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COMMISSION ON LAW AND SOCIAL ACTION

of the AMERICAN JEWISH CONGRESS
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A MODEL STATE COMPREHENSIVE CIVIL RIGHTS LAW

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Section 1. Findings and Declaration of Policy

(a) The practice or policy of discrimination against individuals by reason of their race, color, religion, national origin or ancestry is a matter of State concern. Such discrimination foments domestic strife and unrest, threatens the rights and privileges of the inhabitants of the State and undermines the foundations of democratic government. The State has an affirmative obligation to prevent such discrimination.

(b) It is hereby declared to be the public policy of this State to foster equal opportunity for all persons in accordance with their fullest capacities, regardless of their race, color, religion, national origin or ancestry, and to safeguard their right to obtain employment, education and admission to and service in places of public accommodation and publicly-assisted housing without such discrimination.

(c) This Act shall be deemed an exercise of the police power of the State for the protection of the public welfare, prosperity, health and peace of the people of the State.

Section 2. Right to Freedom From Discrimination

The opportunity to obtain employment, education and admission to and

service in places of public accommodation and publicly-assisted housing without discrimination because of race, color, religion, national origin or ancestry is hereby recognized as and declared to be a civil right.

Section 3. Definitions

When used in this Act,

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

(b) The term "employer" includes the State, or any political or civil subdivision thereof, any person employing four or more persons within the State, and any person acting in the interest of an employer, directly or indirectly.

(c) The term "employee" does not include any individual employed in the domestic service of any person.

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

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

(f) The term "educational institution" means any institution for instruction or training which accepts applications for admission from

the public generally, including, but not limited to, secretarial, business, vocational, technical and trade schools; nursery, kindergarten, primary and secondary schools; colleges, universities, professional and graduate schools.

(g) The term "place of public accommodation" includes any place, store or other establishment, either licensed or unlicensed, which supplies goods or services to the general public or which solicits or accepts the patronage or trade of the general public or which is supported directly or indirectly by government funds; provided that a private club shall not be deemed a place of public accommodation if its policies are determined by its members and its facilities or services are available only to its members and their bona fide guests.

(h) The term "housing accommodation" includes any building, structure, or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied, as the home, residence or sleeping place of one or more human beings.

(i) The term "publicly-assisted housing accommodation" shall include all housing accommodation in

(1) housing owned or operated by the State or any of its political subdivisions or any agency thereof,

(2) housing which is exempt in whole or in part from taxes levied by the State or any of its political subdivisions,

(3) housing which is constructed on land sold below cost by the State or any of its political subdivisions or any agency thereof, pursuant to the Federal Housing Act of nineteen hundred forty-nine,

(4) housing which is constructed in whole or in part on property acquired or assembled by the State or any of its political subdivisions or any agency thereof through the power of condemnation or otherwise for the purpose of such construction,

(5) housing for the acquisition, construction, repair or maintenance of which the State or any of its political subdivisions or any agency thereof supplies or has supplied funds or other financial assistance,

(6) housing which is located in a multiple dwelling, the acquisition, construction, rehabilitation, repair or maintenance of which is or has been financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency thereof, or the State or any of its political subdivisions or any agency thereof, provided that such a housing accommodation shall be deemed to be publicly assisted only during the life of such loan and such guaranty or insurance, and

(7) housing which is offered for sale by a person who owns or otherwise controls the sale of ten or more housing accommodations located on land that is contiguous (exclusive of public streets), if (a) the acquisition, construction, rehabilitation, repair or maintenance of such housing accommodations is, or has been, financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency thereof, or the State or any of its political subdivisions or any agency thereof, provided that such a housing accommodation shall be deemed to be publicly

assisted only during the life of such loan and guaranty or insurance, or (b) a commitment issued by a government agency is outstanding that acquisition of such housing accommodations may be financed in whole or in part by a loan, whether or not secured by a mortgage, the repayment of which is guaranteed or insured by the federal government or any agency thereof, or the State or any of its political subdivisions or any agency thereof.

