

REPORTS ON APPRENTICESHIP

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BY THE ADVISORY COMMITTEES
TO THE UNITED STATES
COMMISSION ON CIVIL RIGHTS
IN:

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California Florida New York
Connecticut Maryland Tennessee
District of Columbia

New Jersey

Wisconsin

JANUARY 1964



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By the Advisory Committees to the
UNITED STATES COMMISSION ON CIVIL RIGHTS
in
CALIFORNIA, CONNECTICUT, DISTRICT OF COLUMBIA,
FLORIDA, MARYLAND, NEW JERSEY, NEW YORK, TENNESSEE,
and WISCONSIN.

JANUARY 1964

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Introduction

THE STATE ADVISORY COMMITTEES

The spring of 1963 brought the usual seasonal upswing in construction throughout the United States. Sidewalk superintendents were able to observe once again the fascinating process of the birth of new buildings. Everything was familiar: the cranes, the power shovels, the trucks, the cement mixers, and the thousands of highly skilled artisans who seemed to have one thing in common everywhere--with rare exceptions, they were all white.

On May 1, 1963, random observations revealed the following:

- In New York City, a 50-story office building was going up at 277 Park Avenue. The steel structure of 13 floors was complete. Over 100 structural steelworkers, masons, and carpenters were finishing the structural work on the 13th floor; not one was a Negro.
- In New Haven, Connecticut, 44 men engaged in the iron work, masonry, cement finishing, plumbing, roof and sheet metal, ornamental metal, temperature control, painting, and plastering crafts were applying finishing touches to the new Rare Book Library of Yale University, a \$7 million white onyx and marble structure of experimental design. Three of the craftsmen were Negroes.
- In Milwaukee, Wisconsin, the \$23 million Veterans Administration hospital was one-eighth completed. Work was in progress on the basement and the first two floors. Eighty-three carpenters, 19 electricians, and 14 workers in the plumbing, pipefitting, and operating engineering trades were seen on the job. The only Negroes were four carpenters.
- In Columbus, Ohio, the 350-room Plaza Motor Hotel was half built; 153 skilled craftsmen were seen at work, including carpenters, iron workers, operating engineers, brick masons, electricians, sheet metal workers, pipe fitters, and plumbers. All of them were white.
- In Newark, New Jersey, secondary construction was underway on the Barringer High School; 45 carpenters, 19 iron workers, and 32 others from the sheet metal work, plumbing, operating engineering, steamfitting, electrical, and layout engineering crafts were involved. The only Negroes were four carpenters.

---In Washington, D.C., the outside of the Farragut Building, a 12-story office structure, was finished, and 29 plasterers, carpenters, plumbers, and electricians could be seen working on the interior. There were two Negroes among them, both of them plasterers.

These quick visual surveys of a few representative construction sites in various parts of the country¹ were made to place in perspective the studies of Negro access to apprenticeship that were being conducted in the spring of 1963 by the Civil Rights Commission's State Advisory Committees in California, Connecticut, the District of Columbia, Florida, Maryland, New Jersey, New York, Tennessee, and Wisconsin. The reports of these Committees make up this volume.

The 9 Committees are among 51 Advisory Committees established in every State and the District of Columbia by the Commission pursuant to the Civil Rights Act of 1957. The members of the Committees (listed at the beginning of each section for the reporting States) are appointed by the Commission and serve at its pleasure without compensation or full-time staff assistance; they are voluntary groups serving to provide the Commission with information and advice from all the States on civil rights issues. Advisory Committee reports were published in compilation in 1959 and 1961,² and reports from individual Committees in Mississippi, North Carolina, South Dakota, Washington, D.C., Connecticut, California, Florida, New Jersey, and Arkansas were published in 1963 in the order listed, covering such varied civil rights subjects as police brutality, public accommodations, employment, police-community relations, urban renewal relocation, and school desegregation.³

1. The cities in which the surveys were taken all have significant nonwhite populations: New York, 14.0%; New Haven, 8.4%; Milwaukee, 8.4%; Columbus, 16.6%; Newark, 34.4%; Washington, D.C., 53.9%. All percentages from 1960 census.
2. U.S. Commission on Civil Rights, Reports of the State Advisory Committees (1959); 50 States Report (1961).
3. Report on Mississippi (January 1963); Equal Protection of the Laws in North Carolina (2d ed. March 1963); Report on Rapid City (March 1963); Report on Washington, D.C.: Employment (July 1963); Report on Connecticut: Family Relocation Under Urban Renewal (July 1963); Report on California: Police-Minority Group Relations (August 1963); Report on Florida (August 1963); Report on New Jersey (September 1963); Report on Arkansas: Education, Still Separate and Still Unequal (September 1963). List current to November 1, 1963.

When, late in 1961 and early 1962, the Advisory Committees in Connecticut, the District of Columbia, Florida, Maryland, New Jersey, New York, Tennessee, and Wisconsin were planning reporting projects for the current Commission term, considerable interest centered on employment barriers to the skilled trades that might be attributable to exclusion of Negroes from apprenticeship and other training programs. These eight Committees decided to devote investigative efforts either solely to the apprenticeship problem, or to explore apprenticeship as part of a broader survey of employment or of training opportunities generally. With such an abundance of interest in one substantive civil rights problem, it was decided to coordinate the studies and to publish them in this single volume. The report on the development of California's statewide program dealing with apprenticeship discrimination was requested by the Commission to round out the collection.

The U.S. Commission on Civil Rights, a fact-gathering and reporting agency charged by law with assessment of legal developments constituting a denial of equal protection of the laws and of the programs of the Federal Government with respect to equal protection, had itself looked briefly into the problems of apprenticeship discrimination and reported its findings in its 1961 report on employment, volume 3 of a five-volume report to the President and Congress.⁴ The Commission made three findings in the area of apprenticeship:⁵

17. Apprenticeship training could be an important means of fulfilling the increasing demand for skilled workmen and of helping minority groups emerge from their traditionally low economic status. However, present apprenticeship training programs are not training even enough craftsmen to replace those who retire, and Negroes constitute a disproportionately small minority of the inadequate number of workers being trained.
18. The nationwide paucity of participation by Negroes in apprenticeship training programs is caused by lack of qualified applicants and also by discriminatory practices of both labor organizations and employers, who control admission to such programs.

4. 3 1961 Report of the U.S. Commission on Civil Rights, Employment 104-11.

5. Id. at 160-61.

25. As the craft unions generally control admission to apprenticeship training programs, racial discrimination policies also operate to exclude Negroes from these programs.

The Commission made one recommendation applicable to apprenticeship:⁶

That Congress and the President take appropriate measures to encourage the fullest utilization of the Nation's manpower resources and to eliminate the waste of human resources inherent in the discriminatory denial of training and employment opportunities to minority group members by

(a) Expanding and supplementing existing programs of Federal assistance to vocational education and apprenticeship training;

(c) Providing that, as a condition of Federal assistance, all such programs be administered on a nondiscriminatory, nonsegregated basis;

The Advisory Committees reporting in this volume decided that local investigations of the apprenticeship situation were pertinent in a period of increasing public concern over inequities in these training programs. The Committees relied primarily on two methods of fact-gathering: open meetings (State Advisory Committees do not possess the Commission's power to conduct formal hearings involving subpoenas and testimony under oath), and academic inquiries under the auspices of local colleges and universities. In Wisconsin, a one-day public meeting in Milwaukee was devoted to discussion and questioning of union officials, management representatives, State and local administrators of public programs, and spokesmen for the Negro community. In New York, an economics professor at Columbia University conducted interviews of Negro apprenticeship applicants and other research. In California, Advisory Committee member William L. Becker was professionally involved in a notable program in which that State takes great pride; the Committee was able to draw on Mr. Becker's experience

6. Id. at 162.

as Secretary of the Statewide Committee on Equal Opportunity Apprenticeship and Training for Minority Groups, in preparing its report. In Washington, D.C., the Advisory Committee gathered information on apprenticeship in a 3-day conference on equal employment opportunity, out of which it produced a report published earlier this year;⁷ the material submitted here expands and updates the apprenticeship material in the earlier D.C. employment report.

All of the reports included here were prepared during the Commission's reporting period 1961-1963 and were received by the Commission by October 1, 1963.

Before going into the reports from the State Advisory Committees, it is useful to assess the programs of the Federal Government in the apprenticeship field since in this period of important developments in local communities around the Nation there have occurred significant changes in Federal policy not previously noted by the Commission on Civil Rights.

THE FEDERAL PROGRAM IN APPRENTICESHIP

In 1961 when the Commission on Civil Rights took its brief look at apprenticeship in the employment report it found that:⁸

The current federally approved programs, rather than decreasing the industrial handicaps of Negro workers, are actually perpetuating and enlarging them. Although the Federal Government encourages the increase of apprenticeship training, it has not taken any significant action to insure that this training will be available on a nondiscriminatory basis.

The Federal program referred to is essentially that of the Bureau of Apprenticeship and Training in the Department of Labor (BAT), created by the Fitzgerald Act of 1937 and charged with stimulation of apprenticeship programs and technical assistance to apprentice groups.⁹ According to the Bureau's 1962 publication The National Apprenticeship Program:

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7. District of Columbia Advisory Committee to the U.S. Commission on Civil Rights, Report on Washington, D.C.: Employment (July 1963).
 8. Op. cit. supra note 4, at 110.
 9. 50 Stat. 664 (1937), 29 U.S.C. 50 (1958 ed.)

The Bureau's principal functions are to encourage the establishment of sound apprenticeship and training programs and to provide technical assistance to industry in setting up such programs. . . . The Bureau works closely with State apprenticeship agencies, trade and industrial education institutions, and management and labor.

Through its field staff, with offices in every State, the Bureau works with local employers and employees in developing apprenticeship and industrial training programs to meet specific needs.¹⁰

The Bureau seems to have taken the position prior to 1961 that it lacked the power to deal with the problem of the unavailability of the programs to Negroes. The House Committee on Education and Labor's Special Subcommittee on Labor held hearings in August of that year on H.R. 8219, "a bill to withdraw federal support and approval from apprenticeship programs which deny individuals an equal opportunity to participate therein on account of their race, color, or creed."¹¹ The Director of the Bureau of Apprenticeship and Training, Edward E. Goshen, testified that the Bureau, "has no regulatory authority. It can establish standards designed to protect the interests of apprentices but it cannot require that they be accepted."¹² The position taken by the Bureau at these hearings was in opposition to the bill:¹³

I do not know whether we would want anything to give us authority to enforce in the type of work we are in. We are in a promotional program. We have to stimulate interest and encourage people to do it. That is basic with the law Congress gave us. I think when they did that, they did it because they did not want regulation; that the people recognized they had to do it. We cannot be one thing and also another. . . .

H.R. 8219 was never reported out of the Education and Labor Committee.

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10. U.S. Department of Labor, Bureau of Apprenticeship and Training, The National Apprenticeship Program 4-5 (1962).
 11. H.R. 8219, 87th Congress, 1st sess. (1961).
 12. Hearings Before the Special Subcommittee on Labor of the Committee on Education and Labor, House of Representatives, 87th Cong., 1st sess. on H.R. 8219 (1961), 44.
 13. Id. at 62.

The hearings of 1961 focused public attention on the Bureau of Apprenticeship and Training for the first time in its quarter century of operation. Negro exclusion from the programs was debated vigorously, and new light was shed on the Bureau's role in this matter. Questioning by the subcommittee chairman established that the Bureau itself did not employ Negroes as field representatives or in positions above GS-5,¹⁴ and that the Director of the District of Columbia Apprenticeship Council, a Bureau staff person, followed the practice of marking the application forms of Negroes for apprenticeship openings with a "2 or N" as an identification of the applicant's race.¹⁵ The racial designations were ordered stopped by the Secretary of Labor before the hearings had adjourned,¹⁶ but it was not until March 4, 1963, that the Department of Labor could announce the hiring of the Bureau's first Negro field representative.¹⁷

The Bureau of Apprenticeship and Training has, in the short period since the House Education and Labor Committee investigation and the Commission on Civil Rights report in 1961, made beginning efforts to establish an equal opportunity program at the periodic behest of the Secretary of Labor. At the House hearings, the Assistant Secretary of Labor announced that the Bureau had been instructed to include a nondiscrimination clause in the new apprenticeship agreements with all firms engaged in work for the Federal Government; it was

14. Id. at 54.

15. Id. at 71.

16. Id. at 164.

17. U.S. Department of Labor, Labor Press Service for week of Mar. 4, 1963. As late as July 1 the President's Committee on Equal Employment Opportunity recommended to the Secretary of Labor that the Director of the Bureau of Apprenticeship and Training be requested to take affirmative action within 30 days to recruit members of minority groups into the program of the Bureau. Letter from Hobart Taylor, Jr., Executive Vice Chairman of the President's Committee on Equal Employment Opportunity, to Louis Nemerofsky, Maryland State Supervisor of BAT, dated July 1, 1963. This letter, reported fully in the Sun (Baltimore) on September 12, 1963, is a determination by the President's Committee that Mr. Nemerofsky was subjected to religious prejudice by BAT. The letter states, "The fact that the Director of BAT has not acted affirmatively to effect the equal opportunity program has been recognized by the Department of Labor."

also ordered that "selection . . . without regard to race . . .¹⁸ be included as one of the nine standards for registered apprenticeship programs. The Director of the Bureau said that instructions had been sent to the field personnel to implement the directives.

