

Unanimous Declaration of the thirteen united States

When in the course of human events, it becomes necessary for one people to dissolve the bands which they have formed with another, and to assume among the powers of Nature, the separate and equal station to which the laws of Nature and of Nature's God entitle them, a solemn and conscientious appeal is made to the Supreme Judge of the world for the rectitude of their intentions. — We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness. — That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, — That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to promote their Safety and Happiness. Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience has shewn that Governments are more likely to be long preserved by a firm adherence to their Principles than by frequent alterations.

CIVIL RIGHTS AND CIVIL LIBERTIES

A Review of 1955

by
**Theodore Leskes and
Maurice J. Goldbloom**

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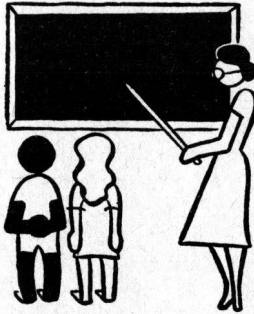
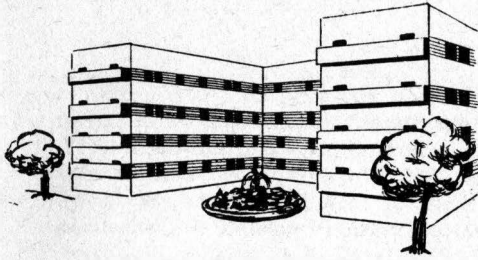
... He has plundered
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John Hancock Not me

TWO ARTICLES
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CIVIL RIGHTS

by

Theodore Leskes

CIVIL RIGHTS refer to those rights and privileges which are guaranteed by law to each individual, regardless of his membership in any ethnic group: the right to work, to education, to housing, to the use of public accommodations, of health and welfare services and facilities, and the right to live in peace and dignity without discrimination, segregation, or distinction based on race, religion, color, ancestry, national origin, or place of birth. They are the rights which government has the duty to defend and expand.

EDUCATION

The major civil rights events of the period under review (July 1, 1954 to June 30, 1955) were the decision of the United States Supreme Court on May 31, 1955, implementing its historic desegregation decision of May 17, 1954 (see *AMERICAN JEWISH YEAR BOOK*, 1955 [Vol. 56], p. 195), and the reactions to it. The Supreme Court opinions of May 17 declared the fundamental principle that compulsory racial segregation in public education violated the equal protection clause of the Fourteenth Amendment. The court, however, set the cases down for further argument with respect to the type of decrees to be entered in the various cases. Such further argument was presented in April 1955, and on May 31 the court handed down its decision describing how desegregation was to be implemented.¹

Second Supreme Court Decision

In this second opinion, the Supreme Court reaffirmed its decision and opinion of a year earlier and stated: "All provisions of federal, state or local law requiring or permitting such discrimination must yield to this principle." The court noted the numerous problems bound to arise in the process of changing from a segregated to a desegregated public school system. The opinion also commented upon the "substantial progress" made in the District of Columbia and in Kansas and Delaware since the earlier decision. The Supreme Court decided that the "courts which originally heard these cases" were best qualified to provide the judicial supervision necessary to determine whether local school authorities were attempting in good faith to comply with the governing constitutional principles.

The Supreme Court also established certain criteria to help the lower courts reach sound decisions. The personal interest of the Negro plaintiffs in being admitted to public schools on a nondiscriminatory basis as soon as practicable was to be balanced against the public interest in a systematic and orderly transition from a segregated to a nonsegregated school system. The court warned, however, that the "constitutional principles cannot be allowed to yield simply because of disagreement with them." The lower courts were directed to require that the public school authorities "make a prompt and reasonable start toward full compliance" with the desegregation decision. Additional time might be allowed to carry out the ruling in an effective manner "once such a start has been made." The burden of establishing the need for additional time was placed upon the public school authorities. Furthermore, they were required to show that they were making an attempt in "good faith" to comply "at the earliest practicable date." Lower courts were also directed to evaluate the "adequacy of any plans" that the public school authorities might submit to effectuate a smooth transition to a non-discriminatory school system. During the period of such transition, the lower courts were directed to "retain jurisdiction of these cases."

¹ *Brown v. Board of Education of Topeka*, 349 U.S. 294 (1955).

FEDERAL DISTRICT COURT ACTION

Following this May 31, 1955 decision of the United States Supreme Court, Federal district courts in Columbia, S. C., and Richmond, Va., heard arguments from the respective parties as to how the school authorities should proceed to desegregate the school districts that had been directly involved as defendants in this historic litigation. On July 15² and July 18, 1955,³ respectively, the two Federal district courts handed down their decisions. These decisions did the following: (a) set aside the decisions previously entered by these courts in the school segregation cases; (b) declared null and void state statutes and constitutional provisions which conflicted with the desegregation decision of the United States Supreme Court; (c) extended time to the public school authorities to make the necessary adjustments and rearrangements to place the public school systems involved in the litigation upon a nonsegregated basis; and (d) retained jurisdiction over the cases for further reports by the defendants, the public school authorities. The courts refused, however, the request of the attorneys of the National Association for the Advancement of Colored People (NAACP) that desegregation be ordered in these school districts effective September 1955.

Another significant court decision was handed down on June 2, 1955 when Virginia Circuit Court Judge Leon M. Bazile ruled in a Hanover County case that the local school board could not issue bonds for school construction and improvement purposes because the voters who had approved the bond issue at a popular referendum had assumed that the schools would be operated in accordance with the state law as it existed at the time of the referendum. The United States Supreme Court desegregation decision had intervened to modify in a significant respect the basic assumptions upon which the voters relied when they voted for the bond issue. Judge Bazile used his opinion to denounce the United States Supreme Court for its May 17, 1954, decision and for what he called its "political" approach to the racial segregation controversy.

The underlying position of the Supreme Court in *Brown v. Board of Education*, *supra*, is something more than mere non-segregated education. It goes further than this [to assert] . . . that court can coerce the state to compel complete socializations of the races.

State Action

By June 30, 1955, Alabama, Georgia, Louisiana, Mississippi, North Carolina, South Carolina and Virginia were firmly entrenched in the group of Southern states resisting desegregation in education. All of these states (excepting Virginia) opened the 1955-56 school year with constitutional provision or statutory requirement permitting abolition of the public school system or assignment of pupils. In Virginia, six counties arranged their finances so that public support could be dropped immediately if courts ordered integration.

² *Briggs v. Elliott*, 132 F. Supp. 776 (1955).

³ *Davis v. County School Board*, (1955).

Citizens' councils, which originated in Indianola, Miss., about two months after the May 17 decision, were seeking to use economic boycotts against Negroes and whites who supported the Supreme Court decision. They were active in Mississippi, Alabama, Texas, Georgia, and to some extent in Arkansas. Five thousand persons attended a white Citizens' Council rally at Selma, Ala., on June 22, 1955, at which ex-Gov. Herman Talmadge of Georgia and Circuit Judge John P. Brady of Brookhaven, Miss., attacked the NAACP as dedicated to a program of "mongrelization of the South" and the members of the United States Supreme Court as "not fit to empty the wastebaskets of those who wrote the previous decisions [upholding racial segregation]."

ALABAMA

On February 23, 1955, a special legislative committee recommended an amendment to the state constitution which would wipe out the provision requiring the state to maintain public schools. While this proposal did not pass in Alabama, similar amendments had been adopted by the voters of South Carolina (1952), Georgia (1954), and Mississippi (1954). The purpose of these amendments was to enable the states to turn over their public school systems to private organizations in an effort to avoid the impact of the desegregation decision which prohibited "state action" in violation of the equal protection clause.

A school placement bill became law in August 1955 in Alabama, without the signature of Gov. James E. Folsom, however. A bill to restrict the activities of the NAACP was passed over Governor Folsom's veto. Petitions seeking the end of separate classrooms were filed by Negro parents in at least seven Alabama counties.

ARKANSAS

On February 21, 1955, the House passed a bill which would have authorized school officials to assign each pupil to a school district, without regard to residence. This assignment procedure, though silent on the question of race, was intended to facilitate evasion of the United States Supreme Court's May 17 desegregation decision. On March 8, the Senate in effect killed the bill by amending it in the face of imminent adjournment. This made it impossible for the House to consider the Senate's amendment. By June 30, 1955, four school districts in the state had been integrated. The official state attitude toward the Supreme Court decision might be described as "neutral."

DELAWARE

The 1955-56 school year opened with at least 21 of 104 public school districts of all categories considering themselves desegregated, as against 12 in September 1954. Opposition to desegregation was strong in the two counties of southern Delaware. Official state policy was to press for desegregation.

On February 8, 1955, the Delaware Supreme Court retreated somewhat

from the position which it had originally taken when the school segregation case came before it in 1952.⁴ At that time the Delaware court had said that the right to equal protection of the laws was a "present right" whose enforcement could not be postponed. In its 1955 decision,⁵ while the court accepted the United States Supreme Court's May 17, 1954, desegregation opinion as a final decision that racial segregation in public schools violated the Fourteenth Amendment, it refused to order the immediate admission of a group of Negro students to "white" schools. Basically, the Delaware court's position seemed to be that other Negroes should not be accorded any better treatment than the plaintiffs in the segregation cases then pending before the Supreme Court. According to the Delaware courts' interpretation, by withholding relief from the plaintiffs so that the United States Supreme Court could hear reargument of the nature of the remedy to be accorded, the Supreme Court had by implication indicated that "the states affected may withhold immediate relief from others similarly situated."

DISTRICT OF COLUMBIA

The public schools of Washington, D. C., planned to reopen in September 1955 on a completely desegregated basis. Both the student bodies and the teachers were being assigned to schools, without regard to race or color.

FLORIDA

During the 1955 legislative session, the Florida legislature enacted a bill which empowered county school boards to assign each pupil to the school "to which he is best suited," and made the decision of the local board "complete and final." As the 1955-56 school term approached, petitions seeking desegregation had been filed by Negro parents in four counties. No action had been taken on these petitions, however, except to refer them to "study committees."