(j) The term "multiple dwelling," as herein used, means a dwelling which is occupied, as a rule, for permanent residence purposes and which is either rented, leased, let or hired out, to be occupied as the residence or home of three or more families living independently of each other. A "multiple dwelling" shall not be deemed to include a hospital, convent, monastery, asylum or public institution, or a building used wholly for commercial purposes except for not more than one janitor's apartment and not more than one penthouse occupied by not more than two families. The term "family," as used herein, means either a person occupying a dwelling and maintaining a household, with not more than four boarders, roomers or lodgers, or two or more persons occupying a dwelling, living together and maintaining a common household, with not more than four boarders, roomers or lodgers. A "boarder," "roomer" or "lodger" residing with a family means a person living within the household who pays a consideration for such residence and does not occupy such space within the household as an incident of employment therein.

(k) The term "religious denominational institution" means any institution which is operated, supervised or controlled by a religious or

denominational organization and which has complied with the requirements of Section 5 of this Act.

(l) The term "Commission" means the State Civil Rights Commission created by this Act.

(m) The term "discriminate" includes segregate or separate.

Section 4. Unlawful Discriminatory Practices

Except as provided in Section 5 of this Act, it shall be an unlawful discriminatory practice

(a) For any employer, because of the race, color, religion, national origin or ancestry of any individual, to refuse to hire or otherwise to discriminate against him with respect to hire, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly related to employment.

(b) For any employment agency to fail or refuse to classify properly, refer for employment or otherwise discriminate against any individual because of his race, color, religion, national origin or ancestry or to conduct business under a name which directly or indirectly expresses or connotes any limitation, specification or discrimination as to race, color, religion, national origin or ancestry notwithstanding the lack of intent on the part of the agency to make such limitation, specification or discrimination, except that any presently operating agency bearing a name which directly or indirectly expresses or connotes any such limitation, specification or discrimination may continue to use its present name provided that it display under such name, wherever it appears, a statement to the effect that its services are rendered without limitation, spec-

ification or discrimination as to race, color, religion, national origin or ancestry.

(c) For any labor organization to

(1) limit or classify its membership on the basis of race, color, religion, national origin or ancestry.

(2) discriminate against any individual or limit his employment opportunities or otherwise adversely affect his status as an employee or his wages, hours or employment conditions, because of his race, color, religion, national origin or ancestry.

(d) Except where based on a bona fide occupational qualification certified in advance by the Commission, for any employer, employment agency or labor organization prior to employment or admission to membership, to

(1) elicit or attempt to elicit any information concerning the race, color, religion, national origin or ancestry of an applicant for employment or membership.

(2) make or keep a record of the race, color, religion, national origin or ancestry of any applicant for employment or membership.

(3) use any form of application for employment, or personnel or membership blank seeking to elicit information regarding race, color, religion, national origin or ancestry.

(4) print or publish or cause to be printed or published any notice or advertisement relating to employment or membership indicating any preference, limitation, specification, or discrimination, based upon race, color, religion, national origin or ancestry.

(5) announce or follow a policy of denying, or limiting, through a quota system or otherwise, employment or membership opportunities of any group because of the race, color, religion, national origin or ancestry or such group.

(6) utilize in the recruitment or hiring of individuals any employment agency, placement service, training school or center, labor organization or any other employee-referring source known to discriminate against individuals because of their race, color, religion, national origin or ancestry.

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

(f) For any educational institution to

(1) discriminate because of race, color, religion, national origin or ancestry against any person seeking admission as a student to such institution by means of a quota system or any other device or announce or follow a policy of such discrimination.

(2) cause to be made any written or oral inquiry or request for information concerning the race, color, religion, national origin or ancestry of any person seeking admission as a student to such institution or to make any inquiry, investigation or request for information which the Commission has by regulation determined facilitates discrimination against persons because of race, color, religion, national origin or ancestry,

except that a religious denominational institution which states on its form of application for admission that it selects its students exclusively from adherents of any religion or from members of any denomination or that it gives preference in selection to such adherents or members may inquire whether applicants are adherents or members of such religion or denomination.

