tool consists of its personnel who, in order to bring about maximum economies, have undertaken a variety of responsibilities which cut across the lines of administration of laws, education, and community consultations, research, etc. Because of such diversification of duties, the Commission's staff, as of June 30, 1964, totalled only 22, the same number with which it had commenced its fifth year of operations, on July 1, 1963. The projected increase in budget for 1964-65 has been limited to less than $6,000.00. A sizable portion of this projected increase is necessary to provide for legally prescribed annual increments to all state personnel who have not reached their peak. In accord with its educational responsibilities, additional printing and distribution of materials require a slight bugetary increase.

Economies have been effected by the imposition of a "freeze" on the purchase of new equipment, as well as by means of the coordination of travel schedules.

Expenditures and staffing for the fiscal year 1963-64, and projections for 1964-65, are set below.

EXPENDITURES

		Actual 1963-64	Projected 1964-65
PERSONAL SERVICE			
Staff and Commissioners	$160,094.04		
Other	654.42		
TOTAL		$160,748.46	$161,000.00
MAINTENANCE			
Office Rent, Travel, Supplies, Postage, etc.		39,127.00	44,000.00
TOTAL		$199,875.46	$205,000.00

STAFFING

CENTRAL OFFICE STAFF

Administrative

1 Executive Director (Statewide)
1 Office Manager
2 Clerk Stenographers

Education Department (Statewide)

1 Director of Education
1 Education Assistant
1 Clerk Stenographer

REGIONAL OFFICE STAFF

Northeast Regional Office

1 Regional Director
2 Investigators
2 Clerk Stenographers

Southwest Regional Office

1 Regional Director (Deputy Exec. Director)
2 Investigators
2 Clerk Stenographers

Southeast Regional Office

1 Regional Director
1 Clerk Stenographer

Northwest Regional Office

1 Regional Director (Staff Counsel)
1 Investigator
1 Clerk Stenographer

RECOMMENDATIONS

I. RIGHT TO APPEAL

As noted in the Commission's Fourth Annual Report, the lack of statutory authority to appeal from adverse court decisions regarding the constitutionality of provisions of law administered by the Commission, and related matters, imposes the burden of appeal upon the complainant whose resources may be inadequate to sustain the resulting costs. This procedure prevents the Commission from seeking appellate review of matters of substantial significance to the implementation and interpretation of Ohio's anti-discrimination legislation.

The Commission believes that it should be given authority to appeal similar to that which is currently granted by statute (Administrative Procedures Act) to numerous other agencies of Ohio. The following proposal is designed to effectuate this purpose.

A BILL

To enact Section 0000.00 of the Revised Code to enable the Ohio Civil Rights Commission to appeal from adverse court judgments on questions of law and sufficiency of evidence.

Be it enacted by the General Assembly of the State of Ohio:

SECTION I: That Section 0000.00 of the Revised Code be enacted to read as follows:

Section 0000.00 (A.) The Ohio Civil Rights Commission may at its discretion appeal from an adverse judgment rendered by a court. Such appeal shall proceed as in the case of appeals in civil actions as provided in Section 2505.01 to 2505.45, inclusive of the Revised Code. Such appeal by the Commission shall be taken on questions of law relating to the constitutionality, construction or interpretation of the statutes and rules and regulations of the Commission and in matters involving the correctness of the judgment of the Court of Common Pleas that an order of the Commission is not supported by substantial evidence. Such appeals may be taken regardless of the fact that a proceeding was pending prior to the enactment of this Section expressly authorizing such appeals, provided such appeals are perfected by the filing of Notice of Appeal within the time provided by Section 2505.07 of the Revised Code.

Section 0000.00 (B). Nothing in this Section shall be deemed to affect in any manner any provision in Section 4112.01 through 4112.08, inclusive, and 4112.99 of the Revised Code relative to the rights of any party, inclusive of the Commission, to seek such other court action as is provided by said Sections of the Revised Code.

II. ADMINISTRATION OF OATHS

The Commission believes that legislation should be enacted which would enable all Commissioners and staff to administer oaths. At present the Revised Code (Section 4112.04-A-B) provides that the Commission may "administer oaths" but it is not clear whether or not this authority has thereby been granted by law to staff members who are not attorneys or notaries public. Even if all staff members were to secure notary public commissions, their authority to administer oaths would apparently not extend beyond their counties of residence (with the exception of attorneys who may obtain statewide authority).

The practical problem which confronts the Commission is that a substantial number of charges, which must be submitted under oath, are filed outside of the communities in which Commission offices are located. Frequently notarial service is not immediately available. Thus, it is a matter of necessity that there be no doubt as to the authority of staff members to administer oaths, in order to accept charges, as well as to take other persons' sworn testimony when necessary.

The following proposal is designed to effectuate the foregoing:

A BILL

To enact Section 0000.00 of the Revised Code to enable staff members of the Ohio Civil Rights Commission to administer oaths in any county of the State.

Be it enacted by the General Assembly of the State of Ohio:

Section 0000.00. All agents and employees of the Ohio Civil Rights Commission may administer oaths and accept acknowledgments of affidavits in any county, in the course of their duties relative to their employment by the Ohio Civil Rights Commission.

