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annual report

West Virginia

HUMAN RIGHTS

COMMISSION

State Capitol Building
Charleston, West Virginia



STATE OF WEST VIRGINIA

HULETT C. SMITH
GOVERNOR

HUMAN RIGHTS COMMISSION

COMMISSIONERS
DR. THOMAS W. GAVETT
CHAIRMAN
MORGANTOWN

W-202 STATE CAPITOL BUILDING
CHARLESTON, WEST VIRGINIA 25305
TELEPHONE 304 - 343-4411 - EXT. 2616

HOWARD W. MCKINNEY
EXECUTIVE DIRECTOR
GEORGE E. CHAMBERLAIN, JR.
FIELD SERVICE DIRECTOR

RABBI SAMUEL COOPER
VICE CHAIRMAN
CHARLESTON

MR. D. PAUL CAMILLETTI
WHEELING

REV. J. MATTHEW COLEMAN
BLUEFIELD

December, 1965

MRS. NELSON ELDRED
SOUTH CHARLESTON

MRS. MEMPHIS T. GARRISON
HUNTINGTON

MR. LESLIE A. MARTIN
CHARLESTON

The Honorable Hulett C. Smith
Governor of West Virginia
State Capitol Building

MR. ROY D. NOLTE
HUNTINGTON

MR. H. R. RICHARDS
PARKERSBURG

Dear Governor Smith:

We are happy to submit this our Fourth Annual Report.

No report of this kind can adequately take note of all the men and women who have worked to make possible the achievements noted. We would like to thank all those many persons whose devotion and dedication to human rights has gone unreported--certainly not unnoticed.

Those whose day-to-day behavior make common place the high ideals of equality are a democracy's most prized citizen.

Sincerely,

Thomas W. Gavett
Chairman

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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
Rabbi Samuel Cooper VICE CHAIRMAN - Charleston, W. Va.	June 30, 1967
Mr. D. Paul Camilletti Wheeling, W. Va.	June 30, 1968
Rev. J. Matthew Coleman Bluefield, W. Va.	June 30, 1967
Mrs. Nelson Eldred South Charleston, W. Va.	June 30, 1966
Mrs. Memphis T. Garrison Huntington, W. Va.	June 30, 1966
Mr. Leslie Martin Charleston, W. Va.	June 30, 1968
Mr. Roy E. Nolte Huntington, W. Va.	June 30, 1966
Mr. Harley R. Richards Parkersburg, W. Va.	June 30, 1968

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 Thursday of the month.

Mrs. Charles Wilson, III, resigned from the Commission in August, 1965, when the family moved to Ohio. Mrs. Nelson Eldred was named to fill the unexpired portion of her term.

* RECOMMENDATIONS *

1. THE COMMISSION RECOMMENDS the enactment of a West Virginia Fair Employment and Public 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 accommodation and in employment. We believe that such enactment 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 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 to be observed. WE FURTHER RECOMMEND that these orders be strengthened by the additional:

*(ED. This action was taken by Governor Smith on December 16, 1965, as this report was in preparation.)

- A. That state agencies be requested to report to the Governor annually on efforts to assure equality of opportunity in their employment, and
- B. that contractors be required to file a statement of action taken by them to assure equality of opportunity in their employment.

3. WE RECOMMEND the enactment of a fair housing law to assure all persons equal access to housing within their ability to pay without regard to race, religion, color, or national origin.

4. WE RECOMMEND that the staff of this Commission be enlarged to permit a more frequent contact with local human rights commissions and, on extension of it, ability to serve the communities who are seeking to develop positive human relations approaches.

THE COMMISSION'S VIEW OF ITS RESPONSIBILITY

The West Virginia Human Rights Commission views the responsibility which has been assigned to it as the development of positive human relations attitudes to assure equal opportunity for all. The transformation which is taking place in American life today is fundamental. The primary question is not so much how we can avoid racial tension as how we shall achieve change toward a more just social order. The deliberate seeking of positive and constructive changes is the only course consistent with moral and democratic precepts.

The law which created the West Virginia Human Rights Commission speaks in broad general terms of the areas of its responsibilities and its duties: "to bring about mutual understanding and respect", "strive to eliminate discrimination in employment and places of public accommodations", "promote an attainment of more harmonious understanding and greater equality of rights", "advancement of tolerance", "the equal protection of the law".

The members of the West Virginia Human Rights Commission are committed to a view that all forms of

segregation and discrimination based on race, religion, color, or national origin must be eliminated from our society. We think it now clear that they are required to be eliminated from any program receiving federal funds and by implication any programs supported in whole or part by any funds raised through taxation.

We further believe that the best way to achieve this goal is through positive and affirmative action by persons in positions of responsible leadership. We do not think that this Commission should seek the role of being some kind of "behind-the-scenes fixer", but have advocated an open and forthright discussion of problems which exist with goals and aims publicly set forth. The airing of grievances, the effort to seek the end of particular discriminatory practices is an important aspect of the Commission's work, but more significant is the effort to develop positive and constructive action to achieve change without waiting for the filing of individual grievances. The Commission has approached its task with a very real sense that this is not a responsibility merely of the designated human rights commission, but must be carried by a wide number of individuals throughout the state.

LOCAL HUMAN RIGHTS COMMISSIONS

We have promoted and encouraged the formulation of local human rights commissions as an indication of local commitment and a channel of improvement. We have sought to provide coordination and leadership to these several local commissions in developing programs to meet the specific needs of the individual community. While some 24 communities have appointed commissions over the last five years, several are not now functioning with any degree of regularity. Our two staff members this past year made 150 field trips, of which approximately two - thirds included meeting with one of the local human rights commissions.

