

*Commiss. Stahl*

1970 - 71

COMBINED  
ANNUAL  
REPORT



NON-VIOLENCE  
HUMAN RIGHTS  
COMMISSION

1591 East Washington Street  
Charleston, West Virginia 25305

1971 / 72

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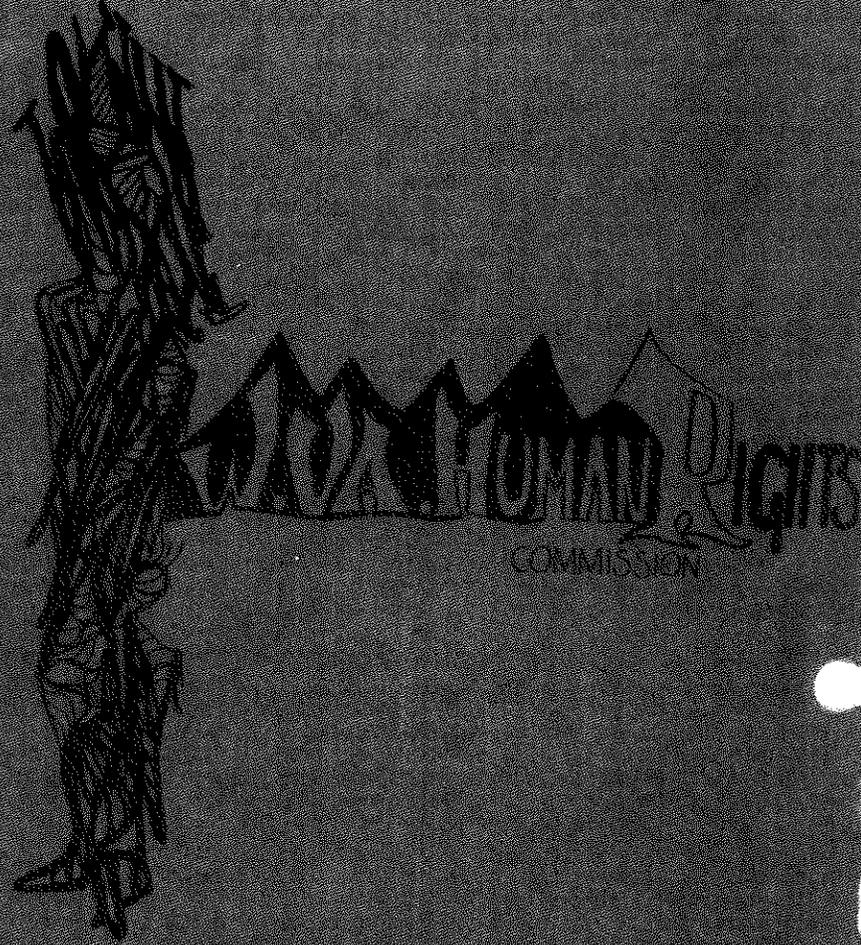
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ADULTHOOD RIGHTS  
COMMISSION



**STATE OF WEST VIRGINIA HUMAN RIGHTS COMMISSION**

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CHARLESTON, WEST VIRGINIA 25305  
TELEPHONE 348-2616

ARCH A. MOORE, JR.  
Governor

**COMMISSIONERS**

**RUSSELL VAN CLEVE**  
Chairman  
Charleston

**ANCELLA BICKLEY**  
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Institute

**HARRY J. BERMAN**  
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PARKERSBURG

**CARL W. GLATT**  
Executive Director

December, 1972

Honorable Arch A. Moore, Jr.  
Governor of West Virginia  
State Capitol Building  
Charleston, West Virginia 25305

Dear Governor Moore:

We have the honor to submit the following Annual Report of the West Virginia Human Rights Commission for the fiscal years 1970-71 and 1971-72.

This report of the activities and recommendations of the Commission fulfills the requirements of Chapter 5, Article 11, Section 8, of the West Virginia Code.

The Commission strives to implement the public policy of the State of West Virginia which prohibits the denial of human rights or civil rights to persons by reason of race, religion, color, national origin, ancestry, sex or age.

Sincerely,

Russell Van Cleve  
Chairman

RVC/cp

F O R E W O R D

This Annual Report serves as a summary of activities conducted by the West Virginia Human Rights Commission for two fiscal years, 1970-71 and 1971-72.

Last year a lengthy letter was substituted for the usual report because of staff shortages and illnesses of key personnel at the time the report was due.

# OVERVIEW

A government is free in proportion to the rights it guarantees to the minority.

-Alf Landon

It is a very easy thing to devise good laws; the difficulty is to make them effective.

-Henry St. John

A law is not a law without coercion behind it.

-James Garfield

TABLE VIII  
YEARLY CASELOAD

	67-68	68-69	69-70	70-71	71-72
Cases Filed	50	79	60	76	162
Cases Closed					
Satisfactory Adjustments*	15	29	32	24	5
No Probable Cause	8	12	20	18	21
Withdrawn By Complainant	2	1	1	2	6
No Jurisdiction	0	1	2	2	2
Administratively Closed	<u>0</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>3</u>
TOTAL CLOSED	25	43	55	46	37
Open**	25	61	65	95	220
Cases In Process	50	104	120	141	257

\*Included in Satisfactory Adjustments are cases which were closed by public hearings. \*\*Included in Open are cases pending judicial appeal after public hearings.

Table VIII shows the yearly increase in complaints filed, closed, in process, and open. From the first year of the enforceable law, 1967-68, the Commission's staff was inadequate to process all the complaints filed. Each year the backlog (cases open at the end of the fiscal year) has increased. The increased backlog is then added to the next year's new complaints along with the usual increase in the number of complaints filed each year. As a result the total number of cases in process has steadily accumulated. (See Figure 6.)

