

The Potomac Institute, Inc.  
1501 18th Street, N. W.  
Washington 36, D. C.

National Labor Service  
American Jewish Committee  
165 East 56th Street  
New York 22, New York

PROPOSALS FOR CIVIL RIGHTS ACTION BY ORGANIZED LABOR

1. The AFL-CIO should immediately establish a special task force of ranking officers and staff representatives, whose purpose should be to establish a broad crash program to deal with all aspects of civil rights.
2. Similar AFL-CIO task forces should be established at the state and local level.
3. International unions should be requested to make similar high-level assignment of those responsible for action on civil rights.
4. Special action needs to be taken by the Building Trades Department of the AFL-CIO, as well as by the key international unions involved. AFL-CIO task forces should encourage these unions to meet with state and city human relations commissions, with the leaders of the Negro protest organizations and with interracial groups of clergymen to work out specific action programs to end restrictive practices. Prompt action is needed to accomplish this before protest picket lines and demonstrations create increasing friction between Negro and labor groups.
5. There is need for an immediate allocation of additional financial and staff resources for the AFL-CIO civil rights department. The number of cities, such as Baltimore, Los Angeles, and Detroit, where protest organizations have already served ultimatum notices of pending demonstrations is merely symptomatic of the growing need for adequate staff with proper background and direction to undertake the type of negotiation that will resolve these situations. In addition, the major international unions should be urged to augment or create civil rights staffs to work in coordination with the

-2-

AFL-CIO civil rights department.

6. With regard specifically to minority group access to apprenticeships, every effort must be made to expand the type of coordinate community program initiated by organized labor in California and now beginning in New York City, the District of Columbia, and Chicago. These programs should include widely disseminated information on available apprenticeships and means of entering them, aimed specifically at the involvement of increasing numbers of minority apprentices. Where appropriate, apprenticeship standards should be reviewed, the number of apprentices should be enlarged, and assistance from the appropriate governmental agencies should be obtained. The need for follow-up procedures to insure fair and proper consideration of minority apprenticeship candidates is basic to this program.

A Conference of National Association of State Apprenticeship Directors in Washington, D. C., early this year, insisted that the United States needs one million apprentices. President C. J. Haggerty of the AFL-CIO Building and Construction Trades Department told the conference that the figure was "probably an understatement, rather than an exaggeration, of the need," and urged the Government to require successful bidders on public works projects to employ a specified ratio of apprentices to journeymen, with apprentices chosen on a non-discriminatory basis. This could be accomplished if President Kennedy would insert a new clause in all Federal contracts calling for the mandatory hiring of at least one apprentice or trainee for every five journeymen, and that these apprentices be chosen without discrimination. This could be done under Executive Order 10925 which already provides that "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 shall not be limited to ... selection for training, including apprenticeship."

- 3-
7. A national conference of ranking union officers and civil rights organization leaders should be convened at once under the initiative of President George Meany of the AFL-CIO. The primary purpose of this conference is to evaluate civil rights issues and problems and to review progress being made.
  8. Because of the many minority workers engaged in marginal and low-paying occupations, a major review of the Fair Labor Standards Act and the Walsh-Healey Act assumes major importance. Here, the need for extended coverage and improved standards is seen in its most important light.
  9. The objectives of the National Manpower Development and Training Act and the Vocational Education Program must be supported with adequate financial and technical resources. Labor support for this type of training as part of a national manpower policy should make clear the importance of these programs for minority groups and should urge broad programming, free from the technical restriction of so-called "available jobs", which has often been used to limit the number of Negro trainees.
  10. At the state and local level, fair employment practices laws in many cases need strengthening. Organized labor, which was an important champion of these laws when they were first passed, should now exert its leadership in achieving the necessary improvements. Foremost among these is authority for the state or city commission to initiate action on its own without awaiting individual complaints.
  11. Union leadership must be sensitive to the increasing use that may be made of NLRB procedures in the area of union practices. Efforts at consultation among international union representatives and civil rights organizations should be encouraged in order to avoid unnecessary NLRB actions.
  12. Organized labor at every level should take the initiative in insisting that

Federal funds not be used to maintain discriminatory or segregated services, such as now exist in some state employment service activities and other governmental activities.

13. The labor movement should invite the cooperation of the Negro protest organizations, as well as Puerto Rican and Mexican-American groups, in a drive to organize the unorganized, particularly in the most exploited trades in which a very large proportion of Negro and other minority group workers are employed. (This was done successfully in relation to hospital workers in New York.) This should be done in recognition of the fact that many of the present minority group protest activities are offering the only available outlet and organization for the deprivations of unorganized workers. This is as true for workers in large industrial cities of the North as it is for those in the South. No one is in a better position to give recognition to the needs of such protest groups than organized labor.
14. The AFL-CIO, its constituent bodies, and the major international unions have a great opportunity - and responsibility as well - to assist in the Negro voter registration drive now going forward in the South. The Voter Education Project should have both major financial support and staff and organizational assistance from every segment of the labor movement. The responsibility of CIOPE is particularly great.
15. A major concern of each international union should be to insure the inclusion of capable minority trade union leaders in high policy-making positions. There is no greater challenge nor greater opportunity confronting this country's international unions.
16. Finally, the AFL-CIO, its constituent bodies, and the major international

unions must identify their organizations and resources in joint action with civic and church groups in the broad struggle not only to enlarge employment opportunities, but also to create democratic patterns in housing, school practices, public accommodations, and in the health, welfare, and recreational facilities of every community.

June 1963

*Misc*  
*July*  
*file*

From  
**ASSISTANT ATTORNEY GENERAL  
CIVIL RIGHTS DIVISION**

to  
Official indicated below by check mark

The Attorney General	
The Deputy Attorney General	
The Solicitor General	
Assistant Attorney General, Antitrust	
Assistant Attorney General, Tax	
Assistant Attorney General, Civil	
Assistant Attorney General, Lands	
Assistant Attorney General, Criminal	
Assistant Attorney General, Legal Counsel	
Assistant Attorney General, Alien Property	
Assistant Attorney General, Internal Security	
Administrative Assistant Attorney General	
Director, F.B.I.	
Director, Bureau of Prisons	
Commissioner, Immig. and Naturalization	
Pardon Attorney	
Parole Board	
Board of Immigration Appeals	
Executive Assistant to the Attorney General	
Director, Public Information	
Records Administration Branch	

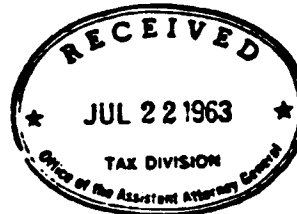
**MEMORANDUM**

July 19, 1963

Lou Oberdorfer:

Do you have any info on this? Would you call Harry? I should answer the letter.

EM



*705*  
*63*

UNITED STATES GOVERNMENT

# Memorandum

*J. C. - Wicks*  
DEPARTMENT OF JUSTICE

TO : Burke Marshall  
Assistant Attorney General  
Civil Rights Division

DATE: July 22, 1963

FROM : Harold N. Greene  
Chief, Appeals and  
Research Section

SUBJECT: Reapportionment cases

Mr. Alfred Scanlan, counsel in the Maryland reapportionment case, called me to apprise me of the results of a meeting which counsel in the Maryland, Virginia, New York and Alabama cases held today. Plaintiffs in these four cases will argue for the strict population principle in both houses of their respective legislatures.

