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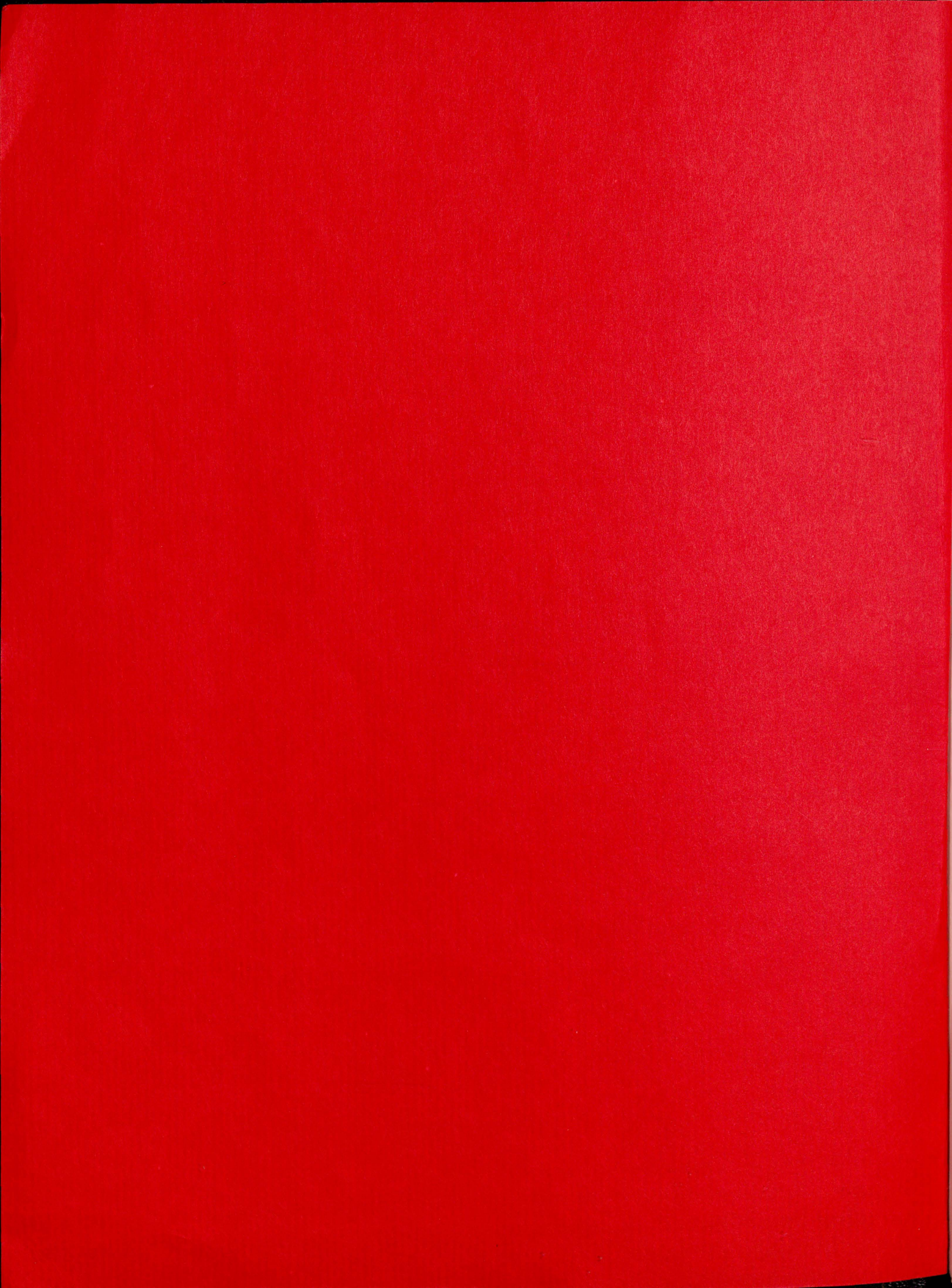
TENTH ANNUAL REPORT

COLORADO ANTI-DISCRIMINATION COMMISSION

1963 — 1964



STATE OF COLORADO  
ANTI-DISCRIMINATION COMMISSION  
306 State Services Building  
1525 Sherman Street  
Denver, Colorado 80203



# State of Colorado

JOHN A. LOVE, GOVERNOR

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## ANTI-DISCRIMINATION COMMISSION

306 STATE SERVICES BUILDING, 1525 SHERMAN STREET  
DENVER, COLORADO 80203  
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September 1, 1964

The Honorable John A. Love  
Governor of Colorado  
136 State Capitol  
Denver, Colorado 80203

Dear Sir:

I have the honor to submit to you the tenth Annual Report of the Colorado Anti-Discrimination Commission.

This report presents a condensed resume' of the activities of the Commission from July 1, 1963 through June 30, 1964.

The report is issued in accordance with Chapter 80, Article 24, Section 5 (8) of the 1953 Colorado Revised Statutes, 1960 permanent Supplement.

Respectfully,

Dora Piccoli  
Chairman

DP:blg

TENTH ANNUAL REPORT  
OF THE  
COLORADO ANTI-DISCRIMINATION COMMISSION

July 1, 1963 - June 30, 1964

Introduction

This is the tenth in the series of reports presented annually to the Governor and the Legislature by the Colorado Anti-Discrimination Commission.

The commission was aware of its responsibility in the current struggle for Civil Rights during the fiscal year 1963-64. The program followed during the year was a three-pronged attack upon discrimination in the three areas ( housing, employment and public accommodation ) charged to the Commission. Complaints were received and processed, an educational program was carried on throughout the state, and affirmative actions were taken; such as, seeking employers who would change past hiring policies, visiting motel and hotel operations, and soliciting their full cooperation in complying with the law, and visiting state schools and institutions to urge active compliance. Civil rights gains were noted in job opportunities, housing and public accommodations.

In the area of fair employment practices, the Director and staff set up many private conferences with management and labor to discuss ways and means of speeding up the employment and promotion of qualified members of minority groups.

In the area of housing, the commission co-sponsored the most successful conference ever held in Colorado. The people in attendance represented a broad cross section of the community. During the fiscal year 1963-64, the commission established a better working relationship with the Federal Housing Administration, the Veterans Administration, Denver Home Builders, Denver Board of Realtors, and the Colorado Board of Realtors.

Discrimination in places of public accommodations has been unlawful in Colorado since 1895. However, the law against discrimination in places of public accommodations was not placed under the jurisdiction of the commission until 1957. During the fiscal year 1963-64, ten complaints were filed with the commission. The commission feels that cases of

discrimination are not being reported to the commission or there is 90% compliance with the law. Therefore, the commission has launched an intensive program in the area of public accommodations.