During the past year, three new commissions were appointed, although only one of them has, in fact, functioned. The Alderson Commission was appointed in early 1965 and has met regularly under the leadership of Rev. Edwin Roberts of the Presbyterian Church in Alderson.

The Fayette County Commission was formed by the County Court in late 1964. It is the only county court designated commission in the state. It met only once, agreed it would meet only on call with no regular schedule of meetings and has not met since, despite repeated requests

from the Negro community that it assume an active and designated scheduled meeting date.

The South Charleston Commission was voted by the City Council despite the objections of Mayor McIlwain, and the five people designated by him had apparently not been previously asked their willingness to serve and have, in fact, never met.

Four Commissions, Beckley, Cedar Grove, Dunbar, and Hinton have not, so far as we know, had any meetings during the past year. The Clarksburg and Wheeling Commissions both met quite irregularly, and in late summer both had been without designated chairmen for some months.

The failure to continue an active program on the part of so many commissions raises a question whether such failures are due to the inability of the Commission to provide adequate staff time and counsel, or whether it is a rejection by the community of the philosophy of positive action and community responsibility.

While many persons may honestly feel that they have no problems, they do so only because they have

come to accept some segregation and discrimination as natural and normal. Few would actually argue that it was desirable, but many fail to see the injustices of a society with which they are familiar. What has always been does not strike them as evil or unjust.

Quiet and acquiescence can be deceptive. While factors in most West Virginia communities approximate neither the deep South nor the northern urban ghetto, we cannot afford merely to measure ourselves as being better than the latest, odious situation to hit the headlines. If we are to maintain the progress we have already made, we must set our goals consistent with our own heritage of freedom and democracy, and positively and actively devote ourselves to their achievement.

If local commissions are to fulfill their purposes and responsibility, members must be committed to positive and definite goals, and seek to define and interpret those goals to the total community. To this end members of a local human rights commission should:

1. Be committed to the achievement of a change towards a more just social order;
2. seek to develop and promulgate positive community attitudes to assure equal opportunity to all;

3. provide an accurate and dependable source of information about racial matters;
4. actively and imaginatively interpret the nature of the racial problem;
5. endeavor to extend the direct communication between whites and Negroes in the community;
6. provide procedures to deal with grievances, entering into negotiations and conciliation to achieve the ending of discrimination and segregation;
7. develop positive and specific community goals, suggest and actively campaign for programs for their achievement.

BI-RACIAL CITIZENS' GROUPS

In addition to the local officially appointed human rights commissions, there are four local bi-racial civil rights groups with which the Human Rights Commission has worked.

The oldest of these is the Parkersburg Brotherhood Committee, which goes back to the mid-Forties. It grew out of a somewhat abortive attempt by Governor Neely to form a human rights commission which apparently made the suggestion of local brotherhood committees. There are reports that others were formed at this time, but the Parkersburg Committee is the only one which survived.

For several years its activities were primarily limited to the annual Brotherhood Dinner, but it has always provided an important channel of face-to-face communication between Negroes and whites.

The Kanawha Valley Council On Human Relations was organized about 1959 and has been active in all phases of civil rights developments since that time. Its current project is called CHOOSE: Clearing House for Open Occupancy Selection Effort, by which it is trying to bring Negro home seekers in contact with the willing seller or renter in previously excluded areas.

The Mercer County Council on Human Relations was organized in 1960-1961 in response to the first public demonstration against community patterns of segregation. The Council was made up of citizens from both Mercer County and Tazewell County, Virginia. It became a chapter of the Virginia Council on Human Relations which is in turn affiliated with the Southern Regional Council, one of the oldest and most respected agencies for civil rights in the South. The Mercer County group has been primarily an educational and discussion body rather than an action group and again has provided for the com-

munity one of the few channels of face-to-face communication.

The Greenbrier Human Relations group is a direct outgrowth of the West Virginia Human Rights Commission's public meeting in the county in May of 1964. At that meeting an ad hoc committee was formed to press for the development of local human rights commissions in the county. It has continued in existence concerned with county-wide programs and providing some channel of communication and information between the several city commissions which have since been established.

PUBLIC ACCOMMODATIONS

The enactment of the 1964 Civil Rights Act with the public accommodations section effective on July 2, 1964, virtually changed overnight the role of the Commission in this area. The Commission had devoted considerable attention to the area of public accommodations from the beginning of its existence. Significant and far-reaching progress had been achieved prior to the enactment of the Civil Rights Act. The remaining practices of discrimination virtually cease to exist with that act.

Some half a dozen complaints which have reached us

through the past year would tend to suggest isolated patterns of efforts to discourage Negro trade rather than outright refusal. While this Commission has followed a practice of reporting such incidents to the U.S. District Attorney, the appropriate and legal course under the Civil Rights Act, it has no reason to believe there is any widespread effort to circumvent or deny the facilities under the law. These complaints included only one of failure to serve. Others have been over-charging, putting coffee in a paper cup "to go", assigning to a room without blinds or draperies, maintaining a posted notice of charge considerably beyond real charge and admittedly asked only of Negroes.

We were also reliably informed that one rather prominent motel kept its "no vacancy" sign on all during the 1964 NAACP State Convention to discourage Negro trade.

EMPLOYMENT

The number of complaints of discrimination in the field of employment has risen during the past year, although Title VII (Employment) was not applicable until July of this year. It would be logical to assume there

will be more, as people feel more specific redress is possible. We have had twelve complaints requiring field investigation and have recently referred two complaints to the Office of Equal Opportunity in Employment. We are still in the process of clarifying our relationship to them. However, it is clear that since our law lacks any enforcement provisions, the period of deferment of a complaint to the state is not applicable. Currently, if after preliminary investigation we feel that complaints have a basis in fact, we have assisted individuals in filing their complaints with the federal commissions. Complaints may and have gone directly without coming to us.