Mr. Scanlan thinks that as far as the Maryland case is concerned, he may leave some room for maneuver. Counsel in the Virginia case particularly, but apparently also some of the others, were concerned about the Government's position. They expressed the strong feeling that they hoped any brief to be filed by the Government would not undercut their "one man, one vote" position.

I told Mr. Scanlan that I would pass this information along.





Crouch subsequently died in Hawaii and it is a real irony that one of ~~the~~ the men whom he had "exposed" kept him in food and medicine during his last tormented days. This part of the story is unknown in Montgomery, where the Durrs are subjected to such petty campaigns of villification that their 13-year-old daughter cannot attend the public schools.

I have known Mr. Durr only for the past four years, but I can say this about him:

-- He is the only white lawyer in Montgomery that will take any civil liberties case involving racial overtones. For instance, he defended a white college professor and a group of students charged with "conduct calculated to provoke a breach of the peace" the conduct being having lunch with a group of Negroes in the private dining room of a cafe. More recently, he defended a young white student who has been a leader in racial equality movements who has been arrested for vagrancy on the orders of no less than Gov. Wallace. Although he was arrested without warrant, one was later supplied by a police officer. The ~~complaint~~ complaint charged him with "strolling about in an idle manner" on the campus of the college from which he had recently graduated. College authorities did not make the complaint.

-- Mr. Durr is the only white lawyer in Montgomery who will accept the case of a Negro involved in an ~~offense~~ offense against a white man. He has brought a number of civil rights cases involving police brutality and, while he has never ~~won~~ won one, the very fact that a suit might be brought has significantly reduced the incidence of police high-handedness in Montgomery.

-- While he is not provocative or ostentatious -- he's actually quite the opposite -- he is probably the only white lawyer in Montgomery who would ~~be~~ shake hands with a Negro in a public place.

In short, his plain and simple decency has robbed him of his rightful respect and has made it very near impossible to make a living.

The question is now, will the Administration, by inaction, join the mob which has set upon him.

You cannot imagine how maddening it is to see Mr. Durr's talents going to waste while a man like Walter P. Gevin sits upon the ~~U. S. Court of Appeals~~ U. S. Court of Appeals -- put there by the President. There now exists a serious danger that the fine work of the Fifth Circuit is about to be sabotaged and you must admit that the last two appointments have done much to bring this situation about.

It is my understanding that the judges of the Fifth Circuit have voted to ask the Judicial Conference which meets in September to recommend to Congress the creation of four additional judgeships in the circuit. Surely it is not asking too much that Mr. Durr at least be considered for one of these appointments. Perhaps the strongest argument that could be made in his behalf is the absolute certainty that you would not be getting another Cameron or Gevin or even a "moderate" like Bell.

I am fully aware of the political exigencies involved in such appointments. But if the President expects to set an example of courageous leadership for Southerners in the racial conflict, then he must act ~~being~~ courageously himself. Appointment of Mr. Durr to the Federal bench would be just ~~such~~ such a courageous act.

This failing, would it be possible to consider him for ~~such~~ membership when a vacancy arises on the Civil Rights Commission?

If this letter sounds bitter, I readily concede that it is. But you have to admit that this is a ~~disillusioning~~ disillusioning situation. Recently Mr. Durr was defending a young fellow who had gotten into trouble for his Student Non-Violent Coordinating Committee work. SNCC scratched up \$2,500 and hired a ~~high-priced~~ high-priced lawyer from Birmingham who took the case away from Mr. Durr. When the money ran out, so did the high-priced lawyer from Birmingham. At this point, Mr. ~~Durr~~ Durr took the case again and, without ~~example~~ complaint, got the kid out of trouble for virtually no fee at all.

I think Judge Rives of the Fifth Circuit Court of Appeals would ~~would~~ join in this recommendation if you ~~would~~ wished to talk with him about it. This, however, is ~~an~~ strictly a guess.

Best wishes,

  
Montgomery, Ala.

PS: I'll be in Washington on vacation toward the end of August if you would be interested in talking further about this matter.

Form No. DJ-66  
(Rev. 12-61)

DEPARTMENT OF JUSTICE  
ROUTING

TO	
NAME	BUILDING AND ROOM
1. Slim Barrett	212 '66
2.	
3.	
4.	
5.	

SIGNATURE       COMMENT       PER CONVERSATION  
 APPROVAL       NECESSARY ACTION       AS REQUESTED  
 SEE ME       NOTE AND RETURN       NOTE AND FILE  
 RECOMMENDATION       CALL ME       YOUR INFORMATION

ANSWER OR ACKNOWLEDGE ON OR BEFORE \_\_\_\_\_  
 PREPARE REPLY FOR THE SIGNATURE OF \_\_\_\_\_

REMARKS

7/23

Slim

Do we know anything about this man?

BM

*Charley has not know of him - acts*  
*7/24 5:32 PM - asked Joe Kelly*  
*to check*

FROM	BUILDING, ROOM, EXT.	DATE
NAME		

July 23, 1963

Jerold Hoffberger, President of National Brewing Co. called:

Re: Attempt to set up a businessmen's committee  
in Baltimore similar to those in other areas  
as to the racial issue

We have been anxious to do this prior to the time trouble occurs. We feel sure that we are not far from trouble now. However, we have not been successful in convincing people in the community that this should be done. We are going to send our top men to areas where this type of committee has been established, with a view to finding out how it was done, their modus operandi, how the lines of communication were maintained, etc.

This information will be presented to 20 or 30 key businessmen in this community in order to let them make up their minds after they have the facts. The men are getting ready to visit the places in the South where there have been recent outbreaks and where such committees ~~have~~ have been set up. It would be easier though if they had some sort of introduction to the people in the various areas who have already experienced the same problems.

If they could have the names of these people they would be able to advise the Baltimore people as to probable pitfalls.

Mr. Hoffberger can be reached at BR. 6-1100 (Baltimore, Md.)

In addition, Mr. Hoffberger would like to send two people to Washington to discuss the above.

[Angie referred Mr. Hoffberger to us. Apparently, he is a friend of Mr. Kennedy's.]

*Low D. G. S. for  
would you deal with this?  
for*

LAW OFFICES  
RICHARD T. MARSHALL

ON FIRST NATIONAL BUILDING

POST OFFICE BOX 688

EL PASO, TEXAS

70048

July 23, 1963

AREA CODE 910  
TELEPHONE 620-6000

Hon. Burke Marshall  
Assistant Attorney General  
Civil Rights Division  
Department of Justice  
Washington 25, D. C.

Dear Burke:

I would like to make one comment to you following Governor Connally's blast at the President's program for Civil Rights, especially the proposed Senate Bill 1732.

Governor Connally's position is self-defeating. He bases his entire argument upon the voluntary nature of desegregation now being "accomplished" in such cities as Fort Worth and San Antonio, where Bi-racial Commissions are working in the restaurant and hotel fields. The important thing to note, Burke, is that although efforts have been made for many years in these other cities of Texas, as well as in El Paso, for such voluntary adjustment to change, nobody was getting anywhere until El Paso passed a City Ordinance last year very much along the lines of Senate Bill 1732. Now with agitation for City Ordinances in Fort Worth, San Antonio, Waco and other cities, suddenly everybody is making "progress" on a voluntary plane.

I ought to know. I have been corresponding with groups in other Texas cities who are following in the footsteps of the El Paso group which worked for the Ordinance last year. A very complete article regarding what is going on in other Texas cities appeared in a recent number of "The Texas Observer", a weekly published in Austin.