Figure 6

GROWTH IN CASELOAD

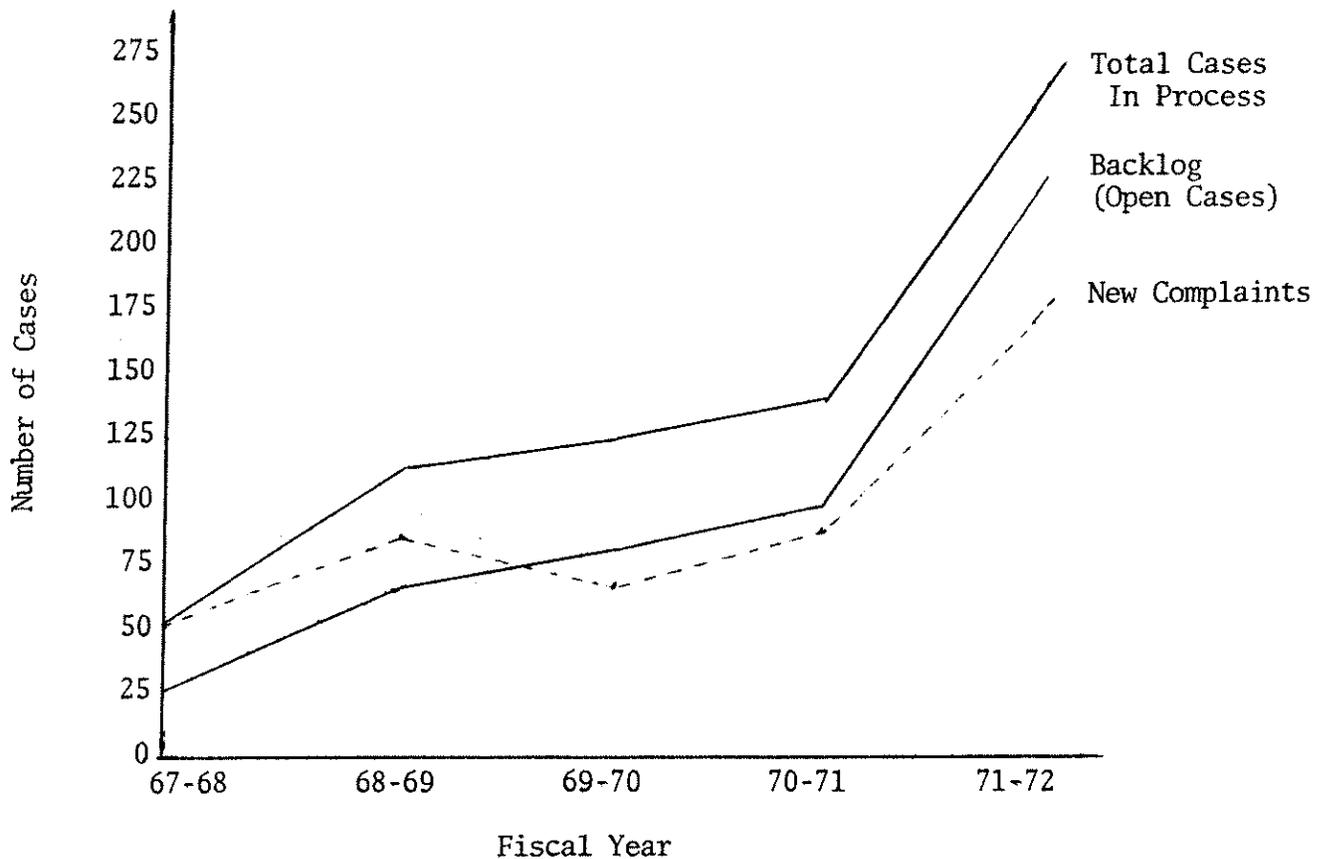
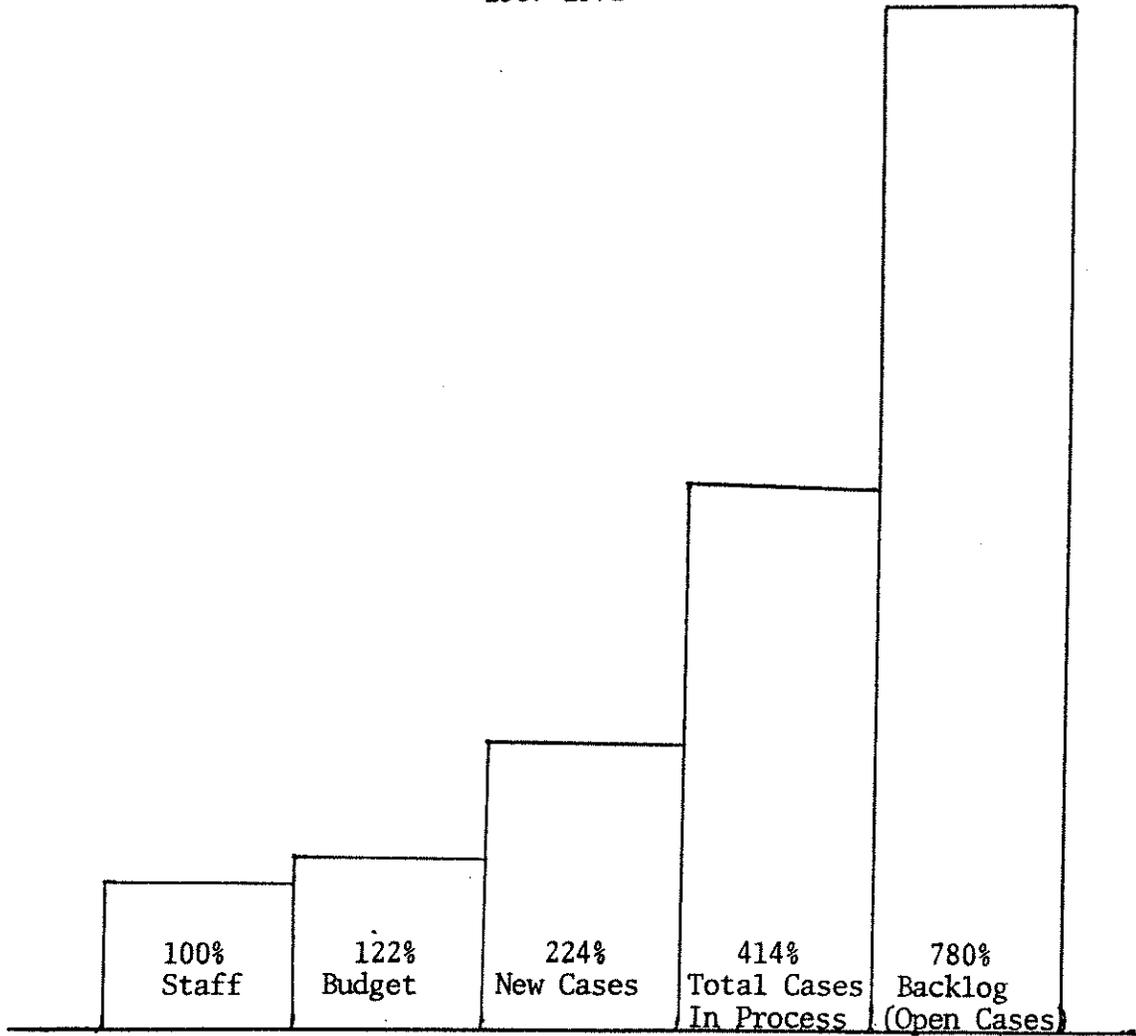


Figure 6 shows that the largest increase in workload came during the last fiscal year when the sex, age, and housing amendments were added to the Commission's enforcement duties. When we consider that sex, age, and housing cases did not begin coming in on a regular basis until the second half of the fiscal year, it is apparent that next year the Commission faces the worst crisis in its history.