In addition to the educational and administrative program connected with the three laws of which the commission is the custodian, the commission has become engaged in assisting other agencies in a broad community relations program.

The progress made by the commission during the past fiscal year is detailed in this report.

### Administration and Budget

The Colorado Anti-Discrimination Commission has made every effort to curtail its expenditures and, at the same time, to efficiently carry out its statutory functions, including education and research.

In complying with Governor Love's request to cut expenditures by 10% or more, if possible, the following steps were taken:

1. Personnel vacancies brought about by resignations were not filled immediately.
2. Careful ordering of furniture necessary brought about a small savings.
3. Expenditures for maintenance and operation were curtailed as much as possible to cover a transfer badly needed for necessary travel, as well as savings.
4. Field persons donated their own expenses for travel much of the time in the last quarter in order to carry on necessary business trips.

The table below shows the allotment approved and the actual expenditures for Fiscal Year 63-64:

	<u>ALLOTMENT</u>	<u>ACTUAL EXPENDITURES</u>
Personnel Services	70,340	69,167.23
Maintenance & Operation	6,083	5,234.28
Travel	4,520	5,185.30
Capital Outlay	150	113.00
	<u>81,093</u>	<u>79,699.81</u>

## REPORT OF COMMISSION ACTIVITIES

### Jurisdiction

The jurisdiction of the Colorado Anti-Discrimination Commission derives from the Colorado Anti-Discrimination Act of 1957 (1953 CRS, Chapter 80, Article 24, (Supplement) as amended), the Colorado Fair Housing Act of 1959 (1953 CRS, 1960 permanent Supplement, Chapter 69, Article 7), and the Civil Rights - Anti-Discrimination law (places of public accommodation, resort or amusement) Chapter 25 C.R.S. 1953, as amended 1957.

### Discriminatory Employment Practices

The Colorado Anti-Discrimination Act declares the following to be discriminatory and unfair employment practices:

--(1) It shall be a discriminatory or unfair employment practice:

(2) For an employer to refuse to hire, to discharge, to promote or demote, or to discriminate in matters of compensation against, any person otherwise qualified, because of race, creed, color, national origin or ancestry.

(3) For an employment agency to refuse to list and properly classify for employment or to refer an individual for employment in a known available job for which such individual is otherwise qualified, because of race, creed, color, national origin or ancestry; or to comply with a request from an employer for referral of applicants for employment if the request indicates either directly or indirectly that the employer discriminates in employment on account of race, creed, color, national origin or ancestry.

(4) For a labor organization to exclude any individual otherwise qualified from full membership rights in such labor organization, or to expel any such individual from membership in such labor organization, or to otherwise discriminate against any of its members in the full enjoyment of work opportunity, because of race, creed, color, national origin or ancestry.

(5) For any employer, employment agency or labor organization to print or circulate or cause to be printed or circulated any statement, advertisement or publication, or to use any form

of application for employment or membership, or to make any inquiry in connection with prospective employment or membership which expresses, either directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin or ancestry, or intent to make any such limitation, specification or discrimination; unless based upon a bona fide occupational qualification, or is required by and given to an agency of government for security reasons.

(6) For any person, whether or not an employer, an employment agency, a labor organization, or the employees or members thereof to aid, abet, incite, compel or coerce the doing of any act defined in this section to be a discriminatory or unfair employment practice, or to obstruct or prevent any person from complying with the provisions of this article or any order issued thereunder; or to attempt, either directly or indirectly, to commit any act defined in this section to be a discriminatory or unfair employment practice.

(7) For any employer, labor organization, joint apprenticeship committee, or vocational school, providing, coordinating, or controlling apprenticeship programs, or providing, coordinating or controlling on-the-job training programs, or other instruction, training or retraining programs:

(a) To deny to or withhold from any qualified person because of his race, creed, color, sex, national origin, or ancestry the right to be admitted to or participate in an apprenticeship training program, on-the-job training program, or other occupational instruction, training or retraining program;

(b) To discriminate against any qualified person in his pursuit of such programs or to discriminate against such a person in the terms, conditions, or privileges of such programs because of race, creed, color, sex, national origin, or ancestry;

(c) To print or circulate or cause to be printed or circulated any statement, advertisement, or publication or to use any form of application for such programs or to make any inquiry in connection with such program which expresses, directly or indirectly, any limitation, specification, or discrimination as to race, creed, color, sex, national origin, or ancestry, or any intent to make any such limitation, specification, or discrimination, unless based on a bona fide occupational qualification.

## Judicial Review and Enforcement

--(1) Any complainant, or respondent, or respondent claiming to be aggrieved by a final order of the commission, including a refusal to issue an order, may obtain judicial review thereof, and the commission may obtain an order of court for its enforcement in a proceeding as provided in this section.

(2) Such proceeding shall be brought in the district court of the district in which is located the county wherein the alleged discriminatory or unfair employment practice which is the subject of the commission's order was committed, or wherein any respondent required in the order to cease or desist from a discriminatory or unfair employment practice, or to take other affirmative action, resides or transacts business.

(3) Such proceeding shall be initiated by the filing of a petition in such court, and the service of a copy thereof upon the commission and upon all parties who appeared before the commission. Thereupon the commission shall file with the court a transcript of the record of the hearing before it. The court shall have jurisdiction of the proceeding and the questions determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony and proceedings set forth in such transcript an order enforcing, modifying and enforcing as so modified, or setting aside the order of the commission, in whole or in part.

(4) An objection that has not been urged before the commission shall not be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

(5) Any party may move the court to remit the case to the commission in the interests of justice for the purpose of adducing additional specified and material evidence and seeking findings thereof, provided such party shows reasonable grounds for the failure to adduce such evidence before the commission.

(6) The findings of the commission as to the facts shall be conclusive if supported by substantial evidence.

(7) The jurisdiction of the court shall be exclusive and its judgment and order shall be final, subject to review by the supreme court as provided by law.

(8) The commission's copy of the testimony shall be available to all parties for examination at all reasonable times, without cost, and for the purpose of judicial review of the commission's orders.

(9) The commission may appear in court by its own attorney.

(10) Unless otherwise directed by the commission or court, commencement of review proceedings under this section shall operate as a stay of any order.

(11) Petitions filed under this section shall be heard expeditiously and determined upon the transcript filed, without requirement for printing. Hearings in the court under this article shall take precedence over all other matters, except matters of the same character.