GEORGIA

The voters of Georgia amended their constitution on November 2, 1954, to permit the public schools to be turned over to private organizations, if necessary, in order to avoid compliance with the Supreme Court's desegregation decision. The amendment provided for the granting of public funds to "citizens" for educational purposes. Immediately after the legislature convened on January 10, 1955, a series of bills recommended by the Georgia Education Commission was introduced and passed. One bill made it a felony for any school official of the state to spend tax-raised funds for public schools in which there was no racial segregation; a second bill allowed school superintendents to assign pupils to specific schools in their districts; and a third bill permitted local school boards to create, amend, and alter school districts at will. In addition, both houses of the legislature adopted a resolution ask-

⁴ *Belton v. Gebhart*, 91 A. 2d 137 (1952).

⁵ *Steiner v. Simons*, February 8, 1955.

ing the United States Congress to initiate an amendment to the Constitution to make the states solely responsible for the policies under which their schools operated.

KENTUCKY

In Kentucky the 1955-56 school year began with limited desegregation in at least ten counties and four of the larger cities. One city, Lexington, said it would approve admission of Negroes to all schools "if they apply." The official attitude toward the Supreme Court decisions was: "Toward compliance, some now, the rest later."

LOUISIANA

On November 2, 1954, the voters of Louisiana amended their constitution to permit use of the state police power to continue racial segregation in the public schools "to promote and protect public health, better education and peace and good order in the state, and not because of race." The legislature in 1955 appropriated \$100,000 to help the state defray the cost of litigating its official policy of maintaining racial segregation in the public schools.

MARYLAND

Some integration of white and Negro pupils was expected in seven of Maryland's twenty-three counties, in addition to the city of Baltimore, which completed desegregating its schools in 1954. The remaining counties were to maintain segregated schools during 1955. Official state policy called for transition from segregation to desegregation "at the earliest practicable date."

MISSISSIPPI

On December 21, 1954, at a special election, the voters of Mississippi by 106,748 to 46,099 approved an amendment to the state constitution authorizing the abolition of the public school system. On April 5, 1955, Gov. Hugh White signed into law a measure which provided fines and jail sentences for white students who attended state-supported schools with Negroes.

The gubernatorial primary, which was won by Attorney General James P. Coleman, was high lighted by agreement among the five candidates to preserve racial segregation in the public schools. Coleman had pledged: "There will be no necessity to abolish the public schools, nor will there be any mixing of the races in those schools." Petitions for desegregation had been filed by Negro parents in five Mississippi cities.

MISSOURI

The Missouri House voted on February 24, 1955, seventy-four to eight, to repeal the state statutes providing for separate schools for Negro and white

children. With seventy-nine votes needed to effect repeal, ten representatives disappeared from the floor just prior to the vote. Twenty-five others were present but refrained from voting.

School authorities estimated that 80 per cent of all Negro boys and girls in the state lived in districts which had integrated schools. The official state attitude was "toward compliance."

NEW MEXICO

During the 1955 legislative session, the New Mexico Legislature passed, and Governor John F. Simms signed into law, a measure repealing the law authorizing school authorities to segregate white and Negro pupils in the public schools of the state.

NORTH CAROLINA

On March 29, 1955, a law was enacted giving the North Carolina city and county school boards "full and complete authority" to assign and enroll pupils in the public schools. In order to relieve the state board of possible litigation on the segregation issue, the law transferred such authority from the State Board of Education to the local school boards. A resolution was passed unanimously by the House of Representatives on April 5, 1955, and by the Senate on April 8, 1955, stating that "the mixing of the races in the public schools cannot be accomplished."

In August 1955 Gov. Luther H. Hodges appealed to both races for "voluntary" segregation in a state-wide radio and television speech. The speech came under attack from Negro leaders. At least fourteen petitions were filed by Negro parents in North Carolina communities and more were expected by the opening of schools in September 1955.

OKLAHOMA

By a three to one majority, the electorate of Oklahoma approved a constitutional amendment on April 5, 1955, providing that a single levy should be voted for all public schools instead of separate levies for white and Negro schools. The measure cleared the way for compliance with the desegregation decision of the Supreme Court.

Full desegregation was ordered in the Oklahoma City school system—the state's largest. Desegregation to at least some degree would be in effect in September 1955 in at least 88 school districts out of the state's 1,802. Officially Oklahoma was moving "toward compliance."

SOUTH CAROLINA

A bill to repeal the South Carolina state statute, which makes school attendance compulsory, passed the General Assembly during the 1955 legislative session and was signed by Gov. George Timmerman, Jr. Other bills that passed the state legislature vested local school boards with increased

authority over pupil placement and other school administrative matters, and provided for automatic stoppage of public funds to any public school which was required by court order to accept pupils assigned through other than school channels.

Ten petitions for the admission of Negro children to "white" schools had been filed, but economic pressure was being applied to Negroes who signed them. The state's official committee studying the segregation problem retained a legal staff of six prominent attorneys to counsel school authorities and defend them in court actions.

TENNESSEE

On March 14, 1955, Governor Frank Clement of Tennessee vetoed two bills which would have empowered local school boards in two western counties to assign pupils to any school the board might designate. In his veto message, the Governor said that these measures were "an attempt to circumvent the efficacy" of the United States Supreme Court's decision banning racial segregation in public schools.

State Education Commissioner Quill Cope, however, said to the reporter for the *Southern School News* that he did not know of any Tennessee school system that was planning desegregation for the fall opening of school. NAACP leaders advised that Negro children would be presented for enrollment in designated white schools in Knoxville and Nashville in September 1955. Knoxville's city school superintendent was instructed to "develop a specific plan of action leading to gradual integration of the public schools."

TEXAS

More than sixty Texas school districts (in the western and southern portions of the state) will begin the 1955-56 school year with some degree of desegregation. San Antonio reversed its plans and decided to wait a year longer. Official state attitude still is for local boards to go slow on desegregation, but state authorities have not attempted to interfere in districts where integration has been ordered.

VIRGINIA

The Virginia State Bar Association condemned, by a vote of seventy-five to fifty-four, "the present apparent tendency of the U. S. Supreme Court . . . to invade by judicial decision the constitutionally reserved powers of the states of the Union."

WEST VIRGINIA

Court actions, one of them aimed at bringing about desegregation in Mercer County, loomed for the opening of the 1955-56 school year. Kanawha, the most populous county, announced a two-year program involving desegrega-

tion of first, second and seventh grades this year. Desegregation has been started in 44 out of 55 counties. The official attitude was "toward compliance."

WYOMING

The 1876 Wyoming statute providing for racially segregated schools in districts with more than fifteen Negro children was repealed in March 1955.

SUMMARY

School doors would open in September 1955 on a South in transition from customary racial segregation to court-ordered desegregation over a wide area. In all, some 500 local public school districts had desegregated their schools since May 17, 1954. The nation's press, while reporting the more sensational activities and fulminations of the obstructionists, largely ignored the inspiring story of progress and compliance.

NORTHERN STATES

NEW YORK

In December 1954, the Board of Education of the City of New York announced the establishment of a commission to investigate charges of gerrymandering and school segregation. The mandate to the commission included a directive to study and report on the obligation of educational authorities to bring about affirmative racial integration in the schools.

NEW JERSEY

On May 19, 1955, the Commissioner of Education of the State of New Jersey handed down his decision on the complaint against the Board of Education of the City of Englewood. The board was charged by a group of parents of Negro children with establishing school districts and assigning children to schools in such a way as to exclude Negroes from particular schools and to confine them to racially segregated schools.

The commissioner held hearings and heard testimony and arguments. The Board of Education denied any intent, in establishing the school boundary lines, to bring about racial segregation in the public schools and claimed that its changes in boundary lines were motivated only by a desire to prevent overcrowding in any of the city's schools.

Commissioner Frederick M. Raubinger found that the transfers made by the Englewood Board of Education allegedly to relieve overcrowding did not meet the additional standard that those transferred be required to travel the least additional distance.

The commissioner, therefore, directed the Englewood Board of Education to redraw the boundary lines between the two schools involved in the complaint, taking into consideration the distance to be traveled by children

transferred. The board was directed to notify the Commissioner on or before July 1, 1955, of the new boundary line.

The commissioner next turned to the question of the Englewood junior high schools. Testimony had disclosed that over a period of years the Englewood Board of Education had permitted the development of a junior high school in the Negro neighborhood with an enrollment of fewer than 200 students, practically all of them Negroes. At the same time, junior high school students from the other four attendance areas in the city attended the junior high school, whose enrollment was predominantly white. The Commissioner stated that in his opinion, maintenance of a small separate junior high school in the Negro district could not be justified on any sound principle of school organization or administration. He, therefore, directed the Board of Education to eliminate the small segregated junior high school in the Negro neighborhood and granted the board a reasonable time—to September 1, 1956—to complete plans to absorb the Negro students into the large "white" junior high school.

Higher Education

Negro students during 1954-55 attended somewhat more than twenty-five State-supported, formerly "white" institutions of higher learning in Southern and border states. The number of Negro students formally enrolled in those institutions during the regular sessions was estimated at about 2,000, with several additional thousands enrolled in the summer schools.⁶

Storer College, Harpers Ferry, W. Va., one of the country's oldest colleges for Negroes, became a casualty of the Supreme Court's desegregation decision in June 1955 when the state decided it would be illegal for it to appropriate its annual subsidy of \$20,000 to the school, which had always limited its student body to Negroes. Withdrawal of the state subsidy caused the Board of Trustees to vote to suspend all operations for one year. It was expected that the closing would be permanent.

FRATERNITIES

On October 8, 1953, the Board of Trustees of the State University of New York adopted a resolution banning from the various State University campuses all social organizations which had a "direct or indirect affiliation or connection with any national or other organizations outside the particular" campus. The resolution, aimed directly at national fraternities and sororities, also provided that no social organization permitted on any one of the campuses of the State University of New York might in policy or practice "operate under any rule which bars students on account of race, color, religion, national origin or other artificial criteria."

A group of national fraternities and sororities commenced an action in the United States District Court for the Northern District of New York against the Board of Trustees to restrain the enforcement of the board's resolution. The plaintiffs claimed that the board's resolution encroached on

⁶ Lesane, Henry, *The Christian Science Monitor*, July 2, 1955.

their freedom of assembly; denied them equal protection of the laws; and adversely affected existing contracts. At the hearing, the plaintiffs introduced evidence to show the beneficial aspects of national fraternity and sorority affiliations and the absence of discriminatory clauses in their constitutions.

