

HD
4903.5
.U6
R46
1957

REPORT OF
COMMISSION TO STUDY DISCRIMINATION IN EMPLOYMENT
JANUARY, 1957

MEMBERS OF DISCRIMINATION IN EMPLOYMENT STUDY COMMISSION

Hon. Leo A. Hoegh, Governor of Iowa

Meyer S. Levitt, Chairman
Sioux City

Dr. Harry Harper, Vice-chairman
Fort Madison

Richard Bruner, Secretary
Des Moines

State Senator Arnold Utzig
Dubuque

Mrs. David Kruidenier, Jr.
Des Moines

State Representative Gladys Nelson
Newton

Dr. Thomas Scales
Des Moines

Arne Hansen
Council Bluffs

Marvin Schmidt
Des Moines

Donald Johnson
West Branch

Ray Smith
Oskaloosa

SENATE CONCURRENT RESOLUTION 15
FIFTY-SIXTH IOWA GENERAL ASSEMBLY (1955)

Whereas, the Constitution of the State of Iowa says: "All men are by nature free and equal, and have certain inalienable rights -- among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness", and

Whereas, surveys taken in the State of Iowa indicate that racial or religious discrimination in employment does exist;

Now, Therefore, Be It Resolved by the Senate, the House Concurring: That it shall be the policy of the State of Iowa that no person within its boundaries shall be deprived of the right to work at his chosen occupation for any employer, public or private, because of race, creed, color, national origin or ancestry.

Be It Further Resolved: That the Governor is requested to appoint a commission, which shall serve without compensation, to study the extent of such discrimination in Iowa and recommend remedies therefor, for the consideration of the next General Assembly.

TO: MEMBERS OF THE 57TH GENERAL ASSEMBLY OF IOWA

FROM: MEMBERS OF THE COMMISSION TO STUDY DISCRIMINATION IN
EMPLOYMENT IN IOWA

The 56th General Assembly of Iowa, by action of Senate Concurrent Resolution 15, declared "That it shall be the policy of the State of Iowa that no person within its boundaries shall be deprived of the right to work at his chosen occupation for any employer, public or private, because of his race, creed, color, national origin or ancestry."

The assembly requested the governor to appoint a commission "to study the extent of such discrimination in Iowa and recommend remedies therefor, for the consideration of the next General Assembly."

The members of the duly appointed commission are herewith offering for the consideration of the members of the 57th General Assembly their report of their findings and their recommendations for remedies.

The Commission, beginning in April, 1956, held public hearings each month in the following communities: Burlington, Waterloo, Davenport, Council Bluffs, Cedar Rapids, Ottumwa, and Sioux City in an effort to determine the extent and pattern of discrimination. (The minutes of this committee are available in the Iowa Legislative Research Bureau office.)

Prior to the holding of each hearing, the Commission's secretary sent invitations to groups within the various communities to send representatives to appear before the Commission hearing. The group representatives were asked to confine their testimony to three areas: 1) the extent and kinds of discrimination in employment in their community, 2) what kinds of efforts had been taken within the community to eliminate discrimination in employment, and 3) what kinds of recommendations should be made to solve the problems of employment discrimination.

The secretary selected groups to which invitations were sent from lists furnished to him by local Chambers of Commerce. The invitations were sent to all labor unions, all churches and all organizations which, in the judgment of Commission members, had a primary or secondary interest in employment or discrimination.

The persons who testified were requested to submit a written copy of their testimony to the secretary of the Commission at the time of the hearing. In cases where this was not done, the secretary attempted to take notes on the testimony in order to transcribe the substance of the unwritten testimony in the minutes of the hearings. None of the witnesses testified under oath. All of the witnesses appeared voluntarily.

CONCLUSIONS

The Commission members can state that there is definitely discrimination against members of racial and religious minority groups in the state of Iowa in the matter of employment application and hiring and upgrading and promotion. The group which receives the main brunt of such discrimination is the Negro population of Iowa. The bulk of the testimony which the Commission received during the hearings was concerned with discrimination against Negroes. There was relatively little testimony dealing with discrimination against Jews and none dealing with discrimination against other minority groups, with the exception of American Indians.