(3) refuse or fail to keep and preserve for at least three years all records and documents relating to admission or exclusion of students in such manner as the Commission shall prescribe.

(4) refuse or fail to furnish to the Commission and publish, in accordance with the regulations of the Commission, a detailed statement of its criteria of admission and of its procedures in processing applications for admission.

(5) discriminate in the use of its facilities, accommodations, advantages or privileges, for or against any student or group of students because of race, color, religion, national origin or ancestry.

(g) For any owner, lessee, sub-lessee, proprietor, manager or superintendent of any place of public accommodation or any agent or employee thereof, directly or indirectly, to

(1) refuse, withhold from or deny to any person because of race, color, religion, national origin or ancestry the accommodations, advantages, facilities, services or privileges thereof, or otherwise discriminate against any person because of race, color, religion, national origin or ancestry, in the furnishing of such accommodations, advantages, facilities, services or privileges or announce or follow a policy of such discrimination.

(2) publish, circulate, issue, display, post or mail any written or printed communication, notice, brochure or advertisement to the effect that any of the accommodations, advantages, facilities, services or privileges of any such place will be refused, withheld from, or denied to any person on account of race, color, religion, national origin or ancestry of such person or that the patronage or custom thereof of any person of any particular race, color, religion, national origin or ancestry is unwelcome, objectionable or not acceptable, desired or solicited. The production of any such written or printed communication, notice or advertisement, purporting to relate to any place of public accommodation and to be made by any person being the owner, lessee, sub-lessee, proprietor, superintendent, agent or employee thereof shall be presumptive evidence, for the purposes of this Act, that the same is authorized by such persons;

(3) make any written or oral inquiry, directly or indirectly in connection with the soliciting, reserving, booking, sale or dispensing of any accommodation, advantage, facility, service, or privilege, concerning the race, color, religion, national origin or ancestry of the person seeking such accommodation, advantage, facility, service or privilege.

(h) For any owner, lessee, sub-lessee, assignee, or managing agent of any publicly-assisted housing accommodation or other person having the right of ownership or possession of, or the right to sell, rent or lease, such accommodation or any employee or agent thereof, to

(1) refuse to sell, rent or lease or otherwise deny to or withhold from any person or group of persons such housing accommodations because of the race, color, religion, national origin or ancestry of such

person or persons.

(2) discriminate against any person because of his race, color, religion, national origin or ancestry in the terms, conditions or privileges of the sale, rental or lease of any publicly-assisted housing accommodations or in the furnishing of facilities or services in connection therewith.

(3) print or circulate or cause to be printed or circulated any statement, advertisement or publication, or use any form of application for the purchase, rental or lease of such housing accommodations or make any record or inquiry in connection with the prospective purchase, rental or lease of such housing accommodations, or announce or follow a policy which expresses, directly or indirectly, any limitation, specification or discrimination as to race, color, religion, national origin or ancestry, or any intent to make any such limitation, specification or discrimination.

(i) For any person to discriminate in any manner against any other person because he has opposed any practice forbidden in this Act, or because he has made a charge, testified, assisted or participated in any manner in any investigation, proceeding or hearing under this Act.

(j) For any person to aid, abet, incite, compel or coerce the doing of any act declared by this section to be an unlawful discriminatory practice, or to obstruct or prevent any person from complying with the provisions of this Act or any order issued thereunder, or to attempt directly or indirectly to commit any act declared by this section to be an unlawful discriminatory practice.

Section 5. Religious Denominational Institutions

(a) Any institution operated, supervised or controlled by a religious denominational organization which, through its chief executive officer, certifies in writing to the Commission that it is so operated or supervised or controlled and that it elects to be considered a religious denominational institution will thereupon be deemed such an institution for the purpose of this Act.

(b) Nothing in this Act shall be construed to limit the right of any religious denominational institution to select its employees, students, or those to whom it supplies facilities in places of public accommodation or in housing accommodations exclusively or primarily from members of its own religious or denominational group or to give preference in such selection to such members or to persons of the same religion or denomination.

