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# ANNUAL REPORT

*West Virginia*

*Human Rights*

*Commission*

State Capitol Building  
Charleston, West Virginia

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STATE OF WEST VIRGINIA HUMAN RIGHTS COMMISSION

W-202 STATE CAPITOL BUILDING  
CHARLESTON, WEST VIRGINIA 25305

TELEPHONE 343-4411 - EXT. 2616

HOWARD W. MCKINNEY  
EXECUTIVE DIRECTOR

GEORGE E. CHAMBERLAIN,  
FIELD SERVICE DIRECTOR

December - 1964

Honorable William Wallace Barron  
Governor of the State of West Virginia  
State Capitol Building  
Charleston, West Virginia

Dear Governor Barron:

We here with submit the third annual report of the activities of the WEST VIRGINIA HUMAN RIGHTS COMMISSION.

While this report covers officially the period from July 1, 1963 to June 30, 1964, some reference is made of activities taking place in the early fall.

We would like to express our appreciation to you for the support which you have given to the commission as we have endeavored to carry out our responsibilities. Your executive orders, your public statements and actions have set a tone on official standards which has given impetus and encouragement to positive Human Rights development.

Sincerely,

A handwritten signature in cursive script that reads "Thomas W. Gavett".

Thomas W. Gavett  
Chairman

## MEMBERS OF THE COMMISSION

Current Members of the Commission and their terms of office are:

Dr. Thomas W. Gavett Chairman - Morgantown, W. Va.	June 30, 1967
Mrs. Charles W. Wilson, III Vice-Chairman - Charleston, W. Va.	June 30, 1966
Mr. D. Paul Camilletti Wheeling, W. Va.	June 30, 1965
Rev. J. Matthew Coleman Bluefield, W. Va.	June 30, 1967
Rabbi Samuel Cooper Charleston, W. Va.	June 30, 1967
Mrs. Memphis T. Garrison Huntington, W. Va.	June 30, 1966
Mr. Leslie Martin Charleston, W. Va.	June 30, 1965
Mr. Roy E. Nolte Huntington, W. Va.	June 30, 1966
Mr. Harley R. Richards Parkersburg, W. Va.	June 30, 1965

Members are appointed by the Governor with the approval of the Senate. By law the Commission may not contain more than five members of one political party. At least one person must represent each Congressional district, and there may be no more than three members from any one Congressional district. Commission members are not paid, but may receive reimbursement for actual expenses incurred.

The Chairman and Vice-Chairman are elected by the Commission membership at the annual meeting in July. The Commission meets approximately once a month. Currently the regular meeting date is the third Wednesday of the month.

## INTRODUCTION

"We are confronted primarily with the moral issue. It's as old as the scriptures and as clear as the American Constitution. The heart of the question is whether all Americans are to be afforded equal rights and equal opportunities; whether we are going to treat our fellow Americans as we would want to be treated."

The above words were part of the text of President Kennedy's message to Congress in June of 1963 as he presented the Civil Rights Bill. The year which this report covers was dominated on the national scene by the struggle for the passage of the Civil Rights Bill. Its prelude was the civil rights demonstrations in Birmingham in late spring of 1963 and its conclusion was the signing of the Civil Rights Bill by President Johnson on July 2, 1964. That date marked a profound and significant change--a turning point in the history of race relations in America. The context in which an agency like ours works is significantly changed by that event. The fact of federal legislation and federal law sets a new framework and a new tone to our efforts. In those areas of the law the efforts to persuade will, by and large, be replaced by efforts to interpret and inform. Already the major effort put forth by the Commission in early 1963 to open public accommodations to all, pales in light of the now federal requirement for equality of service.

As we look back on the year just passed, we recognize that some of the activities which have occupied our attention in the past are not likely to be the major area of concern in the future; that in a real sense, we have closed one chapter and opened a new one. The report which follows is intended not merely as a report of what we did, but is also hoped to be an assessment of where we are--an attempt to indicate both what we have achieved and what yet is to be done.

## Local Commissions

The West Virginia Human Rights Commission has directed a great deal of its staff time and energy to the assistance of the local human rights commissions. It has done so from a belief that if good human relations are to exist in our several communities, major responsibility for the development of communication and understanding must be carried by the people living within the community; that any program to achieve a better understanding must, of the necessity, involve the participation of local persons. While a state agency can do much to end patterns of discrimination, understanding must be developed between people who meet one another from day to day in the local community. We believe that such understanding can best grow in a community when responsible officials have recognized and endorsed such goals and have acted responsible to create agencies to promote understanding and initiated positive steps for the elimination of discrimination.

The state Commission has encouraged the formation of bi-racial local committees and seeks to assist them through frequent conferences, and sharing with them in their meetings, making suggestions as to program approaches, and working with them to meet specific problems.

