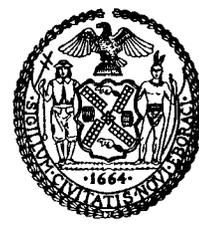


J. H. Allen  
copy

# **BIAS IN THE BUILDING INDUSTRY**

## ***An Interim Report to the Mayor***



### **THE CITY COMMISSION ON HUMAN RIGHTS**

**STANLEY H. LOWELL**  
*Chairman*

**ROBERT F. WAGNER**  
*Mayor*

**MADISON S. JONES**  
*Executive Director*

**The City of New York**  
**COMMISSION ON HUMAN RIGHTS**  
80 LAFAYETTE STREET, NEW YORK, N. Y. 10013

---

Telephone: 566-5325

# **BIAS IN THE BUILDING INDUSTRY**

## ***An Interim Report to the Mayor***



**THE CITY COMMISSION ON HUMAN RIGHTS**

**STANLEY H. LOWELL**  
*Chairman*

**ROBERT F. WAGNER**  
*Mayor*

**MADISON S. JONES**  
*Executive Director*



THE CITY OF NEW YORK  
COMMISSION ON HUMAN RIGHTS

80 Lafayette Street - New York, N. Y. 10013 - Tel. 566-2121

STANLEY H. LOWELL  
Chairman

MARSHON S. JONES  
Executive Director

ROBERT F. WAGNER  
Mayor

December 13, 1963

Hon. Robert F. Wagner  
Mayor  
City Hall  
New York 7, New York

Dear Mr. Mayor:

I transmit to you herewith the interim report of the City Commission on Human Rights into allegations of discrimination in portions of the construction trades. The findings and recommendations of the Commission are contained in the report.

Briefly, the Commission does find a "pattern of exclusion" in a number of labor unions in the construction trades. The Commission submits that these unions have a responsibility as public institutions to the entire community. In our judgment they must be compelled by appropriate action to join the majority of organized labor in whose ranks no such discriminatory pattern exists.

Very simply, Mr. Mayor, it is long since time for these unions in the construction trades to "come of age."

Sincerely yours,

Stanley H. Lowell  
Chairman

## TABLE OF CONTENTS

	<b>Page</b>
Preface .....	7
I. The Problem .....	9
II. Conclusions .....	10
A Pattern of Exclusion .....	10
B Employer Responsibility .....	10
C Union Responsibility .....	12
D Government Responsibility .....	16
III. Brennan Proposal .....	18
A Union Reaction to the Plan .....	19
B Weaknesses of the Brennan Proposal .....	20
C Implications for the Future .....	21
IV. Recommendations .....	21
A City Policy for Integration .....	21
B Freedom of Entry into Union Membership and Apprenticeship Programs .....	23
C Priority for Non-Whites over Out-of-Towners .....	24
D An Apprenticeship Training Program for the City .....	24
V. Cancellation of Contracts .....	25
VI. Appendix .....	25
A Summary of Testimony .....	25
B Summary Table: Racial Breakdown in Membership and Apprenticeship Programs .....	39
C The Commission vs. Sheet Metal Workers, Local #28 .....	41
D List of Witnesses .....	41

## PREFACE

Mayor Robert F. Wagner, July 18, 1963, issued a statement setting forth his views on alleged racial bias in employment in the building construction trades. He affirmed that:

The equalization of job opportunity is one of the main keys to the door of true equality of rights for all citizens . . . in New York City, it is the declared law as well as policy to outlaw discrimination in any work performed either by or for the City. But our policy goes further than our laws. Our policy is actively to promote equalization of opportunity and on-the-job integration, and, in order to do this, to encourage the recruitment of suitably qualified members of minority groups, in all lines of work, in every section of our economy, and at every level.

Stating that "the hard and regrettable fact is that unemployment and under-employment are much higher among members of minority groups than in the general population as a whole," the Mayor turned to the specific situation presented by the construction industry. He pointed out that the industry is particularly affected with the public interest inasmuch as it employs by far the largest number of workers of any dealing with the city, approximately 200,000, and that a very substantial share of the work is done pursuant to public contracts—federal, state or local, or with government subsidies, direct or indirect. Hence, the taxpayers' money—the taxes from all the people—is supporting and paying for this construction.

The Mayor cited the history of the three-man Action Panel which submitted a report to him on July 11, and the apparent rejection by the industry of the recommendations of the panel.

He restated his concern:

In simple terms, I want to see more qualified and competent minority group members on the job and in apprenticeship programs in those unions in which there are none or a minimal number. I want to see those unions and those employers who are involved in such a situation take all the necessary steps to change it, without undue delay, so that just demands may be met, in a reasonable way, so as to satisfy reasonable minds.

Observing that he was prepared to mobilize and use all the forces at his command to carry out the policy of the city administration, the Mayor said, "I am immediately authorizing and directing . . .

the City Commission on Human Rights to proceed as a matter of priority to receive and entertain all complaints of discrimination in hiring practices in the building trades."

Stanley H. Lowell, Chairman of the City Commission on Human Rights, opened the Hearing on August 14, 1963 with the following statement:

The City Commission is holding this public Hearing pursuant to authorization from the Mayor to inquire into allegations of discrimination in the building construction trades in the City of New York. This Commission is acting pursuant to Title B, Section B-1 and the subdivisions thereof of the Administrative Code. The Local Law establishes the policy of the City of New York and charges this Commission with the responsibility for eliminating discrimination and disorder occasioned thereby and giving effect to the guarantee of equal rights to all. The Commission has further responsibility for implementing Section 343-8.0 of the Administrative Code, which prohibits discrimination by contractors doing business with city agencies.

This Commission, sitting *en banc*, intends to seek all of the facts that may be presented by the representatives of the building trades unions, building trades employers and interested private civil rights agencies.

The Hearing was opened on the morning of August 14, 1963 at the Commission office, 80 Lafayette Street, New York City. Additional sessions were held on the afternoon of August 14, on August 15, September 9, October 20 and December 5. The Commission sat *en banc*; Stanley H. Lowell, Chairman, presided. Madison S. Jones, the Executive Director, sat with the Commission.

This is an interim report since the Commission, as a result of this hearing, is investigating specific city construction projects to determine whether racial discrimination is practiced.

This report was prepared by the staff under the supervision of the Chief of the Business and Employment Division, Theodore E. Brown, in consultation with the Commission's Business and Employment Committee. The Committee is chaired by Commissioner Murray Gross and includes Commissioners Vincent LaCapria, Theophilus Lewis, David H. Litter and Frederick W. Richmond.

The full Commission devoted several sessions to a study of the Hearing transcript and drafts of this report. It was presented to the full Commission by the Executive Director, on December 10, 1963 for approval for submission to the Mayor; it was approved at that time.

## THE PROBLEM

Testimony by Reverend Richard Hildebrand in behalf of the Joint Committee on Equal Employment Opportunities (JCEEO):

NAACP, local branches  
CORE, local chapters  
Urban League of Greater New York  
Workers Defense League  
Association of Catholic Trade Unionists  
Negro American Labor Council, Greater New York Chapter

The JCEEO alleged discrimination in the hiring of Negroes and Puerto Ricans in the City's construction industry. Attempts to negotiate a settlement of the problem had been terminated abruptly by the leadership of the building trades unions and was interpreted by JCEEO as evidence that the union leaders "do not have the slightest intention of voluntarily taking the necessary steps to fully integrate their unions." The Committee demanded that state and city anti-discrimination laws be fully enforced and that this hearing produce "more than a mere report," specifically, "action in the form of jobs."

