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FIFTH ANNUAL REPORT  
COLORADO ANTI-DISCRIMINATION COMMISSION  
1958-59



THE STATE OF COLORADO  
ANTI-DISCRIMINATION COMMISSION  
306 State Services Building  
1525 Sherman Street  
Denver 3, Colorado

FIFTH ANNUAL REPORT  
OF THE  
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July 1, 1958 to June 30, 1959

INTRODUCTION

Colorado's first law against unfair discrimination because of race, creed, color, national origin or ancestry, was enacted in 1895. It prohibited places of public accommodation from withholding the use of their facilities and refusing their services to anyone because of group identity. It was followed by another law in 1917 prohibiting places of public accommodation from specifying in any kind of advertising, any limitation or refusal of their services or use of their facilities to anyone because of group identity. Action for the enforcement of these laws, however, had to be brought by the aggrieved person; consequently, the laws were seldom used.

In 1957 an amendment to the public accommodations law was enacted, vesting jurisdiction in the Colorado Anti-Discrimination Commission. The Commission was empowered to study the existence, character, causes, and extent of discrimination by places of public accommodation and to receive, investigate and pass upon verified complaints against such establishments. The right of an aggrieved person to seek redress through the courts without Commission intervention was retained, but a person having chosen one course of action is barred from the other.

It was not until 1951 that the General Assembly again acted to curb discrimination against minority people. In that year, the 39th General Assembly passed the Colorado Anti-Discrimination Act of 1951 prohibiting unfair discrimination by employers, employment agencies and labor organizations; but enforcement provisions were omitted. Administration was vested in the Industrial Commission. The office of Director of FEP was created to head the division and a Governor's Human Relations Commission was established and given advisory powers. Except in matters involving public employment, only education and conciliation methods could be used to prevent violations. In cases of alleged violation by public employers, the Industrial Commission was empowered to hold hearings and make recommendations.

Four years after the passage of the first FEP law, 1955, the enforcement part of the law was extended to cover both public employers and private employers while engaged in public work. In this year, also, the administration of the FEP law was vested in the Colorado Anti-Discrimination Commission. A seven member commission was established to administer the affairs of the division. The new Commission was

granted authority to hear complaints alleging discrimination by public employers and private employers while engaged in public work and to issue cease and desist orders based upon all of the evidence at a hearing.

Another two years elapsed before the big breakthrough in civil rights legislation occurred. The 41st General Assembly enacted two major pieces of legislation; first, it enacted a comprehensive and enforceable F.E.P. law and second, it vested the administration of the Public Accommodations Law in the Colorado Anti-Discrimination Commission. The first Colorado Anti-Discrimination Act of 1957 gave the Commission jurisdiction over all employment (except private employers employing fewer than six), employment agencies and labor organizations. The requirement that the Commission use education and conciliation methods to eliminate unfair discrimination because of group identity was retained. In this law, the Commission was empowered to receive, investigate and pass upon complaints alleging discrimination, to issue cease and desist orders and to order such affirmative action as it deems proper and to appeal to the District Court for the enforcement of its orders. The second legislative action by the 41st General Assembly charged the Commission with the administration of the previously mentioned public accommodations law and vested in it the same powers as granted by the Colorado Anti-Discrimination Act of 1957. The enactment of these two measures put Colorado in the forefront of civil rights states but one area of discrimination was yet untouched - housing.

The 42nd General Assembly took cognizance of the fact that minority people were being denied their constitutional rights to own and occupy housing of their own choice. It sought to correct that evil by enacting the Colorado Fair Housing Act of 1959. It became effective May 1, 1959. The Colorado Anti-Discrimination Commission was charged with its administration. Obviously, two months is too short a time upon which to base an evaluation of its effectiveness.

Colorado was the first state to enact fair housing legislation covering both privately financed and publicly assisted housing. It also exempts fewer classes of housing than any of the other state housing laws or city ordinances.