We have perhaps reached an era in the field of employment which might most accurately be described as conspicuous tokenism. Negroes are visible in many more jobs than a few years ago. However, the absolute number of Negroes in meet-the-public or responsible positions remains relatively low and in many ways more visible to the white community than to the Negro, the gain in the larger urban communities is greater than in the smaller ones. National companies do tend to reflect national recruitment policies

with a sprinkling of Negroes in responsible and meet-the-public positions. While a few companies have followed a practice of consistent recruitment and placement of Negroes throughout all levels of the organization, the greater number seems to be content with the placement of Negroes in the few conspicuous positions. These are positions which one enters by virtue of technical or professional training.

Little has happened to open a wide range of starting jobs where no such technical or professional training is necessary. Outside the larger urban communities there is little employment of Negroes in retail sales positions other than by national chains.

Many of the local commissions have continued to make special efforts to encourage retail stores to employ Negroes particularly at the Christmas season. They have done so in the hopes that experience gained at a time of peak employment might lead to more permanent opportunities. In several situations this has proven to be true, but the need remains for many more openings in the initial position.

Restaurant work is one area where entering requirements admit persons without technical training, but other

than kitchen help or busboy, it is an area which is closed to the Negro young person.

While the Commission has made no thorough study of employment by cities or counties, it is clear that in a number of cities, segregated patterns exist. Negroes are mostly assigned to garbage collection while other areas of similiar limited skills remain all white.

Some positive efforts have been undertaken by commissions that may be of interest to others.

The Minority Roster, sponsored by the Charleston Mayor's Commission on Human Relations, employs a full-time director to assist qualified Negroes in finding employment. The project is financed by local industries, business and civil groups.

The Fairmont Human Rights Commission held two evening conferences directed to school personnel and youth group advisors on the motivation and training of Negro young people.

The Charleston NAACP sponsored a day-long conference directed to young people themselves on preparation and training. The Commission staff assisted in both these conferences, providing help in planning in

serving as resource personnel.

Two films in the Commission's film library are particularly suited for use in the area of youth motivation and training: "When I'm Old Enough, Goodbye" and "Morning For Jimmy".

BARBERS & BEAUTY SCHOOLS

During the past year we did a review of the admission policies of all of the barbering and beauty culture schools. This resulted in a meeting with the State Committee of Barbers and Beauticians. Because of the wide-ranging nature of control which this committee has over the operation of these schools, we expressed our concern that they take positive and affirmative action to see that these schools are available to all.

In response to the request, that Committee sent the following letter on March 9, 1965, to all schools of barbering and beauty culture:

"The West Virginia Committee of Barbers and Beauticians has been informed by the West Virginia Human Rights Commission that there is a general belief that some schools of barbering and beauty culture in West Virginia may be discriminating in the acceptance of students for training in these fields by not accepting Negro students.

"This letter is for the purpose of conveying to the schools the policy of the State Committee of Barbers and Beauticians that such students be accepted for training on the basis of their qualifications without regard to race, creed, or color."

The letter was signed by Dr. Dyer and all other members of the committee.

At least two Negroes have been admitted for special training programs by schools which had no previous Negro enrollment.

HOSPITALS

We also reviewed the admission policies, treatment practices and employment patterns of all hospitals in the state (excluding state and federally owned institutions).

During the process of the investigation, we were contacted by the Department of Health, Bureau of Hospitals, as they were being asked for specific information as they developed procedures to meet Title VI requirements (the section of the Civil Rights Act of 1964 dealing with nondiscrimination in federal funds). On the basis of our information, they made visits to six hospitals to secure more specific commitments to nondiscrimination.

The information on Negro employment in the hospitals was tabulated in the office of the Institute of Industrial Relations, West Virginia University, under the direction of Dr. Thomas Gavett, Chairman of the State Human Rights Commission, and scheduled for publication in the Commission's November, 1965, Newsletter.

HOUSING

The issue of equal access to housing has received a minimum amount of attention prior to this past year. Increasingly, over the past year the issue has been brought forth for public discussion, placed on the agenda of civil rights groups, and the Commission has had more frequent requests for assistance and help in the development of activities. A series of articles in the Charleston papers helped to focus attention on the problem and the impending situation to be created by the fact that I - 77 would necessitate the relocation of a large number of Negro families.

While the Commission has over the years assembled some volumes in its library, the number of books and re-

print articles purchased during the year was enlarged. The Commission purchased two films for showing: "Property Values And Race", a pictorial report on a very exhaustive study of what actually happens to property values in integrated neighborhoods; and "To Find A Home", a story of the attempt of one young Negro family to find adequate housing. Both films are available free of charge to community groups within the state.

On May 12 the Commission arranged for Mr. Edward Rutledge, executive director of the National Committee Against Discrimination in Housing to come to West Virginia to consult with commissions about its programs and spend a day with persons interested in the issues of fair housing. Approximately 35 people met with him. We had intentionally sought to make the group representative but sufficiently limited to provide working sessions on detailed problems and programs in developing fair housing approaches.

It is perhaps fair to describe the Commission's program of the past year as being one primarily of seeking to provide some assistance and guidance to local community groups concerned with fair housing. The

Commission desires that its own role be enlarged and expanded, and has recently agreed on a basic program although it recognizes its limitations of staff.

Goal No. 1: To develop a program of continuing education to reach the broad, general public; to dispel the myths about integrated communities still believed by most people including those in the housing industry.