In May 1962, Arthur Chapin, Special Assistant to the Secretary of Labor and consultant to the Secretary for civil rights matters, explained at a Community Leaders Conference sponsored by the President's Committee on Equal Employment Opportunity the significance of the apprenticeship directives:¹⁹

The apprenticeship programs conducted by employers and unions in the building and construction trades are probably most familiar to all of us, although many, many manufacturing plants and unions conduct outstanding training programs. In either case the standards of the apprenticeship program are established to meet local needs, and within the standards and requirements for registration by the Bureau. While such registration is voluntary it is similar to accreditation in the field of general education. With this in mind, the importance of the announcement of the Department of Labor that inclusion of a specific nondiscriminatory statement would be required in all apprenticeship standards of firms handling government contracts, can readily be seen. Important as this announcement may be, it is only the first step and will require time for inclusion in the many local agreements now in effect. . . . In summary, a start has been made.

By June, another step was taken. A press release of the Department of Labor on June 25, 1962, announced that the Bureau of Apprenticeship and Training would have industrial training advisers in its regional offices in New York, Chicago, and San Francisco, ". . . especially concerned with minority group workers. . . . These advisers . . . will work with unions and employer groups to persuade them of the importance of accepting persons from minority groups into their ranks. They will also work with minority groups with the purpose of causing them to understand the employment and training requirements of apprenticeship and other skilled occupations

18. Op. cit. supra note 12, at 27.

19. Address by Arthur Chapin before the Community Leaders Conference on Equal Employment Opportunity sponsored by the President's Committee on Equal Employment Opportunity, May 19, 1963, Washington, D.C.

and causing qualified applicants to apply for such positions."²⁰ According to this release, the Department would also name advisers in the Atlanta, Georgia, and District of Columbia regional offices. Over 8 months later, Thomas Augustine, former Director of the Vocational Services Department of the Pittsburgh Urban League, was appointed industrial training adviser in the Washington office to "systematize and coordinate" the work of the other advisers.²¹ When the Commission staff inquired about the activities of the adviser in Chicago, whose territory covers Illinois, Indiana, and Wisconsin, but who told the Wisconsin Advisory Committee at its open meeting in January 1963, that he had been spending all of his time in the Chicago area, Mr. Augustine replied that, "During their first months on the job the Industrial Training Advisers have concentrated their efforts on the metropolitan complexes which are their home bases. We look forward to their covering wider areas as they are called into other regions."²² Even in the areas they have been able to cover, some doubt as to the effectiveness of these visits to unions and management was raised by the testimony of Mrs. Amy Terry, industrial training adviser in the New York office, before the Commission on Civil Rights at its hearing in Newark, New Jersey, on September 11, 1962. (See the New Jersey Advisory Committee report infra, p. 101). While it is notable that the first Negroes are now employed by the Bureau of Apprenticeship and Training and that they are involved in the equal opportunity program, it certainly is too early to attempt to assess their work.

The services of the industrial training advisers have been put to use during two critical episodes in which civil rights groups have protested the absence of Negro apprentices and skilled craftsmen on public building sites in Chicago and Washington, D.C. In Chicago the adviser,²³ Mr. Cicero Scott--

20. U.S. Department of Labor Press Release, June 25, 1962.

21. U.S. Department of Labor Press Release, March 8, 1963. The Louisiana Advisory Committee to the U.S. Commission on Civil Rights was informed by BAT's Louisiana State Supervisor in a public meeting in New Orleans on July 9, 1963, that a field representative in the Bureau's Atlanta office had been assigned part-time duties as industrial training adviser the preceding April to cover the Southeastern Region. The Louisiana State Supervisor did not know the adviser's name nor had he received any communications from him.

22. Letter from Thomas Augustine, dated May 20, 1963, retained in the Commission files.

23. Ibid.

Served as a representative of the Department of Labor on the Chicago Federal and Municipal Committee on Discrimination. Mr. Scott has been assembling lists of Negroes skilled in the building trades. The object is to present qualified journeymen to the contractors who are building the Federal Office Building and the Civic Center. This list was forwarded to the President's Committee on Equal Employment Opportunity. Scott prepared this list by going through the applicant file of the Illinois State Employment Service. Presumed Negroes were selected on the basis of residence.

In Washington, D.C., Thomas Augustine became involved in the Howard University gymnasium case, described in the D.C. Advisory Committee report (infra, p. 43).

On February 27, 1963, Under Secretary of Labor John F. Henning appeared at a Conference on Equal Employment Opportunity of the D.C. Advisory Committee and announced two additional programs to promote apprenticeship for minority groups. By order of the Secretary of Labor that day a national Advisory Committee on Equal Opportunity in Apprenticeship and Training was created to--²⁴

Advice the Department of Labor with respect to the development, review, and promotion of more effective programs and policies for establishing and maintaining equal opportunities in apprenticeable and other occupations requiring substantial skill and substantial knowledge. It shall recommend actions for implementing the policies of the Department of Labor in the specific area of skilled manpower on a nondiscriminatory basis.

This Advisory Committee, composed of 15 representatives of labor, management, education, minority groups, and the general public, was selected and the membership announced April 4.²⁵

At its first meeting on May 14, the Advisory Committee authorized a survey of the racial composition of apprentice programs

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24. Testimony of Under Secretary of Labor John F. Henning at the Conference on Equal Employment Opportunity of the District of Columbia Advisory Committee to the U.S. Commission on Civil Rights, Washington, D.C., February 27, 1963.
 25. U.S. Department of Labor Press Release, April 4, 1963.

and a study of the advisability of pre-apprenticeship programs.²⁶ Under Secretary Henning, who serves as Chairman of the Advisory Committee, also announced at the D.C. Conference, that in connection with the creation of the apprenticeship advisory committee, the Department of Labor was establishing "on a demonstration basis" and as a model for other cities an apprenticeship information center in the District of Columbia to disseminate current information to the city's young people regarding apprenticeship opportunities.²⁷ The center, Henning said, would be fashioned on similar projects in California operating in several cities under the auspices of a State agency called the Statewide Committee on Equal Opportunity in Apprenticeship and Training for Minority Groups, with which Henning had worked when he was California's Director of Industrial Relations. (The report of the California Advisory Committee, *infra*, p. 23, discusses the development of the California program.) On June 17, the D.C. Apprenticeship Information Center opened for business in the Washington Office of the United States Employment Service.²⁸

The most recent development in the equal opportunity program of the Bureau of Apprenticeship and Training was the announcement by Secretary of Labor Wirtz of the formulation of "standards" to guide State Apprenticeship Councils and others in carrying out the nondiscrimination policy. On June 6, Secretary Wirtz listed three standards in his testimony before the General Subcommittee on Labor of the House Education and Labor Committee considering national fair employment practices legislation.²⁹

1. The selection of apprentices on the basis of merit alone, in accordance with objective standards which permit review, after full and fair opportunity for application; provided that, where there are established special applicant preference practices, arrangements will be made which will permit the selection of a significant number of any qualified applicants who would otherwise be improperly discriminated against;

26. U.S. Department of Labor Press Release, June 6, 1963, containing testimony of Secretary of Labor W. Willard Wirtz before the General Subcommittee on Labor of the House Committee on Education and Labor that day.

27. See note 24 *supra*.

28. U.S. Department of Labor Press Release, June 10, 1963.

29. See note 26 *supra*.

2. The taking of whatever steps are necessary, in acting upon application lists developed prior to this time, to offset the effect of previous practices under which discriminatory patterns of employment have resulted; and
3. Nondiscrimination in all phases of apprenticeship and employment during apprenticeship after selections are made.

The importance of these declarations is amplified by a reading of the State Advisory Committee reports to follow, because the finding of these studies was that the nonobjective selection procedures used in apprenticeship raise the greatest barriers to Negro entry into the programs and to Negro aspirations to the apprenticeable trades. The advent of objective selection standards will bear watching.³⁰

At the time of this announcement, Secretary Wirtz announced other moves by the Department of Labor in response to a Presidential directive two days earlier (June 4)"in the conduct of [the Secretary's] duties under the Federal Apprenticeship Act and Executive Order 10925, to require that the admission of young workers to apprenticeship programs be on a completely nondiscriminatory basis."³¹ These moves concerned the President's Committee on Equal Employment Opportunity and its activity in the apprenticeship field.

30. The standards announced by Secretary Wirtz at the June 6, 1963, House hearing were made the subject of an implementation and interpretation circular to the BAT staff, Circular 64-7, dated July 17, 1963. Field staff was ordered to take all necessary steps in cooperation with State agencies and program sponsors to effectuate the standards immediately. All federally registered programs were, according to Circular 64-7, to include a clause embodying the new standards, and those programs "which shall not have so included it within 60 days of this instruction shall be deregistered."

There was a delay in the implementation of the standards, however, because of opposition to them on the part of the construction industry. See note 39 infra. Following resolution of the dispute with the industry, the standards were slightly modified and published as proposed rules in the Federal Register. See 28 Fed. Reg. 11313 (October 23, 1963). This Federal Register item is reproduced as an appendix to this chapter, infra, p. 18.

31. See note 26 supra.

President's Committee on Equal Employment Opportunity

The President's Committee was created by Executive Order No. 10925 of March 6, 1961, to provide means of assuring equality of opportunity in employment by the Federal Government and by Government contractors. When the Commission on Civil Rights reported on employment in 1961, it found that while the President's Committee had "taken steps to overcome obstacles encountered by [its predecessor presidential committees]," much additional activity was required, including, "[R]eaffirming that, when Government contractors completely delegate to labor organizations the power of hiring, or of determining admission to apprenticeship training programs or other terms and conditions of employment, they will be held responsible for discriminatory acts of the unions."³² In the 2 years since the Commission report the President's Committee has undertaken some programs along these lines.

Under Executive Order No. 10925 it is the contractor--the manufacturer of goods for the Government or the builder on a Federal construction contract--who is bound by the nondiscrimination agreement imposed by the order; it is he who, among his other contractual duties, is obligated to declare himself an equal opportunity employer in advertisements for job openings and to submit compliance reports to the President's Committee on the racial composition of his work force. There is no direct obligation upon the union representing the contractor's employees since it is not a contracting party; the only pressure on the union to increase the number of its Negro workers is the indirect reflection of the employer's needs. Thus the President's Committee has sought in recent months to place more direct responsibilities upon the union in recognition of its role in controlling access to some kinds of employment.

On November 15, 1962, Vice President Johnson, as Chairman of the President's Committee, signed agreements called Programs for Fair Practices with almost all of the international unions affiliated with the AFL-CIO, 118 unions with almost 13 million members.³³ These programs, while relatively meaningless in terms of legal obligation

32. Op. cit. supra note 4, at 157-58.

33. President's Committee on Equal Employment Opportunity Press Release, November 15, 1962. The only major international unions affiliated with the AFL-CIO which had not signed Programs for Fair Practices as of Nov. 1, 1963, were: International Association of Machinists; International Brotherhood of Electrical Workers; International Union of Elevator Constructors; and the Sheet Metal Workers International Association. No efforts have been made to sign internationals outside the AFL-CIO, including the International Brotherhood of Teamsters, Chaffeurs, Warehousemen and Helpers which has indicated a willingness to sign.

since the signatory internationals have no power to compel compliance by their member locals, do commit the AFL-CIO and the internationals to full cooperation with the President's Committee in "attaining its goals of equal opportunity in all aspects of employment." Regarding apprenticeship, the unions promise to "seek agreement from management to write into joint apprenticeship training programs in which we participate a nondiscrimination clause in regard to admissions and conditions of employment of apprentices and shall see that this clause is administered in such a way as to give full and effective application of nondiscrimination throughout all such training." The Committee has assigned part of its staff to assisting unions in implementation of the programs, and it is expected that the signatories will meet in Washington in late 1963 to report their progress to the Committee.³⁴

Secretary Wirtz also announced in his June 6 statement to the House Subcommittee that in response to the President's request of June 4 a 50-man task force was beginning inspection of Federal construction projects across the country to determine means of preventing discrimination in the hiring and use of apprentices. The Secretary promised that "the full sanctions of Executive Order 10925" would be used if discriminatory practices were found and not corrected; these sanctions include cancellation of contracts.³⁵ The President's Committee had earlier acquired some experience on an ad hoc basis in taking corrective action on the construction projects in Chicago and Washington mentioned above (see p. 9); working with the Bureau of Apprenticeship and Training people on the scene, they had called together union and contractor representatives and confronted them with the necessary changes in the work force. The Secretary's statement would seem to indicate that such a procedure might be institutionalized after the 50-man task force presents its findings. When contractors are faced with cancellation unless Negroes are placed in jobs from which they have previously been excluded, the unions providing workers for those jobs are strongly compelled to bring Negroes into their crafts so they can be available on Federal projects.

