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EIGHTH ANNUAL REPORT

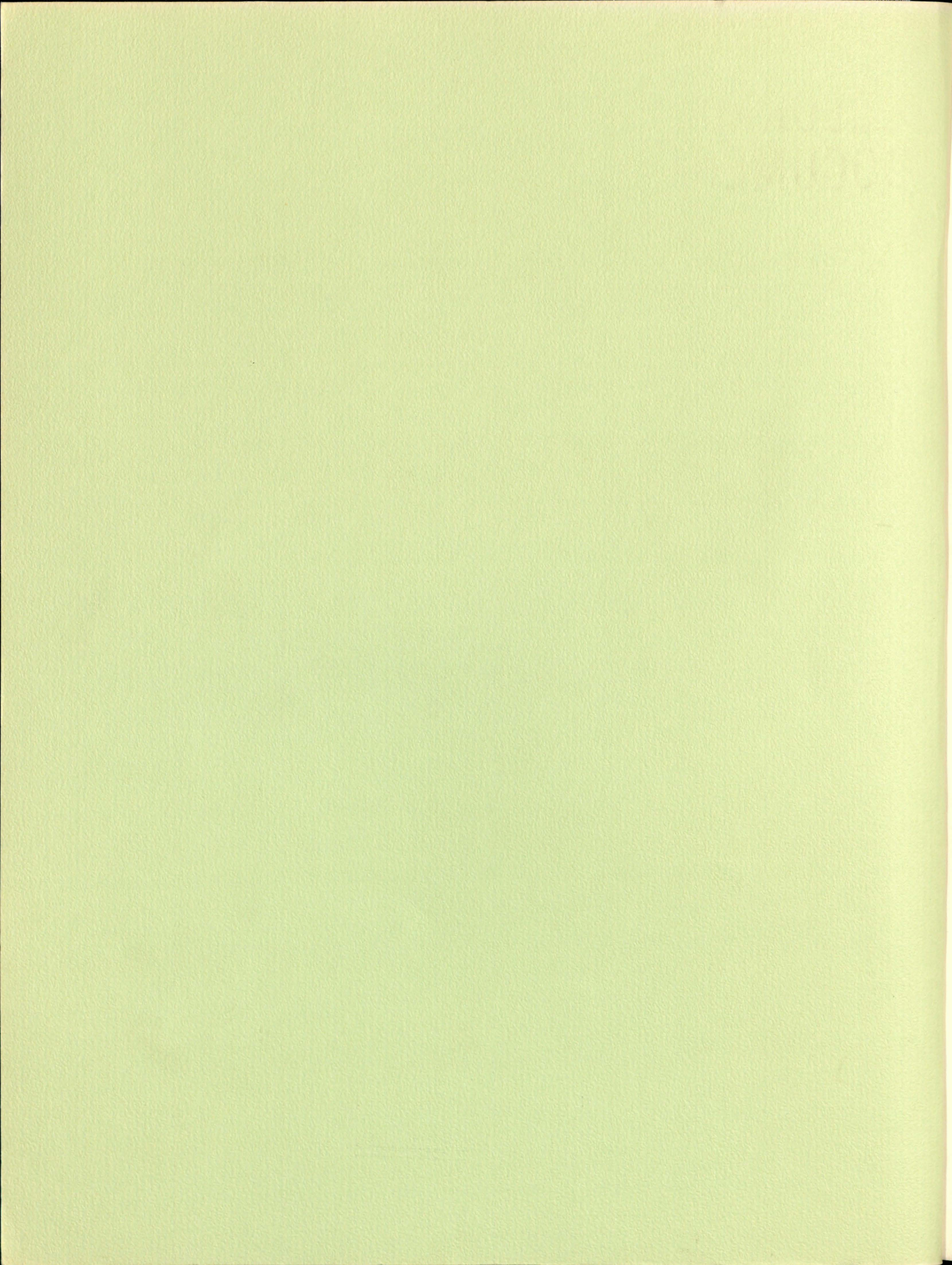
COLORADO ANTI-DISCRIMINATION COMMISSION

1961 - 1962



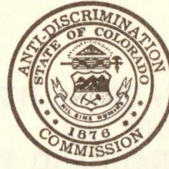
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THE STATE OF COLORADO  
ANTI-DISCRIMINATION COMMISSION  
306 State Services Building  
1525 Sherman Street  
Denver 3, Colorado