Goal No. 2: To encourage a formation of a network of voluntary fair housing groups throughout the state who will assist with the educational program and the development of positive action for the achievement of fair housing.

Goal No. 3: To enlarge our capacity to service these groups through providing selected educational materials, helping to establish seminars, workshops, conferences; and to assist already existing groups such as ministerial associations and the recent, newly formed Race and Religion Commission to become more deeply involved in the housing issue.

Goal No. 4: To increase our own liaison with the federal government in order to facilitate the re-

lationship between fair housing groups and federal programs; to serve if necessary as a clearing house for information and interpretation of federal programs; and to assure the broadest observance of nondiscrimination in federal programs.

Goal No. 5: To interpret the need for and the advantages to be achieved by the enactment of fair housing legislation by the State of West Virginia.

SITUATIONS OF COMMUNITY TENSION

With the adoption of the Civil Rights Act in July of 1964, picketing occurred immediately at two swimming pools, the Rock Lake Pool in South Charleston and the East River Pool in Bluefield.

The East River Pool was assumed by many Negroes to be operated by the city. The pool is adjacent to city-owned recreational facilities--an auditorium, stadium, and other facilities. The normal course of access is from these same facilities to swimming pool. The pool was built at the same time as these other facilities, but apparently built as a private club with no financial assistance from the city other than the apparent encouragement to develop it simultaneously with the city's

park recreational facilities. It is also clear that the issue of membership was used only as a device to exclude Negroes, and whites paid single admission with no reference at all to memberships. After several days of picketing, the pool closed for nearly two weeks and reopened requiring memberships of all persons, but continued to exclude Negroes. Picketing continued, and on one or two occasions pickets thrust by the gates and entered the pool without ticket-takers having accepted their fee or issued tickets. In mid-August when such a demonstration occurred, the pool was closed again and remained closed for the season. A city recreational meet was transferred to Princeton. In the early spring of 1965 the managers announced that the pool would not open for the summer of '65 indicating that repairs in the neighborhood of eight to ten thousand dollars were necessary for the pool to reopen and that they lacked this kind of resource. It was widely recognized that the likelihood of continuing protests over racial discrimination had a bearing in this case.

The Rock Lake Pool in South Charleston (pool is actually outside the corporate limits of South Charleston,

but the parking lot used by the pool is within the city limits) is a private enterprise, owned and operated by Mr. Joe Wilan who contends that the swimming pool is outside the coverage of the Civil Rights Act of 1964 and that he is operating his business in a manner which he believes is conducive to the largest volume of income. There have been no court tests of the law which would clearly settle the issue of the extent of coverage regarding a privately owned, commercially operated establishment of this kind. Pickets continued sporadically throughout the summer of 1964 and were renewed in 1965 where on first occasion the pool management doused pickets with water hoses, and pool guards assumed threatening positions with sticks and pipes. Pickets retaliated by massive sit-downs, lock-arm tactics which blocked the entrance, resulting in a court injunction restraining both sides--permitting peaceful picketing in "reasonable numbers" which allowed access to the gate. Continued picketing led to a mass rally and demonstration on a Sunday afternoon in mid-August with almost as many white onlookers as demonstrators. No change in policy was effected.

Picketing also continued sporadically at White Pan-

try Inn in Huntington during the fall of 1964 until the U. S. Supreme Court sustained the validity of the 1964 Civil Rights Act, and the management at long last agreed to provide service to Negro clientele.

On October 1, 1964, about 150 young people sat in the lobby of the Matz Hotel in protest against the policy of the dining room. The dining room had operated as a private club since the hotel began accepting Negroes as guests in the rooms some time ago, although the membership provision operated only as a pattern of excluding Negroes. The management announced that the dining room would be closed permanently if they were not free to operate its own business; it was, however, reliably reported that the management had already decided to close permanently October 15 because of inadequate business.

In mid-November of 1964, picketing occurred at the new YM-YWCA building in Bluefield. It having being generally understood for some time earlier that the trustees of the facility had determined on a policy of racial exclusion despite the national policies of these two organizations. The Bluefield Human Rights Commission had earlier indicated their concern with this matter and had

made some efforts to achieve a change of policy and to interpret the likelihood of community reaction, but were unsuccessful in gaining even any initial steps that indicated an eventual integration of program.

The State Commission in early summer conveyed to the national YWCA its concern about the policy of racial exclusion and the likelihood of protest demonstrations if the new facility opened with the exclusionary policy in effect.

After several days of demonstrating, picketers "sat-in" in the lobby of the building; and a few days later blocked all doors to the building, at which time three picketers were arrested and charged with assault of two members of the trustees who sought to enter the building.

The unique arrangement of the joint YM-YWCA involves a board of trustees composed of members of the board of the two agencies, but responsible only for the building. It was this body which had made the regulations on the exclusion of Negroes. No trustee or board member of the two agencies ever made publicly any statement interpreting the position of the organizations. That defense was largely taken up editorially by the Bluefield Telegraph on the general thesis that the YM-YWCA were private agencies in no

way affected by the Civil Rights Law and that they had a right to choose their membership. Within a period of a few weeks, the column inches of editorial comments had exceeded the extent of news coverage. Unofficial explanations by persons fairly close to members of the board were that without a policy of segregation, the organizations could not raise the money to pay off the mortgage or to finance their operations.

The regional and national staff representatives of the two organizations evidenced an intense interest in the outcome of the issue. We do not know what steps they may have taken prior to the beginning of demonstrations. In January both organizations sent regional and national staff personnel in addition to those who regularly provide liaison with the local groups.

