

# A Novel Public Policy: Pennsylvania's Fair Employment Practices Act of 1955

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*Pennsylvania Historical and Museum Commission*

Courtesy of Pennsylvania State Archives



*Governor George M. Leader (D-Pa.) (seated in center) signing into law the FEPC act in 1955. Governor Leader, #546, Governor's Office, RG72, Records of the Dept. of Highways.*

When a smiling Governor George M. Leader signed the Pennsylvania Fair Employment Act of 1955 (P.L. 744), it was a triumphant moment for civil and workers rights in the Keystone State. The Fair Employment Practices Commission [FEPC], created by the Act, was charged with investigating allegations of racially based employment discrimination and arbitrating related disputes between workers and employers. In 1961, with additional responsibility for enforcing state laws regarding equal opportunity in housing and education, FEPC was transformed into the Pennsylvania Human Relations Commission. The

origins of this novel public policy approach to policing employment discrimination is rooted in New Deal-era statutory proposals introduced to the General Assembly by black legislators such as Homer Brown of Western Pennsylvania. Indeed, twenty years of proposed legislation and amendments, social science surveys, state government reports, intensive lobbying efforts, and political infighting preceded Governor Leader's signature on the concluding page of P.L. 744 of 1955.

Though several scholars have examined the legislative and policy debate surrounding employment discrimination, no analysis of the remarkable history of Pennsylvania's FEPC has been forthcoming. In broader national studies Ruchames and Kesselman, for example, give mention to fair employment issues and debates in Philadelphia, especially during a major 1940s transit strike, but shy away from in-depth analyses. Moreover, Moreno's analysis of fair employment law and policy fails to mention the Keystone State despite the fact that it was a major industrial powerhouse where the issue was hotly debated.<sup>1</sup>

Among Pennsylvania historians the FEPC campaign is articulated mainly through local perspectives. Cunningham offers a useful review of the career of "the father of the FEPC": Homer S. Brown. While the author dutifully notes Brown's 1945 FEPC campaign she does not, however, trace his subsequent efforts. Similarly, Edmund's study of the Pittsburgh Urban League cites Brown's role but doesn't shed light on the statewide struggle for FEPC. And Dickerson's book on black steelworkers in western Pennsylvania relates the national FEPC movement to local issues. For instance, he shows how the national FEPC Region 3 Field Operation Division in Philadelphia dealt with black steelworkers and how this activity became a model for the local FEPC in Pittsburgh. Yet Dickerson's study does not supply a statewide account.

Perhaps the most thorough critique of the FEPC in Pennsylvania is Gibson Gray's book, *The Lobbying Game*. Gray's book utilizes papers of various groups that lobbied in support of the establishment of a state-level FEPC. The author, however, overlooks crucial documentation such as governor's papers and state studies of black employment. Although

1. Paul D. Moreno, *From Direct Action to Affirmative Action: Fair Employment Law and Policy in America, 1933-1972*. (Baton Rouge: Louisiana State University Press, 1997); Louis Ruchames, *Race, Jobs, and Politics: The Story of the FEPC*. (New York: Columbia University Press, 1953; Reprint, Negro Universities Press, 1971.); Louis Coleridge Kesselman, *The Social Politics of FEPC*, (Chapel Hill: University of North Carolina Press, 1948); Margaret B. Tinson, "Depression and War, 1929-1946," in: Russell F. Weigley ed. *Philadelphia: A 300 Year History*. (New York: W.W. Norton & Company, 1982).

now somewhat outdated, Gray's work remains perhaps the best book-length study of this history. Other attempts to discuss FEPC can be found in Weber's biography of former Pennsylvania governor David L. Lawrence as well as in Cooper and Crary's analysis of Governor Leader's administration.<sup>2</sup>

Yet past scholarship has not delivered a satisfactory history of how P.L. 744 of 1955 came about in Pennsylvania nor does it examine its tumultuous background. By examining this topic we propose to break new ground in state civil rights and workers' rights history by bringing to light the intricate forces that gave rise to a landmark piece of legislation. Moreover the history of Pennsylvania's Fair Employment Practices Act provides insight as to the longer-term implications of the New Deal, the alliance between labor and various constituencies including African Americans, and the growing role of state-level public policy in ensuring equality in the workplace.

### **Black Legislators Lead the Way**

The origins of FEPC legislation begin in 1934 with a dramatic shift in Pennsylvania politics. Homer S. Brown, an attorney and head of the Pittsburgh chapter of the National Association for the Advancement of Colored People [NAACP], was elected as a state representative from Allegheny County on the Independent ticket. In addition, Baptist minister Reverend Marshall L. Shepard was elected state representative from the 18<sup>th</sup> district in Philadelphia County the same year.<sup>3</sup> Brown and Shepard were among the first blacks ever elected to the state house. They were, in part, aided by a Democratic sweep that year; Joseph Guffey was elected U. S. Senator, the first candidate from the party of Jefferson and Jackson to accomplish this feat in 59 years. And, George Earle was elected governor, the first Democratic to hold the office in 40 years.

The Earle Administration desired "to install the New Deal philoso-

2. Constance A. Cunningham, "Homer Brown: First Political Leader in Pittsburgh," *The Journal of Negro History* LXVI, no. 4 (Winter 1981-82); Arthur J. Edmunds, *Daybreakers: The Story of the Urban League of Pittsburgh: The First Eighty Years*. Second Edition updated by Esther L. Bush. (Pittsburgh: Urban League of Pittsburgh, 1999). Michael P. Weber, *Don't Call Me Boss: David L. Lawrence, Pittsburgh's Renaissance Mayor*. (Pittsburgh: University of Pittsburgh Press, 1988); Dennis C. Dickerson, *Out of the Crucible: Black Steelworkers in Western Pennsylvania, 1875-1980*. (Albany: State University of New York Press, 1986); Richard Cooper and Ryland Crary, *The Politics of Progress: Governor Leader's Administration* (Harrisburg, PA: Penn's Valley Publishers, 1982). Gibson Hendrix Gray, *The Lobbying Game: A Study of the 1953 Campaign of the State Council for a Pennsylvania Fair Employment Practice Commission*. (Tyler, Texas: Published by the author, 1970).  
3. Cunningham: 307. Biographical information on Brown and Shepard was taken from: Pennsylvania Legislative Black Caucus, *Black Legislators in Pennsylvania's History, 1911-1993* (Harrisburg: Legislative Information Office: 1993): 8, 11.

phy of FDR" and proposed a "Little New Deal" for Pennsylvania. Earle signed into law "the most sweeping social reform measures in the state's history." These included "the initiation of unemployment compensation and vast labor benefits that banned strike-breakers, sweatshops, company unions, labor spies, and the detested Coal and Iron Police."<sup>4</sup> The progressive image of the Earle administration suffered, however, when African Americans criticized President Franklin Roosevelt's National Recovery Administration [NRA] for not doing enough for minorities. The *Philadelphia Tribune* reported many "instances of the NRA working to the disadvantage of Negro workers."<sup>5</sup> The NAACP and the Urban League vocalized the need for black state legislators to fix federal shortcomings at the state level. One such shortcoming was in the area of employment discrimination.

African American legislator Hobson R. Reynolds [R-Philadelphia] introduced two bills in the General Assembly in January 1935. HB 67 proposed to amend the 1887 PA Civil Rights law by imposing a \$50-\$100 fine or imprisonment for 30 to 90 days or both for any person denying civil rights to blacks. And, House Bill 68 sought to ban "discrimination and intimidation on account of race or color in employment under contracts for public buildings or public works in the State of Pennsylvania and fixing penalties therefore."<sup>6</sup> Support for this historic legislation came from several fronts in the Democratic Party including Governor Earle, Senator Guffey, and David Lawrence, Secretary of the Commonwealth. Among the few Republicans who favored the legislation were Reynolds and state senator Samuel Salus of Philadelphia. However, on the political grapevine it was whispered that the Grand Old Party "was reluctant to openly oppose the measures...[also] because it might further alienate the black electorate" [which was switching its loyalty to the Democratic Party].<sup>7</sup> The *Philadelphia Tribune* warned Republicans that if they did not endorse the legislation, "they will make the coming election almost a certain victory for the Democratic Party."<sup>8</sup>

4. "NRA Fails To Give Proper Protection to Negro Workers," *Philadelphia Tribune*, 25 April 1935:

1. Also see Howard Harris (ed). *Keystone of Democracy: A History of Pennsylvania Workers*. Harrisburg: Pennsylvania Historical & Museum Commission, 1999, especially chapter 4.

5. Editorial, *Philadelphia Tribune*, 25 April 1935:1.

6. House Bills 67 and 68, Commonwealth of Pennsylvania, *Legislative Journal of 1935-1936*: 113.

7. Andrew Buni, *Robert L. Vann of the Pittsburgh Courier: Politics and Black Journalism*. (Pittsburgh: University of Pittsburgh Press, 1974): 218. "The Republican-dominated Senate had refused to pass a similar bill two years before." Eugene Adair Hatfield, "The Impact of the New Deal on Black Politics in Pennsylvania, 1928-1936," Ph.D. dissertation, University of North Carolina, 1979: 248.

8. Editorial, *Philadelphia Tribune*, 25 April 1935:1.

*Pittsburgh Courier* editor Robert L. Vann called attention to the importance of the state contractor bill that was co-sponsored by Representative Marshall Shepard. Vann said that

Public works are going to supply a very large percentage of the available jobs in this country for some time to come. Such laws as the bill now before the Governor will assure Negroes a much greater share of this work than they have been receiving.<sup>9</sup>

Governor Earle signed the contractor's bill on July 18, 1935. Although many blacks did not realize it at the time, the new law enhanced employment opportunities for black construction workers, electricians, plumbers and other skilled tradesmen on contracts for public buildings and public works.<sup>10</sup> The bill did not reach the Governor's desk without some attempts at derailing it, however. Opposition arose from the powerful Pennsylvania Hotel and Restaurant Association which predicted "rioting, bloodshed and murder" if it was enacted.<sup>11</sup> A recall resolution was quickly introduced in the Pennsylvania House. Learning of the recall resolution, Earle immediately signed the bill. "Let them pass any resolution they want to. I am happy to have the opportunity to help right a great wrong," he reportedly said. The next day, June 12, the governor wrote Vann thanking him for his support and assuring him that "there was never any doubt in my mind as to the stand I should take."<sup>12</sup> Andrew Buni, Vann's biographer, records a different version of the bill's signing. Buni claims the Pennsylvania House recalled the bill, "not realizing that Earle had already signed it."<sup>13</sup> Governor Earle's endorsement of this act along with a bill creating Negro National Guard units in the state and his enactment of the legislation that proposed increased fines and penalties for civil rights violations sent a signal to Homer Brown (who had switched from Independent to Democrat) and other black Democrats that a more progressive and socially conscious era had arrived in the Keystone State.