# State of Colorado

JOHN A. LOVE, GOVERNOR



## ANTI-DISCRIMINATION COMMISSION

306 STATE SERVICES BUILDING, 1525 SHERMAN STREET

DENVER 3, COLORADO

PHONE ACOMA 2-9911, EXT. 2621




March 1, 1963

Honorable John A. Love  
Governor of Colorado  
136 State Capitol  
Denver 2, Colorado

Dear Sir:

Pursuant to Chapter 80, Article 24, Section 5 (8) of the 1953 Colorado Revised Statutes, 1960 Permanent Supplement, the Colorado Anti-Discrimination Commission respectfully submits the report of its eighth year's activities ending June 30, 1962, which includes some recommendations for amendment of the Fair Employment Practices and Fair Housing Acts and for a change of name of the Commission.

Very truly yours,

  
George J. White  
Chairman

GJW:sp

### COMMISSIONERS

GEORGE J. WHITE, CHAIRMAN  
PUEBLO

MRS. TOR HYLBOOM  
COLORADO SPRINGS

ROBERT C. KEELER  
LONGMONT

ROGER CISNEROS  
EDWARD MILLER

MRS. E. THOMAS MILLS, JR.  
DENVER

MRS. DORA PICCOLI  
DURANGO

### STAFF

EDWARD TERRONES  
ACTING DIRECTOR

GALLOWAY H. DENNY

MARY V. McLUCAS

GEORGE J. ROYBAL

RICHARD D. LAMM

EIGHTH ANNUAL REPORT  
OF THE  
COLORADO ANTI-DISCRIMINATION COMMISSION

July 1, 1961 - June 30, 1962

INTRODUCTION

This is the eighth in the series of the reports issued annually to the Governor and the legislature by the Colorado Anti-Discrimination Commission, although it is only the fourth of these reports issued under the broad coverage and with the enforcement powers of the Anti-Discrimination Act of 1957. This Act, combining as it does the research and education functions of earlier legislation with its regulatory provisions, is an increasingly important factor not only in controlling overt discriminations based on race, creed, color, sex, national origin or ancestry but also in developing positive attitudes of good will, understanding and friendliness among the diverse population elements of the State.

The basic policies and procedures outlined in the 1960-61 report remain unchanged. But the Commission has used its research and education functions less than in any previous year, and its regulatory functions has been used more than ever before. Acting under the authority of this legal procedure and vested with investigative power, a representative of the Commission is required, after a determination of probable cause, to attempt to eliminate discrimination complained of through the process of conference, conciliation and persuasion. In case this process fails, a public hearing is initiated and legal sanctions may be invoked. Despite the increased use of the regulatory functions, however, conference and conciliation have continued to be very effective. Of course, it is more than ever apparent that the value of the conference techniques derives in no small degree from the availability of the sanctions should conference and conciliation fail.

Previous experience of the Commission, particularly during the years of its predecessor, the Fair Employment Practices Division, has clearly demonstrated that without the imminence of public hearings and the appeal to the courts the effectiveness of conciliatory measures is greatly reduced.

There is little doubt that the Commission is steadily achieving the purpose of the Act to protect the public welfare and fulfill the provisions of the State constitution and its basic laws concerning civil rights.

The Commission is composed of seven members appointed by the Governor, with the advice and approval of the Senate. The commissioners serve without pay, but are reimbursed for actual and necessary expenses.

As of June 30, 1962, the commissioners are:

	George J. White, Chairman 1730 Stone Avenue Pueblo, Colorado	
Roger Cisneros 720 Symes Bldg. 16th & Champa Sts. Denver 2, Colorado		Edward Miller 2456 First National Bank Bldg. 621-17th Street Denver 2, Colorado
Mrs. Tor Hylbom 120 Cresta Road Colorado Springs, Colorado		Mrs. E. Thomas Mills, Jr. 3958 Haddon Road Denver, Colorado
Robert C. Keeler 1865 West 3rd Avenue Longmont, Colorado		Mrs. Dora Piccoli P. O. Box 1426 Durango, Colorado

The Commission convened nine times during the fiscal year. Eight regular meetings were held in the Commission's office. The Commission met once in executive session.

