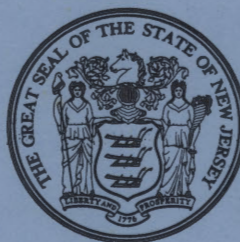


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STATE OF NEW JERSEY

NEW JERSEY DIVISION ON CIVIL RIGHTS

DEPARTMENT OF LAW AND PUBLIC SAFETY



Biennial Report July 1, 1963 - June 30, 1965

New Jersey State Library

RICHARD J. HUGHES
Governor

ARTHUR J. SILLS
Attorney General

GEORGE S. PFAUS
Director

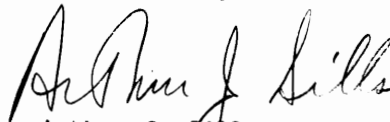
State of New Jersey
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION ON CIVIL RIGHTS
52 West State Street
Trenton
1100 Raymond Boulevard
Newark

TO THE HONORABLE RICHARD J. HUGHES, GOVERNOR OF
THE STATE OF NEW JERSEY; AND MEMBERS OF THE
LEGISLATURE OF THE STATE OF NEW JERSEY

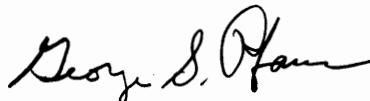
Sirs:

In accordance with the provisions of the New Jersey Law Against Discrimination, N.J.S.A. 18:25, we have the honor to submit the following report of the activities and recommendations of the Division on Civil Rights and the Commission on Civil Rights for the biennial period July 1, 1963 - June 30, 1965.

Respectfully,



Arthur J. Sills
Attorney General



George S. Pfaus
Director

New Jersey State Library

DIVISION ON CIVIL RIGHTS

Arthur J. Sills
Attorney General

George S. Pfaus
Director

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Supervisor of Education

Jacob Levin
Supervisor of Compliance

William E. Jackson
Supervisor of Employment

F. Douglas Williams
Supervisor of Housing

FIELD REPRESENTATIVES

William J. Bender
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Eric B. Chandler
Marion L. Courtney
Robert H. Feldman

Dennis C. Hoff
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Judith Markheim
Vivian Stroman
Angela Wedo

INTRODUCTION

Purpose and Scope:

The New Jersey Division on Civil Rights is the State agency charged with administering the Law Against Discrimination. From July 1, 1963 through June 30, 1965, the Division completed its first two years in a new department of State government, after eighteen years of existence in the Department of Education. During these two years, its policies and procedures were altered to reflect a new attitude.

The broad mission of the Division on Civil Rights, now in the Department of Law and Public Safety, is to prevent and eliminate all forms of racial, religious and ethnic discrimination in employment, public and private housing, and public accommodations throughout the State.

The Division carries out its mission through a two-pronged program of compliance and education. In its compliance activities the Division fully and expeditiously enforces the New Jersey Law Against Discrimination which bans discriminatory practices in the hiring, upgrading, or referral of employees; in the selling or rental of certain homes and apartments or other real estate; in union membership and apprentice training programs; and in admission to both private and public schools and other public accommodations such as, but not limited to, motels and hotels, swimming pools, meeting halls, public beaches, hospitals and clinics, restaurants and public libraries. The law also bars discrimination in employment because of age or liability for military service.

In education, in the broadest sense of active persuasion and conciliation, the Division tries to strengthen and expand civil rights through programs designed to eliminate the causes as well as the effects of prejudice, discrimination, and intergroup tension. Efforts are also made to encourage the fullest possible economic and social contribution of minorities to the community through local, state, and federal machinery. And, finally, a broad public educational program

on civil rights and civil responsibilities is directed to both the majority and the minority communities in the State.

Organization:

The Director of the Division in consultation with the Attorney General, and in cooperation with the advisory Civil Rights Commission, formulates Division policies and directs Division compliance and educational programs.

Four supervisors, one each in Compliance, Education, Employment and Housing, are directly responsible to the Director for the specific enforcement of the Law, and the implementation of educational programs. The supervisors also counsel the Director in the formulation of policy.

Immediately responsible to the supervisors is a staff of professional field representatives who carry out investigations and educational work.

Brief description of duties of each section

The Education Section of the Division propagates knowledge of Division activities to the community as a whole and attempts to clarify the requirements of the Law, and the social, moral, and economic consequences of fair employment practices, open occupancy programs, and equal access to public accommodations. These activities are accomplished through personal contact, publication of pamphlets, speeches and meetings, press releases, exhibits, film shows, and the fullest use of all available public media.

The Education Section also encourages the private community and local government to form fair practice groups and municipal civil rights commissions to help carry out Division goals at the grass roots level.