Backed by the National Urban League, Brown soon piloted an amendment to the McGinnis Bill of 1937 [a.k.a. the Pennsylvania

9. Editorial, *Pittsburgh Courier*, 15 June 1935: 12.

10. *Laws of Pennsylvania, Session of 1935*: 1173.

11. Philip S. Klein and Ari Hoogenboom, *A History of Pennsylvania*. Second Edition. (University Park and London: Pennsylvania State University, 1980): 457. Hatfield: 248.

12. Hatfield: 248-249. "Equal Rights Bill Is Signed," *Pittsburgh Courier*. 15 June 1935:1.

13. Buni: 218.

Labor Relations Act]. Brown's amendment denied benefits of the McGinnis Bill to any union that practiced racial discrimination. Brown wrote:

Before a Negro worker can benefit from the bill there must have arisen a dispute between a contractor and the discriminating union, in which case an individual or an organized group of Negro workers may claim that the union has not acted within the law, and therefore cannot claim protection of the law. This is an indirect way of bring pressure to bear on unions to open their membership to Negroes.<sup>14</sup>

A committee passed the amended bill in January 1938, despite resistance to it in the Senate and from Pennsylvania's chapters of the American Federation of Labor (AFL) and Committee for Industrial Organization (CIO). Its enactment was to follow, marking "the first time such a clause was included in labor legislation anywhere in the country."<sup>15</sup> The *Philadelphia Tribune* praised Brown's work, claiming "colored workers must now be admitted to every labor union in the State or else that union will lose the benefits of the Pennsylvania Labor Act."<sup>16</sup>

With the enactment of a statute banning employment discrimination in state-funded public works and with the passage of the Labor Relations Act, black legislators sought to take the next logical step; statutory prohibitions against race-based discrimination in the workplace generally. Several efforts commenced to further study the problem as a precursor to enacting a public policy remedy.

First, black legislators proposed a temporary commission to analyze social conditions inherent in African Americans communities. With empirical evidence in hand legislators would be forced to enact laws to further prohibit racial discrimination especially in the workplace, black lawmakers hoped. On June 12, 1939, newly inaugurated Governor Arthur James signed a bill creating the "Pennsylvania State Temporary Commission on the conditions of the urban colored population." Homer Brown was appointed as a member of the commission.<sup>17</sup>

14. Homer S. Brown, "The Negro in Politics." in: WPA Ethnic Survey, 1938-1941, Job 4, "The Negro in Pittsburgh," RG 13, Pennsylvania State Archives.

15. Letter, T. Arnold Hill to Homer Brown, Homer Brown Papers, University of Pittsburgh Archives; Edna McKenzie, "Triumph of Pittsburgh's Early NAACP Leaders: Daisy Lampkin and Homer Brown." Paper read before the annual Conference on Black History in Pennsylvania, West Chester, 1995.

16. *Philadelphia Tribune*, 3 June 1937.

17. Letter, E. Washington Rhodes to Homer Brown, 3 February 1940, Homer Brown Papers.

Then, On July 26, 1939, Lewis G. Hines, Secretary of the Commonwealth's Labor and Industry Department, established the Division of Negro Research and Planning. It "grew out of conversations which had been held...with representative Negro leaders of the Commonwealth."<sup>18</sup> The division studied the employment problems of blacks in Pennsylvania focusing on Chester and Williamsport—small cities with significant African American populations. The division's analysis of culminated in a report issued in 1943 noting that black workers at Sun Shipbuilding and Dry Dock Company suffered "from colds and other diseases incident to ill-housing and overcrowding [housing] conditions." The survey stressed, "the health of these workers is of tremendous importance because of their activity in the War Effort" and that the state should act to improve workers' conditions in Chester.<sup>19</sup>

The Williamsport survey was conducted with the assistance of a previously established interracial committee established by the state's Department of Welfare. This committee worked with the Division of Negro Research and Planning to obtain "fundamental facts and data" about the black community in Williamsport "that would culminate in recommendations or action to ameliorate ills and improve the general welfare of the Negro community."<sup>20</sup> The Division's final report concluded that most blacks were employed in the service sector of the economy and few worked as skilled tradesmen. Moreover, it documented reports of discrimination and intolerance and urged legislative remedies that would impact the workplace.<sup>21</sup>

Conditions in Chester and Williamsport were not dissimilar to other areas of the Commonwealth according to the Department of Welfare. In a 1941 report entitle "Survey of the Negro Population of Metropolitan Johnstown, Pennsylvania" the agency criticized the New Deal's lack of redress of unemployment and underemployment among African Americans. The report noted, "The average income from those on

18. Letter, Joseph V. Baker to Lewis G. Hines, 25 September 1941. in: "Report of Activities of the Division of Negro Research and Planning, Bureau of Research and Information, Department of Labor and Industry, Commonwealth of Pennsylvania, July 1939-July 1941."

19. Division of Negro Research and Planning, Department of Labor and Industry, Commonwealth of Pennsylvania. "A Study of Negro Communities in the City of Chester, Pennsylvania." [1943]: 4.

20. Division of Negro Research and Planning, Department of Labor and Industry, Commonwealth of Pennsylvania. A Survey of employment, social, religious and housing conditions of the Negro population of Williamsport, Pennsylvania, 1941: 1.

21. Division of Negro Research and Planning, "Report of Activities...July 1939-July 1941." For unknown reasons the Division of Negro Research and Planning was discontinued within the Department of Labor and Industry around 1941. No reports or correspondence have been found after the issue of the 1939-1941 report.

W.P.A. projects and public relief is \$8.30 a week per family hardly meets subsistence standards.”<sup>22</sup> A major recommendation of the Johnstown study was a call for ending racial discrimination both in the shop and in organized labor.

In January 1943, the Pennsylvania State Temporary Commission on the Conditions of the Urban Colored Population presented its final report to Governor James, Governor-elect Edward Martin, and the General Assembly. The report presented evidence of widespread practices of racial discrimination among employers corroborating the findings of the Departments of Welfare and Labor and Industry. Discrimination was so rampant that the commission urged the formation of “an interracial State Fair Employment Practice Committee organized with power to effect the integration of all minority groups in the post war period.”<sup>23</sup> Events in Philadelphia would soon shed additional light on the situation.

### **The Philadelphia Transit Strike of 1944**

The issue of fair employment practices ignited a major strike by employees of the Philadelphia Transportation Company [PTC]. In December 1942, the Philadelphia chapters of the National Negro Congress and the NAACP pressured the PTC to improve labor conditions for African American workers. “Although there were 537 Negroes among the 11,000 PTC employees blacks held only the dirtier and more menial jobs. None served as motormen or conductors—positions traditionally reserved for whites.”<sup>24</sup> The PTC said no to the NAACP and National Negro Congress, claiming that the company’s bargaining unit—the Philadelphia Rapid Transit Employees Union [PRTEU]—would oppose upgrading blacks. In 1943, when PTC asked the U.S. Employment Office for assistance in recruiting one hundred *white* motormen, the War Manpower commission and the federal FEPC began investigating employment practices of the PTC.<sup>25</sup> Complicating the situation was a bitter contest between the PRTEU, the AFL affiliated Amalgamated Association of Street and Electric Railway and Motor

22. Florence M. Hornback, “Survey of the Negro Population of Metropolitan Johnstown, Pennsylvania,” (Johnstown: *Johnstown Tribune/Johnstown Democrat*, 1941): 70.

23.. Commonwealth of Pennsylvania. *Pennsylvania State Temporary Commission on the Conditions of the Urban Colored Population. “Final Report to the General Assembly of the State of Pennsylvania. January 1943.*

24. Allan M. Winkler, “The Philadelphia Transit Strike of 1944,” *The Journal of American History* LIX (June 1972): 74.

25. Tinkcom: 643.



Coach Employees of America, and the CIO's affiliated Transit Workers Union [TWU] for the right to represent PTC workers. In March 1944, employees chose the TWU as their bargaining agent and the union soon promised to work for the promotion of blacks to "any jobs for which they were qualified."<sup>26</sup>

In July 1944, the War Manpower Commission threatened to cut off the PTC's labor supply unless they agreed to upgrade the jobs of African American employees. The PTC gave in, accepting three black applicants from the Employment Service and five blacks already employed by the company for training as streetcar motormen. On August 1, the day that training for black streetcar operators was to start, hundreds of white PTC employees called in sick. "I'm sick, sick to my stomach," was the general complaint. As a result, "by noon every one of the city's 1,900 street cars, 632 buses and 541 subway and elevated cars were idle."<sup>27</sup> Philadelphia was paralyzed by a massive strike.

The strikers set up headquarters in a city car barn where one of the ringleaders of the strike, "burly, bull-voiced James Henry McMenamin," jumped up on a toolbox and proclaimed: "It's white against black."<sup>28</sup> The War Labor Board issued a back-to-work order but strikers refused to obey. President Roosevelt sent a detachment of troops under Maj. Gen. Philip Hayes to take charge. The soldiers arrived in Philadelphia on August 5 and an ultimatum was given to strikers to return to work at 12:01 a.m. the next day or the army would run the system. As punishment, striking workers' draft deferments would end, strikers would be blacklisted from defense work, and would be denied unemployment compensation. Workers caved in and, by the deadline, Philadelphia's mass transit system was up and running with soldiers riding on all vehicles as a safeguard against possible violence. U. S. Attorney General Francis Biddle ordered a federal grand jury investigation into the strike. Four leaders, including McMenamin, were arrested and charged with violating the War Labor Disputes Act,<sup>29</sup> a law that required prior approval of a strike by ballot of union members and a mandatory delay of thirty days before a walkout. TWU had not complied with these provisions. Ten days later, with the situation back to normal, General Hayes withdrew his troops from Philadelphia. Blacks were at last employed as

26. Winkler: 79.

27. Tinkcom: 643, "Trouble in Philadelphia," *Time* 44, 14 August 1944: 22.

28. *Time*: 22.

29. Tinkcom: 644. The War Labor Disputes Act, also known as the Smith-Connally Act was passed in June 26, 1943 over the veto of President Franklin Delano Roosevelt.

motormen and conductors on the PTC. The strike, widely covered by the media,<sup>30</sup> dramatized the problem of workplace discrimination in the Keystone State's largest city in full view of a national audience.