According to testimony received by the Commission, discrimination in employment takes various forms: an outright statement by an employer or employment agency that Negroes are not acceptable employees; evasiveness which most commonly took the form of having Negroes return time and time again to make application for the same job, although the employer or employment agency had no real intention of hiring a Negro; efforts to discourage Negroes from making applications by telling them that the jobs they were seeking had already been filled.

Employers and employment agencies are by no means the only persons who practice employment discrimination. Because some trade unions are in a position to influence and affect the employment policies of some employers, they must share at least part of the blame for the patterns of discrimination in some industries. According to testimony received by the Commission, trade unions were very often responsible for the discriminatory policies of employment in some industries.

The testimony about the extent and pattern of discrimination in Iowa communities took two forms:

1. General statistical information dealing primarily with the occupational level of Negroes in the communities.
2. Specific information about the employers and the kinds of employers who practiced discrimination against Negroes.

In addition, two other kinds of testimony were offered to the Commission:

1. Descriptions of attempts within communities to solve the problems of employment discrimination.
2. Recommendations for the solution of employment discrimination.

STATISTICAL INFORMATION

According to testimony received, the majority of Negroes in Iowa are grouped into the lower occupational levels in our society.¹ According to testimony received in Cedar Rapids, "In 1950, four out of five Negro men in Cedar Rapids who held jobs were working in low paid classifications. They were either operatives in industry (which means semi-skilled occupations), service workers (like janitors, custodians, etc.) or laborers.

"White men who were employed in Cedar Rapids in 1950 certainly did not work in these three occupational levels in anywhere near the same percentage. Only 30 per cent of the white male work force was employed in the same capacities."²

The Cedar Rapids testimony was similar to testimony the Commission received in Waterloo, Ottumwa and Sioux City. In every community where statistical information was given relative to the occupational level of Negroes the pattern was practically the same. Members of the Commission can assume, on the basis of the testimony offered, that the occupational level of Negroes throughout the state is, in the majority, low.

Testimony relative to the occupational level of Negroes was offered by representatives of Local 46, United Packinghouse Workers of America, AFL-CIO, in Waterloo; Local 3, UPWA, in Cedar Rapids; B'Nai B'Rith in Council Bluffs; Local 74, United Auto Workers, AFL-CIO, in Ottumwa; Locals 34, 71, 176 and 586, UPWA, in Sioux City.

SPECIFIC INFORMATION

According to testimony received by the Commission, Negroes in Iowa are generally excluded from or given only limited opportunities for employment in the following fields: professions; office and clerical work; retail trade; transportation; teaching; municipal employment; skilled crafts and trades; restaurants.

Negroes in Iowa, in the main, have found employment in factories or in service or custodial work. However, in many cases, specific factories have discriminated against Negroes.

Much of the testimony received was directed against specific employers. In one case, testimony directed against a specific employer was refuted by the employer. Nearly all of it received publicity in newspaper accounts of the hearings. The Commission lists below the name of the employers against whom testimony was directed and lists also the communities in which the complaints were made during hearings.

PRIVATE EMPLOYERS

Aluminum Company of America
Davenport, Nathaniel H. Butler

Armour and Company (clerical positions)
Sioux City, Wade Miller

Bell Telephone Company
Burlington, Marjorie Lewis
Waterloo, Mrs. Anna Mae Weems
Davenport, Charles W. Toney
Ottumwa, Robert Roberts

Collins Radio
Cedar Rapids, Naomi Ampey

Construction Trades
Council Bluffs, Maynard Telpner
Ottumwa, Robert Roberts

John Deere (clerical positions)
Waterloo, Thomas Norman

Dewey Almy
Cedar Rapids, Naomi Ampey

Hinson Manufacturing
Waterloo, Mrs. Anna Mae Weems

Illinois Central
Waterloo, Palmer Byrd

Iowa Public Service
Ottumwa, Robert Roberts
Sioux City, Rev. James K. Brown

Oscar Mayer Packing Company (no Negro women employed)
Davenport, Rev. T. Spencer Patton