### Cost of Operations

Expenditures for the Commission and staff for the fiscal year 1961-62 were as follows:

Personal Services	\$ 45,974.61
State Payment to Retirement Fund	2,549.42
Operating Expenses	4,436.75
Travel	3,894.61
Capital Outlay	1,349.68
Workmen's Compensation	69.00

TOTAL \$ 58,274.07

## ACTIVITIES OF THE COMMISSION

According to statutory requirement the activities of the Commission and staff fall into categories of Research, Education, and Regulation. In the research process information is uncovered which points up and suggests new programs of education and regulation directly concerned with performance of the Commission's major function; namely, the elimination of discrimination in employment, public accommodation, and housing. In the education process many things are learned by the staff both in training sessions provided for them and in sessions designed by them for others which lead to improvements in the process itself, as well as in the processes of research and regulation. All available information obtained through these processes is used to secure the highest degree of compliance possible with the State anti-discrimination laws.

### Regulation

The regulatory functions of the Commission are authorized by three basic civil rights laws:

The Colorado Civil Rights Law (Public Accommodations)  
(Adopted 1895)

The Colorado Anti-Discrimination Act of 1957  
(Fair Employment Practices)

The Colorado Fair Housing Act of 1959

These three laws are cited in the Colorado Revised Statutes 1953, 1960 Permanent Supplement, 1954-1960, Book 8. The laws prohibit discrimination by places or facilities of public accommodation, in employment, and in housing, by reason of race, creed, color, national origin and ancestry, as well as sex, in the case of housing. The laws contain provisions for enforcement by a commission and staff. Regulatory functions are concerned principally with proceedings in three general categories: verified complaints, commission--initiated investigations and application form reviews. During fiscal year 1961-62 verified complaints made up the bulk of cases handled. This was true also in 1960-61. Commission initiated investigations were few and there were only casual reviews of application forms.

### Verified Complaints

A case initiated with the filing of a written complaint, signed and sworn to by the person claiming to have a grievance and giving the name and address of the offender, or respondent, together with the particulars is a verified complaint.

## The Commission's Investigations

Commission initiated investigations are of an informal nature. They are accompanied by a reasonable amount of factual support but they are not based on verified complaints. These investigations fall within the non-enforcement jurisdiction of the Commission's powers. And since the Commission cannot impose penalties, it must depend upon conciliation to accomplish a satisfactory adjustment.

This type of investigation may possibly be initiated for the reason that the aggrieved person does not wish to file a formal verified complaint, or cannot qualify as the aggrieved person. In instances of this sort the Commission may be vested with enforcement jurisdiction. The Anti-Discrimination Act provides that either the Commission or the Attorney General may file a verified complaint if the facts warrant it.

## Review of Forms

During 1961-62, although no systematic review of forms of an entire industry was made, this function of the Commission remained unimpaired. Pre-employment inquiries that reveal an applicant's race, creed, color, national origin or ancestry are considered unlawful human rights' practices, unless they are based on bona fide qualifications. In excluding these questions from the category of lawful inquiry, the Commission is not supporting some kind of concealment or some scheme for favoring minorities but is warning the potential respondent to note that the purpose of the inquiries asked before employment should be to determine the applicant's qualifications to meet the requirements of the service.

## Handling Complaints

### The Conciliation Approach

After a complaint is filed, the Coordinator of the Commission in accordance with the provisions of the 1957 Anti-Discrimination Act orders the Commission staff to make a prompt investigation. If the Coordinator determines that a probable cause exists for the allegations of the complaint, the Chairman sets about through conference, conciliation, and persuasion to eliminate the unlawful practice. If this process results in a conciliation agreement, which is its aim, the respondent to the complaint ends the unlawful practice and promises to comply with the law in the future.

Conciliation agreements contain the terms of conciliation, which vary from case to case depending upon the circumstances of each particular complaint.

In a typical case, probable cause was found to credit the allegations of a complainant to the effect that she had been refused employment because of her color. A field representative of the Commission informed the respondent concerning the Commission's primary responsibility, which is to create equal opportunity regardless of race, color, religion, nationality, or ancestry rather than to impose sanctions on those who choose to disregard the law.

In another instance, a Negro minister driving into Denver to attend a convention stopped at a filling station on the outskirts of the city to inquire where he might find motel accommodations. The filling station attendant directed him to the motel where he lived. Upon going to that motel, the minister was directed by the manager to another motel where, as he stated, he usually sent Negroes.