### Lobbying Efforts Commence in Harrisburg

The strike accelerated pressure on black state legislators to secure passage of a statewide FEPC law. The Philadelphia Council for Equal Job Opportunity (CEJO)—comprised of nineteen organizations ranging from African American and Jewish defense associations, Catholic and Protestant interracial committees, and the metropolitan chapters of the AFL and CIO—commenced intensive lobbying in favor of fair employment practices.<sup>31</sup> The Bi-Partisan Committee for a Pennsylvania FEPC did likewise. By 1945 the Committee had grown to include 45 organization members including United People Action Committee, Philadelphia chapters of the American Jewish Congress and NAACP, Fur Worker Union-CIO, Marine and Ship Workers Union-CIO, Teachers Union-CIO, Transport Workers Union-CIO, and the United Garment Workers Union-AFL. A distinguished citizen—former Pennsylvania first lady Cornelia Bryce Pinchot—chaired the Committee.<sup>32</sup> And, in Western Pennsylvania the Allegheny County Committee on Fair Employment Practices was co-founded by the local Jewish Community Relations Council and the local branch of the Urban League in 1945.<sup>33</sup>

Indeed, these crusades were spin-offs from a national initiative that began when President Roosevelt issued Executive Order 8802 on June 25, 1941, creating a federal Fair Employment Practices Committee. This committee was charged with policing racial discrimination in defense industries during World War II. After Roosevelt's death and Truman's swearing in as President in 1945, numerous FEPC bills were introduced in Congress but none were enacted. Consequently, "with the failure to secure a permanent FEPC with enforcement powers at the national level, its proponents began to seek the same sort of agency at the municipal and state levels."<sup>34</sup>

30. Contemporary accounts of the PTC strike beside the *Time* magazine article include "The Philadelphia Strike," *Nation*, 12 August 1944: 172-173. "Race Trouble in Philadelphia Brings Test of Wartime Powers," *Newsweek*, 14 August 1944: 36, 38.

31. Gibson Hendrix Gray, *The Lobbying Game: A Study of the 1953 Campaign of the State Council for a Pennsylvania Fair Employment Practice Commission*. (Tyler, Texas: Published by the author, 1970): 6-7.

32. "Bi-Partisan Committee Maps Pa. FEPC Plans," *Philadelphia Tribune*, 27 January 1945: 1, 3.

33. Gray: 9.

34. Gray: 5-6.

Several New York State legislators introduced an FEPC bill in Albany in November 1943.<sup>35</sup> The Philadelphia Jewish Community Relations Council of the CEJO helped prepare HB 354 that Homer Brown sponsored in the House of Representatives. It was modeled after the bill introduced in the New York legislature. HB 354 became the focus of the FEPC campaign in Pennsylvania because no other FEPC bills came as close as the Brown Bill to meeting all of the requirements of the lobbying groups. Indeed Brown hoped—in vain—that Pennsylvania would enact its law before New York.

The Brown bill contained four main features. It (1) established an independent and salaried commission; (2) granted the Commission authority to conduct educational programs and to initiate and investigate allegations of employment discrimination; (3) defined as unlawful discrimination by reason of race, color, creed, national origin, or ancestry in hiring, discharge, and conditions of employment, in rights and privilege of union memberships, and in advertisements and application forms, and; (4) prohibited discrimination on the part of labor organizations, governmental agencies, employment agencies, and employers.<sup>36</sup>

Other FEPC bills were introduced as well. These included SB 1379 by Maxwell Rosenfeld [D-Philadelphia], SB 163 by Anthony DeSilvestro [R-Philadelphia], HB 164 by Samuel Salus [R-Philadelphia], SB 871 by A. Evans Kephart [R-Philadelphia], and HB 194 by David Weiss [D-Westmoreland County]. Like HB 354, HB 163 and HB 194 advocated an independent commission to deal with racial discrimination in the workplace. However, the Bipartisan Committee saw SB 163 as undermining the momentum for a FEPC law by requiring another study of workplace discrimination. "The legislature is repeating itself," charged the Committee since it was such a commission in 1939 that led to the present storm of FEPC legislation in the legislature. Forming a new investigation task force could set back passage of a Pennsylvania FEPC by at least two years, argued the *Philadelphia Tribune*.<sup>37</sup> To drum up public support for the Brown bill the Bi-Partisan Committee held rallies and testified at the House hearing on the measure.<sup>38</sup>

Both Brown and the Bi-Partisan Committee realized, however, that

35 New York was the first state to enact a FEPC law. The New York FEPC bill was passed on March 12 and became law on July 1, 1945. Konvitz: 199.

36. Gray: 9.

37. "Charge Senator Delays FEPC Bill," *Philadelphia Tribune*, 3 February 1945: 1, 3.

38. "Fifth FEPC Bill Further Muddles Situation in Pa.," *Philadelphia Tribune*, 10 March 1945: 1,10.

passage of a FEPC Act required not only advocating such a public policy but also identifying and refuting its critics. The *Philadelphia Tribune* singled out the state Chamber of Commerce as an influential lobby opposed to FEPC. Another enemy was Joseph Grundy's Pennsylvania Manufacturing Association. Grundy, a Quaker bachelor who made millions in textile manufacturing, founded the PMA in 1909. By 1920, Grundy ranked with the Mellons and the Vares as a major political force in the Commonwealth. He served as PMA president through the 1930s and chairman until 1947. Historian Paul Beers writes of the PMA: "few could match it as a super lobby that made grass-roots alliances with county leaders."<sup>39</sup> Grundy's partner was G. Mason Owlett, a Republican businessman, attorney, and politician from Tioga County. Owlett rose rapidly in politics, starting out as Republican county chairman in 1928, and then serving, as state senator from Tioga County from 1932 to 1940, and in 1938 became GOP leader of the state senate. It was in this capacity that Owlett served as chairman of a commission established by Governor Arthur James to investigate sweatshops. Owlett allegedly "handled the hearings of the investigation in a manner that was most favorable to the management interests involved."<sup>40</sup>

Owlett's handling of the James Commission no doubt aided his career. Grundy made Owlett general counsel of the PMA in 1940. He was promoted to president in 1943. Together with Governor Edward Martin, Owlett and Grundy were known as the "Grundy-Martin-Owlett-PMA wing" of the Pennsylvania GOP. Under Grundy, the PMA had always used its clout to influence the General Assembly and the Governor on labor legislation.<sup>41</sup> And with Owlett as president and Martin as governor, the PMA became unabashedly loyal to the GOP.

39. Paul B. Beers, *Pennsylvania Politics Today and Yesterday: The Tolerable Accommodation*. [University Park: Pennsylvania State University Press, 1980]: 114. J. Roffe Wike, a historian of the PMA, argues that the PMA did not overtly oppose FEPC but chose usually to withhold approval. "Such absence of their support [of FEPC] could be presumed to be tantamount to actual opposition." Wike writes that the Mellon faction included the Leslie-Coyne organization of Allegheny County and Senator David Reed. The Vares section of the Pennsylvania Republican Party had Congressman Griest and Mayor Magee, both of Lancaster. General W.W. Atterbury, president of the Pennsylvania Railroad along with groups representing industrial utilities and the mining industry were also allied with the Vares. J. Roffe Wike, *The Pennsylvania Manufacturers' Association* (Philadelphia: University of Pennsylvania Press, 1960): 145, 227.

40. *Pennsylvania Manual, 1935*. (Harrisburg: Bureau of Publications, 1936): 287-288. Wike: 95-96.

41. Gray: 114.

Martin, however, was not altogether opposed to the idea of fair employment practices, though he was concerned about the cost of enforcement, estimated at anywhere between \$3,000 and \$300,000 a year. The governor also complained about HB 354 being "too radical" in that it required the creation of yet another government agency. Martin's public comments were seemingly intended to arouse taxpayers' resentment against more "big government spending."<sup>42</sup>

In March 1945, the House held a hearing on HB 354 where legislators heard from Cornelia Pinchot's Bipartisan Committee and representatives of organized labor. A letter from CIO head Phillip Murray favoring FEPC was read. Remarkably, no opponents of the bill came forward. Brown scored more points when Kephart and Weiss agreed to drop their bills and swing their support to him. Kephart said, "I'm convinced that you people do not want my bill and as far as I'm concerned, it's the Brown bill or nothing."<sup>43</sup> There were, nevertheless, opponents of FEPC in the House. State Representative Adam Bower (R-Northumberland) pledged to vote against Brown's bill because he claimed his constituents had anti-Semitic and anti-Negro views that he could not ignore. When the roll call was finally taken in April to bring HB 354 out of committee, 102 Republicans voted no while 5 Republicans and 92 Democrats voted yes. Philadelphia lawmakers Salus, Herman Tahl, and Morris Root, Delbert Dairyple of Erie, and John Hoffman of Northampton were the pro-Brown Republicans. Brown's bill had died for lack of just three votes. Homer Brown watched the defeat of HB 354 with tear-dimmed eyes, swearing, "The battle was lost but not the war."<sup>44</sup> Brown's FEPC bill would serve as the model for future legislation.

### **The Pittsburgh Interracial Action Council**

Brown's continued idealism found inspiration in grassroots activity back in Allegheny County. In 1945 an alliance of the Citizens Coordinating Committee, the War Manpower Commission, and the *Pittsburgh Courier* won a major labor and civil rights victory when the Pittsburgh

42. Editorial, *Philadelphia Tribune*, 17 February 1945: 4. "County, State, & Nation," *Bulletin Index*, 2 February 1946: 10.

43. Editorial, *Philadelphia Tribune*, 24 February 1945: 4. "Brown Charges Martin Killing FEPC Measure," 24 April 1945: 1, 9. Gray: 11. *Bulletin Index*: 10-11.

44. Platform of the Republican Party of Pennsylvania, Pittsburgh, 7 September 1946. in: Pennsylvania State Archives, MG 190, Governor James H. Duff Papers, Attorney General Campaign file; General Election Governor, 5 May 1946, folder 1.

Railway Company agreed to hire an African American trolley driver named Edward Stanton.<sup>45</sup> On the heels of this success a group called the Interracial Action Council (IAC) emerged. Comprised of organizations such as the Elks Lodge, the Building Employees Union, the Council of Churches, the Pittsburgh NAACP, the *Pittsburgh Courier*, and the Pittsburgh Urban League, the IAC convened a mass public meeting of more than 300 citizens in early December 1945. Out of that meeting came a motion to challenge the Jim Crow hiring practices of the five major Pittsburgh department stores.

