OHIO CIVIL RIGHTS COMMISSION

FIFTH ANNUAL REPORT

JULY 1, 1963
to
JUNE 30, 1964

JAMES A. RHODES
Governor

COMMISSION MEMBERS

DR. ARTHUR L. PETERSON*
Chairman

CHARLES G. BISHOP
CLINGAN JACKSON***
ROOSEVELT S. DICKEY
WILLIAM GREEN, JR**

COMMISSION STAFF

Ellis L. Ross, Executive Director
Robert J. Coates, Deputy Executive Director

Northeast Office, Cleveland
C. Joseph Clem,
Regional Director

Northwest Office, Toledo
Jerry Belenker,
Regional Director

Southeast Office, Columbus
Leonard L. Holland,
Regional Director

Southwest Office, Cincinnati
Robert J. Coates
Regional Director

William A. Briggs
Director of Education

* Appointed January 1963, to unexpired term of Albert J. Dillehay
** Appointed July 1963, to succeed expired term of Mrs. C. R. Looman
*** Appointed February 1963, to unexpired term of Leonard W. Slutz

Columbus, Ohio
1964
Events during the period covered in this Report have illuminated the swiftly changing scene of American race relations. Crises and tragedy have underscored the increasing need for effective enforcement of a public policy of non-discrimination with a minimum of 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 standing commitment must be a strong commitment to and faithful execution of the anti-discrimination laws of Ohio. It is our hope and belief that the beneficial results of these laws will speak for themselves.

The Ohio Civil Rights Commission is a relatively young agency, but the problems with which it deals are old. The solution to these problems has long been known but not applied. Almost a half century ago, an Ohio court reached the heart of the matter inlanguage which is wholly applicable today.

"Said sections...of the then existing General Code provisions prohibiting discrimination by places of public accommodation...were passed by this 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 concludes and herewith respectfully submits this Report of its activities in the hope that its efforts have indeed rendered "...some of the problems which have arisen a little less perplexing."

Respectfully,

[Signature]

Chairman
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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.

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

<table>
<thead>
<tr>
<th>Classification</th>
<th>No. of Invalid Allegations</th>
<th>No. of Cases Lacking Affidavits</th>
<th>No. of Cases Accepted for Investigation</th>
<th>Totals</th>
</tr>
</thead>
<tbody>
<tr>
<td>Lodging services</td>
<td>5</td>
<td>4</td>
<td>9</td>
<td></td>
</tr>
<tr>
<td>(Hotels; Motels; Inns; Resorts; Trailer Parks or Camps)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Food &amp; Beverage Service</td>
<td>9</td>
<td>3</td>
<td>53</td>
<td>65</td>
</tr>
<tr>
<td>(Restaurants; Night Clubs; Taverns; Bars)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Recreation</td>
<td>4</td>
<td>2</td>
<td>31</td>
<td>37</td>
</tr>
<tr>
<td>(Bowling; Dance Halls; Theatres; Skating Rinks; Swimming Pools; Golf Courses)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Transportation</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Surface, Air or Water, by Bus, Train, Plane, Boat, Taxi, Trolley, Rail, etc.)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Personal Services</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(Barber Shops; Beauty Parlors; Hospitals)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Retail Stores</td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Others</td>
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<td></td>
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<td></td>
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**TOTALS**

<table>
<thead>
<tr>
<th>No. of Invalid Allegations</th>
<th>No. of Cases Lacking Affidavits</th>
<th>No. of Cases Accepted for Investigation</th>
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<tbody>
<tr>
<td>49</td>
<td>10</td>
<td>103</td>
<td>162</td>
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**EMPLOYMENT CHARGES**
**By Type of Industry**

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

<table>
<thead>
<tr>
<th>No. of Invalid Allegations</th>
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<th>No. of Cases Accepted for Investigation</th>
<th>Totals</th>
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<tbody>
<tr>
<td>183</td>
<td>89</td>
<td>234</td>
<td>506</td>
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**EMPLOYMENT CHARGES**
**By Type of Job Sought**