### The Specific Charges:

1. That unions control employment by restricting union entry through sponsorship requirements, by hiring hall agreements with contractors and by a system of issuing work permits.
2. That unions with the tightest control of jobs discriminate the most.
3. That "no union jobs—and this includes all public construction and all major private construction—can be performed without members of these unions being involved."
4. That Negro and Puerto Rican vocational school graduates are unable to enter unions and apprenticeship programs of the crafts for which they have been trained.
5. That apprenticeship and on-the-job training is denied minority group members. In this connection he cited a New York State Commission Against Discrimination (SCAD), now State Commission for Human Rights, 1960 study, which said that "the nature of the internal union political structure and process" is a major factor responsible for this denial. He also referred to a 1948

SCAD order to the sheet-metal workers to desist "from executing and/or maintaining constitutional or by-law provisions which exclude Negroes" and pointed out that the 1960 SCAD analysis reported little, if any, progress in that area since 1948.

6. That conscious discrimination is practiced in the construction craft unions, the reference in this connection is a United States Civil Rights Commission report.
7. That the foregoing pattern of exclusion helps perpetuate disparity of income, adds to the burden of Negro and Puerto Rican unemployment, and discourages Negro and Puerto Rican youth from completing their high school education, especially those in vocational schools.
8. That unions have offered nothing of substance for solving the problem.
9. That state and city officials have failed to enforce existing anti-bias laws.

## II

### CONCLUSIONS

#### A. Pattern of Exclusion

The City Commission on Human Rights finds a pattern of exclusion in a substantial portion of the building and construction industry which effectively bars non-whites from participating in this area of the city's economic life.

The Commission finds the foregoing condition is the result of employer failure to accept responsibility for including minority group workers in the staffing of his projects, union barriers to Negro admittance and government failure to enforce regulations barring discrimination.

#### B. Employer Responsibility

The employer association witness at the Hearing, appearing in behalf of twenty-four constituent associations of building contractors in New York City, agreed that the employer has responsibility for implementing the non-discrimination provision contained in each

city contract. However, in his testimony there was an admission that his principals had turned over the right to hire to others, notably to the trade unions under collective bargaining agreements with builders. Much of his testimony addressed itself to union practices.

He observed that the proper way to obtain the skill required of craftsmen in the construction industry was through "a planned program of apprenticeship training"—and that few non-whites over the years had been able to acquire such training. He said that while it is true that in some unions there are few, if any non-whites, this situation does not necessarily mean that discrimination exists. He claimed that in some of these trades, Negroes do not apply, and in others, the father-son sponsorship set-up—with which he did not find fault—is the barrier.

The witness defended the father-son arrangement, explaining that anyone with a successful business and a son would want his son to derive some of the benefits he has helped to build up over a number of years. Contrary to this view, the Commission finds that the "father-son" concept and other monopoly techniques accorded union "insiders" is discriminatory.

Since the witness indicated satisfaction with past employer practices which were limited merely to posting notices setting forth the law against discrimination, the Commission further concludes that the employer association will take no effective steps to rectify the problem.

The Association representative and the other employer witnesses at the Hearing assured the Commission they would hire non-white craftsmen when possible. However, other employer testimony proceeded to point out that under current practices such hiring was hardly possible. While admitting there are few non-whites who have been able to acquire the training necessary to qualify for employment, the employers were unwilling to accept any responsibility for the resulting discrimination. Counsel to the Harlem Hospital Annex contractor, Joseph P. Blitz, Inc., explained that his firm obtains all personnel through the union hiring hall—except carpenters and laborers where 50% may be hired without going through the hiring hall. Applicants, whether members or not, it was explained, who register there have a right to be employed in the appropriate skill. Counsel stated that when his firm or a subcontractor was in a position to

obtain employees who were not restricted to all-white unions, these men were employed.

Employer witnesses who testified acknowledged there had been few, if any, non-white craftsmen referred to them by the union hiring halls over the years and indicated, with one exception, that they had not attempted to recruit any non-white workers prior to the recent public demonstration. Nevertheless all had agreed to comply with the non-discrimination provisions of the contracts.

A Bethlehem Steel Company spokesman testified that despite the public protests no attempts had been made to recruit non-white craftsmen. He insisted the company was bound by the agreement to accept only workers referred by the trade union.

The Commission condemns the willingness with which such employers have relied solely upon the trade unions for the recruitment of craftsmen as an abrogation of their contractual obligations rendering them equally responsible for the biased condition that has resulted.

The Commission notes that whenever the employer has control over hiring some non-whites are employed. But in those trades where contractors traditionally rely upon the locals for referrals, non-whites are effectively excluded from construction trades employment. The Commission deplors the state of affairs whereby non-white workers can secure skills in other cities—but only rarely in New York, one of the great metropolitan centers of the trade union movement.

### **C. Union Responsibility**

Union membership is a pre-requisite for employment in virtually all of the construction trades in New York City. The contractor-witnesses were in almost unanimous agreement on this point; they sought workers almost entirely through the trade unions.

But, this Hearing revealed, non-whites seeking union membership in a substantial number of construction trade unions, either as apprentices or journeymen, are faced with almost insurmountable barriers.

#### **1. Journeyman Barriers**

A non-white worker who has become sufficiently skilled to qualify

as a journeyman, notwithstanding denial of access to union apprenticeship training programs, still has barriers to overcome before obtaining employment in most of New York City's building and construction industry.

**Sponsorship.** Many construction unions require that an applicant be recommended for membership in the union by one or more current union members. The testimony showed that despite the requirement that operating engineers who seek to acquire journeyman status must qualify through an objective examination administered by the City, Local #15 requires that candidates for membership have their sponsors "personally present" them before the investigating and examining committee.

The historical development of these unions and the restrictive character of the sponsorship provision make it unlikely that Negro applicants will successfully obtain the necessary two sponsors.

**Hiring Hall.** Under the federal law employers are free to hire craftsmen other than through union referrals but testimony revealed that New York City contractors rarely exercise their right to hire workers directly. On the contrary, except in the hiring of carpenters and, reportedly, some of the trowel tradesmen, contractors agree to obtain all craftsmen in most other trades from union hiring halls or by referrals. Counsel for two building site contractors insisted that the contractor would be in violation of the collective bargaining agreement if he were to hire workers other than through the union hiring hall.

The agreement between the Cement League of the City of New York, an association of building contractors, and Local #15-D Operating Engineers requires the employer to employ only members of the union directly or indirectly through sub-contractors.

Although the hiring hall nominally is a means whereby the local union, with the agreement of the contractor, is obligated to receive and refer qualified craftsmen to job openings, without regard to their union status, the Commission finds this use of referrals has been of no help in obtaining construction jobs for the Negro applicant.

**Priority to Out-of-Towners.** White out-of-town building craftsmen now enjoy rights and privileges to jobs in New York City, over available local Negro workers. When a shortage of labor occurs union

practice results in white fellow-union members from other cities coming into New York City and obtaining construction jobs which are denied local non-white craftsmen who are unable to join the union.

## 2. Apprenticeship Barriers

**"For White Only" Clauses.** Historically, it was the practice in the building trades to include "for white only" clauses in union constitutions and by-laws. Although such clauses are absent from union constitutions today (as a direct result of city and state laws and federal regulations) their racial discriminatory effects are still felt, notably in operation of the "father-son" and sponsorship clauses.

**"Father-Son" Clauses.** Many local unions were able to negotiate apprenticeship agreements limiting available openings to sons and relatives of union members. Thus the earlier pattern of excluding Negroes was perpetuated. Such clauses have been deleted from most union agreements today—though Local #46 Metallic Lathers' Constitutions and By-Laws still stipulate that "a deceased member's son shall have first preference for apprenticeship into this local union."

**Sponsorship.** Where "father-son" or "relative" clauses are absent from apprenticeship agreements, the customary practice is to require that a youth be sponsored by one or more senior members. (Local #15 Operating Engineers requires that apprenticeship applicants be sponsored by two members of five years good standing.) The Hearing clearly demonstrated that rarely can a non-white youth obtain white sponsorship.

