

1963

Report of

progress in

Human Rights



Alaska State Commission For Human Rights
Room 24, Reed Building
Anchorage, Alaska

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T A B L E O F C O N T E N T S

Transmittal Letter.1
Commission Members and Staff.	2
Foreword.	3
Introduction.	4
Regulatory Activities.	5
Case Histories.13
Educational Activities.15
Recommendations.	18
Conclusion.20

STATE OF ALASKA

OFFICE OF THE GOVERNOR COMMISSION FOR HUMAN RIGHTS

WILLIAM A. EGAN, GOVERNOR

ROOM 24 - REED BUILDING
ANCHORAGE, ALASKA

December 31, 1963

His Excellency
William A. Egan, Governor
Honorable Members
Alaska State Legislature

Ladies and Gentlemen:

It is our duty and honor to submit to you the first Annual Report of the Alaska State Commission For Human Rights, in accordance with Chapter 15, Session Laws of Alaska 1963.

This report covers the Commission's varied activities since July 31 of this year and recommendations for needed additional legislation whereby it may more effectively carry out its appointed task.

In the brief span of five months, we have come to grips with the complete problem of human rights here in Alaska and have been encouraged by the cooperation of the employers, ministry and citizenry.

With the continued support of the administration and legislature, we look forward to achieving greater progress in 1964.

Respectfully,

Fred M. Selkregg, Jr., Chairman

Leslie F. Callan, Commissioner

Barney J. Gottstein, Commissioner

Ernest W. Griffin, Commissioner

Roy Peratrovich, Commissioner

COMMISSION MEMBERS

	<u>Term Expires</u>
Fred M. Selkregg, Jr., Chairman	Jan. 31, 1967
Leslie F. Callan, Secretary	Jan. 31, 1965
Barney J. Gottstein, Commissioner	Jan. 31, 1964
Ernest Griffin, Commissioner	Jan. 31, 1966
Roy Peratrovich, Commissioner	Jan. 31, 1968

STAFF

Mr. Willard L. Bowman	Executive Director
Mrs. Bernice Jerde	Secretary

FOREWORD

For us, as Americans, the time has come when we must answer the clarion call to defend one of our most cherished heritages. The moral principle which we advocate, "This nation, conceived in liberty and dedicated to the proposition that all men are created equal", is now at stake before the eyes of a critically judging world.

1963 marks the year of the greatest social revolution ever experienced in America to date. History will note how we answered the call.

It is significant that as late as ten years ago we still spoke in terms of groups and their problems, such as the "Negro problem", the "Mexican problem", or the "Jewish problem". Today, however, we speak of the dignity of man and are recognizing the equality of every human being. Instead of problems, we are searching for solutions; instead of identifying groups, we are stressing the basic rights of the individual.

Here in Alaska our Governor and members of the 1963 legislature, ever mindful of the trends of the time, enacted a State Commission to work in the rapidly expanding field of human rights.

Prior to its enactment, there were those who viewed the commission as just another governmental regulatory agency, designed to be used by agitators or pressure groups. For those who perhaps still hold that opinion, this report may serve to bring a better understanding of the ultimate aims of the Commission, as well as the myriad problems faced for which answers had to be found as we went about our task of setting up shop.

Regrettably it was found that Alaska also has its share of people who will accept equal opportunities for employment, housing and public accommodations as their undeniable right, but who will deny this same right to others because of a different ethnic background. It is our fond hope, as we look forward to 1964, that the day is not far off when each citizen of our state, and in America, will enjoy the same rights, opportunities and privileges as the next, regardless of race. At that time the need for a Commission such as ours will no longer exist.

Though the State Commission for Human Rights has made progress in its short life span, we realize also the tremendous task ahead. We ask for the assistance of all the citizens of Alaska as we seek, through broad educational programs, and voluntary compliance rather than enforcement, to reach the goals we have set.