Quaker Oats (no Negro women employed)
Cedar Rapids, Rev. Theodore Hudson

Restaurants
Council Bluffs, Maynard Telpner
Ottumwa, Robert Roberts

Retail Stores
Burlington, Vern Carter
Council Bluffs, Maynard Telpner

Rock Island Railroad
Council Bluffs, Maynard Telpner

Santa Fe Railroad
Burlington, Orville Woods

Schaeffer Pen Company
Burlington, Ben Lewis

Square D
Cedar Rapids, Naomi Ampey

Swift and Company (clerical positions)
Sioux City, Wade Miller

Union Pacific Railroad
Council Bluffs, Maynard Telpner

Western Union
Sioux City, Sharon Hayes

Wilson Company (clerical positions)
Cedar Rapids, Earl W. Carr

PUBLIC EMPLOYERS

Bus Companies
Waterloo, Thomas Norman

Fire Departments
Davenport, Charles W. Toney
Cedar Rapids, Earl W. Carr
Ottumwa, Robert Roberts
Sioux City, Rev. James K. Brown

Police Departments
Waterloo, Dale Norman
Davenport, Charles W. Toney
Cedar Rapids, Earl W. Carr
Council Bluffs, Mr. Jordan
Ottumwa, Robert Roberts
Sioux City, Rev. James K. Brown

School Systems
Waterloo, Betty Jean Ferguson
Davenport, Charles W. Toney
Council Bluffs, Mr. Jordan
Cedar Rapids, Mrs. Abbot Lipsky
Ottumwa, Robert Roberts

United States Post Office
Waterloo, Mrs. Anna Mae Weems
Council Bluffs, Mr. Jordan
Sioux City, Sharon Hayes

UNIONS

Burlington, Rev. John Brigham
AFL unions (skilled trades)

Waterloo, Palmer Byrd
Brotherhood of Railroad Trainmen

In the Sioux City hearing two women, Sharon Hayes and Mrs. Joanne Favors testified that the Postal Finance Company discriminated against them when they made application for clerical positions. Officials of the Postal Finance Company pointed out to Commission members that one woman was definitely not qualified for the job opening. In the case of the other woman, there was no job opening at the time of her application.

Although there is no attempt made here to be comprehensive in our coverage of the major employers and categories of employers who discriminate against racial and religious minority groups, this list should offer some indication of how widespread such discrimination appears to be.

ATTEMPTS AT SOLUTION

There have been, to the knowledge of the Commission, only two concerted attempts on the part of whole communities in Iowa to eliminate the problems of discrimination in employment.

Probably the best known is Des Moines. For a number of years Des Moines has been experimenting with various kinds of action against employment discrimination on the part of the city government. The most recent action was the passage of a fair employment practices ordinance.³

The community of Burlington conducted a community-self-survey and, as a consequence, established the Mayor's Committee on Civic Unity. This committee, which has no enforcement powers, has conducted an educational campaign for equal job opportunities in Burlington.

Two other attempts to meet the issue of discrimination in employment were called to the attention of the Commission.

In Waterloo, the local branch of the National Association for the Advancement of Colored People attempted to interest the Waterloo Chamber of Commerce in an on-the-job-training-program for Negro youngsters. At the time of the hearing in Waterloo, there had been no response from the Chamber.⁴

In Cedar Rapids, the local branch of the American Association of University Women, in cooperation with other groups, attempted to persuade the school system to hire a Negro teacher. They were unsuccessful in their attempt.⁵

RECOMMENDATIONS RECEIVED

During the course of its hearings, the Commission heard recommendations for the solution of discrimination in employment voiced by several individuals and representatives of organizations.

With two exceptions, the recommendations were for the passage by the General Assembly of a Fair Employment Practices statute. Such statutes are now in existence in Alaska, Connecticut, Massachusetts, Michigan, Minnesota, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island and Washington. In addition, more than 30 cities have such ordinances in effect.