Figure 7

COMPARATIVE GROWTH RATES

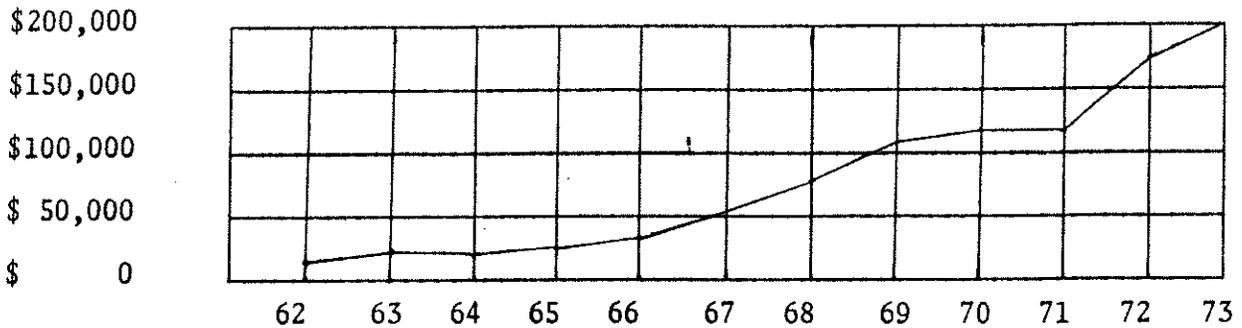
1967-1972



As Figure 7 reveals, during the last five years, the number of new complaints being filed has increased 224%; the total cases in process for each year has increased 414%; the backlog at the end of each year has increased 780%; but the staff has increased only 100% in accordance with the 122% increase in the budget.

Figure 8

ANNUAL BUDGETS OF THE COMMISSION, FISCAL 1962 TO 1973



1962	\$15,500	1968	\$ 78,900
1963	\$22,327	1969	\$102,425
1964	\$22,300	1970	\$110,200
1965	\$22,327	1971	\$110,200
1966	\$35,000	1972	\$175,335
1967	\$51,000	1973	\$200,000

In addition to the expected annual increase in complaints, there is evidence to indicate that if there was greater knowledge of the law, there would be many more complaints filed. The Commission's staff frequently comes into contact with people who believe they were discriminated against but who are not aware of the existence of the Commission, the law, or the procedures to file a complaint.

Since the Commission's office is located in Charleston, it is more accessible to the people of Kanawha County and receives more coverage in the Charleston news media than elsewhere in the

state. As a result, a disproportionate percentage of complaints are received from Kanawha County. Thirty-eight (38) percent of the complaints in 1971-72 were filed by people living in Kanawha County. Yet only 13% of the state's total population and only 19% of the state's Black population reside in Kanawha County. No other county has such a disproportionate percentage of complaints filed by its residents. (See the following maps.)

It would be logical to conclude that the Commission should take steps to see that information about the law and the Commission is known to all citizens of the State of West Virginia. This would be meaningless, however, if the Commission is not given enough staff to handle its present workload. The illustrations in this section clearly document that the growth in the Commission's staff and budget have not kept pace with the growth in workload. For the law to be meaningfully enforced the Commission must have more staff.





## R E C O M M E N D A T I O N S

- I. The Commission recommends that sufficient additional staff be provided to handle the workload. For the five-year period since the enactment of the enforceable law, 1967-1972, the Commission has been confronted with increases of 224% in new cases, 414% in total caseload, 780% in its backlog. All indications are that the caseload in fiscal year 1972 will greatly increase. Inadequate staffing can only mean delays in processing complaints.
  
- II. The Commission recommends that sufficient appropriations be granted to pay competitive salaries so that competent, trained staff members will not be lost to other agencies, and that experienced workers can be attracted to the agency in the future.

# **ORGANIZATIONAL**

Society becomes capable of collective movement, at the same time that each of its elements has more freedom of movement.

-Emile Durkheim

Bureaucratic administration means fundamentally the exercise of control on the basis of knowledge.

-Max Weber

# **STRUCTURE**

## C O M M I S S I O N M E M B E R S

The Commission shall be composed of nine members, all residents and citizens of the State of West Virginia and broadly representative of the several racial, religious, and ethnic groups residing within the state, to be appointed by the governor, by and with the advice and consent of the senate. Not more than five members of the commission shall be members of the same political party and at least one member but not more than three members shall be from any one congressional district.

Members of the commission shall be appointed for terms of three years commencing on the first day of July of the year of their appointments. Members shall be eligible for reappointment.

Each member of the commission shall receive a salary of twenty-five dollars per day as compensation for his services as such, and each member shall be reimbursed for his reasonable and necessary travel expenses actually incurred in performance of his commission services.

. . .The West Virginia Human Rights Act  
West Virginia Code  
(Chapter 5, Article 11, Section 5)