*Don Dick:*  
Thanks for your letter. You might consider writing to Senator Magnuson's Committee, not that to be sure locally, but about the opinion in El Paso.  
Sincerely,  
Don Dick

Hon. Burke Marshall  
Page -2-

July 23, 1963

Perhaps, however, the major contradiction in Governor Connally's statement is his refusal to appoint a statewide Bi-racial Commission after lauding the progress being made by such commissions in local communities.

Best of luck in your wonderful work. Again Dorothy joins with me in thanking you for your recent hospitality.

Sincerely,



RICHARD T. MARSHALL

RTM:ng

SMITH, GARDNER, KELLEY & WIGGINS  
ATTORNEYS AT LAW  
POST OFFICE BOX 1085  
ALBANY, GEORGIA

JAMES W. SMITH  
C. C. GARDNER, JR.  
ASA D. KELLEY, JR.  
W. W. WIGGINS, JR.

302 PLUM AVENUE  
TELEPHONE 336-0037

July 24, 1963

Honorable Bert Marshall  
Department of Justice  
Washington, D. C.


Dear Bert:

We represent a man by the name of [REDACTED], who is serving time at the Federal Penitentiary at Tallahassee, Florida for the offense of making whiskey. [REDACTED] has suffered a severe heart attack and has been eligible for parole for several months. I have tried to get him out through the Pardon and Parole Board.

I would appreciate it very much if there is any way that you could help us in securing the release of this man. His wife feels he is not receiving the right medical treatment. According to the doctors, his condition is being controlled by digitalis and he must be kept under close supervision by a physician. He is not to do any labor whatsoever.

The Pardon and Parole Board passed on this case sometime in May. If you could help us we certainly would appreciate it.

Yours very truly,

  
ASA D. KELLEY, JR.

ADKJR:nrv

*John D. ...  
Could you help this  
John D. ... and let us know  
ASA Kelley of Albany  
7/29*



OFFICE OF  
COMMISSIONER LEE LOEVINGER

Assistant Attorney General Burke Marshall

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Burke - Called you but was unable to catch you in a free moment. Attached for your info is a copy of the public statement the FCC has issued to all broadcasting licensees on the fairness doctrine and its application to the discrimination issue. If you have any comments - on this or any other communications matter - would be happy to talk to you.



DEPARTMENT OF JUSTICE  
ROUTING SLIP

*M...*

TO	
NAME	BUILDING AND ROOM
1 <i>Courtesy Encl.</i>	
2 <i>Bank Marshall</i>	
3	
4	
5	

<input type="checkbox"/> SIGNATURE	<input type="checkbox"/> COMMENT	<input type="checkbox"/> PER CONVERSATION
<input type="checkbox"/> APPROVAL	<input type="checkbox"/> NECESSARY ACTION	<input type="checkbox"/> AS REQUESTED
<input type="checkbox"/> SEE ME	<input type="checkbox"/> NOTE AND RETURN	<input type="checkbox"/> NOTE AND FILE
<input type="checkbox"/> RECOMMENDATION	<input type="checkbox"/> CALL ME	<input type="checkbox"/> YOUR INFORMATION
<input type="checkbox"/> ANSWER OR ACKNOWLEDGE ON OR BEFORE _____		
<input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____		

REMARKS

**7/25**

This has been delayed because of pressures here and there. Do you have any thoughts on what answer we should give.

*Don call 7/26*  
*E*

EWA

FROM	BUILDING, ROOM, EXT.	DATE
NAME		

11  
12

Misc.

July 25, 1963

[REDACTED]

El Paso, Texas

Dear [REDACTED]

Thank you for your letter. You might consider writing to Senator Magnuson's Committee, not about Governor Connally, but about the experience in El Paso.

Best regards,

Burke Marshall

1-5  
1-5

Misc

July 25, 1963

[REDACTED]  
Montgomery, Alabama

Dear [REDACTED]:

Thank you for your letter about Clifford Durr, whom I know and greatly respect. The matter of a judgeship is of course presently academic, but we appreciate your views. I hope you will come to see me when you are in Washington at the end of August.

Regards,

BURKE MARSHALL  
Assistant Attorney General  
Civil Rights Division

Muse.

Tuskegee, Alabama  
July 26, 1963

Mr. Burke Marshall  
Assistant United States Attorney General  
Civil Rights Division  
United States Department of Justice  
Washington, D. C.

Dear Mr. Marshall:

The following article appears on page 1, column 7 of the July 16, 1963 issue of The Tuskegee Times:

Modification of an injunction issued by the U. S. District Court at Montgomery requiring the Macon County Board of Registrars to report to the court is asked in a motion filed on behalf of Board members. U. S. Judge Frank M. Johnson, Jr., will hear the motion Aug. 1.

Atty. Gen. Richmond Flowers wrote that "the reasons for the issuance of the prior orders no longer exist."

His motion argued that there is now a functioning board which is complying "in good faith" with Johnson's instructions and that there is no longer a backlog of applicants for registration.

Making reports to the judge, as ordered, is "an intolerable burden" on the registrars, the motion stated. Spending night hours reporting to FBI agents is the same, it was claimed.

The motion also asked that the registrars be relieved of notifying each rejected applicant by mail, because of lack of funds to pay for the postage cost. Instead it was suggested that names be posted where applicants could go to learn if they were turned down.

I feel very strongly that no modifications should be made in the injunction issued by the U. S. District Court at Montgomery which requires the Macon County Board of Registrars to report to the Court. This feeling is based on my attempt to register along with some 50 other Negroes and no whites on July 15, 1963. In order to register, I had to stay at the court house in Tuskegee, Alabama from 10 A.M. to 12 noon and from 1 P.M. to 3 P.M. There were many other people who

Mr. Burke Marshall

Page 2

July 26, 1963

had to stay much longer periods of time than I. My experience in registering in North Carolina, Illinois, and Virginia strongly support my contention that I, with training beyond a University of Chicago M. A. degree, can complete registration in a shorter period of time. I can state, without reservations, that I could have completed the process in Tennessee in less time had I been afforded this opportunity. As I sat in Tuskegee, I observed that all persons who were attempting to register verbally stated their disgruntlements over the time required to do so. Although I cannot substantiate my belief, I nonetheless feel that deliberate efforts are made to make people wait so that they will become discouraged and leave before completing registration procedures. Upon completing my registration, I felt as if I had been a participant and an observer in a three ring circus.

A second point of concern to me is the means of notifying rejected applicants. The use of the mail to notify one of his passing or failing seems important. Not only does it give the applicant a legal notification, but it also is in keeping with the best psychological principles. To print names of rejected persons is tantamount to public publication of the name of children who fail a grade in school.

Thank so very much for your consideration of my views on this matter. I do hope that the aforementioned injunction can be continued since Negroes might have to take several days instead of many hours to register if the Federal government does not continue to use its powers in Macon County. If I can be of further assistance, please feel free to contact me.

Sincerely yours,

[REDACTED]

Misc

Louis F. Oberdorfer  
Assistant Attorney General  
Tax Division

July 26, 1963

St. John Barrett -  
Second Assistant  
Civil Rights Division

SJB:arg

Information regarding John  
Satterfield and the Bar of  
Mississippi.

The attached folder contains material we have been able to locate touching on the statements and legal conduct of John Satterfield and other members of the Mississippi Bar. It includes the following:

1. News clips of public statements by Satterfield and by Sidney C. Carlton, President of the Mississippi Bar Association
2. The report of the General Legislative Investigating Committee of the Mississippi Legislature, together with a press release of the Committee.
3. A summary of counsel's conduct in the Meredith case.
4. Synopsis of the action of certain local prosecuting officials in a number of voting right cases, as well as in a bus terminal desegregation case.
5. A tabulation of state and federal cases relating to exclusion of Negroes from juries in Mississippi.