If it can be assumed that the Committee's activity in the construction field will take this form, a profound impact on apprenticeship programs may be felt. With the expansion of the Committee's jurisdiction resulting from an amendment of Executive Order No. 10925

34. Commission staff interview with Emile Berg of the staff of the President's Committee on Equal Employment Opportunity, Mar. 28, 1963, Washington, D.C.

35. See note 26 supra.

to bring construction under Federal loans and grants-in-aid within its ambit on June 22, 1963,³⁶ even more far-reaching results may be expected.

What Has Changed?

It can safely be said that in the past 2 years there have occurred two significant changes in attitude and policy as far as the Federal role in apprenticeship is concerned. First, there has been a recognition that Negro participation in apprenticeship training is alarmingly meager. Second, there is now a commitment that Government must expend efforts to increase the availability of the programs to Negroes. This has occurred as a result of public pressure for change on the part of civil rights organizations and others, and because the phenomenon of Negro unemployment and misemployment has been recognized as one of the Nation's critical economic weaknesses. If the job market demands highly trained workers and offers rapidly diminishing opportunity to the unskilled and semi-skilled, Negroes, unemployed at twice the overall rates, must enter the labor market equipped with the skills in demand. Apprenticeship, the proven method of acquiring skills in many of the occupations for which a continuing need will exist, must, according to current thinking, be expanded and made available to significant numbers of untrained workers.

As of the moment the Federal apprenticeship program continues to function on the same voluntary "promotional" basis it did in 1961, or for that matter in 1937 when the Bureau of Apprenticeship and Training was created. Offering as its only inducement the registration of programs meeting Federal standards, the Bureau has not achieved its aim of promoting apprenticeship; it has reported a

36. Executive Order No. 11114, June 22, 1963, 28 Fed. Reg. 6485 (1963).

decline in registration over recent years.³⁷ Potential sponsors of apprenticeship presumably have found the benefits accruing under registered programs--draft deferments for apprentices and waiver of minimum wage requirements for trainees working under Federal contracts--³⁸ insufficient to impel subjection of the programs to the quasi-regulation brought on by registration. Potential industrial sponsors are able to "steal" needed trained workers from competitors who do maintain apprenticeship programs, while sponsors in the crafts, primarily the building trades, place severe restrictions on the numbers of apprentices in order to assure full employment to journeymen craftsmen. At no point in the selection process is there assertion of the economy's need for skilled manpower. Bureau of Apprenticeship

37. U.S. Department of Labor, Bureau of Apprenticeship and Training, Division of Research, Trends in Apprentice Registration 1941-1963 (Apr. 26, 1963). The decline from almost 200,000 registered apprentices in 1957 to some 155,000 in 1961 is attributed by BAT to "absence of financial support associated with the GI Bill in earlier years combined with somewhat sluggish behavior on the part of the economy since 1957." Most important of the economic factors is the decline in the construction industry since 1957 in view of the fact that the construction trades account for some two-thirds of all registered apprentices. BAT publishes registration figures twice a year, and in June 1963 the most recent count (as of December 1962) was 158,616. The semiannual reports break down registrations by State.

BAT does not compile racial statistics on registered apprentices, and the only available data of this kind are published by the Census Bureau. Tables 122 and 123, PC(1)-D series of the 1960 census indicated 23,002 nonwhite apprentices and trainees out of a total of 468,966, or 5.2%. However, the discrepancy between Census and BAT totals (see above) raises questions as to the reliability of the figures. The BAT Division of Research is currently undertaking a compilation of racial data on apprentices for the Labor Department and the newly created Advisory Committee for Equal Opportunity in Apprenticeship and Training by means of a postcard survey and other techniques. See Division of Research memorandum of May 6, 1963, copy in Commission files.

38. For the effect of registration on selective service classification of apprentices, see 32 C.F.R. 1622.23a(e). Regarding use of apprentices on Federal Government contract work, see regulations in 29 C.F.R. 5.5 and 5.6, issued pursuant to Davis-Bacon Act of 1931, 46 Stat. 1494, 40 U.S.C. 276a, as amended 49 Stat. 1011, 74 Stat. 418, 40 U.S.C. 276a-a5.

and Training representatives repeatedly told the Advisory Committees that the Bureau was completely without power to affect the actual selection of trainees. It is clear that changes in the administration of the Bureau's programs to promote apprenticeship opportunities for Negroes can have only limited effect. The Bureau depends heavily on the cooperation of the industry in all its activities, and when industry leaders protested certain provisions of the Secretary of Labor's new apprenticeship standards, the rules were modified to avoid a revolt.³⁹ As long as the Federal Government depends on such voluntary relationships with management and the unions, perhaps little real progress can be expected.

Some of the State Advisory Committee reports which follow conclude that further changes in the administration of the current Federal programs in apprenticeship can be made toward equality of opportunity for training. Others suggest basic reforms in the apprenticeship law. In the coming months, with protest and public concern focused on inequities in training for skilled labor, changes as well as reforms will probably become inevitable.

39. See note 30 supra. When the Secretary of Labor issued his July circular concerning new apprenticeship standards to insure equality of opportunity, it was reported in the press that construction unions and employers objected strongly to what they termed the imposition of "quotas" in apprenticeship. See N.Y. Times, July 27, 1963, p. 1. The union-employer Construction Industry Joint Conference formed a Joint Committee on Equal Employment Opportunity headed by Harvard Professor John T. Dunlop to work with the Labor Department in developing a different approach to the problem. On August 9 the Joint Committee proposed a voluntary plan for the adoption of nondiscriminatory selection procedures by local unions and contractors; this was followed on September 20 by a more detailed recommendation of apprenticeship standards and procedures. Some of the Joint Committee's suggestions were made part of the revised standards as proposed in the Federal Register. See N.Y. Times, October 20, 1963, p. 1.

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DEPARTMENT OF LABOR

Office of the Secretary

[29 CFR Subtitle A]

NONDISCRIMINATION IN APPRENTICESHIP AND TRAINING

Notice of Proposed Rule Making

This document sets forth the substance of rules regarding nondiscrimination in apprenticeship which the Secretary of Labor proposes to issue pursuant to the authority granted him in the 29 U.S.C. 50 and 5 U.S.C. 22.

A. Background and policy. President Kennedy, in a statement dated June 4, 1963, directed the Secretary of Labor "in the conduct of his duties under the Federal Apprenticeship Act (29 U.S.C. 50-50b) and Executive Order No. 10925 (26 F.R. 1977) to require that the admission of young workers to apprenticeship programs be on a completely non-discriminatory basis." The President further directed that "all Federal construction programs be reviewed to prevent any racial discrimination in hiring practices, either directly in the rejection of presently available qualified Negro workers or indirectly by the exclusion of Negro applicants for apprenticeship training."

Pursuant to these instructions, the Secretary of Labor directed the Bureau of Apprenticeship and Training to insure that all apprenticeship or apprenticeship and training programs now federally registered operate on the basis of the following standards:

1. The selection of apprentices on the basis of qualifications alone, in accordance with objective standards which permit review after full and fair opportunity for application, unless the selections otherwise made would themselves demonstrate that there is equality of opportunity.

2. The taking of whatever steps are necessary, in acting upon application lists developed prior to this time, to remove the effects of previous practices under which discriminatory patterns of employment may have resulted.

3. Nondiscrimination in all phases of apprenticeship and employment during apprenticeship after selections are made.

Discrimination based on race, creed, color, or national origin has no place in American life today, particularly in the programs by which young people acquire the skills that determine their future employment prospects. Full equality of

opportunity for all is a goal toward which both labor and management have pledged their efforts and which warrants the full cooperation of labor, management and the community.

B. General directions. This document sets forth procedures to be used in implementing the program set forth by the President and the Secretary. The Bureau's primary job, in this context, is to encourage and assist program sponsors and the community in achieving equality of opportunity, voluntarily and by their own efforts, through the adoption and implementation of the equal opportunity standards for apprenticeship set forth above. This encouragement and assistance is to be undertaken constructively and in a manner reflecting the historic advisory and counseling services of the Bureau. If there should be apprenticeship programs in which equal opportunity cannot be obtained voluntarily through the various processes outlined in this document, procedures are set forth below for the withholding or withdrawal of governmental recognition from such apprenticeship programs.

C. Promotion of equal opportunity. Regional Directors shall take immediate steps to inform all sponsors of federally registered apprenticeship programs of the policy, standards and requirements set forth in this document and to promote the voluntary acceptance by sponsors of the standards. Regional Directors shall insure that general publicity is given to the Bureau's non-discrimination policy and program and that Bureau field personnel give continuing leadership toward acceptance of these policies. Recognizing that the policies set forth herein will effect their purpose only if qualified applicants from racial and ethnic minorities are informed with respect to apprenticeship opportunities that will be available under the revised standards, Regional Directors shall make special effort to guarantee that the organizations most useful in assuring such a supply of candidates (schools, public employment service, minority group organizations, etc.) are informed of the revised program. Regional Directors should lay plans with such groups for the stepped-up information and counseling program that will be needed to obtain qualified minority group applicants.

D. Program reviews. Regional Directors shall initiate a systematic review of existing federally registered programs, inform program sponsors of the equal opportunity standards, encourage their adoption, and take appropriate action regarding programs which do not adopt

and operate in accordance with the standards. Each program review shall involve the following steps:

1. Notification to the program sponsor of the equal opportunity standards and the taking of all appropriate action to urge their voluntary acceptance.

2. Maintenance of a file on the program review which shall accompany the report forwarded regarding the review.

3. Determination of racial and ethnic composition of the program. Where the composition of the program demonstrates that there is equality of opportunity no further review will be made. A file shall be maintained regarding such programs, which will contain the information which indicates that equal employment opportunity is being provided. This file shall be forwarded through supervisory channels to the Administrator of the Bureau of Apprenticeship and Training for review.

4. Use of the following checklist:

a. *The formal program language requirement.* Does the program contain a formal non-discrimination clause consistent with the equal opportunity standards set forth in section A of this document? (Programs already containing the language required by Circular 62-5 are not required to adopt new written provisions. See section H.)

b. *Selection of apprentices—(1) Selection on the basis of qualifications alone.* (a) Does the program select apprentices on the basis of qualifications alone in accordance with objective standards which permit review after full and fair opportunity for application (see section G.1 below) and

(b) Is the application list composed entirely of applicants selected and ranked solely on the basis of qualifications alone in accordance with objective standards that permit review after full and fair opportunity for application? (See sections G.1d and G.2 below.)

(2) *Alternative selection plan.* If the program does not qualify under section (1) above, has the program adopted an alternative equal opportunity plan for selecting apprentices which is consistent with the standards for apprenticeship set forth in section A and which is acceptable to the Administrator? Does the program operate in accordance with such plan? Field representatives should submit through channels to the Administrator for approval alternate selection plans which appear to be consistent with the equal opportunity standards set forth in section A. A copy of the approved plan should be included in the case file.

c. *Program operation.* Is there any discrimination in apprenticeship or employment during apprenticeship, including but not limited to job assignment, promotion, demotion, layoff, or termination, rates of pay or other forms of compensation or conditions of work? (See section G.3 below.)

5. Where the program has not adopted or is not operating in accordance with the equal opportunity standards, the field representative shall notify the program sponsor (even in group programs where it is an individual employer who is deficient) and indicate possible methods of providing equal opportunity in accordance with this document. For a reasonable time, not to exceed 30 days from the time the sponsor is notified of the lack of equal opportunity, the field representative shall make every reasonable effort to encourage corrective action, recording the facts and information in the case report. This effort to obtain corrective action shall include an opportunity for any body designated by the program sponsor or industry group for reviewing complaints of discrimination to resolve the issue.