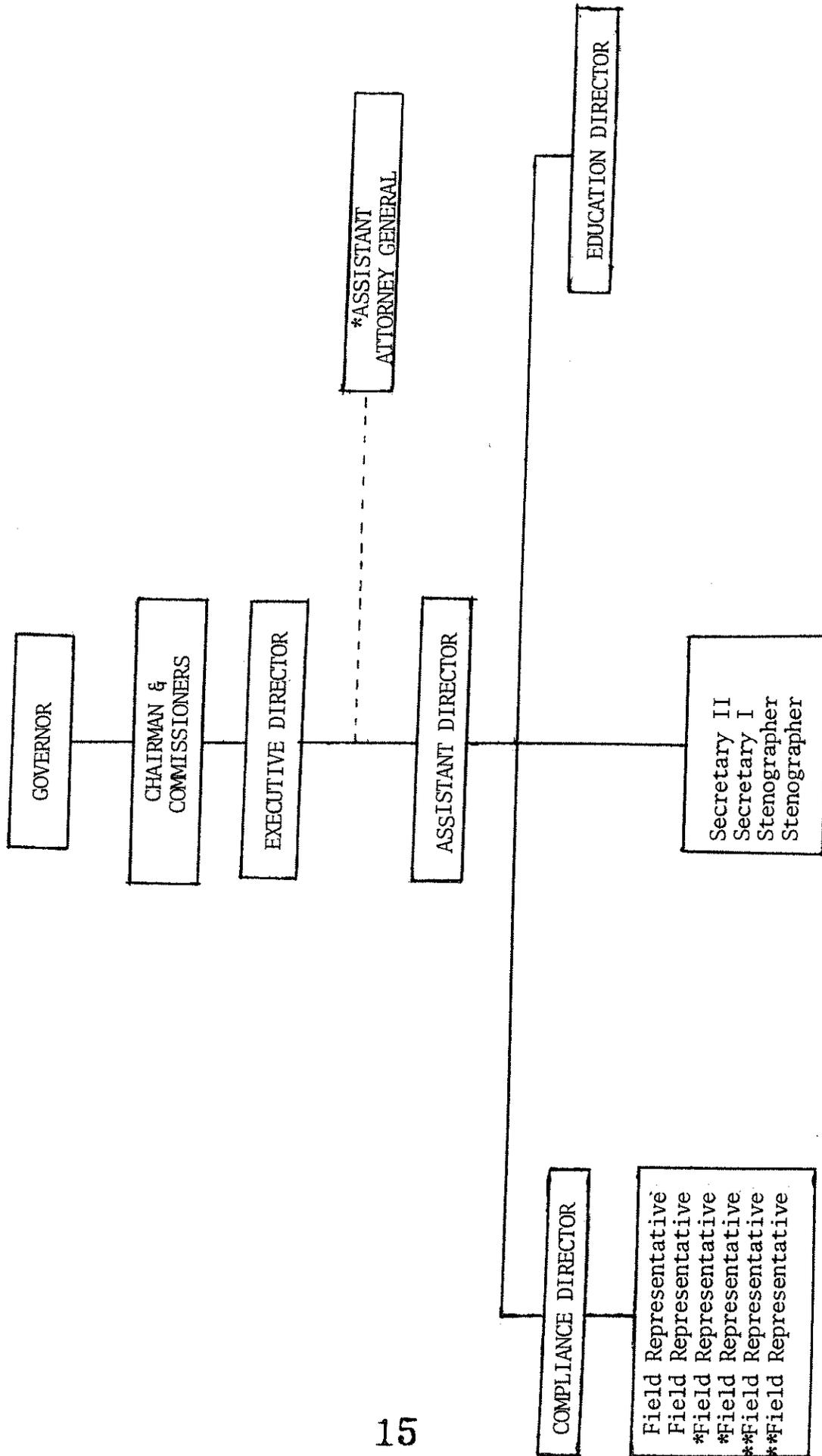
C O M M I S S I O N E R S

1970-71 and 1971-72

<u>Name of Commissioner</u>	<u>Congressional District</u>	<u>Term Expires</u>	<u>Reappointed Term Expires</u>
Chairman Russell Van Cleve Chemist	Third	1971	1974
Vice-Chairman Ancella Bickley Assistant Professor	Second	1972	
Harry J. Berman Businessman	First	1973	
D. Paul Camilletti Attorney	First	1971	1974
J. Matthew Coleman Minister	Fifth	1973	
Ernest M. Dandridge Retired School Administrator	Second	1973	
John A. Jones Corporation Executive	First	1972	
Edmund G. Marshall Attorney	Fourth	1972	
*Moses Newsome Minister	Third	1973	
Harley R. Richards Labor Union Representative	Fourth	1971	1974

\*Deceased February 1971. Mr. Dandridge was appointed to complete the term.

ORGANIZATIONAL STRUCTURE OF THE COMMISSION



\*Positions effective FY 1970-71

\*\*Positions effective FY 1971-72

# EMPLOYMENT

An analysis of census data indicates that since 1945, when black income reached 57 percent of white income at the end of World War II, black workers' income gained only four percentage points in 25 years, reaching 61 percent of white income in 1970. At this rate of increase, equality with whites will be achieved by the year 2275, a period of over three centuries.

-Herbert Hill, University  
of Colorado Law Review,  
March 1972

Thirty-nine percent of the black people in West Virginia are below the poverty level. This is approximately twice as high as the percentage of whites (21.6) in poverty.

- 1970 U. S. Census

Forty-two percent of the female heads of families in West Virginia are beneath the poverty line. This is almost three times as great as the percentage of male heads of families in the same plight.

-1970 U. S. Census



The West Virginia Human Rights Act makes it unlawful for an employer, employment agency or labor organization to discriminate on the basis of race, religion, color, national origin, ancestry, sex or age (40-65). Sex and age were added to the law effective June 2, 1971.

TABLE I

EMPLOYMENT

Cases in Process

Open from 1969-70 . . . . .	45
New Complaints . . . . .	<u>180</u>
	225

Cases Closed

Satisfactory Adjustments . . . . .	18
No Probable Cause . . . . .	34
Withdrawn . . . . .	7
No Jurisdiction . . . . .	4
Administratively Closed . . . . .	<u>1</u>
	64

Cases Remaining Open . . . . . 161

Table I indicates the number of complaints processed by the Commission during the two fiscal years of 1970-71 and 1971-72. Continuing from 1969-70, there were forty-five (45) cases filed in former years which were still being processed. During the fiscal years 1970-71 and 1971-72, one hundred and

eighty (180) new complaints were filed. Eighteen (18) cases resulted in Satisfactory Adjustments; that is, cases in which Probable Cause was found to credit the allegation of discrimination and the respondent and Commission agreed on an adjustment of the complaint.

After reviewing the staff investigations, the Investigating Commissioners ruled No Probable Cause to credit the allegations of discrimination in thirty-four (34) complaints. Seven complaints were withdrawn by complainants. Because the employer lacked the number of employees required to be covered by the law (25 employees before 6/2/71 and twelve since then), or because the complainant commenced other civil or criminal action before filing his complaint, the Commission did not have jurisdiction in four cases. Only one case was Administratively Closed. In that case although Probable Cause was found, the respondent refused to conciliate and in the judgment of the Commission, there was not enough evidence to warrant a public hearing.

BASIS OF EMPLOYMENT DISCRIMINATION

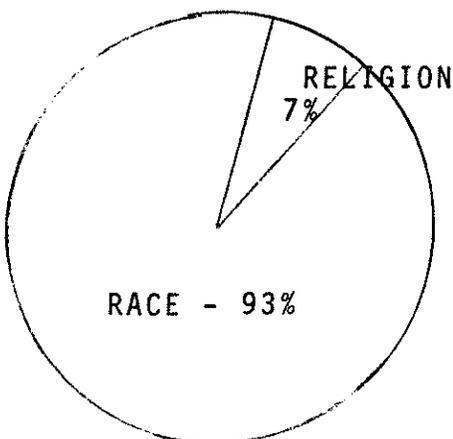


Figure 1  
1970-1971

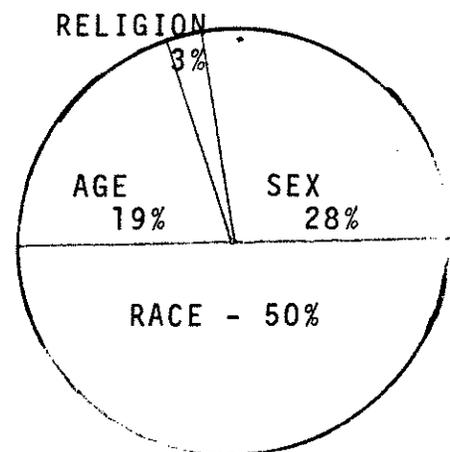


Figure 2  
1971-1972

Figures 1 and 2 show the type of employment complaints received during the two fiscal years. No national origin or ancestry complaints were received for employment in either year. Four complaints of religious discrimination were received each year.