When the retailers declined to meet with IAC representatives, the IAC and Urban League initiated a letter-writing campaign. "The stores were confronted with 15,000 postcards, 30,000 handbills, and numerous cancelled accounts."<sup>46</sup> But still they refused to hire African Americans. Pittsburgh Urban League public relations director K. Leroy Irvis (later elected a State Representative and first black Speaker of the Pennsylvania House of Representatives) recalls what happened next.

The committee decided to take a drastic step. It recruited, organized, and carefully trained many pickets, had the necessary placards printed, and then on a Friday evening, telegraphed the stores, the Mayor, and the unions that at 11:00 am the coming Monday—picketing would begin.<sup>47</sup>

On Sunday Pittsburgh Mayor David L. Lawrence telephoned Irvis, asking him to call off the pickets because it would give the city "a black eye." Lawrence convinced Irvis to continue talks with store officials on Monday but the talks broke down and picketing began. Irvis said

There were both white and Negro veterans, clergymen, social workers, newspaper editors in the line, handing out throwaway [protest flyers] to the gaping crowds of Christmas shoppers who read the huge, lettered accusations: 'This store is un-American. It refuses to hire Negro sales clerks.'<sup>48</sup>

45. *Pittsburgh Courier*, "Negroes Will Operate Trolleys in Pittsburgh," 14 April 1945.

46. K. Leroy Irvis Papers, "Summary Report on the Campaign To Secure A Non-Discriminatory Hiring Policy in the major Pittsburgh Department Stores," by K. Leroy Irvis. in: K. Leroy Irvis Papers, Series IV, Subject File D-Civil Rights, Black Employment, Pittsburgh Dept. Stores, 1947-1966. Archives Record Center, University of Pittsburgh.

47. "Summary Report," K. Leroy Irvis Papers.

48. K. Leroy Irvis, "Supplement to the Summary Report on the Campaign to Secure A Non-Discriminatory Hiring Policy in the Major Pittsburgh Department Stores, December 1947," K. Leroy Irvis Papers, Series IV, Subject File D-Civil Rights, Black Employment, Pittsburgh Dept. Stores, 1947-1966..

The IAC got results. K. Leroy Irvis reported to the Urban League that as of December 15 [1947] all but one of the five stores had hired African American salesclerks. Yet victory came at a price for Irvis. White businessmen complained about the boycott to Pittsburgh Urban League executive director R. Maurice Moss, and although Moss was pleased that local stores would finally hire blacks, in deference to the business community he had to fire Irvis. An unapologetic Irvis said: "I was a young firebird who was upsetting things around the nest. I had offended the white man downtown."<sup>49</sup> Indeed, the success of the IAC in integrating Pittsburgh stores later paved the way for the passage of a fair employment practices law in the steel city in 1953. Meanwhile, it sent a signal back to Harrisburg that, yet again, employment-based discrimination was at the forefront of public policy debate.

### **Governor James Duff and FEPC Legislation**

Partly in response to recent events in Pittsburgh, the state GOP endorsed a fair employment practices policy in its platform at a 1946 party convention held in the Steel City. Republicans claimed, "we favor appropriate legislation for fair employment practices and we oppose discrimination in employment because of sex, race, color or creed."<sup>50</sup> Outgoing Governor Martin, was running for the U.S. Senate and made his own candidacy contingent upon confirmation of his former state attorney general James Duff as the Republican gubernatorial candidate. PMA's Grundy and Owlett, not keen about the party's endorsement of fair employment practices nor about Duff, nevertheless endorsed the ticket.

Duff's Democratic rival, Colonel John S. Rice, an apple grower from Gettysburg, didn't prove much competition; Duff was elected with the second widest margin in gubernatorial history. Owlett visited Duff shortly after the inauguration to gauge the influence that the PMA would carry in the governor's office. To his surprise Owlett "was told in no uncertain terms that Duff was his own boss."<sup>51</sup> Indeed Duff would not stand in the way of the rising tide of interests favoring fair employment practices.

Republicans sponsored five FEPC bills and Democrats offered two in the 1947 legislative session. All the measures called for the establishment

49. Edmunds: 122.

50. Beers: 156-157.

51. Sylvester K. Stevens, *Pennsylvania: Birthplace of a Nation* (New York: Random House, 1964): 291.

of a commission to investigate and arbitrate employment complaints. HB 1093, sponsored by African American Lewis Mintess [R-Philadelphia], differed from the rest in that it had a component requiring education of the public regarding employment discrimination. In drafting his FEPC bill Mintess used the Homer Brown 1945 bill as a model.<sup>52</sup>

Meanwhile, a new FEPC lobbying group, the Pennsylvania Committee for a Permanent FEPC (PCPF) emerged. Toasted as the first statewide coordinated effort, it would ultimately fall short of orchestrating broad support. Two major factions were involved in the PCPF. The first was a Pittsburgh contingent headed by the Allegheny County Committee for a FEPC. The second was centered in Philadelphia and was headed by leaders of the American Jewish Congress and the NAACP. PCPF's first president was John Bernheimer of the Philadelphia unit of the American Jewish Congress. After Bernheimer stepped down, Philadelphia NAACP representative Mrs. Goldie Watson took his place.<sup>53</sup> Both Bernheimer and Watson were members of the Progressive Party and were perceived as radical. Watson in fact, "would later be one of the targets of the anti-Communist purge in the Philadelphia school system."<sup>54</sup>

Under Watson's leadership PCPF was perceived as promoting the Communist Party line when it came to racial issues. Watson was not the only person advocating for fair employment practices alleged to be associated with the "red menace". Arthur Huff Fauset, a black Philadelphia public school principal and columnist for the *Philadelphia Tribune*, was the chairperson of the United People's Action Committee (UPAC). UPAC allied itself with the Philadelphia branch of the NAACP during the Philadelphia Transit Company (PTC) strike. In his newspaper columns Fauset urged support for a national FEPC and the hiring of blacks by PTC. It was rumored widely that Fauset was a member of the Communist Party.<sup>55</sup> Moreover, Philadelphia NAACP president Theodore Spauling accused UPAC secretary Elsie Smith of being a Communist.<sup>56</sup> The controversy over Communist influence threatened

52. Commonwealth of Pennsylvania. *Legislative Journal of 1947-48*: 996, [HB 87] 217, [HB 644] 654, [HB 1073] 994; [HB 1093] 996, [SB 374] 754; [SB 265] 545. Ruchames: 167.

53. Gray: 11.

54. Philip Jenkins, *The Cold War at Home: The Red Scare in Pennsylvania, 1945-1960* (Chapel Hill: University of North Carolina Press, 1999): 38.

55. Arthur Huff Fauset, "Save The FEPC," *Philadelphia Tribune*, January 8, 1944; Federal Bureau of Investigation File on Arthur Huff Fauset, Report Made at Philadelphia, Pa., September 16, 1944.

56. Philadelphia NAACP, "Minutes of Special Meeting Called To Deal With Economic Problems in the Black Community," January 29, 1944. Cited in Arthur C. Willis, *Cecil's City: A History of Blacks in Philadelphia, 1638-1979* (New York: Carlton Press, 1990 ) 53, 61.



to divide the black community during the PTC strike, but some people called for unity. A *Philadelphia Tribune* columnist argued that most people didn't care what political color PTC advocates were.

Maybe the United People's Action Committee is controlled by Communists [or] maybe it is not. But one thing certain is that no real action took place toward securing upgrading for Negroes in the PTC until the United People's Action Committee became active. The spreading of this story about the UPAC was inspired by Negroes, it is said, and seemingly because someone is fearful that one group might get a little more credit for victory than another. The writer does not believe that the average Negro in this city gives a hoot who gets the credit—just as long as some black men are hired to operate streetcars in the third largest city in the United States.<sup>57</sup>

The political innuendoes about the Philadelphia NAACP and the UPAC impacted the PCFP. Watson, weighted down by her reputation, failed to lead a united lobbying effort despite the fact that several bills were being considered in Harrisburg.

As the General Assembly hurried to adjourn by the second week of June 1947, all of the FEPC bills remained in committee. Governor Duff, eager to get HB 1093 out of committee, had to move quickly. He met with the House Labor Relations Committee privately yet failed to make any progress. The *Philadelphia Afro-American* said disunity within the Republican Party was to blame for the failure of FEPC legislation. The newspaper said that representative Adam Bower [R-Northumberland], chairman of the House Labor Committee, was the chief villain. John Bernheimer charged that Bower was being manipulated by some of his racist constituents.<sup>58</sup> As proof, Bernheimer pointed to a political petition advocating "Stop FEPC" that appeared in a Northumberland County newspaper signed by a number of local citizens. The *Sunbury Daily Item* said Bower's committee was anti-FEPC because it felt "such legislation should be national rather than by each state."<sup>59</sup> Black members of the Pennsylvania General Assembly were outraged. Representa-

57. Joseph H. Rainey, "Forget Credit...Let Us Operate Trolleys," *Philadelphia Tribune*, 8 January 1944: 5.

58. *Philadelphia Afro-American*, 14 June 1947: 11.

59. "Duff To Meet Bower On FEPC," *Sunbury Daily Item*, 7 June 1947: 5.

tive Lewis Mintess [R-Philadelphia] was especially vocal, chastising the Republicans for backing down on their campaign pledges.<sup>60</sup>

Nonetheless, the battle for FEPC continued in several communities through the late 1940s and early 1950s when over forty municipalities enacted fair employment practices ordinances. In 1948 Philadelphia became the first large municipality to enact a FEPC law. Other cities included Monessen in 1950, Sharon and Farrell in 1951, Clairton in 1952, Pittsburgh in 1953, and Erie and Johnstown in 1954.<sup>61</sup> The *Philadelphia Inquirer* declared that city council acted to pass a FEPC ordinance "because the last session of the [Pennsylvania] legislature smothered such a law." But it insisted that a state FEPC was necessary. "Fair employment practices should not be restricted to certain parts of Pennsylvania. A State law instead of local ordinances would prove much more effective," said the *Inquirer*.<sup>62</sup>

### **The State Council for a Pennsylvania FEPC**

After the 1947 legislative session debacle pro-FEPC groups reorganized under another statewide organization: the State Council for a Pennsylvania FEPC [SCPF]. At its first organizational meeting in June 1948 SCPF resolved "to continue the new organization until an adequate FEPC law should be enacted in Pennsylvania;" proposed suggestions for the 1949 campaign, elected two temporary co-chairmen, and appointed an executive committee. The group's final resolution was significant in that it sought to end any speculation as to its membership or leaders by allies of McCarthyism. Any groups wishing to affiliate with the State Council had to prove they were "not representing political parties or were 'known to be Communistic.'" <sup>63</sup> With the allegiance of the Philadelphia NAACP and the Philadelphia Council of the American Jewish Congress, the new council emerged as the only statewide body in support of fair employment practices legislation.<sup>64</sup>

While the FEPC lobbyists closed ranks the GOP split over the issue. During the 1949 session, seven FEPC bills were delivered to the Gen-

60. Commonwealth of Pennsylvania. *Legislative Journal of 1946-1947*, 11 June 1947: 4589.

61. Civil Rights Laws in Pennsylvania." Published by the Industrial Race Relations Commission. In: Papers of the Pittsburgh NAACP, Box 10, Incoming Correspondence, 1955, Archives of Industrial Society, University of Pittsburgh.