The Compliance Section receives, investigates, conciliates, or carries to a public hearing formal discrimination complaints, and attempts to obtain the civil rights in question by conciliatory agreement, Division order, or, if necessary, by court action. The Compliance Section also follows up compliance with Division orders, suggests areas for investigation where no formal complaint has been made, and recommends areas for additional legislation.

Seven members Civil Rights Commission

The New Jersey Civil Rights Commission complements this work by serving as an advisory body to the Division and the Attorney General. The Commission may request studies of problem areas by Division staff, periodically reviews Division activities and makes policy recommendations accordingly, and in addition, plays an important role as liaison between the Division and the human rights organizations throughout the State.

Administrative Practices:

Policy and
responsi-
bility

The Division constantly has used the broad investigatory powers granted to it in fiscal year 1963. Over a dozen surveys of discriminatory patterns in employment, housing and public accommodations have been made.

Methods

These surveys have generated numerous complaints in these areas: teacher retirement in South Jersey; seniority rights in a major Essex County industry; exclusionary techniques of "club communities"; swimming clubs; and motels and hotels, especially in the shore areas of the State.

The Division is no longer content with merely attempting to supply educational material to the public, but is definitely interested in initiating community action programs. Therefore, the case-by-case approach is now complemented by this use of the new investigatory power granted in 1963. Through these methods, the Division is seeking to effect broad social changes of both an institutional and community nature.

Operations Manual:

During the year 1965, the Division developed an Operations Manual that was completely different in structure from any constructed in the past. It is the form of a loose leaf notebook wherein various items can be removed, amended or revised without the need of complete reorganization.

All major headings that appear in the index are assigned numbers at hundreds intervals (100, 200, 300 ----1900). Each major subheading is assigned a hundreds number as well as a unit digit (101, 102, --- 199). Minor headings are designed by decimal digits (101.1, 101.2, etc.). Through this system new material is added to the Manual simply by adding a page or replacing an existing unit. The index can be reconstructed when necessary without destroying the entire manual.

The Field Representatives have at hand a reference covering all phases of operations of the State Division on Civil Rights. The manual serves not only as a source book and a quick guide to be used in actual processing of cases, but also as a valuable training aid for staff members.

ACTIVITIES

Compliance Section:

New
approach

The Compliance Section of the Division on Civil Rights during 1963-65, has followed a course of vigorous investigation of every complaint. The first opportunity to use the broader and stronger approach was in the Madison Barber Shop controversy.

Discrimin-
ation in
Barber-
shops

A series of complaints against a Madison (and later an East Orange) barbershop brought the Division into action with both dispatch and vigor. The Division publicly intervened in the tension-filled atmosphere of picketing, near riots, charge and counter-charge, and publicly identified the complainants and the respondents, investigated the issues quickly and thoroughly, passed through the conciliation stage, and moved rapidly to a public hearing which lasted eight hours, heard more than a dozen witnesses, and was observed by over 200 people. Simultaneously, the Division Director and staff moved against exclusionary barber shops on a State-wide administrative level by requesting the State Board of Barber Examiners to act against potential discrimination and "separate but equal" facilities. The State Board of Barber Examiners did act, issuing a memorandum to every licensed barber in the State, requiring a fundamental change in attitude and practice toward non-white customers.

Adminis-
trative
compliance

Every effort has been made to secure compliance with the Law through administrative means when possible, such as the issuance of rules by the Real Estate Commission and in the statement of policy issued by the Board of Barber Examiners.

In June, 1965, Governor Richard J. Hughes issued Executive Order No. 21 -- The Governor's Code of Fair Practices. This code established basic policies to be followed in the administrative practices of all State agencies, licensees, vendors, and contractors. Its issuance resulted in part from Division recommendations, and it directs all State agencies to cooperate fully with the Division's activities, suggestions and requests.

Spot
checks of
shore and
resort
areas

In 1964, at the height of the summer season, teams of Negro and white Division representatives made spot checks of the practices followed by shore and resort area motels and hotels. As a result of these spot checks, the number of complaints alleging discrimination in such places fell considerably, indicating the reversal of a major pattern of discrimination. Similar spot checks and surveys were made of

the so-called "private" swimming and recreation clubs around the State in an effort to determine whether they were bona fide private clubs or merely ruses for violations of the Law.

Public
Hearings

In line with its new view of itself as a law enforcement agency, the Division called more public hearings during this two-year reporting period than at any previous time in its history. A total of seventeen hearings were scheduled and announced; nine were held. In all but two of the seventeen cases involved, remedies were granted to the complainants. The increase in the number of public hearings is a direct result of the Division's new policy of more vigorous enforcement, coupled with the setting of a reasonable time limit for compliance with Division conciliation offers. When that reasonable time limit has passed, the Division presses forward and schedules the public hearing.