6. At the close of the review for programs found to be in conformity, or at the close of the time allowed for voluntary corrective action for programs found not to be in conformity, the field representative shall forward the case file through supervisory channels to the Regional Director for review.

7. The Regional Director shall review findings of conformity or achievement of corrective action on a spot check basis in sufficient proportion to assure himself that Bureau equal opportunity policy is being properly carried out. Where upon review the Regional Director does not concur in the finding of the field representative, he may order further investigation or such other action as may be necessary and appropriate.

8. Upon receipt of any finding of non-conformity by a field representative, the Regional Director shall notify the program sponsor that such a finding has been made and that the program will be deregistered unless the finding is set aside or appropriate corrective action taken. The sponsor shall have 15 days within which to file a written request for a hearing with the Regional Director.

a. If the program sponsor does not request a hearing within 15 days, the Regional Director shall review the case.

(1) Where upon review the Regional Director concurs in the findings of non-compliance and failure to achieve satisfactory corrective action, he shall so notify the program sponsor and the complainant, if any, and shall forward the case file to the Administrator, stating his concurrence and his recommendations, if any.

(2) Where upon review, the Regional Director does not concur in the finding of the field representative, he may order further investigation or such other action as may be necessary and appropriate.

b. If the program sponsor within 15 days files a written request, the sponsor shall be accorded a hearing before a hearing officer designated by the Regional Director. The hearing shall be

informally conducted. Every party shall have the right to counsel and a fair opportunity to present its case or defense, including a right of cross-examination. The hearing officer shall prepare a decision on the basis of the record before him, setting forth findings and conclusions on the question of noncompliance and recommendations, if any. This decision shall be final as to any complainant with respect to whom it is adverse. Copies of the decision shall be furnished to the program sponsor, and the complainant, if any. Exception to the decision may be filed by the program sponsor with the Administrator within 15 days. If exceptions are filed and if there is a complainant, a copy of the exception filed shall be furnished to him and he shall be given 15 days in which to file a reply with the Administrator. A copy of such reply shall be furnished to the program sponsor.

9. Upon receipt of the Regional Director's concurrence in the finding of the field representative or of a decision of a hearing officer that a program is not in conformity, the Administrator will so inform any private organization designated by the industry in question to assist in achieving equal opportunity and shall allow the organization a reasonable time normally not to exceed 20 days to achieve voluntary corrective action.

10. Following the receipt of exceptions and replies to be filed or for the action provided for in subsection 9 above, the Administrator shall render a final decision in writing based on the file or the record as the case may be. If the decision is that the program is in non-conformity and that satisfactory action to achieve conformity has not been taken, the program shall be deregistered. The Administrator shall notify the Regional Director, the Program sponsor, the complainant, if any, and any private organizations of the type described in subsection 9 of his decision. In each case in which deregistration is ordered the Administrator will make public notice of the order and will notify the President's Committee on Equal Employment Opportunity and the Solicitor of Labor who will notify contracting agencies.

11. If in the judgment of the Administrator a particular situation warrants and requires special processing and expedited determination, he shall take the steps necessary to permit such determination: *Provided*, That no person or party affected by such determination shall be prejudiced by such special processing.

12. *Priorities:* Until such time as all larger programs shall have been reviewed, field representatives shall not review programs with a total of 5 or less apprentices in training except in connection with the processing of complaints. Review should also be deferred of programs which have been examined under the complaint procedure provided for in section E below and which have been found by the Bureau to provide equal opportunity or which have taken necessary action to provide such opportunity.

E. *Complaint processing.* Complaints may be filed with the Bureau or any field representative by any applicant or

apprentice who feels that he has been discriminated against on the basis of race, creed, color, or national origin with regard to apprenticeship or that the equal opportunity standards have not been followed in his case. The complaint shall be in writing and shall be signed by the complainant. It must include the name, address, and telephone number of the person allegedly discriminated against, the program sponsor involved and a brief description of the circumstances of the alleged discrimination. Complaints received by the Bureau headquarters office will be transmitted to the field for processing. It is Bureau policy to encourage local program sponsors to establish, either individually or in an industry group, fair, speedy and effective procedures for reviewing complaints of discrimination. The desirability of establishing such review procedures should be brought to the attention of all program sponsors as soon as possible. Regional Directors shall institute procedures to insure that upon receipt of any complaint field representatives shall:

1. Prepare and maintain a complete case file for each complaint received. It shall contain the original complaint, reports of investigations and visits, and correspondence with the employer, the program sponsor, and others regarding all phases of the case in chronological order, including recommendations made and final disposition of the case. This file shall be forwarded to the Regional Director for review upon local disposition of each complaint. A separate local office correspondence and reports file shall be maintained for essential internal records and correspondence regarding each case.

2. When the program sponsor or industry group has designated a body for reviewing complaints of discrimination, the Bureau field representative, upon receiving a complaint shall after establishing a case file direct the complainant to file his complaint with the representative of the review body. He shall give the complainant the name and address of this representative.

3. No later than 60 days following the filing of a complaint with the review body by the complainant the field representative shall obtain reports from the complainant and the review body of the disposition of the complaint. If the complaint has been satisfactorily adjusted and there is no other indication of failure to apply equal opportunity standards, the case shall be closed and the parties appropriately informed.

4. When a complaint has not been resolved through local review procedures within 60 days, where no local review procedure exists or where despite satisfactory resolution of the complaint there is evidence that the equal opportunity practices of the program are not in accordance with these rules, the field representative shall notify the program sponsor of the complaint or such evidence, solicit a response from the sponsor and conduct whatever other investigation is necessary to determine the facts, including where necessary, interrogation of the complainant, the employer and other involved persons. The pertinent facts should be recorded.

5. Where the program is not operating in accordance with the equal opportunity standards, the field representative shall notify the program sponsor (even in group programs where it is an individual employer who is deficient) and indicate possible methods of providing equal opportunity in accordance with this document. For a reasonable time, not to exceed 15 days from the time the sponsor is notified of the lack of equal opportunity, the field representative shall make every reasonable effort to encourage corrective action, recording the facts and information in the case report.

6. From this point on, complaints shall be processed procedurally in the same manner as program reviews (see section D, 8-11).

F. Reinstatement of program registration. Any program deregistered pursuant to this document may be reinstated upon presentation of adequate evidence to the Administrator that the program has established and is operating under a selection system based on qualifications alone and is in compliance with the equal opportunity standard set forth in section A(3).

G. Interpretations—1. Selection on the basis of qualifications. The Bureau encourages program sponsors to adopt a system of apprentice selection based solely on qualifications "in accordance with objective standards which permit review, after full and fair opportunity for application" on the ground that this kind of system is the one most in accord with a free and democratic society.

a. "Objective standards which permit review" does not mean that all programs must have identical standards for selection. It does mean that qualifications and eligibility must be determined by specific requirements so that questions of discrimination in selection can be promptly adjudicated. These requirements must be established and disseminated publicly prior to selection.

b. Selection "on the basis of qualifications alone" means that apprentices are chosen from those applicants meeting the minimum qualifications for the trade or craft solely on the basis of their qualifications compared to those of other applicants. Examples of standards by which comparative qualifications may be determined are fair aptitude tests, high school diploma, age requirements, occupationally essential physical requirements, fair interviews, high school grades and previous work experience. Under this test, both actual selection for and entry into apprenticeship must be on the basis of comparative qualifications alone.

It is not enough for a program to establish a lengthy list on the basis of minimum qualifications standards and then select apprentices from the list on a basis other than comparative qualifications such as on the basis of time of application. Where the number of applicants meeting the qualification requirement is greater than the number of job openings, "qualifications alone" means (1) that the applicants are ranked on the basis of criteria which measure comparative qualifications (e.g., fair aptitude tests, etc.) and are selected on

the basis of the rankings, or (2) that without ranking each individual, criteria which measure comparative qualifications are used to identify the "best qualified" in a total number not in excess of the total number of apprentice openings and selections for employment from within the "best qualified" group are made through any nondiscriminatory system.

c. To "permit review" adequate records must be kept of the selection process. These must include a brief summary of each interview and the conclusions on each of the specific factors, e.g., motivation, ambition, willingness to accept direction, which are part of the total judgment.

d. "After full and fair opportunity for application" means that the program sponsor has, prior to the time of selection and in the future at least once annually, allowed a substantial period of time for new applicants to apply for apprenticeship, has publicly disseminated information about the availability of apprenticeship opportunities and has ranked the new applicants thus received along with previous applicants on the basis of their comparative qualifications. In the future, such information shall be posted at the normal place of application for apprenticeship and disseminated to the local employment service and the local schools. The information so disseminated must describe the qualification standards and selection procedures, and specify the anticipated number of openings, the method and place of making application, the dates within which applications will be accepted. It should indicate the approximate date at which the results of the selection process will be made known to all the applicants.

2. **Necessary action on prior application lists.** Where program sponsors have or adopt a selection system based on qualifications as specified in section G. 1 the standard stated in section A. 2 does not require any action with regard to "application lists developed prior to this time" beyond that required by section G. 1. Where program sponsors do not have a selection system based on qualifications, the Standard stated in section A. 2 requires that "application lists developed prior to this time" be opened to the extent necessary to provide current opportunities for selection of qualified members of racial and ethnic minority groups.

3. **Nondiscriminatory operation.** There must be no discrimination in apprenticeship or employment during apprenticeship after selections have been made, including but not limited to job assignment, promotion, layoff or termination, rates of pay or other forms of compensation or conditions of work. All apprentices employed shall be subject to the same job performance requirements.

4. **Selection from existing employees.** Where apprentices are selected from a restricted pool, e.g., from present employees, admissions to the pool as well as selection for apprenticeship shall after the effective date of this document be on a nondiscriminatory basis. Selections from the pool may be made on the basis of seniority of employment.

H. Program language requirements. Each federally registered apprenticeship program which does not now contain a nondiscrimination clause in the form required by Circular 62-5¹ must contain a formal nondiscrimination clause consistent with the equal opportunity standards set forth in section A of this document. The Bureau suggests the following language as appropriate for adoption by program sponsors desiring to select apprentices on the basis of qualifications alone: "Selection of apprentices under the program shall be made from qualified applicants on the basis of qualifications alone and without regard to race, creed, color, national origin, sex or physical handicaps in accordance with objective standards which permit review, after full and fair opportunity for application; and this program shall be operated on a completely nondiscriminatory basis." Irrespective of the form of the formal nondiscrimination clause adopted, all federally registered apprenticeship programs are required to operate in accordance with the equal opportunity standards as stated and interpreted above and all Bureau correspondence regarding program language requirements shall so indicate.

I. New programs. Any program seeking Federal registration hereafter must select apprentices on the basis of qualifications alone in accordance with objective standards which permit review after full and fair opportunity for application and must adopt a nondiscrimination clause in the form suggested in section H or its equivalent. In addition to the language requirement, the submission to the Bureau must include a concise statement of the selection procedure and of the selection standards which the program sponsor proposes to apply.

J. Bureau and State agency cooperation. (a) Regional Directors shall encourage State Apprenticeship Council (SAC) States to accept the equal opportunity standards for apprenticeship and to adopt effective procedures to implement the standards including program reviews, the processing of complaints, de-registration of noncomplying programs, and consultation and cooperation with private organizations designated by the industry in question to assist in achieving equal opportunity in apprenticeship. Regional Directors shall submit nondiscrimination programs developed by States to the Administrator for determination as to consistency with the equal opportunity standards. Where State programs are determined to be consistent with the equal opportunity standards, Regional Directors shall work out with SAC States a division of responsibilities between Federal and State personnel for carrying out the procedures adopted to implement the policy. This division should generally be based on present assignments for the servicing of

¹The language now required by Circular 62-5 is as follows: "Selection of apprentices under this program shall be made from qualified applicants without regard to race, creed, color, national origin or physical handicaps; women shall not be barred from apprenticeships for which they qualify."

apprenticeship program accounts.

(b) In SAC States which adopt a non-discrimination program consistent with the equal opportunity standards, BAT field representatives shall file their reports with BAT State supervisors. Where the State supervisor concurs in any finding of noncompliance and failure to take corrective action, he shall forward the file to the State agency with a recommendation for deregistration. He shall at the same time notify the Regional Director who will notify the Administrator.

(c) Regional Directors shall request that SAC State agencies notify them of any State deregistration. Regional Directors shall then notify the Administrator who will in turn notify the President's Committee on Equal Employment Opportunity and the Solicitor of Labor. The Solicitor of Labor will notify contracting agencies.