<table>
<thead>
<tr>
<th>Classification</th>
<th>No. of Invalid Allegations</th>
<th>No. of Cases Lacking Affidavits</th>
<th>No. of Cases Accepted for Investigation</th>
<th>Totals</th>
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<tbody>
<tr>
<td>Skilled</td>
<td>45</td>
<td>35</td>
<td>40</td>
<td>120</td>
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<tr>
<td>Semi-Skilled</td>
<td>18</td>
<td>7</td>
<td>31</td>
<td>56</td>
</tr>
<tr>
<td>Unskilled</td>
<td>30</td>
<td>15</td>
<td>53</td>
<td>98</td>
</tr>
<tr>
<td>Sales</td>
<td>19</td>
<td>14</td>
<td>30</td>
<td>63</td>
</tr>
<tr>
<td>Office</td>
<td>29</td>
<td>7</td>
<td>25</td>
<td>61</td>
</tr>
<tr>
<td>Professional and Technical</td>
<td>12</td>
<td>3</td>
<td>12</td>
<td>27</td>
</tr>
<tr>
<td>Other (Including Commission Initiated)</td>
<td>30</td>
<td>8</td>
<td>43</td>
<td>81</td>
</tr>
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</table>

**TOTALS**

<table>
<thead>
<tr>
<th>No. of Invalid Allegations</th>
<th>No. of Cases Lacking Affidavits</th>
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</tr>
</thead>
<tbody>
<tr>
<td>183</td>
<td>89</td>
<td>234</td>
<td>506</td>
</tr>
</tbody>
</table>
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 negotiations. 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-P) 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 sales work 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 sales work 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 totaling $245.80.

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 Respondent was immediately fired 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 80 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 insomuch 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, 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 fide private clubs or organizations may be established for the exclusive use of their actual members and guests. The anti-discrimination statutes of Ohio vest the Commission with jurisdiction over the structure, organization, purposes and membership policies of such bona fide groups. The issue with which the Commission is concerned, and over which it has jurisdiction, centers about establishments which though open to the general public and are operated for profit, nevertheless, wish to exclude one or more segments of the public because of race, color, religion, national origin or ancestry by purporting to be “clubs” when confronted by members of the group whose patronage is not desired.

“...The device of purported private clubs was noted by the Commission in an earlier publication. The issue of whether an establishment constitutes a club or a place of public accommodation also has been raised under Ohio's civil and criminal statutes since the 1961 amendments.

“The utilization of purported clubs varies. Prospective Negro patrons have, at times, simply been told that an establishment was a “club”. Other instances have involved more elaborate procedures, such as the issuance of “membership cards”, the payment of a nominal sum and the use of “sponsors” as a prerequisite to admission. Still more elaborate techniques have included the establishment of non-profit corporations which, in turn, set forth a variety of non-commercial, social purposes. Such corporations are then leased or assigned the facilities of a commercial establishment and access, or denial of access, to the establishment is ostensibly governed by the non-profit lease or assignment. Investigation has often revealed purported “clubs” to be extremely lenient in their admission practices when white persons seek admission, but that the full array of “membership requirements”, including sponsorship, screening by a “membership committee”, and other factors, comes into play when a Negro seeks admission. The disparity in procedures, applied to majority and minority groups, mitigates the section 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 currently docketed for hearings, will contribute to the clarification of this issue. Nevertheless, remedial legislation is also required, detailed in RECOMMENDATIONS, Clarification of Definition of Public Accommodation, p. 37.

CEASE AND DESIST ORDER ISSUED

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

4 See Discrimination in Public Accommodations in Ohio, A Report by the Ohio Civil Rights Commission, December 1966, 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 Gnegner V. Graham & Ohio Civil Rights Commission, Court of Common Pleas, Greene County, Case No. 3493, Decision dated May 3, 1963.

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

"When an owner or proprietor opens his property or business for use by the public, he subjects it and himself to certain rights in his clients or customers.