(12) If no proceeding to obtain judicial review is instituted by a complainant, or respondent within thirty days from the service of an order of the commission pursuant to section 80-24-7, the commission may obtain a decree of the court for the enforcement of such order upon showing that respondent is subject to the jurisdiction of the commission and resides or transacts business within the county in which the petition for enforcement is brought.

#### Enforcement of Fair Housing Act of 1959

##### (1) Unfair Housing Practices Prohibited

(a) It shall be an unfair housing practice and unlawful and hereby prohibited:

(b) For any person having the right of ownership or possession, or the right of transfer, rental, or lease of any housing: To refuse to transfer, rent, or lease, or otherwise to deny to or withhold from any person or persons such housing because of race, creed, color, sex, national origin, or ancestry; to discriminate against any person because of race, creed, color, sex, national origin, or ancestry in the terms, conditions, or privileges pertaining to any housing, or the transfer, rental, or lease

thereof, or in the furnishing of facilities or services in connection therewith; to cause to be made any written or oral inquiry or record concerning the race, creed, color, sex, national origin, or ancestry of a person seeking to purchase, rent, or lease any housing.

(c) For any person to whom application is made for financial assistance for the acquisition, construction, rehabilitation, repair, or maintenance of any housing to make or cause to be made any written or oral inquiry concerning the race, creed, color, sex, national origin or ancestry of prospective occupants or tenants of such housing, or to discriminate against any person or persons because of the race, creed, color, national origin, or ancestry of such person or persons, or prospective occupants or tenants in the terms, conditions or privileges relating to the obtaining or use of any such financial assistance.

(d) For any person to include in any transfer, rental or lease of housing any restrictive covenants; or for any person to honor or exercise, or attempt to honor or exercise any restrictive covenant pertaining to housing.

(e) For any person to print or publish, or cause to be printed or published any notice or advertisement relating to the transfer, rental, or lease of any housing which indicates any preference, limitation, specification, or discrimination based on race, creed, color, sex, national origin, or ancestry.

(f) For any person to aid, abet, incite, compel, or coerce the doing of any act defined in this section as an unfair housing practice; or to obstruct or prevent any person from complying with the provisions of this article or any order issued thereunder or to attempt either directly or indirectly to commit any act defined in this section to be an unfair housing practice.

(2) Nothing contained in this article shall be construed to bar any religious or denominational institution or organization which is operated or supervised or controlled by or is operated in connection with a religious or denominational organization from limiting admission to or giving preference to persons of the same religion or denomination, or from making such selections of buyers, lessees, or tenants as are calculated by such organization or denomination to promote the religious or denominational principles for which it is established or maintained.

(3) Nothing contained in this article shall be construed to bar any person from leasing premises only to members of one sex.

#### Judicial Review and Enforcement

(1) Any complainant or respondent claiming to be aggrieved by a final order of the commission, including a refusal to issue an order, may obtain judicial review thereof; and the commission may obtain an order of court for its enforcement in a proceeding as provided in this section.

(2) Such proceedings shall be brought in the district court in the district in which is located the county wherein the alleged unfair housing practice which is the subject of the commission's order was committed; or wherein any respondent required by the order to cease and desist from unfair housing practice or to take other action, resides or transacts business.

(3) Such proceeding shall be initiated by the filing of a petition in such court, and the service of a copy thereof upon the commission and upon all parties who appeared before the commission. Thereupon the commission shall file with the court a transcript of the record of the hearing before it. The court shall have jurisdiction of the proceeding and the question determined therein, and shall have power to grant such temporary relief or restraining order as it deems just and proper, and to make and enter upon the pleadings, testimony, and proceedings set forth in such transcript an order enforcing, modifying and enforcing as so modified, or setting aside the order of the commission, in whole or in part.

(4) An objection that has not been urged before the commission shall not be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances.

(5) Any party may move the court to remit the case to the commission in the interest of justice for the purpose of adducing additional specified and material evidence and seeking findings thereon, provided such party shows reasonable grounds for the failure to adduce such evidence before the commission.

(6) The findings of the commission as to the facts shall be conclusive if supported by substantial evidence.

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(10) Unless otherwise directed by the commission or court, commencement of review proceedings under this section shall operate as a stay of any order.

(11) Petitions filed under this section shall be heard expeditiously and determined upon the transcript filed, without requirement for printing. Hearings in the court under this article shall take precedence over all other matters, except matters of the same character.

(12) If no proceeding to obtain judicial review is instituted by a complainant or respondent within thirty days from the service of an order of the commission pursuant to section 69-7-6, the commission may obtain a decree of the court for the enforcement of such order upon showing that respondent is subject to the jurisdiction of the commission and resides or transacts business within the county in which the petition for enforcement is brought.

#### Public Accommodations -- Equality of Privileges to All Persons

All persons within the jurisdiction of the state shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities and privileges of inns, restaurants, eating houses, barber shops, public conveyances on land or water, theaters, and all other places of public accommodation and amusement, subject only to the conditions and limitations of law and applicable alike to all citizens.

#### Penalty and Civil Liability

Any person who shall violate any of the provisions of section 25-1-1 by denying to any citizen, except for reasons applicable

alike to all citizens of every race and color, and regardless of color or race, the full enjoyment of any of the accommodations, advantages, facilities, or privileges in said section enumerated, or by aiding or inciting such denial, for every such offense shall forfeit and pay a sum of not less than fifty dollars nor more than five hundred dollars to the person aggrieved thereby, to be recovered in any court of competent jurisdiction in the county where said offense was committed; and also for every such offense be deemed guilty of a misdemeanor; and upon conviction thereof, shall be fined in any sum not less than ten dollars, or more than three hundred dollars, or shall be imprisoned not more than one year, or both. A judgment in favor of the party aggrieved, or punishment upon an indictment or information shall be a bar to either prosecution, respectively.

### Case Intake and Disposition

A total of 93 complaints of discrimination in the areas of employment, housing and public accommodations were received during the period of July 1, 1963 through June 30, 1964.

These included 64 cases filed by individual complainants or a commissioner in connection with employment, 19 cases in connection with housing and 10 cases in connection with public accommodations.

### T A B L E I

#### COMPLAINTS BY GROUP IDENTITY FISCAL YEAR 1963-64

GROUP IDENTITY	EMPLOYMENT	HOUSING	PUBLIC ACCOMMODATIONS	TOTAL
Negro	38	15	7	60
Spanish-American	25	1	3	29
Other	1	3		4
<b>TOTAL</b>	<b>64</b>	<b>19</b>	<b>10</b>	<b>93</b>

The commission's case load seems to come predominantly from the Denver area in which minority groups are concentrated. However, Table II will show a geographic cross-section of Colorado from which cases have emanated.