Moreover, the fact that there are few non-white father-sponsors in the trade unions brings a double discrimination to Negroes and Puerto Ricans. The Commission, therefore, rejects the implied contention that opportunities to acquire training, frequently as a result of the expenditure of public funds, should only be available to a privileged few . . . a wrong which is even greater when it is public monies which are used to increase the denial of opportunity to non-white workers.

**Withholding of Apprenticeship Information.** With the deletion of "for white only," "father-son" and sponsorship clauses, a formidable barrier to non-white entry into apprenticeship training remains by virtue of the simple fact that knowledge of available openings is usually limited to the employers and unions involved. Under current

state and federal apprenticeship regulations the parties to formal agreements are not required to make public any pre-entry information—and it is the exceptional case where such information is made known.

**Restrictive Recommendations.** Union members naturally prize their privilege of recommending apprentices. Where a local union has a long history of no non-white members, in some cases previously having barred them by constitutional provision, it is apparent that the limiting of recommendations effectively closes the union to non-whites, who have no inside contact.

It is to be noted that the testimony was most clear that few, if any, of the restricted unions maintained any relationship with the construction trades schools operated with public funds by the New York City Board of Education. It was shocking to hear from Board of Education representatives that many union officials did not seek apprentices, or permit realistic applications from graduates of training schools in the very area of the union's jurisdiction. Since many non-whites attend such schools before they learn the true state of affairs, the union rejection of this source of apprentices is most destructive.

**Apprentice-Journeymen Ratios.** Even when none of the aforementioned barriers exist, Negroes are excluded by the craft unions' practice of limiting the number of apprenticeship openings by the establishment of "ratios of journeymen." The union and employer agree that there shall be only one apprentice for a set number of journeymen, (the mean ratio among all the building trades is currently 1.6). Rather than increase the number of apprenticeship opportunities and, in time, obviate the need for importing craftsmen from out-of-town—as the plumbers' local representative indicated has been done for the past few years—the craft unions maintain an artificial shortage of labor (and a favorable bargaining position), contributing further to the exclusion of Negroes.

Recently, in 1962 Local #3 of the Electrical Workers Union departed from this practice by making available 1,000 apprenticeship openings. Prior thereto the openings were limited to 100 apprentices per year. This change made possible an increase in apprenticeship positions for Negroes.

One of the other union witnesses testified that his organization might not put anybody in the apprenticeship program within

six months because "the ratio to journeymen" was determined by reports received from the employers on the amount of work for the next six months.

The Commission finds that the practices enumerated above which bar non-whites from many construction trades unions are contrary to the public interest. The Commission believes that organized labor, whose very right to exist has been recognized and protected by law over a period of three decades, has a responsibility to the entire community that it seeks to represent. A union is a public trust and as such must be fully representative of the full community.

#### **D. Government Responsibility**

Both the federal and New York State governments have for years maintained regulations governing the registration and credibility of applications for apprenticeship training programs. These regulations have included procedures for assuring racial non-discrimination. However, the lack of vigorous enforcement of these regulations has frustrated entry of Negro youths into these programs. A greater emphasis upon the enforcement of the non-discrimination provision would have assured a more adequate supply of available non-white craft journeymen to help meet today's demand for qualified non-white workers on the city's construction sites.

Since 1941 with the issuance of President Roosevelt's Executive Order No. 8802 (FEPC), there have been numerous orders setting forth the federal government's policy of including non-discrimination provisions in government contracts and also, at certain times, in entire industries deemed vital to the national defense. A more vigorous pursuit by Presidential committees, federal departments and state agencies on construction sites where either or both the federal and state governments were involved would aid immeasurably in reducing the barriers to non-white workers not only in the skilled and semi-skilled crafts, but also in apprentice opportunities.

State and federal agencies must be held accountable for today's pattern of exclusion of non-white workers from the building and construction industry of the City of New York where there exists, in most cases, a local, state and federal involvement.

The exclusion practices herein described in New York City's construction industry are being supported by government funds in

part and by special dispensation under the federal and state labor laws. The exclusive hiring and referral system employed in most building and construction trades is especially provided for under the Landrum Griffin Bill and public monies are spent in support of Federal and State Bureaus of Apprenticeship Training to administer union and employer training programs.

Recent reports by all three levels of government point out that the problems resulting from this exclusion will become intensified:

- Non-whites will comprise an increasingly larger proportion of the available labor supply (in New York City Negroes and Puerto Ricans currently comprising 22% of the population will increase to 30% by 1970);

- The labor market, due to technological advances and employer demands, will offer a decreasing number of low-skilled jobs and greater numbers of skilled craft openings (semi-skilled and non-skilled jobs in New York City will decline by 27% by 1970, while skilled craft openings will increase by 6%);

- Unless non-whites are afforded expanded opportunities for acquiring skilled craft training, they will become a glut upon the City's labor market in the very near future.

The federal government, in its recently promulgated standards for apprentice training, and the state government, in its recent amendment to Section 220-C of the Labor Law establishing more adequate non-discrimination procedures for contract compliance, have acknowledged past ineffectiveness and to a degree a greater responsibility in this area.

In New York City, the City Commission on Human Rights is responsible for enforcing the City's Contract Compliance Program. This hearing results from charges of violations of the City policy on non-discrimination in employment. Under the Contract Compliance Program, specific findings of discrimination in an individual case by contractors and/or labor unions may result in cancellation of contracts.

Under current regulations a finding of a specific instance of discrimination by CCHR must be transmitted to the contract-awarding agency which may then take steps to revoke the contract. These steps might require another Hearing. The Corporation Counsel has advised that no such action can be taken as a result of the instant

hearing since no allegations in an individual case of discrimination upon due notice to the contractor was brought before the Commission. The Commission's concern was a general inquiry into how the factor of race served as a barrier to the hiring of Negro journeymen and the selection of Negro apprentices. Since only general allegations of industry-wide race discrimination were presented to it, the Commission sought to ascertain the industry-wide facts. The Commission intends to hold additional hearings on specific violations which could lead to cancellation of contracts.

### III

#### THE BRENNAN PROPOSAL\*

In an effort to meet the widespread public allegations of discrimination in some of the construction trades unions, at the suggestion of Peter J. Brennan, President of the New York City Building Trades Council, a six-man interracial committee was established to screen applicants seeking employment in the construction industry. Applicants for positions as journeymen or apprentices would then be referred to the local union with jurisdiction over the trade they desired to enter.

Further, a three-man Appeals Board was presumably set up to review complaints that applicants had suffered discrimination or had otherwise not been afforded just treatment by the local union or the six-man referral committee.

It was stated that the "Brennan Plan" would overcome the sponsorship requirement, a major barrier to non-white entry into the construction industry. Moreover, the public was told that local building trades unions had agreed to regard referrals from the six-man committee as having been acceptably sponsored.

This was the understanding of the Building Trades Employers' Association representative testifying during the Hearing in behalf of approximately one thousand members who do 75 to 80% of the construction in New York City. The Building Trades Employers' Association representative took the position that the bottleneck in the past was the inability of non-white applicants to obtain sponsorship

---

\*Since the Brennan Committee has not as yet issued any public report of its activities this section was based primarily upon the Hearing's testimony.

for union membership. The representative stated that the temporary Brennan committee would satisfy this requirement since it was willing to serve as sponsor.

One of the labor union representatives testified that he was confident the plan would accomplish its purpose. But the Hearing revealed that the Brennan Plan was at best a recommendation to the local unions which could accept or reject the Plan as they saw fit, and at worst a pious hope.