III. CLARIFICATION OF DEFINITION OF PLACES OF PUBLIC ACCOMMODATION

The Public Accommodations statute administered by the Ohio Civil Rights Commission, effective October 1961, is patterned after

Ohio's previously enacted civil and criminal statutes relative to public accommodations, in terms of the establishments which are prohibited from refusing service on the grounds of race, color, religion, national origin or ancestry. The Commission-administered statute presently defines "Place of Public Accommodation" in the following manner:

> "Place of public accommodation" means any inn, restaurant, eating house, barbershop, public conveyance by air, land or water, theatre, store, or other place for the sale of merchandise, or any other place of public accommodation or amusement where the accommodation, advantages, facilities or privileges thereof are available to the public."

The foregoing language is affected by Ohio Revised Code, Section 4112.08, which provides that the Commission-administered anti-discrimination laws "shall be construed liberally for the accomplishment of the purposes thereof. . . "

The Commission believes that the coverage of the public accommodations statute is not restricted to the establishments which are specifically enumerated because of the express provision for a liberal construction, and that the enumeration is designed to be illustrative rather than exclusive. The Commission believes that a contrary interpretation would render the liberal construction clause nugatory and has, accordingly, ruled that cemeteries, trailer courts, hospitals, nursing homes, and other non-enumerated establishments are covered by the Act.

This interpretation has not been uniformly accepted by proprietors, with the result that substantial staff time has been spent in discussions with respondents relative to the jurisdiction of the Commission, even in instances in which discriminatory practices were clearly evidenced. Moreover, as noted elsewhere in this Report, a number of establishments which clearly fall within the statutory listing have sought to avoid the law by holding themselves out to the public as clubs.

The Commission does not wish to assert jurisdiction over establishments which were not intended to be covered by the statute, and it does not wish to intrude upon the operation of *bona fide* private clubs. The Commission believes, however, that clarifying language would be helpful to all concerned, including the business community. To accomplish this, the Commission respectfully submits the following statutory amendment.

A BILL

To enact Section 0000.00 of the Revised Code to clarify the definition of places of public accommodation.

Be it enacted by the General Assembly of the State of Ohio:

Section 1. Ohio Revised Code 4112.01 (H) is hereby repealed and the following provisions are enacted in lieu thereof.

Section 4112.01 (I). "Places of public accommodation" shall include but shall not be limited to:

(1) inns, hotels, motels, trailer courts, camps, parks, lodges, resorts, and other establishments conducted for the recreation, rest, health or entertainment of transient persons;

(2) restaurants, drive-ins, cafes, dining rooms, lunch counters, soda fountains, buffets, taverns, roadhouses, barrooms, saloons, and other establishments where prepared foods, beverages, ice cream, or spiritous or malt liquors are sold for consumption whether on or off the premises;

(3) theatres, motion picture houses and drive-ins, auditoriums, stadiums, arenas, music halls, dance halls, roof gardens, golf courses, race tracks, bowling alleys, skating rinks, billiard and pool parlors, swimming pools, shooting galleries, fairs, carnivals, circuses, rodeos, amusement parks, and other establishments conducted for amusement, recreation or entertainment;

(4) buses, taxis, limousines, rail cars, airplanes, ships, and other commercial carriers, terminals, stations, waiting rooms, rest rooms, ticket offices, travel agencies and all facilities appurtenant to transportation establishment for land, sea, or air travel;

(5) retail stores and other retail outlets, wholesale and discount houses, warehouses, auctions, service establishments, parking lots, garages, service stations, and other enterprises engaged in the sale, rental, repair, or servicing of merchandise, clothes, equipment, food, or other goods, whether on business premises or not;

(6) barber shops, beauty parlors, bathhouses, reducing salons, and other establishments conducted for the health, appearance, and physical improvement of persons;

(7) dispensaries, clinics, hospitals, convalescent homes, and other institutions for the physically infirm, cemeteries, crematories, and similar establishments;

(8) "Places of public accommodation" shall exclude the accommodations, advantages, facilities, or privileges of corporations or associations of individuals organized in good faith for social, recreational, benevolent, charitable, fraternal, political, patriotic, or athletic purposes, membership in which entails the prepayment of regular dues, and in which there exists a regularly establishment means of self-government by the members thereof, as well as a regularly established means of admitting prospective members by the existing members, or by their duly elected or appointed delegates, but this exclusion shall not apply to any establishment, corporation, or association which is operated for purposes of profit, or in which effective control or ownership of accommodations, advantages, facilities, or privileges is vested in a proprietary firm.

APPENDIX I

DIGEST OF UNLAWFUL PRACTICES

Unlawful Discriminatory Employment Practices

The Ohio Fair Employment Practices Act declares the following to be "unlawful discriminatory practices" *when based upon race, color, religion, national origin or ancestry:*

(A) For any employer[7] to refuse to hire or otherwise to discriminate against any person with respect to hire, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment (except in connection with domestic workers);

(B) For an employment agency to refuse or fail to accept, register, classify properly or refer for employment, or otherwise to discriminate against any person, or to comply with a request from an employer for referral of applicants if the request indicates directly or indirectly that the employer fails to comply with the provisions of the Ohio Fair Employment Practices Act;

(C) For any labor organization to limit or classify its membership or to discriminate against any person or limit his employment opportunities, or otherwise adversely affect his status;

(D) For any employers, labor organization, or joint labor-management committee controlling apprentice training programs to discriminate against any person;

(E) For any employer, employment agency or labor organizationtion (prior to employment or admission to membership) to elicit or attempt to elicit information relative to the applicant's race, color, religion, national origin or ancestry, directly or indirectly;

(F) For any person seeking employment to publish or cause to be published any advertisement which specifies or in any manner indicates his race, color, religion, national origin or ancestry, or expresses a limitation or preference (except domestic workers);

[7] Employer "includes the state, or any political or civil subdivision thereof, any person employing four or more persons within the state, and any person acting in the interest of an employer, directly or indirectly". (Revised Code, Section 4112.01-B.)