Section 6. State Civil Rights Commission

(a) There is hereby created a State Civil Rights Commission to consist of five members to be appointed by the Governor, with the advice and consent of the _____ * one of whom shall be designated by the Governor as chairman.

(b) Of the members first appointed, one shall be appointed for a term of one year, one for a term of two years, one for a term of three years, one for a term of four years and one for a term of five years, but

* Proper legislative body if necessary or desirable

their successors shall be appointed for terms of five years each, except that any member chosen to fill a vacancy occurring otherwise than by expiration of a term shall be appointed only for the unexpired term of the member whom he shall succeed.

(c) Three members of the Commission shall constitute a quorum for the purpose of conducting the business thereof. A vacancy in the Commission shall not impair the right of the remaining members to exercise all the powers of the Commission.

(d) Each member of the Commission shall receive a salary of _____** a year and shall also be entitled to his expenses actually and necessarily incurred by him in the performance of his duties. He shall not engage in any other business, vocation or employment, but shall devote his full time to his duties under this Act.

(e) Any member of the Commission may be removed by the Governor for inefficiency, neglect of duty, misconduct or malfeasance in office, after being given a written statement of the charges against him and an opportunity to be heard publicly thereon.

Section 7. Powers and Duties of the Commission

The Commission shall have the following powers and duties:

(a) To establish and maintain a principal office in the city of _____ and such other offices within the State as (capital or other large city)

**Amount of compensation should be sufficient to obtain full time competent personnel.

it may deem necessary.

(b) To meet and function at any place within the State.

(c) To appoint such attorneys, hearing examiners and other employees and agents as it may deem necessary, fix their compensation within the limitations provided by law and prescribe their duties.

(d) To adopt, promulgate, amend and rescind rules and regulations to effectuate the provisions of this Act and the policies and practice of the Commission in connection therewith.

(e) To formulate policies to effectuate the purposes of this Act and make recommendations to agencies and officers of the State or local subdivisions of government to effectuate such policies.

(f) To receive, investigate and pass upon charges of unlawful discriminatory practices.

(g) To hold hearings, subpoena witnesses, compel their attendance, administer oaths, take the testimony of any person under oath and require the production for examination of any books and papers relating to any matter under investigation or in question before the Commission. The Commission may make rules as to the issuance of subpoenas by individual Commissioners. Contumacy or refusal to obey a subpoena issued pursuant to this section shall constitute a contempt punishable, upon the application of the Commission, by the _____ court in which
(insert name of court)
the witness resides, transacts business or is found.

(h) To create such advisory agencies and conciliation councils, local or State-wide, as will aid in effectuating the purposes of this Act. The Commission may itself, or it may empower these agencies and councils to,

(1) study the problems of discrimination in all or specific fields of human relationships when based on race, color, religion, national origin or ancestry; and (2) foster through community effort or otherwise good will among the groups and elements of the population of the State. Such agencies and councils may make recommendations to the Commission for the development of policies and procedures in general. Advisory agencies and conciliation councils created by the Commission shall be composed of representative citizens serving without pay, but with reimbursement for actual and necessary travelling expenses.

(i) To issue such publications and such results of investigations and research as in its judgment will tend to promote good will and minimize or eliminate discrimination because of race, color, religion, national origin or ancestry.

(j) To make periodic surveys of the existence and effect of discrimination because of race, color, religion, national origin or ancestry on the enjoyment of civil rights by persons within the State.

(k) From time to time, but not less than once a year, to report to the Legislature and the Governor, describing in detail the investigations, proceedings and hearings it has conducted and their outcome, the decisions it has rendered and the other work performed by it, which report shall include a copy of any surveys prepared pursuant to subdivision (j) of this section and shall include the recommendations of the Commission as to remedial action, legislative and otherwise.

Section 8. Educational Program

(a) In order to eliminate prejudice among the various racial, religious and ethnic groups in this State and to further good-will among

such groups, the Commission in cooperation with the [State Department of Education] shall prepare a comprehensive educational program, designed for the students of the public schools of this State and for all other residents thereof, to emphasize the origin of prejudice against such minority groups, its harmful effects, and its incompatibility with American principles of equality and fair play.