#### A. Union Reaction to the Plan.

No assurances that the six-man screening committee's referrals would be accepted were given the Commission by the majority of the union representatives who testified. In fact, one witness flatly rejected the idea that the Brennan Committee would be acceptable as sponsors. The witness said his union could never accept the Committee as sponsors "because a priest or minister would know little about the qualifications of a man to do the work required."\*

Contrary to the assurance given by one of the union witnesses that all other building trades unions had agreed to the Brennan proposal, this union witness was not even aware who was serving on the Screening Committee. Furthermore, he was not willing to accept the Screening Committee as sponsors.

Moreover, even if the Screening Committee's referrals were to be regarded as acceptably sponsored, where there is a lengthy waiting list, candidates will find it difficult, if not impossible, to be admitted into the union's apprenticeship program.

For example, Local #40, Ironworkers, does not require specific sponsorship for applicants to its apprenticeship program. Apprentices have been getting in through recommendations of friends, relations, according to the Ironworkers representative. With respect to referrals from the six-man Committee, he testified they would be willing to accept applications and when they reached them they would give them a chance.

However, Local #40 only takes in 20 apprentices per year so that applications that have been on file since 1960 are still awaiting

---

\*This was not the Brennan Proposal, but rather a recommendation of the Mayor's Action Panel, which had previously been rejected by the unions.

entry into their apprenticeship program. It is apparent that sponsorship of applicants by the Brennan Committee for the apprenticeship program would have little practical effect, since it fails to take into account the fact that the unions involved already have extensive waiting lists created under past procedures. Any additional referrals would only lengthen the list and the new applicants would be virtually certain of not gaining admittance. Therefore, it would appear to be an exercise in futility to refer new applicants to the end of an already over-subscribed list.

A similar situation exists with Local #638 Steamfitters whose by-laws stipulate that applicants for membership "shall be proposed by three members" (though union officials maintain that this requirement is not adhered to). Assuming that the Brennan Committee's referrals would be placed on the application list by the union, they would be able to join the union apprentice program in the year 1972, nine years from now, unless given preference over 500 candidates that the union states are already on file seeking to enter the union's program. And, should the candidate actually have to wait nine years before being considered, he would no longer be eligible for admittance into the apprenticeship program for, by then, he would have passed the maximum age of 24 (persons must be 18 years of age to be eligible to file an application).

The flattest contradiction of any intent to cooperate with the Brennan proposal came from Local #2, Plumbers. The witness said that he was not at the meeting when the plan was adopted by the Building Trades Council and did not know whether his local intends to cooperate with the plan.

#### **B. Weaknesses of the Brennan Proposal**

Should all the local building trades unions agree to cooperate with the Brennan Proposal to the maximum, the plan would still have a limited effect on non-whites entering apprenticeship training programs since:

- **Ratios to journeymen** will still limit the number of available openings for apprentice training, and
- **Waiting lists**, according to union witnesses, are so long that few referrals even if accepted as eligible would be able to enter training immediately. If these referrals were refused entry the

- **Appeals Board** would have no binding power to compel the unions to accept its referrals. And the

- **Ad Hoc and temporary nature** of the Brennan Committee would in any event bring no long range solution. When the Brennan Committee ceases to exist, the "status quo" will again prevail.

#### **C. Implications for the Future**

Unable to acquire skilled craft training through apprenticeship programs, non-whites also have limited opportunity to obtain union membership after training in the City's vocational high schools. Although five courses of study are offered in the schools for preparation for participation in the eighteen recognized building trades, in all but one the building trades unions have not seen fit to recruit apprenticeship candidates through the local schools.

Already non-whites comprise two-thirds of the vocational schools' enrollment and this percentage will increase as the City's population becomes more and more non-white. Unless these youths are able to acquire craft training—with the number of available semi-skilled and unskilled job openings decreasing at the same time the need for skilled craftsmen is increasing, they will become an increasingly devastating encumbrance on the City's labor market.

## **IV**

### **RECOMMENDATIONS**

#### **A. City Policy for Integration**

In order to encourage full integration in the construction industry and promote equal employment opportunity, by encouraging the recruitment of qualified non-white craftsmen, it is recommended:

That the city require, as a pre-requisite for obtaining a contract, that an employer secure and maintain an integrated work force just as he must show financial stability, administrative competence and wholesome industrial relations;

That each city official responsible for the awarding of such contracts be accountable for proper enforcement of non-discrimination clauses contained in each City contract;

That city officials include in every contract a stipulation by the contractor that the work force will be fully integrated, and that the contract include a provision that the City Commission on Human Rights shall have the power to determine whether discrimination exists before, during or after awarding the contract;

That failure to fulfill contract provisions on integration to the satisfaction of the City Commission on Human Rights result in appropriate action by the City to cancel the contract.

That the Mayor, by Executive Order, require that all contractors with the City in the initial stages of implementing the personnel requirements of a contract insure that all employees and all applicants for employment receive fair and equitable treatment including opportunities for promotion without regard to race, creed, color, ancestry or national origin and that this policy apply to unskilled, semi-skilled and all work categories in the clerical, technical, professional and administrative jobs and positions of the contractor.

That contractors be required by such Executive Order to:

1. Include non-white workers on every level of their work forces.
2. Institute aggressive and affirmative programs to assure the inclusion of minority workers in every job category.
3. Assure that a policy of inclusion and emphasis upon equal employment opportunity of minorities not only be recognized and stated publicly, but also effectuated through all administrative and supervisory forces as a major policy and administrative objective of the contractor.
4. Assure that in implementing an aggressive and affirmative action program that recruitment sources be considered and used which complement and re-enforce the City's programs to accomplish equal employment opportunity for all workers.
5. Establish procedures assuring that hiring and placement be administered with emphasis on aggressive and affirmative action to achieve equal employment opportunity for all of the City's minority workers.
6. Make certain that promotion procedures are consistent with the aforementioned objectives.

7. Take cognizance of the neighborhood residential concentrations of ethnic minority residents and the implications such concentrations have for the locale and direction of their recruitment programs.
8. Assess the available skills and manpower resources in these neighborhoods and, in recognition of such circumstances, establish recruitment offices or maintain representatives of these offices in close proximity to these residential concentrations.

#### **B. Freedom of Entry Into Union Membership and Apprenticeship Programs**

The City has no authority to enact legislation to outlaw race discrimination by trade unions. However, Section 43 of the State Civil Rights Code\* and the State Law Against Discrimination in Employment provide a legal basis for correcting the abuses herein described. It is therefore incumbent on the appropriate State agencies to fully enforce these laws.

Specifically, all apprenticeship training programs sponsored by New York labor unions, jointly or independently administered, should be required to meet the following standards.\*\*

1. The selection of apprentices on the basis of merit alone, in accordance with objective standards which permit review, after full and fair opportunity for application, unless the selections otherwise made would themselves demonstrate that there is equality of opportunity.
2. The taking of whatever steps are necessary, in acting upon application lists developed prior to this time, to offset the effects of previous practices under which discriminatory patterns of employment have resulted.
3. Non-discrimination in all phases of apprenticeship and employment during apprenticeship after selections are made.

\*"No labor organization shall hereafter, directly or indirectly, by ritualistic practice, constitution or by-law prescription, by tacit agreement among its members, or otherwise, deny a person or persons membership in its organization by reason of his race, creed, color, or national origin. or by its regulations, practices, or otherwise, deny to any of its members by reason of race . . . equal treatment with all other members in any designation of members in any designation of members to any employer for employment."

\*\*The foregoing standards were contained in Code: 501, issued July 17, 1963 by the U.S. Department of Labor, Bureau of Apprenticeship and Training. This order which dealt with non-discrimination in apprenticeship and training policy has since been superseded by what the Commission regards as a less effective set of standards.