(G) For any person to discriminate in any manner agains any other person because he has opposed an unlawful discriminator practice;

(H) For any person to aid, abet, incite, compel, or coerce th doing of any unlawful discriminatory practice, or to obstruct o prevent any person from complying with the Act.[8]

Enforcement of Employment Provisions

In discharging its regulatory functions, the Commission i authorized to receive, investigate and pass upon written charge made under oath, of unlawful discriminatory practices.[9] Suc charges must be filed no later than six months after the allege discriminatory act. In addition, the Ohio FEPA authorizes th Commission to initiate and undertake on its own motion investiga tions of problems of employment discrimination, as well as to con duct preliminary investigations relative to specific respondents.

All charges which are not invalid on their face are investigate and, on the basis of the facts obtained, the Commission may mak a finding of:

(a) No probable cause to credit the allegation; or

(b) Probable cause to credit the allegation.

If probable cause is found, the Commission endeavors t eliminate the unlawful discriminatory practice or practices b informal and confidential methods of conference, conciliation an persuasion. If these methods fail, the Commission may issue formal complaint and notice of hearing. If the hearing substantiate that the respondent is engaging in any unlawful discriminator practice, a cease and desist order may be issued. Respondents an complainants may obtain judicial review of the Commission' actions and the Commission may obtain judicial enforcement of it orders.

The investigatory and conciliatory procedures are set fortl in greater detail in the "Rules and Regulations" of the Commissio which may be obtained from any regional office.

Enforcement of Public Accommodations Provisions

Unlawful discriminatory practices by places of public accom modations are specified as follows:

[8] This digest is not exhaustive. Persons desiring additional information ma obtain the full text of the law from any office of the Commission.

[9] Persons filing charges are designated as "complainants". Those agains whom charges are filed are designated as "respondents".

"It shall be an unlawful discriminatory practice . . . for any proprietor or his employee, keeper, or manager of place of public accommodation to deny to any person, except for reasons applicable alike to all persons regardless of race, color, religion, national origin or ancestry, the full enjoyment of the accommodations, advantages, facilities, or privileges thereof." (Revised Code, Section 4112.02-G.)

Places of public accommodation include:

". . . any inn, restaurant, eating house, barbershop, public conveyance by air, land, or water, theatre, store, or other place for the sale of merchandise, or any other place of public accommodation or amusement where the accommodation, advantages, facilities or privileges thereof are available to the public". (Revised Code, Section 4112.01-I.)

The enforcement procedures set forth above regarding unlawful employment practices are, by statute, applicable to the enforcement of the public accommodations provisions. A major difference, however, is that the Commission may investigate charges regarding public accommodations only upon the receipt of an affidavit and not upon its own motion, as in the case of employment.

FEDERAL CIVIL RIGHTS ACT OF 1964

Information about the contents and applicability of the Federal Civil Rights Act of 1964 will be furnished upon request to any Regional Office of the Ohio Civil Rights Commission (see p. 61 of this Report). It is significant to note that, with respect to both the employment and public accommodations provisions of the Federal Act, the Federal authorities cannot process a charge until it has first been referred to the appropriate State anti-discrimination agency, e. g., the Ohio Civil Rights Commission. It is anticipated that this will result in an augmented case load on the part of the Commission.

In addition, the employment provisions of the Federal Act will not take effect until July 2, 1965. At that time, it will cover firms with 100 or more employees. This will drop to 75 employees in in 1966; to 50 in 1967; and to 25 in 1968. The Ohio law applies to firms with four or more employees and, therefore, there will continue to be firms which are subject to the exclusive jurisdiction of the Ohio Civil Rights Commission, in addition to those subject to both the State and Federal law.

A comparison, structured by the Ohio Legislative Service Committee, between the state and Federal laws is presented below:

A COMPARISON OF THE U. S. CIVIL RIGHTS ACT OF 196 AND OHIO CIVIL RIGHTS LAWS

U.S. CIVIL RIGHTS ACT	OHIO LAW
Title I Voting Rights	**Voting Rights**
1. Bars, in voting for federal elections, unequal application of voting registration requirements, denial of the right to vote because of errors or omissions on records or applications if this is not material in determining whether a person is qualified to vote. Permits written but not oral literacy tests under specified conditions.	1. Article V, Section I, of the Ohi Constitution guarantees the righ to vote to: "Every citizen of the Unite States" who meets certain age an residence requirements. Article V Section 4, permits the Ohio Genera Assembly to exclude certain per sons from the privilege of voting if they have been convicted o "bribery, perjury, or other in famous crime." There are no votin restrictions under color of law be cause of race, color, religion, na tional origin, or ancestry in Ohio nor does Ohio require literacy test prior to voting.
2. Presumes in voter discrimination suits that anyone with a sixth grade education in a public school or accredited private school where the instruction is primarily in English is literate; makes this presumption rebutable.	
3. Provides for preferential and expedited treatment of voting rights suits in federal courts.	
Title II Public Accommodations	**Public Accommodations—Ohio**
1. Guarantees to all persons, regardless of race, color, religion or national origin, the full and equal enjoyment of the goods, services and facilities of hotels, motels, or other public places providing lodging to transient guests (exempting owner-occupied rooming houses renting five or fewer rooms); motion picture houses, theaters, sports arenas, exhibition halls or other public entertainment places whose source of entertainment moved in interstate commerce; and retail shops, gas stations, restaurants or other establishments where goods are held out to the public for sale, use, rent or hire if they meet one	1. Prohibits denial of full enjoyment of public accommodation to any person except for reasons applicable alike to all regardless of race, color, religion, national origin, or ancestry; defines "public accommodations" to include any inn, restaurant, eating house, barbershop, public conveyance by air, land or water, theater, store, or other place for the sale of merchandise, or any other place of public accommodation or amusement where the accommodation, advantages, facilities or privileges thereof are available to the public; not necessary that interstate commerce be involved.