"Generally, the law does not undertake to govern or regulate a citizen in the conduct of his strictly private business. In matters of mere private concern, he is free to deal with whom he pleases. However, there are certain classes of business - the management and conduct of which the public generally has an interest. The plaintiff-appellee carries on his business under a license granted him by the state. He has secured to him by the law certain privileges and rights which are not enjoyed by members of the public generally. The power which grants the license represented each member of the public in making the grant, and each member, with reference to those privileges which accrue to the public under it, must be on an equal basis with every other member. Undoubtedly, the plaintiff-appellee can establish reasonable rules and regulations for the conduct of his business. He may also limit his practice to the skills he possesses so long as he does so for reasons applicable alike to all persons regardless of race, color, religion, national origin or ancestry. But when he accepts the privileges afforded him by public license, he must also accept the obligation to treat members of the granting authority alike. Thereafter, he may 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 their race, then this group would be denied the safeguards to be provided by law and be denied on their part the equal protection of the laws.

"The plaintiff-appellee is not deprived of his property or the use thereof or the practice of barbering. The law does not require him to develop new skills. It merely provides that he must not deny the services of his shop to any person because of race. He is free to develop any specialties he may choose. If a particular customer does not come within one of these specialties, he can and probably should tell him so. But the law provides that he may not refuse to serve him because of his race.

"Neither does the law require Gnegner or any other barber to serve every person who presents himself. It specifically preserves such right to refuse service. It provides simply that he shall not deny the service 'except for reasons applicable alike to all persons regardless of race, color, religion, national origin or ancestry'.

"He will not be deprived of his property or the continued use of it, nor the practice of his profession, except by his own choice. If he finds the situation inconvenient, we would emphasize a provision of one of the constitutional safeguards which
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 revolts. 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."  

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.

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ILLUSTRATIVE CASES—PUBLIC ACCOMMODATIONS

I

Negro Exclusion Not Legal Means of Avoiding "Violence"

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

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

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

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

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

II

Trailer Court Admits Negro Couple

A charge was filed by a recently married Negro engineering student, who had purchased a 50'x10' trailer as a residence for himself and his wife, that he had been denied the use of a trailer 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 sites were apparent.

During the ensuing investigation, the owner of the trailer court said the Negro had been denied space because the court was being replatted and improved and he did not want to admit new tenants until this work was completed. The Commission found that
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 establishment which advertised that both men and women were invited patrons. The proprietor informed them that they could not use the facilities because it was his intention to operate as a private organization and that persons who played billiards there would have to possess a membership card.

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

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

Compliance reviews are being conducted to verify continued 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 and private organizations.

In 1962-1963, for example, the Education Department developed programs affecting over 1500 school principals, over 600 counselors and over 400 counselor-education majors, as well as over 60 persons in numerous public meetings, including teachers, principals, college and high school students, and various other groups. Over 8000 copies of Counseling Minority Group Youth were distributed to Ohio counselors and educators. The Commission also completed A Survey of the Intergroup Content in the Problems of Democracy Courses in Ohio High Schools. A concise manual on Legal Trends 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 consist an experimental training program in intergroup relations education for principals working with minority group youth. The response to this program has been excellent. Over 700 public school principals and administrators have since participated in Commission-sponsored and planned training programs of this nature.

Over 800 Teachers In Training Programs

The Commission has also been able to involve over 800 classroom teachers in special training sessions on intergroup education and on teaching minority groups; as well as the problems of teaching in depressed areas. Teachers were reached through workshops on Moral, Spiritual and Religious Values held at Kent State University and Western Reserve University and more were reached through individual school systems.

5800 Junior and Senior High School Students Reached

In an effort to encourage young people to plan their future on the basis of abilities and interests, the Commission has, with the cooperation of schools and youth service agencies, reached approximately 5800 secondary school students. Programming included slides and other visual aids to demonstrate the existing job opportunities for minority groups and the need for education beyond high school. Discussion periods have provided the students with a valuable opportunity to explore themselves, their 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 Movement (Cleveland); Cleveland City Councilmen; the Ohio City Managers Association; Wayne County Interfaith Commission on Human Rights; and numerous others.

College Faculties Express Growing Interest

Over 125 college faculty members have participated in Commission programs. The Commission’s staff has been involved in numerous efforts to evaluate curriculum and to plan the implementation 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 created Advisory Committee on Equal Opportunity in Apprenticeship Training. The committee not only assessed apprenticeship training problems, but adopted a series of recommendations which included the following:

1. Encourage local Joint Apprenticeship Committees to acquaint the public with the qualifications for admission to apprenticeship training programs and encourage the development of apprentice training programs in Ohio’s larger cities.