(b) The Commission is hereby authorized to accept contributions from any person to assist in the effectuation of this section and may seek and enlist the cooperation of private charitable, religious, labor, civic and benevolent organizations for the purposes of this section.

Section 9. Prevention of Unlawful Discriminatory Practices

(a) The Commission is empowered and directed, as hereinafter provided, to prevent any person from engaging in unlawful discriminatory practices, provided that before instituting the formal hearing authorized by this section it shall attempt, by informal methods of persuasion and conciliation, to induce compliance with this Act.

(b) Whenever it is charged by a person, hereinafter referred to as the complainant, that any person, hereinafter referred to as the respondent, has engaged or is engaging in unlawful discriminatory practices, or upon its own initiative, the Commission may initiate a preliminary investigation. If it shall determine after such investigation that it is not probable that unlawful discriminatory practices have been or are being engaged in, it shall notify the complainant that it has so determined and that it will not issue a complaint in the matter. If it shall determine after such investigation that it is probable that unlawful

discriminatory practices have been or are being engaged in, it shall endeavor to eliminate such practices by informal methods of conference, conciliation, and persuasion. Nothing said or done during such endeavors may be used as evidence in any subsequent proceeding. If, after such investigation and conference, the Commission is satisfied that any unlawful discriminatory practice of the respondent will be eliminated, it may, with the consent of the complainant, treat the complaint as conciliated, and entry of such disposition shall be made on the records of the Commission. If the Commission fails to effect the elimination of such unlawful discriminatory practices and to obtain voluntary compliance with this Act or, if the circumstances warrant, in advance of any such preliminary investigation or endeavors, the Commission shall issue and cause to be served upon any person or respondent a complaint stating the charges in that respect and containing a notice of hearing before the Commission, a member thereof, or a hearing examiner at a place therein fixed to be held not less than ten days after the service of such complaint. Any complaint issued pursuant to this section must be so issued within one year after the alleged unlawful discriminatory practices were committed.

(c) Any such complaint may be amended by the Commission or a member thereof or its hearing examiner conducting the hearing at any time prior to the issuance of an order based thereon. The respondent shall have the right to file an answer to the original and amended complaint and to appear at such hearing in person or by attorney or otherwise to examine and cross-examine witnesses.

(d) The complainant shall be a party to the proceeding and in the discretion of a member conducting the hearing or of the Commission any

person may be allowed to intervene therein.

(e) In any proceeding, the member or Commission shall not be bound by the rules of evidence prevailing in the courts of law or equity, but shall, in ascertaining the practices followed by the respondent, take into account all evidence, statistical or otherwise, which may tend to prove the existence of a pre-determined pattern of employment, membership, admission, service, sale or rental; provided that nothing herein contained shall be construed to authorize or require any person to observe the proportion which persons of any race, color, religion, national origin or ancestry bear to the total population or in accordance with any criterion other than the individual qualifications of the applicant.

(f) The testimony taken at the hearing shall be under oath and shall be reduced to writing and filed with the Commission. Thereafter, in its discretion, the Commission upon notice may take further testimony or hear argument.

(g) If upon all the testimony taken the Commission shall determine that the respondent has engaged in or is engaging in any unlawful discriminatory practice, whether against the complainant or others, the Commission shall state its findings of fact and shall issue and cause to be served on such respondent an order requiring such respondent to cease and desist from such unlawful discriminatory practice and to take such further affirmative or other action as will effectuate the purposes of this Act, including, but not limited to hiring, reinstatement or upgrading of employees with or without back pay, admission or restoration to union membership or to educational institutions, or the extension of

full, equal and unsegregated accommodations, advantages, facilities and privileges to all persons, including a requirement for reports of the manner of compliance. Upon the submission of such reports of compliance the Commission may issue a declaratory order stating that the respondent has ceased to engage in unlawful discriminatory practices.