Two of the hearings, backed by subsequent decisions of the New Jersey Supreme Court, resulted in significant changes in institutional patterns of discrimination in public accommodations and housing. One case which was brought to a public hearing resulted in a clarification by the Supreme Court of the definition of a place of public accommodation contained in the Law Against Discrimination. In its decision in an appeal of the case, the court ruled that the list of places of public accommodations contained in the Law is merely a set of examples and does not specifically list all places of public accommodations which come within the jurisdiction of the statute.

In this particular case, involving the Robin Dee Day Camp in Trenton, day camps, although not named in the Law, were determined to be within the Division's jurisdiction since they are similar in intent, structure, and function to other places specifically included in the definition. The same decision also affected the previous "immunity" of so-called private institutions, saying that any place which advertises and solicits the utilization of its services by the public must offer those services to all members of the public without discrimination.

The second case brought to the court's attention amendments made to the Law Against Discrimination which included certain types of private housing as well as publicly-assisted housing. It was unusual in that it presented conflicting lower court opinions, one of which ruled that the housing sections of the Law were unconstitutional because they discriminated among similar types of housing and, therefore, violated the equal protection of Law. The Supreme Court of New Jersey rejected all arguments against the constitutionality of the Law Against Discrimination. It held that the Legislature's decision to include only

certain types of private housing in the Law was a reasonable one and did not constitute a denial of due process or of equal protection. The court stated that "reform may ---- take one step at a time, attacking the evil where it seems most acute to the Legislative mind." The court again reiterated the principle that the right to dispose of private property is limited by consideration for the general welfare of the people. The Court also declared that the administrative procedures used by the Division on Civil Rights were constitutional and afforded a fair opportunity for respondents to present their case with the full protection of their rights as required by the constitution.

Housing:

New pat-
terns
Differen-
tial
Treatment

Housing complaints registered with the Division showed a continual increase in number during the period, and evidenced more subtle patterns of differential treatment than had been practiced in the past. Many cases encouraged a survey of area-wide patterns.

Following the recommendations of the Attorney General, the Division sought and successfully obtained temporary restraining orders in three cases during the two-year period. One case, which involved a couple who wished to purchase a home in a North Jersey development, was settled when the developer offered the home to the couple. In another case, involving a Maplewood apartment owner, the Division unsuccessfully petitioned the court to issue an injunction against the rental of the apartment until the results of the public hearing to be held in the matter were known. The Division has adopted a policy of seeking injunctive relief in all cases where circumstances appear to merit such action by the court. Although power of such relief is neither specifically granted nor denied to the Division by the Law Against Discrimination, the Division hopes to obtain the power of injunctive relief through action in the courts.

Housing
Discrimi-
nation

In the area of housing, whenever complaints filed with the Division have indicated a pattern of discrimination in a given locality, teams of Negro and white investigators have been sent into the area to uncover discriminatory situations and clear them up. Division representatives held meetings with representatives of the New Jersey Home Builders Association, county boards of realtors, and apartment house owners and managers and real estate brokers in several metropolitan areas of the State. At these meetings, those who attended were informed of their responsibilities under the Law Against Discrimination and of the activities of the Division. Pledges of fair housing practices were also elicited from them.

Work
agreement
with New
Jersey Real
Estate
Commission

The Division has worked closely with the New Jersey Real Estate Commission in the formulation of new and important rules and regulations which prohibit discrimination in the sale, rental, or advertising of real property, as well as the practice known as "Block Busting". This collaboration has also been extended to the level of investigation when the Division and the New Jersey Real Estate Commission have conducted joint investigations of allegations of discrimination on the part of real estate brokers. This use of the licensing power of the Real Estate Commission has strengthened the Division's powers to enforce the Law Against Discrimination. It has been made Division policy to recommend to all State licensing agencies that licensees engaging in services offered to the public should be required to sign a civil rights agreement similar to the pledge used under all federally assisted projects or programs.

Agreements
with certain
Departments
and Divi-
sions of
the State
Government

Recently, three agreements were formulated between the Division and the New Jersey Department of Health, the Division of Civil Defense in the New Jersey Department of Defense, and the Division of Public Welfare in the Department of Institutions and Agencies in regard to the implementation of Title VI of the Federal Civil Rights Act, the provision dealing with non-discrimination in federally assisted programs. According to the agreements, the three agencies will refer all cases on which there is a possibility of discrimination to the Division for investigation and will accept all results and conclusions of such investigations. The agreements resulted from requests by these agencies for Division assistance since all State agencies which utilize federal financial aid in certain programs must now, under Title VI of the Federal Civil Rights Law of 1964, determine that policies and practices of non-discrimination exist in recipient institutions. The Division's investigative staff is better equipped to make such determinations than are the staffs of other agencies and can do so as part of its own task in enforcing the Law Against Discrimination. Offers of similar services to other agencies have been made by the Division, and new agreements should be formulated in the near future.