Recommendations for such legislation were voiced by representatives of: the Mayor's Committee on Civic Unity, Burlington; B'Nai B'Rith, Council Bluffs; Local 46, United Packinghouse Workers of America, Waterloo; Local 3, UPWA, Cedar Rapids; Locals 34, 71, 176 and 586, UPWA, Sioux City; Local 74, United Auto Workers, Ottumwa; Local 838, UAW, Waterloo; Reverend William T. O'Connor, Davenport, who presented a petition on behalf of such legislation signed by Catholic priests; the National Association for the Advancement of Colored People in Davenport and Sioux City; the Unitarian churches in Burlington and Davenport; the United Cement, Lime and Gypsum Workers, AFL-CIO, in Davenport; and individuals in Waterloo and Davenport.

One person, Mrs. Herman C. Rupe, representing the American Legion Auxiliary in Ottumwa, recommended a community educational campaign against employment discrimination.

In Davenport, Henry Neuman representing the American Legion, denied that discrimination existed in Davenport. He declared he was against "coercive legislation."

FOOTNOTES

1. See testimony of Mrs. Anna Mae Weems, page 1 of Minutes of Waterloo hearing; Earl Carr, page 3 of Minutes of Cedar Rapids hearing; Robert Roberts, page 2 of Minutes of Ottumwa hearing; Wade Miller, page 4 of Minutes of Sioux City hearing. (The minutes of this committee are available in the Iowa Legislative Research Bureau office.)
2. Earl Carr, page 4, Minutes of Cedar Rapids hearing.
3. Information from Robert Sweet, Executive Secretary of Des Moines Human Rights Commission. (This information is available in the Iowa Legislative Research Bureau office.)
4. Dr. William Harmon, page 3, Minutes of Waterloo hearing.
5. Mrs. Abbott Lipsky, page 3, Minutes of Cedar Rapids hearing.

MAJORITY REPORT

Based upon our hearings and study of discrimination in employment in Iowa, we hereby recommend the passage of an Iowa Employment on Merit Act because:

1. Discrimination does exist against minority group members in the State of Iowa on all employment levels.
2. Local communities, with the exception of Des Moines, have not successfully attempted to eliminate the problem of discrimination against minority groups in the matter of employment.
3. Government in a democratic society has an obligation to all of its constituents that they shall be given a fair opportunity for employment consistent with their capabilities.
4. Other states which have administered these laws have found them to be a sound approach to the problems of employment discrimination.

Richard W. Bruner

(signed)

Mrs. Gladys S. Nelson

(signed)

E. Thomas Scales, M.D.

(signed)

Donald E. Johnson

(signed)

Harry Harper, M.D.

(signed)

Arne E. Hansen

(signed)

Mrs. David Kruidenier, Jr.

(signed)

MINORITY REPORT

Xenophobia, the hatred of strangers, is a curse as old as the human race. Early man sought protection from the vast and terrifying unknown around him by drawing together in social groups that exacted utter conformity from its members. This insistence on unchanging convention was manifested in many ways, none of them more implacable than the rejection of foreigners who lived in the next valley or across the river or on the other side of the desert or on another island.

Even in the highly developed civilizations of antiquity, strangers lived a life apart when commerce or chance took them into alien communities. Athens, despite its broad and tolerant culture, segregated non-Athenians into an inferior legal status, from which they could never hope to rise to the coveted level of citizenship, and from which there was no escape for their descendants who had become completely integrated into the culture of the city-state.

Anthropological and ethnological studies testify to persistence of xenophobia among primitive peoples that survive in today's world. Less than a hundred years ago, the otherwise intelligent and superb Polynesians of the Marquesas islands satisfied their craving for meat by stalking other Marquesans who lived in villages only a few miles away. Natives of the South American jungles, in the 1950's, still hack to pieces the Christian missionaries who penetrate their territory.