The minister found his own motel accommodations in the same vicinity and later filed a complaint with the Colorado Anti-Discrimination Commission against the man who had refused him.

The manager of this motel, when faced by an investigator from the Commission, admitted refusing the minister because he was a Negro. The manager then explained that his motel had a swimming pool, which he was afraid to let Negroes use because his white tenants might move out.

Upon being advised by a Commission representative that he had broken the law, this manager wrote a letter of apology to the complainant and agreed to abide by the Public Accommodations Law in the future.

#### Disclosure of Facts

"A commissioner, the commission or its staff shall not disclose the filing of a complaint nor what transpires during the course of investigation nor what transpires during the course of conciliation negotiations, except as such disclosures are deemed essential to said investigations and endeavors at conciliation. This paragraph shall not be construed so as to prevent the commission from disclosing dismissal notices, conciliation agreements and orders relating to complaints alleging discriminatory or unfair housing practices, including its reasons therefor, all as the case may be."

## Judicial Enforcement

The case of Marlon D. Green vs. Continental Air Lines, Inc. has now been publicized throughout the nation. Having been refused employment because he is a Negro the case has been carried to the Colorado Supreme Court by the Respondent Air Line, where an advance decision was rendered against the Anti-Discrimination Commission and against Green. The case has now been appealed to the United States Supreme Court, which has granted a writ of certiorari. The air line company claims exemption from the State FEP law because it is engaged in interstate commerce. The date for hearing this case before the nation's highest tribunal has not been set.

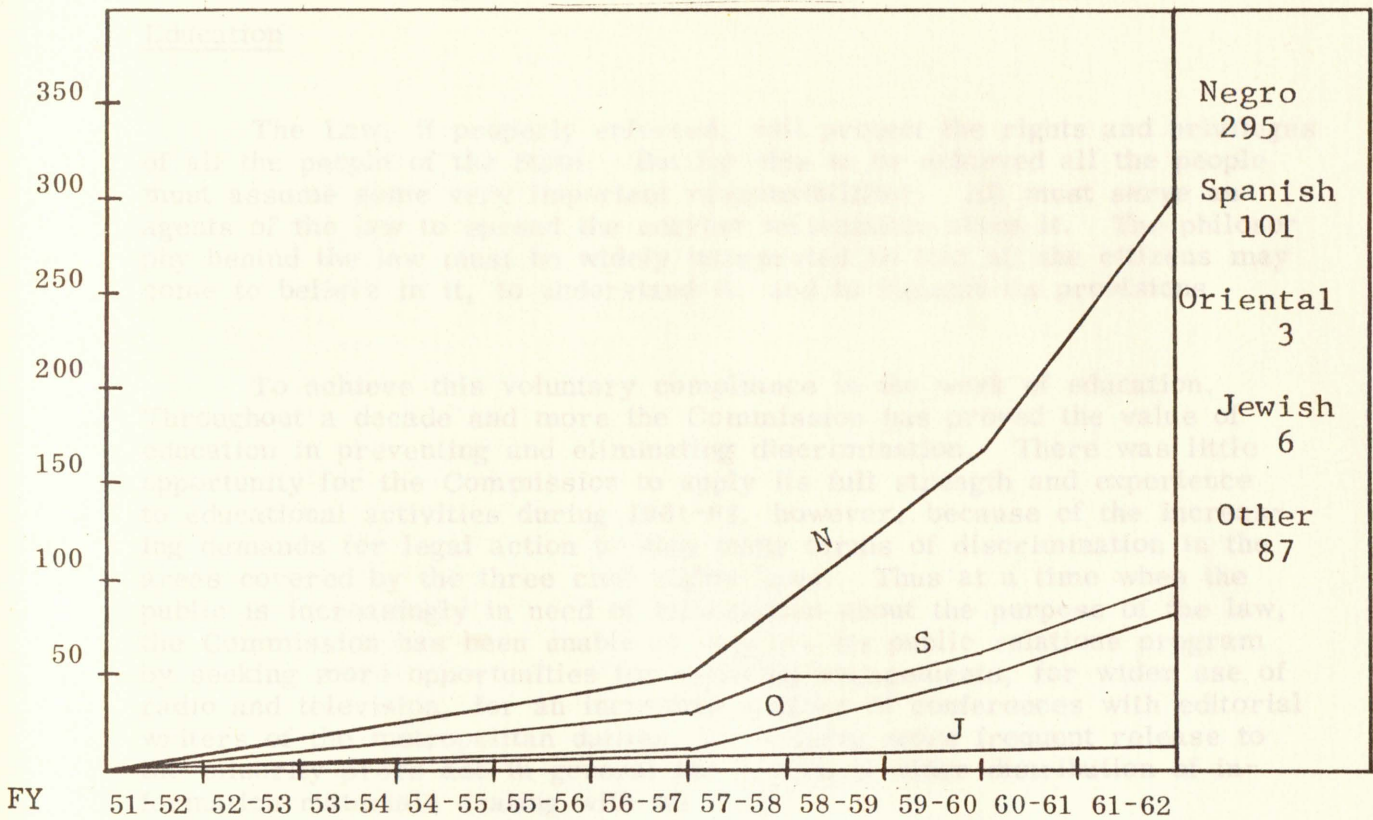
Another case, originally filed in September of 1959, described briefly in the 1960-61 report, was filed under the Colorado Fair Housing Act. This case, Rhone vs. J. L. Case and Company, alleges that the respondent refused to sell a home to the complainant because he is a Negro. The Commission set the case for hearing after attempts to settle the complaint by conference, conciliation and persuasion failed. In light of evidence produced at the hearing, the Commission ordered the respondents to cease and desist in the future from engaging in or committing (1) an unfair housing practice, as defined in the Act; (2) from the homes listed with the respondent in his capacity as licensed real estate broker to offer the complainants the opportunity to purchase a comparable home; in the same general neighborhood or in a comparable neighborhood, and under the same terms and conditions as such a home would be offered to any other person. And the respondent was required to inform the Coordinator of the Colorado Anti-Discrimination Commission within thirty days from the Order, and at thirty-day intervals thereafter, concerning the manner in which he has complied with the order. The respondent petitioned the court for judicial review. The lower court found in favor of the respondent, challenging the Commission's power under the law to act as it did in the case. The case is still before the Colorado Supreme Court.