One service to these commissions was a conference held in Charleston on November 1, 1963. Featured speakers included Mr. Arthur Chaplin of the U. S. Department of Labor and Mr. Fred Routh, Executive Director of National Association of Intergroup Relations Officials and formerly Director of the Michigan Fair Employment Practices Commission. The occasion provided an opportunity for an exchange of information both as development on the national level as well as information as to programs and approaches by local groups.

#### NEW COMMISSIONS

Five new commissions were appointed during the past year. They are Dunbar, Williamson, Hinton, Lewisburg, and Ronceverte. This brings to twenty the number of communities which have appointed human rights commissions, although three communities which originally designated a human rights commission have allowed them to become inactive through failure of the mayor to appoint new members to replace persons who resigned, or to designate a chairman or otherwise act to continue the commission. They are Buckhannon, Montgomery, and Princeton.

The Chairmen of the active commissions are as follows:

BECKLEY Isadore Wein	LEWISBURG Rev. R. A. Pfrangle
BLUEFIELD Rev. Malcom Fuller	LOGAN Edward I. Eiland
CEDAR GROVE Spencer Simpson	MORGANTOWN Rev. Wendell Bohrer
CHARLESTON R. J. Murphy	PARKERSBURG Rev. John A. Wolfe
CLARKSBURG Dewitt Wyatt	RONCEVERTE Rev. James Baines
DUNBAR Orville Stalnaker	WEIRTON John A. Jones
FAIRMONT Clyde Riley	WHEELING James J. Haranzo
HINTON Charles Snyder	WILLIAMSON Rev. William M. Hunter
HUNTINGTON Rev. Charles Smith	

## Public Meetings

The Commission continued a practice of holding a number of public meetings in various communities of the state. On August 15, 1963, it held a meeting in Bluefield; September 10, 1963, it held meetings in both Martinsburg and Charles Town; October 15, 1963, in Williamson; and on May 20, 1963, in Lewisburg. These meetings served as an opportunity for local people to know of the work of the State Commission and for the Commission to have an opportunity of learning of activities within the local area.

Reaction to these public meetings have varied a great deal. Attendance has also varied considerably from a low of twelve and the largest of one hundred and fifty in Charles Town.

Several persons have at times voiced concern about such public meetings. In a few cases, this objection is voiced by individuals who desire no change in the pattern of race relations and who view the commission's espousal of change as an invitation to minority groups to seek change and to do so with greater militancy. To this objection it seems worthy to note that the establishment of the commission was a recognition on the part of the legislative leadership that change was inevitable and the question was one of whether change being met in a positive and constructive manner as its resistance was certain to be destructive.

It is probable that a great many more of those who have hesitations about public meetings do so because they are hesitant and embarrassed by any public discussion of racial problems or discrimination. It is the position of the West Virginia Human Rights Commission that just as we have learned over the years to discuss the problems of mental illness in an open and public manner, so must we also responsibly face the problems of discrimination and race relations; that until such time as we can set down both Negro and white together to mutually agree upon goals and objectives, can we hope to make significant progress or to avoid the tensions which are inherent in the racial conflicts of our time. While there is room for debate about stragedy, we cannot accept the counsel of those so timid of stirring up oppositions that no effective action is taken or principle stated to challenge the segregationist.

These public meetings have, we believe, served a useful function and have been an effective process of the communities facing the need for responsible community action.

## Civil Rights Act 1964

On two occasions in early 1964 advertisements were placed in local newspapers with the view of encouraging local support of segregationist position and activities.

On the afternoon of February 11 and morning of February 12, ads

appeared in eight or nine of the state's major daily newspapers, sponsored by the Citizen's Council of America, Jackson, Mississippi (more popularly known as the White Citizen's Council). The ad made three quotations from President Lincoln suggesting that he believed in the separation of the races, and invited persons to return a coupon for further information.

The second ad appeared on the morning of March 9, the day the debate began in the Senate on the House-passed Civil Rights Bill. The ad (nearly a full page) appeared in several state's daily papers entitled; "A Billion-Dollar Blackjack: The Civil Rights Bill." The ad was sponsored by the Coordinating Committee For Fundamental American Freedoms, Inc., which was later revealed to have had substantial funds from the Mississippi Sovereignty Commission (it is reported to have disbanded with the passage of the Civil Rights Act). The Commission received numerous requests about the sponsors of this ad and for information regarding points made regarding the Civil Rights Bill.

At its April meeting the Commission adopted a resolution in support of the Civil Rights Bill and urged its adoption by the Senate without weakening amendments. A mailing was sent to all members of local community relations commissions and some other community leaders urging their support of House Bill 7152 and enclosing a booklet, "Questions and Answers On The Civil Rights Bill", prepared by the Leadership Conference on Civil Rights, an association of more than eighty civil rights agencies.