### C. Priority For Non-Whites Over Out-of-Towners

To promote maximum utilization of the City's non-white manpower and non-discrimination in the construction industry, by encouraging the recruitment of non-white craftsmen, it is recommended:

That contractors be required to give priority to non-white qualified journeymen, when faced with a shortage of workers in a particular craft, before employing journeymen residing outside the New York Metropolitan area;

That in order to insure an integrated work force where none or a token few non-white workers are employed, local trade unions—prior to issuing work permits to out-of-town white union members—be required to refer qualified non-whites, whether union members or not, whenever these unions are unable to supply workers from their New York City membership.

### D. An Apprenticeship Training Program For the City

To afford youth entering the labor market full opportunity to develop their full skill potential, it is recommended that city agencies responsible for maximum utilization of available manpower, in cooperation with local vocational schools and city contracting agencies, take immediate steps to:

1. Broaden the training courses offered in local schools so as to provide students with training in the full gamut of construction trades;
2. Develop cooperative work programs whereby graduates from local vocational schools will be enabled to make an orderly transition from school to work, at the craft of their choice, in City operated agencies;
3. Insist that unions and contractors currently sponsoring apprentice programs in the construction industry:

a) Review present apprentice-to-journeymen ratios and revise entry quotas to meet fully estimated manpower requirements of the future;

b) Insure that skilled-craft training opportunities be afforded the City's non-white youth either through expansion of existing apprentice programs (as recommended above) or by allotting a portion of the existing openings to non-white high school graduates.

## V

### CANCELLATION OF CONTRACTS

This Hearing resulted from public concern about the charges of racial bias in the hiring practices of the City's building and construction trades industry. It was, therefore, an inquiry to ascertain the facts.

This Hearing revealed the need for further investigations and hearings by the Commission on specific city construction projects in order to ascertain whether the hiring and personnel practices involved therein are in compliance with the City's non-discrimination policy. The Commission is currently conducting these investigations. Where the facts, as a result of such hearings involving specific projects give proof of violations of the non-discrimination City policy in such cases, the Commission will move forthwith to have the appropriate City contracting agency and/or agencies cancel the contract for non-compliance with the non-discrimination provision.

## VI

### APPENDIX

#### A. Summary of Testimony

##### Expert Witness:

Harold Goldblatt, Principal Human Rights Specialist (a study by Mr. Harry Harris, Researcher for SCAD on Report entitled Apprentices, Skilled Craftsmen and the Negro, An Analysis.)

**Summary of SCAD Report:** In New York State in 1958 there were 15,000 registered apprentices of which 2% were Negroes. Negro youths are not in the apprentice programs of plumbers, steamfitters, sheetmetal workers, structural and ornamental iron workers, plasterers, mosaic and terrazzo workers and related trades. (Full SCAD report submitted as evidence.)

##### Reasons Given for the Paucity of Negro Indentures:

1. Lack of applications by Negroes.
2. Union barriers:
  - a. word-of-mouth recruitment system.
  - b. segregated locals and denial of union membership to N-W's.
  - c. dispensing of union apprenticeships as "political patronage."

**Witness:**

Building Trades Employer Association  
H. Earl Fullilove, Chairman  
Board of Governors

(Mr. Fink, Counsel of BTEA, contributed to testimony.)

Mr. Fullilove attributed lack of Negroes in skilled crafts to their failure to apply, failure to achieve high-school graduation, a prerequisite to most apprentice programs, and father-son clauses. He said he had seen out-of-State Negro craftsmen employed as electricians and lathers here, adding that in New York City "there are no people to recruit." As Contractor's Association executive, his role, he said, is to advise sub-contractors on anti-discrimination laws. He assumed that information "filters down."

He revealed that contractors may hire directly, the percentage varying with each craft. However, they rarely exercise this right except in maintaining a nucleus permanent work force, he said, the general practice being to obtain workers from hiring halls. Fullilove testified he "would have no objection" to qualified N-W's, being admitted to craft unions.

Fullilove revealed that the BTEA has two representatives on the Brennan Committee and that employers he represents are "cooperative with the council."

Fullilove agreed to supply trade agreements—"any agreements I happen to have at the office"—and to cooperate with CCHR, "but will not lower standards because of coercion, intimidation or pressure."

**Witness:**

Local #1, International Union of Elevator Constructors  
Hugh Cuff, President and Business Manager

**Jurisdiction:** From Red Bank, New Jersey, to 35 miles north of City Hall; all of New York City, Westchester, and Long Island (Nassau and Suffolk included), part of Putnam County.

**Membership:**

2,300 construction mechanics plus 600 probationary helpers.  
Negroes: perhaps three.

Spanish-speaking: 100 reportedly seen at a recent union meeting.

Cuff said Local #1 has had 2,100 applications in the past three years—750 still pending, of which two have been submitted by Negroes. He estimated that 350-400 men on that list are qualified and

asserted new applicants would be considered only after those already listed had been processed.

**Reason for Lack of Negroes:** Cuff declared 78 to 80% of Negroes who applied were afraid of height. He said about 20 Negroes sought membership in the past three years, none of whom were hired. In response to a question, Cuff agreed Negro AF pilots were not, in his considered view, fearful of high places.

**Employment Practices:** Employees sought initially through a union hiring hall. However, if union cannot supply employers demands within 72 hours, he then is free to hire at will. Also, an employer may hire directly each year a percentage of men based on the previous year's employment figures. After six months' employment, a craftsman can be discharged only with the union's consent. The employer may qualify a man as a mechanic, but the union has the right to test his qualifications. A non-union employee may file for union membership after 30 days as a "probationary helper."

**Agreed:** Aggressively to seek applicants from within the Negro community. Off the stand and outside the hearing room, Cuff agreed to grant 10 non-whites priority on the waiting list. He confirmed this later in a telephone conversation. He said he would cooperate with Brennan committee, but said referrals would go at end of waiting list.

**Witness:**

Local #14 and #14b  
International Union of Operating Engineers;  
William Wade, Business Agent and Organizer;  
Ralph Dalton, President

**Jurisdiction:** The five boroughs of New York City.

**Membership:**

1,750 in both locals.

Local 14: 1,600 journeymen—construction workers.

Local 14b: 150 members—stevedores, brick-yard workers, etc.  
They rarely perform construction work.

Non-white membership: 23 to 60 approximately—"we take Irish even." Challenges "anybody who can show me when we ever turned down a man because he was a Negro or anything else." 90% of scrapyards have non-white workers. When a shop is organized, all current employees must be accepted.

**Training:** Apprentice program run by Local #15.

### Employment Practices:

**Agreement: Section 5:** "Employers are at liberty to employ and discharge whomever they see fit." However, employers agree to notify the union of all openings and if the union can't fill them in 72 hours, the employer may hire on the open labor market.

### Agreed:

1. Will accept new men if employment situation warrants hiring.
2. Brennan Committee: Rejected . . . "we could never consider any of these people as sponsors;" but finally agreed that the union . . . "will guarantee sponsorship" to N-W applicants.

### Witness:

Thomas A. Maguire, President and Business Manager  
International Union of Operating Engineers  
Local #15, #15-A, #15-B, #15-C, #15-D  
265 West 14th Street  
New York 11, New York

**Jurisdiction:** Greater New York

**Membership:** 4,500, non-white, 8%.

**#15:** 1,000; outside construction, involving all types of machines and construction work.

**#15-A:** 1,100; outside construction.

**#15-B:** N.Y.R.A. grounds, 300; more than 8% non-white.

**#15-C:** 1,100; mechanics and helpers in shops—non-construction.

**#15-D:** 1,100; all sites, rodmen, transitmen, etc., engaged in lay-out work.

**#15 and #15-A:** meet together and have apprentices, helpers and oilers.

**Qualifications:** Reference check required for #15-A and #15-B. Must have license issued by City for some types of membership and also pass union examination. Applicants also must have two union sponsors "personally present them" for membership.