T A B L E II

COMPLAINTS FILED BY DETAILED LOCATION OF  
ALLEGED DISCRIMINATION 1963-64

DETAILED LOCATION	EMP.	PA.	HSG.	TOTAL
Denver	51	5	13	69
Aurora	1	0	0	1
Colorado Springs	4	2	4	10
Walsenburg	1	0	0	1
Manitou Springs	1	0	0	1
Ouray	2	0	0	2
Pueblo	1	1	0	2
Westminister	1	0	0	1
Commerce City	1	0	0	1
Brighton	1	0	0	1
Boulder	0	0	2	2
Lakewood	0	1	0	1
Alamosa	0	1	0	1
TOTALS . . . . .	64	10	19	93

Respondents in the area of employment included employers, employment agencies, labor unions, and state agencies. The respondents' work force ranged from six employees to work forces running into the hundreds. Areas of business included manufacturing, public utilities, retail stores and state agencies. Race and color were mentioned most frequently by complainants as the basis for alleged acts of discrimination.

Respondents in the area of housing included property owners, real estate agents, builders and others. Respondents in the area of public accommodations included eating and drinking places, places of recreation and amusement, and places offering personal services.

## Case Summaries - Employment

### I

A young Negro woman went to the office of a major airline and inquired about returning for an interview for the position of stewardess. She was informed that interviews were held on Tuesday and Thursday of each week between the hours of 10 a.m. and 4 p.m. The applicant returned to the airline office on Thursday at 2:30 p.m. and inquired about an interview. An office employee informed the applicant that the interviews were over at 1 p.m. The applicant was given an application form at this time and told to mail it to the Kansas City office. She was also told that interviews would not be held in Denver again for one month. The young woman felt that the airline company was discriminating against her and filed a complaint with the commission.

The commission's investigation revealed that stewardesses are not interviewed in Denver except on prearranged dates at which time an interviewer from Kansas City uses the facilities in Denver. The information given the applicant by an office employee in Denver was erroneous. Fulltime interviews are held only in major cities. Denver is not a major city. Negroes are employed by the airline in question in other than menial positions. The applicant was asked to return to the Denver office for a preliminary interview after which she passed. She has also been asked to fly to Kansas City at the airline's expense for a final interview.

### II

A young woman of Spanish-American ancestry was discharged from her employment with a chain dry goods store where she was a cashier, because the personnel manager stated the young woman could not be bonded, which is a requirement of employment. The young woman stated that she is bondable by virtue of the fact that she has previously been bonded and has, to her knowledge, not committed any act which could prevent her from being bonded again. The young woman filed a complaint with the commission, stating that she was dismissed from her position because she is of Spanish ancestry.

The commission's investigation revealed that a large bonding company had contacted the chain store and the woman in question had been terminated from the store previously because of pregnancy.

The store would not re-employ her. A check of the store's records revealed that the woman left voluntarily and was not discharged. The young woman stated that she quit her job with the store in April and did not become pregnant until the latter part of May. The personnel director of the store stated that there must have been a very bad mistake on the part of the company. She said that she would immediately rehire the young woman as a cashier.

T A B L E III

EMPLOYMENT COMPLAINTS ACCORDING TO GROUP IDENTITY AND FINAL DISPOSITION

GROUP IDENTITY	DROPPED	*DISMISSED	CONCILIATED	HEARING PENDING	TOTAL
Negro	4	21	10	1	36
Spanish	1	13	8	5	27
Other		1			1
TOTAL . .	5	35	18	6 =	64

**\*DISMISSAL**

If the coordinator or the commissioner official shall determine either upon the face of the complaint or upon the information gathered during the investigation that probable cause for credited the allegation of a complaint does not exist, he or she shall dismiss the complaint and notify the complainant in writing of his or her action either by personal delivery or ordinary mail at the complainant's last known address, together with a notice of complainant's right to apply to the commission for reconsideration of such dismissal.

Case Summaries - Housing

I

A Negro school teacher employed by a parochial school was refused the right to rent an unfurnished apartment near the

school where she is employed. A handyman introduced himself as the manager of the apartment in question and accepted a down-payment of \$47.50. Later in the afternoon the teacher called the would-be manager and requested that the floors be painted. The manager refused and the teacher stated that she would not take the apartment if such as the situation. The manager also said that all the other apartments (seven vacancies) had been rented with the exception of a basement apartment. The following day the manager called the teacher and asked her to pick up the down-payment. He also stated that he did not believe in segregation but the majority of the people living in the unit said they did not want a Negro living in the unit. He further stated that if the situation were left up to him, he would rent to a Negro, but it would hurt the realty company if the tenants moved out. The Negro teacher filed a complaint with the commission.

The commission's investigation revealed that the man who had stated he was the manager was not the manager. The real manager stated that he does not have the authority to rent apartments. The apartments are rented by the owner, which is a real estate company. The owner of the real estate company stated that all prospective tenants are interviewed to determine their drinking habits and their credit rating. He also stated that no apartments will be offered until they have been renovated. The owner finally offered the teacher an apartment.

## II

Two white girls who are graduate students at the University of Colorado were told that they would have to vacate their apartment when their lease was up on June 1st, and there was no possibility of their lease being renewed. The owner stated, "I don't want you to entertain your nigger friends anymore." He further stated that he had received complaints from other tenants about the Negro visitors.

The commission's investigation revealed that the owner had falsely accused the students of sub-letting, had no desire to rent to single women, and did not approve of the students' Negro friends visiting them. After a conference with a commission staff member, the owner agreed to renew the lease and stated that he didn't care about the way they entertained their colored friends or whoever they entertained.

T A B L E IV

HOUSING COMPLAINTS ACCORDING TO  
GROUP IDENTITY AND FINAL DISPOSITION

GROUP IDENTITY	DROPPED	DISMISSED	CONCILIATION	HEARING PENDING	TOTAL
Negro		5	10	2	17
Spanish ancestry		1			1
Other			1		1
<b>TOTAL . .</b>		<b>6</b>	<b>11</b>	<b>2</b>	<b>= 19</b>

Case Summaries - Public Accommodations

I

A Negro woman inquired of a dance instructor about admitting her eight-year-old daughter to dancing classes. She was informed that classes would be held from 1:30 to 2:30 p.m. each Saturday. On Saturday a little before 1:30 p.m. the Negro woman arrived at the place where the dancing class was to be held and knocked on the classroom door. The instructor opened the door and stated, "Oh, honey, I don't take colored here!" She further asked why she wasn't told by telephone the day before. She abruptly closed the door in the Negro woman's face.