At its May 20 meeting, as the debate dragged on in the Senate, the Commission adopted a further resolution in support of the Civil Rights Bill.

"The West Virginia Human Rights Commission expresses its total disagreement with the position of Senator Robert F. Byrd on the Federal Civil Rights Bill. His personal opposition to this Bill is not in keeping with the developments in the human rights made in West Virginia since the U. S. Supreme Court decision of 1954. Progress in the integration of public schools, the opening of public accommodations, and employment in West Virginia is significant. The very creation of this Commission, by an overwhelming vote in the Legislature, indicates the support most West Virginians give to the cause of human rights. West Virginia's progress in extending civil rights to all its citizens has been praised by many national leaders, including the late President Kennedy. To us, Senator Byrd's adamant opposition to the Civil Rights Bill does not reflect sentiments of the majority of West Virginians nor does it represent a constructive approach to the problems we still face. We commend the bi-partisan support of this Legislation by the West Virginia delegation of the House of Representatives and the announced position of Senator Jennings Randolph. We urge their continued support of House Bill 7152."

In addition, the Commission directed that letters be sent to all the United States Senators indicating that this Commission supported the adoption of the Civil Rights Bill.

## Equal Employment

The most significant development in the field of employment during the period of this report was the increase in the number of Negroes employed in retail trade, particularly during the Christmas season, 1963. In late spring of 1963 the Huntington Human Rights Commission met with representatives of the Retail Merchants Association and a resolution was adopted indicating the desirability of equal opportunity in employment. This resolution did not receive much visible action until the Christmas season. In August, an agreement was made between the major merchants in Bluefield, West Virginia, to employ Negro sales clerks, and participating stores employed one or more Negro sales clerk on August 15. An increase in this number progressed rather steadily up until Christmas time. With the Christmas season significant, employment was extended in the majority of the larger communities around the state. While in some communities, few Negro persons have continued to be employed after the Christmas season; in others, a number have continued in full-time employment.

Our estimates, admittedly not exact, were that there were somewhere between 200--250 Negro persons employed in retail trade in at least sixteen communities during the 1963 Christmas shopping season. It is hoped that the ground work laid this year will have further extension in 1964.

Many of the local commissions met with delegations from Retail Merchants Association to initiate action, and assisted in recruitment of qualified Negro candidates. While there is some steady improvement in the number of Negroes in white-collar positions, the absolute numbers remain relatively small. This is apparently equally true in training schools and business colleges. Several of the local Commission members made checks with such local agencies, and while the greater number indicated their willingness to accept Negro students, the number of active enrollees remained small.

A special sub-committee of the Huntington City Commission undertook a survey of the business schools in the community. One school indicated that of approximately 200 students, 10% of the day students and 30% or better of the night students were Negroes; that only a few of the Negro students have been placed in Huntington but that a sizeable number of their white graduates also have to go elsewhere to find work. The second school, with approximately the same enrollment, indicated they had no Negroes enrolled at the time of the survey. They had had a few Negroes in the past and would accept Negro enrollment. The third school, a very small school which specializes in secretarial training, would not accept Negroes and the management expressed some hostility to concept of integration even in public schools. A fourth school, also fairly small, had just recently changed management and indicated their willingness to accept Negro students. A fifth school, which specializes in a particular office machine, also quite small, indicated they had not accepted Negroes;

they would be reluctant to do so because they believed they would have difficulty placing Negro graduates.

The Committee had also discussed with the Commercial Department at Huntington High School as to the number of Negroes enrolled in this department to find that they were relatively few Negroes taking this course. The school indicated they had had a few calls from people specifically seeking Negro candidates. What information exist would suggest comorable conditions in other schools around the state.

## Public Accommodations

In the fall of 1963 several groups made use of the Commission's brochure, an emblem on public accommodations, and extensive campaigns were made in Morgantown and Beckley for the display of the emblem. Every indication points to significant change of practice and an increase in the number of facilities opened to all during the calendar year, 1963.

In the fall of 1963 the Commission received information of a refusal of service at the dining room of the Chancellor Hotel in Parkersburg to a group of women traveling on a tour of the United Church Women. It issued a public statement expressing its indignation that the repeated number of complaints against the Chancellor Hotel and urged that all people traveling at state expense be aware of this pattern and to avoid such discriminatory facilities. A few weeks later it received word that the Chancellor Hotel had quietly changed its policy and was now accepting Negro guests.

At Eastertime in 1964 a sit-in was staged in the dining room of the West Virginia Hotel in Bluefield which resulted in an agreement in the opening of the hotel and, thus, the last major hotel to refuse service was opened to all; although, indeed, the Matz Hotel in Bluefield closed its dining room to the public when it began accepting Negro guests some time earlier.