U.S. CIVIL RIGHTS ACT	OHIO LAW
of the following criteria: (1) the goods, services or accommodations are provided "to a substantial degree" to interstate travelers; (2) a "substantial portion" of the goods held out to the public had moved in interstate commerce; (3) the activities of the public "substantially affect" interstate commerce; (4) or the place or establishment is an "integral part" of a place or establishment covered by the above criteria. "Bona fide" private clubs or other establishments not open to the public would not be covered. (Includes all businesses whose operations affect interstate commerce or if their discrimination or segregation is supported by state action.)	
2. Provides for enforcement through federal courts; permits civil actions for preventive relief to be initiated by the aggrieved party; permits the court to allow the Attorney General to intervene in the action if the case is determined to be of "general public importance"; in states or political subdivisions of states where similar laws are in force, and where there is a state or local law to enforce the law, no civil action in federal court may be brought until thirty days after the state or local agency has been notified of the charge in writing; where no such laws or agencies exist, the federal court may refer a case to the Community Relations Service (Title X) for a period of sixty days, plus an additional sixty days if there exists a reasonable possibility for voluntary compliance; authorizes the Community Relations Service to make an investigation of any case so referred to it, and to hold such hearings as may be necessary, and to endeavor to bring about voluntary settlement between the parties.	2. Provides two different methods of enforcement: a. (1884 law) criminal and civil law approach providing fines, jail sentences, and damages. b. (1961 law) administrative agency approach providing complaint to Ohio Civil Rights Commission; commission investigates and seeks to enforce through conference, conciliation and persuasion prior to public hearings and issuance of cease and desist orders; commission orders are enforceable in courts.

U.S. CIVIL RIGHTS ACT	OHIO LAW
3. Permits the Attorney General to bring suit in district court if he believes that persons are engaged in patterns or practices resulting in denial of the full enjoyment of rights secured by this title.	
Title III Desegregation of Public Facilities	**Public Facilities—Ohio**
1. Provides that upon complaint of aggrieved individuals the Attorney General may institute suits to secure desegregation of locally owned or operated public facilities, other than schools, when the Attorney General certifies that aggrieved persons are unable to initiate or maintain appropriate proceedings because of financial limitations or potential injury or damage to themselves.	1. No comparable provision in Ol However, no known state or lo laws require segregation in pul facilities.
Title IV Desegregation of Public Education	**Public School Desegregation—Ohio**
1. Requires the U.S. Office of Education in the Department of Health, Education and Welfare to report within two years on the extent of segregation in public schools at all levels.	1. Ohio's last school segregation l was repealed in 1886. The most table Ohio school segregation c is Clemons v. Board of Educat of Hillsboro, 73 Abs 23, 228 (2d) 853, in which it was held t the Hillsboro Board of Educat abused its discretion and viola state and constitutional law in signing colored children to seg gated schools, and enjoined s segregation.
2. Authorizes the Office to give technical and financial assistance, if requested, to local school boards or governments going through school desegregation. Grants could be made to help pay for special training of school personnel to deal with desegregation problems or hiring of specialists; loans could be made if state or local authorities cut off funds to a school board because it was desegregating the schools.	
3. Authorizes the Attorney General to file suit in court for the desegregation of schools and colleges if he receives a signed complaint of ex-	

U.S. CIVIL RIGHTS ACT	OHIO LAW
isting segregation, if the complainants are unable to bring the suit themselves, and if the suit would "materially further the orderly progress of desegregation in public education."	
4. Defines "desegregation" so as to preclude federal action to correct racial imbalance in schools.	
Title V U.S. Civil Rights Commission	**Ohio Civil Rights Commission**
1. Extends Commission life four years.	1. The Ohio Civil Rights Commission was first established in 1959, and currently administers and enforces a Fair Employment Practices Act and a Public Accommodations Act, and conducts education and research programs.
2. Makes Commission national clearing house for information on equal protection of laws.	
3. Requires Commission to investigate written allegations that citizens are being deprived of the right to vote.	
Title VI Nondiscrimination in Federally Assisted Programs	**Ohio Provisions**
1. Prohibits exclusion of any person from participation in, denial of benefits to any person, or discrimination against any person in any program or activity receiving federal financial assistance, if such actions are based on the race, color, or national origin of such person; includes programs financed by grants, loans, or contracts, but excludes contracts of insurance and guaranty.	1. No precisely comparable provision except in the area of public works contracts. Discrimination because of race, color or creed in employment on public works contracts by contractors and subcontractors dealing with the State of Ohio or its political subdivisions, is prohibited by the Ohio Revised Code, Section 153.59 and 153.60, first enacted in 1935.
2. Requires every federal department or agency extending aid to take steps to prevent any project from excluding persons from benefits on grounds of race, color, religion, or national origin.	
3. Requires that no action may be taken to enforce compliance by curtailing financial aid, until 30 days after a report of the circumstances and grounds for action has been filed with the Congress.	Not applicable.