Figure 2 reveals that in 1971-72 complaints filed under the new sex and age amendments accounted for 47% of the employment complaints, 28% on the basis of sex and 19% for age. It is reasonable to assume that next year this percentage will be even higher since sex and age complaints did not begin coming in on a regular basis until six months after the new amendments took effect. From a total of sixty-one (61) sex and age complaints filed in fiscal year 1971-72 (three in public accommodations), only ten were filed in the first six months of the fiscal year.

Table II shows the industries against which employment complaints were filed. Employment complaints were widely dispersed among different types of employers. The top four industries against which complaints were filed -- manufacturing, retail sales and/or services, labor unions, and construction/contractors -- accounted for 53% of the employment complaints. (See Table II on opposite page.)

TABLE II  
CLASSIFICATION OF EMPLOYER RESPONDENTS

RESPONDENTS	1970-71	1971-72	CUMULATIVE
Banks	1	3	4
Communications	0	3	3
Construction/Contractors	8	9	17
Education	3	10	13
Government			
State	2	6	8
County	0	5	5
City	0	2	2
Insurance	2	1	3
Labor Unions	4	11	15
Manufacturing	11	27	38
Medical Services	5	4	9
Mining	3	4	7
Restaurants	1	1	2
Retail Sales and/or Services	6	21	27
Social Services Agency	1	0	1
Transportation	4	9	13
Utilities	<u>6</u>	<u>7</u>	<u>13</u>
TOTAL	57	123	180

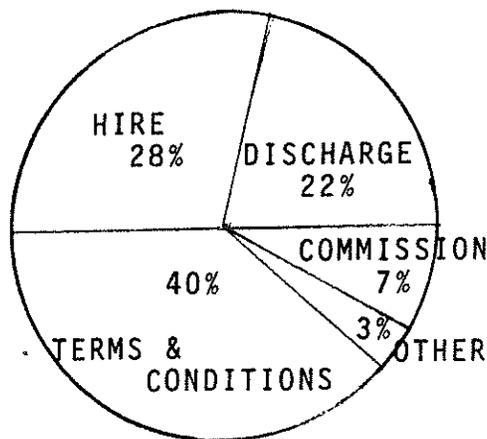
R A C E

Race complaints during the combined fiscal years were distributed between allegations of discriminatory refusal to hire, discharge, and terms and conditions of employment. The greatest percentage of complaints, 40%, alleged discriminatory terms and conditions with 28% alleging refusal to hire and 22% discriminatory discharges. (See Figure 3.)

Figure 3

NATURE OF RACE DISCRIMINATION

1970-71 & 1971-72



The greatest number of race employment cases filed in 1971-72 was filed against manufacturers which was also true of employment cases in general. The second highest number of

race employment cases, however, was filed against the construction industry which was the respondent on no other basis. This is indicative that Blacks in West Virginia are having difficulty attempting to break into the construction trades.

Fifteen (15) percent of the employment cases filed in 1971-72 were "rightful place" cases. These cases were filed against employers and unions who were allegedly denying Black complainants rightful places on seniority lists.

In these cases seniority is determined by departments rather than company-wide. At the time the Black complainants were employed, departments with the better jobs were closed to Blacks. The company hired Blacks as janitors or in other lower paying, lower status jobs. With the passage of civil rights laws in the mid-60's, companies were required to open all their departments to all qualified Blacks.

Since the company had departmental seniority, Blacks who bid into the previously all-White departments were forced to enter at the bottom of the seniority ladder. This "locked in" a seniority advantage for White men, because Black men were denied the right to work in that department in the past. For example, a middle-aged Black man with twenty-five (25) years' experience with a company would have less seniority when he entered a previously all-White department than a young White man who had been employed by the company for five years. The Black

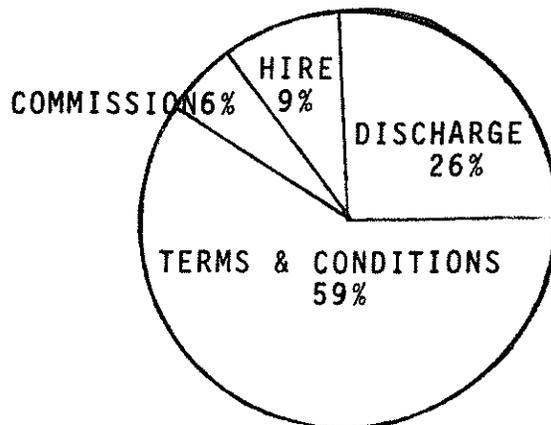
man would have the least chance of promotion, the best chance for lay-off, and would be adversely affected in any other terms, conditions, or privileges of employment which were based on seniority. Under such circumstances, the remedy might be to place the individual in his proper place on the seniority roster; that is, where he would have been had he not been discriminated against in the past. The object is to eliminate the continuing effects of past discrimination.

S E X

Twenty-eight (28) percent of the employment cases alleged discrimination on the basis of sex. Eighteen (18) percent of the employment cases alleging sex discrimination were filed against labor unions, as compared to 7% of the race cases and 4% of the age cases indicating that many women do not believe labor unions are protecting their rights.

Figure 4

NATURE OF SEX DISCRIMINATION



Most of the sex complaints (59%) alleged discrimination in the terms, conditions, and privileges of employment as Figure 4 illustrates. This was higher than the race (40%), age (21%), and religion (0%) cases alleging the same type of discrimination. Typically such complaints alleged separate or lower pay scales, fewer raises, fewer promotions and discriminatory seniority systems.

A lower percentage of sex complaints alleged a refusal to hire (9% as compared to 28% for race, 17% for age and 50% for religion), indicating that women have not yet begun in large numbers to push into what have traditionally been regarded as men's jobs. This is probably more true of working class women than of middle class women, but the overwhelming majority of complaints filed with the Commission in all categories (race, national origin, religion, sex and age) are filed by working class people.

Twelve (12) percent of the sex complaints centered on issues involving pregnancy. One half were filed by women who were discharged because of pregnancy; the remainder were filed by women alleging that they lost pay or seniority during pregnancy leave.

The Commission guidelines on pregnancy state:

A written or unwritten employment policy or practice which excludes from employment applicants or employees because of pregnancy is in prima facie violation of the West Virginia Human Rights Act.