## The 1962 Record

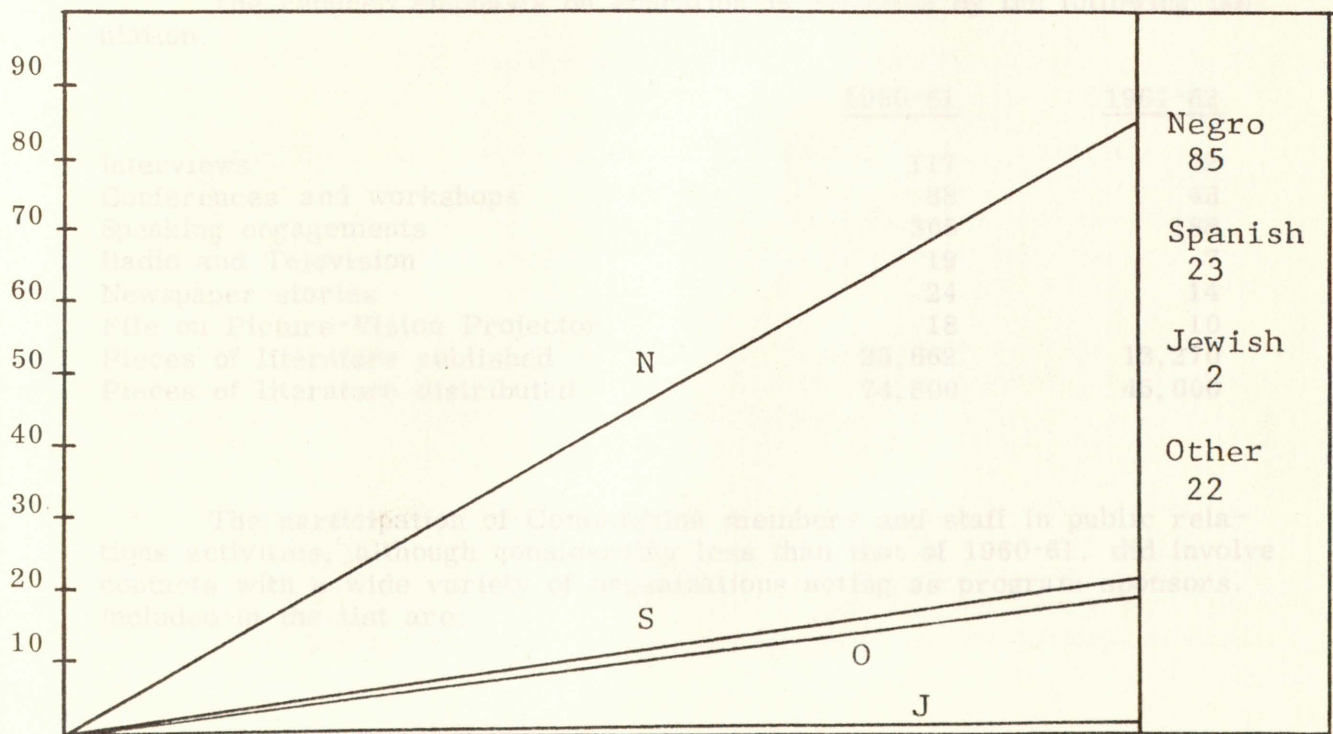
A total of 195 complaints and reported violations of the law were handled by the Commission during the fiscal year 1961-62. Sixty-three of these remained open from 1960-61. Of the other 132, 53 alleged discrimination in housing, 49 in employment and 18 in public accommodations. Eight of these cases were in the open category at the end of 1961-62.