In early January the protest groups announced that if there was not a change of policy by the end of the month, they would stage a mass demonstration and a rally and would call on sympathetic persons throughout West Virginia and Kentucky to join with them. The date for such a march was eventually set for February 13.

Evaluators for Look Magazine's "All-American" City

award visited Bluefield in January and left a number of people feeling that successful integration might be the crucial difference in their bid for the "All-American City" award.

A nonpublic but widely reported meeting of community leadership was said to have supported the "Y's" two to one if they had decided to integrate.

It is interesting to note that the Bluefield Telegraph sent one of its editorial writers to cover the February 1 meeting of the Bluefield Human Rights Commission---interesting because it is the only regular meeting of the commission that has ever been reported and virtually the only newspaper recognition of the existence of the commission, except for its initial formation and its public meeting in May of 1964. Editorial comments at this point reflected a position that there should be no dealing with the demonstrators---no effort should be made to recognize their demands.

The attempt to secure a vote rescinding the earlier action of the Board of Trustees lost with a tie vote, apparently on a plea that the decision should be left to the new trustees, since some terms were expiring with new persons to be appointed shortly.

At this point the regional YM-YWCA staff representatives asked if we could arrange a meeting for them with representatives of the protest group. This meeting was held on February 6. The students listened politely, asked a number of questions about national policy and about prospects for a change of policy by the local group; but in the end, they remained committed to their February 13 designated date for the march. At the beginning of February, the student group and the adult NAACP group had disagreed on the fact of the march and strategy to be pursued. This probably contributed to the unwillingness of the youths to consider the regional staff YM-YWCA's request for postponement. Late in the afternoon of February 12 a member of the "Y" Board of Trustees and a member of the business community asked for a meeting with the youth leadership stressing that they were acting in an individual capacity. They indicated that while they felt a change of policy would take place, they would need a little more time. The permit for the march scheduled for the next day had been issued by the city. After several hours of discussion among the protest leaders, the march was called off.

Two weeks later, the newly constituted Board of Trustees voted to rescind the previous ruling of exclusion but suggested that the two agencies poll not only their membership but all donors of the "Y" building fund. Neither of the boards took up this suggestion, and a few weeks later the YMCA admitted its first Negro member.

The student group made some efforts later in the year to raise the issue of discrimination in the practices of the Bluefield Sanitarium, but never gained in any way the momentum generated in the YM-YW issue. One by-product of the threatened march and mass rally was the effort to form an inter-campus association of civil rights groups. While representatives from Marshall, Concord, and West Virginia State attended the meeting forming "Students Now for Action and Progress" (SNAP), the group has not so far evidenced any significant action or vitality.

One important court decision in West Virginia bearing on civil rights was that of Mr. Oliver Green against the Ronceverte swimming pool. On June 9 Federal Judge John A. Field ruled that Negroes could not

be denied the use of the Ronceverte swimming pool; that while the pool purports to be a private club, it is on land owned by the Ronceverte Fire Department, and that it must, therefore, meet the requirements of the Federal Constitution. It is not clear how many other cases similar to this situation this case might apply to. It may have, if the facts are as we understand, a bearing on the Princeton pool.

PROBLEMS OF SCHOOL INTEGRATION

Problems of public school integration continued to occupy our attention throughout the program year. In June of 1964 five county superintendents cited by us as having incomplete integration in their system appeared before the State Board of Education defending their school systems as integrated (action required subsequently to comply with Title VI of the U. S. Civil Rights Act indicated the extent to which, in fact, they were not integrated). The Commission in July sent a letter to each member of the State Board of Education reaffirming our call for positive leadership in school integration and indicating again the

extent of separate Negro schools in the various counties.

On November 6, 1964, the State Board of Education finally adopted a statement of policy on school integration. The statement, while calling for all counties to complete their programs on integration, contemplated no further action on the part of the Board of Education or the Department of Education to facilitate such goals or to assure their accomplishments.

The Commission expressed its disappointment with the scope of the resolution and shortly thereafter met with the state superintendent of education. We particularly called his attention to the provisions in the Civil Rights Act for funds to be made available to state or county school systems to employ personnel to develop plans of integration and to cope with problems arising from integration. Apparently, no action was taken to encourage or assist the counties in their desegregation plans until July when it was revealed that most of the counties had not been approved under Title VI and the state superintendent was asked by the Board

to render those counties assistance in securing compliance.

In late January the Commission, upon request of the U. S. Office of Education, supplied information as to the number of all-Negro schools in each county. In April a formal request was sent to the Commissioner of Education, Mr. Keppel, that the office give particular attention to the counties which had previously been cited as continuing all-Negro schools.

Mercer and Raleigh were ruled as being in compliance by virtue of court orders which allows transfers (both have, in fact, a number of all-Negro schools and very limited integration of faculty). Jefferson, Mingo, McDowell, Wyoming, and Fayette Counties made considerable changes in their systems in order to meet compliance. The net effect was to cut in about half the number of Negroes in all-Negro schools.

The issue of assignment of practice teachers from Bluefield State College to only Negro schools of Mercer County mentioned in the conference with the State Board of Education in March, 1964, and we had been assured by the executive secretary of the Board that they were investigating. In the early fall of 1964, it was

clear that nothing had, in fact, happened. At the November meeting of the Board of Education, Dr. Allen had specifically requested the attention of the Board to this matter. No action was taken. Subsequent to that meeting this Commission adopted and publicized the following resolution:

"Having learned of the problems of assignment of students for practice teaching encountered by Bluefield State College, the West Virginia Human Rights Commission expresses its concern in view of the repeated reports of the loss of qualified teachers and the need for more adequately trained teachers. It is a matter of utmost importance that when any student is restricted in his opportunity to meet requirements for graduation and certification; where the school is forced to jeopardize the quality of training, the racial overtones inherent in the particular situation are of utmost concern and we request the executive director to prepare a more detailed study of the facts of the situation which we believe should be of concern to all persons in the educational field."