62. *Philadelphia Inquirer*, 13 March 1948; Milton R. Konvitz, *A Century of Civil Rights* (Columbia University Press, 1961): 220.

63. Gray: 12-13.

64. Gray: 14.

eral Assembly. On January 17 two Republicans from Philadelphia, Bertram G. Frazier and John R. Meade, introduced the first bill: SB 6. Maxwell S. Rosenfeld [D-Philadelphia], Joseph M. Barr [D-Allegheny], and Guy A. Leader [D-York] introduced SB 137. State Senators Rowland B. Mahany [R-Crawford] and Charles R. Mallery [R-Blair and Huntingdon] sponsored SB 903. The Mallery bill provided for commission referral of the plaintiff and defendant to an outside mediator. If the dispute was not resolved there, then the plaintiff has the option of appealing to the Court of Common Pleas.<sup>65</sup>

In the House of Representatives Francis Worley (R-Adams) sponsored HB 32 and Representative Hiram Andrews [D-Cambria] brought forth HB 42. State Representatives Louis Sax [R-Philadelphia] and Lewis M. Mintess [R-Philadelphia] favored HB 975. Meanwhile Adam T. Bower [R-Northumberland] sponsored HB 1064 that suggested creation of a fair employment commission within the Department of Labor and Industry and delegated enforcement to the Court of Common Pleas and Superior Court.

Of all the FEPC bills, SB 6 sponsored by Meade and Frazier had earned support from organized labor. Though it strongly desired a state FEPC law, the *Philadelphia Tribune* predicted an early death for SB 6 because of opposition from Grundy.

[As] spokesman for the Grundy-GOP wing, he [Owlett] told the legislators that if they expected the full support of his powerful faction they had better not vote for FEPC. This cold wind was enough to chill those who were on the fence and who might have decided to cast an approving vote. Although Owlett was in Florida at the time the [Senate General Judiciary Committee] vote was taken, his orders were carried out.<sup>66</sup>

Democrats gleefully noted and added to growing confusion among Republicans over which bill to support. Senator Samuel D. Neff [D] accused PMA's Owlett of converting Governor Duff to a non-supportive position causing him back-peddle on GOP platform pledges. "Duff has lost control of his party," contended Neff.<sup>67</sup> Governor Duff hotly

65. Commonwealth of Pennsylvania. *Legislative Journal of 1949-1950*, 11 April 1949: 2887; "Two New FEPC Bills Backed By Senators," *Philadelphia Tribune*, 12, April 1949: 1.

66. "Hint Compromise As Meade-Frazier Bill Goes Down," *Philadelphia Tribune*, 9 April 1949: 1,3.

67. *Philadelphia Tribune*, 9 April 1949: 3.

denied that Owlett had influenced him. "That's pure unmitigated political blarney. I haven't made a deal with Owlett on FEPC or anything else." He insisted that, "The Republican Party in Pennsylvania has an unqualified obligation to pass a FEPC Bill."<sup>68</sup> Yet Democrats continued to argue that they had taken the high road on the issue. Senator John Dent [D-Westmoreland] said "the only way this state will see that type of legislation put upon the statute books will be the [through the] election of a liberal Democratic Party."<sup>69</sup> Senator Joseph Yosko [D-Northampton County] further claimed that the anti-FEPC forces, led by the GOP-friendly PMA, were camouflage for capitalism's exploitation of the worker.

"[Owlett] has made it clear through his organization, the Pennsylvania Manufacturers Association, that he is against FEPC. Why is he against FEPC? He is against FEPC because he represents the manufacturers of Pennsylvania, and as long as we can have a second class citizenship in America, in Pennsylvania, we are going to have cheap labor; as long as we say to our colored citizens in Pennsylvania that they cannot be employed on an equality with their white brothers, we will have cheap labor in the mills and factories of Pennsylvania."<sup>70</sup>

Minority Leader Hiram Andrews moved that HB 975 be brought out of the House Labor committee for action. This bill was a virtual replica of SB 6. Andrews wanted the House to approve the legislation so that it could be sent to the Senate to give that body another chance to vote. The House split on party lines and by a 109-89 vote defeated the proposal. Surprisingly, Mintess voted against his bill. Co-sponsor Representative Sax was absent during voting and Mintess felt compelled to vote with the majority. "I was left holding the bag when my co-sponsor ran out on me," Mintess explained to the media.<sup>71</sup>

*Philadelphia Tribune* editor E. Washington Rhodes blamed Republican Party boss Joseph Grundy and the PMA for the failure of FEPC legislation in 1949. Rhodes charged: "Grundyism is killing the Republican Party. Perhaps the Republican senators who heeded the threat of President G. Mason Owlett of the Pennsylvania Manufacturers Associa-

68. "Duff Sees FEPC Bill This Year," *Philadelphia Tribune*, 9 April 1949: 3.

69. "Republicans Beat FEPC," *Philadelphia Tribune*, 9 April 1949: 3.

70. Commonwealth of Pennsylvania. *Legislative Journal of 1949-1950*, 6 April 1949: 2571.

71. "What Regular Republicans Think About FEPC Defeat," *Philadelphia Tribune*, 9 April 1949:1.

tion think that the Association runs Pennsylvania. Perhaps they believe that the people have no power.”<sup>72</sup> In the same issue, the *Philadelphia Tribune* published on its front page an editorial cartoon depicting Grundy pulling the strings of a puppet named Owlett, who wields an ax to slaughter FEPC. (See back cover)

The issue did not completely die, however, The Senate passed a resolution asking the Joint State Government Commission to “study and recommend the development of a program of education and possible legislation” on racism in the workplace. The *Philadelphia Tribune* called this resolution a waste of time, pointing out that \$30,000 had already been spent in 1943 to fund a similar study “On the Condition of the Urban Negro Population.”<sup>73</sup>

### Governor John Fine and FEPC Legislation

The 1951 legislative session saw a newly elected legislature, a new man in the governor's chair: John Fine, and a continuing struggle for a fair employment practices statute. Fine, a “pious churchman and long-time boss of the powerful Luzerne County Republican machine,”<sup>74</sup> would be Duff's handpicked successor when Duff was elected U.S. Senator in 1950. Duff and Fine had much in common. Both were Republican political bosses. Both needed one another to win their respective elections; Fine realized he would only be elected governor riding on Duff's coattails. On the other hand, “to beat the Grundy crowd...Duff needed all the support he could get from various county machines. Fine's support was vital and his candidacy was the price.”<sup>75</sup> What mattered most, however, to African Americans, Jews, immigrants, women, and blue-collar laborers, was that both Duff and Fine would support a FEPC law. Fine predicted that 1951 would be the year Pennsylvania would pass a statute. At first it looked as though he was correct.

In the General Assembly there appeared to be bipartisan support for a FEPC; both parties sponsored legislation. Of the five bills presented, HB 55 sponsored by African American representative Lewis Mintess [R-Philadelphia] was the favorite with the House.<sup>76</sup> Its first major victory

72. “FEPC Cannot Die!” [Editorial] *Philadelphia Tribune*, 9 April 1949: 4.

73. “State Senate Kills FEPC; Votes Study of Employment,” *Philadelphia Tribune*, 26 April 1949: 3.

74. Robert Bendinger, “Anything Goes In Pennsylvania,” *Nation*, 28 October 1950: 385.

75. Bendinger: 387.

76. The FEPC bills were SB Bill 26, HB 55, HB 542, SB 590 and SB 770. See Commonwealth of Pennsylvania. *Legislative Journal of 1951-1952*: 105, 227, 627, 1762, 3502.

was on March 27, 1951 when the House turned back by a vote of 112 to 83 a motion to discharge the Committee on Labor Relations from further consideration of the legislation. The bill's next challenge was to overcome charges of anti-Americanism. Representative William McMillen [R-Indiana] warned his colleagues that they were voting for fascism by setting up a Fair Labor Practices Commission. "We are giving legal status," said McMillen, "to an organization that could well become the Commissar or the Gestapo of both labor and capital in America."<sup>77</sup> Despite such charges the Republican-dominated House passed HB 55, referring it to the Senate by a vote of 160 to 38 with 4 non-votes.

However, HB 55 faced an uphill battle in the gilded Senate chamber. Lieutenant Governor Lloyd Wood was rumored to be anti-FEPC. When introduced in the Senate, HB 55 was referred to the Judiciary Committee where Republicans outnumbered Democrats. That committee killed HB 55 by a secret ballot vote of 14 to 9. The AFL newspaper *Pennsylvania Labor News* reported, "the 14 votes cast by committee members to kill the bill all were by Republicans."<sup>78</sup> State Senator Joseph Yosko [D-Luzerne] accused the Judiciary Committee of being manipulated by business lobbyists. As proof he cited a telegram the committee received before the vote from the Philadelphia Hotel Association urging that the bill be defeated. The *Philadelphia Tribune* condemned both political parties for renegeing. The newspaper called the defeat of HB 55 "one of the most disgraceful and dishonorable acts of this or any other session of the Pennsylvania Assembly."<sup>79</sup>

### **The Commission on Industrial Race Relations**

In an effort to continue momentum for fair employment practices legislation, Governor Fine announced the formation of the Governor's Commission on Industrial Race Relations on June 2, 1952. The commission would conduct a survey of Pennsylvania's industries to assess to what extent discriminatory or unfair employment policies or practices harm racial, religious, ethnic or other minority groups. It was comprised of fifteen members from all areas of the state representing various professions.

77. Commonwealth of Pennsylvania. *Legislative Journal for the Session of 1951-52—House*: 2520.

78. Commonwealth of Pennsylvania. *Legislative Journal for the Session of 1951-1952*: 4479. "GOP Kills FEPC By Secret Vote," *Pennsylvania Labor News*, 13 July 1951: 1.