**Apprenticeship:** Program purportedly up for approval. Local pays for training now. Tried to use certified welders from vocational schools without any success. Young men quit. Did have machinery training school, but no longer. Department of Education should approve proposed apprentice program soon, he feels.

### Agreed:

1. To accept union members.
2. Will accept into either union, if qualified, non-white applicants.
3. Brennan agreement O.K.—appeals Committee O.K. (Member of his union is on the committee set up by Brennan.) Maintains all locals in building trades agreed to Brennan plan—feels Appeal Committee should have power binding on unions, but doesn't know if this is true or not.

### Witness:

Tom Clarkson, Financial Secretary-Treasurer for Local #40  
International Association of Bridge, Structural and Ornamental  
Iron Workers  
673 Broadway  
New York, New York

**Geographical Jurisdiction:** The five boroughs, Westchester. In Nassau, Local #361.

**Work Jurisdiction:** Structural steel, bridges, viaducts, skyscrapers. High work—hazardous at times.

**Membership:** 1,050 of which 10% are Indians. No Negroes. All construction workers. A few Spanish-speaking members. Examining Committee admits journeymen. License required for welding and burning. 200 men working as probationary apprentices.

**Apprenticeship:** 200 total; might be probationary as long as three years. There are 350 on list working as helpers until apprenticeship openings occur. Since 1954, union has admitted 20 per year. Three-year program—one year welding and burning. Brooklyn Technical High School classrooms used. Only 2 Negroes have applied—1 probationary apprentice failed to report, 1 Negro accepted 4 or 5 weeks ago is now employed as Probationary Apprentice (**not in formal program**). Original filing date establishes seniority for selection of probationary apprentice.

**Contradiction:** Witness testified (p. 177) that 1 helper or apprentice for each bridgeman is the practice, yet reveals, p. 183) that job with 150 journeymen would only have 8 or 9 apprentices.

**Sponsorship Required:** No formal requirement, but usually relatives or friends of members are admitted. Classes begin in September. Probationary apprentices await entry into J.A.C.—300 added due to bridge being built. 1 to 28 age limit. High school diploma required. One Negro accepted in J.A.C. "This boy made history." Is actually

probationary. Probationary apprentices must shape up for work daily at hiring hall.

**Employer Control:** Employer has power of selecting one for one, but agrees to allow union 48 hours to fill all jobs before hiring directly. All jobs are listed in the hiring hall.

**Agreed:**

1. Will supply number of persons on waiting list, but not working, to Commission. Since 300 applicants are on waiting list and only 20 apprentices are selected each year, referral from Brennan committee would do little good, it was brought out.

2. Will carry back to Committee CCHR proposal to put Negroes at head of list and ask union committee to give proposal consideration.

3. Richmond of U.L.G.N.Y. will refer applicants-apprentices

**Witness:**

John Tierney, Local #46  
Wood, Wire and Metal Lathers International Union  
AFL-CIO, Metallic Lathers Union of New York and Vicinity  
1322 Third Avenue  
New York, New York  
(John Mooney, Counsel)

**Jurisdiction:** Five boroughs of New York City, Nassau and Suffolk Counties.

**Work Jurisdiction:** Metal, reinforced bars, corner bands, plaster walls, lathing, plastering, "anything pertaining to plaster walls and ceilings." All jobs come to union which has 48 hours to fill them. After that, contractor may hire directly.

**Membership:** 1,600 to 1,700 regular members. No Negro members. 200 apprentices. Sister Local #131 has Negro members, 131 of whom work through Local #46.

**Apprenticeship:** Three-year program; must have sponsorship of two members.

**Agreed:**

1. To consult with President Matthews and union body to ascertain "what Local #46 of the metal lathers is prepared to do to remedy the social evil we are wrestling with here."

2. Brennan agreement O.K., but referrals must "go through regular procedure." Would not commit union to accept Brennan committee as sponsors.

**Witness:**

Dell E. Webb Construction Co.  
World's Fair Pavilion  
Member, Building Trades Employers Association  
M. D. Stevens—Job Superintendent

**Current Work Force:** 88 men of whom 17 are Negroes are employed currently. Of the seven permanent office workers, one is a Negro.

**Labor Supply:** Stevens maintains "a great many men apply there on the job for work" and the general contracting firm can hire directly. Four Negroes, an office engineer, a field engineer and two carpenters were hired at the job site.

**Plans for Progress:** General Services Administration requires filing of reports on staff's ethnic composition. Stevens recalled there was non-white representation "in only a few instances." This he attributes to the fact that men have not been available. Stevens feels contractors have a responsibility to promote employment equality. In this regard, he has ordered that a "representation of the minority groups" be maintained whenever work-forces are reduced.

**Agreed:** To hire any qualified men who apply. He said "I have made no effort, aside from calling for men and putting on whatever men were sent to me" in the past. Will accept N-W's if referred to him in the future.

**Respondent:**

Joseph P. Blitz, Inc.  
General Contractor, Harlem Hospital Annex  
Joseph Blitz, President  
Max Greenberg, Counsel

**Current Work Force:** Carpenters, 50% Negro; Laborers, 25-30% Negro; also a Negro timekeeper. There are no Negroes among the 6 or 8 lathers or 4 operating engineers on the Harlem Hospital site.

Permanent office staff, 20-23 employees. The assistant project man and office boy are Negroes. The head bookkeeper is Puerto Rican.

**Labor Supply:** Trade agreements require that the contractor hire through the hiring hall. Blitz's position was it "would be contrary to my agreement with the lathers" to hire anyone not sent from the Union Hall. However, he is allowed to hire carpenters and laborers on a 50-50 basis with the unions.

**Agreed:** To prevail upon the Association "to take a positive stand on this matter." To seek out "qualified minority personnel;" to seek cooperation of unions in ending bias in the industry.

**Respondent:**

Lasker-Goldman Corporation  
General Contractor, Downstate Medical Center  
Samuel Lasker, President  
Max Greenberg, Counsel

**Current Work Force:** 230, including laborers, 34 non-whites, including 5 Indians. Roughly "15% labor on the job is colored."

**Labor Supply:** Counsel for Lasker maintained employees must come from the union hiring halls or the corporation would be guilty of violating the contract. He urged that complainants should send qualified personnel to the union hiring hall and "you will find out whether the unions are complying."

**Agreed:** To cooperate 100% in attempting to recruit non-white workers. Asserted a sub-contractor found guilty of racial discrimination would be sent a notice to desist within 48 hours. We would "... cancel his contract, if he didn't live up to it."

**Expert Witness:**

New York State Advisory Committee to the  
U.S. Commission on Civil Rights  
Richard Sachs, Chairman

"Massive discrimination exists in the Building Trades . . . some of it is deliberate," Sachs testified.

"Main problem is the system" itself whereby entry into apprentice programs is denied Negroes, preventing them, thereby, from entering the crafts union.

Sachs testified that his Committee recommends Federal funds be withdrawn from programs which fail to admit Negroes and Puerto Ricans.

**Recommends:**

1. That a contractor must guarantee he will hire Negroes before a contract is awarded to him.
2. That an official agency, such as CCHR, be employed to see to it that Negroes are on the job.

**Witness:**

**Board of Education:**

Paul Driscoll, Principal of George Wingate High School  
William Kraengel, Coordinator for the Evening Trades School  
Dr. Seelig Lester, Superintendent of Schools.

**Testimony:**

**Total Vocational Schools and Enrollment—New York City:** 29 Schools—40,000-43,000 students.

**Only one union recruits graduates—**Local #3, IBEW, but Local 1 plumbers offers apprenticeships to top 3 graduates from 2 of the schools.