The widespread survival of xenophobia in modern civilization is too obvious to require extensive documentation. It finds repeated expression in enflamed nationalism, bursting periodically into armed combat. On a lesser scale, it is embodied everywhere in enduring tensions between farm folk and town folk, between those who live on the seacoasts and those who live in the interior, between mountain dwellers and open-country dwellers, between those who speak one language and those who speak another, between those who worship God this way and those who worship Him that way. The list is endless, but in all instances the root cause is deeply emotional and cannot be touched by the processes of formal law. The evil, in all its manifestations, can be reached, ameliorated and slowly removed only by a combination of three painstaking approaches: (1) education and (2) social psychiatry, leading to (3) a transformation of the human spirit. Many persons of great goodwill, finding these approaches insufferably slow, have sought short-cuts to the goal of human brotherhood, but in their haste they have been tripped and thrown by intransigent fact.

All great religions, wrestling with the question of man's role in the scheme of creation, have--at their highest levels--identified and denounced xenophobia as an implacable foe. Judaism has always emphasized that God is a universal Father and not a tribal deity. Much of the ritualism and many of the festivals of the Jewish faith explicitly emphasize the duty of the faithful to receive the stranger and succor the unknown needy, as a necessary prerequisite to membership in the religious community. Christianity and Islam, both stemming from Judaism, have been equally insistent that love of neighbors is inseparable from the love of God and that the brotherhood of man is literally "the law and the prophets."

The insistence with which Judaism, Christianity and Islam have asserted this common doctrine is itself indicative of the difficulty they have experienced in winning its acceptance by their members, despite centuries of effort backed by enormous moral influence. Viewed in the perspective of 2,000 years, xenophobia has steadily retreated beneath the blows of religious teaching. The lot of minorities within a community structure is far better than it was in Greece, Rome, the Middle Ages, Colonial America or as recently as a generation ago. Not only have the pronouncements of the great faiths come to increasing fruition in the everyday practices of society, but there is also reason to believe that the process moves with accelerating speed. Never the less, the narrowing of the gap between the ideal and the real has not closed it entirely, and there is no valid reason to hope that evolutionary progress will be quickened by legislative fiat.

Consider, for example, the true nature of minority status in American society today, as it is dramatized by aggressive acts of discrimination. The national norm is that of a white, gentile, Protestant majority; those who deviate from the norm are therefore viewed as actual or potential victims of xenophobia, finding expression in such unfair practices as restricted opportunities for employment, housing, public accommodation, recreation, education, health services and so on. But a national norm is a fiction so far as specific persons and specific situations are concerned; and it is with actual injustices to actual people that the public conscience is properly concerned. The facts are that in this infinitely complex nation there are endless examples of white, negroes, Catholics, Protestants and Jews all engaging in discrimination and intolerance against their neighbors of different color, race or creed.

There are Catholics who discriminate against Protestants, Jews and negroes; Protestants who discriminate against Catholics, Jews and negroes; Jews who discriminate against Catholics, Protestants and negroes; negroes who discriminate against white Catholics, Protestants and Jews. More often than not, the forms of discrimination are so subtle--and even so unconscious--that they are beyond the reach of any law which can be framed. The danger is that

by spotlighting a single minority and trying to hedge it about with legal protection, we shall lose sight of the bigger fact that every person is a minority and a prospective target of discrimination at some times and in some facets of his life. To isolate certain groups (such as negroes) and certain threads of the social fabric (such as employment), and to say or imply that those groups and those threads constitute the whole problem of discrimination, is to run the risk of sanctioning every other form of discrimination by over-simplification. Stated differently, so much emphasis can be placed on a handful of the myriad forms and shades that discrimination takes that the groups and individuals singled out for protective legislation will actually come to occupy a specially preferred position. This would be an ironic result of the effect to attack a broad and pervasive evil as though it were a narrow one, through the use of a weapon that cannot penetrate to the heart of the evil.