U.S. CIVIL RIGHTS ACT	OHIO LAW
4. Provides that any person aggrieved by federal action may obtain judicial review.	
Title VII Equal Employment Opportunity	**Fair Employment—Ohio**
1. Prohibits discrimination in any phase of employment or union membership, including advertisement for employment or membership on the ground of race, color, religion, national origin, or sex; applies to employers, labor organizations, and commercial employment agencies; coverage is extended to employers and labor organizations by the size of employment complement or union membership—those with fewer employees or members than are indicated in the following schedule are exempt:	1. The Ohio Fair Employment Practices Act forbids discrimination because of race, color, religion, national origin, or ancestry (does not include sex) on the part of employers of four or more persons, employment agencies, or labor organizations.
2. Enforcement is as follows:	
a. Complaint to commission by aggrieved party or initiated by commission.	
b. Commission investigates, and if it finds reason to believe an unlawful discriminatory practice exists, it seeks to gain compliance through conference, conciliation and persuasion.	
c. Failing to obtain voluntary compliance, the commission proceeds to formal hearings and issuance of cease and desist orders if appropriate; orders are enforceable through the courts.	
d. Complainants and respondents may appeal Commission actions to the courts.	

	Employers (employees)	Unions (members)
1st year	100	100
2nd year	75	75
3rd year	50	50
thereafter	25	25

Prohibits discrimination in apprenticeship training, on-the-job training, and in other programs of training and retraining. Generally this title does not apply to employers with respect to employment of aliens outside any state, or to religious organizations, associations, or societies.

2. Creates a five-member Equal Employment Opportunity Commission and sets forth the following procedures: a. Permits the Commission to receive a written charge, under oath, from an aggrieved person, and permits a member of the Commission to file a written charge when he has reasonable cause to believe a violation of this act has occurred; b. Requires the Commission to furnish the respondent with a copy of

U.S. CIVIL RIGHTS ACT	OHIO LAW
the charge, and to investigate the charge; c. Requires the Commission, if it believes the charge to be true, to try to eliminate the unlawful practice through conference, conciliation, and persuation, and if appropriate, to obtain a written agreement, in which the respondent agrees to refrain from committing the unlawful practice; d. Requires the Commission, upon failure to obtain compliance, to bring a civil action in a district court; e. Permits an aggrieved party, with the permission of one member of the Commission, to initiate a civil action if the Commission has failed or declined to institute proceedings within 90 days; f. Authorizes the court to enjoin the unlawful discriminatory practice, and to order individual affirmative action, including reinstatement or hiring, with or without back pay.	
3. Prohibits the federal Commission from acting on a charge until sixty days after proceedings have been commenced under the state or local law in states or political subdivisions of states where similar law and enforcement agencies are empowered to obtain relief from unlawful employment practices.	
4. Declares that passage of this law shall not relieve any person from compliance with state or local laws consistent with the purpose of this law; requires the Commission to seek written agreements with state and local agencies which have effective power to prohibit, and eliminate employment discrimination; provides in the case of such agreements that the Commission shall not institute judicial proceedings, nor shall aggrieved individuals institute such action under federal law.	
5. Permits the Attorney General to	

U.S. CIVIL RIGHTS ACT	OHIO LAW
bring suit in district court if he believes that persons are engaged in patterns or practices resulting in denial of the full enjoyment of rights secured by this title.	
Title VIII Registration and Voting Statistics	
1. Requires the Department of Commerce to conduct a survey to compile registration and voting statistics in geographic areas recommended by the Commission on Civil Rights.	Not applicable
Title IX Procedure on Removal	
1. Makes reviewable in higher federal courts, the actions of a lower federal court in remanding a civil rights case to a state court from which it was removed.	Not applicable
2. Authorizes the Attorney General to intervene in an action commenced in a federal court wherein relief is sought from denial of equal protection of the laws under the fourteenth amendment on account of race, color, religion or national origin, if the Attorney General certifies that the case is of "general public importance".	
Title X Community Relations Service	**Community Relations Service**
1. Establishes a Community Relations Service to help local communities resolve racial disputes where constitutional rights, federal laws, or interstate commerce are involved.	1. Ohio Civil Rights Commission serves this function in conjunction with local agencies in several localities.
Title XI Miscellaneous	
1. Permits accused persons, being tried for criminal contempt under titles II, III, IV, V, VI, or VII, to demand a trial by jury; sets maximum penalties of $1,000 fine or six months imprisonment in such cases.	Not applicable
2. Declares the intent of the Congress not to pre-empt the field of civil rights legislation from the states so long as state laws are consistent with the purposes of this act.	

APPENDIX II

GOVERNOR'S CODE OF FAIR PRACTICES SUPPLEMENTS STATUTE

The provisions of the Ohio FEPA specifically cover "... the state, or any political or civil subdivision thereof ..." and a number of cases have related to various departments of State government in their capacity as employers.