(h) If the Commission shall find that no probable cause exists for crediting the charges or if upon all the evidence the Commission shall find that a respondent has not engaged in any unlawful discriminatory practice against the complainant or others, it shall state its findings of fact and shall issue and cause to be served on the complainant an order dismissing the said complaint as to such respondent. A copy of the order shall be delivered in all cases to the Attorney General and such other public officers as the Commission deems proper.

(i) The Commission may publish the facts in the case of any complaint which has been dismissed and shall publish the terms of conciliation when the complaint has been so disposed of.

(j) Until a transcript of the record in a case shall be filed in a court as hereinafter provided, the Commission may, at any time, upon reasonable notice, and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made by it.

Section 10. Judicial Review and Enforcement

(a) Any complainant, intervener or respondent claiming to be aggrieved by a final order of the Commission, including a refusal to issue a complaint, may obtain judicial review thereof, and the Commission may obtain an order of court for its enforcement, in a proceeding as provided

in this section. Such proceeding shall be brought in the _____
(insert name)
court of the State within any county wherein the unlawful discriminatory
practice which is the subject of the Commission's order was committed or
wherein any respondent required in the order to cease and desist from an
unlawful discriminatory practice or to take affirmative action resides or
transacts business.

(b) Such proceeding shall be initiated by the filing of a petition
in court as provided in subdivision (a) of this section and the service
of a copy of the said petition upon the Commission and upon all parties
who appeared before the Commission. Thereupon the Commission shall file
with the court a transcript of the record upon the hearing before it. The
court shall thereupon have jurisdiction of the proceeding and of the questions
determined therein and shall have power to grant such temporary relief or
restraining order as it deems just and proper and to make and enter upon
the pleadings, testimony and proceedings set forth in such transcript an
order enforcing, modifying and enforcing as so modified, or setting aside
in whole or in part, the order of the Commission.

(c) An objection that has not been urged before the Commission
shall not be considered by the court, unless the failure or neglect
to urge such objection shall be excused because of extraordinary circum-
stances.

(d) Any party may move the court to remit the case to the Commission
in the interests of justice for the purpose of adducing additional speci-
fied and material evidence and seeking findings thereon, provided he shows
reasonable grounds for the failure to adduce such evidence before the Com-
mission.

(e) The findings of the Commission as to the facts shall be conclusive if supported by substantial evidence on the record considered as a whole.

(f) The jurisdiction of the court shall be exclusive and its judgment and order shall be final, subject to appellate review as provided by law.

(g) The Commission's copy of the testimony shall be available at all reasonable times to all parties without cost for examination and for the purposes of judicial review of the order of the Commission. The petition shall be heard on the transcript of the record without requirement of printing.

(h) The Commission may appear in court by its own attorneys.

(i) If no proceeding to obtain judicial review is instituted by a complainant, intervener or respondent within thirty days from the service of an order of the Commission pursuant to section 9 (g) hereof, the Commission may obtain a decree of the court for the enforcement of such order upon showing that respondent is subject to the Commission's jurisdiction and resides or transacts business within the county in which the petition for enforcement is brought.

(j) All suits brought under this section shall be heard and determined as expeditiously as possible.

Section 11. Notices to be Posted

Every person subject to this Act shall post in a conspicuous place or places on his premises a notice to be prepared or approved by the Commission which shall set forth excerpts of this chapter and such other relevant information which the Commission deems necessary to explain the Act. Any

person refusing to comply with the provisions of this section shall be punished by a fine of not less than one hundred dollars or more than five hundred dollars.

Section 12. Construction

The provisions of this Act shall be construed liberally for the accomplishment of the purposes thereof and any law inconsistent with any provision hereof shall not apply. Nothing contained in this Act shall be deemed to repeal any of the provisions of any law of this State relating to discrimination because of race, color, religion, national origin or ancestry.

Section 13. Separability

If any clause, sentence, paragraph or part of this Act or the application thereof to any person or circumstance shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Act or its application to other persons or circumstances.

Section 14. Short Title

This Act may be cited as the State Civil Rights Law.

Section 15. Effective Date

This Act shall take effect _____

November 1957