The data on the assignment of practice teachers at Bluefield State College, including the extent to which the college was forced to use schools in Virginia, were gathered and released to the press. This issue was also discussed with the state superintendent of education in the aforesaid meeting.

When it appeared there would be no change in the

fall of 1965, information on this point was contained in a report to the U. S. Office of Education. They accepted this as a formal complaint and conducted an investigation, subsequent to which Mercer County offered two integrated schools among the list available to Bluefield State College.

The State Board of Education remains indifferent to the issue of adequate space for student teachers from Bluefield State College.

In May the Commission received a complaint from a young woman in Mingo County that she had been discriminated against by not receiving consideration. Investigation revealed that prior to this time, Mingo County had not had a Negro teacher in any but all-Negro schools but that they had in April indicated to one of the Negro teachers in Red Jacket No. 2 school that she would be assigned to an integrated school with the closing of the all-Negro school. The other teacher who had not acquired tenure was notified that she would not be employed, although the county had many nondegree teachers on its staff. Subsequently, the county did hire one Negro teacher assigned to an all-white school and transferred another from a Negro school to a white school.

BLUEFIELD STATE COLLEGE

In April the State Board of Education announced a new study of the functions of Bluefield State and Concord. Many persons were disturbed by the Board's long uncertainty about the role and future of Bluefield State College; they felt that this new move was a case of yielding to pressures within the Bluefield community, which was angry because Dr. Allen, then president of Bluefield State College, had not taken a position of vigorously repressing student demonstrators. It was later revealed that in the meeting calling for the new study, the Board had also in effect fired Dr. Allen by failure to place his name on the expenditure schedule for the 1965-66 budget year. When this became known, the Board reinstated Dr. Allen, conspicuously saying that he was to serve at the will and pleasure of the Board but at no time suggesting that he be prepared to defend his record or that of the college under his administration.

Several Board members made out-of-meeting comments that he had failed to push the technical program with sufficient vigor. While personally asserting their lack

of prejudice, they evidenced little comprehension of racial factors involved in the Bluefield situation or in the public schools. Dr. Allen resigned in mid-August to accept the position of president at Cheyney State College in Pennsylvania.

PRACTICAL NURSES TRAINING PROGRAM - KANAWHA COUNTY

In July of 1964 we received a complaint that the practical nurses training program operated by the Kanawha County Board of Education, Department of Vocation Education, was discriminating in that it limited Negroes by a quota arrangement by virtue of the fact that one of the two hospitals in which nurses were trained did not accept Negroes. Investigation revealed that this had indeed been the arrangement when the program began in the early Fifties. There is some dispute as to whether the hospital had ever notified the program of willingness to accept Negroes, but supervisors had never assigned any Negroes in training to this particular hospital. It is difficult to determine the extent to which Negroes might have been excluded by this quota system, as personnel argued that the list of qualified candidates had never been larged or

if they were being discouraged from actual application.

BASKETBALL OFFICIALS

In September, 1964, the Human Rights Commission received a complaint that Negro basketball officials were being discriminated against by the West Virginia Intercollegiate Athletic Conference, that from 1956 through 1963 the four qualified Negro officials had worked a total of nineteen games; of these nineteen games, eight had been assigned to two of the officials by telephone the afternoon of November 10, 1961, following an article in the Charleston Gazette criticizing the Conference for its discrimination against Negro officials. That while the Conference's executive secretary avows he did not know who the Negro officials were, nevertheless, of the nineteen games assigned, West Virginia State College or Bluefield State College participated in sixteen of those games.

On November 12 a special committee of the Conference met with a committee of the Human Rights Commission. They agreed that their selection procedures were ill-defined and in need of revision, that it was virtually impossible

under the present system to offer concrete guarantees of nondiscrimination, and that they were proposing that the Conference procedures be reviewed. Subsequently, the Conference proceeded to appoint a committee to bring recommendations for change, with this committee to report at its May, 1965, meeting. At that meeting, it was revealed that the executive secretary had filled all officiating assignments for 1965-66 and that no Negroes were included. Normally, the roster of assignment was not completed until August. The Conference voted that any vacancies which should occur in this list should be filled on an interracial basis.

In August the executive director of the Human Rights Commission wrote to the president of the Conference asking for information as to specific steps. Shortly thereafter, three of the Negro officials were assigned four games.

At the September 21 meeting the Commission discussed this and requested its director to again ask the Intercollegiate Conference for specific information. That information has not been supplied as of this writing, although the Negro officials have been assigned several additional games.

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SUGGESTED REVISION OF THE HUMAN RIGHTS LAW



HOUSE BILL NO. _____

(BY MR. _____)

(Introduced _____, 19____; referred to the
Committee on _____.)

A BILL to amend and reenact section four, article seven, chapter five of the code of West Virginia, one thousand nine hundred thirty one, as amended, and to further amend said chapter by adding thereto a new article, designated article twelve, establishing the West Virginia Human Rights Act giving the Human Rights Commission jurisdiction over the Human Rights Act; authorizing the Human Rights Commission to issue subpoenas and subpoenas duces tecum; authorizing the Human Rights Commission to issue cease and desist orders against persons who are found to have violated the provisions of article eleven and article twelve or the rules and regulations of the Commission; providing penalties for violation of cease and desist orders of the Human Rights Commission.