79. Editorial. "Disgraceful Secret Killing of the State FEPC Bill," *Philadelphia Inquirer*, 11 July 1951.

In February 1953, the commission released its findings. Covering 44 localities of the state and 1,229 establishments, the survey found that that "more than 700 establishments made no distinction between workers because of race, religion, or national origin for hiring for unskilled jobs."<sup>80</sup> But the commission discovered that the higher the levels of skill, job responsibility, and pay, the more likely companies were inclined to discriminate against minorities. In 1953 almost 67% of all Pennsylvania firms discriminated against minority groups in their employment of skilled labor. While nearly half of businesses did not discriminate in hiring semi-skilled workers, few employers would hire minority group workers in skilled occupations. For instance, African Americans were not employed in sales, office, engineering and supervisory positions. Black women were primarily employed as domestics and black men as unskilled manual laborers. Ironically, Governor's Fine's commission reached the same conclusions as did Governor James' commission that reported ten years earlier that "the bulk of the discriminatory employment policies and practices were directed primarily against Negroes." In the 1953 report "however, significant discrimination against Jews was also noted, as was bias against Italians, Catholics, and other religious groups."<sup>81</sup>

The commission found six main reasons given by employers for discriminating. "Tradition" was the most frequent response, followed by "company policy," "alleged union restrictions," "alleged employee reaction," "alleged customer reaction," and "alleged need of separate facilities." Only 672 of the 1,026 establishments surveyed actually gave reasons for discrimination.<sup>82</sup> Based upon this empirical evidence, the commission strongly urged the passage of an FEPC law.

This gave Governor Fine the boost he needed to push for a statute. In his 1953 address to a joint session of the General Assembly, Fine urged lawmakers to follow his example. In a bold gesture, Fine had issued an executive order barring racial discrimination in the Pennsylvania National Guard. The governor pointed out that eleven states had already enacted fair employment practice laws and that "Pennsylvania in its greatness as an industrial State should no longer delay enactment of

80. Commonwealth of Pennsylvania. *Final Report of the Pennsylvania State Temporary Commission on the Conditions of the Urban Colored Population to the General Assembly of the State of Pennsylvania, January 1943*: 11. *Report of the Governor's Commission on Industrial Race Relations*: 6.

81. *Report of the Governor's Commission on Industrial Race Relations*: 6.

82. *Report of the Governor's Commission on Industrial Race Relations*: 6.

such a measure.”<sup>83</sup> The General Assembly in 1953 considered seven FEPC bills, three from the House and four from the Senate. Senator Martin Silvert [D-Philadelphia] introduced two FEPC bills: SB Bills 95 and 784. A co-sponsor of both bills with Silvert was George M. Leader [D-York], future governor.<sup>84</sup>

Meanwhile the Fine administration proposed HB 1165 in early January 1953. However, the bill was not immediately brought before the House for debate. In the meantime, the Democrats introduced their own FEPC bill HB 44 on February 2, 1953. Under criticism from lobbyists, Governor Fine said that his FEPC bill was being held back because he was worried that it would not pass the Senate. The Senate’s Judiciary Committee was the major obstacle to FEPC, according to the Governor. That committee was chaired by one of Fine’s enemies, John M. Walker [R-Allegheny].<sup>85</sup> Fine did not mention Walker by name but implied that the main adversaries of FEPC were Lieutenant Governor Lloyd Wood and the powerful Senate president *pro tempore* M. Harvey Taylor [R-Dauphin]. Governor Fine advised lobbyists to focus on the Senate. At a FEPC statewide conference in Harrisburg on May 25 Fine added new relevance to his support for an FEPC statute; “We need it, moreover to strike a body blow against Communist agitators who make a big issue about job discrimination in America”.<sup>86</sup>

Before Governor Fine could strike a blow against communism, he had to overcome opposition within his own party. Representative Edward M. Young [R-Mercer], chairman of the House Labor Relations Committee, balked at reporting the HB 1165 out of committee because it did not appropriate the necessary \$700,000 for the two-year period of the commission. “You give us the money and we will agree to the bill,” said Young.<sup>87</sup> It was not until July 14 that the bill made it to the house

83. Commonwealth of Pennsylvania. *Address of Governor John S. Fine to Joint Session of the General Assembly Tuesday Afternoon, January 6, 1953*: 11. For information about the Dudley appointment see Pennsylvania State Archives, MG 206, Governor John S. Fine Papers, Subject Files, Advisory boards-Commendable Letters, 1951-1954.

84. Commonwealth of Pennsylvania. *Legislative Journal of 1953-54*: 241, 200, 220, 344, 1392, 3141, 3907. The co-sponsors of HB 1165 were Representative Arthur Rubin [R-Philadelphia, William T. Mathews (R-Philadelphia), Harry E. Miller [R-Philadelphia], and Ronald L. Thompson [R-Allegheny].

85. Minutes of the Executive Committee, February 19, 1953, State Council Files. Cited in Gray: 40,43, 163.

86. Commonwealth of Pennsylvania. *Legislative Journal of 1953-1954*: 1392. Program Notes No. 16, 23 April 1953, State Council Files. Cited in: Gray: 165. “Fine Skeptical On FEPC Bill,” *Harrisburg Patriot News*, 26 May 1953: 21.

87. Friend of FEPC Admits He Holds It In Committee,” *Philadelphia Tribune*, 11 July 1953: 2. Editorial, *Philadelphia Tribune*, 11 July 1953: 4.



floor where it was passed by a vote of 152-30. The Democrats amended the bill with a provision that forbade job applicants from listing race, creed, or color on employment applications.

Encouraged by this turn of events, SCPF director Robert J. O'Donnell wrote to Governor Fine to urge that he move the bill in the Senate quickly and avoid debate over its provisions in the Judiciary Committee where opposition was apparent. On the morning of July 17, in response to O'Donnell's letter, Governor Fine invited O'Donnell to his office to read a letter he was sending to M. Harvey Taylor, Lieutenant Governor Wood, and members of the press.<sup>88</sup> The letter claimed that HB 1165 would be doomed if it were sent to the Judiciary General Committee as members were "notoriously packed against it...[and] would not report it out [of committee]." The letter requested that an alternative committee in the Senate consider the bill.<sup>89</sup>

Later that morning Senator M. Harvey Taylor read the governor's letter but chose to ignore his plea. When HB 1165 came up for committee referral on the floor of the Senate, Taylor was presiding since Lieutenant Governor Wood was out of town. Taylor "paused dramatically before a hushed audience and announced that the bill would be referred to the Judiciary Committee."<sup>90</sup> Taylor then forwarded a copy of Fine's letter to Committee Chairman John Walker. Walker immediately addressed the Senate; "almost in tears and flushed in the face, he stridently defended his committee against the implication that FEPC legislation would not have a 'fair and decent trial.'" Walker accused Fine of being hypocritical. "If I were for FEPC, I certainly would not deliberately send out a letter like this to the public. Letters like this pull the rug out from the very people who are trying to get it passed." Alluding to Lieutenant Governor Wood, Walker sneered, "Most of the people who are opposed to FEPC are the very people who are closest to the Chief Executive of this Commonwealth."<sup>91</sup>

Political infighting and paralysis in the GOP led to the bill's defeat in the Judiciary Committee. On July 24 the committee, in a secret ballot

88. *Legislative Journal of 1953-1954*: 3303, 3564-3569. "FEPC Bill Passed By House 152-30," *Harrisburg Patriot News*, 17 July 1953: 1. Letter from Robert J. O'Donnell to Governor John Fine, 15 July 1953, State Council Files, cited in Gray: 172.

89. Gray: 172. "Judiciary Unit Gets FEPC Bill Despite Fine's Plea," *Lancaster New Era*, 17 July 1953: 18.

90. *Legislative Journal of 1953-1954*: 3579-80. "Fine's Plea On FEPC Rebuffed," *Harrisburg Patriot News*, 18 July 1953: 1. Politics Endangers FEPC Despite Governor's Plea," *Philadelphia Tribune*, 21 July 1953: 1.

91. *Harrisburg Patriot News*, 18 July 1953: 3. *Philadelphia Tribune*, 22 July 1953: 3.

of 16 to 8, decided not to pass HB 1165 to the Senate floor. The SCPF claimed the bill died because "all of the hostile members of the Judiciary Committee lived outside the Pittsburgh and Philadelphia areas, the two areas in which the State Council's strength were concentrated."<sup>92</sup> The *Philadelphia Tribune* complained, "This is the fifth time that an FEPC bill has passed the House, but has been killed by the Senate."<sup>93</sup> *Tribune* editor Eustace Gay declared that Governor Fine "went all the way" in supporting the bill but the Republican Party once again reneged on its campaign promises. "This matter will arise again and again to haunt the Party," said Gay. "Make no mistake about that." Indeed, the struggle would continue.

### 1955—The FEPC becomes law

In a recent oral history interview, former Pennsylvania governor George M. Leader reflected on the passage of the P.L. 744 in 1955:

FEPC was, without a doubt, among the most important pieces of legislation I signed while I was governor. Remember, there weren't many states that seriously considered or looked at discrimination in hiring, employment and a host of questionable practices. But these were real problems.<sup>94</sup>

The General Assembly agreed. During the 1955-56 legislative session, two FEPC bills were introduced in the House<sup>95</sup> and two in the

92. Gray: 173.

93. GOP Senators Hide Behind Secret Ballot," *Philadelphia Tribune*, 25 July 1953: 1, 13. "FEPC To Haunt Republicans," *Philadelphia Tribune*, 25 July 1953: 4

94. Oral history interview with Governor George M. Leader, 2 June 2000. Interviewed by Kenneth C. Wolensky.

95. Joseph P. Rigby (R-Allegheny) introduced HB 123. Commonwealth of Pennsylvania. *Legislative Journal*, Session of 1955-1956: 307. The sponsors of HB 229 were the following: Albert S. Readinger (D-Berks), Charles C. Smith (R-Philadelphia), J. Dean Polen (D-Washington), Stephen McCann (D-Greene), Samuel Wolf Frank (D-Lehigh), J. Thomas Pettigrew (D-Philadelphia), Matt S. Anderson (D-Allegheny), A. Patrick Brennan (D-Bucks), Charles D. Stone (D-Beaver), Eugene Gelfand (D-Philadelphia), Louis Sherman (D-Philadelphia), John T. Walsh (D-Allegheny), Granville E. Jones (D-Philadelphia), Herbert Fineman (D-Philadelphia), Herbert Holt (D-Philadelphia), Sarah A. Anderson (D-Philadelphia), Susie Monroe (D-Philadelphia), William B. Smith (D-Beaver), Marvin Bazin (D-Philadelphia), Leo A. McKeever (D-Philadelphia), Marl H. Garlock (D-Fulton), Samuel Floyd (D-Philadelphia), Joseph J. Brennan (D-Erie), Robert K. Hamilton (D-Beaver), Joseph Eilberg (D-Philadelphia), Ernest O. Branca (D-Philadelphia), Paul A. Stephens (D-Somerset), Dominick E. Cioffi (D-Lawrence), Frank A. Wallace (D-Luzerne), Anthony J. Barnatovich (D-Sullivan), Mary A. Varallo (D-Philadelphia), Leo J. McLaughlin (D-Allegheny), Herman Toll (D-Philadelphia), Clarence Martin Lawyer Jr. (D-York), Jules Filo (D-Allegheny), George J. Sarraf (D-Allegheny), Walter T. Kamyk (D-Allegheny), Daniel