While the major hotels of the state and most of its better restaurants were serving all prior to the adoption of the Civil Rights Bill, it is perhaps appropriate to make some remarks about the response to that bill, though, in fact, the period for which this report is intended to cover does not include the time since that adoption. By early fall it would seem that there is a general response of compliance with the Civil Rights Bill, despite the rather notable holdout of the White Pantry Restaurant in Huntington. Concern during the summer months was largely directed at swimming pools which may fall outside of the scope of the law.

## All-Negro Schools

The Commission issued during the year two special study reports. The first was a study of the number of Negroes attending all-Negro schools which indicates that while only four out of ten Negroes still attend all-Negro schools, in seven counties representing 53% of the Negroes enrolled in public schools. The ratio is seven out of ten who attend all-Negro schools.

Corrections to this report have been offered for only three counties. In Hancock County, The Dunbar School which listed as an all-Negro school is, in fact, an integrated school with a Negro principal. It represents, so far as we have been able to determine, the only former all-Negro school where a substantial number of whites were assigned without a change of name and the assignment of a different principal. At the time the report was prepared, it was apparently the only situation of a Negro principal supervising a truly integrated school.

A second correction is to be made in Raliegh County where we overlooked six all-Negro schools with a total enrollment of slightly less than 500, which means that the per cent of Negroes in all-Negro schools in that county was approximately 65% rather than the 47% listed in our report; there were fifteen all-Negro elementary schools rather than nine.

One additional all-Negro school was also overlooked in Mercer County. This report was based on enrollment figures for the 1962-63 school year. As soon as data is available on the 1964-65 enrollment, we hope to prepare a supplementary report. We are aware that a few of the smaller mostly one room all-Negro schools have been closed, and several of these are the last remaining of the all-Negro schools in the county; so that the number of counties with all-Negro schools has been reduced. It is, however, doubtful that these closings have appreciably changed the percentage of Negroes attending all-Negro schools in the seven counties with the major concentration of all-Negro schools. Copies of the report are available.

## Negroes Employed by State

A second special report issued in late May of 1964 was the survey of the number of Negroes employed by the State of West Virginia. The report includes data from ninety-one agencies with the total employed of 12,982 of whom 6.8% are Negroes. In comparing the figures with the study prepared in 1961 by the West Virginia Advisory Committee to the U. S. Civil Rights Commission, there is an increase of eighty-one Negroes in state employment. The survey does not include information on hourly employees; the great bulk of who are employed by the State Road Commission and the Department of Natural Resources. The survey also shows a slight decrease in the concentration of Negro employees in the former all-Negro institutions, in 1961, they accounted for 36.7% but only 32% in 1964. The ninety-one agencies surveyed, 29% or nearly 32% had no Negroes employed; however, thirteen of these agencies have fewer than five employees and all twenty-nine account for only 1,149 employees. Thirty-eight agencies have from one to five Negroes employed and all together account for 3,962 or nearly 30% of the state employees. They employ 10% of the Negroes employed. Eight agencies employ from six to twelve Negroes while sixteen agencies employ fifteen or more Negroes. These sixteen agencies account for 82% of all Negroes employed. If one excludes the three former all-Negro institutions, the thirteen others employ 434 or 48% of all Negroes employed, while their white employes are 43% of the total employed.

There is, however, also evidence of some differential in the occupational level or job assignments between Negroes and whites. Roughly, half of the agencies reported no Negroes had work assignments of a

skilled classification or above. While only forty-one agencies reported detailed breakdown of these agencies, 48.6% of the Negroes employed are in skilled or above classifications while 69% of whites employed by these agencies are in skilled or above classifications. However, only 33.9% of the Negroes employed in agencies other than the former all-Negro institutions are employed in skilled or above classification. Only 2.3% of the Negroes employed by these agencies are in managerial or supervisory classifications as against 8.6% of the total employed. While 22% of the total employed are listed in clerical and sales position, only 10% of all Negroes employed are so listed.

Several agencies with rather sizeable employment force employ no or very few Negroes or employ them only in semi-skilled and below classification.

While the increase both in numbers and number of agencies employ Negroes represent a healthy trend, the report also indicated that there are areas where improvement is desirable. Copies of this report are also still available.

## Literature

The Commission has sought to exercise part of its responsibility for education and understanding through the distribution of literature and other educational materials. Its Newsletter, which appeared three times during the year, was circulated to approximately 1,500 community leaders and interested persons throughout the state. The Newsletter carries reports of the Commission's activities, and developments of intergroup and human relations around the state. The Commission is hopeful that with additional staff time, the Newsletter may be prepared on a more frequent basis that as many as six issues will be circulated.

The Commission's Second Annual Report for the fiscal year 1962-63 was released to the press on December 15, and nearly 2,000 copies have been distributed to interested persons around the state. To prepare a written report of its work is a part of the responsibility of the Commission which the Commission has tried to fulfill in a manner which will give all concerned citizens information as to its activities.