In my view this material is disappointing.

Best examples of unethical practices come from the Meredith case. The principal points are as follows:

(1) In both the district court and the Court of Appeals the special counsel for the Board of Trustees (Dugas Shands, Assistant Attorney General, and Charles Clark) repeatedly

cc: Records  
Chron.

Mr. Marshall Mr. Oberdorfer (extra copy) Mr. Barrett

urged that the University did not exclude Negroes; that Mississippi had no policy of maintaining institutions of higher learning on a segregated basis. The Court of Appeals, however, took judicial notice that the exact opposite was fact and commented that the "case was tried below and argued here in the eerie atmosphere of never-never land." Meredith v. Fair, 298 F. 2d 696-701 (CA 5, 1962). [It should be noted, however, that District Judge Nix found in favor of the defendants on this incredible assertion of fact. 199 F. Supp. 754.]

(2) On September 20, 1962, the day on which Meredith was scheduled to enroll in the University, attorneys Tom W. Watkins and N. B. Montgomery filed an injunction suit on behalf of the Governor in the Chancery Court of Lafayette County to restrain Meredith from entering the University. In this complaint, which was verified by Governor Barnett, a factual position exactly opposite to that urged in federal court was taken. The complaint alleged that "the University of Mississippi is an educational institution ... for members of the white race." It further alleged that "it is against the public policy of the State of Mississippi, as well as its laws, for any colored person to be admitted as a student to said institution and his [Meredith's] enrollment and entry therein would be in direct violation of the laws of the State of Mississippi." On the basis of this allegation an ex parte order was issued by the state court enjoining Meredith from enrolling. A similar complaint was filed with, and an ex parte order obtained from, the Chancery Court of Hinds County on the same day. The Hinds County complaint was signed by Watkins, Montgomery, Barnett and State Attorney General John T. Patterson. A third complaint was filed and ex parte order obtained by Barnett and his attorneys on September 20 from the Hinds County Chancery Court enjoining the Board of Trustees from admitting Meredith. All of these orders went not only directly into the teeth of the federal court orders but were obtained without notice or hearing and were based upon sworn statements of fact diametrically opposed to statements urged upon the federal courts by counsel for the state.

(3) Private counsel indulged in the same tactics as did counsel for the state. On September 19, 1962, Harvey H. Hutchins, an attorney practicing in Long Beach, Mississippi and acting on behalf of a number of parents of University students, applied for and obtained an ex parte order from the Chancery Court of Jones County, Mississippi, restraining the Board of Trustees from enrolling Meredith, restraining Meredith from enrolling and restraining various officials of the Executive Branch of the Federal Government (including the Attorney General) from doing anything to facilitate Meredith's enrollment. This suit was removed to federal court by the United States and dismissed.

(4) Prosecuting officials of both Hinds County and Lafayette County sought to use state criminal process to prevent Meredith's enrollment. On May 28, 1962, Hinds County Attorney Paul G. Alexander instituted a prosecution of Meredith for falsely registering to vote in Hinds County. The Court of Appeals for the Fifth Circuit, in protecting Meredith in his right to enroll at the University, enjoined this state prosecution, terming it "frivolous." Meredith v. Fair, 305 F. 2d 343, 355-56 (1962). As the time for Meredith's enrollment drew closer, Alexander instituted another prosecution of Meredith on September 14, 1962. This prosecution was for "perjury" but was based upon exactly the same facts as the earlier prosecution. On the morning of September 20, 1962, after giving hurried telephone notice to Meredith's attorney, Mr. Alexander brought on for trial the charge against Meredith of false registration. Meredith was convicted in absentia and sentenced to one year in jail and to a fine of \$300. The Fifth Circuit Court of Appeals thereupon restrained execution of the sentence. The same day the Mississippi Legislature passed, and the Governor signed, a bill making it a criminal offense for anyone charged with a felony (such as the "perjury" charge filed by Alexander on September 14) to attend an institution of higher learning. Later the same day a prosecution was instituted in Lafayette County and a warrant of arrest was issued against Meredith for violating the newly-enacted statute. The prosecution was enjoined by the federal court.



- 4 -

(5) In the contempt proceedings in the Court of Appeals against Governor Barnett Mr. Satterfield sought to represent the Governor's interest on the merits without entering an appearance on behalf of the Governor and thus conceding jurisdiction over the Governor's person. In an apparent effort to determine whether the Governor had actual notice of the outstanding court orders, members of the court asked Satterfield whether he had discussed the case with the Governor. After some evasion Satterfield denied that he had had such discussions with the Governor. Chief Judge Tuttle emphatically expressed his disbelief of Mr. Satterfield. Mr. Satterfield insisted on his right to appear for the State of Mississippi as amicus for the Governor. The court denied him the right to speak for the Governor without stating to the court that he was authorized to represent him.

In some of the above statements I am drawing upon my own memory and they should be verified before actually being used. The exchange between Judge Tuttle and Mr. Satterfield is in a volume of the transcript not presently available to us and hence has not been checked.

If you think it worthwhile we can set forth the Heredith case story as above outlined in more details and better form.

For your information I am also attaching a recent news article regarding Barnett's designation of Satterfield as chairman of a "nationwide effort to kill the Kennedy administration civil rights bill."

Atto.

RAINBOW PLANTING COMPANY  
MERCHANTS AND PLANTERS  
WEBB, MISSISSIPPI

To Bula

27 July 63

Dear John,

I don't see you in this picture! Maybe you  
ought to ask for damage. I think also that  
Mr. Shaw would be interested in the first Johnson house  
suddenly gone.

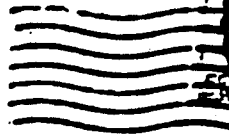
Today is the first time this particular poster has  
appeared - 10 days to election. We doubt it will do John  
any good. We will get Coleman or Sullivan I am

Come and see us when you get a chance.  
There are some things I want to talk to you  
about.

Yours

Bill Pearson

W. J. Pearson  
Wash, D.C.



Mr. John Doe  
Office of the Attorney General  
Civil Rights Division  
Washington  
D.C.

Personal

DEPARTMENT OF JUSTICE  
ROUTING *SP*

NAME	BUILDING AND ROOM
John Nolan	
<del>1</del>	<del>1010</del>
<del>2</del>	<del>1010</del>
<del>3</del>	<del>1010</del>
<del>4</del>	<del>1010</del>
<del>5</del>	<del>1010</del>

- SIGNATURE
- APPROVAL
- SEE ME
- RECOMMENDATION
- ANSWER OR ACKNOWLEDGE ON OR BEFORE \_\_\_\_\_
- PREPARE REPLY FOR THE SIGNATURE OF \_\_\_\_\_
- COMMENT
- NECESSARY ACTION
- NOTE AND RETURN
- CALL ME
- PER CONVERSATION
- AS REQUESTED
- NOTE AND FILE
- YOUR INFORMATION

REMARKS

July 29

Could you have this looked into and let me know? Asa Kelley is the mayor of Albany.