Trailer
Camps

The Division attacked another pattern of social discrimination which has existed for years, "the white trailer camp." A series of complaints, especially from servicemen in central New Jersey, indicated a definite exclusionary pattern -- to the degree that one case resulted in a Negro airman being awarded payment for damages suffered to his trailer as a result of a discriminatory refusal to rent him space. The Division approached 400 trailer park owners with a letter summarizing their responsibilities under the law. A special letter was sent to park owners in the vicinity of military installations, areas where most frequent instances of discrimination were found to take place. Division staff teams visited trailer parks to make on-the-spot checks for violations. In one such case a direct refusal of a Park owner to rent to a Division representative led to the calling of a public hearing. Meetings

were held with representatives of the New Jersey Trailer Park Association for the purpose of obtaining the cooperation of its members and also with military officials to request their intervention on behalf of affected servicemen.

Employment:

Change in
the nature
of discrim-
inatory acts

Complaints and protests concerning discrimination in employment remained high during the period, but evidenced a marked change in the nature of the discriminatory acts. Where employment complaints had dealt primarily with allegations of differential treatment in the hiring and firing of personnel, complaints registered with the Division during this period frequently reflected a more subtle variety of discrimination in the upgrading and seniority ranking of personnel.

Survey of
employment
practices

In employment, each case was made an opportunity to survey the employment practices of the employer in question and to gain information for industry-wide surveys of employment and upgrading practices. Such surveys give a picture of the amount of discrimination or non-discrimination practices in any given industry and generate individual cases for Division investigation.

Investigations of individual complaints are now used as an opportunity to obtain statistical information by requesting the employer in question to supply information similar to that required by Federal Form 40 (a statistical profile by occupational classification, broken down by sex, with a further break-down by race used by the Federal government to survey the patterns and practices of Equal Employment Opportunities as carried out by industrial enterprises with more than 100 employees.)

Appren-
ticeship
program

Surveys have also been made of the entrance requirements and practices of the apprenticeship training programs of several unions. Besides giving a total picture of hiring and upgrading practices around the State, such surveys very often prevent many other discriminatory situations from ever occurring.

Education Section:

The New
Jersey
scene

New Jersey citizens, like people all over the nation, expressed a continually increasing awareness of the injustices suffered by members of minority groups during the period of July 1, 1963 - June 30, 1965. This awareness, as well as a growing concern for rights of all Americans,

was mirrored by the rapid growth in the number of public and private civil rights organizations; a substantial rise in the quality and quantity of news media attention devoted to civil rights activities and controversies; and intensification of protest, both active and vocal, by minority group members; and expansion of the scope of civil rights activities; and a significant increase in the number of complaints filed with the Division.

Municipal-
ities

During the two-year reporting period the Division launched an intensive effort to service with printed material, to advise and render other assistance to the municipal civil rights commissions which now exist around the State. Division staff members met with many of these commissions, suggesting plans of action and ways to make civil rights more meaningful at the grass roots level. The Division also devised methods of stimulating the formulation of new commissions. Evidence of the effectiveness of this program is seen in the fact that the number of these commissions -- official advisory bodies appointed by the mayor -- rose from 25 to 39 in just one year.

State-wide
Conference

In May of 1965, nearly 150 local commissioners, municipal officials, and members of civil rights groups met for the first State-wide conference for municipal commissions to be held in the State in more than ten years. Governor Richard J. Hughes and Attorney General Arthur J. Sills were among the featured speakers at the conference, which was sponsored by the Division in cooperation with four local commissions. A recorded statement by former Florida Governor Leroy Collins, then Director of the United States Community Relations Service, was also featured, and Mayor Arthur J. Holland of Trenton moderated the day's events.

Under the conference theme of "The New Phase of Civil Rights," the assemblage discussed the relative order and importance of negotiation and demonstration and voiced the idea that one of the prime responsibilities of a municipal commission is to seek out problems and potential areas of tension and negotiate solutions before demonstrations and disorders erupt. All who attended indicated that they had found the conference a most informative and worthwhile event, and the Division now plans to hold such sessions annually.

Working
with com-
munity
groups and
organizations

Division staff members also counseled and serviced with printed materials many of the constantly increasing number of private human relations councils and fair housing groups around the State. Many of these organizations were formed, and many others which had been inactive for years were reactivated, with Division assistance, prodding, advice, materials, speakers, films and exhibits.

All of these local groups perform a valuable service in their communities by discovering complaints for referral to the Division for investigation, spreading information on Division activities and ex-

plaining the rights and responsibilities of New Jersey residents under the Law Against Discrimination. By maintaining close liaison with their membership, the Division has increased the scope of its efforts to enforce the full intent of the Law and had brought about changes in social attitudes in spite of the limitations imposed by a comparatively small staff and limited budget.