Shortly after the first of the year, the Commission secured approximately 1,000 posters featuring a statement of President Johnson from his address to the nation on his assuming the presidency. The quotation:

"The time has come for Americans of all races and creeds and political beliefs to understand and to respect one another. So, let us put an end to the teachings and preaching of hate and evil and violence. Let us turn away from the fanatics, from the far left, and the far right, from the apostles of bitterness and bigotry, from those defiant of law, and those who pour venom in our national bloodstream."

Copies of this poster were offered to community groups for display

in their local communities and requests from various communities absorbed the greater amount of the Commission's supply; although a limited number are still available.

Several special mailings were made during the year. In early fall of 1963 the reprint article, "Teaching About Human Rights", from SCHOOL LIFE, the official publication of the U. S. Department of Health, Education, and Welfare, was mailed to each school principal in the state.

Guidance personnel were mailed a copy, "Counseling Minority Youth", a guide prepared by the Director of Education of the Ohio Civil Rights Commission and the Associate Professor of Education at Ohio University, Athens, Ohio.

The school calendar showing religious holidays of the major religious faiths were made available to county superintendents and division personnel in the Department of Education.

The Commission also made available to a number of community leaders the report, "Ten Years of Progress", which was prepared as a special supplement of Southern School News.

The Commission has made available many pieces of literature at various meetings in which it has participated. It carries in stock a number of reprint articles dealing with various phases of human rights. We add to our stock news items from time to time as they become available, and seek generally to have on hand a supply of literature that will assist to keep individuals abreast of current developments.

## State Facilities

During the year, the commission received complaints regarding discrimination in two state facilities. A complaint was received that the Pinecrest Sanitarium operated a segregated dining room. Investigations revealed that the Sanitarium operates two small dining rooms apart from the major staff dining room. One room is for farm workers, the other room for orderlies. All orderlies at the hospital are Negro. The only other position in which Negroes were employed at the Pinecrest hospital at the time of the investigation was in the patients' kitchen, and these workers eat in the kitchen at their own request. It was insisted that if there were Negroes employed in any other capacity, they would eat in the regular dining room.

It would seem, however, that no Negroes have ever been employed in any other capacity than orderlies, cooks, kitchen helpers, and truck drivers. The hospital has also separate dormitories for Negro men employees; however, Negroes have been told that they could move in to any of the vacant rooms in the other dormitory.

The Commission felt that as a result of its investigation that perhaps the dining room for orderlies was less an issue than that of segregated job opportunities. The hospital does not employ whites as orderlies or Negroes as farm workers or laundry workers, for instance. The Commission's recommendation to the Commissioner of Public Insti-

tutions was that positive action be undertaken to assure equality of opportunity in all areas of employment and to allow no areas to be classified as Negro or white employment. This report was made in the fall of 1963. The Commission has received no information that would indicate the recommendation has been implemented.

A second complaint (perhaps more correctly--information) that Welch Emergency Hospital also segregated employees in their dining room. With the appointment of a new hospital superintendent, we suggested to local persons that it would be appropriate to discuss the issue with the hospital administration before the Commission took formal action. The hospital assured local persons in the early fall of 1964 that while space requirements demanded that they continue to use the two dining rooms that any person was free to sit where he wished. The Commission has no information as to the change resulting from this understanding.

## Executive Order

In October, 1963 Governor Barron issued an Executive Order reaffirming his earlier Order against discrimination in all phases of state employment and including a provision that contracts for provision of goods and services for the state should include a clause of nondiscrimination.

The Commission drew up a proposed clause suggesting that such a provision provide for a reporting by the contractor of action undertaken to assure equality of opportunity. This was sent to all of the agencies with authority to enter into contracts. Some of them supplied the Commission with clauses which they were using. None incorporated the provision for reporting by the contractor of efforts to assure equality of opportunity. In the absence of any such provision it is rather difficult to determine the extent which the Order might have been observed and while there have been no complaints against a contractor, this may be as much due to the lack of information as to who has a state contract on the part of the Negro job seeker as it is to be taken as evidence that there is compliance.

## Positive Program for Education

The Commission in an effort to further the recommendations which it made in its Second Annual Report requested The State Board of Education for a meeting to review the recommendations in this area. Three specific recommendations were made to the Board of Education:

- A. "That the Board set a date of not more than five years, hence, for the elimination of all separate Negro schools within the state;
- B. "That the Board adopt a policy of positive leadership for the integration of faculty and administrative personnel;
- C. "That the Board adopt a policy of promoting human relations in the school and attention be given to curriculum content in

assistance to teachers dealing with prejudice and handling interracial activities."