The court dismissed the plaintiffs' action. Circuit Judge Augustus N. Hand, writing for a unanimous court, said:

We find little merit in the numerous contentions made by the plaintiffs as it is clear that the constitutionality of the action taken here cannot be questioned. A state may adopt such measures, including the outlawing of certain social organizations, as it deems necessary to its duty of supervision and control of its educational institutions . . . Moreover, the incidental effect of any action or policy adopted upon individuals and organizations outside the university is not a basis for attack.⁷

The court held that an administrative body did not violate due process when, operating under a valid delegation of power from the legislature, it adopted a prospective resolution without giving notice and an opportunity for a hearing to those who might be affected by it. The court also held that the Board of Trustees acted within its supervisory powers when it decided that social organizations, other than those completely subject to local control by the university authorities, were detrimental to the educational objectives and environment at the branches of the State University.

MEDICAL AND DENTAL EDUCATION

On January 2, 1955, a special commission established by the 1954 Connecticut General Assembly to examine into the need for a state medical and dental school submitted its report. In view of the fact that a larger proportion of Connecticut residents as contrasted with residents of other states failed in securing admission to a medical school (a test suggested to the commission in the testimony of Alexander S. Keller, chairman of the Hartford chapter of the American Jewish Committee), the commission recommended the construction of a medical and dental school in Hartford as a unit of the University of Connecticut. This recommendation by the commission reversed a decision reached by a predecessor study commission in 1952, which found that additional medical school facilities were "not a matter of urgent necessity."

Federal Action

In his State of the Union message to the eighty-fourth Congress on January 6, 1955, President Dwight D. Eisenhower called attention to the "unprecedented classroom shortages" and declared that "affirmative action must be taken now." He said:

Without impairing in any way the responsibilities of our States, localities, communities, or families, the Federal government can and should serve as an effective catalyst in dealing with this problem.

⁷ *Webb v. State University of New York*, 125 F. Supp. 910, 912 (1954); *Cert. denied* 75 S. Ct. 113 (1954).

Bills by which the Federal government would provide funds for public school construction were introduced into both Houses of the Congress and hearings were held by the House Education and Labor Committee and the Labor and Public Welfare Committee of the Senate.

At the urging of the NAACP, amendments were proposed to condition the granting of Federal funds upon a certification that the state (or local school district) was complying with the Supreme Court's desegregation decision. This proposal, sponsored in the House by Adam Clayton Powell, Jr., (Dem., N. Y.), and in the Senate by Herbert H. Lehman (Dem., N. Y.), kept the proposed program for Federal aid for public school construction bottled up in the two committees until the very end of the first session of the eighty-fourth Congress. On July 22, 1955, the House Education and Labor Committee, by a twenty-one to nine vote, reported a school construction bill favorably. The NAACP-sponsored amendment had been defeated in committee with some liberal congressmen voting against the anti-segregation proposal while some conservatives voted for it. This reflected the division among civil rights groups as to the wisdom of introducing anti-segregation amendments to social welfare legislation. Congress adjourned, however, before the school construction bill could reach the floor for debate.

HOUSING

Federal Action

The expectation that the Federal government would announce and implement a program of combating racial segregation in housing built with Federal aid or Federal mortgage guarantees was doomed to disappointment (*see AMERICAN JEWISH YEAR BOOK*, 1955 [Vol. 56], p. 203). On the contrary: officials of the Housing and Home Finance Agency (HHFA) issued several statements during 1954-55 which were interpreted as signs that "housing for minorities" would replace "open occupancy housing" in the long-range planning of the agency.

On February 7, 1955, enforcement provisions were removed from the requirement that local housing authorities had to establish that projected public housing developments would make "equitable provision for eligible families of all races" and that tenant selection would be predicated on urgency of need. On March 8, 1955, the Public Housing Administration's *Manual* eliminated a provision protecting members of minority racial groups from any decrease through demolition operations in the total supply of housing available to them in the community. A requirement that "substantially the same quality, service, facilities and conveniences with respect to all standards and criteria" would be provided for all races was deleted from the *Manual* on April 11, 1955.

Finally, two events took place in July 1955 that clarified the trend at the national level. On July 14, Albert M. Cole, Federal Housing Administrator, appeared before a subcommittee of the House Judiciary Committee. Cole recommended in his testimony that the Federal government should not "move too precipitously" in reducing and eliminating racial segrega-

tion from the Federal housing program. Then, on July 22 Frank S. Horne, the leading government expert on racial problems in housing and a veteran of nineteen years of service in this field with the various national housing agencies, was advised that his services, and those of his assistant, were being terminated, officially for budgetary reasons. The National Committee Against Discrimination in Housing and many of its affiliated organizations interpreted these moves as intended to reduce the Racial Relations Service of the FHA to the status of "official apologist for official acceptance of segregation" in Federally aided housing.

State Action

CONNECTICUT

On May 31, 1955, the Connecticut House, and on June 6 the Senate, passed a bill authorizing the State Commission on Civil Rights to issue complaints of discrimination in public and publicly assisted housing without waiting for an aggrieved person's complaint. The bill was signed by Governor Abraham Ribicoff on July 9, 1955.

NEW JERSEY

In New Jersey two bills, designed to eliminate discrimination in the granting of mortgage loans, were signed into law by Gov. Robert D. Meyner in July 1955. The measures, sponsored by Assemblyman Edward T. Bowser, Sr., Essex County Republican, prohibited discrimination based on race, color, religion, national origin or ancestry, and covered interest rates and terms and duration of loans. Another bill, prohibiting discrimination in housing which received mortgage insurance from the government, passed the New Jersey House but failed to receive Senate approval.

NEW YORK

Both houses of the New York State legislature passed, and on April 15, 1955, Gov. Averell Harriman signed, two acts introduced under bipartisan sponsorship by Assemblyman Bertram L. Baker and Sen. George R. Metcalf. One act extended the jurisdiction of the State Commission Against Discrimination to the handling of complaints of discrimination in publicly assisted housing. Until 1955 the commission's jurisdiction had been limited to cases involving discrimination in employment and public accommodations. The other act extended the law barring discrimination in publicly assisted housing to multiple dwellings and developments of ten or more homes receiving any kind of government mortgage insurance or loan guarantee. In signing this bill, Governor Harriman stated that New York was the first state to outlaw discrimination not only in publicly financed housing, but also in housing indirectly assisted by Federally insured mortgages.

A third bill introduced by Assemblyman Baker and Senator Metcalf, to create a temporary commission to investigate discrimination in housing, died when the legislature adjourned.

WASHINGTON

Senate Bill 408, introduced by Sen. Patrick I. Sutherland (Dem.) and Thomas C. Hall (Rep.), to extend the jurisdiction of the State Board Against Discrimination in Employment to cover discrimination in publicly assisted housing, was permitted to die in committee.

MUNICIPAL ACTION

CHICAGO

Incidents and tension continued in the Trumbull Park area of Chicago (see AMERICAN JEWISH YEAR BOOK, 1955 [Vol. 56], p. 207) to the end of the reporting period. By July 1955 there were twenty-nine Negro families living in the project. During the early spring months of 1955 the number and seriousness of incidents of racial conflict were considerably reduced. Few arrests were made. The incidents that continued to occur were related to movement of Negroes in the surrounding community, attendance at church and Parent-Teachers Association (PTA) meetings, and sporadic harrassment of Negro tenants by stoning and threats. The last "major incident" occurred on July 10, 1954, when fifteen people were arrested following a demonstration at a Saturday baseball game in the recreation area of the project.

MINNEAPOLIS

On December 2, 1954, the Minneapolis Housing and Redevelopment Authority unanimously approved a non-discrimination clause to be inserted in all deeds, leases, and conveyances to be executed by a large redevelopment project in the city.

SAN FRANCISCO

On December 12, 1954, a survey team led by Prof. Davis McEntire of the School of Social Welfare of the University of California announced the results of a study of racial attitudes in neighborhoods recently opened to non-whites. The study covered thirty-five neighborhoods in San Francisco, Oakland, and Berkeley, Cal. It was undertaken to determine what had been happening in the postwar period in neighborhoods in and near San Francisco, into which nonwhites had been moving without generating widely publicized incidents.

Of the 549 white persons interviewed in the course of the study, more than three-fourths made no mention of the presence of minority group members in their neighborhoods until the interviewer raised the question in the second part of the interview.

In general, the study found that the large majority of white residents in the thirty-five neighborhoods had witnessed the coming of non-white neighbors with equanimity.

A second significant housing development in the San Francisco Bay area

was the announcement on January 25, 1955, by the United Automobile Workers (UAW-CIO), of plans to build an open occupancy project two miles from the new Ford Motor Company plant at Milpitas. Two hundred sixty-eight homes were planned as the initial phase of the project, with additional units to follow. Local financing was not available for non-segregated homes so the builder and the UAW-CIO found two New York financial institutions that were willing to advance the necessary money to move the project ahead on an open occupancy basis.

AKRON, OHIO

On April 25, 1955, the Ohio Board of Tax Appeals rejected a claim that the arrival of Negro home owners in an Akron neighborhood depreciated property values. The part of the decision dealing with this question reads as follows:

[the fact that] persons of the Negro race have moved into the neighborhood . . . cannot, in and of itself, be grounds for a reduction in value. To rule that it does would be to require county auditors to engage in an almost continual and never-ending task of devaluing properties, for the situation is constantly recurring in our larger cities. Valuation of property is based upon many factors, such as demand for the type of property involved, its location, its condition, to mention but a few, and including, perhaps, the economic status of the persons residing in the neighborhood. But in no case is it based upon the race, creed or color of the neighbors. It may well be true that certain individuals, influenced by prejudice, became panic-stricken at the thought of persons of a different race moving into their neighborhood and are willing to dispose of their property, at a price below what they would otherwise have demanded. This will naturally result in a certain amount of changes in the district. But, should the new owners, regardless of their color, take the proper interest and pride in their property, this Board knows of no reason why such changes should result in a permanent devaluation in the whole neighborhood.