2. Use the Commission’s education program for urban centers to disseminate information about apprenticeship programs, including the preparation of a related handbook for statewide distribution to schools.

3. Review possible means of supporting a directive from the U.S. Department of Labor to its Division of Apprenticeship and Training wherein that agency is provided with effective means of applying sanctions against sponsors of apprenticeship programs who do not guarantee nondiscrimination in their standards or selection.

4. Develop additional programs to provide minority youth with more exposure to information about apprenticeship.

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

6. Review a possible application of the Manpower Training Act to recruit and prepare more uneducated and unemployed minority group persons for apprenticeship, on-the-job 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 year 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 discrimi-
These eight systems employed some 19,453 teachers; 677 principals; 350 counselors; 268 assistant principals; 1,670 clerical and secretarial personnel; 1,441 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:

<table>
<thead>
<tr>
<th>CERTIFICATED PERSONNEL</th>
<th>Total No.</th>
<th>No. of Negro</th>
<th>Per Cent of Negro</th>
</tr>
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<tbody>
<tr>
<td>Teachers</td>
<td>19,453</td>
<td>3,550</td>
<td>18.25</td>
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<tr>
<td>Elementary</td>
<td>11,759</td>
<td>2,663</td>
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<tr>
<td>Secondary</td>
<td>7,694</td>
<td>887</td>
<td>11.53</td>
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<tr>
<td>Principals</td>
<td>677</td>
<td>45</td>
<td>6.65</td>
</tr>
<tr>
<td>Assistant Principals</td>
<td>263</td>
<td>42</td>
<td>15.67</td>
</tr>
<tr>
<td>Counselors</td>
<td>350</td>
<td>37</td>
<td>10.57</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>NON-CERTIFIED PERSONNEL</th>
<th>Total No.</th>
<th>No. of Negro</th>
<th>Per Cent of Negro</th>
</tr>
</thead>
<tbody>
<tr>
<td>Clerical &amp; Secretarial</td>
<td>1,670</td>
<td>315</td>
<td>18.86</td>
</tr>
<tr>
<td>Cafeteria</td>
<td>1,441</td>
<td>389</td>
<td>27.00</td>
</tr>
<tr>
<td>Craftsmen &amp; Helpers</td>
<td>478</td>
<td>6</td>
<td>1.26</td>
</tr>
<tr>
<td>Bus-Truck Drivers</td>
<td>75</td>
<td>20</td>
<td>26.67</td>
</tr>
<tr>
<td>Custodial</td>
<td>2,949</td>
<td>1,381</td>
<td>46.83</td>
</tr>
</tbody>
</table>

* 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 in housing must be cited as a major deficiency in Ohio.

A comprehensive survey and report on Discrimination in Housing in Ohio was issued by the Commission in January 1963. The overwhelming import of which was that the Negro community in Ohio is not permitted freedom of ingress to the overall housing market but, on the contrary, is arbitrarily restricted to a segment of the market. Such factors as income, personal preferences and the other matters which enter into the acquisition of housing, wherein the white community are overridden and subordinated by considerations of race.

The Commission's 1963 report contained substantial evidence to the effect that the restrictions imposed upon the Negro community emanate largely from such institutional sources as real estate brokers and lending institutions, rather than solely from the wishes of white owners. Inasmuch as these segments of the real estate industry are licensed and regulated by the State, the question emerges as to whether their existing power to discriminate constitutes an example of unequal protection of the laws. The philosophical and legal question is accompanied by the many harrowing concomitants of housing discriminations which are present in all Ohio cities, namely overcrowding and racial imbalance in public schools, as well as the potential stultification of community and civic morals.

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

In response to substantial demand, the Commission has printed the 1963 report on Discrimination in Housing in Ohio.
SURVEY AND RESEARCH

Prior Surveys

The Commission's statutory responsibilities, in addition to the enforcement of the employment and public accommodations provisions, include "... monthly 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 happened at a given time and place. A review of both still and motion film of some of the incidents provided some visible evidence of what occurred at a given place at a given time that involved one of the accused as well as some of the accusers. Sworn testifying from many people has been a necessary phase in the documentation of events.