Senate.<sup>96</sup> Of these, HB 229 emerged as what became Pennsylvania's first Fair Employment Practices Act. In December 1954, the State Council for a Pennsylvania FEPC met with key members of the Leader Administration to discuss a bill that the Council drafted. It was similar to HB 1165 introduced in the General Assembly during the session of 1953. "The chief difference lay in the new bill having an independent commission rather than the departmental one prescribed in HB 1165." This bill was introduced in the House on February 9, 1955 as HB 229.<sup>97</sup>

HB 229 moved briskly through the House until the third reading when many questions were raised about the merits of including age, sex, and disability in the bill. Albert S. Readinger [D-Berks,] charged that these provisions, proposed by Edward W. Tompkins [D-Cameron], were a political move to stall the bill. James Davis [R-Forest] argued that an FEPC law would sanction "reverse discrimination" and encourage minorities to "blackmail" employers. Mary Varallo [D-Philadelphia] spoke for many when she said, "Passing FEPC will promote brotherhood, something we all preach but don't consistently practice." HB 229 passed the House without amendments and was sent to the Senate.<sup>98</sup>

The Leader Administration and the State Council acted swiftly to move HB 229 through the Senate. In contrast to previous years, in 1955 both Governor Leader and Lieutenant Governor Roy Furman were in favor of the FEPC so it was easy for Furman to assign HB 229 to a hospitable committee—the Senate Education Committee. State Council director Elliott Shirk, however, ran into problems. When Shirk tried to make an appointment with Senator M. Harvey Taylor to talk about GOP support for FEPC, he was turned down. Rumor was that

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A. Verona (D-Allegheny), Arthur Rubin (R-Philadelphia), John N. Pomeroy Jr. (R-Philadelphia), Abraham Sigman (R-Philadelphia), Maurice H. Goldstein (R-Allegheny), John J. Murray (D-Allegheny), Ronald L. Thompson (R-Allegheny), Wilbur H. Hamilton (R-Philadelphia), Roy W. Parry (R-Luzerne), Francis Worley (R-Adams). *Legislative Journal*, of 1955-1956, 9 February 1955: 334.

96. SB 74 was introduced by Charles R. Weiner (D-Philadelphia, 7th District), *Legislative Journal*, Session of 1955-1956, 7 January 1955: 259. Robert D. Fleming (R-Allegheny-Westmoreland, 40th District) introduced SB 99. *Legislative Journal*, Session of 1955-1956, 7 January 1955: 261.

97. "Minutes of the State Council for a Pennsylvania FEPC Executive Committee," 30 December 1954. Cited in Gray: 185.

98. Gray: 185-186. Commonwealth of Pennsylvania. *Legislative Journal*. Session of 1955-1956:251. "Senate Bloc Rejects FEPC," *Scranton Times*, 14 June 1955: 1. Duke Kaminiski, "FEPC Rejected By Committee in State Senate," *Philadelphia Bulletin*, 14 June 1955: 1-2. "Senate Committee Kills FEPC By Secret Vote," *Pennsylvania Labor News*, 17 June 1955: 1.

Taylor had maneuvered behind the scenes to influence the Education Committee to conduct a secret ballot of nine to eight not to report HB 229 to the Senate. The chairman of the committee, Paul L. Wagner (R-Schuylkill) said that there was no way HB 229 would be resurrected "unless nine members of the committee come to me and personally request reconsideration."<sup>99</sup>

Outraged, Governor Leader denounced the actions of the Senate Education Committee as controlled by "practiced hands of a reactionary clique of Republican senators stage-managed by Senate Pro Tempore M. Harvey Taylor."<sup>100</sup> The *Philadelphia Tribune* also chided Republicans. Citing the GOP party platform, the newspaper said, "The leadership of the Party cannot hide behind a few obstinate Senators. The pledged word of the Party ought to mean something."<sup>101</sup> Labor leaders also expressed disappointment. The Pennsylvania affiliate of the AFL called the scuttle of HB 229 another Republican "double-cross," while International Ladies' Garment Workers Union Local 108 leader Martin Morand said labor must continue to fight for FEPC.<sup>102</sup>

In a strategic counter-move Governor Leader immediately called pro-FEPC advocates to a luncheon at the Executive Mansion in Harrisburg on June 25. At the luncheon were many prominent public figures such as David Lawrence, Harry Boyer, president of the Pennsylvania CIO Council, William H. Gray, former head of the Governor's Commission on Industrial Race Relations, Nathan L. Edelstein, president of the Philadelphia Jewish Community Relations council, and Judge Homer Brown, the former Pittsburgh legislator who had introduced the first FEPC bill. In an interview, Governor Leader recalled, "I remember that we had a luncheon...where we had many people come to Harrisburg to 'talk up' and support the idea for FEPC legislation. I hosted that luncheon. People from many communities across Pennsylvania came and supported the idea."<sup>103</sup>

If the purpose of Governor Leader's luncheon was to demonstrate to the General Assembly that there was statewide support for an FEPC law,

99. "Senate Bloc Rejects FEPC," *Scranton Times*, 14 June 1955: 1. Kaminiski:1-2. "Senate Committee Kills FEPC By Secret Vote," *Pennsylvania Labor News*, 17 June 1955: 1.

100. Joseph M. Miller, "Secret GOP Vote Kills FEPC Bill," *Philadelphia Inquirer*, 15 June 1955: 1, 23.

101. Editorial, *Philadelphia Tribune*, 17 June 1955: 8.

102. *Pennsylvania Labor News*, 17 June 1955: 1-2.

103. Interview with Governor George M. Leader, 2 June 2000. Interviewed by Kenneth C. Wolensky. "Summary of Opinions at FEPC Luncheon Conference," in: Pennsylvania State Archives, MG 207, Box 13, Fair Employment Practices, Governor's Luncheon Meeting files.

he succeeded. Several days after the luncheon, the Senate Education Committee reversed itself and approved HB 229 after amending it to include provisions for age. The bill went to the Senate for concurrence. The Governor was jubilant. In the political milieu of Harrisburg, however, it was not surprising to some that Republicans were quick to take credit for the breakthrough. Robert D. Fleming [R-Allegheny] told reporters that Senator [M. Harvey] Taylor and I worked on this amendment for two weeks.”<sup>104</sup> The State Council for a Pennsylvania FEPC had reservations about the Senate’s amendments. The Council thought that inclusion of age in the bill’s provisions would make it hard to administer and that the language of the bill did not adequately address specific workplace issues such as union contracts, seniority, and compulsory retirement ages.<sup>105</sup> Some lawmakers shared these concerns. A compromise version of the bill was hammered out by the General Assembly that kept the age provision but extended the coverage of additional workers. Thus the bill was signed by the Senate president on October 14, 1955 and passed on to the governor.<sup>106</sup>

### **The Pennsylvania Fair Employment Practices Commission**

On October 27, 1955, Governor Leader signed the long-awaited Pennsylvania Fair Employment Practices Act (Act 222 of 1955, P.L. 744) into law. The new statute covered nearly 38,000 employers who employed twelve or more persons. Total affected employees numbered three million. The law also affected over 3,000 units of state and local government and schools, more than 3,000 labor union locals, and 276 private employment agencies. Its purpose was “to prevent and eliminate practices of discrimination in employment because of race, color, religious creed, ancestry, age, or national origin.” Pennsylvanians could no longer be “denied an equal opportunity to obtain employment, denied membership in any labor organization, and; be denied the chance of being referred for employment.”<sup>107</sup>

Nine members of the newly established Fair Employment Practices Commission (FEPC)—including chairman Harry Boyer and Judge

104. John H. Barr, “FEPC Is Revived In Senate,” *Harrisburg Patriot News*, 29 June 1955: 4.

105. “Minutes of Executive Committee,” State Council for a Pennsylvania FEPC. in: Pennsylvania State Archives, MG 207, George M. Leader Papers, Box 13.

106. Commonwealth of Pennsylvania. *Legislative Journal of 1955-1956*. 22 September 1955: 3556, 3672, 4239. Gray: 187.

107. “Essential Provisions of the Pennsylvania Fair Employment Practices Act,” Pennsylvania State Archives, MG 207, George M. Leader Papers, MG 207, Box 13.

Homer Brown—began their duties on March 2, 1956 at a salary of \$15 a day. The immediate tasks of the FEPC's members were to develop regulations specifying how it would handle complaints, hire staff, and undertake an education campaign aimed at both the employers and the general public concerning the new law. The agency was given office space in the Department of Labor and Industry's newly constructed seventeen story state-of-the-art-building in Harrisburg's Capital Complex. Commission field offices were also established in Pittsburgh and Philadelphia.