(d) Regional Directors shall consult with State officials regarding methods of cooperation with State fair employment practices commissions and shall report the results of such consultations to the Administrator. Interested persons may submit written statements of data, views, or arguments in regard to any or all of the policies or procedures contained in this proposal within 15 days after this document is published in the FEDERAL REGISTER. Submissions should be directed to the Secretary of Labor, United States Department of Labor, Constitution Avenue and 14th Street NW., Washington 25, D.C.

Signed at Washington, D.C., this 18th day of October 1963.

W. WILLARD WIRTZ,
Secretary of Labor.

[F.R. Doc. 63-11202; Filed, Oct. 22, 1963;
8:47 a.m.]

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The Apprenticeship Program in California

Although many confusions cloud the picture of apprentice training, to everyone concerned with the program one fact stands out with dismaying clarity: it is not reaching enough young persons of minority groups.

California recognizes this shortcoming and has initiated a program to help overcome it. This report describes only that program. It does not attempt to describe the broader aspects of apprenticeship nor to make value judgments on the factors that give rise to its need.

The history of California's program to increase apprenticeship opportunities for young persons of minority groups had its roots in the action of the California Labor Federation, AFL-CIO, which raised the question through its Civil Rights Committee in 1959. It is noteworthy that this action, and all the progress which has followed it, took place in the absence of public charges of discrimination in apprenticeship.

Like all apprentice programs, those in California are fundamentally voluntary programs which employers and unions agree to administer jointly with assistance from government agencies. In this State, government assistance comes primarily from the Division of Apprenticeship Standards (D.A.S.) of California's Department of Industrial Relations, and, to a lesser degree, from the U.S. Bureau of Apprenticeship and Training of the U.S. Department of Labor. Consultants of these agencies service the joint apprenticeship committees (JAC's) which are basically in charge of each such program and which maintain standards consistent with the rules of the California Apprenticeship Council (C.A.C.).

OPPORTUNITY WORKSHOPS ARE INAUGURATED

Deeply concerned with the problem, the State Labor Federation in 1959 urged that the subject of minority opportunities be made the topic of a special workshop at the forthcoming California Conference on Apprenticeship. As a result of this suggestion, the first in a series of such biennial conferences was held in May 1960.

Conference heard talks by Governor Edmund G. Brown and spokesmen for representative civil rights and industrial relations organizations in the area. Out of the workshop came recommendations that were to prove of great practical helpfulness.

These provided for the formation of a study committee on the employment of minorities in apprenticeships, memorable because it marked the first step in the creation of a tool with which to approach this problem. Further, the recommendations called for the establishment of a central information center for the use of applicants, for setting up means of communication that would publicize existing opportunities, for the development of permanent relationships between JAC's and minority group organizations, and for instituting a D.A.S. survey of minority apprentices to pinpoint problems and progress.

It should be noted that these recommendations reached the California government a year after the State had enacted an FEP law and after the Brown administration had placed John F. Henning at the head of the Department of Industrial Relations. In the period of study which followed, the various aspects of the problem became more clearly defined. The Urban League, long familiar with the placement of Negro youth in apprenticeship training, contributed much detailed information and the broadened picture, to which California was urged to address itself, took in more specific contributing problems.

It was, of course, found that the number of young persons from minority groups in apprenticeship training, or graduates of such training, was small. The exact number of participants as well as their distribution in the program or their exclusion from it needed to be ascertained. But at least the causes were known. They were:

1. Failure of minority group youth to apply for apprentice training. This failure was related to lack of information about the program, to the absence of adult job patterns with which to identify, to the weakness of school counseling, and to the anticipation of rejection.
2. Failure of minority group youth to qualify when application was made. This was related to poor counseling in the schools and the home, to a general lack of information about entrance requirements for the programs, and to a general misconception of apprenticeship as something to which only the intellectually inadequate were to be relegated.
3. The practice of racial discrimination on the part of those who determine admissions to an apprentice program.

ACTIVATION OF A REPRESENTATIVE COMMITTEE

The Study Committee on Apprenticeship Opportunities for Minority Groups, which was eventually appointed, was made up of members of the C.A.C. and of the California Conference on Apprenticeship who represented both employers and unions. Other agencies and organizations participating included the NAACP, the Japanese-American Citizens League, the Jewish Labor Committee, the Urban League, the Chinese-American Citizens Alliance and the Mexican-American Community Service Organization, the California Committee for Fair Practices, the D.A.S., the Bureau of Indian Affairs of the Department of Interior, the Division of Fair Employment Practices, the U.S. Bureau of Apprenticeship and Training, the California Department of Employment, the Bureau of Industrial Education of the State Department of Education, and the Department of Corrections. The Committee's first full meeting was held in January 1961, and reviewed the recommendations of the conference workshop in detail.

In two basic, long-term motions, the Study Committee formally urged the D.A.S. to conduct surveys of precise minority identification among those who had completed apprentice training and those currently enrolled and to proceed to establish apprenticeship information centers. It also raised, for the first time in the context of minority opportunities, the crucial matter of the lack of apprentices on State and local public works and at plants where national defense contracts were held. But in order not to jeopardize voluntary relationships and the collective bargaining basis for JAC operations, all proposals were defined, as carefully as possible, in terms of the existing framework.

DEVELOPMENT OF CONCEPT AND PROJECTS

As the essential parts of a program began to take shape, a new general concept also developed. It was seen that the Study Committee and its local counterparts needed to become an intrinsic part of the apprenticeship structure resting on a firm foundation in law instead of on the more tenuous one of conference resolutions. Consequently, at the third meeting of the Study Committee in August 1961, the C.A.C. was requested to amend its rules to recognize, as part of the State's apprenticeship program, both the statewide and the local committees on equal opportunity for minority groups.

This was done at the public hearing of the California Apprenticeship Council on October 27, 1961, in a paragraph adopted by the C.A.C. and added to the California Administrative Code as follows:

Statewide and Local Community Apprenticeship Committees

The California Apprenticeship Council approves and encourages equal employment opportunity in apprenticeship and training. To foster and promote this policy the California Apprenticeship Council encourages, recognizes, and approves the establishment of a statewide committee and local community committees, composed of wide community representation from all ethnic groups, representation from labor and management, the California Apprenticeship Council, and the California Conference on Apprenticeship. Each committee shall file with the administrator a written statement setting forth its composition, purposes, and functions, including as one of its purposes the full recognition and support of the autonomy of the statewide and local apprenticeship committees.

In addition the C.A.C. took a further important action at this hearing in providing for uniform procedures that would insure fair and impartial treatment of applications for apprenticeships.

Thus the Statewide Committee on Equal Opportunity and Training for Minority Groups came into being. Proposed Articles of Organization drafted by the committee were approved by the C.A.C. and signed by representatives of the participating organizations. Its functions are described as follows:

It shall be the purpose of the Statewide Committee for Equal Opportunity in Apprenticeship and Training to foster and promote equal opportunities in apprenticeship and training for all, irrespective of race, color, creed, or national origin. . . .

Having made clear its purpose, the Committee undertook concentrated effort on these key projects:

1. Establishment of a central clearing house for information about apprenticeship in some localities.
2. Creation of tripartite local committees to develop the relationship between the JAC's (labor-management) and the minority communities.
3. Participation at all levels in apprenticeship events and structures.

4. Continuation of attention to the problem of underemployment of apprentices in plants of national defense contractors.

The value of the information centers is recognized as being of the first importance. Consequently, a statement to guide their establishment has been adopted by three state agencies. It provides that the centers:

1. Maintain a library of apprenticeship information for youth, counselors, parents, Joint Apprenticeship Committees, employers, unions, and others.

2. Provide group and individual counseling and guidance to junior and senior high school students and applicants about:

The nature of various apprenticeable occupations.

The qualifications for apprenticeship including educational requirements and aptitudes.

How to prepare for apprenticeship.

How and where to apply for apprenticeship.

3. Act as a referral agency to Joint Apprenticeship Committees and to others in the community who have responsibility for final selection of apprentices.

The statement also proposes that the information centers be supervised by the Employment Service, the D.A.S., and the local public school system and that, prior to the opening, preparatory meetings be held in each local area, first of the government agencies, and then of labor and management groups.

Three pilot information projects are functioning in Fresno, Los Angeles, and San Francisco. They have stimulated so much interest that it is realistic to believe similar projects will be developed in other areas as soon as staff size permits.

The development of local committees is also going forward. So far they have been set up in San Francisco, Los Angeles, Sacramento, San Diego, and Oakland. Additional committees are in process of being organized. Their members form the heart of the program since, acting in a liaison capacity, they bring minority leadership into regular contact with labor and industry officials active in apprenticeship and, through visits by committees from minority communities

to JAC's, become an effective educational medium. The creation of a local committee is a painstaking and often slow process but it is a rewarding one from which much enlightened activity is assured.

PROGRESS REPORT IN STATISTICS

Various significant statistics have emerged from surveys conducted by the D.A.S. One, circulated in 1961, among apprentices who had completed their training in 1955, was answered by 24.4 percent of them and showed:

52.4 percent earned more than \$8,000 per year and another 19.6 percent earned between \$7,000 and \$8,000 per year; 64 percent reported no time lost from work in 1960 and another 22 percent reported only 1 to 4 weeks lost; 83 percent advise others to learn a trade through apprenticeship; 84 percent reported buying or already owning their own homes.

The results of the subsequent survey of apprentices in the program in 1962 cannot be considered statistically valid. A decision had been made not to work with the 20,575 names by mail but to pass out the questionnaires to the apprentices attending classes of related instruction. Some school systems, notably the one in San Francisco, would not permit the questionnaires to be distributed in its classes. A few large apprenticeship committees refused to cooperate in any way despite the fact that some of them have large numbers of minority apprentices in their programs. The ratio of returned questionnaires ranged from 13 percent in one D.A.S. district to 62 percent in another. Nevertheless, despite the inconclusive nature of the results, the answers of the 7,166 who did respond gave the following information:

The average age of the individual was 24.4 years.

More than 75 percent had completed at least 12 years of schooling and more than 500 had completed at least 2 years of college.

More than 17 percent listed themselves as American Indian, Chinese, Japanese, Jewish, Mexican, Negro or other minority groups.

This shows a marked improvement over the 1955 survey despite the absence of returns from some of the most integrated apprenticeship programs. However, the Negro participation was again disproportionately low although, among those who responded, the percentage had risen to 2.2, or double the 1955 ratio.

The Second Biennial California conference on Apprenticeship, held in Los Angeles in April 1962, followed the pattern of the first but was marked by an intensification of purpose and a more specific and cogent program. Equal opportunity concerns were expressed in many of the workshops in addition to the specific workshop on the subject. The Conference served to involve the total apprenticeship movement still further in the program of equal opportunity and this was again strengthened by the support that came from the California Labor Federation.

The workshop itself proposed the following recommendations to the Conference:

Commendation of the JAC's which adopted fair and impartial procedures; a call for continuing efforts to inform minority youth of the programs; a call for more attention to apprenticeship opportunities by the high schools and especially by school counselors; a request to the State Board of Education that credit toward teaching credentials be given for college courses in apprenticeship training and for work in the special problems of students from different cultural and ethnic backgrounds; a call for adequate budgets for the State agencies that are responsible for the program of equal opportunities; and a call for the development of apprenticeship information centers in other cities.

It is impossible to know precisely what progress has been made in the past year because records are not kept on the basis of race, religion, or national origin. But two reports received at the end of 1962 are significant.

The consultant in the San Francisco office of the D.A.S. reports for November and December of 1962 that of 16 Negro youths referred, 4 had become active apprentices and 11 were in some stage of being processed.

In Los Angeles, the D.A.S. supervisor reported that some of the D.A.S. consultants had made the following visual observations:

1. Out of seven new apprentices indentured in the Long Beach meatcutters program, two were Negroes. One of the two Negroes was made manager of a market upon completion of training.

2. The Oakland roofers indentured three American Indians, three Negroes, and one Mexican-American.

3. In the Los Angeles office machine repair program, 2 of the 20 apprentices were Negroes.

4. In the Alameda-Contra Costa area, the carpenter programs in October and November indentured eight Negroes, one Japanese, one Chinese, and two Mexican-Americans.

5. One of the apprentices honored in the November completion ceremony of the Los Angeles electricians was a Negro which means he had entered the program 4 years ago.

6. The consultant for the millmen, cabinet makers, plasterers, and cement masons programs in San Bernardino reports that these programs have always admitted Negroes and other minority groups freely but in the last 3 months he has noticed an appreciable increase in the number of Negroes entering.