At this writing, 18 states have civil rights laws administered by commissions or boards created especially for that purpose. Sixteen of those states have comprehensive, enforceable, fair employment practice laws while two of them have unenforceable fair employment practice laws. Eight of the eighteen have enforceable laws prohibiting discrimination in the purchase, rental and financing of housing, including public housing, publicly assisted housing and privately financed housing; four have laws prohibiting discrimination in the purchase, rental and financing of both public and publicly assisted

housing; and five have laws prohibiting discrimination against students by educational institutions. Six other states have established either civil rights or human relations commissions to carry on educational programs aimed at eliminating discrimination because of race, creed, color, national origin or ancestry of to make studies as to the extent, character, causes and existence of racial discrimination and the need for anti-discrimination legislation. The Federal Government of Canada and several of its provinces have fair employment practice laws administered by the respective departments of labor.\*

Through the adoption of the three civil rights laws in the 50's, Colorado has established a policy of equality of opportunity for all its residents regardless of their ethnic origins. That state policy is supported by a favorable public opinion. This favorable public opinion is demonstrated by two facts:

(1) hundreds of private citizens have organized themselves into scores of organizations to promote understanding among various racial and cultural groups and (2) noticeable changes have taken place in employment practices and in places of public accommodation during the decade. Since the housing law has been in effect for two months, no estimate of its effectiveness can be made. However, many private as well as professional organizations are keenly interested in its success.

Although Colorado is in the forefront of civil rights states, the job is not finished. Legislation is only the first step toward the attainment of the goal of equality but it is a terribly important one. Much study and intelligent work by the Commission, coordinated with that of the many private and professional agencies will be required for a very long time if the ultimate goal is to be reached.

A part of the Commission's job is to recommend to the General Assembly the need for changes in the present laws as experience indicates. Consequently the 1961 legislature may be asked to pass upon a series of amendments to each of these laws. This subject will be studied by the Commission and other interested parties during the next year and a half.

#### Administration

Pursuant to the provisions of the legislation previously cited herein, the Colorado Anti-Discrimination laws are administered by a seven member, non-salaried commission appointed by the

\*American Jewish Congress, Report on 18 State Anti-Discrimination Agencies and The Laws They Administer, November 1959.

Governor, with a staff of seven civil service employees. The present Commission is made up of the following persons:

Mrs. Arthur Ballantine, Jr.  
George O. Cory (Resigned)  
Robert C. Keeler  
Gene Manzanares  
Edward Miller  
Franklin R. Stewart  
George J. White

Two Commission vacancies were filled by the Governor this year. Mr. Franklin R. Stewart was appointed to serve a four year term and Mrs. Arthur Ballantine, Jr. was appointed to fill the unexpired term of Father Charles Murray, which term expires March 13, 1960.

During 1959, the Commission held a total of ten meetings which included two executive committee meetings and one special meeting.

The expenditures for the year were as follows:

Personal Services	\$30,223.16
State's Share for Retirement	1,813.39
Maintenance and Operation	8,040.54
Capital Outlay	428.50
Travel	<u>3,099.68</u>
TOTAL	\$43,605.27

### Activities

The Commission continued to carry out its activities within the general frame-work of the three categories outlined in the laws--Research, Education and Regulation. These three categories should be interpreted rather broadly for they overlap each other in actual practice. For example, research information might well result from an investigation of a complaint being made under regulation. Education, in the broadest sense, often comes into play when the Commission engages in a research project; and certainly, under regulation, the Commission does an educational job in negotiating settlement of complaints by conference, conciliation and persuasion.

### Research

Although the Commission, this year, did not initiate any research projects, it did continue projects initiated in previous years.

In its annual report for 1957-58, the Commission reported that one or more officials of 132 union locals had been interviewed to seek information relative to minority group members and gave a progress report of its findings. By June 30, of this year, the Commission had interviewed one or more officials of 88 union locals seeking the same information. The results indicate that the proportion of minority to majority group members is continuing to increase in organized labor membership. Results further show that out of 220 labor union locals interviewed, 58 did not have Negro members and 19 did not have members of Spanish ancestry. Whether this fact stems from a discriminatory policy of the union locals or the failure of potential members to apply for membership, the Commission is not certain; but taking into consideration the increased number of Negroes and Spanish Americans in the state, there is reason to believe the former rather than the latter is the case.

A continuing project of the Commission initiated several years ago is the accumulation of data on employment through personal interviews of employers throughout the state. During this year, 64 such interviews were held, with as many firms. The results of these interviews show that the attitude of employers toward hiring and upgrading minority employees is generally good but that their practices do not measure up to their stated policies.