In 42 of the 132 new cases a finding of discrimination was made; 32 of these cases were settled by conciliation; 17 were dropped as a result of finding of no probable cause, and 12 were dropped for lack of jurisdiction.

Complaints By Group Identity  
FY 1951 - 1962



Complaints By Group Identity  
FY 1961 - 1962



## Education

The Law, if properly enforced, will protect the rights and privileges of all the people of the State. But for this to be achieved all the people must assume some very important responsibilities. All must serve as agents of the law to spread the correct information about it. The philosophy behind the law must be widely interpreted so that all the citizens may come to believe in it, to understand it, and to support its provisions.

To achieve this voluntary compliance is the work of education. Throughout a decade and more the Commission has proved the value of education in preventing and eliminating discrimination. There was little opportunity for the Commission to apply its full strength and experience to educational activities during 1961-62, however, because of the increasing demands for legal action to stop many forms of discrimination in the areas covered by the three civil rights laws. Thus at a time when the public is increasingly in need of information about the purpose of the law, the Commission has been unable to improve its public relations program by seeking more opportunities for speaking engagements, for wider use of radio and television, for an increased number of conferences with editorial writers of the metropolitan dailies, for making more frequent release to the minority press and in general for making a wider distribution of information materials dealing with its work.

### Comparison of 1960-1961 and 1961-1962

The reduced emphasis on education is revealed by the following tabulation:

	<u>1960-61</u>	<u>1961-62</u>
Interviews	117	52
Conferences and workshops	88	43
Speaking engagements	305	188
Radio and Television	19	7
Newspaper stories	24	14
File on Picture-Vision Projector	18	10
Pieces of literature published	25,662	13,270
Pieces of literature distributed	74,800	45,000

The participation of Commission members and staff in public relations activities, although considerably less than that of 1960-61, did involve contacts with a wide variety of organizations acting as program sponsors. Included in the list are:

Adult Education Council of Denver  
 B'hai Temple of Denver  
 Denver Ministerial Alliance  
 Denver School Board  
 Denver Home Builders Conference  
 Aurora High School  
 North High School  
 City Council of Thornton  
 Loveland High School  
 Manual High School Youth Group  
 Glenarm YMCA, Denver  
 Denver University Student YMCA  
 Catholic Deanery  
 University of Colorado Business Administration, Boulder  
 Colorado-Wyoming Labor Conference, Denver  
 Lions Club of Aspen  
 Rocky Mountain Speech Conference  
 Latin American Educational Foundation, Grand Junction  
 Police Academy of Denver  
 Denver Labor Federation  
 Federation of Latin American Groups  
 Latin American Luncheon Club  
 Regional FHA  
 Denver Young Democrats  
 Hadassah Women's Zionist Organization  
 N. E. Park Hill Civic Association  
 National Association of Intergroup Officials, Philadelphia, Penn.  
 Conference of Commissions Against Discrimination  
 The President's Committee on Equal Employment Opportunity,  
 Washington, D. C.