7/31 call to Fred Wilkerson - will call me - send <sup>intent</sup> ~~me~~ <sub>OFFICE</sub>

Considerable correspondence - 25-30 Attachment arrests (drunk + disorderly etc) Cong. Pilcher - current offense - had 89,000 lbs of sugar, hooked iron etc. He tried for conspiracy - was paroled on a previous offense - suffered heart attack at Esplanade - full time doctor's not doing

FROM work @ Vollehussee - a popular site made complete review as of May 27 1964 with good time - attendant Jan 1, 1965

*Do not  
Miss.*



# BLUE STAR CAMPS

HENDERSONVILLE, NORTH CAROLINA

WRITER ADDRESS 1100 CRESCENT AVE. N. E.  
ATLANTA 6, GEORGIA

MEMBER  
AMERICAN CAMPING  
ASSOCIATION

FOUNDERS AND DIRECTORS  
HERMAN B. POPKIN, HARRY L. POPKIN

July 30, 1963

AIR MAIL  
SPECIAL DELIVERY

*Send  
Bill &  
all testimony  
7/31*

Department of Justice  
Civil Rights Division  
Washington, D. C.

Attention: Mr. Burke Marshall

Gentlemen:

Our Tennare Village which is composed of some 350 teenagers have chosen as their project for the next few weeks Civil Rights legislation. They are to have a mock trial of the cases now before the Supreme Court with regard to the Civil Rights issues.

We would be very much obliged if you would be so kind as to forward to us by the quickest method any material you have in support of the Civil Rights legislation. If you have a transcript of the recommendations of the Attorney General to the Senate Committee considering the Bill, this would be very helpful or any other materials that you may have that would explain the Bill and prospective giving all of the background materials. Our campers plan to study the Bill from all possible information available to them.

We will be more than happy to forward to you our check to cover any cost involved in forwarding the above materials to us as soon as possible, as we are starting on this project this week.

Thanking you in advance for your prompt attention and cooperation, we are

Most sincerely,

*Herman & Harry*  
Herman and Harry Popkin, Founders & Directors

EP:aps  
Enc. - Story of Blue Star

enc. enclosing a copy of "Story of Blue Star" which

Project title:

AR 31 288

Rec.

Mr. James H. Dillon, President  
Construction Men's Association  
249 West Broadway  
New York, New York

Dear Mr. Dillon:

It was with a great deal of satisfaction that I read your letter to the Attorney General describing the steps your organization has taken to promote equal job opportunities for your Negro members. The elimination of racial discrimination in all aspects of our society is not only demanded by the ideals of our Constitution but is also essential to our economic well-being.

I sincerely hope that the job opportunities of none of your members will in any way be lessened because of the equal opportunity policy of your organization. I note from your letter that the contractors with whom you deal are "equal opportunity employers" and therefore presume that they perform work under federal contract. I am sure that if any discrimination should occur against any of your members, the President's Committee on Equal Job Opportunity would take remedial action. For the information of that Committee, I am sending them a copy of your letter. I would also remind you that the New York State Commission on Human Relations is authorized to deal with discrimination in hiring that occurs in New York even though the employment is outside the State.

Sincerely,

BURKE MARSHALL  
Assistant Attorney General  
Civil Rights Division

Mr. Marshall ✓

Misc

FROM

THE OFFICE OF THE DEPUTY ATTORNEY GENERAL

TO

- ATTORNEY GENERAL
  - EXECUTIVE ASSISTANT
  - OFFICE OF PUBLIC INFORMATION
- DEPUTY ATTORNEY GENERAL
  - EXECUTIVE OFFICE—U. S. ATTORNEYS
  - EXECUTIVE OFFICE—U. S. MARSHALS
- SOLICITOR GENERAL
- ADMINISTRATIVE DIVISION
  - LIBRARY
- ANTITRUST DIVISION
- CIVIL DIVISION
- CIVIL RIGHTS DIVISION
- CRIMINAL DIVISION
- INTERNAL SECURITY DIVISION
- LANDS DIVISION
- TAX DIVISION
- OFFICE OF LEGAL COUNSEL
- OFFICE OF ALIEN PROPERTY
- BUREAU OF PRISONS
- FEDERAL PRISON INDUSTRIES, INC.
- FEDERAL BUREAU OF INVESTIGATION
- IMMIGRATION AND NATURALIZATION SERVICE
- PARDON ATTORNEY
- PAROLE BOARD
- BOARD OF IMMIGRATION APPEALS
- ATTENTION \_\_\_\_\_

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| <input type="checkbox"/> PREPARE REPLY FOR THE SIGNATURE OF _____ |   |

REMARKS:

July 31, 1963

To: Mr. Burke Marshall  
Assistant Attorney General  
Civil Rights Division

We attended the Federal Bar luncheon yesterday and noted that you mentioned certain projects which were in need of volunteers and suggested that if we wanted further information we could contact you. The purpose of this memorandum is to offer our services along the lines that you mentioned in your speech and to request any further information you may have in this connection.

We are both attorneys, assigned to the Office of the Deputy Attorney General, and we have both had training in education as well as some teaching experience.

Mrs. Jacqueline S. Williams  
Miss Kathleen Devine  
Room 4114, Ext. 2111

*Write memo to Gurnett  
Pretzman, Esq.  
The following two lawyers  
have want to help with the District  
programs. Mrs. Williams is a  
white woman and a Negro. I think  
she would be good. I don't know  
Miss Devine would you have any  
one else then to do something?*

ST. STEPHEN'S EVANGELICAL LUTHERAN CHURCH  
DE WIL-DL FONIA

Miss.

THE REV. JACOB LONGACRE, STAL  
PASTOR

PARSONAGE  
1847 CENTER STREET  
WILMINGTON, DEL.

August 1, 1963

Dear Mr. Marshall,

Please allow us to issue with you that some  
members of St Stephen's are wishing you in prayer in  
a particular way today.

It is quite possible that we are of a different faith.  
Surely this is no barrier to prayer and we thank God  
for the opportunity to be of help to you in a difficult  
calling.

Christ bless you with courage and wisdom in helping  
all the people of our nation to enjoy the rights which  
should be theirs without question.

Sincerely,  
Members of St Stephen's



Misc

TO		BUILDING AND ROOM
1	Mr. McShane	1711 S
2	Marshall	
3		
4		
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<input type="checkbox"/> RECOMMENDATION	<input type="checkbox"/> CALL ME	<input type="checkbox"/> YOUR INFORMATION

ANSWER OR ACKNOWLEDGE ON OR BEFORE \_\_\_\_\_

PREPARE REPLY FOR THE SIGNATURE OF \_\_\_\_\_

REMARKS

1 August

FYI

BM

FROM	BUILDING, ROOM, EXT.	DATE
NAME		

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OF THE ASSOCIATED ACTORS AND ARTISTS OF AMERICA & AFFILIATED WITH THE A.F.I.-C.I.O.

AGVA

American Guild of Variety Artists

UNITED STATES AND CANADA

151 FIFTH AVENUE NEW YORK 17, N. Y. TR 7-6489

OFFICE OF THE PRESIDENT

August 2, 1963

Mr. Burke Marshall  
Department of Justice  
Washington, D. C.

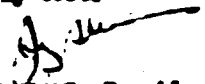
Dear Mr. Marshall:

Enclosed is a copy of the AGVA News which tells the true story of The American Guild of Variety Artists. I hope you enjoy it as much as we enjoy fighting for these freedoms.

Now, in these trying times, we need a friend more than ever.

Please let me know your reaction to the AGVA story.

All my best.