The commission's investigation revealed that the dance instructor held dancing classes for different age groups on Monday, Wednesday, Friday, and Saturday. Classes are held in the basement of the instructor's home. The instructor stated that since the studio was in her home, she felt that she didn't have to take everyone that came. She further stated that several years ago she gave a colored boy private lessons, but he became obnoxious--running all over the house, asking favors--so she stopped his lessons. She hasn't tried any colored students since, but she has ten Mexicans in classes. The instructor finally agreed not to refuse to enroll acceptable prospective students because

of race, and provide all accepted students with full and equal enjoyment of her facilities and instruction, regardless of race, color, creed, national origin or ancestry. The instructor further agreed to enroll the Negro applicant in the next course of dancing instruction. The commission ruled that a place of public accommodation conducted in a home was not exempt from the law.

T A B L E V

PUBLIC ACCOMMODATIONS COMPLAINTS ACCORDING TO  
GROUP IDENTITY AND FINAL DISPOSITION

GROUP IDENTITY	DROPPED	DISMISSED	CONCILIATED	HEARING PENDING	TOTAL
Negro		1	5	1	7
Spanish ancestry	1	1			2
Other				1	1
TOTAL . .	1	2	5	2	= 10

T A B L E VI  
 TYPE OF RESPONDENT

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Employment	
Employer . . . . .	40
Employment Agency . . . . .	1
Union . . . . .	5
Other . . . . .	18
<b>TOTAL</b>	<b><u>64</u></b>

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Housing	
Owner . . . . .	11
Real Estate Agent . . . . .	3
Builder . . . . .	3
Mortgager . . . . .	0
Other . . . . .	2
<b>TOTAL</b>	<b><u>19</u></b>

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Public Accommodations	
Hotels & Motels . . . . .	0
Eating & Drinking Places . . . . .	5
Recreation & Amusement Places . . . . .	2
Personal Services (Barber, Beauty, Health, etc.)	1
Resorts (Hotels, Lodges, etc.) . . . . .	0
Other . . . . . , . . . . .	2
<b>TOTAL</b>	<b><u>10</u></b>

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November 6, 1963

BRANCH OFFICES

During the month of November 1963, the commission opened two branch offices: one in Colorado Springs and one in Pueblo. A staff member spends one day a week in each office.

This gives the citizens of Colorado Springs and Pueblo who feel that they have been discriminated against because of race, creed, color, national origin or ancestry an opportunity to file a complaint and discuss the nature of the complaint with a commission staff member.

From November 1963 through June 1964 sixteen complaints were processed. The staff members who worked in the branch offices feel that the number of cases processed would have tripled if the offices were open five days each week. Staff members have learned that many people will not file complaints if several days lapse after they have been discriminated against.

In addition to processing complaints, the staff members working out of branch offices contacted citizens in the Negro and Spanish community, people from management, labor and civic organizations.

#### Police-Citizen Minority Relations

The Commission under the authority granted it under Colorado Statute 80-25-7 conducted an investigation into police-citizen minority relations in Denver.

The purpose of the hearing was to determine if there exists questionable methods of law enforcement and, if so, their relationship to minority groups. Based on the evidence, this commission may consider recommendations to the Governor of Colorado and the Legislature for changes in our statutory laws.

The investigation covered voluntary reported complaints of excessive use of force by police made by citizens and attorneys who have handled a significant number of cases of alleged excessive use of force, public officials and police officers against whom charges were brought and supervisory personnel were invited to appear to express their point of view and discuss the charges or their problems relating to the charges.

A formal hearing was held with a court reporter. Witnesses were sworn and given the prerogative of having their testimony excluded from the record since no absolute guarantee of confidentiality could be given.

Twenty-two witnesses who alleged excessive use of force and five attorneys who have handled other cases of alleged mistreatment testified before the commission. Signed (notarized) statements were taken for other witnesses who were not able to appear.

Of the 23 who testified about their own experience or were testified about, the breakdown by group is as follows:

NEGRO	SPANISH-AMERICAN	JEWISH	WHITE ANGLO	NOT KNOWN	FOREIGN BORN-WHITE	TOTAL
3	13	1	3	1	2	23*

\* Several unexpected witnesses were brought in by their attorneys.

Many of those who appeared before the commission were completely unaware of the existence of remedies for their complaints of alleged abuse. In only one case was there a prosecution of a civil suit in the federal courts. There is no state civil remedy available against persons acting under color of law who violate or deprive others of their constitutional rights.

While the citizens of a community rely upon the police for protection from crime and criminals, the police also rely upon citizens for both information and public confidence. The commission was not able to make any real evaluation of the effectiveness of internal discipline within the police department, but feel some real uneasiness about it. The commission does feel that what is most important is that public confidence be maintained in the police. Many of the persons appearing before the commission expressed doubt whether police self-discipline was likely because of an apparent tendency to close ranks around any officer in order to protect him and the force. Thus, the commission feels that in this area of community relations, public attitude must control, and some citizen-oriented board of review is essential to pass upon complaints of allegedly wronged persons, despite the feeling of police that such board might conceivably result in lowered police morale. There is nothing in the record to suggest that this problem exists in Denver, alone, although the situation in Denver was the subject of the hearings. The commission has forwarded a copy of this report plus recommendations to the Governor of Colorado.

## RESEARCH AND SURVEY

### I. PLANT INSPECTION SURVEY

This project was initiated by the Colorado Anti-Discrimination Commission and designed as a study of the employment practices of the larger employers in the Denver area with respect to the chief minority groups residing within the state.

The project is authorized by the Colorado Anti-Discrimination Act of 1957. The Act defines an employer as the State of Colorado or any political subdivision or board, commission, department, institution or school district thereof, and every other person employing six or more employees within the state. The law declares that it shall be a discriminatory or unfair employment practice for an employer to refuse to hire, discharge, promote, or demote, or to discriminate in matters of compensation against any individual because of race, color, religion, national origin, or ancestry.

The Commission is empowered to investigate and study the existence of discrimination in employment; to formulate plans for the elimination thereof; and to publish reports of such investigations and research.

The purposes of the study were to determine:

(1) The incidence of discrimination, if any, by larger employers against members of minority groups; and

(2) The kinds of jobs held by minority group people.

The problem of equality of opportunity in employment has been a major concern of the Commission since it was created. In the course of its activities, the Commission has built up a substantial record of achievement in the way of broadening job opportunities for minority group persons. Its influence in this regard is attested to by statements from employers, minority group persons, and responsible community leaders. However, the Commission's knowledge of the effectiveness of its activities in the field of job opportunities has been based largely on experience derived from informal and formal investigation of complaints against specific employers. No systematic attempt has been made to secure an over-all view of the extent of integration in a representative cross-section of employers--regardless of whether complaints alleging discrimination had been filed with and investigated by the Commission.