#### Education

In administering Colorado's laws against discrimination, the Commission has found that education of the general public is not only a necessary part of its program, but a very integral factor in enforcing the provisions of the laws. It has a continuing program of keeping the public informed about the philosophy, objectives and procedures of the laws which is aimed at creating a climate of public opinion in which the laws can operate effectively.

To this end, the Commission has developed an educational program on a state-wide basis through the use of all forms of mass communication. The purposes of the Commission's educational program have been threefold:

1. The dissemination of information to the general public about the existence of the laws.
2. Personal contacts with employers, owners and managers of places of public accommodation and housing industry personnel to bring about voluntary compliance with both the letter and the spirit of the laws.

3. The education of the minority groups about their rights under the laws and the importance of competing with the rest of the community in education, training and in the labor market with respect to employment and organized labor.

To effectuate the purposes of its educational program, the Commission utilized the following techniques: mass media publicity, displays, posters, personal appearances and individual counseling; personal interviews with management, organized labor, employment agencies, operators of places of public accommodation, builders, real estate men and mortgage bankers. A list of the Commission's educational activities follows:

#### Appearances and interviews

198 speeches by commissioners and staff to a total audience of 7,977.

Six of these speeches were given to a total of 820 people in regard to the new Fair Housing Act of 1959. The Commission held a total of 224 interviews with persons in management, employment agencies, labor organizations, places of public accommodation and others. While some of these interviews were in connection with special problems, others were of a public relations nature. A breakdown of these interviews follows to show the diversification of the Commission's educational program:

25 places of public accommodation  
12 state employment service offices  
22 newspapers\*  
13 clergymen  
64 employers  
88 labor union locals

#### Conferences and workshops

16 meetings with the professional staff members of Denver's public and private intergroup relation agencies  
21 conferences in which Commission members and staff were actively involved as resource persons, group discussion leaders or as panelists  
3 interstate conferences: the annual meeting of the National Association of Intergroup Relations Officials (NAIRO) in Pittsburgh, Pa.; the Conference of Commissions Against Discrimination (CCAD) in West Orange, N.J.; a Conference on housing sponsored by New York City Commission on Intergroup Relations, New York, N.Y.; the National Manpower Council Workshop on the "Waste of Manpower", Albuquerque, N.M.; The Ninth Annual Summer Workshop of the Adult Education Council in Evergreen, Colo.; the Colorado

\* A news story resulted from each of these interviews.

Conference of the Federation of Latin American Groups in Trinidad, Colo.; a meeting of The Governors' Committee on Civil Rights in Pittsburgh, Pa.; and the National Training Laboratory (on human relations) in Bethel, Maine.

Radio and Television

- 1 interview program
- 1 guest appearance by the Commission Chairman on KOA-TV's "Spotlight" program
- 1 guest appearance by two staff members and two commissioners as a panel on station KCSJ-TV in Pueblo.

Films:

<u>Showings by Staff</u>	<u>Title</u>	<u>Audience</u>	<u>Loans*</u>
116	The F. E. P. Story	4,054	3
4	The High Wall	89	5
9	Burden of Truth	327	6
1	Chuck Hansen - One Guy	15	0
1	Commencement	20	1
0	Sing a Song of Friendship	0	2
9	Brotherhood of Man	829	5
1	Americans All	110	2

The Commission this year purchased a Picture Vision projector and produced 12 slides which depict a story of equal opportunity. The projector was strategically displayed in show windows of business establishments and theater lobbies at six different locations in Pueblo, Colorado Springs, and Denver for a total of 41 days. Printed and mimeographed material was distributed by mail or at meetings. During the year, the Commission either distributed or mailed approximately 85,000 pieces of literature. This total includes copies of the laws administered by the Commission, rules of practice and procedure, annual reports, copies of General Regulation Number One and posters. It also includes the following Commission published leaflets:

- |                                    |                              |
|------------------------------------|------------------------------|
| About Fair Employment - 1956       | About Civil Rights - 1957    |
| About Getting a Job - Revised 1959 | About Your Rights - 1957     |
| About Management's Role - 1957     | About Application Forms-1959 |

In direct relation to its work, the Commission either produced or purchased and distributed a large number of other educational materials.

\*Column indicates the number of times each film was loaned to individuals, organizations and other intergroup relations agencies.