During the two-year period, Division representatives met with more than 500 service clubs, educational groups, religious organizations, and other community organizations explaining the Law and Division goals and purposes. Members of Rotary Clubs, Kiwanis Clubs, Lions Clubs, the Jaycees, the Parents and Teachers Associations, Leagues of Women Voters, and students and teachers of New Jersey Secondary schools and colleges heard Division speakers and were given Division publications in a continuing effort to foster good human relations attitudes and interracial understanding.

Communica-
tions with
both Majority
and Minority
Organizations

Division staff members also met with members of many of the minority group organizations around the State to inform them of their rights under the Law to generate complaints for Division investigation and to foster cooperation with the State. Division representatives personally visited more than half of the local chapters of the National Association for the Advancement of Colored People (NAACP) in the State and maintained close working contact with chapters of the Congress of Racial Equality (CORE), Urban Leagues, the Anti-Defamation League of B'nai B'rith, the American Jewish Committee, the American Jewish Congress, and the National Conference of Christians and Jews.

The Division has extended efforts to form cooperative alliances with New Jersey clergy and the churches to distribute materials, form new groups, and gain valuable information as to community situations. At the same time, Division advice and materials have assisted local clergymen in their own human relations activities. Various clergymen have participated as panelists and speakers in Division activities such as the Police-Community Relations Courses. When various church groups from around the State held a Race and Religion Conference, Division staff played a large part in the planning and execution of the program and Division materials were distributed to those who attended.

Churches
and the
Clergy

Anticipating the need of Law enforcement agencies on a municipal, county and State level to obtain special training for police officers for handling minority group problems in the face of constantly increasing potential of racial demonstrations, civil disorders, and intergroup tensions around New Jersey, the Division on Civil Rights pioneered in the development of this kind of material and has provided the numerous

Police
Community
Relations

police academies throughout the State with the services of highly qualified personnel capable of presenting such delicate and controversial subject matter to recruits in Basic Training Classes and veteran officers in Special In-Service Courses. Through such training, the police officer on the street gains a better understanding of minority groups and their special problems which enables him to handle tension situations in a calm and professional manner. A "Civil Rights Manual for Police Officers" was also revised, and distributed to police departments around the State.

During the two-year period covered by this report, over sixteen hundred police officers have been exposed to a minimum of seven hours training in Police-Community Relations. This minimum is now required of all police academies accredited by the New Jersey Police Training Commission. Similar material has been incorporated by the Division of Motor Vehicles into all training courses for Motor Vehicle Inspectors and Examiners in a special phase entitled "Understanding Minority Groups," presented by Division on Civil Rights representatives. In 1963, the Division developed a special twenty-hour course in Police-Community Relations which was organized specifically for intensive in-service training for local police departments. So far, two thousand ninety-three municipal and State police officers have completed this training.

Achievements of
Division
recognized

The special abilities and achievements of the Division in this area have been recognized by requests for Division assistance in training courses organized by other agencies. The Federal Bureau of Investigation has requested Division personnel for the presentation of human relations materials in Crowd and Riot Control courses organized and presented by that Bureau to police departments around the State. Since the initiation of this training in 1964, approximately seven hundred and fifty police officers have participated in these special courses. In response to a special request from the New York Port Authority Police Department, the Division participated in an in-service training course given to one hundred and twenty Command and Superior Officers in the department.

Several
municipal-
ities re-
questing
human re-
lations
training

In these times of heightened civil rights tensions and activities around the State and the Nation, more and more local police administrators in New Jersey are looking to the Division for this specialized assistance. In addition, municipalities around the State are beginning to request such human relations training for other municipal employees who deal with the public. The first of these courses, to be given to all employees of the City of Trenton, was organized during the latter part of fiscal year 1965 and is scheduled to begin shortly.

During the summer of 1964, several communities in New Jersey experienced racial strife and disorder, namely, Elizabeth, Jersey City, and Paterson. Immediately upon learning of the disturbance, at least two field representatives were sent into the area, one white and one Negro. Their task was to observe, make contacts with civil rights leaders and report by telephone at frequent intervals their observations. The reports came to Supervisor of Compliance Jacob Levin who in turn immediately communicated the observations to Director Pfaus and Attorney General Arthur J. Sills. At the conclusion of the period of the disturbance, the field representatives then prepared reports which contained objective findings and subjective opinions.

1964 "Eyes
and Ears" of
Attorney
General

Field Representatives were assigned to specific counties during the summer of 1965 to be on hand in case of any type of community problem. Upon positive information of any disturbance in the area assigned to a representative, the representative immediately called the Supervisor of Education for specific instructions. The representatives were instructed to observe, but under no circumstances to become involved in any civil disturbance. The actual function of the Field Representative was to act as the "eyes and ears" of the Attorney General.