Be it enacted by the Legislature of West Virginia:

That section four, article eleven, chapter five of the code of West Virginia, one thousand nine hundred thirty one, as amended, be amended and reenacted; and that chapter five of the code be amended by adding thereto a new article, designated article twelve, all to read as follows:

ARTICLE 11. Human Rights Commission.

Section 4. Powers; Functions; Services---The Commission is hereby authorized and empowered:

(a) To cooperate and work with federal, state, local government officers, units, activities and agencies in the promotion and attainment of more harmonious understanding and greater equality of rights between

and among all racial, religious and ethnic groups in this state;

(b) to enlist the cooperation of racial, religious and ethnic units, community and civic organizations, industrial and labor organizations and other identifiable groups in the state in programs and campaigns devoted to the advancement of tolerance, understanding and the equal protection of the laws for all groups and peoples;

(c) repealed.

(d) To receive and consider complaints involving employment and places of public accommodation and to initiate its own consideration of any situations, circumstances or problems, including therein any racial, religious or ethnic group tensions, prejudice, disorder or discrimination reported or existing within the state relating to employment and places of public accommodation;

(e) to hold and conduct public and private hearings on complaints, matters and questions before the commission and, in connection therewith, to

(1) Issue subpoenas and subpoenas duces tecum, administer oaths, take the testimony of any person under oath and make reimbursement for travel and other reasonable and necessary expenses in connection with such attendance;

(2) compile hearing records and furnish copies of the whole or any parts thereof to the governor, the legislature and such other governmental officials and agencies as may be concerned herewith;

(3) Furnish copies of public hearing records to interested parties involved therein upon their payment of the reasonable costs thereof to the commission;

(4) delegate to the executive director, or to any five members of the commission the power and authority to hold and conduct the hearings, as herein provided, but all decisions and actions growing out of or upon any such hearings shall be reserved for determination by the commission;

(5) To issue cease and desist orders against any person, as defined by article twelve, section three of this chapter, found to have violated the provisions of this article, or article twelve of this chapter or the rules and regulations of the commission.

(f) To encourage, promote and conduct studies and research projects in matters and questions involving and relating to human rights and to compile and make public reports thereon;

(g) to recommend to the governor and legislature policies, procedures, practices and legislation in matters and questions affecting human rights;

(h) to delegate to its executive director and to such other investigative and research personnel as it may employ such powers, duties and functions as may be necessary and expedient in carrying out the objectives and purpose of this article and article twelve of this chapter;

(i) to prepare a written report on its work, functions and services for each year ending on the thirtieth day of June and to deliver copies thereof to the governor on or before the first day of December next thereafter;

(j) to do all other acts and deeds necessary and proper to carry out and accomplish effectively the objects, functions and services contemplated by the provisions of this article and article twelve of this chapter, including the promulgation of rules and regulations implementing the powers and authority hereby vested in the commission.

(1) Any person, as defined in article twelve of this chapter who shall violate the terms of any cease and desist order issued by the commission against such person shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars or confined in jail for not less than ten days nor more than six months, both or, in the descretion of the sentencing court.

Article 12. West Virginia Human Rights Act.

Section 1. This act shall be known and may be cited and referred to as the West Virginia Human Rights Act.

Section 2. Policy Declared -- It is the public policy of the State of West Virginia to provide all of its citizens equal opportunity for employment and access to places of public convenience and accommodation. Equal employment opportunities and equal access to and use of public accommodations are hereby declared to be human civil rights.

The practice of denying these rights to properly qualified persons by reason of the race, creed, color, national origin or ancestry of such persons is contrary to the principles of freedom and equality of the public policy of this state and shall be considered as discriminatory practices. The promotion of equal opportunity without regard to race, creed, color, national origin or ancestry through responsible methods that do not create that which it seeks to enjoin is the purpose of this act. It is also the public policy of this state to protect the employers, labor organizations and employment agencies from unfounded charges of discrimination.

Section 3. Definitions -- (a) The term "person" includes one or more individuals, partnerships, associations, organizations, corporations, labor organizations, cooperatives, legal representatives, trustees, trustees in bankruptcy, receivers, and other organized groups of persons.

(b) The term "Commission" means the West Virginia Human Rights Commission.

(c) The term "director" means the executive director of the West Virginia Human Rights Commission.

(d) The term "employer" includes the state, or any political or civil subdivision thereof, and any person employing twenty-five (25) or more persons within the state, except that the term "employer" does not include any non-profit corporation or association organized for fraternal

or religious purposes, nor any school, educational charitable religious institution, nor any exclusively social club, corporation, or association that is not organized for profit.

(e) The term "employee" should not include any individual employed by his parents, spouse, or child, or in the domestic service of any person.

(f) The term "labor organization" includes any organization which exists for the purpose, in whole or part, for collective bargaining or for dealing with employers concerning grievances, terms or conditions of employment, or for other mutual aid or protection in relation to employment.

(g) The term "employment agency" includes any person undertaking with or without compensation to procure, recruit, refer or place employees.

(h) The term "discriminate" means to exclude from or fail to refuse to extend to a person equal opportunities because of race, creed, color, national origin or ancestry.

(i) The term "place of public accommodation" means any place which is open to, accepts or solicits the patronage of the general public, including but not limited to inns, taverns, roadhouses, hotels, motels, accommodations of those seeking health, recreation, or rest, or restaurants or eating houses, or any place where ice cream, ice and fruit preparations or their derivatives, or where beverages of any kind are sold, drug stores, dispensaries, clinics, hospitals, retail stores, or establishments, theaters, motion picture houses, music halls, race courses, amusement and recreation parks; fairs, garages and all public conveyances operated on land, or water or in the air as well as the stations, terminals and airports thereof, but shall not include any accommodations which are in their nature distinctively private.