7. In Los Angeles three of the recent machinist and tool and diemaker apprentices to begin training have been Negroes.

8. A Los Angeles firm, not hitherto participating in the apprenticeship program, now has one Negro machinist apprentice and three Negro ironworker apprentices.

9. The officer of one local carpenter program in Los Angeles reports that while he has not counted them and has no way of doing so, he is certain that of the 60 apprentices in the program, at least 20 are Negroes.

RECOMMENDATIONS FOR NEXT STEPS

Thus progress, slow but discernible, is recorded. However, the California experience has revealed certain central weaknesses which must be overcome:

1. An increase in the budget for the D.A.S. must be provided in order to fill major gaps in the staff.

2. Additional provision must be made to disseminate facts, if young people of minority groups are not to be discouraged at the outset by unfounded charges of discrimination.

3. Apprenticeship openings do not exist in sufficient number for anyone at the present time. According to figures published in the Congressional Record, only 161,128 apprentices were registered in the entire country in 1961. Of these, nearly 21,000, or one-eighth of the total, were found in California which has the largest State program. However, the number of graduates each year is only about 40,000, a figure which must be measured against the 230,000 which the Assistant Secretary of Labor has stated we will need each year. California indentures only 8,000 to 10,000 new apprentices annually--of which some will drop out--for a population which in 1963 alone finds about 250,000 individuals reaching the age of 18. In short, apprenticeship opportunities are not numerous enough at present to provide the way to a better standard of living for many persons of any race. This is not because there is no need for such skills. In fact, some employers who provide substantial numbers of apprenticeship openings complain bitterly that once the men are trained other employers pirate them.

4. If the apprenticeship approach is as important to our national economy and defense as many public officials have indicated, it would seem clear that the Federal Government has a distinct responsibility to provide more openings in the sphere of its direct influence, namely, with government contractors.

5. Although the practice of writing antidiscrimination clauses into apprenticeship agreements has value in establishing a basic moral tenet, it may not, in itself, serve to bring increasing numbers of minority young people into apprenticeships. Therefore, the staff of the D.A.S. is making assiduous efforts to implement the Federal directive by which noncompliance would deprive an apprenticeship program of the right to be registered with the U.S. Department of Labor. Its work toward this end is showing quiet but steady progress.

THE CRUCIAL TEST

The California program is not based on sanctions except those of the strong FEP law. It rests, rather, on a combination of affirmative leadership by the government through the D.A.S., the initiative and commitment of the State's top labor officials, the cooperation of some employers, and the devoted efforts of leaders in civil rights and minority group organizations.

In many respects, California is a testing ground. If this program works, it will prove that such a program can be carried on within the present framework of voluntarism. If it does not work, it will prove that government sanctions are necessary.

CONNECTICUT

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Discrimination in Vocational Education and Apprenticeship Training in Connecticut

Perhaps the most remarkable characteristic of the apprenticeship system in Connecticut is the extent to which accurate public information about discrimination in the system is unavailable. Equally striking is the lack of precise information about the ways in which interested persons can become apprentices. Investigators for the Connecticut Commission on Civil Rights encountered extreme difficulty in finding out how many Negro apprentices there were in the State. The State Apprenticeship Council, the Vocational Educational Division of the State Department of Education, and representatives of the Bureau of Apprenticeship of the United States Department of Labor have broadly professed more or less complete ignorance of discrimination in the apprenticeship system and have taken the position that they had no information about the number of Negro apprentices in the State or about discriminatory practices.¹ Such information as lists of names and addresses of employers participating in apprenticeship programs, of officers of local apprenticeship committees, or of union representatives on the local apprenticeship committees have not been made available to interested applicants or their parents and friends.

In the Guide to Apprenticeship, published by the State of Connecticut Apprenticeship Council (January 1961) p. 7, under the heading "Where does a person of apprenticeship age get employment as an apprentice?" the Guide simply tells the prospective applicants for apprenticeship training to see employers, labor union offices, Connecticut State employment offices, or local labor-management apprenticeship committees. No names and no addresses are included. On pages 12-14, the Guide lists a substantial number of apprenticeshipable trades without the names and addresses of employers or union officers or the names and addresses of local joint committee members. Unless the prospective apprentice has relatives or friends in the trade, it seems likely that he may have a hard time finding out whom he ought to see or where he can make application. The established State and Federal agencies are not helpful at this critical point.

Illustrative of the attitudes of public officials having responsibilities in this area is the following report of an interview with the electrical inspector in New Haven, which was conducted by a research assistant for this Committee:

1. See appendix for statistics.

I have found the subject very wary on all matters, but was able to gather the following information: wages paid apprentices are extremely low. Research disclosed later that the minimum wage now for apprentices is 85 cents per hour, being raised to 95 cents after Oct. 1, 1963--as compared with ordinary minimum wage rates of \$1.15 and \$1.25 respectively. (See sections 31-58 to 31-60 of Conn. Gen. Statutes, 1961 Amendment.) Union procedures count heavily, and the unions often have their own apprenticeship programs written into the collective bargaining contract. There are far too few young men entering the trades, relative to needs. Contractors prefer to hire apprentices duly registered, etc., with the Apprenticeship Council for work on state or federal jobs; if employees are not so registered the contractor must pay journeyman's wages to them. The post of licensing board or individual is heavily political and much pressure is informally applied in the community to license this or that person; such pressure is easier to resist when there is an examining board with set regulations as to qualifications, but is present even there. The plumbers in New Haven are licensed through such a Board, but the electricians are licensed by the Electrical Inspector himself. He has not prescribed any set qualifications, but judges each application (apparently) rather subjectively. Thus, an applicant need not have X number of years training or apprenticeship or schooling, and the examination is apparently amorphous and varying also. But the inspector is pushing for a Board set-up in the new forthcoming revision of the electrical code, mainly to take the licensing job off his lone shoulders, and thereby to escape the heavy political pressure.

Finally, some sample questions and answers:

Q. Is there any problem of racial discrimination in getting training and license to be an electrician?

A. No comment.

Q. Have you ever licensed a Negro electrician?

A. Oh yes, there are some.

Q. Is it difficult for the ordinary man to become an electrician without knowing someone in the trade already?

A. No comment. Go talk to the Union local about that--all we handle is the licensing end.

It seems to us that the agents of the Federal Bureau of Apprenticeship and Training in Connecticut should be directed by the Secretary of Labor to report monthly to the Secretary of Labor, to the U.S. Commission on Civil Rights, and to the President's Commission on Equal Employment Opportunity on the number of Negroes participating in all apprenticeship programs assisted by the Bureau. They should likewise be required to compile, publish, and make available to all interested persons directories of the names and addresses of all employers participating in apprenticeship programs and the names and addresses of the officers of all local joint apprenticeship committees. An order of this kind would be appropriate not only because representatives of the Bureau are Federal employees but also because the Fitzgerald Act, which established the Bureau, made the collection and distribution of information about apprenticeships one of the functions of the Bureau.

In the related areas of vocational education it seems to us that the U.S. Department of Health, Education, and Welfare could exert much useful pressure to break down the veil of secrecy that surrounds the whole area by strengthening all existing regulations, and developing and making information about apprenticeship more readily available to the public. The Department might require regular reports concerning the number of Negro students participating in the various programs subsidized by the Federal Government.

A common criticism of the whole program is that it tends to be out of touch with actual conditions in the labor market. An appropriate interest of the Department of Health, Education, and Welfare might well be the development and publication of specific up-to-date information concerning the employment opportunities and practices. The Department might also properly cooperate with the Federal Bureau of Apprenticeship and Training in the publication of directories of employers and local joint committees participating in apprenticeship programs.

In view of Federal grants in aid of vocational education, it seems to us that the Department of Health, Education, and Welfare might use its substantial influence to utilize the system of local vocational guidance officers as a means of improving the employment opportunities of Negro students. In communities having a Negro

population sufficiently large to justify such action, the Department of Health, Education, and Welfare might foster the formation of local advisory committees to consult with guidance officers. These committees should be biracial in composition, and consist of parents, employers, and representatives of organized and unorganized labor. We recommend that the guidance officers be made the executives of these committees. It should be the function of the committees to collect information about the job requirements, employment needs, and practices of employers in the community, to compile lists of employers maintaining apprenticeship programs, make up directories of local apprenticeship committees, and to find the means to inform Negro students and their parents of employment opportunities and opportunities for training.

It is to be hoped that the committees might be incorporated fully into the operations of the vocational education programs, that they might be consulted in planning the work of the schools and be invited to organize meetings of teachers, parents, employers, and union members for the discussion of ways and means of eliminating bad practices in vocational education and apprenticeship training and that they be called on to report regularly to the State Department of Education and the U.S. Department of Health, Education, and Welfare.

We recommend also that all publications and all folders and leaflets and letterheads used by Federal, State, and local authorities having to do with apprenticeship training and vocational education include a statement to the effect that these are equal opportunity programs. Where the literature is already printed, the public agencies issuing it should be required to mark them conspicuously with a rubber stamp declaring that "This is an equal opportunity program."

APPENDIX

STATE OF CONNECTICUT
 COMMISSION ON CIVIL RIGHTS
 RESEARCH DIVISION

| | <u>Total</u> | <u>White</u> | <u>Negro</u> | <u>Other</u> |
|-------------------------------------|--------------|--------------|--------------|--------------|
| CONNECTICUT: EMPLOYED MALES-1950 | | | | |
| Total | 563,910 | 550,605 | 12,840 | 465 |
| Apprentices | 2,526 | 2,510 | 14 | 2 |
| | 100% | | .6% | |
| CONNECTICUT: EMPLOYED MALES-1960 | | | | |
| Total | 665,183 | 640,680 | 23,508 | 995 |
| Apprentices | 1,531 | 1,515 | 11 | 5 |
| | 100% | | .7% | |

Although a larger proportion of males did not report their occupations in 1960 than in 1950, this fact probably has little influence on the relative proportions of whites and Negroes employed as apprentices.

SOURCE: U.S. Census of Population, 1950, 1960.

TECHNICAL SCHOOL ENROLLMENT
AS OF OCTOBER 1961

| | <u>Total</u> | <u>Negro</u> |
|---|--------------|--------------|
| Bridgeport | 991 | 34 |
| Danbury | 342 | 3 |
| Danielson | 349 | 1 |
| Hamden | 610 | 24 |
| Hartford | 664 | 14 |
| Manchester | 166 | 0 |
| Middletown | 234 | 0 |
| Meriden | 401 | 0 |
| New Britain | 568 | 9 |
| Norwich | 361 | 2 |
| Stamford | 533 | 24 |
| Torrington | 292 | 2 |
| Waterbury | 545 | 4 |
| Willimantic | <u>374</u> | <u>0</u> |
| | 6,430 | 117 |
| <hr/> <p>Compiled by Connecticut Commission on Civil Rights</p> | | |

DISTRICT OF COLUMBIA

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District of Columbia

INTRODUCTION

The District of Columbia Advisory Committee completed a survey of employment opportunities in the Nation's capital in July 1963. Its findings, conclusions, and recommendations were published by the U.S. Commission on Civil Rights in Report on Washington, D.C.: Employment. The Committee's report was the result of several months of effort by a special committee on equal employment opportunity, composed of 5 members of the D.C. Advisory Committee and 20 other Washington citizens representing the business community, organized labor, and human relations organizations.

The special committee gathered most of the information on employment discrimination in a 3-day Conference on Equal Employment Opportunity held in the State Department main auditorium from February 27 through March 1, 1963. Testimony was heard from more than 70 participants representing labor unions, employers, the District of Columbia Government, the Federal Government, schools, and civil rights organizations. The employment report was produced from the transcripts of the testimony and other materials 5 months later.

The employment report found "one of the most serious problems encountered" in the entire field to be discrimination in apprenticeship training. A great deal of information on inequities in apprenticeship was placed before the Committee, but because the report needed to cover the whole employment field, treatment of this one aspect was necessarily brief and incomplete. To contribute to this compilation of reports on apprenticeship by various State Advisory Committees, this Committee expanded its earlier work and brought it up to date.

APPRENTICESHIP IN WASHINGTON, D.C.--EARLY 1963

At the Advisory Committee's conference on Equal Employment Opportunity, participants stressed the serious and continuing problem of exclusion of Negroes from the apprenticeship programs that would prepare them for work in the city's construction industry. It was pointed out that construction, especially in connection with Federal operations and urban renewal, is one of Washington's principal industries. According to Victor R. Daly, deputy director of the U.S. Employment Service for the District:

The construction industry in this area is rapidly becoming one of the largest employers of local labor because of the vast redevelopment programs as well as public construction; it is doing virtually nothing in the hiring or training of Negroes for the skilled trades.