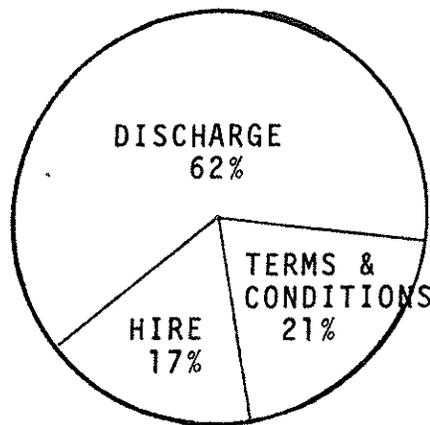
Disabilities caused or contributed to by pregnancy, miscarriage, abortion, childbirth, and recovery therefrom are, for all job related purposes, temporary disabilities and should be treated as such under any health or sick leave plan in connection with employment. . .

Where the termination of an employee who is temporarily disabled is caused by an employment policy under which insufficient or no leave is available, such a termination violates the Act if it has a disparate effect on employees of one sex and is not justified by business necessity.

A G E

Figure 5

NATURE OF AGE DISCRIMINATION



As might be expected, the majority of age complaints were discharge complaints. As Figure 5 shows, sixty-two (62)

percent of the age complaints were discharge complaints, as compared to 22% of the race complaints and 26% of the sex complaints. The majority of such complaints involved illegal forced early retirement.

The first age complaint was filed by a deputy sheriff who was to be terminated because of the Civil Service Law for Deputy Sheriffs which was passed at the same 1971 legislative session as the age amendment. The purpose of the law was to include most of the state's deputy sheriffs under Civil Service, but at the same time it established a maximum age of sixty (60) years for the position. The Commission received several inquiries, and at least one sheriff complained that the new law would mean the loss of his best deputies. The Commission brought to the attention of the legislature that the two laws were in conflict. As a result the Civil Service Law for Deputy Sheriffs was amended by the 1972 session of the legislature so that the maximum age for deputy sheriffs was established at sixty-five (65) years.

#### R E L I G I O N

The Commission received eight religious complaints in the two fiscal years. Four alleged a discriminatory discharge and four alleged a refusal to hire. No religious complaint was

filed alleging discriminatory terms, conditions and privileges of employment.

One complaint was filed by a Jew, one by a Catholic, and five by Protestants. The Jewish and Catholic complaints alleged a refusal to hire. No Probable Cause was ruled for one and Probable Cause for the other. Of the five complaints filed by Protestants, No Probable Cause was ruled for two of the complaints and Probable Cause for one. The other three are still in investigation.

Four of the five complaints filed by Protestants alleged a discharge or refusal to hire because the complainant refused to work on either Saturday or Sunday due to his religious principles. The Commission guidelines on this subject state:

The Commission believes that the duty not to discriminate on religious grounds required by the Act includes an obligation on the part of an employer to make reasonable accommodations to the religious needs of employees and prospective employees where such an accommodation can be made without undue hardship on the conduct of the employer's business. Such undue hardship, for example, may exist where the employee's needed work cannot be performed by another employee of substantially similar qualifications during the period of absence of the Sabbath observer.

Therefore, unless an employer can show undue hardship, it is illegal for him to discharge an employee or refuse to hire a prospective employee because that individual's religious beliefs prevent him from working on Saturday or Sunday.

LEGAL COUNSEL

The Commission's request for an attorney to serve as a full-time legal advisor to the staff and as counsel representing the Commission in public hearings and court proceedings was finally realized by the hiring of an Assistant Attorney General beginning July 1, 1971. The first year's activities proved that the necessity for legal services is unquestionable. More than forty (40) backlogged cases which required a legal opinion were reviewed and disposed of.

In an interpretation of the Human Rights Act, Section 5-11-10, legal counsel outlined procedures for conducting reconsideration of No Probable Cause findings. Within ten days from a determination of No Probable Cause, the complainant must be notified and advised that he may seek a reconsideration of the ruling of his case.

In the event that the determination of the Executive Director shall be to set aside the finding of No Probable Cause, the complaint and case file shall be assigned a field representative for reinvestigation in light of the new evidence and argument of the complainant.

Further, legal counsel recommended that for the processing of cases under the West Virginia Human Rights Act, the Commission adopt those guidelines officially promulgated by

federal agencies pertaining to age, sex, and testing in employment cases, and the federal guidelines pertaining to housing. Such guidelines should be considered the minimum standards for the guidelines to be used by the West Virginia Human Rights Commission.

Colored child at carnival  
Where is the Jim Crow section  
On this merry-go-round  
Mister, cause I want to ride?  
Down South where I come from  
White and colored  
Can't sit side by side  
Down South on the train  
There's a Jim Crow car  
On the bus we're put in the back --  
But there ain't no back  
To a merry-go-round!  
Where the horses  
For a kid thats black.

- Langston Hughes

## **PUBLIC ACCOMMODATIONS**



Section 9, Subsection (f) of the West Virginia Human Rights Act declares it unlawful for any place of public accommodations to deny any of its accommodations, advantages, facilities, privileges or services to any individual because of race, color, religion, national origin, ancestry, age or sex. Sex and age were included in the 1971 amendments.

Section 3, Subsection (j) defines "place of public accommodation" as:

any establishment or persons, including the state, or any political or civil subdivision thereof, which offers its services, goods, facilities, or accommodations to the general public, but shall not include any accommodations which are in their nature private.

TABLE III

PUBLIC ACCOMMODATIONS

Cases in Process	
Open from 69-70. . . . .	20
New Complaints . . . . .	<u>32</u>
	<u>52</u>
Cases Closed	
Satisfactory Adjustment. . .	11
No Probable Cause. . . . .	5
Withdrawn. . . . .	1
Administratively Closed. . .	<u>1</u>
	<u>18</u>
Cases Remaining Open. . . . .	<u>34</u>

As Table III illustrates, a total of fifty-two (52) public accommodations complaints were in process during the fiscal years 1970-71 and 1971-72. Twenty (20) of these complaints remained open at the end of the fiscal year 1969-70. Nineteen (19) complaints were filed in 1970-71 and thirteen (13) additional complaints were filed in 1971-72. Eighteen (18) cases were closed during the two fiscal years. In eleven of these cases where discrimination was found to exist, the cases were closed with rulings of No Probable Cause to sustain the allegations of discrimination. One case was Withdrawn, and one case was Administratively Closed.

Of the fifty-two (52) public accommodations complaints, all were based on race except for two based on sex and one based on age.

TABLE IV

CLASSIFICATION OF PUBLIC ACCOMMODATION RESPONDENTS

<u>RESPONDENTS</u>	<u>FY 1970-71</u>	<u>FY 1971-72</u>	<u>CUMULATIVE</u>
Police/Sheriffs	2	4	6
Class "C" Liquor Club	3	2	5
Barber & Beauty Services	3	1	4
Co. Board of Education	4	0	4
Public School	0	3	3
Hotel/Motel	2	0	2
Restaurants	2	0	2
Medical Services	2	0	2
Sports Association	0	2	2
Bank	1	0	1
Insurance	<u>0</u>	<u>1</u>	<u>1</u>
TOTALS	18	14	32

As in the past, most of the public accommodations complaints filed in fiscal years 1970-71 and 1971-72 were against public school systems. Four complaints named county boards of education as respondents and three were public schools. Complaints against public schools involved a number of different issues, including segregation; discrimination in the selection of majorettes, cheerleaders, and honor society members; harassment of interracial couples; and inconsistent disciplinary treatment.