Of significant importance was a booklet purchased by the Commission, titled "Colorado Latin American Personalities", which comprises 76 biographical sketches of Spanish ancestry people in Colorado who have recognized the necessity of education and training, worked to provide themselves with required qualifications and now hold responsible and professional positions throughout the state. Prepared under the sponsorship and direction of Mr. Lino M. Lopez, the booklet explains the hardships and barriers of prejudice which most of these people faced and overcame to establish themselves in their present positions. It is designed to help parents, school counselors and others, encourage young students of Spanish ancestry to continue their education. Moreover, the Commission considers the booklet an effective educational tool for those of the general public who still retain their stereotyped attitudes toward this particular ethnic group. Although the booklet was purchased late in the year, the Commission has received a number of favorable comments about its educational value from teachers, parents, counselors and others.

In connection with its educational program, the Commission along with other Denver intergroup relations agencies, felt that Colorado "Rush to the Rockies" celebration should be supplemented with information about Colorado's progress in human relations since 1859. At the Commission's request, Mr. J. A. Atkins agreed to undertake the task of doing the research and writing of a booklet to be called "Human Relations in Colorado, 1859-1959". By June 30, Mr. Atkins had completed the research and written over 200 pages of documented manuscript in draft form.

### Regulation

#### General Regulation Number One

The Commission is empowered to adopt, publish, amend and rescind regulations consistent with and for the enforcement of any of the three laws administered by it. This year, the Commission amended its General Regulation Number One concerning the posting of notices by adding thereto a new section relating to the posting of non-discrimination notices in motel units and hotel rooms. The new section reads as follows:

5. With respect to hotels, motels and other places engaged in the business of renting sleeping rooms to the general public, there shall be posted and maintained in a conspicuous place in each such room a non-discrimination notice. Said notice shall be either printed or typewritten in legible and easily read type and shall bear the following inscription:

## N O T I C E

The services, facilities and accommodations of this establishment are available to all persons alike regardless of race, creed, color, national origin or ancestry.--Colorado Anti-Discrimination Commission (Civil Rights Anti-Discrimination Act as amended 1957 and General Regulation No. 1).

At the close of this reporting period, approximately 5,000 of these notices had been mailed to motels and hotels throughout the state.

### Complaints

The Commission is empowered to receive, investigate and pass upon verified complaints against employers, employment agencies, labor unions, places of public accommodation and persons connected with the sale, rental or financing of housing. Verified complaints alleging discrimination because of race, creed, color, sex\*, national origin or ancestry may be filed with the Commission by the aggrieved person, his attorney-at-law, the Commission, a commissioner or the Attorney General of the State.

Upon the filing of a complaint, an investigation is conducted to determine whether or not probable cause exists for crediting the allegations therein. If probable cause is found for crediting the allegations, the Commission attempts to settle the complaint by conference, conciliation and persuasion. Usually, complaints are settled by this method, but should this step fail, the complaint can be set down for hearing. Upon the evidence presented at a hearing, the Commission will then make a determination as to whether the respondent has violated the law under which the complaint has been filed. Depending on its findings, the Commission may either dismiss the complaint or issue a cease and desist order and require such affirmative action as it deems proper under the circumstances of the complaint. Both the complainant and the respondent may appear to the District Court for judicial review any order issued after a hearing.

A total of 62 complaints were received by the Commission this year. Eight complaints are pending, most of which are against employers and one against an employment agency.

One, Green vs. Continental Airlines, was filed with the Commission in August 1957 and is still in process. It alleges refusal to hire because of color. The Commission made a finding of probable cause for crediting the allegation. Endeavors to settle the complaint by conciliation failed

\* Discrimination because of sex is included only in the Fair Housing Act of 1959.

and the Commission set the complaint down for hearing. At the hearing, the respondent challenged the constitutionality of the Fair Employment Practices Act and of the Commission's jurisdiction over inter-state commerce. The Commission found for the complainant, issued a cease and desist order and ordered the respondent to enroll the complainant in its next training class. The respondent appealed the Commission's order to the District Court. The District Court remanded the Commission's order for further findings of fact and conclusions of law. On June 25, 1959 the court declared the Commission's order to be a nullity. As of June 30, the Commission was considering an appeal of the case to the Colorado Supreme Court.

At the end of this reporting period, no verified complaints had been filed under the Colorado Fair Housing Act of 1959. Since this law has been in effect but two months, the absence of complaints is not surprising.