Beside hiring central and field staff, the FEPC during its first year undertook an extensive public education campaign. Over 75,000 copies of the law were mailed to public and private employers. With the cooperation with the State Department of Instruction [later the Department of Education] FEPC staff developed educational programs for high school guidance counselors. These programs were designed to educate students—the future workforce —about employment discrimination and the provisions of the new law. The FEPC staff also conducted 165 workshops targeting chambers of commerce, labor organizations, ministerial associations, colleges and universities, and community groups. During its first year, allegations of discrimination filed with the Commission totaled 144. Of these claims, 51% alleged biased newspaper advertisements or job applications, 28 % were based on race or color, 10% on age, 7% on religion, and 4% on ancestry or national origin. Aggrieved individuals filed 47% of the complaints. Commission staff initiated the remaining 53%. The Commission, as of March 1, 1957 closed about one-half of the 144 cases. In 42% of the cases, discrimination was confirmed and in 34% of the cases, discrimination was not proved. The FEPC lacked jurisdiction in 15% of the claims filed and in 9% of cases, plaintiffs withdrew the charge. The majority of complaints came from the Philadelphia area.<sup>108</sup>

In its second year of operation, from March 1, 1957 to March 1, 1958, the FEPC investigated 196 cases. The staff found that charges of discrimination were warranted in about half the complaints. Commission chairman Harry Boyer claimed that more people were learning about the law, thus prompting the increase of complaints over the previous year. But in its second year the commission had less staff to do

108. Pennsylvania Fair Employment Practices Commission, "First Annual Report for Period Ending March 1, 1957." in: Pennsylvania State Archives, MG 207, George M. Leader Papers, Box 13, Folder 1.

more work. Budget cuts caused the Commission to dismiss 11 of its 23 staff members. Governor Leader had requested \$371,000 for the first two years of the FEPC's operation but the Republican-controlled General Assembly allocated less than half that amount. Governor Leader said that some Republicans wanted "to make enforcement [of the law] ineffective...by not having any funding to support it. I was vocal in opposition. We did get some funding restored."<sup>109</sup>

Examples of complaints filed with the FEPC in its early years included one from a Pittsburgh area would-be radio announcer. The man claimed that despite being interviewed for several positions with several stations, he was denied a job based upon his race. After investigating, the Commission's staff found the man's claim to be unfounded and determined that the applicant was unqualified for such a position. In another instance, a Harrisburg-based orchestra filed a grievance through an American Federation of Musicians local claiming that they were discriminated against by the Central Democratic Club who failed to book them for a performance. In his report on this case, director Elliott Shirk informed the plaintiffs—the Penn-Del-Mar Conference of Musicians Local—that the club was pre-empted from Commission oversight because it was private and regulated by the Pennsylvania Liquor Control Board. As a result of this investigation, however, the Central Democratic Club's officers would establish a new policy banning discrimination in its future employment of entertainers. Indeed, the club had even agreed to offer a contract to the aggrieved orchestra.<sup>110</sup>

By March of 1960, the FEPC reported 336 cases filed in the preceding year. A total of 51% of the cases were based upon race, 32% on age, and the remainder scattered among unlawful advertising and application forms, religion, and national origin or ancestry. Charges were found to be unjustified in 49% of the 235 cases investigated. The commission also reported that "hiring of Negroes for the first time in such jobs as accountant, airplane cleaner, carpenter, salesman, electrical parts assembler, telephone switchboard operator, garment trimmer, and

109. Pennsylvania Fair Employment Practices Commission. "Press Release of July 3, 1958" and "Governor's Office Press Release A-213, June 10, 1957," in: Pennsylvania State Archives, MG 207, George M. Leader Papers, Box 13, Folder 1. Interview with Governor George M. Leader. 2 June 2000. Interviewed by Kenneth C. Wolensky.

110. Correspondence file, Pennsylvania Fair Employment Practices Commission, in: Pennsylvania State Archives, MG 207, George M. Leader Papers, Box 13, File 1.

school teacher was reported by the Commission as evidence of progress made through case adjustments.”<sup>111</sup>

By the late 1950s and early 1960s, the FEPC reported on what it called “changing employment patterns” in the Commonwealth resulting from the effectiveness and influence of the FEPC Act. For example, at a Pittsburgh area steel mill, a black man complained that, although he had worked there for a number of years, an unwritten company policy prevented him and others of his race from being promoted out of menial labor jobs. The Commission’s “adjustment” of this case resulted in promotions for the plaintiff and eleven other qualified persons. At a dairy, a black employee filed a grievance stating that he was passed over for a driver-salesman job because the personnel manager believed that “a Negro salesman should be placed in a Negro area,” for which there were no positions open. Following the Commission’s investigation, however, the black man was hired for a salesman job in a predominately white area. This resulted in calls from customers “complimenting the company on this salesman’s efficiency and courtesy.”<sup>112</sup>

### **The FEPC becomes the PA Human Relations Commission**

During the administration of Governor David L. Lawrence, the FEPC became the Pennsylvania Human Relations Commission. Its transformation was the result of three new laws passed by the General Assembly. P.L. 402 officially changed the name of the commission. It also increased the number of commissions from nine to eleven and provided that six instead of five commissioners be from the same political party. This law revised the quorum for transacting business from five to six members. In renaming the FEPC, Pennsylvania was following the lead of other states like Illinois who had a “human relations commission.” PL 341, (the “Pennsylvania Fair Educational Opportunities Act”) and PL 19 (the Pennsylvania Human Relations Act”) forbade discrimination in education and housing, respectively.<sup>113</sup>

111. Pennsylvania Fair Employment Practices Commission, “Fourth Annual Report, March 1, 1960.” in: Pennsylvania State Archives, MG 191, David L. Lawrence Papers, Box 13, Folder 1: 4.

112. Pennsylvania Fair Employment Practices Commission, “Third Annual Report, March 1, 1959.” in: Pennsylvania State Archives, MG 191, David L. Lawrence Papers, Box 13, Folder 1: 4.

113. PL 402, Commonwealth of Pennsylvania. *Laws of the General Assembly Passed at the Session of 1961*: 922. That Governor Lawrence was aware of the Illinois commission is evident from a report of the Illinois Commission on Human Relations found among his papers. See “Nonwhite Population of Illinois 1950-1960,” Illinois Commission on Human Relations, November 1961.” in: Pennsylvania State Archives, Governor David L. Lawrence Papers, MG 191, Box 13, Folder 13-4. Commonwealth of Pennsylvania. *Laws of the General Assembly Passed at the Session of 1961*: 47, 777.



The passage of these laws surprised few people because in 1961 there was considerable pressure from civil rights groups brought to bear on Pennsylvania lawmakers to extend civil rights protection beyond the workplace. Discrimination in housing had always been a problem for minorities in Pennsylvania. For instance, the 1918 Philadelphia race riot was sparked by the move of a black woman into an all-white neighborhood in West Philadelphia.<sup>114</sup> As noted earlier, the Pennsylvania Department of Labor and Industry surveys of the 1940s revealed housing discrimination in cities such as Chester and Williamsport. In the 1950s the case that drew national attention was in Levittown. In August 1957, an African American family, William and Daisy Myers and their three children, moved in a house in the suburban Philadelphia community of Levittown, Bucks County. Even though the Myers were not the first non-whites to settle in Levittown, crosses were burned on their lawn and Governor Leader called out the state police to break up mobs outside the Myers home. Finally in 1958, the Commonwealth of Pennsylvania obtained a permanent court injunction against the anti-Myers community leaders, protecting the Myers' civil rights. Interviewed by the *New York Times*, William Myers said, "I knew all the reaction wouldn't be favorable, but I never thought it would be so bad."<sup>115</sup> During a time when the nation focused upon racism in the South, Levittown proved that racism was alive in Pennsylvania. The 1961 Pennsylvania housing act made discrimination in real estate and housing illegal.

Education was another arena in which discrimination was alive and well. On June 7, 1961, the Philadelphia branch of the National Association for the Advancement of Colored People (NAACP) filed a federal court suit against the Philadelphia Board of Education. The NAACP alleged that black students were being refused admission to a school in the Germantown district. At the same time there was litigation against Philadelphia's Girard College for banning African Americans from enrollment. The Girard College incident would result in widely publicized demonstrations in 1966 and a 1968 U.S. Supreme Court decision ordering the school to desegregate.<sup>116</sup>

114. See V. P. Franklin, "The Philadelphia Race Riot of 1918," *Pennsylvania Magazine of History and Biography* 99 (July 1975): 336-350. Also: Eric Ledell Smith, "Asking for Justice and Fair Play: African American State Legislators and Civil Rights in Early Twentieth Century Pennsylvania," *Pennsylvania History* 63 no. 2 (Spring 1996): 169-203.

115. "Embattled Home Owner William Edward Myers Jr.," *New York Times*, 22 August 1957: 16. William G. Weart, "Police Guard Site of Racial Violence," *New York Times*, 15 August 1957: 14.

116. Charles Layne, "School Board Is Silent in Face of NAACP Suit Charging Bias," *Philadelphia*

## Conclusion

The passage of the Fair Labor Employment Practices Act was a landmark in the Keystone State's civil and workers rights history. Although Pennsylvania was slow to enact such legislation—twelve states enacted laws earlier—those charged with making public policy displayed courage in making equality in the workplace a reality for its citizens. Such legislation did not occur overnight, however. It was Governor George Earle's "Little New Deal" that made it possible for an anti-discrimination law for state contractors to be passed in 1935 and the Pennsylvania Labor Relations Act in 1937. Such actions set the stage for a twenty-year struggle that culminated in the enactment of a fair employment practices statute in 1955.

From the beginning African Americans enlisted the help of labor organizations even though some of these groups were not fully racially integrated. What helped the alliance was the fact that both blacks and labor were members of FEPC lobbying groups such as the Pennsylvania Council for a Permanent FEPC and the State Council for a Pennsylvania FEPC. Their lobbying tactics varied from year to year and yielded mixed results, especially during the McCarthy era of the early 1950s.

During the twenty years of agitating for FEPC, the state assumed a prominent role in two ways. First, state agencies gathered empirical evidence documenting the extent of racial discrimination. The commissions of Governors James and Fine and the work of the Department of Labor and Industry and the Department of Welfare were instrumental in persuading legislators that an FEPC law was needed in the Keystone State. But this data alone was not sufficient to produce a FEPC. Throughout the campaign for an FEPC political animosity, infighting, and maneuvering between and among the executive and legislative branches of state government and lobbyists precluded enactment of a statute. Occasionally, as in the case of Governor Duff, the fighting took place within his own party. The influence of the lobbying groups like the PMA proved to be a major impediment to passage of FEPC. It was only in 1955 when both the governor and lieutenant governor were in agreement that significant legislative momentum could be found to enact

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*Tribune*, 10 June 1961: 1. "Philadelphia School Bias Charged," *Philadelphia Inquirer*, 8 June 1961:1. For the history of segregation problems in the Philadelphia school system see Vincent P. Franklin, *The Education of Black Philadelphia: The Social and Educational History of a Minority Community, 1900-1950*. (Philadelphia: University of Pennsylvania, 1979). For the history of the Girard College case see Arthur C. Willis, *Cecil's City: A History of Blacks In Philadelphia 1638-1979* (New York: Carlton Press, Inc., 1990): 68-75, 146-60.

P.L. 744. A major factor in this bipartisan cooperation in the legislature was, most assuredly, the emergence and influence of the broader civil rights movement.

In summary a coalition of Democrats, progressive-minded and moderate Republicans, African Americans, Jews, labor unions, public officials, and others succeeded after a twenty year struggle to produce a landmark statute. Indeed the creation of FEPC and, subsequently, the Human Relations Commission significantly advanced the complementary causes of civil and workers rights in the Keystone State, despite a remarkably tumultuous history.