The Division was also called upon during that period to check on rumors of pending disturbances in Asbury Park and Trenton. Field Representatives investigated and these rumors were determined to be unfounded. The Division feels that the presence of the Field Representatives opened up channels of communication between the Negro community and local authorities. Particularly, in Trenton, a discussion with the Mayor, Police and Park authorities with representatives of the Division smoothed the way for a public park meeting of a dissident group. The meeting was held without incident. The handling of the entire affair was a credit to the municipal authorities and police of the City of Trenton.

Literature
produced by
the Divi-
sion and
other
materials

In its educational functions, the Division produced more pamphlets, brochures, and guides during the two-year period than at any other time in its history. Eighteen new publications were issued; many were reprinted several times to meet the public demand. It was the largest quantity of printed materials which had ever been put into circulation by the Division. Included were an explanation of the New Jersey Law Against Discrimination, a rebuttal of basic myths dealing with discrimination in housing, a guide to non-discrimination in employment, a guide to the formation of municipal civil rights commissions,

a statement of the scope and purpose of the Division, a comparison of New Jersey's anti-discrimination statutes with the Federal Civil Rights Act of 1964, and several editions of a special newsletter for municipal commissions. In addition, the Division's general newsletter was revived and given a new name, "Equal Opportunities." It is now issued quarterly.

Not only was the quantity of the written materials program increased by 500% over preceding years, but the quality and effectiveness of the publications also elicited comments from Governor Richard J. Hughes ("Effective educational tool, congratulations!"), and assemblymen, senators, minority group leaders, and out-of-state Civil Rights organizations; all of whom complimented the vitality, usefulness and productivity of the program.

Major traveling exhibits went to more large conventions and more cities than in the past few years. For the first time in the last ten years, the Division produced, using Division-oriented materials, a major traveling exhibit on Civil Rights in New Jersey. This exhibit has been seen by over 100,000 people during the two-year period and forms the core of the now expanding traveling exhibit program. It consists of an eight-panel enlargement of the Division's printed summary of the Law Against Discrimination, "These Are Your Rights," and has been used at the New Jersey State Fair, several county fairs, conventions, and conferences of major New Jersey groups, as well as at many meetings of schools and colleges. Public reaction to the exhibit program and demand for this service has made it necessary for a staff member to devote full-time services to this vital part of the Division's educational activities.

APPENDIX

I. Highlights of Legislative History

- 1945 - Original law passed establishing the Division Against Discrimination in the State Department of Education, and prohibiting discrimination in employment by employers, employment agencies and labor organizations.
- 1949 - Law extended to ban discrimination in places of public accommodations, including schools.
- 1951 - Law extended to prohibit employment discrimination because of liability for service in the armed forces.
- 1954 - Division given powers of enforcement against discrimination in public housing.
- 1957 - Division given powers of enforcement against discrimination in publicly assisted housing.
- 1960 - Name of Division Against Discrimination changed to Division on Civil Rights.
- 1961 - Legal coverage extended prohibiting discrimination in the sale or rental of certain kinds of privately financed housing and other real property.
- 1962 - Ban against discrimination in employment because of age added to law.
- 1962 - Jurisdiction extended over discrimination in labor apprentice and other training programs.
- 1963 - Division on Civil Rights transferred to the Department of Law and Public Safety and granted additional investigatory powers.

II. TABLES (Analysis of Complaint Statistics)

During the two year period from July 1, 1963 through June 30, 1965, The Division received and processed a total of 885 cases - a 34% increase over the number of cases (658) received during the preceding two-year period. Of this total, 388 cases were employment complaints, 303 were concerned with housing, 61 dealt with places of public accommodations, and 133 were special investigations.

TABLE #1

COMPARISON OF CASES RECEIVED

	<u>7/1/61 - 6/30/63</u>	<u>7/1/63 - 6/30/65</u>	<u>Percent change</u>
Employment	335	388	+16%
Housing	156	303	+94%
Public Accommodation	109	61	-44%
Special Investigation	58	133	+129%
TOTAL	658	885	+34%

In the two-year period of Fiscal Years 1964 - 65, the Division received 303 cases involving the purchase or rental of housing - a 94% increase over the number of housing cases received during the preceding two-year period (156). This increase can be directly attributed to a broadening of the scope and intensity of Division activity.

The number of public accommodations complaints received during the two-year period (61) showed a 44% decrease over the number received during the preceding two-year period (109). This decrease reflects a greater acceptance on the part of owners and operators of places of public accommodation of their responsibilities under the law - an acceptance which may largely be attributed to Division surveys, meetings of Division staff members with owners and managers of such places, and the distribution to these owners and managers of printed materials outlining their responsibilities under the Law Against Discrimination.

The investigation of each complaint involves many man-hours of work on the part of the Division investigatory and supervisory personnel - time spent conferring with complainants and respondents, as well as with others

who may be involved, and time spent analyzing the various factors involved in each case in an effort to reach a thorough understanding of the matter and to find means of conciliation and settlement.