Tragically, those who insist on travelling faster than human feet can move have seen fit to minimize the importance of education, broadly defined, in eliminating discriminatory practices against obvious minority groups. Those excellent people believe the millenium must be achieved today or be forever lost. Their sincerity commands respect and their impatience serves a useful purpose. However, history is replete with examples of the vast harm that has too frequently been done by basing public policy upon the millennial dream. To draw once more from the area of religion, both Christendom and Islam long acted on the conviction that they must redeem unsaved heathens by compulsion. Whole peoples were bathed in blood so that they might be persuaded to accept Christian baptism, or its Islamic counterpart, en masse. The results, of course, were a mockery to religion, and they have been abandoned. Equally unsuccessful, not to say disastrous, have been attempts by law or physical force to effect other transformations in human conduct and belief that spring from deeply imbedded prejudice. Laws against murder, theft and the like are in the main obeyed, not because they are legislative enactments but because they are recorded expressions of values that an entire society has come to accept, in deeds as well as in words. Legislation, which means compulsion, that runs ahead of the values men and women are inwardly willing to live by, results both in wholesale actions of evasion and also in damage to the cause which the legislation seeks to foster.

This, then, is the fundamental and sufficient objection to intervention by the coercive force of government in the field of employment practices as they relate to race, religion and color. It is the application of law to an area of human relationships which is essentially beyond the reach of law. It is a self-defeating attempt to employ inappropriate means for the faster achievement of a desirable moral and ethical end that can be gained only through the continued pressure of religion and education. The fact has best been stated by President Eisenhower, in these words of November 1, 1956: "So it is that the laws most binding upon

us as a people are laws of the spirit proclaimed in church, synagogue and mosque." Or, as a distinguished American, Bernard Baruch, has said: "Only in the will of mankind lies the answer." And yet again, the same truth has been expressed negatively by the great jurist, Learned Hand: "Liberty lies in the hearts of men and women. When it dies there, no law can save it."

We cannot conclude this report without adverting to a narrower but equally valid, reason for opposing the enactment of a so-called fair employment practices act by the State of Iowa. Such a law implies that an employer, as an employer, has the responsibility--and the power--to recast the social attitudes of those who are associated with him as employees in an economic relationship. The implication is unfair and untenable; moreover, it is dangerous. Individuals enter the job market, they seek and find employment, as relatively formed personalities. Their general attitudes, values and viewpoints have already been shaped by their homes, schools, religions, associates and unique experiences. They are hired by a specific economic unit to perform specific tangible tasks and apply specific tangible skills in a specific economic enterprise of producing or distributing goods or services. That is the function assigned by society to the economic system. The system will fail, and society will fail, if the individuals who comprise both of them are lacking in valid moral and ethical standards. But the economic system cannot be charged with doing--in the area of race relations, for example--what the home, the school, the church or synagogue, and the community at large have failed to do in the formative years of the individual who in maturity becomes an employee. The economic system must take the individual as he has been formed, and must deal with him within the rather narrow limits of the job situation. There would be a loud outcry, and properly so, if employers in their role as employers sought to re-make the social attitudes, even the social prejudices, of their employees. Yet this is precisely the position in which a fair employment practices act puts an employer, under the coercive lash of penalties for failure thus to intervene in the private emotions of his workers.

Persons who are the first to insist that employers must not meddle in the affairs of their employees are frequently the loudest in saying that a worker who mistakenly harbors race prejudice must be discharged out of hand when his prejudice runs afoul of a fair employment practices act. Thus, this kind of law has the curious effect of saying that an employer must do, in this situation, exactly what other laws forbid him to do in all other kinds of situations. An employer cannot fairly be asked to ride two horses going in opposite directions at the same time.

In truth, it is dangerous as well as unfair to compel employers, as employers, to accept police power over the opinions of their employees, as employees, on subjects that lie basically outside the scope and beyond the reach of the job situation. It is in their common capacity as citizens that employers and employees alike have the constant responsibility to toil at tearing down the barriers that artificially separate any part of our citizenry from any other part. The tools for this great purpose are the tools of citizenship: the home, the playground, the school, the church, the synagogue and the community organization. With those institutions working effectively for the acceptance of all human beings to the limit of their individual worth, the problem of minority groups in the economic structure will ultimately disappear and the spectre of xenophobia will be laid to rest in American life.

Respectfully submitted,

Marvin M. Schmidt
(signed)

Ray F. Smith
(signed)