Willard L. Bowman
Executive Director

INTRODUCTION

The State Commission For Human Rights was created by an act of the 1963 State legislature (Chapter 15 of the Session Laws of Alaska 1963). Alaska Statute 18 was amended to add Chapter 80 creating a State Commission For Human Rights.

The Commission consists of five Commissioners, appointed by the Governor, for staggered terms of five years, and confirmed by the legislature. It has representatives of minorities, employers, labor and the general public. It is inter-racial and inter-religious. The Commissioners serve without pay.

On July 30, 1963, Governor William A. Egan assembled the Commission members, charged them with their duties of promoting equal opportunities in employment, housing and public accommodations and set the effective date at July 31, 1963.

The activities of the State Commission For Human Rights for the year 1963 are reported herein.

REGULATORY ACTIVITIES

Powers of Commission

The law sets forth the duties of the Commission as follows:

It shall:

1. Elect one of its members as chairman.
2. Hold an annual meeting, and any special meetings as are found necessary.
3. Adopt procedural and substantive regulations.
4. Appoint an Executive Director, and hire other administrative staff.
5. Investigate complaints of discrimination brought to its attention.
6. Hold hearings requiring the person(s) charged to answer the allegations, take testimony under oath and issue orders of its findings.
7. Prepare and distribute pamphlets.
8. Report to the legislature on civil rights problems it has encountered and recommend legislative action.

Purpose of Commission

Basically, the State Commission For Human Rights has a twofold purpose:

(a) Work to bring about inter-group understanding, respect and goodwill by a broad range educational program designed to eliminate and prevent discrimination in employment, public accommodations and housing based on race, creed, color, national origin, age or sex.

(b) To receive, initiate and investigate

complaints of discrimination in employment, public accommodations and housing when based on race, creed, color, national origin, age or sex.

I Employment

A.S. 23.10190 of the Alaska Statutes states:

Discrimination prohibited. No employer, employee, labor organization, employment agency or other person may discriminate in the employment of a person because of race, religion, color or national origin (§ 1 ch. 18 SLA 1953; am § 1 ch 114 SLA 1957).

A.S. 23.10.195 Civil Right. The opportunity to obtain employment without discrimination because of race, religion, color or national origin is a civil right (§ 2 ch 18 SLA 1953).

A.S. 23.10.200 - Unlawful Labor Practices. It is unlawful employment practice for:

1. An employer to refuse employment to a person, or to bar him from employment or to discriminate against him in compensation or in terms, conditions or privileges of employment because of race, religion, color or national origin.

2. A labor organization because of a person's race, religion, color or national origin, to exclude or to expel him from its membership, or to discriminate in any way against one of its members, or against an employer or an employee.

3. An employer, labor organization or employment agency to discharge, expel or otherwise discriminate against a person because he

has opposed a practice forbidden under this chapter, or because he has filed a complaint, testified or assisted in a proceeding under it.

4. A person, whether or not an employer or an employee, to aid, abet, incite, compel or coerce the doing of an act forbidden under this chapter or to attempt to do so.

5. Refuse to hire, discharge, or otherwise discriminate against a person with respect to the terms, conditions, or privileges of employment, otherwise lawful, because of the person's age, when the reasonable demands of the position do not require the age distinction (A.S. 23.10.255).

6. No employer may discriminate in the payment of wages as between the sexes, nor may he employ a female in an occupation in this state at a salary or wage rate less than the rate paid to a male employee for work of a comparable character or work in the same operations, business, or type of work in the same locality (A.S. 23.10.155).

This law, commonly known as Alaska's Fair Employment Practices Act, makes an act of discrimination to be of state concern. Further, by enacting a State Commission For Human Rights with power to eliminate and prevent discrimination in employment, public accommodations, and housing because of race, religion, color, national origin, age or sex, the law makes it a matter of state policy.

Unlike Fair Employment Practices Acts of some states, Alaska's law does not set a minimum number of employees to be covered.