Despite the existing statutory inclusion of the State, the Commission was gratified when, on June 27, 1963, Governor James A. Rhodes issued the following "Executive Code of Fair Practices".

Article I

STATE PERSONNEL

"State officials and supervisory employees shall appoint, assign, and promote State personnel on the basis of merit and fitness, without regard to race, color, religion, national origin or ancestry.

Article II

ACTION BY THE STATE

"In performing their service to the public, the agencies of the State shall not discriminate because of race, color, religion, national origin or ancestry, nor shall they authorize or permit the use of State facilities in furtherance of discriminatory practices.

Article III

CONTRACTS

"Each and every State contract for public works or for goods or services shall contain clauses prohibiting discrimination on account of race, color, religion, national origin or ancestry.

Article IV

STATE EMPLOYMENT SERVICES

"Any State agencies engaged in employment referral and placement services for private industry or public agencies shall fill all

job orders on a non-discriminatory basis, and shall decline any job order possessing a specification or restriction as to race, color, religion, national origin or ancestry. There shall be no bar by any agency of the State to the Civil Rights Commission in its pursuit of information necessary to arrive at factual conclusions in any matter directed to it.

Article V

TRAINING

"All educational and vocational guidance counseling programs and all apprenticeship and on-the-job training programs of the State shall be conducted to encourage the fullest development of interests and aptitudes, without regard to race, color, religion, national origin or ancestry.

Article VI

FORMS

"All State agencies shall avoid in forms or requests for information any item or inquiry expressing any specification or limitation as to race, color, religion, national origin or ancestry.

Article VII

REGULATORY AGENCIES

"In those instances where a respondent in a proceeding before the Ohio Civil Rights Commission is subject to the licensing or regulatory power of another State Agency, the Ohio Civil Rights Commission shall notify the State agency of the currency or pendency of such proceeding. If, thereafter, the respondent is found by the Ohio Civil Rights Commission, after notice and an opportunity to be heard, to have engaged in a discriminatory practice the State agency shall be so notified and shall take appropriate action consistent with the exercise of its licensing or regulatory power.

Article VIII

DEPORTMENT

"State officials and employees shall remain aware of the State heritage and laws that prohibit discrimination on the basis of race, color, religion, national origin or ancestry and shall take all steps necessary to effectuate the provisions and intent of this Fair Practices Code.

Article IX

CODE AND LAWS POSTING

"Copies of this Code shall be distributed to all State officials, supervisory personnel and along with copies of the Summary of Provisions of the Ohio Fair Employment Practices Law, shall be posted in a conspicuous location in all State facilities."

The Commission believes that the foregoing code provides additional substantiation of the determination of the State of Ohio to live up to the same obligations which devolve upon private industry.

In addition to the issuance of the foregoing Executive Code, the Governor also established a special committee to provide assistance to firms which wish to implement a voluntary program of merit employment. Appointed to this Committee were Mr. William O. Walker, Director, Department of Industrial Relations (Chairman); Mr. Martin A. Janis, Director, Department of Mental Hygiene and Correction; Mr. Llewellyn A. Coles, Assistant to the Governor; and Mr. Wayne Ward, Director of Personnel.

APPENDIX III

ILLUSTRATIVE JOINT STATEMENT
AND UNDERSTANDING ON
EQUAL EMPLOYMENT OPPORTUNITIES
BETWEEN

_____(Company)

AND

THE OHIO CIVIL RIGHTS COMMISSION

1. PURPOSE

This Joint Statement and Understanding on Equal Emplo ment Opportunities between the (Company) and the Ohio Civ Rights Commission is designed to establish guidelines for the co tinued implementation of the (Company's) policy that all job appl cants and incumbent employees be treated without discriminatio because of their race, color, religion, national origin or ancestr

II. INTEREST OF THE PARTIES

The interest of the (Company) and the Commission are con plementary. The (Company) believes that its employees must hav the requisite aptitudes, abilities and motivations in order to di charge its functions and responsibilities, and that a planned pr gram of Equal Employment Opportunities is both consistent wit and supportive of, the attainment of these goals.

The interest of the Commission is to bring about Equal En ployment Opportunities irrespective of race, color, religion, nation origin or ancestry. Toward this end, the Commission encourages th ongoing evaluation by employers of their policies and practices a they relate to Equal Employment Opportunities.

III. COMPANY POLICY AND PRACTICES

It is the policy of the company that job applicants and incum bent employees, in all divisions, facilities and locations, are to b recruited, hired, trained, assigned, promoted and compensate without discrimination as to race, color, religion, national origi or ancestry and that the following matters will help to effectuat this policy.

(A) Internal Dissemination of Policy

The Company's policy of Equal Employment Opportun ity will be communicated on a continuing basis by means of:

(1) Distribution of relevant information including the text of this Joint Statement and Understanding to supervisors and to other employees engaged in employment and employment-related functions;

(2) Posting the Commission's publication entitled "Summary of Provisions of the Ohio Fair Employment Practices Law" in all Ohio divisions and facilities of the Company;

(3) Distribution of the Commission's publication entitled "Questioning Applicants for Employment" to all Corporation personnel responsible for recruitment and hiring, with instructions that the contents be studied and applied;

(B) Recruitment, Placement and External Dissemination of Policy

(1) Each source of job applicants including public and private employment agencies will be informed of the Corporation's policy of non-discrimination. Recruitment visits to colleges and universities will include institutions known to have mniority group students.