Complaints against specific employers are not necessarily an index of discrimination. Complaints, in fact, are frequently lodged against employers who are known to hire minority workers, whereas on the other hand complaints may not be filed against employers who have the reputation in the community of hiring few, if any, minority workers in their plants.

This survey, therefore, represents an attempt to broaden the Commission's knowledge of minority group integration in a specific segment of economic life of the state.

### Scope

The scope of the survey includes 58 firms chosen at random from the Million Dollar Directory--Dun and Bradstreet 1961 and the Manufacturers that Employ Over 100 Persons in the Denver Metropolitan Area 1959 listings. This study was geared toward the larger industrial employers within the state.

## II THE EMPLOYERS

Information from the employers was secured in most cases through interviews with the company president, vice-president, or personnel manager, and in some cases the plant manager. All of our contacts were prefaced by our interviewer pointing out that he represented the Anti-Discrimination Commission, not as an enforcement officer, but as a representative engaged in research concerned with getting an over-all picture of the degree of success achieved by employers in integrating diverse racial, religious and national origin groups.

The interviewer made it clear that he was not acting on the basis of any complaint made under the Colorado Anti-Discrimination Act of 1957. This approach was designed to place the whole plant inspection survey on a fact-finding basis, but the variety of responses elicited from top level management indicates that quite a few of them were wary concerning our motives and the possible use to which the information might be put.

Our interviewers were instructed to obtain the following information at some time during the course of the interview:

A. Organization

1. Name of company
2. Address
3. Home office
4. President, Personnel Officer
5. Type of organization
6. Government contracts and/or assistance (List and Nature)

B. Policy (Interview with President and Personnel Manager)

1. Is there a clear non-discrimination policy in practice?
2. Is this policy in writing? Who administers?
3. How enforced?
4. Is this policy clearly understood by:
  - a. Personnel Department
  - b. All employees
  - c. Labor Unions
  - d. Employment Agencies
  - e. The general public
5. What specific steps do you take to assure adequate safeguards for:
  - a. Preventing the exclusion of qualified personnel?
  - b. Assuring equal opportunity for advancement based on merit regardless of race, religion, color or national origin?
6. Total number of all employees.
7. Total number of minority employees.
8. Does your application for employment conform to the Colorado Anti-Discrimination Act of 1957?

III OFFICE AND PLANT INSPECTION

The office inspection and the plant inspection was carried out by a representative from management and one of our interviewers. The following form was used by our representatives:

OFFICE INSPECTION

Ethnic Group	Profes- sionals	Secre- taries	Clerks	Stenos	Typists	Total
Negro						
Sp. Ancestry						
Japanese						
Jewish						
Majority Group						
	Office Machine Operators	Telephone Operators	Messenger Office Boys	Watchmen Guards	Sales Agents	Total
Negro						
Sp. Ancestry						
Japanese						
Jewish						
Majority Group						

PLANT INSPECTION

Ethnic Group	Super- visors	Fore- men	Profes- sionals	Skilled	Semi- Skilled	Un- Skilled	Total
Negro							
Sp. Ancestry							
Japanese							
Jewish							
Majority Group							
	Techni- cians	Skilled Helpers	Profes- sionals	Appren- tices	On-the-Job Training	Laborers Porters	Total
Negro							
Sp. Ancestry							
Japanese							
Jewish							
Majority Group							

## COMMENTS

Labor organizations having jurisdiction over employees:

UNION

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Sources of recruitment:

- a. Recommended by Employee
- b. Recommended by Labor Organization
- c. State Employment Service
- d. Private Employment Agency
- e. Schools and Colleges
- f. Newspaper Ads
- g. Unsolicited - not previously employed
- h. Unsolicited previous employee
- i. Other

### Comments

The fifty-eight companies inspected employed a total of 27,219 people, of which 24,136 were members of the majority group. The companies employed a total of 683 Negroes, 2,144 people of Spanish ancestry, 80 Japanese, and 176 people of Jewish faith. Minorities were 11.7 percent of the total work force. The largest number of minorities were employed in jobs that require either very little or no skill. For a more detailed picture of the job classification minorities were in, see Table A.

TABLE A  
PLANT SURVEY OF 58 COMPANIES

Job Categories	Total Employ- ees by Job Categories	Negro	Spanish	Japanese	Jewish	Total Majority	Total Minorities	Per Cent Minorities
OFFICE								
Professionals	1,552	3	17	8	61	1,463	89	5.7
Secretaries	606	1	6 <sup>1</sup>	3	7	589	17	2.8
Clerks	2,573	38	91 <sup>1</sup>	3	10	2,431	142	5.5
Stenographers	179	0	7	3	0	169	10	5.5
Typists	219	3	11	0	1	204	15	6.8
Office Machine Oper.	767	18	31 <sup>2</sup>	1	4	713	54	7.0
Telephone Operators	2,011	65	127 <sup>2</sup>	4	0	1,815	196	9.7
Messengers-Office Boys	67	6	4	0	0	57	10	14.9
Watchmen-Guards	64	3	1 <sup>3</sup>	0	0	60	4	6.2
Sales Agents	2,753	49	49 <sup>3</sup>	7	28	2,620	133	4.8
PLANTS								
Supervisors	1,146	5	9	1	11	1,120	26	2.2
Foremen	1,048	3	37 <sup>4</sup>	0	7	1,001	47	4.4
Professionals	1,084	0	5 <sup>5</sup>	0	5	1,074	10	9.2
Skilled	6,512	49	898 <sup>6</sup>	9	29	5,527	985	15.1
Semi-Skilled	2,435	144	330 <sup>6</sup>	17	7	1,937	498	20.4
Unskilled	2,409	169	341	21	3	1,875	534	22.1
Technicians	383	1	10	2	0	370	13	3.3
Skilled Helpers	193	7	27	0	2	157	36	18.6
Trade	766	0	43	0	1	722	44	57.4
Apprentices	71	3	5	0	0	63	8	11.2
On Job Training	42	8	18	0	0	16	26	61.9
Laborers-Porters	339	108	77	1	0	153	186	54.8
<b>TOTAL EMPLOYEES</b>	<b>27,219</b>	<b>683</b>	<b>2,144</b>	<b>80</b>	<b>176</b>	<b>24,136</b>	<b>3,083</b>	<b>11.3</b>

1 Includes one Indian

2 Includes five Indians

3 Includes two Indians

4 Includes one Indian

5 Includes one Indian

6 Includes four Indians

In white collar jobs there were 186 Negroes, 344 Spanish, 29 Japanese, and 111 of Jewish faith. Minorities represent 6.6 per cent of the white collar workers. See Table B.