The Board of Education granted time for the Commission to present its concern at its March 12 meeting. Four members of the Human Rights Commission were present and presented a prepared statement on the discussion of the issues. The general position of the Board of Education was that fundamental responsibility rest with the local Boards of Education, but did agree that a further statement was perhaps appropriate by the Board. A committee was designated to prepare such a statement.

A statement recommended by this committee was adopted on November 5, 1964. The statement, while calling for all counties to complete their programs of integration, apparently contemplates no further action on the part of the Board of Education on Department of Education to facilitate such goals or to assure their accomplishment.

## College Faculty

Another recommendation included in the Second Annual Report was that all presidents of state Colleges and universities re-examining their policies and procedures in recruiting professional and other personnel and to be sure that their procedures included qualified Negro applicants. The Commission requested and a joint meeting was held with the Board of Directors of the Association of College and University Presidents in which these recommendations were discussed. The Association subsequently appointed a committee to draft a statement regarding integration to be presented to the full membership.

## Field Service Director

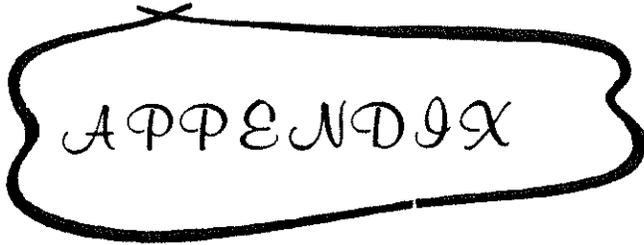
The Commission included in its budget request for the 1964-65 year, the creation of the position of Field Service Director. The budget request was approved by the 1964 Legislative Session, and the Commission began its search for a qualified candidate in late March. Twenty-two people made application for the position and the full commission held interviews with six of these before appointing Mr. George E. Chamberlain, Jr. to the position.

Mr. Chamberlain, for the past year, has been employed on the staff of the Charleston Office of Employment Security. He served as business manager in the Lakin State Hospital from 1957 to 1961; he holds a Bachelor of Science Degree from Hampton Institute, Hampton, Virginia and has taken about twenty hours of graduate work at different institutions. He assumed his new duties on July 1 and his primary area of responsibility is in working with local human rights commissions assisting them in their programs and providing a more consistent contact between these commissions and the State Human Rights Commission.

## ★ RECOMMENDATIONS ★

1. The Commission recommends the inactment of a West Virginia Fair Employment and Publications-Accommodations Law with at least the coverage of that included in the Federal Civil Rights Law of 1964. The Commission believes that the state should assume responsibility for the administration of these laws as is provided in the 1964 Civil Rights Law. We believe the passage of the local Legislation which will make possible the assumption of the administration by the State Commission would be the strongest signal of the state's commitment to equal opportunity in public accommodations and in employment. We believe that such inactment would be evidence of the strong intent of the state to press forward in ending discrimination and would have a significant impact on other areas not included under such laws in which discrimination is still practiced.

2. We recommend that the new governor reissue the Executive Orders regarding employment in state agencies and the nondiscrimination clause in state contracts. We believe that such action would underscore that these orders are current and expected to be observed. We further recommend that these orders be strengthened by the additional: 1) that state agencies be requested to report to the governor annually on efforts to assure equality of opportunity in their employment, and 2) that contractors be required to file a statement of action taken by them to assure equality of opportunity in their employment.



APPENDIX

## STATE OF WEST VIRGINIA

## EXECUTIVE DEPARTMENT

## CHARLESTON

EXECUTIVE ORDER

By the Governor

WHEREAS, Discrimination because of race, creed, color, or national origin is contrary to the Constitutional principles and policies of the United States and the State of West Virginia; and

WHEREAS, It is the plain and positive obligation of the government of West Virginia to promote and ensure the equal opportunity for all qualified persons, without regard to race, creed, color, or national origin, employed or seeking employment with the State of West Virginia; and

WHEREAS, The 1961 Legislature of the State of West Virginia created the Human Rights Commission to encourage and endeavor to bring about mutual understanding and respect among all racial, religious and ethnic groups within the State; and

WHEREAS, The Legislature, by this clear mandate, has requested elimination of all discrimination in employment; and

WHEREAS, It is the policy of the executive branch of the government to encourage by positive measures equal opportunity for all qualified persons within the area of governmental activity.

NOW, THEREFORE, I, WILLIAM WALLACE BARRON, Governor of the State of West Virginia, by virtue of the authority vested in me by the Constitution and statutes of West Virginia, do hereby issue the following order which supersedes Executive Order under date of January 16, 1962, issued by me as Governor of the State of West Virginia:

(1) Department heads of all agencies of state government and other persons responsible for the hiring of state employees shall establish the practice of hiring strictly on a basis of competence for the jobs being sought, regardless of the race, creed, color, or national origin of the applicant.