EMPLOYMENT

National Action

Although the traditional fair employment practices (FEP) bills were introduced in both houses of the eighty-fourth Congress, an informal coalition of Southern Democrats and conservative Republicans continued to be the principal roadblock to any civil rights legislation. The only hearing in either chamber on civil rights bills was scheduled by a subcommittee of the House Judiciary Committee for July 1955, a few weeks before adjournment of the first session.

The extent of administration lack of interest in such legislation could be gauged by the fact that only a spokesman for the HHFA appeared and testified at a hearing on July 14, 1955 (although other government agencies were invited).

The chairman of the House Judiciary Committee, Emanuel Celler (Dem.,

N. Y.), denounced the administration on July 14 for failing to appear and testify with respect to some fifty civil rights bills (including several omnibus bills which would set up a Federal FEPC) being considered by his committee.

The President's Committee on Government Contracts, whose chairman was Vice President Richard M. Nixon continued to make some progress through negotiations, discussions, and persuasion in improving employment opportunities for members of racial, religious, and ethnic minority groups. In the District of Columbia, the President's Committee was credited with primary responsibility for affecting changes in the employment policies of the Chesapeake & Potomac Telephone Co. in February 1954 and the Capital Transit Co. on January 13, 1955. At both places, the transition was made smoothly. The use of Negro street car and bus operators was particularly noteworthy because of past difficulties and fears. Credit was also given the committee for the action of the District of Columbia commissioners in ending segregation in the fire department and in district institutions.

On January 18, 1955, President Eisenhower abolished the Fair Employment Board set up by Executive Order 9980 in 1948 to supervise the policy of non-discrimination in hiring, upgrading, and seniority in Federal employment, and substituted for it a five-member President's Committee on Government Employment Policy. Maxwell Abell, a Chicago hotel man, was designated chairman and the White House release announcing the new committee emphasized that the group would report directly to the President, thus giving it more importance than the former board, which had been located within the Civil Service Commission. In July 1955 the committee was still looking for an administrative head.

State Action

During 1954-55 forty-four state legislatures were in session. Three states, Michigan, Minnesota and Pennsylvania enacted fully enforceable FEP measures, while Colorado strengthened somewhat its statute by extending its coverage to private employers who were engaged in work financed by tax funds. In addition, Arizona passed a law making it a criminal offense to discriminate on the basis of race, color, religion, or national origin in public employment. On the other hand, campaigns for such measures failed once again in California, Delaware, Illinois, Iowa, Kansas, Missouri, Nebraska, New Hampshire, Ohio, West Virginia and Wisconsin.

ARIZONA

In Arizona, House Bill 68, prohibiting discrimination in public employment and providing criminal punishment for violation, was passed by the lower chamber by a vote of sixty-four to eleven with five members not voting, and unanimously by the Senate. It was signed on March 14, 1955, by Gov. Howard Pyle McFarland. The law did not affect private employment except upon government contracts, nor did it establish any commission to enforce or administer it.

CALIFORNIA

The California legislature passed a bill introduced by Assemblyman Rumford as A.B. 970. This bill declared that it was contrary to public policy to refuse or to fail to recommend persons for employment by governing boards of school districts because of the race, color, religious creed, or national origin of the applicant.

COLORADO

H.B. 284, which passed both branches of the legislature on April 2, 1955, with but one dissenting vote in each chamber, was signed into law by Gov. Edwin C. Johnson on April 15. The new law extended the enforcement provisions of the existing FEP statute (which previously was limited to "public employers") to private employers engaged in public work financed by tax money.

As a result of the amendment, the state added to all contracts it made with private contractors specific provisions requiring the contractors and their subcontractors to comply with the nondiscrimination provisions of the Colorado Fair Employment Practice Act made applicable to "public employers."

CONNECTICUT

S.B. 882, to broaden the existing FEP law by prohibiting discriminatory advertising of job opportunities, passed the Connecticut Senate on June 5, 1955, and the House on June 7. It was signed into law by Gov. Abraham Ribicoff on August 11, 1955.

INDIANA

A bill to strengthen Indiana's educational FEP law was introduced on January 20, 1955, by Sen. William Christy (Dem.), and Robert L. Brokenburr (Rep.). The bill provided a substantial sum for the operations of the FEP department of the State Labor Division and, as originally introduced, would have imposed fines from \$100 to \$500 or six months' imprisonment as penalties for discrimination in employment. However, the penalties were removed prior to passage on March 3, 1955, by the Senate.

IOWA

On April 28, 1955, the Iowa legislature adopted a resolution declaring it to be the state policy that discrimination shall not be practiced in public or private employment. The resolution also called for the appointment by the Governor of a state commission to study racial, religious, and ethnic discrimination in employment. On May 10, Gov. Leo A. Hoegh announced that he would appoint the state commission authorized by the resolution.

MASSACHUSETTS

On April 12, 1955, Massachusetts Gov. Christian A. Herter signed an amendment to the Commonwealth's FEP law under which bonding companies were prohibited from asking information as to the race, color, or creed of any applicant for a bond, whether or not such bond was required in connection with employment.

MICHIGAN

On April 13, 1955, the Michigan House, by a vote of eighty to twenty-seven, passed H.B. 24 introduced by Representative Louis C. Cramton and others. The bill would establish an FEPC with power to receive, investigate, and pass upon charges of unfair employment practices and to issue cease and desist orders enforceable through court action. Gov. G. Mennon Williams signed the measure into law on June 29, 1955. The sum of \$50,000 was appropriated to cover the budget of the commission for the first eight months.

MINNESOTA

Administration-sponsored FEP bills were introduced in both houses of the Minnesota state legislature on February 14 and 16, 1955. They would create a nine-member Fair Employment Practices Commission to "foster the employment of all individuals in accordance with their fullest capacities, regardless of their race, color, creed, religion or national origin." The commission would be empowered to receive and investigate complaints and to try to eliminate unfair employment practices by education, conciliation, and persuasion. Provision was also made for public hearings, the issuance of cease and desist orders and court enforcement. The bills were known as House File 778 and Senate File 722. The House passed its bill on April 13, 1955, by a vote of ninety-six to thirty. On April 15, 1955, the Senate concurred by a vote of forty-nine to ten, after amending the House-adopted bill in two minor respects. On April 20, 1955, Gov. Orville L. Freeman signed the bill into law—the first fully enforceable state FEP law adopted since 1949.

NEW MEXICO

The New Mexico FEP Commission asked for a \$13,000-a-year appropriation. The legislature cut this request down to \$2,000—the sum granted by the 1953 legislature and found by the FEP Commission to be utterly insufficient.

OREGON

On May 16, 1955, Gov. Paul Patterson of Oregon signed into law an act to abolish the seven-member Fair Employment Practice Advisory Committee, whose members were appointed by the Governor under the provisions

of the original FEP law passed in 1949. The new law authorized the commissioner of labor to create advisory agencies and intergroup relations councils to aid in carrying out the policies and purposes of the FEP law.

PENNSYLVANIA

In Pennsylvania the administration-supported FEP bill, H.B. 229, passed the House on February 21, 1955, and was reported unfavorably by the Senate Education Committee on June 14, 1955, by a nine to eight vote. On June 28, after considerable pressure from Gov. George M. Leader and the sponsoring State Committee for a Pennsylvania FEPC, the Senate Committee reversed itself and approved the bill by twelve to three, amending it in a number of respects. The Senate acted favorably on this version of the bill on July 25, and returned it to the House for action on the amendments. The House rejected the Senate amendments, and the bill went to a conference committee of the two chambers. A conference bill was finally approved by the House on October 14, 1955, and by the Senate on October 24. It was signed by Governor Leader on October 27.

WASHINGTON

In Washington, Senate Bill 19 passed both houses and was signed by Gov. Arthur B. Langlie. In its original form, the bill would have prohibited the inclusion of any question relative to an applicant's race or religion in *any* application form used by the state. In its adopted version, the bill limited this prohibition to application blanks or forms "for employment or license" required by the state. Hence, application forms used by state educational institutions, for example, were not affected by the new law. Also adopted by both houses and signed by Governor Langlie was House Bill 433, giving the FEP Commission the additional power to order a delinquent employer to hire and to reinstate an employee with back pay.

SIGNIFICANT DEVELOPMENTS IN FEP STATES

The *Christian Science Monitor* of February 11, 1955, reported that in two separate cases, an investigating commissioner of the Massachusetts Commission Against Discrimination had found that a large chemical company discriminated against two of its Negro employees in refusing to promote them to supervisory positions. The commissioner ruled that the company was not consistent in weighing the results of aptitude tests. He found that both complainants were as qualified to handle the supervisory positions which they sought as their white competitors with less seniority. It was noted that although the respondent company had employed Negro workers at least since World War I, no such employee had ever been promoted to a supervisory position.

The *Christian Science Monitor* reported that the commissioner had recommended that the complainants be promoted at the next opportunity.

NEW MEXICO

The New Mexico State Fair Employment Practices Commission held a formal public hearing on October 18, 1954, in Silver City, N. M., on the complaint that the Chino Division of the Kennecott Copper Corporation was violating the FEP law by segregating its employees of Spanish-American or Mexican-American descent from its other employees. From testimony introduced at the hearing, a panel of three commissioners found that the Chino Division had refused to allow its employees of Spanish-American or Mexican-American descent to occupy company houses in an area known as the "South side of the Hurley housing project" while simultaneously refusing to allow its other employees to occupy company houses in the "North side" of the same project. The panel also found that the company had assigned payroll numbers to its employees so as to segregate them at different windows for the receipt of their wages. Finally, the panel found that the company maintained segregation in the use of plant washrooms and toilet facilities. The commission ordered the Kennecott Copper Corporation to "cease and desist from segregating and separating any employees . . . based upon their ancestry" and report to the commission within thirty days in writing, setting forth in detail the manner in which it had complied with the order.

On December 3 the Kennecott Copper Corporation notified the commission that the company was in full compliance "not only with the letter of the Order but with its intent." The company officials had met with committees of all the unions representing employees for collective bargaining purposes and advised them of its intention to comply with the FEP order. It had issued a press release to the same effect. All employees were informed by letter and all of the objectionable practices were discontinued.