(j) The term "complainant" means any individual charging on his own behalf to have been personally aggrieved by discriminatory practices.

(k) The term "complaint" means any written grievance filed by a complainant directly with the commission. No complaint shall be valid unless filed within ninety (90) days from the day of the occurrence of the alleged discriminatory practice. The commission may require the complainant to furnish such information as the commission deems necessary to adequately inform itself as to the nature of the complaint.

Section 4. Unlawful Discriminatory Practices - It shall be an unlawful discriminatory practice, unless based upon a bona fide occupational qualification, or except where based upon applicable security regulations established by the United States or the State of West Virginia.

(a) For any employer because of the race, color, religious creed, ancestry, or national origin of any individual to refuse to hire or employ, or to bar or to discharge from employment such individual, or to otherwise discriminate against such individual with respect to compensation, hire, tenure, terms, conditions, or privileges of employment, if the individual is the best able and most competent to perform the services required. The provisions of this paragraph shall not apply to, (1) termination of employment because of the terms or conditions of any bona fide retirement or pension plan, (2) operation of the terms or conditions of any bona fide retirement or pension plan which have the effect of a minimum service requirement, (3) operation of the terms or conditions of any bona fide group or employee insurance plan.

(b) For any employer, employment agency or labor organization, prior to the employment or admission to membership, to

(1) elicit any information or make or keep a record or use any form of application or application blank containing questions or entries concerning the race, color, religious creed, ancestry or national origin of any applicant for employment or membership.

(2) Print or publish or cause to be printed or

published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification or discrimination based on race, color, religious creed, ancestry, or national origin.

(3) Deny or limit, through a quota system, employment or membership because of race, color, religious creed, ancestry, national origin or place of birth.

(4) Sustainably confine or limit recruitment or hiring of individuals, with intent to circumvent the spirit and purpose of this act, to any employment agency, employment service, labor organization, training school, or center or any other employee-referring source which services individuals who are predominately of the same race, color, creed, ancestry, or national origin.

(c) For any labor organization because of the race, color, religious creed, ancestry, or national origin of any individual or otherwise to discriminate against such individuals with respect to hire, tenure, terms, conditions or privileges of employment or any other matter, directly or indirectly related to employment.

(d) For any employer, employment agency or labor organization to discriminate in any manner against any individual because such individual has opposed any practice forbidden by this act, or because such individual has made a charge, testified or assisted, in any manner, in any investigation, proceeding or hearing under this act.

(e) For any person, whether or not an employer, employment agency, labor organization, or employer to aid, abet, incite, compel or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, or to obstruct or prevent any person from complying with the provisions of this act or any order issued thereunder, or to attempt, directly or indirectly to commit any act declared by this section to be unlawful discriminatory practice.

(f) For any employment agency to fail or refuse to

classify properly, refer for employment or otherwise to discriminate against any individual because of his race, color, religious creed, ancestry, or national origin.

(g) For any individual seeking employment to publish or cause to be published any advertisement which specifies or in any manner expresses his race, color, religious creed, ancestry or national origin, or in any manner expresses a limitation or preference as to the race, color, religious creed, ancestry, or national origin of any prospective employer.

(h) For any person being the owner, lessee, proprietor, manager, superintendent, agent or employer of any place of public accommodation, resort, or amusement to

(1) refuse, withhold from, or deny to any person because of his race, color, religious creed, ancestry or national origin, either directly or indirectly, any of the accommodations, advantages, facilities or privileges of such place of public accommodation.

(2) Publish, circulate, issue, display, post or mail, either directly or indirectly, any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of any such place shall be refused, withheld from or denied to any person on account of race, color, religious creed, ancestry or national origin is unwelcome, objectionable or not acceptable, desired or solicited.

FILMS FOR HUMAN RIGHTS

The West Virginia Human Rights Commission has available ten 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 16mm sound, and are available from the Commission 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 films portray.

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 35mm film strip with a text that can be read by a narrator.)

ONE GOD

Time, 33½ minutes. Black & 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 & 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, 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 & 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 that 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, GOODBYE!

Time, 28 minutes. Black & 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 & 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 & RACE

Time, 24 minutes. Black & white. What happens to property values when nonwhites 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.

TO FIND A HOME

Time, 27 minutes. Black & white. Depicts the disheartening efforts of skilled and professional Negroes to find adequate housing. While a few landlords are willing to rent, the reason offered by many others indicate the depth of prejudice that blocks the families' search. Produced by the University of Wisconsin.

CHALLENGE

The Illinois State Chamber of Commerce has produced this film to help companies train their personnel in meeting fair employment requirements. Guided by a philosophy that it is good business to face the challenges of the law with clear and precise procedures, the film seeks to spell out these procedures and how to implement them. Time, 30 minutes, black and white.

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DIRECTORY OF FEDERAL AGENCIES

Equal Employment Opportunity Commission
1800 G Street, N. W.
Washington, D. C. 20506

Telephone - Area Code 202 -- 343-8095
Mr. Franklin D. Roosevelt, Chairman

U. S. Commission on Civil Rights
1701 Pennsylvania Avenue, N. W.
Washington, D. C. 20425

Telephone - Area Code 202 -- 393-3111
Mr. William L. Taylor, Staff Director

Community Relations Service
Commerce Building
Washington, D. C. 20230

Telephone - Area Code 202 -- 967-3157
Mr. Roger Wilkins, Director

President's Committee on Equal Opportunity
in Housing
216 Executive Office Building
Washington, D. C. 20506

Telephone - Area Code 202 -- 465-1414
Governor David Lawrence, Chairman

* * * * *