TABLE B  
OFFICE SURVEY OF 58 COMPANIES

Job Categories	Majority Group	Negro	Spanish	Japanese	Jewish
Professional	1,463	3	17	8	61
Secretaries	589	1	6 <sup>1</sup>	3	7
Clerks	2,431	38	91 <sup>1</sup>	3	10
Stenographers	169	0	7	3	0
Typists	204	3	11	0	1
Machine Operators	713	18	31 <sup>2</sup>	1	4
Telephone Operators	1,815	65	127 <sup>2</sup>	4	0
Messengers (Off. Boys)	57	6	4	0	0
Watchmen (Guards)	60	3	1 <sup>3</sup>	0	0
Sales Agents	2,620	49	49 <sup>3</sup>	7	28
TOTAL	10,121	186	344	29	111

- 1 Includes one Indian
- 2 Includes five Indians
- 3 Includes two Indians

#### IV APPLICATION FORMS

Application forms were secured from all 58 employers interviewed and examined. A total of 18.9 per cent were in violation of the Colorado Anti-Discrimination Act of 1957. Eighty-one per cent of the forms contained no questions which could be interpreted as a means for identifying race, religion, or national origin.

#### V NEGRO EMPLOYEES

In turning our attention to the Negroes employed by the companies inspected, they were found in nine of the ten white collar occupational levels. None of the companies had Negro stenographers. Negroes were employed as professionals, secretaries, clerks, typists, office machine operators, telephone operators, messengers--office boys, watchmen-guards, and sales agents.

In the course of the inspection, each company official was asked for a statement of the exact number of Negro employees in each of these occupational categories, as many of the companies operated on shifts. Some of the respondents furnished this information quite readily, either on the basis of post-hiring records or on the basis of their own knowledge of types of jobs held by Negroes. A few of the respondents were reluctant to reveal such data, probably because they felt that keeping records might be interpreted as an evasion of the Colorado Anti-Discrimination Act of 1957. They were then asked to give their best estimate of what jobs were held by Negroes. In most cases these estimates seemed to be quite reliable when checked against other sources of information. To clarify our request, we would ask, for example, how many Negroes were working at clerical jobs, or in a supervisory capacity, or at professional jobs. It is quite possible that some errors in occupational classification were unavoidable, such errors are probably not too serious as far as the over-all picture is concerned.

## VI EMPLOYEES OF SPANISH ANCESTRY

Persons of Spanish ancestry comprise the dominant minority group in Colorado, and especially in the area where the plant inspection survey was made. People of Spanish ancestry were employed on every occupational level. The largest number of people of Spanish ancestry were employed in skilled jobs. See Table C. There appeared to be many more job opportunities available for people of Spanish ancestry than for Negroes.

TABLE C  
PLANT SURVEY OF 58 COMPANIES

Job Categories	Majority Group				
	Negro	Spanish	Japanese	Jewish	
Supervisors	1,120	5	9	1	11
Foremen	1,001	3	37 <sup>1</sup>	0	7
Professional	1,074	0	5 <sup>2</sup>	0	5
Skilled	5,527	49	898 <sup>3</sup>	9	29
Semi-Skilled	1,937	144	330	17	7
Unskilled	1,875	169	341	21	3
Technicians	370	1	10	2	0
Skilled Helpers	157	7	27	0	2
Trade	722	0	43	0	1
Apprentices	63	3	5	0	0
On Job Training	16	8	18	0	0
<b>TOTAL</b>	<b>13,915</b>	<b>497</b>	<b>1,800</b>	<b>51</b>	<b>65</b>

- 1 Includes one Indian
- 2 Includes one Indian
- 3 Includes four Indians

## VI CONCLUSIONS

Data gathered through the medium of interviews and plant inspection with employers have revealed a variety of practices with respect to the employment of minority group persons--particularly the employment of Negroes.

There are very few Negroes employed in white collar jobs. The largest number were employed as telephone operators and sales agents. The largest number of Negroes employed in the plant were employed in the semi-skilled and unskilled jobs. There are, however, certain situations revealed by our inspection which cannot be explained away. One of these is the absence of Negro stenographers in all of the 58 companies inspected. It would seem that in this occupational group there is either deliberate or unconscious discrimination against the employment of Negro stenographers. Also, in supervisory and professional jobs, the few positions of this type afforded to Negroes would seem to indicate under-employment.

Spanish ancestry employees represented 33.9 per cent of the white collar workers employed in the companies inspected. The largest number were employed as telephone operators and clerks. In the plant jobs, 12.9 per cent are held by people of Spanish ancestry. The largest number are employed in skilled jobs.

Whether an employer can be labeled as discriminatory would seem to depend on several factors: (1) If he has no Negroes or people of Spanish ancestry, does he refuse to hire by discouraging applications, or by turning down all Negro and Spanish ancestry applicants for one reason or another? (2) If he employs Negroes and people of Spanish ancestry, does he hire them for all types of jobs on the basis of impersonal, objective qualifications, or does he hire Negroes and people of Spanish ancestry only for certain jobs, and then with no intention of training them for and promoting them to better jobs? In other words, it is not sufficient for an employer to point to some Negro and Spanish ancestry employees in his plant and say, "There is proof that we don't discriminate." Instead, there must be assurance that qualified Negroes and people of Spanish ancestry (or any other minority group persons) are given equal consideration for any opening anywhere in the organization at any time.

A follow-up visit by the Director and a staff member to discuss hiring policies and practices resulted in the opening of additional opportunities to minority persons.

## EXECUTIVE ORDER EQUAL OPPORTUNITY

Whereas, the opportunity of every man to choose freely his occupation and to pursue it in freedom is fundamental to our way of life; and

Whereas, the State of Colorado has a long and proud history of concern and legislation for equality of opportunity in housing, public accommodation and employment; and

Whereas, improvement in good conditions is possible and desirable;

Now, therefore, I, John A. Love, Governor of the State of Colorado, do hereby issue the following Executive Order which shall apply throughout the Executive Branch of State Government.

### I

Appointment Assignment and Promotion of 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, creed, or national origin. State agencies shall eliminate from all employment application forms any inquiry expressing limitation or specification as to race, color, creed or national origin unless it relates to a bona fide occupational qualification.

### II

#### State Action:

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

### III

#### Public Contract:

Every State contract for public works or for goods or services shall contain the following provisions:

"In connection with the performance of work under this contract, the contractor agrees as follows:

" (1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: Employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.

" (2) The Contractor will, upon request of the contracting agency, require a similar agreement with any subcontractor."