Despite the limitation of staff time to devote to this project the study should clarify and bring into sharper focus the significance of the various incidents when viewed against the backdrop of ailing human relations. Hopefully some clues will appear that will serve as recognizable warnings to other communities. Thus guidelines may be provided that may assist in the inception or avoidance of situations that may develop beyond the point of no return—to the end that sheer violence in its upper form erupts beyond control. Unfortunately there are no acceptable short cuts in the conduct of such a survey. Time will of course render some memories less accurate. Facts will however remain essentially the same. The study is presently in the closing phases.
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 budgetary 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

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

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 Commission members 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 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 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:
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 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 organization (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 against any other person because he has opposed an unlawful discriminatory practice;

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

Enforcement of Employment Provisions

In discharging its regulatory functions, the Commission is authorized to receive, investigate and pass upon written charges made under oath of unlawful discriminatory practices. Such charges must be filed no later than six months after the alleged discriminatory act. In addition, the Ohio FEPA authorizes the Commission to initiate and undertake on its own motion investigations of problems of employment discrimination, as well as to conduct preliminary investigations relative to specific respondents.

All charges which are not invalid on their face are investigated, and, on the basis of the facts obtained, the Commission may make 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 to eliminate the unlawful discriminatory practice or practices by informal and confidential methods of conference, conciliation and persuasion. If these methods fail, the Commission may issue a formal complaint and notice of hearing. If the hearing substantiates that the respondent is engaging in any unlawful discriminatory practice, a cease and desist order may be issued. Respondents and complainants may obtain judicial review of the Commission's actions and the Commission may obtain judicial enforcement of its orders.

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

Enforcement of Public Accommodations Provisions

Unlawful discriminatory practices by places of public accommoda-8 This digest is not exhaustive. Persons desiring additional information may obtain the full text of the law from any office of the Commission. 

9 Persons filing charges are designated as "complainants". Those against 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-L.)

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 antidiscrimination 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 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 1964 AND OHIO CIVIL RIGHTS LAWS

U.S. CIVIL RIGHTS ACT

Title I 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.

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 rebuttable.

3. Provides for preferential and expedited treatment of voting rights suits in federal courts.

Title II Public Accommodations

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 (excluding 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

Ohio Law

Voting Rights

1. Article V, Section I, of the Ohio Constitution guarantees the right to vote:

"Every citizen of the United States who meets certain age and residence requirements. Article V, Section 4, permits the Ohio General Assembly to exclude certain persons from the privilege of voting if they have been convicted of "bribery, perjury, or other infamous crime." There are no voting restrictions under color of law because of race, color, religion, national origin, or ancestry in Ohio; nor does Ohio require literacy tests prior to voting.

Public Accommodations—Ohio

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.
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.

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. No comparable provision in Ohio laws. However, no known state or local laws require segregation in public facilities.

Title IV Desegregation of Public Education

Public School Desegregation—Ohio

1. Ohio's last school segregation law was repealed in 1886. The most notable Ohio school segregation case is Clemons v. Board of Education of Hillsboro, 73 Ohio St. 2d, 228 (2d) 853, in which it was held that the Hillsboro Board of Education abused its discretion and violated state and constitutional law in signing colored children to segregated schools, and enjoined such segregation.
U.S. CIVIL RIGHTS ACT

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

1. Extends Commission life four years.
3. Requires Commission to investigate written allegations that citizens are being deprived of the right to vote.

Title VI Nondiscrimination in Federally Assisted Programs

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.
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.

OHIO LAW

Ohio Civil Rights Commission

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.

Ohio Provisions

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 153.65 and 153.66, first enacted in 1935.

U.S. CIVIL RIGHTS ACT

4. Provides that any person aggrieved by federal action may obtain judicial review.

Title VII Equal Employment Opportunity

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:

<table>
<thead>
<tr>
<th>Employers (employees)</th>
<th>Unions (members)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st year 100</td>
<td>100</td>
</tr>
<tr>
<td>2nd year 75</td>
<td>75</td>
</tr>
<tr>
<td>3rd year 50</td>
<td>50</td>
</tr>
<tr>
<td>thereafter 25</td>
<td>25</td>
</tr>
</tbody>
</table>

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
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 persuasion; 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 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.

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.