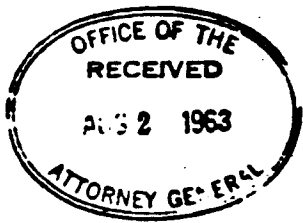
JOEY ADAMS, President  
AMERICAN GUILD OF  
VARIETY ARTISTS

JA/mm  
Enc.

*Ed Githman:  
You friend. What  
shall I say?  
J*

To Mr. Madoff  
~~Comm~~  
Misc.

A REPORT OF THE  
NEW YORK ADVISORY COMMITTEE  
TO THE  
UNITED STATES COMMISSION ON CIVIL RIGHTS



AUGUST 1963

NEW YORK STATE ENERGY CONSERVATION

Richard Smith, Chairman  
New York

Walter A. Carter, Vice Chairman  
New York

James L. Bennett, Secretary  
Elmira

Honorable Thomas Conroy II  
Albany

Honorable Robert T. Delany  
New York

Dr. Eli Mintzberg  
New York

J. Raymond Jones  
New York

Joseph Monaghan  
New York

William H. Murphy  
Schenectady

Miss Mary Louise Rice  
Buffalo

Whitney North Seymour  
New York

## PREFACE

This report was submitted to the United States Commission on Civil Rights by the New York Advisory Committee. The New York Committee is one of the 51 Committees established in the 50 States and the District of Columbia by the Commission pursuant to section 105(e) of the Civil Rights Act of 1957. Its membership consists of interested citizens of standing who serve without compensation. Among the functions and responsibilities of the State Advisory Committees, under their mandate from the Commission on Civil Rights, are the following:

(1) To advise the Commission of all information concerning legal developments constituting a denial of equal protection of the laws under the Constitution; (2) to advise the Commission as to the effect of the laws and policies of the Federal Government with respect to equal protection of the laws under the Constitution; and (3) to advise the Commission upon matters of mutual concern in the preparation of its final report. The Commission, in turn, has been charged by the Congress to investigate allegations, made in writing and under oath, that citizens are being deprived of the right to vote by reason of color, race, religion, or national origin; to study and collect information regarding legal developments constituting a denial of equal protection of the laws; to appraise Federal laws and policies with respect to equal protection; and to report to the President and to the Congress its activities, findings, and recommendations.

In the fall of 1962, the New York State Advisory Committee to the United States Civil Rights Commission appointed a subcommittee, under the chairmanship of Professor William M. Murphy, to study whether there was a clear pattern of discrimination against Negroes in the building trades industry in New York City. The subcommittee was able to procure the services of Dr. Donald Shughnessy of Columbia University to do most of the field work in the project. The material in this summary report is largely derived from Dr. Shughnessy's report.

The study was necessarily limited by the relatively small amount of time that could be devoted to this complex subject. A further--and unnecessary--limitation was encountered as a result of the general policy of non-cooperation followed by leaders of the building trades unions. With few exceptions, union officials failed to assist the study in any way--making it difficult or impossible to obtain information that was readily available.

Despite these limitations, the study serves to demonstrate that Negroes are denied access to employment in most of the building trades in New York City. The study further indicates that retention of present practices in admission to apprenticeship programs will mean that Negroes can expect no more than token participation in most of the building trades in the future. Our report considers some of the economic and other factors that lead to these practices and recommends that these practices be modified.

**DISCRIMINATION IN THE BUILDING TRADES  
IN NEW YORK**

**BUILDING CONSTRUCTION IN NEW YORK CITY**

At six-sixteen on weekday mornings a train leaves Bridgeport, Connecticut, carrying a group of commuters relatively unknown to the general public. They are men with skills in the building trades who arrive in New York City at seven-thirty, and report to construction jobs. It costs about \$15.00 a week to commute from Bridgeport to New York, but a union electrician earns \$200.00 per week, and the work is steady.

These blue-collar commuters represent one of the many indications of the obvious fact that New York City is in the midst of a continuing boom in large construction. There is presently more office space in New York City than in the next 15 largest cities combined. Despite rows of office towers like those north of Grand Central on Park Avenue and rows of residential towers like those all along Third Avenue, there are estimates that the backlog of needed construction in New York City may take decades to fill.

How do these buildings get built? With wide allowance for oversimplification the process can be summarized as follows:

When the architect has completed his design and specifications, general contractors competent in the size of job being undertaken submit bids to the owners. Subcontractors (electrical firms, plumbing firms and the like) have previously submitted bids to the general contractor upon which his bid, in part, is based. The contract is then awarded to a general contractor--who engages subcontractors--and men begin to appear to perform the work in the specialized trades. First the excavation, then the other trades in their turn appear on the job.

Most firms in the building industry are not large; they do not steadily employ a large number of skilled workers. These firms build a product that is immobile. This product must be built in the city, essentially by local contractors and subcontractors--and in particular by a locally based labor force.

The men who build New York City's buildings are recruited from labor pools controlled by the unions in the building trades. The union is the employment agency and the men who appear on the construction job --whether they be local or "out-of-town" men--are the men whom the union permits to appear. Since a building cannot be erected in Detroit or Atlanta and shipped to New York and since the unions regulate the local use of "out-of-town" labor, the labor supply is rigidly controlled.

The construction worker tends to identify with his union for a number of reasons. He is rarely on any job for a great length of time. He may well have five or six employers in one year. He is not likely to develop an attachment for a particular firm or to have steady fellow-workers from year to year, and of course, he has no fixed place of work. His job security comes from the local union. The local union is not only his hiring hall but the place where his friendships are formed and the continuing stable element in his employment. Local unions may or may not be ethnocentric but their members are likely to be united against outsiders. In one local "outsiders" may mean people not of Italian ancestry, in another it may mean Jews. For most unions in the building trades, as for many other institutions, color is the most readily identifiable badge of non-membership.

With those economic and social bonds to his local union, the man in the building trades is little concerned with the "labor" views on the subject of race relations. George Meany, once a plumber, now President of the AFL-CIO, concedes that local unions can effectively disregard the resolutions opposing discrimination that are regularly adopted by federated bodies in the labor movement. On the bread-and-butter issues it is not the international or any council that delivers --but the local union.

This is not to say that the building trade unions lack the ability to unite in support of their common interests. In the building and construction trade department of the AFL-CIO there are 19 international unions. New York City locals of these unions form the New York City Building and Construction Trade Council. This Council serves as a very effective spokesman for the building trade unions in city and State legislative halls and executive departments. While the Council is active and effective in speaking to the outside world on behalf of its constituent locals, it has not traditionally exerted effective internal pressures. (The Council's president, Peter J. Brennan, assured Mayor Wagner on June 6, 1963, of "an all-out effort to end discrimination in building trades unions." This assurance clearly must be qualified in view of the Council's mixed reaction to proposals to secure more Negro and Puerto Rican apprentices.)

In brief, the economic structure of the building industry tends to concentrate in the local unions the decision as to who obtains employment and, even more important, who gets admitted to the craft. The dominating role of the union in construction employment affords to contractors the opportunity to disclaim all responsibility for discrimination in the building trades. The employers seem to welcome the opportunity, which accords with their consistent tendency to avoid "rocking the boat." Our study found no instance in which an employer sought to promote equal employment opportunity in the building trades.

## APPRENTICESHIP

Current apprentice programs provide from one-half to two-thirds of the skilled workers needed simply to replace craftsmen who retire, die, or leave the trade. By fixing the number of apprentices in accordance with a ratio of apprentices to journeymen (the mean ratio is 1:6), and not in accordance with present or future demand, the building trades unions continue to maintain an effective shortage of labor. One way that this shortage is preserved in the face of continuing high demand is in the use of commuters like those from Bridgeport who represent an auxiliary source of manpower that can be cut off at any time.