(2) Where not currently utilized, such agencies as the Ohio State Employment Service, and other institutions, organizations and individuals which can reasonably be expected to refer qualified minority group persons for employment, shall be contacted and advised of available employment opportunities;

(3) Newspaper employment advertisements shall contain the phrase "An Equal Opportunity Employer". Publications of special interest to minority groups will be given employment advertisements when feasible;

(C) Transfers, Promotions, Training and Staff Curtailments

(1) As opportunities occur for transfers, promotions, upgrading and training, careful measures will be taken to insure that qualified minority group employees receive valid consideration and opportunities;

(2) The foregoing will apply with respect to reductions in force so that considerations of race, color, religion, national origin or ancestry shall not work to the detriment of an employee;

(D) Facilities

It is the policy of the Company that all work areas and facilities, including cafeterias, restrooms, recreation areas, etc., will be maintained for all employees without discrimination or segregation as to race, color, religion, national origin or ancestry.

* This is the text of a Joint Statement currently in effect with a firm which employs over 2,000 persons in Ohio. Although Joint Statements and Conciliation Agreements vary in wording, the language and contents contained herein are typical of those which have generally been employed as a means of detailing the affirmative action which firms will take to implement policies of non-discrimination.

IV. REVIEWS AND EVALUATIONS

It is recognized that the meaningful implementation of this Joint Statement and Understanding will require periodic review and evaluation by the Company and the Commission. Such reviews and evaluations will include the following matters relative to minority group employees:

(A) Statistical surveys and reports relative to their number; accession; job assignments; and job levels;

(B) Their upgrading and promotion;

(C) The utilization and efficacy of various sources of recruitment with respect to the purposes of this Joint Statement and Understanding;

(D) Any other matters pertinent to this Joint Statement and Understanding.

The foregoing data and information will be shared with the Commission for the purposes of joint review and evaluation.

V. GENERAL

(A) This Joint Statement and Understanding does not necessarily include all policies and practices which the Company wil follow relative to Equal Employment Opportunities. Others may be adopted as necessary. The Company will comply with all applicable statutes, ordinances, and governmental requirements. There will be no discrimination or recrimination against any job applicant or incumbent employees because he has opposed any practice declared by statute, ordinance, or other governmental requiremen to be unlawful.

(B) It is understood by the Corporation and by the Commission that this voluntary Joint Statement and Understandin does not constitute, and is not to be construed as constitutin evidence or admission of any violation of law.

VI. DATE

Executed and effective this ..... day of ....., 196

(Name of Company)	OHIO CIVIL RIGHTS COMMISSION
BY:	BY: .....
TITLE:	TITLE: .....

APPENDIX IV

ILLUSTRATIVE REPORT OF PROGRESS BY RESPONDENT

The following letter from an Ohio firm, reporting on the progress relative to equal employment opportunities, is typical of the action taken by many firms pursuant to Joint Statements of the type cited in Appendix III:

"Dear Mr. (Regional Director):

"At the last meeting with your representative . . . the various complaints filed against (the Company) and the progress made to that time were fully discussed. A complete plant tour covering our facilities and employees was given . . . at that time. He appeared satisfied that good progress had been made in furthering a full policy of non-discrimination and integration of minority employees. This report outlines the additional progress that has been made at (the Company) from February to May, 1964.

"*February 20* — A meeting of Production Shop management was held with the Machine Shop Foreman. The Shop Superintendent reaffirmed (the Company's) policy of non-discrimination and integration . . . that race, creed, color, and national origin are at no time to be used to judge an applicant for employment, or to judge an employee for promotion, transfer, use of company facilities, or for participation in any of the recreational programs supported in part by the company.

"*February 26* — A meeting of Management's Recreational Committee was held with the employee-organized softball team manager. He was informed that notices must be prominently posted throughout the plant for anyone desirous of trying out and playing with the team, and that on no account was race, creed, color or national origin to be considered as a basis for playing . . . only natural athletic ability and talent were to be considered.

"*February 27* — A meeting of the Foundry Management was held with the Foundry Foreman. As the representatives for Management had stated in their meeting on February 20, (the Company's) policy on non-discrimination and integration was again reaffirmed . . . that race, creed, color, and national origin are at no time to be used to judge an employee for promotion, transfer, use of the company facilities, or for participation in any of the recreational programs supported by or in part by the company. In the foundry locker room area, there had been separate facilities for the Negro and white employees. Shortly after the first of the year, the walled area between the two locker rooms was completely removed, the shower heads relocated, and the locker rooms completely integrated. In addition, as new employees are hired, the foremen are instructed to conduct the new empolyees to this area and allow them to pick out any empty locker they so desire.

"*March 4* — A staff level meeting was conducted and Management reiterated its policy on non-discrimination and integration . . . that the company will not hire, promote, transfer, classify, or terminate any employee on the basis of race, creed, color, or national origin, but only on the basis of qualifications. Also, all company facilities, locker room and toilet facilities, and equipment are open for use to everyone. There is to be no discrimination or segregation.

"*March 6* — The Management Recreational Committee informed the employees' Bowling League that at the end of this season (and prior to next year's bowling season) notices must be posted throughout the plant, and anyone, regardless of race, creed color, or national origin desirous of bowling, would be assigned to a team. They were also informed that only those alleys that accept leagues or teams on a strictly non-discriminatory basis would be acceptable, or the company will offer no financial support to the Bowling League.