II Public Accommodations and Housing

Public Accommodations

Persons entitled to full and equal accommodations, facilities and privileges:

(a) A person is entitled to the full and equal enjoyment of accommodations, advantages, facilities and privileges of public inns, restaurants, eating houses, hotels, motels, soda fountains, soft drink parlors, taverns, roadhouses, trailer parks, bathrooms, resorts, campgrounds, barbershops, beauty parlors, resthouses, theatres, swimming pools, skating rinks, golf courses, cafes, ice cream parlors, transportation companies, and all conveyances, housing accommodations, and all other public amusement and business establishments, subject only to the conditions and limitations established by law and applicable alike to all persons.

(b) Any denial of the use of the foregoing facilities by reason of race, creed, or color of the applicant therefore is a violation of this section.

Housing

(c) Public amusement and business establishments within the meaning of this section include any establishment which caters or offers its services or goods to the general public, including but not limited to public housing and all forms of public assisted housing, and any housing accommodation offered for sale, rent or lease. (A.S. 11.60.230).

Penalty for violation of § 230 of this chapter.

A person who violates or aids or incites a violation of § 230 of this chapter, or who displays a printed or written sign indicating a discrimination on racial grounds of full and equal enjoyment as set out in § 230 of this chapter is guilty of a misdemeanor, and upon conviction is punishable by imprisonment in a jail for not more than 30 days, or by a fine of not more than \$500, or by both. (Sec. 11.60.240) (§ 20-1-4 ACLA 1949; am § 1 ch 21 SLA 1949; am § 2 ch 49 SLA 1962)

III Complaint Process

Complaint

Verified complaints of discrimination may be filed by any aggrieved person or the Executive Director when an alleged discrimination comes to his attention.

Investigation

The Executive Director or a member of the Commission's staff designated by the Director shall informally investigate the matters set out in a filed complaint, promptly and impartially. If the investigator determines that the allegations are supported by substantial evidence, he shall immediately try to eliminate the discrimination complained of by conference, conciliation and persuasion.

Hearing

If the informal efforts to eliminate the alleged discrimination are unsuccessful, the

director shall inform the Commission of the failure. The Commission shall then serve written notice requiring the person complained of to answer the allegations at a hearing before the Commission. The respondent may file a written answer and may appear in person or otherwise, with or without counsel, and submit testimony. The Commission shall not be bound by strict rules of evidence prevailing in courts of law or equity, and the testimony taken at the hearing shall be under oath and be transcribed.

Order

At the completion of the hearing, if the Commission finds that a person against whom a complaint was filed has engaged in the discriminatory conduct alleged in the complaint, it shall order him to refrain from same. The order shall include findings of fact, and may prescribe conditions on the accused future conduct which the Commission determines are relevant to the cessation of the discrimination. A copy of the order shall be delivered to the Attorney General of Alaska.

Immediate and continuing compliance with all the terms of a Commission is a bar to criminal prosecution for the particular instances of discriminatory conduct described in the accusation filed before the Commission.

IV Conciliation and persuasion

Though the complaint, hearing and enforcement process is of vital importance in the upholding of civil rights laws when discrimination is found, it is the conciliation process that the Commission places most of its efforts and hopes. Rather than be viewed as an enforcement agency, which it isn't, the Commission strives for

voluntary compliance. One of the most effective ways the Commission has found is the conference. In his efforts to resolve the case, the investigator holds an informal meeting with the respondent and attempts to find a basis for mutual agreement whereby the complaint can be resolved.

Though any confrontation of complainant and respondent is rife with a potential explosion, due to the emotional factor, in some cases it has brought immediate understanding and subsequent withdrawal of the alleged discriminatory complaint.

No agency in the field of civil rights can ignore the attitudes which prevail on both sides of this great moral question. To do so would be to invite instant hostility and eventual disaster. We have tried at all times to be firm, but not unbending work within the law but not apply the strict legal approach use the velvet glove and not the iron fist.