NEW YORK

On April 28, 1955, the New York State Commission Against Discrimination (SCAD) formally entered a cease and desist order against a group of locals of the Teamsters International (American Federation of Labor-AF of L) and a group of breweries by which the respondents were ordered to end their past discriminatory practices in the employment and in the referrals of applicants for employment in the brewery industry in New York. The successful termination of the proceeding followed the filing of complaints by a large number of Negro employees and applicants, a series of investigations and hearings conducted by SCAD, and stipulations by the attorneys for the various parties concerned consenting to the entry of the final cease and desist order. This case involved the first public hearing scheduled against a labor union in the ten-year history of SCAD. It was hoped by SCAD and the Urban League, which had referred most of the complainants to SCAD, that these agreements and orders would pave the way "for a new democratic era in the brewing industry."

On January 24, 1955, the Children's Court of the City of New York was charged by the American Jewish Congress, in a complaint filed with SCAD,

with using religious quotas to appoint and refuse to appoint probation officers from civil service eligible lists. John Warren Hill, presiding justice of the Domestic Relations Court of the City of New York, named as one of the respondents in the complaint, relied on sections 25, 32, and 88 of the Domestic Relations Court Act as authorizing and requiring the use of quotas in appointing and assigning probation officers on the basis of their religious affiliations. These sections provided that "When practicable, a child placed on probation shall be placed with a probation officer of the same religious faith as that of the child."

On January 31, 1955, Judge Hill wrote to the State Probation Commission for a "proper" interpretation of the statutes on which he had relied to appoint and assign probation officers to the Children's Court. On April 22, the Probation Commission responded as follows:

1. It is the unanimous opinion of the Probation Commission that it is not within the province of the Commission to advise with reference to a proper interpretation of the law. The Commission, as such, is concerned in this matter only with regard to the relation of the indicated practice to good probation standards and it believes that its opinion in that regard may be helpful to you.

2. It is the unanimous opinion of the Probation Commission that, in the interests of obtaining the best possible probation practice, the appointment of probation officers to the Children's Court should be made strictly in accordance with Civil Service Law and without regard to the religious faith of the eligibles. Such is the practice that has obtained in every other court in the State of New York.

3. Pending further consideration, the Commission is not ready to express an opinion as to whether good probation practice requires that, so far as may be practicable, the assignment of probation officers shall be determined by the religious faiths of the child probationers.

On July 1, 1955, the New York law against discrimination, the first state FEP law in the country, was ten years old. A tenth anniversary luncheon and conference were held in New York City. During its first decade, the State Commission had handled approximately 3,000 complaints charging discrimination in employment. Public hearings were held in less than one-half of one per cent of these cases. The 1954 *Report of Progress* summed up the commission's contribution to equality of opportunity in employment in the Empire State as follows:

Through conciliation agreements, public hearings, and court litigation, the Commission has been able to effect historic changes in employment policies and practices. In many such cases, although one individual complaint has been involved, employment opportunities have been opened for many thousands of our fellow citizens who have formerly been barred from employment and from places of public accommodation on account of racial or religious prejudice.

Although the conciliation processes are in themselves important educational projects, the Commission has not stopped there, but has conducted an ever-broadening information program designed to create an atmosphere

in which the purpose of the law will find ready acceptance. In this effort it has employed every manner of reaching the public, including TV, radio, motion pictures, newspapers, pamphlets and car cards. Working through the schools of the state, its program aimed at younger people has emphasized the opportunities now available under the law, regardless of past employment practices, and it has urged students to seek the training that will qualify them for the careers they desire.

Growing public support of the law has been an essential factor in its success. Working through its community councils and through the private agencies in the human relations field, the Commission has sought and, to a marked degree, has received that all-important support.

WASHINGTON

During 1954, two dining car waiters complained before the Washington State Board Against Discrimination that the Northern Pacific Railway had refused to hire competent and qualified Negroes as dining car stewards. Although the board found after investigation that the facts did not substantiate the charges, it did find other violations by the railway company, and it successfully negotiated a settlement agreement, which was announced to the press on November 1, 1954.

The Northern Pacific Railway pledged that it would: 1. Comply fully with the Washington State FEP law; 2. Not refuse to hire or promote any person because of such person's race, color or creed; 3. Issue instructions to all persons responsible for hiring employees that would explain the requirements and obligations of the law and advise each person of his responsibilities for complying with it; and 4. Display the poster issued by the State Board Against Discrimination in Employment in an easily accessible and well-lighted place where it could be seen and read by employees and applicants for employment.

In a second case, the Washington State Board Against Discrimination publicly praised the Peoples National Bank of Washington on June 10, 1955, for appointing the first Negro to a "trainee job." The appointment was described as the "highest ever given to a Negro by a Pacific Northwest bank" and "a major step forward in achievement of economic equality in the employment policies of the banking industry."

SIGNIFICANT DEVELOPMENTS IN NON-FEP STATES CALIFORNIA

On September 16, 1954, Attorney General Edmund G. Brown of California, in response to a question from State Assemblyman William Byron Rumford, ruled that Los Angeles officials could not, under the state and Federal constitutions, maintain racially segregated fire houses, or so exercise their discretion in assigning, promoting, or transferring public employees as to result in a policy of segregation based upon race or color.

The Attorney General concluded that even though the administrative officer of a city's fire department used his discretionary authority in good

faith to make assignments and transfers of employees on a racially segregated basis because, in his opinion, this would result in the most efficient operation of the city's fire-fighting units, such action, except in emergencies, could not be sustained as a reasonable exercise of the city's police powers if it resulted in a denial to Negro firemen, because of their race, of equality of opportunity within the department. Finally, the Attorney General pointed out that racial segregation in municipal jobs could not be justified on the ground that integration might cause resentment or tension on the part of some prejudiced employees.

Another significant development with respect to discrimination in employment occurred on June 24, 1955, when the Los Angeles Civil Service Commission adopted an order requiring all applicants for city jobs, as well as municipal employees taking promotional examinations, to swear that they would "willingly work with or for any associates regardless of race, color, or creed." The newspaper stories reporting on this action stated that it was believed to be an outgrowth of the "racial integration problem which has plagued the Fire Department for months."

ILLINOIS

The Bureau on Jewish Employment Problems in October 1954 released a summary of a unique study of the hiring practices of nearly 4,000 business firms in Chicago. The bureau analyzed the job orders placed by the firms with commercial employment agencies during 1953 and 1954. Almost 20,000 job orders, referrals, placement, and other agency records were examined with the following results:

1. Between 20 per cent and 30 per cent of all job orders placed with the employment agencies contained employer-imposed specifications which barred Jews from consideration.
2. 27 per cent of all the firms whose job orders were examined were found to have placed discriminatory specifications directed against Jews;
3. While Jews represented 16 per cent of the registrants at the employment agencies, they were less than 11 per cent of the referrals and only 6 per cent of all the placements made by the agencies. The placement records of one agency revealed that 41 per cent of the non-Jewish applicants found jobs through its referrals, while only 19 per cent of the Jewish applicants were placed;
4. The bureau was able to identify 142 of the 995 firms which imposed limitations on hiring Jews as prime government contractors obligated by Executive Order to follow nondiscriminatory practices and policies as a condition of their government contracts. Many other firms among the 995 were subcontractors similarly obligated;
5. A sizable number of well-known Jewish-owned firms were among those whose job orders specified barriers against Jews.

A second study, released by the bureau in April 1955, based on the same type of records of a private employment agency, revealed that 40.1 per cent of all Protestant applicants were referred to job openings, 39.1 per cent of all Catholic applicants were referred, while 27.3 per cent of all Jewish applicants were so treated. With respect to placement, the differential in treatment was even more significant: 20 per cent of all Protestant applicants were

placed on jobs, 17.5 per cent of all Catholic applicants were placed, but only 9.4 per cent of all Jewish applicants succeeded in getting jobs through the agency.

OHIO

In a statement made by the Ohio Bureau of Unemployment Compensation before the Commerce and Labor Committee of the State Senate on April 13, 1955, the bureau released a summary of the results of a study of discriminatory job orders in the Columbus, Dayton, and Cincinnati areas. A discriminatory order was defined as one that specified that applicants only of a certain race, creed, color, or national origin were acceptable. The study revealed that racially discriminatory job orders were placed by 95 per cent of the 116 concerns whose job orders were reviewed in the Columbus, Dayton, and Cincinnati areas during the nine-and-one-half-month study period (January 1 to September 15, 1954). In Columbus, 57.3 per cent of the orders for regular full-time jobs were discriminatory; in Dayton, 78.9 per cent were restricted; and in Cincinnati, 71.4 per cent specified that members of certain racial or religious groups were unacceptable. Lastly, the study revealed the presence of discriminatory hiring practices to an appreciable degree at all occupational levels.

Municipal Ordinances

Seven municipalities passed enforceable ordinances during the reporting period to ban discrimination in employment. This brought to thirty-six the number of cities which had enacted local laws of this type. (There were two others with unenforceable ordinances.)

Ecorse and Hamtramck, Mich., passed FEP ordinances unanimously on November 19 and December 14, 1954, respectively. In addition to establishing commissions to receive, investigate, and adjust complaints of discrimination in employment, to hold public hearings and issue cease and desist orders, the Ecorse ordinance authorized a suspension of any privilege or license granted by the city to any business found to be in violation of the local measure.

On November 30, 1954, Johnstown, and on May 15, 1955, Braddock, both in Pennsylvania, became the ninth and tenth cities in that state to pass FEP ordinances. Minnesota added two cities to those with enforceable prohibitions against discrimination in employment when St. Paul, on January 6, 1955, and Duluth, on January 26, 1955, passed FEP ordinances. In the case of Duluth, an earlier ordinance without any provision for enforcement was replaced by a law modeled after the measures adopted in Minneapolis and St. Paul.

The seventh local ordinance was passed in Toledo, Ohio, in February 1955. In this case, administration of the new law was vested in an already existing Board of Community Relations, which had only advisory functions when it was originally established in 1946.

The significance of local FEP ordinances as such was probably beginning

to decrease with the passage of state FEP laws in Michigan, Minnesota, and Pennsylvania. One-half of the existing municipal ordinances were located in states with enforceable state-wide FEP statutes.