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
1. Establishes a Community Relations Service to help local communities resolve racial disputes where constitutional rights, federal laws, or interstate commerce are involved.

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.

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.

Community Relations Service
1. Ohio Civil Rights Commission serves this function in conjunction with local agencies in several localities.
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 pending 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 Employment Opportunities between the (Company) and the Ohio Civil Rights Commission is designed to establish guidelines for the continued implementation of the (Company's) policy that all job applicants and incumbent employees be treated without discrimination because of their race, color, religion, national origin or ancestry.

II. INTEREST OF THE PARTIES

The interest of the (Company) and the Commission are complementary. The (Company) believes that its employees must have the requisite aptitudes, abilities and motivations in order to discharge its functions and responsibilities, and that a planned program of Equal Employment Opportunities is both consistent with and supportive of, the attainment of these goals.

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

III. COMPANY POLICY AND PRACTICES

It is the policy of the company that job applicants and incumbent employees, in all divisions, facilities and locations, are to be recruited, hired, trained, assigned, promoted and compensated without discrimination as to race, color, religion, national origin or ancestry and that the following matters will help to effectuate this policy.

(A) Internal Dissemination of Policy

The Company's policy of Equal Employment Opportunity will be communicated on a continuing basis by means of:
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 will 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 retribution against any job applicant or incumbent employee because he has opposed any practice declared by statute, ordinance, or other governmental requirement to be unlawful.

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

VI. DATE

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

(Name of Company)

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 fully policy of non-discrimination in the plant. This report outlines the additional progress that has been made at the Company from February to May, 1964.

"February 20 - A meeting of the Production Shop management was held with the Machine Shop Foreman. The Shop Superintendent reaffirmed (the Company's) policy of non-discrimination at that time, creed, color, and national origin are at no time to be used to judge an employee for promotion, 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 reaffirmed... that race, creed, color, and national origin are at no time to be used to judge an employee for promotion, transfer, use of 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 foreman are instructed to conduct the new employees 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 desiring 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 to the Machine Shop as a Drill Press Operator trainee.

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

"April 23 - The Personnel Manager spent the morning at the Urban League Skills Bank as an evaluator to interview and counsel 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 and coordination between the Ohio Civil Rights Commission and the existing Federal agencies dealing with fair employment practice, a memorandum of understanding has been executed on behalf of the Commission and the President's Committee on Equal Employment Opportunity. The full text thereof is set forth below:

MEMORANDUM OF UNDERSTANDING

"To achieve stronger programs for equalizing employment opportunity and to permit program administration which is simpler and more effective for the administering agencies and the parties involved, THE PRESIDENT'S COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY and THE OHIO CIVIL RIGHTS COMMISSION propose to engage in cooperative undertaking. These agencies share the conviction that their objectives are best served by exchanging information, achieving close liaison in case handling where there are substantial common interests, and participating in concerted endeavors as needs arise and when not prohibited by law or administrative regulations.

To commence the accomplishment of this objective, THE PRESIDENT'S COMMITTEE ON EQUAL EMPLOYMENT OPPORTUNITY and THE OHIO CIVIL RIGHTS COMMISSION will undertake the following arrangements as soon as practicable:

1. Cooperation between the agencies will be greatly facilitated by increased knowledge of the other's operations. Therefore, in addition to exchanging all annual and other official reports relating to caseload and agency programs, each agency will regularly inform the other of its complaint cases which involve persons who might also have served by the other agency.

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

3. An important opportunity for cooperation which will benefit all concerned occurs when a person complains about the same matter to both agencies. Therefore, the procedure for processing complaints in each agency will include a request of each complainant as to whether he had filed a companion complaint with the other agency. If he has done so, the Liaison Officer will contact the Liaison Officer of the other agency so that information can be exchanged between them. The amount of information exchanged will be governed by the organization's obligation to its government and its obligation to the parties involved in the proceeding before it is initiated. The information will include copies of the formal processes.
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

By /s/ Hobart Taylor, Jr.
Hobart Taylor, Jr.
Executive Vice Chairman

THE OHIO CIVIL RIGHTS COMMISSION

By /s/ Arthur L. Peterson
Arthur L. Peterson
Chairman

August 3, 1964
Date

August 6, 1964
Date

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