The conciliation process is based on trial and error, and it affords the respondent a chance to comply with the law, without the stigma of force and publicity.

Following is a breakdown in the number and types of cases of alleged discrimination reported to the Commission and a few case histories which illustrate how the Commission functions:

Type of Case	Resolved	Under Investigation	Under Conciliation	Totals
Employment	15	2	2	19
Public Accommodation	3	1		4
Housing		1		1
TOTALS	18	4	2	24

All the above complaints were based on race or color.

We feel it is indicative of the general willingness of most Alaskans to discuss and work on problems as shown by the fact that we have not found it necessary to resort to a formal hearing before the Commissions as yet.

Case Histories

Case A E-IO4

Complainant, president of an Eskimo village council, complained the Commission that a foreman for a federal agency was discriminatory in his language, actions and attitude toward the workmen in the village and cruel and abusive to the children. They also charged that the Eskimo workers were treated differently from the other workmen. In our investigation, we contacted the officer in charge of the project; he looked into the situation and as a consequence, dismissed the foreman. We received a letter from complainant saying they were pleased with the new foreman and working conditions were greatly improved.

Case B E-IO5

Complainant, a former employee of a construction firm, was laid off at noon one day, although a new man had been hired that same morning. His union stated to the investigator they would not send another to fill the job until he was rehired. In a conference called for the next morning with respondent, complainant and investigator, it was agreed a misunderstanding had taken place. Respondent had laid off complainant, but only temporarily. In view of the mutual agreement reached, the case was resolved on that basis.

Case C E-IO6

Complainant, the lone Negro checker at a super market, was terminated from her job. She felt it was because of discrimination due to race and color. The manager of the store stated the Union had given him a list of approximately 15 people who were suspended from the Union, which

by their agreement was cause for dismissal from the store. Upon investigation, the manager admitted that of all the persons on the list, she was the only one dismissed. Further, he stated his actions were discriminatory, but not racial. He said he had used this means of getting rid of her because of her poor work and job performance. Case still under investigation.

Case D PA-101

Complainant, Negro, stated in his complaint he was charged double the prevailing price for a hamburger and a cup of coffee. He felt this was because of the manager's attempt to dissuade people of his race from patronizing the establishment. Upon investigation, it was proven, through the use of one white and one Negro person, this was the practice of the respondents. When at a conference, respondent was shown he was breaking the law, he agreed to discontinue the practice.

Case E H-101

This complainant, a young Negro woman, alleged she had been discriminated against by an apartment manager. In her complaint she states she had called in answer to an ad; the manager had said yes he had two vacancies. Upon her arrival at the apartment house, the manager had told her the owner did not want him to rent the apartments to Negroes. Upon investigation, the owner was found to be outside. Case still under investigation.

Educational Activities

While regulatory activities take up the greater percentage of staff time and effort, it is the educational and public relations function of the Commission For Human Rights which provides the most effective means of promoting greater understanding and wider acceptance of its program amongst the citizens of Alaska.

Though the prompt and impartial handling of complaints is of vital concern, it is only when the general public recognizes and accepts the fact that discrimination against people because of race, creed, color or national origin is morally wrong, and will actively join in an effort to change a socially approved pattern of attitude and conduct, will the inter-group tensions between ethnic groups lessen.

Lack of man power and a limited budget prevented the Commission from embarking on an adequate long range program designed to keep the general public informed on civil rights; however, with the resources available, the Commission did endeavor to bring before the citizens its purposes and the need for understanding, equal opportunities and fair play for all. Toward this end, members of the Commission and staff accepted invitations to address business, civil, church, labor and student groups, participated in community and statewide conferences and appeared as panelists on radio and T.V. programs. A partial listing of activities in which Commission members were participants follows:

Anchorage Lions Club
Congressional Beth Sholom KFAR-TV, Fairbanks
Northern Lights Civil Club
Anchorage Council of Churches
Alaska Native Brotherhood State Encampment
NAACP Employment Conference
Biracial Citizens Committee - Fairbanks
Spiritual Assembly of Baha'i
KTVA-TV- "Viewpoint"
Kiwanis Club
AMU Civil Rights Class
Anchorage Episcopal Church Women
Anchorage Ministerial Alliance
Bethel Area Village Council Meeting
Unique Social Club of Fairbanks
Arctic Toastmistress Club

The work of the Commission has steadily advanced- so much so, the staff has found, as it becomes more proficient in the handling of complaints, its time is taken up more and more with the necessary task of hearing, and counseling the complainants. As reluctant as we were to enter into the area of job placement because of staff time, it soon became evident some agency such as ours was needed to fill the void of bringing prospective employer and employee together.

As a result of these job placement efforts in conjunction with our equal opportunity program, the Commission has scored major breakthroughs in areas where minorities were not previously hired.

Publications:

The Commission has adopted Rules and Regulations Governing Practice and Procedure before the Alaska State Commission For Human Rights. These Rules and Regulations were filed with the Secretary of State on November 6, 1963.

Reprints of pamphlets were purchased and made available to groups by speakers and staff appearing before religious, business and civic organizations. Since use of such educational material will help promote inter-group relations, the Commission is preparing samples of civil rights literature to be distributed soon.

Recommendations

Chapter 15, Session Laws of Alaska 1963 states, "The Commission shall, at the beginning of each legislative session, report to the legislature on civil rights problems it has encountered in the preceding year, and may recommend legislative action."

While the Commission has uncovered areas wherein problems of jurisdiction have arisen, we do not feel we should base recommendations of such importance upon statistics gathered over a short period of time. Instead, the Commission will study the problem in the coming year and report its recommendations to the next session of the legislature.

The Commission does urge serious consideration be given to the increase in budget for which it is asking. Though making every effort to keep expenses down and to stay within our original appropriation, experience has shown it to be inadequate for the assigned task. The increase requested in our submitted budget is due to:

1. The dire need of a full time secretary because of the work load build-up.

2. In the 1963-64 budget allowance, only \$2,512 was allotted to per diem and travel, for it was not known just what would be encountered. However, time and experience has shown the actual need to be much more. After all attempts to settle complaints by correspondence, we find to date, the investigator still must travel a minimum of three days a month.

BUDGET

<u>OBJECT</u>	<u>AUTHORIZED</u>	<u>EXPENDITURES</u>	UNENC. <u>BALANCE</u>
Salaries	\$14,688	\$4,646.88	\$10,041.12
Travel	2,512	1,582.25	929.75
Contractual			
Services	4,550	584.04	3,965.96
Commodities	950	209.88	740.12
Equipment	<u>2,300</u>	<u>1,304.95</u>	<u>995.05</u>
TOTAL	\$25,000	\$8,328.00	\$16,672.00

Totals as of December 1, 1963

Conclusion

Alaska has found, as some 25 other states and over 50 large cities have found, though we have had adequate laws upon our statutes guaranteeing equal opportunities to all regardless of race, creed or color, the laws in themselves were simply not enough.

To put meaning into these laws has seen the evolution of the Human Rights Commissions and Boards throughout the nation. Their primary goal is not merely to eliminate discrimination but to prevent it. The preventive aspect is the ultimate measure of success for all civil rights organizations.

Although the Alaska State Commission For Human Rights is identical in scope and purpose to other state civil rights agencies, the one area in which we were trailing was in experience. Instead of evolving from community relations organizations and state study groups, our Commission, when enacted, had nothing for guidance but the recognized need and the vast experience of similar agencies to draw upon. We have drawn upon this help unashamedly, with the response being both immediate and invaluable - so much so, the Commission was able to function from its inauguration as a competent promoter of equal opportunities for all.

Even though at times our problems have seemed insurmountable, any measure of success we may enjoy must be shared by Governor Egan for his unswerving leadership, the legislators for their interest and words of encouragement, and by the general public for their cooperation and support.