The number of employment complaints rose 16% from 335 to 388. These complaints also evidenced a significant change in the nature of alleged discrimination. Where the majority of such complaints in the past had dealt with overt discrimination, in hiring and firing, more and more employment complaints received during this period dealt with more subtle and covert forms of differential treatment in the upgrading and seniority ranking of personnel.

As part of its new and more liberal view of itself as a service agency for the people of the State and for other State agencies, the Division conducted 133 special investigations during the two-year period - a 129% increase over the number of such investigations handled during the preceding period (58). In many of these special investigations, the Division made determinations of jurisdictions; in some, it was able to use its good offices to obtain adjustments of discriminatory situations.

TABLE #2

GEOGRAPHICAL DISTRIBUTION OF CASES RECEIVED BY REGION

7/1/63 through 6/30/65

NUMBER OF CASES RECEIVED										
Area of Jurisdiction	Northern Region		Net Change	Central Region		Net Change	Southern Region		Net Change	Total
Area of Jurisdiction	1964-1965		per cent	1964-1965		per cent	1964-1965		per cent	1964-1965
Employment	98	159	+62%	46	50	+09%	15	20	+33%	159 229
Housing	72	149	+107%	26	35	+35%	9	12	+33%	107 196
Pub. Accom.	12	16	+33%	11	8	-27%	8	6	-25%	31 30
Spec. Invest.	56	24	-57%	25	7	-72%	12	9	-25%	93 40
All Areas	238	348	+46%	108	100	-07%	44	47	+07%	390 495

- A. Northern Region includes ten counties in the Northern part of the State.) (Bergen, Essex, Hudson, Hunterdon, Morris, Passaic, Sussex, Union, Warren)
- B. Central Region includes five counties in the Central part of the State.) (Burlington, Mercer, Middlesex, Monmouth, and Ocean)
- C. Southern Region includes six counties in the Southern part of the State.) (Atlantic, Camden, Cape May, Cumberland, Gloucester and Salem)

It is interesting to note that by far the largest total number of complaints received during the two-year period, as well as the greatest increase in housing and employment complaints, came from the ten northern counties of the State, where the largest and most populous urban centers are located.

TABLE #3

DISTRIBUTION OF CASES BY COUNTY

7/1/63 through 6/30/65

Number of cases received

COUNTY	EMPLOYMENT			HOUSING			PUB. ACCOM.			SPEC. INVEST.			TOTAL		
	'64	'65	'64-'65	'64	'65	'64-'65	'64	'65	'64-'65	'64	'65	'64-'65	'64	'65	'64 - '65
Atlantic	0	5	5	0	1	1	1	0	1	3	2	5	4	8	12
Bergen	25	7	32	8	16	24	0	0	0	11	3	14	26	44	70
Burlington	3	9	12	3	5	8	3	1	4	6	0	6	15	15	30
Camden	9	7	16	5	6	11	1	0	1	6	0	6	21	13	34
Cape May	0	1	1	3	0	3	5	5	10	1	1	2	9	7	16
Cumberland	4	4	8	1	1	2	0	0	0	1	4	5	6	9	15
Essex	43	61	104	39	77	116	2	5	7	27	8	35	111	151	262
Gloucester	0	3	3	0	3	3	0	0	0	1	1	2	1	7	8
Hudson	8	16	24	3	8	11	0	2	2	2	0	2	13	26	39
Hunterdon	1	0	1	0	0	0	1	0	1	0	2	2	2	2	4
Mercer	16	11	27	7	11	18	0	0	0	4	2	6	27	24	51
Middlesex	20	21	41	7	8	15	3	1	4	4	2	6	34	32	66
Monmouth	7	8	15	6	6	12	3	2	5	7	3	10	23	19	42
Morris	3	3	6	3	3	6	3	1	4	4	1	5	12	8	21
Ocean	0	1	1	3	5	8	2	4	6	4	0	4	9	10	19
Passaic	6	8	14	2	4	6	0	1	1	3	1	4	11	14	25
Salem	2	0	2	0	1	1	1	1	2	0	1	1	3	3	6
Somerset	4	3	7	1	5	6	1	1	2	2	1	3	8	10	18
Sussex	20	0	0	0	3	3	0	1	1	2	3	5	2	7	9
Union	25	43	68	13	33	46	5	5	10	5	5	10	48	86	134
Warren	1	0	1	0	3	3	0	0	0	0	0	0	4	0	4
TOTAL	159	229	388	107	196	303	34	30	61	93	40	133	390	495	885

In several counties, the number of cases received in 1965 was 100% or more above the number received in 1964. Atlantic, Bergen, and Union Counties showed about 100% increases. Of even greater significance is the fact that the number of housing cases received showed increases in nearly every county, decreasing in only two counties. Housing complaints were received from Atlantic, Gloucester, Salem and Sussex Counties in 1965, where none had been filed in 1964.