While 120-mile-per-day commuters have found steady employment for several years, a local source of skilled manpower is ignored. New York City has 22 vocational high schools in 5 of which are taught skills used in the building trades. These schools are financed by Federal, State, and city funds. The best qualified graduates of the vocational schools often take low-paying nonunion jobs, or jobs outside the trade. Federal and State apprenticeship agencies have not been heard to complain that Negro youngsters, taught a trade at public expense, are consistently deprived of the opportunity to practice it.

New York State law on the subject is clear and precise. Section 296 of Article 15 of the Executive Law prohibits discrimination by employers in hiring, compensation, employment privileges, working conditions and discharges, prohibits union discrimination in membership, and bars discrimination by employers and unions in admission to apprentice training, on-the-job training, and the like. This policy is also reflected in the existence of agencies such as the State Commission for Human Rights, the New York City Commission on Human Rights, and the Civil Rights Bureau of the State Attorney General's office. The last-named agency is largely responsible for the fact that, in the State of New York, there are now two Negroes in the apprentice training program of the Plumbers Union.

The national agency in the field of apprenticeship is the Bureau of Apprenticeship and Training in the United States Department of Labor. The Bureau has an essentially passive role in certifying and registering apprentice training programs. This role is of no great importance since less than half of the apprentice programs in the city are certified by the Bureau. The Bureau appears to have been neutral in the matter of racial discrimination, an inappropriate posture the abandonment of which is recommended, at the end of this report.



First, let us review the practices of several of the unions in New York City:

1. Local 28, International Sheetmetal Workers Union.

There has been no significant change in the size of this local in the past ten years, despite the fast increase in construction. There are no Negroes among its 3,300 members nor among its 75 apprentices. Admission to the apprentice program of the Sheetmetal Workers Union is on the basis of a personal interview with a joint committee. The applicant is usually sponsored by a union member, sometimes by an employer. The union states that there are four applicants for every vacancy but gives no indication that any applicant sponsored by the union has ever been rejected. The apprentice committee maintains no liaison with vocational schools. Its apprentices attend a union school which obtains no government support. Various requirements are listed for admission to the apprenticeship program, but they are not applied to sponsored applicants. In March 1963, the Civil Rights Bureau of the Attorney General's office charged Local 28 with discriminatory practices.

2. Local 2, United Association of Journeymen Plumbers and Steamfitters.

The Plumbers Union says it has four applicants for apprenticeship for every apprentice who can be accepted. On the other hand, the union admits that there are 1,000 out-of-town plumbers working in New York City. Of 3,300 members of Local 2, none are Negroes. While there are requirements that theoretically apply to admission to the apprenticeship program, the main practical requirement has to do with bloodlines. Eighty to 85 percent of those admitted to membership are sons or nephews of Local 2 members. Members of this union consider that the right to nominate apprentices is among the important benefits of union membership.

3. District Council of United Brotherhood of Carpenters and Joiners (42 Locals).

The Council has 34,000 members of whom over 5,000 are Negroes. While there tend to be predominantly white and predominantly Negro locals, the Carpenters Union has provided the only substantial employment opportunity for Negroes in the building trades.

4. Local 60, Operating Plasterers and Cement Masons International Association.

In this union there is a larger ratio of Negroes presently employed in the trade than in its apprenticeship program. Three hundred of 2,000 members of Local 60 are Negroes, as compared to 5 of the 80 apprentices. In Local 60's apprenticeship program, as in most others, no aptitude tests or objective standards are applied in the admission of apprentices.

5. Local 14 and 145 of the International Union  
of Operating Engineers.

This union trains its members through Apprenticeship Local 15--a three-year program. Unlike most other union members, the operating engineers must take an objective examination, administered by the New York City Department of Buildings. The examination is open--not limited to union members. After passing the examination, an apprentice must obtain two sponsors (members of Local 14 - 145) in order to be admitted to the union. Thus far only 23 Negroes have been admitted to the 1,600-member union.

6. Local 3, International Brotherhood  
of Electrical Workers.

Local 3 recently won fame in securing a five-hour day. This union has different levels of membership, the most important of which is "A-Card construction worker." These men (who won the five-hour day) comprise 9,000 of the 30,000 members of Local 3. The number of Negroes who hold the A-Card and earn \$5.00 per hour is small, estimates ranging from 300 to 400. There are about 2,250 men from outside New York City working in electrical construction, filling jobs from which qualified vocational school graduates are excluded. On the lower level of Local 3, members work for the lamp and lamp shade manufacturing industry and are paid about \$2.00 per hour.

In the spring of 1962, Mr. Harry Van Arsdale, president of Local 3, announced that the union would recruit 1,000 new apprentices, on a nondiscriminatory basis. The Urban League forwarded the names of 51 qualified Negroes and the NAACP forwarded 57 names. Negroes and Puerto Ricans were recruited from other sources and a total of 1,600 apprentices were screened by a nonunion committee of three men, one of whom was a Negro. One thousand and twenty apprentices were admitted to the program including about 140 Negroes and about 60 Puerto Ricans. This dramatic result and Local 3's broad recruiting effort is, so far as we know, without parallel in any building trades union in the country.

In the course of its inquiry, the New York State Advisory Committee became aware of undocumented charges to the effect that the approximately 200 Negro and Puerto Rican apprentices have not entered into regular apprenticeship channels, but are being utilized to perform unskilled labor. This issue was raised by Committee Chairman Sachs in a meeting with Mr. Harry Van Arsdale, business manager of Local 3, IBEW, and Mr. Theodore W. Kheel, Director of the Office of Impartial Review of the Electrical Industry. Mr. Sachs received unequivocal assurances from both Mr. Van Arsdale and Mr. Kheel that these charges are unfounded, and that the 200 apprentices in question are undergoing regular apprenticeship training leading, in the course of four years, to full journeyman status and a Class-A union membership card, on the same basis as all other apprentices.

The six examples listed above illustrate that control of apprenticeship programs in the building trades unions is a potent weapon against the possibility of future unemployment. By restricting the apprenticeship program, the unions can continue to maintain a chronic labor shortage and to assure reasonably full employment for their members. Entry into such a well-protected, high-paying career is an outstanding employment opportunity. These employment opportunities have, in effect, become union property. A union leader who is not skilful in dispensing this privilege may lose his position. They and the rank-and-file members consider that their power at the bargaining table has won them control of apprenticeship opportunities.

The unions have maintained a tight rein on apprenticeship openings despite the current widespread projections of a continued high level of new construction. Current projections by the Department of Commerce indicated that for every 100 men skilled in the building trades in 1955, 122 would be needed in 1965 and 145 by 1975. Current apprenticeship programs not only fail to provide for this growth but, as noted above, fail to produce enough journeymen to replace those who retire, die, or leave the trade.

In keeping with the static philosophy of apprenticeship, Negro participation has remained relatively constant. In 1950, Negroes constituted 1.5 percent of the apprentices and 13 percent of the population of New York City. In 1960, Negroes constituted 2 percent of the apprentices and 22 percent of the population of New York City. It is estimated that by 1970 Negroes will constitute about 33 percent of the population of New York City. If Negro participation in apprenticeship programs continues to bear no relation to the size of the Negro population, then larger and larger numbers of Negroes will be obliged to compete for the dwindling supply of unskilled jobs.