### IV

#### Public Employment Services:

All 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 carrying a specification or limitation as to race, color, creed, or national origin, unless it relates to a bona fide occupational qualification. Information concerning employers believed to engage in discriminatory practices shall be referred by State agencies to the State Anti-Discrimination Commission for investigation and conciliation.

### V

#### Training for Job Opportunities:

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, creed, or national origin.

## VI

### State Licensing and Regulatory Agencies:

In cases in which a respondent in a proceeding before the State Anti-Discrimination Commission is subject to the licensing or regulatory power of another state agency, the State Anti-Discrimination Commission shall notify the State agency of the pendency of such proceedings. If, thereafter the respondent is found by the State Anti-Discrimination Commission, after notice and an opportunity to be heard, to have engaged in a discriminatory practice, the State agency shall be so notified.

## VII

### Cooperation with the State Anti-Discrimination Commission:

All State Agencies, in accordance with the State constitution and the State's laws against discrimination shall cooperate fully with the State Anti-Discrimination Commission.

### REPORTED VIOLATIONS

During the course of each fiscal year the commission receives a number of reported violations in employment, housing, public accommodations, and in other areas where the commission has no jurisdiction. Some of these reported violations turn out to be legitimate complaints and others are referred to another public agency. The commission received sixty reported violations from July 1, 1963 through June 30, 1964.

T A B L E VII  
REPORTED VIOLATIONS 1963-64

<u>EMPLOYMENT</u>	<u>HOUSING</u>	<u>PUBLIC ACCOMMODATIONS</u>	<u>NO JURISDICTION</u>	<u>TOTAL</u>
26	9	12	13	60

## EDUCATION

The three laws of which the commission is custodian, if properly administered, will protect all the people of the state of Colorado. It is the responsibility of each citizen to spread the information about the law in Colorado so that every citizen will voluntarily comply with the law.

Voluntary compliance with the laws by every citizen is the goal for which the commission strives. To achieve this goal the commission members and staff have engaged in a number of educational activities throughout the state during the fiscal year 1963-64. The emphasis on education is revealed by the following tabulation:

### 1963-64

Speeches . . . . .	60 plus
Radio & Television Appearances . . . . .	10
Workshops & Conferences. . . . .	16
Newspaper Stories. . . . .	3
Additional Community Meetings Attended . . . . .	82
News Releases. . . . .	463
Pieces of Literature Distributed . . . . .	24,252

The participation of commission members and staff involved contacts with a wide variety of organizations which included:

Adult Education Council of Denver  
Denver School Board  
Denver Home Builders  
Glenarm Y M C A, Denver  
Denver University Student Y M C A  
Colorado Labor Council  
Latin American Educational Foundation  
Police Academy of Denver  
Latin American Luncheon Club  
Regional F H A  
Fair Housing Council  
Denver Board of Realtors  
Colorado Board of Realtors  
Denver Area Council of Churches  
Colorado Council of Churches  
Littleton Human Relations Council

S. E. Denver Human Relations Council  
Jefferson County Human Relations Council  
National Association of Intergroup Relations Officials  
Conference of Commissions Against Discrimination  
The President's Committee on Equal Employment Opportunity

## CEMETERIES

Beginning in early May, the Commission undertook a compliance survey of all cemeteries in the state to see if their practices as reflected in their deeds, contracts for purchase, by-laws, or rules and regulations indicated a non-discriminatory policy which would make it possible for individuals or families of all ethnic groups to purchase and use lots for burial.

This survey covered both public and private cemeteries or memorial gardens but did, of course, take into consideration the fact that cemeteries devoted to burial of persons of a single religious group legally have this one condition reflected in their documents.

In general, there was excellent cooperation with the request for this information. As a result, it can be pointed out that with four exceptions, all cemetery facilities in the state have a policy reflected in their deeds, contracts, etc. of being open to all ethnic groups.

Of the four exceptions, three were engaged in correcting any forms they had been using which contained restrictive clauses; and there was evidence that two of these three had not been applying such restrictive clauses but had made the facilities open to all. A third has probably not been adhering to the Colorado law and the fourth has refused to take any action to correct either its practices or the language of its Rules and Regulations, which restrict burial to Caucasians only. The position of this particular cemetery has been that if a suit for a declaratory judgment against it is brought by an individual that, should the court see fit to declare the restrictive clause to be an unenforceable covenant, that such a judgment would then automatically free the cemetery of liability for damage suits from present holders of deeds containing these restrictions. Until such an action is brought, it feels that it is liable to suits and must, therefore, retain its restrictions in both practice and in its rules.

Efforts to gain the cooperation of this cemetery association in asking for a declaratory judgment itself were of no avail.

The Commission is considering what action is now required to gain compliance in lieu of an actual complaint.

## RECOMMENDATIONS

### I An Omnibus Act

The three laws administered by the commission could be administered more easily if the laws were brought together in one omnibus piece of legislation. In addition, to ease in administering the laws, an omnibus act would give certain advantages to the commission's rules of practice and procedure by making them less cumbersome to adopt and implement. The commission recommends that the legislature consider amending Colorado Civil Rights laws to bring them together into one omnibus act.

### II An Age Qualification

Several states have a provision in their fair employment law against discrimination because of age. The provision prevents the use of an age qualification for employment unless the fact has been established that age is a factor in performing the duties of the job. The Colorado Fair Employment laws have one provision relating to age; namely, that no individual between the ages of eighteen and sixty years can be discharged solely because of age. The provision is not sufficient in view of the accelerated pace of automation. The commission recommends that a provision 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.

### III Housing

In June 1964 the governor appointed a Fair Housing Study Committee comprised of 17 Colorado citizens from varied backgrounds and interests to evaluate the present law concerning housing and to make recommendations to the Governor so that he may recommend any necessary changes in the law to the 1965 General Assembly.

As was summarized in the 62-63 report, the Commission would again suggest serious consideration of the following recommendations:

(1) That the enforcement section of the law 69-7-6 (12) be rewritten to conform with the Supreme Court decision in the Rhone case to include provisions which would empower the Commission once it has made a finding of fact that the respondent has violated the law, to specifically compel a respondent to offer a complainant any housing in which he may be interested and to include in the enforcement orders a requirement for report of the manner of compliance.

(2) Amend the law to include a provision which would provide injunctive relief to hold the housing in question in status quo pending the final determination of a complaint, or the posting of a bond to assure reimbursement of losses suffered because of a discriminatory practice.

(3) To clearly delineate the coverage of the law over real estate brokers and salesman.

(4) Amend the law to make it an unfair housing practice for any person to refuse to post Commission notices in a conspicuous place on his premises.



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