PUBLIC ACCOMMODATIONS

Legislative Action

During 1954-55 when forty-four state legislatures were in session, new laws prohibiting discrimination on the grounds of race, color, religion, or ethnic origin in places of public accommodation were passed in Florida, Illinois, Montana and New Mexico, while proposals to strengthen existing statutes or adopt new ones failed of passage, although introduced, in Arizona, Connecticut, Delaware, Kansas, Missouri, Nebraska, Nevada, New Hampshire, Washington, Wisconsin and Wyoming.

FLORIDA

On June 24, 1955, Gov. LeRoy Collins signed into law an act prohibiting hotels, motels, and other places of public resort from advertising that the patronage of any person was not welcome or not acceptable because of his religion. The law was patterned after one passed by Virginia in 1954 (*see AMERICAN JEWISH YEAR BOOK, 1955 [Vol. 56], p. 215*).

ILLINOIS

On February 8, 1955, Senator Marshall Korshak and three other Senators introduced S.B. 105 to amend the state Revenue Act to deny tax exemption benefits to any hospital which refused admission or the use of its facilities to any person on the grounds of race, color or creed. The bill passed both houses and was signed into law on July 12, 1955 by Gov. William G. Stratton.

MONTANA

In June 1955 Gov. J. Hugo Aronson signed into law an act prohibiting places of public accommodation or amusement from discriminating against any person or group of persons solely on the grounds of race, color, or religious creed. The bill as originally introduced provided for specific penalties for violation, but these enforcement provisions were stricken by a Senate committee prior to passage. A person aggrieved under the law would now be relegated to the remedies, such as a civil suit for damages or injunction, provided under the general statutes.

NEW MEXICO

H.B. 52, prohibiting racial or religious discrimination by the owners or operators of places of public accommodation, resort, or amusement passed the New Mexico House by a twenty-six to twenty-three vote after a provision for the sixty-day suspension of licenses of violators was deleted. The

Senate also acted favorably, by a vote of sixteen to twelve, after removing all remaining sanctions. The act was signed by Gov. John F. Simms, Jr., in June 1955. As under the Montana statute, an aggrieved person would have to seek his remedies, such as they were, under general laws.

Court Action

CALIFORNIA

On October 27, 1954, Municipal Court Judge Louis J. Hardie sitting in Berkeley, Cal., awarded a \$350 judgment to a complainant under the California anti-discrimination law. The complainant had sued the Herrick Memorial Hospital of Berkeley for \$1,500 damages, charging that it had engaged in racial discrimination against her. She claimed that after she gave birth to her child she was placed in a ward with white women, but was moved to a ward limited to colored occupants when she informed a nurse, who asked her if she was Portuguese, that she was a Negro. Judge Hardie, who heard the case without a jury, found that the hospital was a place of public accommodation under the California statute, and that it had discriminated against the complainant because of her race.

In a second case involving California's civil rights statute, the District Court of Appeal unanimously ruled on January 24, 1955, that a cemetery was not a "place of public accommodation." The case arose as a suit for damages against the Mountain View Cemetery of Oakland for its refusal to entomb the body of a Negro in a restricted mausoleum.

GEORGIA

On July 8, 1954, Federal District Court Judge William Boyd Sloan, sitting in the Northern District of Georgia, held that the "separate but equal" doctrine as applied to public recreation facilities had not been outlawed by the ruling of the United States Supreme Court in the school segregation cases (*see* AMERICAN JEWISH YEAR BOOK, 1955 [Vol. 56], p. 195 and f.). The judge pointed out that in those cases the "separate but equal" doctrine was rejected *only as applied to public education*.

In this case, which involved a refusal to admit Negroes to a municipally owned and operated golf course in Atlanta, the court said that the City of Atlanta was under no legal obligation to provide golf facilities for its citizens. But if it did offer such recreation, it might not deny its Negro citizens the benefits thereof. If golf facilities were offered, they must be available to *all* citizens, even though under local laws they might be tendered on a racially segregated basis.⁸

MARYLAND

On July 27, 1954, Federal District Judge Roszel C. Thomsen, sitting in Maryland, held that the United States Supreme Court decision in the school

⁸ *Holmes v. City of Atlanta*, 124 F. Supp. 290; reversed by U. S. Supreme Court, Nov. 7, 1955.

segregation cases (*see above*) was limited to segregation in public education and was not intended to destroy the "separate but equal" doctrine as it applied to public bathing beaches, bath houses and swimming pools.⁹

Judge Thomsen's decision was reversed on March 15, 1955, by the United States Court of Appeals for the Fourth Circuit. After pointing out that the district court had upheld segregation in public recreation facilities on the ground that it was intended to avoid any conflict which might arise from racial antipathies, the Appellate Court said

It is now obvious, however, that segregation cannot be justified as a means to preserve the public peace merely because the tangible facilities furnished to one race are equal to those furnished to the other.

It is obvious that racial segregation in recreational activities can no longer be sustained as a proper exercise of the police power of the state; for if that power cannot be invoked to sustain racial segregation in the schools, where attendance is compulsory and racial friction may be apprehended from the enforced commingling of the races, it cannot be sustained with respect to public beach and bath house facilities, the use of which is entirely optional.

This action by the United States Court of Appeals was affirmed by the United States Supreme Court on November 7, 1955.

NEW YORK

On October 27, 1954, a Mineola, N. Y., jury found that two brothers, operators of a barbershop in Mineola, had discriminated against a six-year-old Negro boy, when they refused to cut his hair on November 24, 1953. This finding was made in a law suit brought by the boy's father charging the barbers with violation of the New York state civil rights law. The jury awarded the Negro plaintiff \$100 in damages.

OHIO

On July 21, 1954 the Court of Common Pleas of Ohio granted an injunction restraining Coney Island Park, an amusement park near Cincinnati, Ohio, from denying a Negro plaintiff admission to the park because of her race or color or because of her membership in the NAACP and in the Cincinnati Council on Human Relations, or for any other reason not applicable alike to all citizens.¹⁰

On April 4, 1955, the Court of Appeals in the First Appellate District of Ohio—an intermediate appellate court—reversed the judgment of the lower court, and rejected the petition for an injunction.

The Court of Appeals left undisturbed the trial court's findings of fact: that the Coney Island Park was a place of public amusement within the meaning of the Ohio Civil Rights Act; that those in control of the place habitually excluded Negroes from the park; and that plaintiff on two oc-

⁹ *Lonesome v. Maxwell*, 123 F. Supp. 193.

¹⁰ *Fletcher v. Coney Island, Inc.*, 121 N.E. 2d 574.

casions had been refused admission to the park because of her race. Hence the Court of Appeals agreed with the trial court's conclusion that the defendant had violated the Ohio Civil Rights Act which prohibited discrimination in places of public accommodation and amusement. But the appellate court disagreed with the trial court over whether the trial court had the power to enjoin future violation of the Civil Rights Act.

The aftermath of the Ohio Court of Appeals' decision in the *Coney Island* case was significant. The unsuccessful plaintiff was planning an appeal to the Ohio Supreme Court when on April 30, 1955, Coney Island opened its pre-season activities and voluntarily admitted Negroes for the first time in its history.

By July 1955 the park had been open for several weekends during which Negroes had been admitted and served courteously. Access by Negroes to some facilities within the park still remained in question.

PENNSYLVANIA

On September 3, 1953, the Court of Common Pleas in Philadelphia had enjoined the owners and managers of the Boulevard Pool, a privately owned swimming pool catering to the general public, from excluding Negroes (*see AMERICAN JEWISH YEAR BOOK, 1955* [Vol. 56], p. 214).

The pool continued to refuse admission to Negro patrons during the summer of 1954. On August 17, 1954, the plaintiffs asked the Court of Common Pleas to enforce its injunction decree by punishing the defendants for contempt of court. On September 4, following a series of postponements, the defendants were held in contempt of court and ordered arrested and brought before the judge. On the next day, the Sunday before Labor Day, the pool admitted Negroes for the first time. The pool closed on September 8, 1954, for the year.

The court denied several requests and suggestions, from the City Solicitor and the attorneys for the plaintiffs, to suspend the imposition of punishment until two weeks after the pool opened for business in 1955, to see what the defendants' intentions were with respect to compliance with the court order in the future. Instead, the court fined the defendants \$100, for the disregard of the court's order up to September 5, 1954. This fine was paid.

The court also warned the defendants that if they violated the court's order in the future, they would subject themselves to imprisonment under the state's statute, which provided punishment for repeated contempts of court. On January 3, 1955, the Supreme Court of Pennsylvania affirmed the action of the Court of Common Pleas in issuing an injunction against future violations of the law by the Boulevard Pool.

Administrative Agencies

MICHIGAN

The Detroit Police Department and the Michigan State Liquor Control Commission took steps in November 1954 to strengthen enforcement of the Michigan Civil Rights Law, prohibiting discrimination on the basis of race,

color, or creed by the owners or operators of places of public accommodation. On November 11 Police Commissioner Edward S. Piggins issued instructions to all commanding officers in his department describing the procedures to be followed by the police in handling alleged violations of the Civil Rights Law. In addition to making a proper and thorough investigation, getting the names and addresses of complainants, violators and witnesses, peace officers were directed to advise alleged violators of the substance of the Civil Rights Law and their responsibilities under it. The officer was also directed to inform the complainant of his rights under the law, and the procedures for securing a warrant from the prosecuting attorney. Complete reports of all investigations were to be made to the precinct and a copy filed with the detectives.

On November 23 the Michigan Liquor Control Commission addressed a letter to all holders of liquor licenses calling their attention to the section of the Penal Code which provided that all persons were entitled "to full and equal accommodations, advantages, facilities and privileges of . . . places of public accommodation, amusement, and recreation." The effect of that letter was to warn liquor licensees that they were expected to comply with the state's equal accommodation statute or face the possible loss of their licenses.