**Carpenters** will accept graduates as apprentices, but do not have any official tie-in.

**Sheetmetal Graduates for 1962:** 37 total (New York City); 17 employed, 8 employed in jobs related to trade, 2 unemployed.

**Plumbing Graduates:** 10 were available for work and 9 were employed at the trade; 1 was employed in an unrelated job.

**Electrical Practices a popular course—**3,000 in 1962; Auto Mechanics, 3,034.

2/3 of Vocational School students are non-white (1/3 Negro and 1/3 Puerto Rican).

Witness unable to supply ethnic data on drop-outs.

Local #28 Sheet Metal Workers has been approached by the Board of Education to set up apprenticeship program, but with no success. Board members deplored the fact that the unions do not cooperate more fully with the Vocational Schools.

**Agreed:** To supply information on non-white graduates.

**Witness:**

Otis Elevator Company  
Fayette Dunn  
Lee Turner

**Labor attained:**

Area-wide agreement including hiring hall with Local #1 Elevator Constructors. Company does hire a few men directly. Hiring hall in New York City, but not in Cleveland and Detroit—Negroes in Cleveland area.

**Hiring:**

Company has the right to employ a percentage of men based on the previous year's hiring. The 1963 company quota is 11 men. Two men have been hired in 1963 under this arrangement.

If none or one employee has been hired the preceeding year,

the company may hire one employee directly. If 11 to 20, the company may hire 3; plus 1 for each additional 125 employees.

**Apprenticeship Program:** None.

**Recruitment:** Fellow-employees recommend candidates; persons walk in off the street. Firm had not advertised for men until 3 weeks ago when the ULGNY was requested to refer applicants. No response as yet.

**Lack of Negroes:** It was testified none applied during the past three years.

**Many Negroes employed in Electronic Division** (Brooklyn) where UAW has contract and there is no union-shop agreement. Negroes also work in plants in Yonkers and Harrison, N.J. where IUE has contracts. Cleveland, where employers hire directly, employs six non-whites. **Efforts to Recruit Negroes:** Company's 10 main districts currently are requesting Urban League offices to refer non-whites. Locally, Hugh Cuff of Local 1 met with a company representative (8/16/62) and told him the union intended to send non-white applicants, and requested they be hired. **Company agreed** to accept applications in September.

**Witness returned to stand** voluntarily to report company had contacted New York Urban League, New York State Employment Service; he thinks firm put an ad in the Amsterdam News.

Indicated willingness to use any suggested source.

**Agreed:** To consider applicants from any source; (is maintaining a record of N-W's applications and the dispositions). Agreed to accept N-W's referred by Mr. Cuff of Local #1 Elevator Constructors and put them on sometime in September.

**Witness:**

William Levine—Local #1 Plumbers  
Harold Stern, Counsel

**Hiring:** Employers may hire percentage of force directly, subject to T/H Act.

**Members: 3,000 total—Non-White, 9 "B" members.**

300 + "A" members = new construction work  
"B" members = jobbing and alterations.

**Jurisdiction:** Brooklyn and Queens.

**Entry:** Two current members must vouch for new journeymen. On occasion, Business Agent has acted as sponsor for journeymen. Can-

didates then must be accepted by union body and they must pass examination. Following this, the union body acts again:

Also, employees are brought into the union when shops or sites are organized. The reported 9 N-W members were brought into the union eight years ago in this manner. "In 34 years, no N-W's have ever applied"—according to Levine. "Members are recruited, when necessary, from sister locals throughout the country."

**Apprenticeship:** Administered by JAC.

**Pre-entry requirements:** H.S. diploma to be eligible for sponsorship—pass exam administered by NYU and get on waiting list. Since 1958, top three graduates from two vocational schools have been admitted to program without sponsors.

Only 2 Negroes ever accepted were admitted in this way.

**Reports:** Of current group of 100 applicants, 26 and N-W and are being processed.

**Position re Secretary of Labor's standards:** General Executive Board met at Purdue and felt Wirtz's plan would lower their standards and therefore, was unacceptable. However, Board agreed to comply with Wirtz's standards.

**Position re Brennan agreement:** Claimed Local #1 has taken steps to prove EEO on its own and pointed to cooperation with the vocational schools. Would not commit union to accepting Brennan Committee as sponsors.

**Witness:**

United Association of Plumbers and  
Steamfitters of U.S. and Canada

Michael Salzarulo—Local #2 Plumbers.

**Membership:** 4,100 N-W's "19 I know personally," but finally agreed 16 N-W's possibly were members. Did not know whether "A" members or not. Reported 6 N-W's admitted in the past 6 months plus 4 or 5 who were screened on August 19, 1963 for membership.

"A" members—new construction workers—3,800 total. "B" members—jobbing, alterations and repair workers—300 total. Members must have a sponsor—"a priest, cop, judge or things like that."

**Lack of Negroes is due to lack of applications,** he feels. Salzarulo contended he was not familiar with "Brennan Plan" and didn't even know if union would cooperate with anyone or to anything. When asked questions about The Brennan proposal, he replied, "Gee, I don't even know that."

**Witness:**

**Bethlehem Steel Company,**  
Donald Wagner, Assistant Manager,  
New York District.

**Unions involved:** Local #14 and #15, #15-A, et. al. Local #40; Local #361 (not a member of any JAC).

**Hiring:** via union halls. Employer has right to hire some workers as agreed with unions, but employers "don't find the need for it."  
Testified no N-W's have applied in New York City for employment.

**Permanent staff:** No N-W's in 12-member staff.

**Lack of N-W's:** Negroes can acquire skills only through apprentice training and since they are unable to obtain this, he doesn't see how there could be any qualified N-W's.

**Efforts to insure EEO:** No effort made in New York City, but in Chicago by referral 3 N-W applicants to JAC's but doesn't know what became of them.

Has made no effort to solicit additional N-W's.

Feels the responsibility for insuring EEO rests upon the unions.

When questioned as to what he was prepared to do towards providing EEO, he maintained he must abide by the agreements made with the unions.

**Witness:**

Greater New York Coordinating Committee  
Bishop Alvin Childs  
Arnold P. Johnson

Johnson deplored CCHR failure to invite his organization to testify, maintaining it is the oldest civil rights group in the community. He demanded decisive action by CCHR and deplored fact that no steps have been taken to cancel a contract of discrimination.

**Quota system:**

Defended the use of quota systems and cited instances where Mayor LaGuardia and 5th Avenue Bus Company accepted quota hiring arrangements for N-W's. Pointed to TWU as union where N-W's secured EEO through adoption of quota system hiring. He said 5,500 N-W's were hired on this basis.

Testified that contractor Blitz, after meeting with his committee, agreed to hire N-W's on Harlem Hospital Site and that "N-W's are now employed at Harlem Hospital."

Informed CCHR that Bishop Childs, via Paul Zuber, has petitioned in court to end discrimination in the industry.

Greater New York Coordinating Committee joins the Joint Committee in its allegations, he testified.

**Witness:**

Local #368

Enterprise Association of Steamfitters  
Thomas J. Murray, President  
John Tracey, Business Agent-at-large  
John A. Mulligan, Secretary-Treasurer

**Membership:** Total: 6,600 members

Building Trades Branch, 4,000. No Negroes and never have been any.

Metal Trades Branch, 2,800 of which 200 are N-W. Primarily service workers.

**Reason for lack of N-W's:** Unable to tell color by letter and they never had a N-W applicant, he concluded N-W's must not have applied

**Apprenticeship:** 437 currently enrolled of which six are Negroes.

None have completed program. Three members must recommend an apprenticeship candidate who is placed on a waiting list. It was indicated that the sponsorship requirements are not enforced.