TABLE #4

DISPOSITION OF CASES CLOSED BY THE DIVISION

7/1/63 - 6/30/65

The Division closed a total of 809 cases during the two-year period, 91% of all cases received. Of these cases, 30% (244) were either satisfactorily adjusted or dismissed with corrective action. Orders were obtained in an additional 4% of these cases. In nearly half (48%) of the cases dealing with discrimination in the sale or rental of housing which the Division closed during the period, satisfactory adjustments or corrective actions were obtained.

Disposition	Employment		Housing		Pub. Acc.		Spec. Invest.		Total	
	No.	Per Cent	No.	Per Cent	No.	Per Cent	No.	Per Cent	No.	Per Cent
Satisfactorily Adjusted	69	18%	100	40%	24	34%	39	37%	232	29%
Dismissed - No Probable Cause	244	64%	59	23%	18	25%	30	29%	351	43%
Corrective Action	8	2%	4	2%	0	0%	0	0%	12	1%
No Jurisdiction	21	5%	16	6%	5	7%	20	19%	62	8%
Withdrawn	38	10%	57	23%	10	14%	16	15%	121	15%
Orders Obtained	2	1%	15	6%	14	20%	0	0%	31	4%
TOTAL	382	100%	251	100%	71	100%	105	100%	809	100%

TABLE #5

BASIS OF COMPLAINTS OF ALLEGED DISCRIMINATION - HOUSING

7/1/63 - 6/30/65

Of the cases received by the Division in 1964 - 65 dealing with discrimination in the purchase or rental of housing, 96% - 287 cases - were based upon allegations of discrimination because of race. Thus, by far the greatest number of housing cases handled by the Division were concerned with discrimination directed against Negroes in their attempts to purchase or rent homes. Of the remaining housing cases, 2% dealt with allegations of discrimination because of national origin; 1% dealt with creed, and 1% ancestry.

<u>Basis</u>	<u>Purchase</u>	<u>Percent</u>	<u>Rental</u>	<u>Per Cent</u>	<u>Total</u>	<u>Per Cent</u>
Race	51	83%	236	98%	287	96%
Creed	3	5%	1	1%	4	1%
National Origin	4	6%	2	1%	6	2%
Ancestry	4	6%	0	0%	4	1%
TOTAL	62	100%	239	100%	301	100%

TABLE #6

EMPLOYMENT CASES

12/1963 - 12/1965

<u>Race</u>	<u>Percent</u>	<u>Creed</u>	<u>Percent</u>	<u>Nat. Origin</u>	<u>Percent</u>	<u>Ancestry</u>	<u>Percent</u>	<u>Total</u>
370	88%	23	5.8%	26	6%	1	.2%	420

TABLE #7
PUBLIC ACCOMMODATIONS

62	87%	0	0%	9	13%	-	-	71
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III. Supreme Court Decisions

FRASER v. ROBIN DEE DAY CAMP, _____ N. J. _____ (1965).

The interpretation of the Evans v. Ross case, was afforded even broader scope in Fraser v. Robin Dee Day Camp. In this case, the Negro complainants, before the Division, attempted to register their children in respondent's camp. The children were refused. From an adverse finding in the Division, the respondent camp owner appealed. The principal question on the appeal was whether a day camp was a public accommodation under the Law Against Discrimination. Camps are not specifically included by name in the definition of a place of public accommodations in the Law. The Court nevertheless found that the day camp was a public accommodation. It found that the camp had many attributes in common with swimming pools, recreation and amusement parks and other accommodations which were specifically included in the definition of public accommodations. Further, the Court stressed that the advertisement of the camp in newspapers was an invitation to the public. It was argued by the respondent that the advertisement contain the language that the application was "subject to acceptance." The Court brushed this aside, stating that it was obviously a device used to indicate discrimination against Negroes. The Court ruled that the day camp was a public accommodation and that the respondent must admit the complainant's children.

DAVID v. VESTA, _____ N. J. _____ (1965).

This case brought to the Court's attention amendments made to the Law Against Discrimination which included certain types of private housing as well as the publicly assisted housing included earlier. It was unusual in that it presented conflicting lower court opinions, one of which ruled that the housing sections of the Law were unconstitutional because they discriminated among similar types of housing and, therefore, violated equal protection of law. The Supreme Court of New Jersey rejected all arguments against the constitutionality of the Law Against Discrimination. It held that the Legislature's decision to include only certain types of private housing in the Law was a reasonable one and did not constitute a denial of due process equal protection. The Court stated that, "reform may ... take one step at a time, attacking the evil where it seems most acute to the legislative mind." The Court again reiterated the principle that the right to dispose of private property is limited by consideration for the general welfare of the people. The Court also declared that the administrative procedures used by the Division on Civil Rights were constitutional and afforded a fair opportunity for respondents to present their case with the full protection of their rights as required by the Constitution.