Mr. Daly and Aaron M. Goldman, chairman of the D.C. Commissioners' Council on Human Relations, both listed the problem of Negro entrance into the construction trades as one of the great unsolved civil rights problems in the District. According to Daly, "local efforts to place qualified Negro applicants in apprenticeship training with the craft unions have met with massive resistance by the organized building trades."

In the course of the conference, the Committee received some estimates of the extent of Negro participation in apprenticeship training. Mr. Daly had surveyed the District public schools where classroom instruction supplementing the on-the-job training of registered apprentices is provided. He found that there were at that moment a total of 66 registered apprentices in the skilled construction trades who were receiving such instruction. These included 44 in carpentry, 16 in operating engineering, 4 as metal lathe apprentices, and 2 as reinforced-concrete rodmen. According to his survey, only one of the 66, a carpenter, was a Negro. In addition, Mr. Daly had made a survey of 128 registered apprentices in Montgomery County schools: 67 were in the electrical trades, 39 in the metal trades, and the remaining 22 in other building trades such as plumbing and steamfitting. Not a single Negro was found in the Montgomery County group.

Joseph Curtice, executive secretary of the Washington Building and Construction Trades Council, testified after Mr. Daly and provided conflicting information based on a telephone survey he had conducted in preparing his statement. According to this survey, there were "many" Negro apprentices in cement making, 4 in carpentry, 2 in electricity, and 19 among the operating engineers. Nevertheless, Mr. Curtice did concede that the apprenticeship programs for the skilled trades were "overwhelmingly made up of whites."

"Buck-passing" between labor, management, and government gave evidence of being a serious obstacle to opening the apprenticeship programs to Negroes. Companies claim they cannot apprentice a Negro because the union will not accept him; the unions say they do not do the hiring and, therefore, are without the ultimate power to act. Government in the District of Columbia is involved in apprenticeship through the D.C. Apprenticeship Council. But the

inadequacy of its program, as well as the lack of coordination existing between the schools, other governmental agencies, and the joint (labor-management) apprenticeship committees themselves appeared responsible to some degree for the lack of integration in the programs.

The Apprenticeship Council, created by the Bridges-Randolph Act of 1946 and composed of 6 members (3 from management and 3 from labor) appointed by the D.C. Commissioners, depends on the voluntary cooperation of labor, management, and the joint apprenticeship committees to carry out its purposes. These are to establish apprenticeship programs meeting the standards prescribed in the act, to train young people for profitable employment and citizenship, and to assure an adequate supply of skilled workers for the community. The Council issued a directive in 1959 against discriminatory selection of apprentices and since that time has required a nondiscrimination clause in its agreements. Council staff, provided by the Labor Department's Bureau of Apprenticeship and Training, has in the past used racial designations on Negro applications, assertedly as a special effort to secure opportunities for Negroes in programs. This practice was curtailed by order of the Secretary of Labor in 1961 but, in any event, it had proved ineffectual. The Advisory Committee came to the conclusion that only concrete activity that would encourage and promote minority group participation in apprenticeship programs would correct the present situation.

Improvement has been noted to some extent following the creation of the District of Columbia Apprenticeship Information Center and the related programs which have been instituted in the months since the Advisory Committee conference.

THE APPRENTICESHIP INFORMATION CENTER

At the Advisory Committee conference, Under Secretary of Labor John F. Henning announced a long-range program by the Federal Government to stimulate a fair apprenticeship program for the District. He reviewed the steps that had prefaced this program: the Bureau of Apprenticeship and Training in the Department of Labor had, since 1961, been requiring nondiscrimination clauses in the apprenticeship agreements of firms handling Government contracts and in the registration of any apprenticeship programs with the Bureau. Mr. Henning announced that an Industrial Training Adviser, Mr. Thomas Augustine--formerly of the Pittsburgh Urban League--had been appointed National Industrial Training Adviser working in the Washington office of the Bureau to coordinate its equal opportunity programs in the Washington area.

In addition, he announced the intention of the Department of Labor to establish, on a demonstration basis, an apprenticeship information center in the District of Columbia. This center, he explained, would be "a joint enterprise of the Bureau of Apprenticeship and Training, Employment Service, the schools, the D.C. Apprenticeship Council, and employers and unions. Its experience in determining apprenticeship opportunities and in counseling young people regarding them will contribute knowledge that can prove invaluable in determining other actions that may be needed."

On June 17, 1963 the D.C. Apprenticeship Information Center was opened in the office of the U.S. Employment Service in Washington, under the supervision of the several interested agencies. A director from the BAT staff was appointed to supervise the center's operation. He, with his two assistants, make up its staff of three. The center is located at 6th Street and Pennsylvania Avenue, N.W.

After having been in operation 5 months, the information center reported in November that it had placed 40 applicants for apprenticeship, of whom 34 were Negroes. They had entered the trades of machinist, electrician, carpenter, painter, dental technician, millwright, steamfitter, plumber, and plasterer. The center was also processing the applications of 13 other Negroes who had been interviewed by the President's Committee on Equal Employment Opportunity at the time of the Howard University protest during the summer.

THE HOWARD STUDENTS' PROTEST

The seriousness and the persistence of Negro exclusion from the apprenticeable trades were vividly illustrated to the Advisory Committee by the complaint brought to the conference by the Non-Violent Action Group of Howard University. Howard was chartered by the Federal Government in 1867 for the education of freedmen and still has a predominantly Negro student body.

Mr. Stokely Carmichael, spokesman for the Non-Violent Action Group, told the Committee that the Federal Government appropriates funds to Howard University for the construction of new buildings under the direction of the General Services Administration. The GSA had contracted for the construction of a new \$2.6 million physical education building for the campus. In February, shortly before the Advisory Committee conference, the student newspaper, The Hilltop, noted that the skilled workers on the gymnasium project were affiliated with labor unions which excluded Negroes or for other reasons had virtually no Negro members. Mr. Carmichael

told the Committee that the students considered it a "blatant insult" for the GSA to enter into such a contract and that this indicated a general policy of irresponsibility on the part of the Government regarding opportunity in the building trades.

After the conference, the students appealed to the President's Committee on Equal Employment Opportunity to take all necessary steps to bring Negroes into the four craft unions which the students accused of total exclusion or tokenism. In response, the Secretary of Labor called the contractors and labor unions involved in the gymnasium contract to a meeting and cautioned them either to halt exclusionary practices or face cancellation of their contracts. This pressure seemed to have had some effect because Negro craftsmen were soon being solicited for the Howard University project by advertisements in local newspapers including the Washington Afro-American.

Further protests were made by the students to the General Services Administration itself which responded by issuing an order requiring information about racial employment practices from contractors and subcontractors on "virtually all significant construction projects" for which it had responsibility. GSA had earlier instituted an order requiring a report on racial composition of the labor force on any of its contracts awarded subsequent to January 1, 1963. But the new order, effective June 24, required contractors holding GSA contracts awarded any time after March 6, 1961 (the date of the Presidential order on equal employment opportunity) of \$100,000 or more and subcontractors holding contracts of \$50,000 or more, to file regular reports on their employment practices.

SURVEY BY HUMAN RELATIONS COUNCIL

The conflicting nature of the limited information available on the extent of Negro participation in apprenticeship programs hindered the Advisory Committee in its efforts to assess the apprenticeship problem at its conference. Much of this difficulty was resolved on October 11, 1963, when the D.C. Commissioners' Council on Human Relations and the D.C. Apprenticeship Council published the results of a survey of Negro apprentices which had been completed on July 1. The survey was able to cover 1,844 of the 1,893 registered apprentices in the District. Of the 1,844 surveyed, 216 or 11.7 percent were Negroes. (The complete survey appears as an appendix to this chapter, infra pp. 52-54.)

The survey was broken down into categories showing apprenticeships with individual employers and apprenticeships under the supervision of the joint apprenticeship committees (JAC's). In the first group, the Negro representation was 29.2 percent as compared with 8.5 percent of those registered with the JAC's. The exact figures showed 74 Negroes out of 253 apprentices registered with individual employers and 142 Negroes out of 1,591 apprentices registered with the JAC programs.

The figure for the building construction trades was 96 Negroes out of 1,230 total apprentices or 7.8 percent. Taking only the JAC programs in the building trades, the Negro representation of 62 out of 1,128 apprentices, or 5.5 percent, was somewhat lower.

A press release accompanying the recent report pointed out that since July 1 additional Negro apprentices have been admitted to some of the joint apprenticeship committee programs. There are now 9 Negro apprentices with the electrical workers' program rather than 2; the plumbers have 7 instead of 2; the carpenters' JAC has 20 instead of 5 as of July 1, 1963; and the pipefitters, having registered 2 additional Negro apprentices, now have a total of 4.

A definite increase in the number of Negro apprentices is noted since the conference in February. At least four unions which, at that time, had no Negro apprentices (plumbers, sheetmetal workers, ironworkers, and rodmen) have now admitted a few.

CONCLUSIONS

Apprenticeship programs for the skilled building trades remain resistant to accepting the principle of equal employment opportunity. The report from the D.C. Commissioners' Council on Human Relations that 11.7 percent of the apprentices currently registered are Negroes shows an encouraging improvement in recent months. But when the programs of the joint apprenticeship committees in the building trades are considered by themselves, the percentage of 5.5 for Negro participation seems alarmingly meager in a community that is more than 55 percent nonwhite. In some of these trades there continues to be no progress at all or none beyond mere tokenism.

The history of past discriminatory employment practices in the apprenticeable trades, as well as the continuation of such practices in many places, have discouraged Negro youth from applying for and seeking to participate in the programs. The creation of the apprenticeship information center by the Department of Labor marked the first serious attempt to correct this situation. It represents

a conscious effort to reach young people from minority group backgrounds who have previously been excluded from these fields because they lacked close contact with persons already in the crafts.

The D.C. Advisory Committee concluded its report on employment in Washington with a series of 13 recommendations for changes in law and official policy concerning equality of opportunity in all fields of employment. Of these, the recommendations to enact fair employment practices legislation as both District and national law were considered basic. With the same sense of urgency, the Committee reaffirms its support of these reforms and its conviction that apprenticeship training must be opened by law fortified by community good will.

APPENDIX

The following tables contain the most recent available data on the total numbers of apprentices and of Negro apprentices. The source of the data is a report issued October 11, 1963, by the District of Columbia Commissioners' Council on Human Relations entitled Joint Survey of Apprentices in D.C. as of July 1, 1963.

The D.C. Commissioners' Council on Human Relations and the D.C. Apprenticeship Council jointly conducted this survey. The survey covered the two general categories of apprenticeship programs: (a) those conducted by joint (labor and management) apprenticeship committees, or JAC's, and (b) those conducted without labor union participation by individual employers. A summary of the survey is as follows:

| | <u>Questionnaires</u> | | <u>Apprentices</u> | | |
|---------------------------------|-----------------------|----------------|--------------------|--------------|----------------|
| | <u>Sent</u> | <u>Replies</u> | <u>Total</u> | <u>Negro</u> | <u>Percent</u> |
| Joint Apprenticeship Committees | 55 | 55 | 1,591 | 142 | 8.9 |
| Individual Employers | <u>917</u> | <u>516</u> | <u>253</u> | <u>74</u> | <u>29.2</u> |
| | 972 | 571 | 1,844 | 216 | 11.7 |

The tables which follow give the detailed breakdown by apprenticeship program, table A containing the joint apprenticeship committee (JAC) programs and table B containing the individual employer programs.