(2) Every state contract and subcontract for public works or for goods or services shall contain a clause prohibiting discriminatory employment practices by contractors and subcontractors based on race, creed, color,

or national origin. The nondiscrimination clause shall include a provision requiring state contractors and subcontractors to give written notice of their commitments under this clause to any labor union with which they have a collective bargaining or other agreement. Such contractual provisions shall be fully and effectively enforced and any breach of them shall be regarded as a material breach of the contract.

(3) Department heads of all agencies of state government and their employees shall cooperate fully with the recently established Human Rights Commission in effectively carrying out its functions and services.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the State to be affixed.

DONE at the Capitol, City of  
Charleston, State of West  
Virginia, this the sixteenth  
day of October, in the year  
of our Lord, One Thousand  
Nine Hundred Sixty-three,  
and in the One Hundred First  
year of the State.

(State Seal)

W. W. Barron, (Signed)  
Governor

By the Governor:

Joe F. Burdett, (Signed)  
Secretary of State

## SOME INCIDENTS WHICH CLAIMED THE COMMISSION'S ATTENTION

A. In late August of 1963 the Commission received a complaint that the Summers County Board of Education refused to appoint a Negro to the principalship of a high school because of race. Investigations indicated the individual in question had served as a former principal of a Negro high school, that he was currently teaching in a local high school and had been recommended by the superintendent for the post of principal in another one of the county's high schools. The Board of Education declined to approve the recommendation of the superintendent. The man in question holds a M.a. Degree and a Principal's Certification.

After talking with the superintendent, one member of the Board, and a number of community persons, the matter was discussed with the State Superintendent of Schools who felt within the law no action could be taken.

This Commission felt that it was a clear case of racial discrimination. The man in question had a satisfactory record as principal of the Negro high school and was currently teaching in a satisfactory manner in one of the county schools. The individual appointed, while a long-time teacher in the county, had no previous experiences as an administrator.

B. On October 17 there were reports that Negro students of the Stoco High School at Coal City, Raleigh County, had left school because they feared some kind of threat from whites. This was on Thursday; staff was not able to visit the school until Monday when students had all returned. While there was some feeling in the county due to the fact that the NAACP was opposing the school bond issue scheduled for vote on Tuesday, the exact facts of the situation seemed fairly difficult to establish. There had been a fight between a Negro and white girl on Tuesday; that while this had been brewing for some time with name calling back and forth and the apparent use of a racial epithet, the actual precipitating of the fight, the basic issue between them was not race. Both girls had been suspended for three days. A second hassle between a Negro and a white girl had occurred on Wednesday and unrelated to the previous one, although perhaps the apparent tension caused them both to assume that an accidental bumping was intentional.

Students who left school gave as their reason that they feared trouble and that they were leaving to avoid it. They were inexact about the nature of any threats. Rather exaggerated rumors about the nature of the fights in school had circulated in the community. Since the students were all back in school Monday, the tendency of the school was to forget the issue.

The County Superintendent insists that there is no discrimination in the school system, but did not respond in any way to Commission's staff suggestion that future such incidents might be prevented by

positive interpretation on human rights and human relations in the school. (Statistical Data on the Number of Negroes in All-Negro Schools prepared after this incident, indicate that nearly 75% of all Negro students attend all-Negro schools in Raleigh County.)

C. On March 18 there was a report in the news that approximately 100 to 120 white students had walked out of the White Sulphur Springs high school protesting the appointment of a Negro girl as a majorette. Staff visited the school on Friday, March 20; students had all returned to class by this time. The appointment of this majorette had been made after tryouts and ability had been the sole criteria.

It was indicated that most of the students involved were from out-laying areas and came to school on the bus. There was no evidence of adult support of the strike, and several community leaders met with students in urging their return to class. Conversations with Negro leaders indicate on the whole a support of the school programs and support for personal attitudes of school leaders.

While this school had been the site of the state's most widely publicized protest of integration in 1954, it has been integrated for several years, and administration was not aware of hostility between students. They were quite taken back by the bitterness and resentment expressed by the striking students. The school is physically overcrowded; to what extent this is a contributing factor, we cannot say.

It does seem to the Commission that the incidents indicate the need for positive human relations programs within our schools; that the mere physical integration without efforts to teach understanding and to break down stereotypes and prejudice in an inadequate educational program.

D. The Commission received several calls relative to "Old South Weekend" at Marshall University, after letters of protest had appeared in the student paper regarding the Kappa Alpha Fraternity's traditional program. While much of the objection centered on the removal of the American flag and replacing it with the Confederate flag, there was also a feeling that tone of the occasion was something of an affront to Negroes in their struggle for equality of opportunity. The Commission shared with University officials the nature of concerns presented to us. They were able to persuade the group to eliminate the Confederate flag raising from the ceremony. Instead the weekend was initiated with the raising of the American flag and the Pledge of Allegiance.