"*March 13* — Management Recreational Committee informed the Golf League Chairman that notices must be conspicuously posted throughout the plant, and all interested players, regardless of race, creed, color, or national origin, must be accepted in the formation of the league. Only golf courses accepting players on a non-discriminatory basis will be contracted for. Otherwise, the company will offer no financial support.

"*During March* — The machinist tests were conducted for promoting laborers to Shop and Foundry trainee positions.

1. One Negro Shop Laborer was promoted to assemble trainee.
2. One Negro Foundry Shakeout Laborer was transferred t the Machine Shop as a Drill Press Operator trainee.

"*During April* —

3. Three Negro Shakeout Laborers were hired, and during th same month were promoted to Foundry pouroff at a muc higher pay grade level.
4. One Negro Shop Laborer was promoted to Assemble trainee.
5. One Negro Shop Laborer was transferred to the Foundr as a Pouroff man although he successfully passed th Shop Machinist test and was next in line for a Machin Operator trainee position. He was transferred to th position at his own request.
6. There are presently three (3) Negro Shop Laborers eligib for testing and upgrading to Machine Shop trainee pos tions. Also, there are three (3) Negro Foundry Laborer eligible for testing and upgrading or transfer when ne openings occur.

"*April 23* — The Personnel Manager spent the morning at tl Urban League Skills Bank as an evaluator to interview and couns Negro candidates. The Manager is on call through the Personn

Association to assist in any capacity to promulgate the cause of non-discrimination and industrial integration. This was done by the Personnel Manager for two reasons — to find another source of recruiting qualified, promotable Negro candidates, and to share in a better understanding of the problems of discrimination and integration.

"During the three months that have elapsed, there have been forty-five (45) new employees added as replacements, or for new positions. Of these, thirteen (13) were Negroes. All of those hired are qualified applicants, i.e., good educational levels, candidates who are definitely promotable individuals.

"The company has had for many years . . . a policy of non-discrimination and integration which has been only partially effective. However, all concerned believe that the results of the meetings with the Civil Rights Representatives have strengthened this policy and have expedited the cause of minority groups within (the Company)."

APPENDIX V

In order to provide a maximum degree of cooperation ar coordination between the Ohio Civil Rights Commission and tl existing Federal agencies dealing with fair employment practice a memorandum of understanding has been executed on behalf of tl Commission and the President's Committee on Equal Employme Opportunity. The full text thereof is set forth below:

MEMORANDUM OF UNDERSTANDING

"To achieve stronger programs for equalizing employme opportunity and to permit program administration which is simpl and more effective for the administering agencies and the partie involved, THE PRESIDENT'S COMMITTEE ON EQUAL EM PLOYMENT OPPORTUNITY and THE OHIO CIVIL RIGHT COMMISSION propose to engage in cooperative undertaking These agencies share the conviction that their objectives are be served by exchanging information, achieving close liaison in cas handling where there are substantial common interests, and pa ticipating in concerted endeavors as needs arise and when no prohibited by law or administrative regulations.

To commence the accomplishment of this objective, TH PRESIDENT'S COMMITTEE ON EQUAL EMPLOYMENT OP PORTUNITY and THE OHIO CIVIL RIGHTS COMMISSIO will undertake the following arrangements as soon as practicable

1. Cooperation between the agencies will be greatly facili tated by increased knowledge of the other's operations. Therefor in addition to exchanging all annual and other official reports re lating to caseload and agency programs, each agency will regularl inform the other of its complaint cases which involve persons wh might also have been served by the other agency.

2. Communication between groups is best accomplished i there is an established point of contact. Therefore, each agency wi designate one of its officers as Liaison Officer with the other agency

3. An important opportunity for cooperation which will bene fit all concerned occurs when a person complains about the sam matter to both agencies. Therefore, the procedure for processin complaints in each agency will include a request of each complain ant as to whether he had filed a companion complaint with the othe agency. If he has done so, the Liaison Officer will contact the Liaiso Officer of the other agency so that information can be exchange between them. The amount of information exchanged will be gov erned by the organization's obligation to its government and it obligation to the parties involved in the proceeding before it i each case. The information will include copies of the formal proces

papers in the case, particularly the complaint and the final determination. Agency investigations of companion complaints will be coordinated, where practicable.

4. The public cannot be effectively served unless it is acquainted with the services available. Therefore, each agency will inform its complainants of the services which may be available to him from the other agency, including such descriptive literature as has been made available, unless the complainant has already filed a companion complaint with the other agency.

5. In keeping with the spirit of this agreement, the respective agencies will seek to establish and sustain active liaison and cooperation in major programs and techniques of education, information, and affirmative action.

6. The statistical data necessary to the operations of both agencies can be most effectively collected and analyzed by each agency if the data sought is compatible and, even more desirable, if the data sought is identical. The agencies will immediately undertake discussions to accommodate their reporting systems to this end.

THE PRESIDENT'S COMMITTEE ON
EQUAL EMPLOYMENT OPPORTUNITY

August 3, 1964 — By /s/ Hobart Taylor, Jr.
Date — Hobart Taylor, Jr.
Executive Vice Chairman

THE OHIO CIVIL RIGHTS COMMISSION

August 6, 1964 — By /s/ Arthur L. Peterson
Date — Arthur L. Peterson
Chairman

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