Apprentices, upon completion of training, go directly into Building Trades Branch. Only 60-65 apprentices taken each year.

Since 500 names are on file, it would be 1972 before Referral Committee applicants could be considered.

**Brennan Proposal:** Murray, Tracey and Mulligan make up the committee working on implementation plans, but are at a loss on how to cooperate with Brennan and still not disobey Association regulations.

**Agreed:** To inform CCHR of their decision on Brennan when made, adding, "We don't know how we are going to wrestle with that one."

The Witness declared they "come up for re-election this here November, so I mean we haven't got . . . we have opposition."

**Expert Witness:**

Dr. Herman D. Bloch, Assistant Director  
Cornell Extension School  
N.A.L.C. Consultant

"For white only" clauses. Historically, many building trades unions have had "lily white" clauses in their Constitution and By-laws.

"They moved historically from outright discrimination, to ritual (discrimination) to tokenism."

Trowel trades traditionally have had Negro members, which explains N-W apprentices in those trades. Gaining entry is problem facing non-whites and then getting full employment is the second problem once in the local union.

Local #1888, Carpenters, cited as example of segregated local whose members have difficulty obtaining work. Therefore, membership has dropped considerably in the past few years.

Union examinations often aren't objective, or whites are not required to pass them, actually, to get in unions.

**Expert Witness:**

Ramon Rivera, Industrial Relations Director  
Urban League of Greater New York

Deplored barriers to N-W participation in apprentice training and unions' refusal to accept Negroes. Called lack of information a main barrier—"how to apply and where."

Rivera charged no progress has been made in 12 years, regarded Brennan Committee as an additional barrier. He charged the three-man appeal committee has no power and is, therefore, an added barrier.

In his view, United States Civil Rights Committee report proved discrimination in the Building Trades. Recommended contracts be cancelled on basis of evidence now on records.

CCHR requested he obtain a few cases of discrimination in the Building Trades and bring them to the Commission to assist in a finding of discrimination.

Rivera contended the Mayor can bring about change in hiring practices by recommending contracts be cancelled. He cited example of Federal Government's causing firms to halt discrimination by threatening to cancel contracts. He asked to recommend like action to the Mayor.

**B. SUMMARY TABLE**  
Racial Breakdown in Union Membership and Apprenticeship Programs

UNION	Total Membership	Negro Members	Negro Apprentices	
Local #1 Elevator Constructors .....	2,300	3 maybe	No program	(*)
Local #1 Plumbers .....	3,000	9 (b) (non-construction)	2 in training (none completed)	(*)
Local #2, Plumbers and Steamfitters .....	4,100 total 3,800 A—Construction 300 B—Jobbing	16 approximately (A or B unknown)	2 or 3 in training (none completed)	(**)
Operating Engineers, Local #14, #14-B .....	1,600-1,750	23-50	No program	(*)
Local #15, A, B, C, D .....	4,500	8% approximately	Program pending approval of Board of Education	(*)
Local #28, Sheetmetal.....	3,300	None	None	(**)

(Continued)

**B. SUMMARY TABLE**  
Racial Breakdown in Union Membership and Apprenticeship Programs

Union	Total Membership	Negro Members	Negro Apprentices	
Local #40, Ornamental Bridge, etc. ....	1,050	None (10% Indians)	None—0 in training (1 on waiting list) (none completed)	(*)
Local #46, Metallic Lathers Union .....	1,600-1,7500	131 (via sister locals)	1 in training (1 on waiting list) (none completed)	(*)
Local #60, Plasterers and Masons .....	2,080	300	5	(**)
Local #638, Steamfitters.	6,800 Total 4,000 Construction 2,800 Service	None 200 (via organizing in past couple years)	6 in training (none completed)	(*)
Carpenters and Joiners 42 Locals .....	34,000	5,000	In predominantly Negro locals.	(**)

(\*) Extracted from Hearing proceedings.  
(\*\*) Extracted from Report of the New York State Advisory Committee to the United States Commission on Civil Rights on Discrimination in the Building Trades, August 1, 1963 (Submitted during Hearing).

**C. The Commission vs. Sheet Metal Workers, Local #28**

Among those unions from which testimony was sought through its representatives was the Sheet Metal Workers, Local #28. This union's representatives failed to appear at the Hearing, giving as their reason the fact that a pending action resulting from a charge of race discrimination before the State Commission for Human Rights prevented their appearance. After repeated unsuccessful efforts to get a union representative to attend the Hearing, Mr. William Rueckert, Secretary-Treasurer of the union, was subpoenaed.

The subpoena was not respected by Mr. Rueckert, whereupon Chairman Stanley H. Lowell, acting in behalf of the Commission, brought an action in the New York State Supreme Court to compel the witness to respect the subpoena. The case is still pending.

The Commission intends to pursue its efforts to get information regarding the policy of this union on its membership and apprenticeship programs regarding non-whites.

**D. List of Witnesses**  
(In Order of Appearance)

- Richard Allen Hildebrand     Joint Committee on Equal Employment Opportunities
- Harold Goldblatt             City Commission on Human Rights of New York
- Earle Fullilove                Building Trades Employers Association
- Hugh T. Cuff                   Elevator Constructors Local Union #1
- William Wade                International Union of Operating Engineers Local #14 and 14B
- Ralph Dalton                  International Union of Operating Engineers Local #14 and 14B
- Thomas A. McGuire            International Union of Operating Engineers Locals #15, A, B, C, and D
- Thomas Clarkson              International Association of Bridge, Structural and Ornamental Iron Workers Local Union #40
- John Tierney                   Wood, Wire and Metal Lathers International Union of New York and Vicinity Local #46

M. O. Stevens	Dell E. Webb Construction Company
Joseph P. Blitz	Joseph P. Blitz, Inc.
Samuel Lasker	Lasker-Goldman Corporation
Richard Sacks	New York State Advisory Committee of the United States Commission on Civil Rights
Seelig Lester	New York City Board of Education
William Kraengel	New York City Board of Education
Paul Driscoll	New York City Board of Education
Lee Turner	Otis Elevator Company
Fayette Dunn	Otis Elevator Company
William Levine	Plumbers Local Union #1
Stephen Walzak	Plumbers Local Union #1
Michael Salzarullo	Plumbers Local Union #2
Donald Wagner	Bethlehem Steel Company
Arnold P. Johnson	Small Businesses Chamber of Commerce
Alvin A. Childs	Greater New York Coordinating Committee for Equal Opportunities
Thomas J. Murray	Enterprise Association of Pipefitters and Apprentices, Local #638
John Tracey	Enterprise Association of Pipefitters and Apprentices, Local #638
James A. Mulligan	Enterprise Association of Pipefitters and Apprentices, Local #638
Herman D. Bloch	New York State School of Industrial and Labor Relations
Ramon Rivera	Urban League of Greater New York

**The City of New York**  
**COMMISSION ON HUMAN RIGHTS**

---

**ROBERT F. WAGNER**  
*Mayor*

**STANLEY H. LOWELL**  
*Chairman*

**MADISON S. JONES**  
*Executive Director*

\* \* \*

**COMMISSIONERS**

**JUAN AVILES**  
**ELEANOR CLARK FRENCH**  
**LOUISE GLOVER**  
**MURRAY GROSS**  
**DOROTHY HART HIRSHON**  
**VINCENT LACAPRIA**  
**THEOPHILUS LEWIS**  
**DAVID H. LITTER**  
**MORRIS PLOSCOWE**  
**FREDERICK W. RICHMOND**  
**CLEVELAND ROBINSON**  
**JUAN SANCHEZ**  
**LESTER A. WALTON**

---

**80 LAFAYETTE STREET**  
**NEW YORK 13, N. Y.**

**Telephone: 566-5325**