How to use our heritage to strengthen and fulfill our democracy is a question not always easily answered. If we are to find an answer; if youth are to appreciate the really great moments of our history, or to learn from those in which the spirit of democracy shown less bright--conscious efforts to teach--to appreciate human rights must be a part of their training.

E. The Commission received a complaint from a Negro in the Upper Monongahela Valley that he had been denied employment because of race by the coal mining company in the small isolated community in which he lives. The man had worked steadily from 1940 through 1957 in the mines; for the most of this period, he was a motorman. When the mine in which he was working closed in 1957, he did not find work in the mines again until early 1962 and worked until mid-1963. In early 1964 shortly before he registered his complaint with us, he had been told by a neighbor that there was a position open in the small mine nearby. When he applied, he was told that no such position existed. When staff was able to contact the mine manager, he insisted that he did not discriminate. He was not aware that any Negro had applied; that he had not hired anybody except two people in the last three months and one was a forman with a night shift and the other was a person who had previously worked for him in other operations; that he had never discussed the question of employment of Negroes with the mine owner; that it never occurred to him to do so; that he had employed Negroes in other operations previously. The mine is small employing possibly thirty to thirty-five people.

Was this just another false lead in the desperate search for work? Was the manager less willing to hire Negroes than he professed? Personal acquaintance apparently resulted in one man gains a job-- when an experienced and apparently capable worker could not find one. We can understand his frustration and inclination to feel discriminated against, but our efforts did not open any doors for him.

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## FILMS FOR HUMAN RIGHTS

The West Virginia Human Rights Commission has available eight films dealing with human rights. We are happy to lend these to any group in the state that would like a program or a discussion in the area of human rights. The films are all 16 mm sound, and are available from the commission's office without charge, except for return postage.

While the films carry their own message, a discussion following the showing may help to clarify the ideas and values which the film portrays. A description of the films follows.

### BOUNDARY LINES

Time, 11½ minutes. Color. Explores various imaginary boundary lines that divide people from each other. Dramatic use of color, cartoons, art and music make an appeal for greater understanding among all peoples. Recommended for adults and secondary school level.

### BROTHERHOOD OF MAN

Time, 10½ minutes. Color. An animated cartoon that reveals the scientific facts that all people are essentially alike. Based on a Public Affairs Pamphlet, The Races of Mankind, by Ruth Benedict and Gene Weltfish. Recommended for all age levels beginning with the fourth grade. (This is also available in a 35 mm film strip with a text that can be read by a narrator.)

### ONE GOD

Time, 33½ minutes. Black and white. The rituals and ceremonies of the Jewish, Roman Catholic and Protestant religions, using material and musical background and descriptive narrative. Illustrates similarities and differences of all three faiths. Recommended for all age levels.

### NO MAN IS AN ISLAND

Time approximately 29 minutes. Black and white. Produced by CBS television. Following the war, the friendship between a Negro and a white soldier is resumed when the Negro soldier, Paul, is awarded a scholarship to a mid-western college located in the hometown of his army friend, George. The close friendship is immediately disturbed by the uneasy attitudes of George's girl friend, his family and friends, when Paul is asked to join their church and other social activities. Recommended for adults and secondary school level.

### A DAY IN THE NIGHT OF JONATHAN MOLE

Time, 32 minutes. Black and white. Produced by McGraw-Hill Book Company. This film seeks to examine some of the attitudes and stereotypes that accompany prejudice and discrimination. Jonathan Mole is a bitter, bigoted man, who, one night dreams he is the Lord Chief Justice in an imaginary land presiding over the trials of a Jew, an immigrant and an Indian, who have sought to enter occupations reserved for native born Christian Caucasian majorities.

### WHEN I'M OLD ENOUGH, GOOD BYE!

Time, 28 minutes. Black and white. Produced by Louis de Rouchmont Associates. What happens when a youngster drops out of school is vividly dramatized in the story of Doug, an ambitious, friendly boy, who leaves school with high hopes of independence and luxuries that money can buy. This boy is not a juvenile delinquent. He is willing to work hard but in today's job market he is unable to compete because he lacks both the minimal of skill and education.

### A MORNING FOR JIMMY

Time, 28 minutes. Black and white. A story of a young Negro boy who encounters racial discrimination while seeking employment. He learns a lesson for the future. Jimmy becomes aware that with proper education and training he can obtain employment in the field of his choice. Particularly valuable to and recommended for young people, parents and counselors.

### PROPERTY VALUES AND RACE

Time 24 minutes. Black and white. What happens to property values when non-whites move into a neighborhood? Some assert that values go down--others say that there is no change. What are the facts? Based upon the exhaustive study made by Dr. Luigi Laurenti--over 10,000 home sales analyzed. Produced by the Council for Civic Unity of San Francisco.