There were six complaints against Police and Sheriffs' Departments, slightly less than the number filed against school systems. There were two such police complaints filed in 1970-71 and four in 1971-72. Most such complaints alleged police harassment or brutality. One complaint involved segregation of a jail. This complaint was satisfactorily adjusted when the sheriff agreed to desegregate the jail.

During the fiscal years 1970-71 and 1971-72, Class C liquor clubs continued to be the outstanding exception to the end of Jim Crow by the hotel, restaurant, and entertainment businesses. Class C liquor clubs accounted for the third largest number (five) of public accommodations complaints filed during the combined fiscal year period. Isolated cases also continued to occur against hotels and restaurants. In Kanawha County a case was processed in 1971 against a restaurant with

signs in the windows stating, "We belong KKK" and "No Niggers, period." Barber shops, beauty shops and swimming pools continued to be a notable problem.

# HOUSING

One quarter of the Negro homes in West Virginia lack some or all plumbing facilities. This is over 50% more than the number of white homes in the same condition.

- U. S. Census Report, 1970

Almost twice as great a percentage of Negro homes (16.2%) as white homes (9.1%) are occupied by more than one person per room.

- U. S. Census Report, 1970



Effective June 2, 1971, the West Virginia Human Rights Act was amended to forbid discrimination in housing accommodations on the basis of race, religion, color, national origin, and ancestry. Discrimination in housing because of sex or age is not prohibited by the Act.

TABLE V  
HOUSING

Cases in Process	
Filed in 1971-72. . . . .	26
Cases Closed	
Satisfactory Adjustments. . . . .	1
No Probable Cause . . . . .	2
Administratively Closed . . . . .	1
Cases Remaining Open . . . . .	<u>22</u>

Table V reveals that of the twenty-six (26) housing cases filed in 1971-72, only four were closed. One case was closed as a Satisfactory Adjustment when the respondent agreed to sign a Memorandum of Agreement stating that he would cease discrimination and provide a remedy of monetary compensation for the complainant.

On the basis of the investigation of the field staff, Investigating Commissioners ruled in two cases there was No Probable Cause or insufficient evidence to credit the allegation of racial discrimination. The case that is listed as Administratively Closed was dismissed because the wrong respondent was named. The case was then recorded under a new docket number with the correct respondent.

TABLE VI  
BASIS FOR HOUSING DISCRIMINATION

Refusal to Rent . . . . .	20
Refusal to Sell . . . . .	3
Required to Vacate. . . . .	3
Due to Black guests	
Interracial marriage	
Due to Interracial Child	—
TOTAL	26

All of the housing complaints except one were based on race. The exception concerned an Italian family who was denied the right to buy a house. The majority of housing cases, as Table VI illustrates, resulted from a refusal to rent. Only 25% of the housing cases involved the refusal to sell or the order to vacate.

TABLE VII  
CLASSIFICATION OF HOUSING RESPONDENTS

Property Owner	19
Bank	3
Realtor	2
Housing Office	<u>2</u>
TOTAL	26

Most of the housing respondents were private property owners as Table VII shows. There was a small number of cases resulting from alleged discriminatory renting and selling practices of banks, real estate agencies, and housing offices.

Based on the segregated housing patterns in the state, the Commission believes the occurrence of housing discrimination is much more pervasive throughout the state than is revealed by the number of reported cases.

Speed is crucial to the enforcement process in housing cases. If the cases are not investigated quickly, the housing accommodations in question are sold or rented to someone else defeating the very purpose of the law. The Commission staff is currently reviewing its case processing procedures to see what can be done to speed up the resolution of housing complaints. No amount of new procedures, however, can overcome the fact that

the Commission lacks an adequate staff of field investigators who can be available immediately in any part of the state as soon as the housing case is reported.

We must all obey the great law  
of change. It is the most  
powerful law of nature.

-Edmond Burke

## **EDUCATION**

The world hates change, yet it  
is the only thing that has brought  
progress.

-C. F. Kettering

The Education Division's major thrust during 1970-71 and 1971-72 was through the mass media.

The Education Division sought to attain "more harmonious understanding and greater equality of rights between and among all racial, religious, and ethnic groups in this state" by the distribution of radio and television programs and movie films.

#### R A D I O

In the fall of 1970, the Education Division began producing radio programs for the three educational radio stations in West Virginia (WMUL-FM, Marshall University; WVWC-FM, West Virginia Wesleyan College; and WVBC-FM, Bethany College). Two one-hour radio broadcasts were produced.

Because these programs were well received, a proposal was written by the Commission and submitted to the Governor's Committee on Crime, Delinquency and Corrections to expand production. The grant of \$4,354 allotted funds to cover the expenses of duplicating the programs to make them available to commercial radio stations in the state beginning in February, 1971. Funds were used: (1) to hire a part-time research assistant who would coordinate the programs, and (2) to pay for the cost of tapes, tape duplicating, mailing and other miscellaneous costs.

With that funding, fourteen (14) one half-hour programs called "The Rights of Man" were produced. The programs, hosted by the Commission staff, were received by fifty-three (53) stations. Following are descriptions of typical programs.

A panel discussion on police and the community in West Virginia, with special emphasis on police relations with black and student communities. Panelists included Chief John King of the South Charleston Police Department; Lieutenant Don Saylers, Police Community Relations Director of Huntington Police Department; Herbert Henderson, State Chairman of the NAACP Youth Council; Sergeant Fred Donahoe, a District Commander of the West Virginia State Police; and Dave Barrows, board member of the West Virginia Union of Students.

A panel discussion on Women's Rights Under Law featuring Naomi Cohen, Staff Attorney of the Appalachian Research and Defense Fund; Rita Martorrella, student and housewife; Jan Young, State Coordinator of Reading Is Fundamental, Inc.; and Ann Rhodenbaugh, Social Services Department, West Virginia Institute of Technology.

A discussion on Civil Rights Law Enforcement featuring George Chamberlain, former Assistant Director of the West Virginia Human Rights Commission; Frank Helvey, Jr., Compliance Director; and John Lynch, Field Representative.

An interview with Howard Kenney, Assistant Director of the West Virginia Human Rights Commission; and Betty Hamilton, past coordinator of the Charleston Panel of American Women, with particular emphasis on intergroup education.

An interview with Edward Peeks, Business-Labor Editor of the Charleston Gazette. Discussion centered on Mr. Peeks' new book, The Long Struggle for Black Power (Scribners, 1971).