The alternatives are essentially three:

1. Retention by the building trades unions of presently prevailing practices. This is likely to result in no substantial increase in Negro and Puerto Rican apprenticeship.

2. Voluntary adoption by other unions of programs like that of Local 3, IBEW, and positive efforts to recruit Negroes and Puerto Ricans and an objective body to screen and approve apprenticeship applicants.

3. Adoption by public authorities of regulations, contract policies, and other practices which provide objective criteria for apprentice selection and enforce compliance by the manner in which public funds are expended and withheld.

While our study was limited, it was sufficient to reject the first alternative as impractical and to conclude that while the second alternative may be more desirable, the third is required for prompt and effective action.

Our conclusions and recommendations follow:

### CONCLUSIONS

1. Participation of Negroes in the building trades in New York City ranges from total exclusion in some trades (sheetmetal workers, plumbers) through token participation in others (plasterers, operating engineers) to substantial, if often segregated, local union membership in others (carpenters).
2. Access to employment in the building trades is substantially controlled by local unions. Through apprenticeship programs nominally subject to the joint control of unions and management, the unions determine who shall acquire the skills--and the journeyman rating--necessary to employment on nearly all new construction in the city.
3. The number of persons admitted to apprenticeship in any year is not determined by current demand but by the ratio of apprentices to journeymen deemed appropriate by agreement of the union and the employers in a given trade. Where demand continues to be high over a period of years as it recently has, "out of town" men are imported temporarily to meet the demand.
4. By rigid limitations on the number of apprentices, the unions have maintained a chronic labor shortage in the building trades. Admission to and completion of an apprenticeship program is fair assurance of reasonably steady employment for a regular work week and extremely high pay for overtime work. Union members value highly the right to secure admissions to apprenticeship programs--and tend to exercise it (especially in the plumbers union) in favor of their sons, nephews and others with whom they have personal connections.
5. Since admission to apprenticeship is exercised largely on a personal basis, and by persons already pursuing the various trades, patterns of exclusion of Negroes will tend to be perpetuated. The elaborate Federal, State, and local apprenticeship structure leaves essentially untouched the crucial subjective decision as to who is admitted to apprenticeship in the building trades--for example:

Five New York City high schools train young men in the building trades. Their honor graduates have less chance of admission to an apprenticeship program than any business agent's nephew.

The complex New York State Apprenticeship Council, created by statute to "promote an orderly development of the supply of skilled journeymen or craftsmen," is fearful that if the issue of minority apprenticeships is raised, industry and labor might withdraw from, or not join in, apprenticeship programs registered with the Council.

The Federal Bureau of Apprenticeship and Training, created to promote and improve standards of apprenticeship, clearly has lacked the power (and apparently the inclination) to enforce nondiscrimination as a "standard" of admission to apprenticeship.

6. The men who now control admission to apprenticeship programs remember with fear the chronic job scarcity of the 1930's. This memory and their enormous bargaining power suggest that union leaders will not lightly surrender the prerogative of regulating admission to apprenticeship programs.

7. The admission of Negroes to apprenticeship beyond a token basis requires that there be introduced into the present personal, subjective procedures for entry into apprenticeship programs standards that are objective and public. Recommendations that fail to move in this direction do not come to grips with the economic realities and the highly personal relationships that underlie the present system. If the building trades unions insist on retaining the present "patronage" approach, they will eventually be confronted with a form of "civil service" selection analogous to that which has deprived the political parties of their former control of most areas of public employment.

8. The commendable voluntary approach of Local 3, IBEW, actively recruiting of minority group youngsters and investing apprentice selection upon an independent group, has not been followed by other unions, and as of July 1963, there is little indication that it will be adopted by other building trade locals in New York City.

## RECOMMENDATIONS

The New York State Advisory Committee recommends to the United States Commission on Civil Rights that steps be taken to bring about the following changes in present practices:

1. (a) That the Federal Bureau of Apprenticeship and Training be authorized and empowered to require that all apprenticeship programs in the construction industry be registered by the Bureau; that it establish, in consultation with representatives of unions and management, objective criteria for admission to apprenticeship programs; that it determine the number of available apprenticeship openings in each program, giving consideration to the skilled manpower needs of the nation as well as to those of the industry and the immediate locality; and that it establish a meaningful and effective evaluation system for each of the trades.
  - (b) That the Federal Bureau of Apprenticeship and Training be authorized and empowered to require that all notices of acceptance and rejection to apprenticeship programs be filed with the Bureau, and that acceptances and rejections be accounted for in terms of the established objective criteria of admission;
  - (c) That the Federal Bureau of Apprenticeship and Training be authorized and empowered to conduct systematic apprenticeship recruiting programs, in part by means of uniform vocational guidance procedures in public schools, and to investigate, on its own initiative, apprentice training programs which are, or are believed to be, engaged in discriminatory practices.
2. (a) That departments, agencies, offices, and bureaus of the Federal Government be required to withhold all financial support from apprenticeship programs which fail to admit qualified Negro applicants or fail to comply with the requirements of the Bureau of Apprenticeship and Training described above;

(b) That departments, agencies, offices, and bureaus of the Federal Government be required to withhold all financial assistance from any contractor and from any building project employing the labor of any union or local thereof which cannot give satisfactory proof that it does not follow discriminatory practices.

3. In the event that the foregoing procedures are found to be ineffective, we recommend that Congress enact legislation declaring that admission to apprenticeship in the construction trades is a matter affecting interstate commerce and that such admission be vested in a suitable agency empowered to adopt and enforce procedures analogous to those employed by the Civil Service Commission.

The foregoing is a report which primarily summarizes material supplied to the New York State Advisory Committee by Dr. Donald Shaughnessy. It also draws upon "Apprentices, Skilled Craftsman and the Negro," a publication of the New York State Commission for Human Rights, and the experience of Frank Logue, Regional Consultant to the United States Commission on Civil Rights for New York and the New England States.

**BLOUNT BROTHERS CORPORATION**  
70 COMMERCIAL STREET  
MONTGOMERY, ALABAMA

WINTON M. BLOUNT  
PRESIDENT

August 8, 1963

Mr. Burke Marshall  
Assistant Attorney General  
United States Department of Justice  
Washington, D. C.

Dear Mr. Marshall:

The situation at Cleveland, Ohio, has apparently been resolved, due, in my opinion, wholly and completely to the intervention of the Department of Labor. I am more than grateful to you for responding to my telephone call of last Thursday.

Mr. Menning brought about this settlement in the meeting in the Mayor's office on Sunday. He had kept me informed all along the way and I am certain this headed off what would have been a nasty situation for everybody concerned.

With kindest regards, I am

Sincerely,

*WMB*

Winton M. Blount

WMB/dm

- ① Attorney General  
for information
- ② Lou Oberly
- ③ letter



FULBRIGHT, CROOKER, FREEMAN, BATES & JAWORSKI  
ATTORNEYS AT LAW  
BANK OF THE SOUTHWEST BUILDING  
HOUSTON 2, TEXAS 77002

August 5, 1963

WASHINGTON OFFICE  
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WASHINGTON D.C.

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Mr. Burke Marshall  
Assistant Attorney General  
United States Department of Justice  
Washington, D. C. 20530

Dear Burke:

The Fifth Circuit issue has come out in the open in full bloom, and I hand you herewith two items on this subject which will interest you. You may wish to pass these on to Archie Cox for his information also.

With every good wish and kindest regards, I am

Sincerely yours,

*Leon*  
Leon Jaworski

LJ:bs

Enclosures (2)

To: Solicitor General