The last two organizations are national in scope.

Also there was participation on the national level. Commissioner Mrs. E. Thomas Mills, Jr., and Acting Director Edward Terrones attended the Conference of Commissions Against Discrimination and the President's Committee held in Washington, D. C., on June 11 and 12.

The purpose of this conference was to give leaders of the Commission a chance to counsel with the Committee concerning plans for expanding minority job opportunities throughout the country.

Among the important subjects discussed were: new procedures for cooperation between the President's Committee and the state and local commissions, post employment data for compliance reports, state employment services, trade union programs, and public carrier situations. And according to our representatives, the widely heralded "we mean business"

attitude now generally attributed to the Committee has produced significant results. For example, workers in the agencies and programs, over which the Committee has jurisdiction, have turned in as many complaints during the first year of the new Committee's existence as in the whole six and one-half years of the previous Committee's operations. Other noteworthy accomplishments of the Committee include the efforts of the cabinet members to put more minority persons to work in higher grades, the imposition of heavier penalties on Government Contractors for discrimination against minorities, and a concerted drive to increase the number of skilled workmen employed from the minority groups.

## RECOMMENDATIONS

We have two cases before the courts that are partly responsible for holding up successful enforcement of the Fair Employment and Fair Housing Acts.

It has been our experience that frequently defendants in cases that come before the Commission are aware of the fact that these cases before the courts are being tested as to the laws' constitutionality and, therefore, refuse to negotiate with Commission representatives.

Quite often in the processing of complaints, when a determination is made in favor of the complainant, the housing in question, or the job that the complainant was seeking is no longer available. There is consequently no real relief that the Commission can order the respondent to grant the complainant.

To overcome the handicap to our services through obstructionism and delay, we recommend that appropriate legislative action be taken to amend the Fair Employment and the Fair Housing Laws by including penalties that will remunerate complainants for the delays and hardships suffered by them after either the Commission or the courts, or both, have declared for them.

The Commission also recommends that legislative action be taken on recommendations previously presented to the Governor and Legislature, namely on an age qualification in the anti-discrimination laws and a new title for the Commission, as follows:

### An Age Qualification

A few states throughout the years have included a provision in their fair employment laws against discrimination because of age. The purpose of such a provision is to prevent the arbitrary use of an age qualification for employment unless the fact has been established that age is a factor in the

performance of the duties of the job. The Colorado Fair Employment laws contain one provision relating to age; namely, that no individual between the ages of eighteen and sixty years can be discharged solely because of age. While this is a step in the right direction, it does not seem to be sufficient in the light of the accelerated pace of automation, by which the displacement of workers in the white-collar occupations and the service trades is added to the almost routine displacement of workers in the machine trades. It is recommended, therefore, that a section be added to the Fair Employment laws making age a bona fide occupational qualification only in specific factual situations, where it has proved to be a factor in the performance of the job, or is required as a pre-entry condition for long-term apprentice training or in connection with a requirement system that was established before passage of the amendment of the Anti-Discrimination Act.

#### A New Title for the Commission

During the 1950's most of the major forms of discrimination within Colorado came increasingly under statutory bans. The new laws reflect the desire of a majority of the citizens of the State to eliminate certain inequalities in the treatment of some of their fellow-citizens because of race, creed, color, national origin and ancestry. These laws, when added to anti-discrimination legislation enacted earlier, cover certain very important civil rights.

This fact is not generally recognized, however, since the title of the State's major civil rights act and the title of the body created to enforce the act are negative. They reflect nothing of the cherished goal of freedom and equality glowingly set forth in the Bill of Rights. Nor is there a suggestion of the recent demands for basic rights that are a result of the advances of a dynamic society which becomes complex with each passing year. The right of the worker discarded by improvement of the technological processes to retraining and subsistence is an expression of equality of opportunity and is just as important as the right to citizenship and its privileges and the right to freedom of religion and of speech.

Hence, the term "anti-discrimination" with its negative implications should be replaced by the term which is rich in the tradition of the American dream and which expresses aptly the ideal of all the freedoms. It is recommended that the Colorado Anti-Discrimination Commission be renamed the Colorado Civil Rights Commission.