Presentation of the play, "Henry J. Candor," written by John Klug, Office of Social Action, Wheeling. Play performed by the drama department of West Virginia State College.

### T E L E V I S I O N

Beginning in the summer of 1971, "The Rights of Man" radio program was simulcast on Capitol Cablevision, Charleston Cable System.

Along with numerous TV appearances on news shows and interview programs, the Commission in cooperation with WMUL-TV of Marshall University, Channel 33, participated in two specials.

In January, WMUL-TV inaugurated "Series 26," a weekly program on state government. Each week's broadcast focuses on the activities of a particular department of state government. The program dealing with the Human Rights Commission was the first of the series.

In May, WMUL telecast the first hour of a regular monthly meeting of the Human Rights Commission, while a normal agenda was followed. The show was unique since the routine policy-making operations of an agency of state government were televised as policies were being formulated.

## F I L M S

The Commission maintains a lending library of films related to human rights. The films were utilized by schools, colleges, churches, employers, labor and civic organizations on more than 135 occasions. Since the publication of the Commission's film catalog, "Films for Human Rights," the Commission has purchased eight new films, making a total of twenty (20) films in the Commission library. These 16 mm. sound films, several of them in color, are available free of charge to anyone in West Virginia. The following are among the most recent films obtained by the Commission.

### NO VIETNAMESE EVER CALLED ME NIGGER

Time 90 minutes. Black and white. Dialogue of three Black Vietnam veterans who discuss their views about social conditions in the United States as reflected in their attempts to secure jobs and housing. Flashbacks to urban riots and anti-war demonstrations illustrate their feelings and frustrations.

### THE SUPERVISOR AND EQUAL EMPLOYMENT OPPORTUNITY

Time 35 minutes. Color. Film portrays a meeting of equal employment opportunity officers sharing their experiences of recruiting and promoting minority persons and women.

### THE WOODPILE

Time 30 minutes. Black and white. The directors of a large firm rationalize rejection of a well qualified Negro's application for an executive

position on the basis that his very availability is an indication of a hidden defect. When the personnel manager declares that his color is what prevents his being hired, the directors refuse to recognize their own prejudice. Theme: It is necessary to face up to prejudice in ourselves and others if we are to fight it.

CHARLIE, YOU MADE THE NIGHT TOO LONG

Time 30 minutes. Black and white. Members of the white establishment are driving through a Negro ghetto when their car breaks down. A riot is about to break out; they seek refuge in a local bar. Confronted by a Black militant, angry exchanges occur, but also real dialogue. A sense of common brotherhood emerges. Theme: Conflict can be resolved through honest dialogue.

BLACK PRIDE - THE EMERGING AMERICAN NEGRO

Time 25 minutes. Color film by A.T. & T. Historic review of the American Negroes' accomplishments analyzed in the prospective of contemporary American culture.

DEATH OF SIMON JACKSON

Time 28 minutes. Black and white. A Black poet deeply involves himself in his race's fight for equal rights and dignity. His poetry is rejected by the Uncle Tom magazines because it is too strong. It is rejected by the preachers of Black violence because it is not strong enough. Not understood by his friends, rejected by his girlfriend because he won't get a conventional job and earn a living, he helps police quell a riot. For doing so, he is beaten up. Dying, he affirms his belief that love will overcome violence.

THE HATE SYNDROME

Time 28 minutes. Black and white. Rod Serling probes the mind of a young American Nazi who ironically is Jewish. His own sense of inferiority

and fear generates a hatred which expresses itself in advocating the destruction of all minority groups.

NOT IN MY BLOCK

Time 48 minutes. Black and white. An analysis of the housing situation as it affects the Negro minority in the urban community. Interviews with executives of banks, real estate agencies and builders reveal the problem as they see it. Interviews with Negroes of low income, middle class and upper middle class families reveal their experiences in obtaining housing.

P O S T E R S

During the fall of 1971, approximately 30,000 posters were mailed throughout the state in accordance with Section 17 of the amended Human Rights Act which reads:

Every employer, labor organization, employment agency and person operating a place of public accommodations, as defined herein, subject to this article, shall keep posted in a conspicuous place or places on his premises a notice or notices to be prepared or approved by the commission, which shall set forth excerpts of this article and such other relevant information which the commission shall deem necessary.

The poster states:

The West Virginia Human Rights Act  
Prohibits  
Discrimination in Employment  
and  
Places of Public Accommodations  
Based on  
Race, Religion, Color, National Origin, Ancestry  
Age (40 to 65) or Sex  
And  
Discrimination in Housing  
Based on  
Race, Religion, Color, National Origin or Aneestry

The Education Division during the second half of 1971-72 increased the range of human relations programs offered. Human relations training programs were conducted for staffs of various employer organizations.

Speaking engagements continued, particularly to colleges, as well as to other groups.

A conference was sponsored by the Commission in June, 1972 to arouse interest state-wide in the Panel of American Women. The all day conference, held in Charleston, was attended by women and men from many communities in West Virginia who wished to create Panels in their own areas. Dee Scott, National President of the Panel of American Women, was the main speaker.

#### LOCAL COMMISSIONS

The Education Division maintained some contact with a small number of the local city commissions in West Virginia, though not as strong a liaison as desired. The value of utilizing local commissions cannot be overstated as the Clarksburg Commission has shown. For example, because of their public service announcements particular to housing, the number of housing complaints from Harrison County has been high.

The Education Division was instrumental in re-organizing the Wheeling Human Rights Commission by activating the group to submit an ordinance to City Council establishing a commission with an enforceable law with powers as broad as the state law. After a lengthy campaign, the ordinance was passed in June, 1972.

P U B L I C    H E A R I N G

As a result of a series of incidents during the weekend of January 2, 1971, involving the city police of Wheeling and the Black community, a public hearing was conducted by the state commission at the request of the Wheeling Human Rights Commission, We Exist, and the Greater Wheeling Community Development Council, Inc. The hearings held on February 1, 2, and 3 probed the following five areas:

1. Unemployment or underemployment of Black youth in the Wheeling area.
2. Alleged lack of recreational facilities.
3. Alleged substandard and inadequate housing.
4. Alleged police abuses.
5. Alleged inadequacy of area-wide community relations programs.

Approximately fifty (50) persons including officials of city and state government, school personnel, business leaders,

and members of racial and religious organizations gave testimony. As a result, the hearing seemed to serve a twofold purpose: (1) to ease the immediate tension situation, and (2) to bring all the diverse elements of the community together in a cooperative way to air overall conditions.

Commission Chairman Russell Van Cleve presided at the hearing with D. Paul Camilletti, Wheeling; J. Matthew Coleman, Bluefield, and John A. Jones, Weirton, as Hearing Commissioners. A report was prepared with their recommendations specific to each of the problem areas and distributed to all those who testified as well as to many interested persons in the community.