NEW YORK

On December 28, 1954, the New York SCAD ruled that the Castle Hill Beach Club, Inc., which operated a swimming pool and recreation park in The Bronx, N. Y. C., was operating a place of public accommodation, notwithstanding the formation of a membership corporation as the title owner and the adoption of some of the outward manifestations of a so-called "private club." (See AMERICAN JEWISH YEAR BOOK, 1955 [Vol. 56], pp. 215-16.) On the basis of all the evidence produced at a series of public hearings, two of the three commissioners who sat as the hearing panel concluded that although the respondent was a membership corporation in form, in fact it was operating a place of public accommodation, resort, or amusement within the meaning of the law against discrimination. It was therefore prohibited from discriminating on the grounds of race, creed, color or national origin. A cease and desist order was thereupon entered against the respondent. The Castle Hill Beach Club, Inc., petitioned the state Supreme Court to annul the order, and SCAD filed a cross-petition seeking court enforcement of its "cease and desist" order.

Supreme Court Justice Martin M. Frank handed down a decision on June 24, 1955, in which he upheld SCAD and rejected the petition of the Castle Hill Beach Club. The court found that all of the findings of SCAD were supported by substantial evidence, and granted SCAD's cross-petition for an enforcement order.

PENNSYLVANIA

Complaints were filed against the Concord Roller Skating Rink and the Crystal Palace Roller Skating Rink, both located in Philadelphia, Pa., charg-

ing them with refusing admission to patrons because of race or color. Both rinks had been using the so-called "club membership" system as a condition of admission. The sole effect was to bar certain applicants for admission because of their race or color. After investigation, the Philadelphia Commission on Human Relations found probable cause to believe that unlawful discrimination had taken place, and the owners of the rinks agreed to make the facilities available to all without discrimination. During March 1954 a mixed group of white and Negro skaters sought admission to the rinks, and discovered that the discriminatory practices were still being followed. The commission thereupon ordered public hearings.

The hearing panels set up by the commission to consider the cases met with counsel for the two rinks and submitted a proposed agreement for signature by the presidents of the corporations operating the rinks involved. The agreement provided that the rinks would: 1. Operate in full compliance with the Pennsylvania law against discrimination in places of public accommodation; 2. Eliminate the use of membership cards or the club membership system as a condition of admission; 3. Post a notice that no person would be denied admittance to or the use of the facilities of the rink because of race, color, religion, or national origin. The agreements were signed by the appropriate officers of the respondents and the commission suspended further action on the complaints.

DISTRICT OF COLUMBIA

On December 13, 1954 the Board of Commissioners of the District of Columbia announced that it intended to enforce the anti-discrimination laws of the District not only with respect to restaurants—the subject-matter of the *Thompson* case¹¹—but also with respect to all places of public accommodation covered by these laws, including hotels, bar rooms, barber shops, bathing houses, and places where lectures, concerts or theatrical performances were given.

Voluntary Action

In addition to the legislative, judicial, and administrative developments with respect to places of public accommodation, there were several significant events which resulted from voluntary efforts to extend equality of treatment to all people.

In November 1954 the National Association of Attorneys General decided to cancel reservations at the Camelback Hotel in Phoenix, Ariz., which had been selected for their annual convention, and switch to Sulphur Springs, W. Va., because the Camelback Hotel's policy, of excluding Jews during the regular resort season, had been called to the attention of the association.

On February 7, 1955, the National Press Club's board of governors approved by a six to four vote the election of the club's first Negro. Louis B. Lautier, correspondent of the *Atlanta Daily World* and the National Negro

¹¹ *District of Columbia v. Thompson*, 346 U.S. 100 (1953); see AMERICAN JEWISH YEAR BOOK, 1954 (Vol. 55), p. 47.

Press Association, had been approved by the active membership in a referendum vote of 377 to 281 on February 4, and the action of the governors merely carried out the decision of the membership.

At a Lincoln Day dinner of the Florida State Republican Committee held at the Urmey Hotel in Miami on February 12, 1955, twenty-four Negro guests were ordered out of the hotel by its owner, E. N. Claughton. State committeeman Wesley E. Garrison led a walkout of some 150 white guests in protest, and the affair was generally reported in the nation's press. On February 14, 1955, Miami Mayor Abe Aronovitz apologized publicly.

CHURCH AND STATE

During 1954-55, as in the past, problems involving the relationship between church and state arose most frequently with respect to public education. This was probably associated with the current revival of emphasis on religion and disagreements among the major religious groups as to the role, if any, the public schools should play in "preconditioning" the child to moral and spiritual values.

Rulings by States Attorneys General and School Counsel

ARIZONA

Following an offer of the Lions Club of South Tucson, Ariz., to donate a record album of the Old and New Testaments to a state-supported school for the deaf and blind, the office of Atty. General Ross F. Jones ruled that under the Federal and state constitutions and under the Arizona statutes governing the public schools, schools maintained by the state could not constitutionally use such record albums. The opinion stated that in the eyes of the pupils and their parents, the public school "would be placing the stamp of approval on the religious works in question" if it made such works available to the children in the public schools where they were in attendance under compulsory attendance laws.

On March 9, 1955, in response to a request from the State Superintendent of Public Instruction, the Attorney General's office ruled that a public high school might not give credit toward graduation for Bible instruction, whether or not the Bible was regarded as "sectarian." The ruling was predicated upon that section of the Arizona constitution which prohibited the use or application of public property for religious instruction.

CALIFORNIA

On June 10, 1955, California Atty. General Edmund G. Brown published a series of rulings on church-state questions submitted to him by the State Board of Education and by attorneys for various local boards of education. He ruled that Bible reading in the public schools of the state was unconstitutional, notwithstanding the fact that no comment was made and pupils were free to be excused from attending the exercise. Citing the decision of

the New Jersey Supreme Court in *Tudor v. Board of Education of Rutherford*¹² (see AMERICAN JEWISH YEAR BOOK, 1955 [Vol. 56], p. 217), the attorney general ruled that the public school machinery could not be constitutionally used to assist in the distribution of Gideon Bibles to the children. Next, the series of rulings dealt with the recitation by public school teachers of daily prayers in the classroom and concluded that such exercises, like Bible reading, violated the state constitution. The rationale for the ruling was expressed as follows:

Parents are taxed for the support of such schools, and their refusal to send their children there (unless they substitute private schooling) is a crime. To call upon children to participate in prayers which are contrary to their parents' beliefs (or in the alternative to require them to profess their non-belief) is a material, not a mere incidental, encroachment upon the separation of church and state. Especially in the case of very young children, their right to absent themselves during such prayers would seem to be inadequate protection from the very real though subtle pressure which the endorsement of school and teacher would produce.

The attorney general ruled on two other church-state questions involving the use of public school property by religious organizations. He held that it was improper to lease a high school auditorium on a temporary basis to a religious organization for evening use. He said that the state education law did not authorize temporary leases of school property for any purpose. On the other hand, the attorney general concluded that arrangements could be made legally whereby students might hold voluntary religious meetings on school property, provided such meetings were held outside of regular school hours. He said that the physical aid which the state would be providing in such a case would be insubstantial, and would not involve interference with the educational uses to which the buildings were dedicated. Furthermore, the public school authorities were warned by the attorney general that they must in no way participate in the religious program or exert any pressure upon public school students to attend such meetings.

The legal counsel to the San Francisco public school system, in a memorandum of law dated September 20, 1954, advised the Board of Education that it had no authority to permit the local Council of Churches to conduct a religious preference census in the public high schools of the city. While he based his ruling on a section of the Education Code of California which prohibited the public schools from being used for the solicitation of memberships for outside organizations, he pointed out that if the statute had not disposed of the question, there would have been serious state and Federal constitutional problems.

ILLINOIS

In response to a request from the Illinois State Superintendent of Public Instruction, Atty. General Latham Castle issued an opinion on March 12, 1955, in which he dealt with four questions concerning religious readings and practices in the public schools.

¹² 14 N. J. 31 (1953); appeal denied 348 U.S. 816 (1954).

He cited the 1910 decision of the Supreme Court of Illinois in the *Ring* case¹³ as making illegal the teaching or recitation of prayer of a sectarian or denominational nature in the public schools. He ruled that the use of teaching materials which clearly preferred any particular denomination was illegal and improper. The opinion stated that religious instruction on public school premises, before or after school hours, was legal, provided attendance was voluntary. Castle interpreted the Supreme Court's decision in the *McCollum* case¹⁴ as forbidding religious instruction classes on public school premises during school hours. Finally, he ruled that the presence of objects or symbols of a sectarian nature in the schools, on school documents, or on official school awards was illegal and improper if their presence "by intent induces, invites or exhorts the pupils to embrace a particular religion or denomination." Castle pointed out, however, that this did not involve a ban on great works of art, many of which had religious inspiration.

The attorney general concluded by emphasizing that in applying his rulings, school administrators must use "the rule of reason." He stated "neither school administrators nor religious leaders wish the public schools turned into a battleground wherein competing sects struggle for domination." Castle emphasized that determination of the point at which instruction turned to proselytizing and imparting knowledge became evangelism was, in most cases, a subtle inquiry.

NEW MEXICO

On February 17, 1955, Atty. General Richard H. Robinson of New Mexico ruled that a public high school could not constitutionally permit the holding of nondenominational religious meetings in the school auditorium before the opening of the regular school day. He held that this was closer to the *McCollum*¹⁵ than to the *Zorach*¹⁶ case. In the same opinion, the attorney general ruled that religious invocations at the beginning of athletic contests or other school events, such as assemblies held on school property, were unobjectionable.

Soon after releasing the opinion, the attorney general, upon being informed of adverse public reactions to that section of his ruling that held the morning devotional meetings unconstitutional, issued a press release in which he stated that his opinion was a necessary consequence of the decisions of the New Mexico Supreme Court and the United States Supreme Court.

Court Rulings

The District Court of Appeal of California ruled on January 24, 1955, that a municipal zoning ordinance violated the state constitution in that it permitted public schools to be located in a particular residential area, but barred all other schools though teaching the same subjects to the same age

¹³ *People ex rel. Ring v. Board of Education*, 345 Ill. 334.

¹⁴ *McCollum v. Board of Education*, 333 U.S. 203 (1948).

¹⁵ *McCollum v. Board of Education*, 333 U.S. 203 (1948).

¹⁶ *Zorach v. Clauson*, 343 U.S. 306 (1952).

groups.¹⁷ The court found no reasonable basis to justify the different treatment accorded public and private schools by the zoning ordinance. On October 27, 1955, the Supreme Court of California affirmed the unconstitutionality of the zoning ordinance by a four to three decision.