The following three charts give a breakdown of the total number of complaints processed to June 30, 1959 according to: respondents final dispositions and complainant's group identity.

Chart II  
Complaints According to Final Disposition

Complainant's Group Identity	Dismissed	Settled	Adjudicated	Referred to Hearing	Action since Hearing
Individual	1	0	0	1	(1 Dismissed)
Business	0	0	0	0	
Organization	0	0	0	0	
Government	0	0	0	0	
Unemployed	0	0	0	0	
Minorities	0	0	0	0	
Other	0	0	0	0	
Total	1	0	0	1	(1 Dismissed)
Business	0	0	0	0	
Organization	0	0	0	0	
Government	0	0	0	0	
Unemployed	0	0	0	0	
Minorities	0	0	0	0	
Other	0	0	0	0	
Total	0	0	0	0	
Individual	0	0	0	0	
Business	0	0	0	0	
Organization	0	0	0	0	
Government	0	0	0	0	
Unemployed	0	0	0	0	
Minorities	0	0	0	0	
Other	0	0	0	0	
Total	0	0	0	0	

CHART I

Complaints According to Respondents

Year	Employers	Employment Agencies	Unions	Public Accommodations	Housing	Total
1951-52	3	1	2	-	-	6
1952-53	7	2	1	-	-	10
1953-54	12	0	1	-	-	13
1954-55	11	0	1	-	-	12
1955-56	8	4	0	-	-	12
1956-57	19	3	1	-	-	23
1957-58	25	5	0	18*	-	48
1958-59	42	12	2	6	0**	62
TOTAL	127	27	8	24	0	186

\* Jurisdiction over places of public accommodation was vested in the Commission, April 30, 1957.

\*\* The Colorado Fair Housing Act of 1959 became effective May 1, 1959.

CHART II

Complaints According to Final Disposition

Year	With-drawn	Dismissed	Conciliated	Hearing	Action after Hearing	Pending	Total
1951-52	1	2	2	1	(1 Dismissed)		6
1952-53	5	2	3	0	-		10
1953-54	6	5	2	0	-		13
1954-55	7	3	0	0	-		10
1955-56	7	3	2	0	-		12
1956-57	10	7	5	0	-		22
1957-58	7	34	4	3	(2 Cease & Desist Orders 1 Pending)		48
1958-59	1	43	13	0	(1)*		65
TOTAL	44	99	31	4		8	186

\* Cease and Desist Order which Respondent appealed to District Court.

CHART III

Complaints According to Complainant's Group Identity

Year	Spanish Ancestry	Negroes	Jewish	Japanese	Other	Total
1951-52	1	4	1	0	0	6
1952-53	4	6	0	0	0	10
1953-54	2	9	1	0	1	13
1954-55	7	5	0	0	0	12
1955-56	3	7	0	0	2	12
1956-57	10	10	0	0	3	23
1957-58	12	35	0	0	1	48
1958-59	8	51	0	1	2	62
TOTAL	47	127	2	1	9	186

Respectfully submitted

Colorado Anti-Discrimination Commission

Mrs. Arthur Ballantine, Jr.  
 George O. Cory (Resigned)  
 Robert C. Keeler  
 Gene Manzanares  
 Franklin R. Stewart  
 George J. White  
 Edward Miller, Chairman

By Roy M. Chapman, Coordinator  
 and Edward Terrones, Field Representative

CHART III

Complaints According to Complainant's Group Identity

Year	Spanish Ancestry	Negroes	Jewish	Japanese	Other	Total
1951-52	1	4	1	0	0	6
1952-53	4	6	0	0	0	10
1953-54	2	9	1	0	1	13
1954-55	7	5	0	0	0	12
1955-56	7	7	0	0	2	16
1956-57	10	10	0	0	3	23
1957-58	12	12	0	0	1	25
1958-59	12	12	0	1	2	27
TOTAL	67	77	2	1	6	153

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Respectfully submitted

Colorado Anti-Discrimination Commission

Norma Miller, Chairman  
George J. White  
Franklin R. Stewart  
Gene Hammers  
Robert G. Kessler  
George O. Covy (Resigned)  
Mrs. Arthur Ballentine, Jr.

By Roy M. Chapman, Coordinator  
and Edward Thomas, Field Representative