Almost the identical case arose in a suburb of Milwaukee, Wis., where a zoning ordinance permitted the construction of a public school in a residential area, but prohibited the erection of a private high school proposed by a Lutheran group. The Supreme Court of Wisconsin sustained the zoning ordinance on June 8, 1954, on the theory that the difference in social utility justified the differential treatment accorded the two types of educational institutions. The court said:

Anyone in the district of fit age and educational qualifications may attend the public school. It is his right. He has no comparable right to attend a private school. The private school imposes on the community all the disadvantages of the public school but does not compensate the community in the same manner or to the same extent.¹⁸

The United States Supreme Court dismissed the proposed appeal on April 25, 1955, "for want of a substantial Federal question."¹⁹

The same result was reached by the Supreme Court in Monroe County, N. Y., on June 3, 1955, when it upheld a zoning ordinance that permitted the operation of public schools in a community, while banning private schools.²⁰

Franklin Circuit Judge William B. Ardery of Kentucky ruled on September 28, 1954, that there was "nothing in the Constitution" to prevent garbed Roman Catholic nuns from teaching in the public schools²¹ (see AMERICAN JEWISH YEAR BOOK, 1955 [Vol. 56], p. 219). The suit was sponsored by an organization calling itself the Kentucky Free Public Schools Committee, and the attorney for the plaintiff was Eugene Siler, Congressman-elect and a former Court of Appeals judge. In the eighty-fourth Congress Siler introduced H.J. Res. 312 on May 23, 1955, proposing a constitutional amendment to declare that "This Nation devoutly recognizes the authority and law of Jesus Christ, Saviour and Ruler of nations, through whom are bestowed the blessings of Almighty God." The Ardery decision was being appealed to the Kentucky Court of Appeals.

Other Developments in Education

FLORIDA

In the summer of 1955 the School Board of Miami, Fla., considered and tentatively rejected a proposal to give credit toward graduation to public school students for Bible instruction received outside the school under religious auspices.

¹⁷ *Roman Catholic Welfare Corp. v. City of Piedmont*, 130 Cal. App. 382, Adv. Sheets (1955).

¹⁸ *Sinar v. Wisconsin*, 267 Wis. 91 (1954).

¹⁹ 349 U.S. 913 (1955).

²⁰ *Diocese of Rochester v. Planning Board*, 141 N. Y. S. 487.

²¹ *Rawlings v. State Superintendent of Public Instruction*.

On September 27, 1954, the Supreme Judicial Court of Massachusetts affirmed the decision of the Probate Court below, which had refused to allow a Jewish couple named Goldman to adopt three-year-old twins solely because the mother of the children was Catholic. The mother had originally consented to the adoption and agreed that the twins be raised in the Jewish faith²³ (see AMERICAN JEWISH YEAR BOOK, 1955 [Vol. 56], p. 218).

On February 14, 1955, the United States Supreme Court refused to review that decision.²⁴

A second Massachusetts adoption case received widespread newspaper and radio publicity in the spring of 1955 when a Jewish couple in Boston named Ellis refused to surrender to the court a four-year-old child whom they had raised since infancy. The Ellises had originally obtained the child with the approval of her mother, who was Catholic. The foster parents evaded the court's orders to return the child by leaving the jurisdiction with the little girl. The eventual outcome of the case was not determined as of July 1955.

USE OF PUBLIC FUNDS TO SUPPORT SECTARIAN WELFARE INSTITUTIONS

An interesting case came before the Court of Common Pleas of Allegheny County, Pa. Five citizens and taxpayers of the county commenced an action against the county commissioners and the county treasurer to stop the payment of public funds to a group of sectarian institutions for the care of delinquent, neglected, or dependent children turned over to these institutions by the Juvenile Court of Allegheny County. The sectarian institutions intervened in the proceeding to protect their own interests. Chancellor Thomson enjoined the public officials from using public funds to defray the costs for the care of children at the ten sectarian institutions named in the complaint on the theory that the state and Federal Constitutions prohibited the use of public monies to help support religious institutions. The chancellor permitted the state officials an interval of time within which to find nonsectarian institutions or foster homes for the approximately 750 children then maintained by the county in the sectarian institutions.

On June 23, 1955, the Court of Common Pleas sitting *en banc* reversed the chancellor on a technical interpretation of the state constitutional provision. The court held that the payment of funds to the sectarian institutions was not an "appropriation" within the meaning of the constitutional prohibition against "appropriations" to sectarian institutions.²⁵

SABBATH LAWS

WASHINGTON, D.C.

Rep. Roy W. Wier (Dem., Minn.) introduced H.R. 5807 in Congress on April 21, 1955, to require commercial retail establishments in the District of Columbia to remain closed on Sundays under threat of fine and loss of licenses for repeated violations. The bill provided no exception for those who

²³ *Goldman v. Fogarty*, 121 N.E. 2d 843 (1954).

²⁴ 348 U.S. 942.

²⁵ *Schade v. Allegheny County Institution District*, 103 Pittsburgh Legal Journal 245 (June 23, 1955).

remained closed for religious reasons on Saturdays. As of the adjournment of the first session of the eighty-fourth Congress on August 2, 1955, the bill had not been acted upon by the committee to which it was assigned despite the fact that it was being strongly supported by a group of American Federation of Labor (AF of L) unions.

CLEVELAND HEIGHTS, OHIO

Litigation was being carried on in Columbus, Ohio, to void or clarify an Ohio statute which prohibited the conduct of certain types of businesses on Sundays. While the city administration contended that through the cooperation of merchants no further prosecutions were planned, supporters of the action were seeking a legal interpretation that the law was out of date or void. Business establishments in Cleveland Heights, about half of which were owned by Jewish merchants, were open six days a week, with many closed on Saturdays and open on Sundays. The enforcement authorities had taken the position that they would not serve warrants in order to force strict compliance with the statute, but they would administer it with the "cooperation" of the merchants.

NEW YORK

Attempts to amend the Sunday closing laws in New York State had been unsuccessful over a period of years. On January 26, 1955, the New York Board of Rabbis called upon the state legislature to enact, and the Governor to approve, a bill which would amend the Sabbath laws of the state so that observant members of any religion who cherished a day other than Sunday as their day of rest might be permitted to keep their establishments open on Sundays. The legislature adjourned, however, without acting on the bill.

IMMIGRATION

Refugee Relief Act

There was considerable criticism of the administration in 1954 and early in 1955 when it became apparent that the rate of admissions under the Refugee Relief Act would make it impossible to admit the authorized number of refugees before the act was due to expire on December 31, 1956. Public interest was spurred by the dismissal in April 1955 of Edward J. Corsi as special advisor to the Department of State on refugee problems, and his charge that the Refugee Relief Act was being administered unsympathetically by "the security gang" around Secretary of State John Foster Dulles.

Sen. William Langer (Rep., N. D.), chairman of the Subcommittee on Refugees and Escapees of the Senate Judiciary Committee, announced public hearings on Corsi's charges and on the administration of the Refugee Relief Act generally. Neither the April 15 to 23, 1955 hearings nor the public protests reversed the decision to terminate Corsi's position or removed the administration of the refugee program from the jurisdiction of Scott McLeod, chief of the State Department Bureau of Security and Consular Affairs.

On May 27, 1955, President Eisenhower sent a special message to the Congress suggesting ten amendments to the Refugee Relief Act. Among the proposals were: transfer of unused portions of quotas from some categories to others; elimination of the requirement of a complete two-year history of each visa applicant; recognition of the job and housing assurances given by voluntary agencies. These proposals were incorporated in S. 2113, a bill introduced on May 31 under the sponsorship of fifteen Republican senators, headed by Arthur V. Watkins (Utah) and Irving M. Ives (N. Y.). Senator Langer's subcommittee held hearings on June 8, 1955, on this and on other bills proposing amendments to the Refugee Relief Act. However, despite the President's recommendations and the public expression of dissatisfaction with the existing law, no proposed amendment of the Refugee Relief Act reached the floor of either house for debate and vote. With the adjournment of the first session of the eighty-fourth Congress on August 2, 1955 both Republicans and Democrats were charging their political opponents with responsibility for the inaction.

Joseph M. Swing, commisisoner of the United States Immigration Service, reported to Atty. General Herbert Brownell that approximately 14,000 aliens had been admitted during the first six months of 1955 under the Refugee Relief Act, making a total of 27,160 since its effective date, August 7, 1953.

Immigration and Nationality (McCarran-Walter) Act

In his State of the Union message to the eighty-fourth Congress on January 6, 1955, Pres. Dwight D. Eisenhower said that certain provisions of the McCarran-Walter Act "have the effect of compelling actions in respect to aliens which are inequitable in some instances and discriminatory in others. These provisions should be corrected in this session of the Congress."

However, comparatively little public concern was expressed during 1954-55 over the need to revise the basic United States immigration law. Although a large number of immigration bills was introduced—some omnibus bills patterned after the Humphrey-Lehman Bill of the eighty-third Congress (see AMERICAN JEWISH YEAR BOOK, 1954 [Vol. 55], p. 78 and f.), and some proposing amendments to specific sections of the McCarran-Walter Act—only a few private bills, a bill for the relief of sheepherders and certain other legislation of a very limited and specialized nature, were seriously considered by the Congress.

American Immigration Conference

The American Immigration Conference was organized on October 1, 1954, by representatives of some fifty-four voluntary organizations interested in the immigration policy and problems of the United States. Among these organizations were: National Catholic Welfare Conference, National Council of Churches of Christ in the U.S.A., CIO, Common Council for American Unity, American Jewish Committee, American Friends Service Committee. The purposes of the conference, as expressed in its constitution and by-laws, were to provide: a common medium for the exchange of information and

experience; effective cooperation among member agencies; joint action by those members who desired it; study of American immigration laws and their administration; an educational campaign on behalf of an immigration policy consistent with the objectives of the conference; representation in international conferences concerned with migration and population movements; and action in the best interest of the immigration field generally. "Active membership" was open to those agencies concerned with the subject of immigration as part of their permanent program. "Cooperating membership" was available to any agency or individual that agreed with the policies and purposes of the conference, but was ineligible for active membership.

THE AMERICAN JEWISH COMMITTEE
386 Fourth Avenue, New York 16, N. Y.

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