Table A--Joint Apprenticeship Committees

| | <u>JAC's</u> | <u>Apprentices</u> | | | <u>JAC's</u> | <u>Apprentices</u> | |
|-----|--------------------------|--------------------|--------------|-----|---------------------------|---------------------|--------------|
| | | <u>Total</u> | <u>Negro</u> | | | <u>Total</u> | <u>Negro</u> |
| 1. | Carpentry | 312 | 5 | 31. | Sign Painters #1129 | 5 | 1 |
| 2. | Columbia Typo #101 | 228 | 50 | 32. | Stone Cutters of N.A. | 2 | - |
| 3. | Electrical Workers #26 | 125 | 2 | 33. | Electrotypers #17 | 1 | - |
| 4. | Pipefitters #602 | 120 | 2 | 34. | Barbers #239 | - | - |
| 5. | Operating Engineers #77 | 95 | 18 | 35. | Pressmen #1 | - | - |
| 6. | Stationary Engineers #99 | 95 | 5 | 36. | Stereotypers #19 | - | - |
| 7. | Plumbers #5 | 80 | 2 | 37. | Meatcutters #393 | - | - |
| 8. | Sheet Metal Workers #102 | 77 | 3 | 38. | Lithographers #13 (Ind) | - | - |
| 9. | Iron Workers #5 | 58 | 2 | 39. | Painters #1831 | - | - |
| 10. | Bindery Workers #42 | 40 | 10 | 40. | Linemen #70 | - | - |
| 11. | Asbestos Workers #24 | 31 | - | 41. | Boilermakers #518 | - | - |
| 12. | Bricklayers #1 | 30 | 7 | 42. | Tailors #118 | - | - |
| 13. | Painters Council #51 | 30 | - | 43. | Cooks #219 | - | - |
| 14. | Stone Masons #2 | 28 | - | 44. | American Line Builders | - | - |
| 15. | Rodmen #201 | 23 | 1 | 45. | Boilermakers, S.E. | - | - |
| 16. | lathers #9 | 23 | - | 46. | Glaziers #963 (Shops) | See item 21 | |
| 17. | Cement Masons #896 | 21 | 10 | 47. | Electrical Workers #26(R) | See item 3 | |
| 18. | Photoengravers #17 | 21 | - | 48. | Press Assistants #42) | | |
| 19. | Bakers #117 | 17 | 3 | 49. | Pressmen #351 |)Merged as Pressmen | |
| 20. | Plasterers #96 | 17 | 2 | 50. | Offset Art. #530 |) #72 JAC | |
| 21. | Glaziers #963 | 16 | - | 51. | Col. Typo #101 |) Job Shops JAC's | |
| 22. | Web Pressmen #6 | 14 | - | 52. | Photoengravers #17 |) shown under | |
| 23. | Bookbinders #4 | 13 | 4 | 53. | Mailers #29 |) newspaper JAC's | |
| 24. | Bricklayers #4 | 11 | 5 | 54. | Stereotypers #19 |) | |
| 25. | Pressman #72 | 10 | 4 | 55. | Web Pressmen #6 |) | |
| 26. | Iron Shopmen #486 | 10 | 2 | | | | |
| 27. | Machinists #193 | 10 | 1 | | | | |
| 28. | Mailers #29 | 10 | 1 | | | | |
| 29. | Auto Mechanics #1486 | 9 | 2 | | | | |
| 30. | Tile Setters #3 | 9 | - | | | | |

Total apprentices reported by JAC's was 1,591, of whom 142 or 8.9 percent were Negroes. It was also reported that the JAC's had trained 54 Negro apprentices between 1957 and 1962. None of the JAC's listed above has kept records of apprentices by race, color, or creed.

Table B--Individual Employer Programs

| | <u>Trade</u> | <u>Apprentices</u> | | | <u>Trade</u> | <u>Apprentices</u> | |
|--|-------------------------------|--------------------|--------------|-----|--------------------------|--------------------|--------------|
| | | <u>Total</u> | <u>Negro</u> | | | <u>Total</u> | <u>Negro</u> |
| | 1. Electricians | 36 | 12 | 23. | Bakers | 2 | 2 |
| | 2. Plumbers-Pipefitters | 36 | 7 | 24. | Pastry Cooks | 2 | 2 |
| | 3. Auto Mechanics | 28 | 7 | 25. | Bookbinders | 2 | 2 |
| | 4. Stationary Engineers | 17 | 3 | 26. | Electric Motor Repairmen | 2 | 1 |
| | 5. Machinists | 17 | 2 | 27. | Cabinet Makers | 2 | - |
| | 6. Bricklayers | 11 | 2 | 28. | Upholsterers | 2 | - |
| | 7. Business Machine Mechanics | 10 | 1 | 29. | Scale Servicemen | 2 | - |
| | 8. Mill Workers | 10 | - | 30. | Sewing Machine Mechanics | 1 | 1 |
| | 9. Optical Technicians | 8 | 5 | 31. | Motorcycle Mechanics | 1 | 1 |
| | 10. Sheet Metal Workers | 7 | 4 | 32. | Shoemakers | 1 | 1 |
| | 11. Carpenters | 6 | 2 | 33. | Auto Glaziers | 1 | 1 |
| | 12. Pressmen (all types) | 6 | 1 | 34. | Painters (building) | 1 | 1 |
| | 13. Lithographers | 5 | - | 35. | Furniture Finishers | 1 | 1 |
| | 14. Pipefitters (refrig.) | 4 | 1 | 36. | Piano Tuners | 1 | 1 |
| | 15. Locksmiths | 4 | - | 37. | Seamstresses | 1 | 1 |
| | 16. Reinforcing Rodmen | 3 | 3 | 38. | Tailors | 1 | 1 |
| | 17. Draftsmen | 3 | 2 | 39. | Auto Body Repairmen | 1 | 1 |
| | 18. Dental Technicians | 3 | 1 | 40. | Printer-Compositors | 1 | - |
| | 19. Photographers | 3 | - | 41. | Sign Painters | 1 | - |
| | 20. Electricians (signal) | 3 | - | 42. | Safe Technicians | 1 | - |
| | 21. Electronic Technicians | 2 | 2 | 43. | Camera Repairmen | 1 | - |
| | 22. Lathers | 2 | 2 | 44. | Maintenance Mechanics | 1 | - |
| | | | | | <u>Total</u> | <u>253</u> | <u>74</u> |

Total apprentices reported by individual employers were 253, of whom 74 or 29.2 percent were Negro. These employers also reported that 278 Negroes were registered as apprentices with them during the period 1957 through 1962.

FLORIDA

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Apprenticeship Training Programs in Florida

Among the 1,000 persons engaged in apprenticeship training in Dade County, Florida, there is not a single Negro. This revealing fact was brought to light as a result of a series of interviews conducted in Miami by the Subcommittee on Apprenticeship Training Programs of the Florida Advisory Committee, during the spring of 1963. The eight members of the subcommittee, in an effort to discover the extent of discrimination present in these various programs, discussed the problem with representatives of such trades as carpentry, painting and decorating, sheetmetal work, electrical work, and plumbing. A spokesman from the Bureau of Apprenticeship and Training of the United States Department of Labor as well as a representative from the Dade County Board of Public Instruction also were interviewed.

Florida's apprenticeship training program was established under Public Law 308 of the 75th Congress and Chapter 446 of the Florida Code. The program was intended by its formulators to support voluntary efforts by labor and management to teach qualified applicants specific trades. As of June 30, 1963, the Bureau of Apprenticeship and Training reported that there were 4,366 apprentices registered in Florida.¹ To become accredited journeymen these trainees spend 144 hours a year in classwork instruction offered by the County Board of Public Instruction in addition to on-the-job training.

The organization of Florida's apprenticeship training program is relatively simple. A Florida Apprenticeship Council supervises the overall apprenticeship training program for the State. Under the Council are various joint apprenticeship committees, one for each craft, made up of three employers and three union representatives. These local committees make the actual selections of apprentices and work with the Florida Apprenticeship Council in setting the requirements for admission into their specific training program. In most instances, these requirements are an aptitude screening by the Florida State Employment Service, a good character, and a job. In some situations a high school diploma is required. The local committees, in conjunction with the Council, also establish the pay for apprentices, which is usually above the minimum

1. The 1960 census, however, recorded only 2,259 apprentices in such training programs in Florida, 103 of whom were Negro. (See U.S. Census of Population: 1960, Florida, PC(1) - 11D, table 122.) The discrepancy in these two sets of figures is due to the fact that all persons who are apprentices do not necessarily declare themselves as such to the census takers.

wage. The administration of the State's total apprenticeship training program is supervised by the Florida Apprenticeship Council with staff assistance from the Bureau of Apprenticeship and Training of the United States Department of Labor. These Federal employees work with the State county agents in an advisory capacity. W.P. Huffstetler, Miami Area Supervisor, is the Federal apprenticeship representative in the Miami area.

Discrimination against Negroes in Florida's apprenticeship training programs is not overt. The Florida Apprenticeship Agreement does not have a "race clause," which would act to preclude Negroes from applying for membership in any of the joint committees. Huffstetler reported to the subcommittee that, while he personally had heard accusations of discrimination, he later found them to be baseless, or based on matters other than race, creed, or ethnic background. Individual representatives of the different trades asserted, moreover, that the reason there were no Negroes in the area's training programs was that none had ever applied for membership, adding that "if qualified, Negro applicants would be accepted and trained."² Inadequate preparation and depression in some of the industries were cited by the witnesses as additional explanations of why there are no Negro apprentices in Dade County.

Further questioning of these same witnesses, however, led the subcommittee to suspect conditions of racial inequity in the State's apprenticeship program. There seemed to be an unspoken understanding among those interviewed by the subcommittee that Negroes were not expected to apply for the respective training programs, and would not be included if they sought membership.

For instance, Robert G. Curry, director of the Miami Electricians Joint Apprenticeship Committee gave two explanations for the absence of Negroes among the 165 young men in his training program. "Negroes are not interested in hazardous work," he said, and they "lack the technical understanding of electricity." James G. Washington, chairman of the Plumbing Joint Apprenticeship Committee, alluded to the fact that Negro apprentices in his trade would not be welcome because of the "close physical association required for instruction," an association he described as being like a "father-son relationship." A plumbing contractor blamed the failure of Negroes to penetrate the plumbing industry on a racial character defect, which made "few Negroes/ willing to pioneer" and "persevere" in gaining admission to the trade, as well as on their inferior academic preparation.

More concrete proof that there is discrimination in the State's apprenticeship training programs is the visible presence

2. Statement by James McKie, chairman of Miami Carpenters' Joint Apprenticeship Committee.

of such bias in the policies of the Board of Public Instruction, and in the membership and job assignments of labor unions in the Miami area. Both these institutions are so integrally related to apprenticeship training that discrimination in the one signifies similar behavior in the other.

The Dade County Board of Public Instruction teaches the apprentices, who are sent to it for instruction related to their trade by the joint apprenticeship committees. Since there are no Negroes presently receiving instruction from the Board, the conclusion must be drawn that this is so because none are being sent by the joint committees. Assistant Superintendent Lowell B. Selby, a member of the Board, said that if a Negro applied to participate in the Board's program, he would not be included in the present Joint Apprenticeship Committee classes, Selby added, however, that he would be perfectly willing to set up a class for such applicants if a sufficient number of students, 15 to be exact, applied--the implication being that these Negro students would be taught in segregated classes.

Belonging to a trade union gives a worker not only a guaranteed wage level but also a sense of identification with a standard of proficiency. Evident discrimination in Florida's trade unions deprives Negroes of these benefits. Further, since apprenticeship training programs are sponsored by unions, it is not unreasonable to assume that the policies that prevail in these programs reflect race consciousness on the part of the unions involved. For example, among 700 union members in the Miami Sheetmetal Workers Local, there is not one Negro; nor is there a single Negro apprentice among the 75 trainees in the union's program.³ Anton Rhuby, chairman of the Miami Painting and Decorating Joint Apprenticeship Committee, reported to the subcommittee that work patterns in his trade had all been integrated successfully, but that new construction jobs and large projects were still for white carpenters only. Further, among the 28 apprentices in the Painters Union there are no Negroes. The plight of Negro electricians is part of the same story. While at present, there are 2 Negro electricians in Miami, and there have been, all told, 11 Negro journeymen in Local 349, they are dealt with separately by R.T. Callahan, Business Agent of Electrician's Local Union 349.

The Carpenters Union reflects this pattern of discrimination more graphically than any of the other labor organizations. There are 5,500 union carpenters in Dade County. Negro carpenters have a separate union, Local Union 1834. Under a "gentleman's agreement"

3. One nonunion shop employs Negroes; its policy is that it will accept a qualified Negro if he seeks admission to the shop.

white carpenters work in white areas and Negro carpenters in colored sections of the county. Negroes are "furloughed" when there is a white construction project. However, due to a depression in the building industry, Negroes are sometimes furloughed on Negro projects. For instance, there was only one Negro carpenter working on the construction of an all-Negro school at the time of the subcommittee's inquiry. Sixty-two members of Local 1834 joined the District Council, in 1954, with the hope of obtaining employment. They have yet to be called by the Council--exclusion of the Local's members being apparent to all. Furthermore, the Local's business agent, H.E. Lewis, who is paid to represent Local 1834, automatically refers all Negro artisans, whether they are carpenters or not, to the all-Negro Carpenters Union.

An example of the frustration faced by Negro skilled job applicants is presented by the story of Robert Lee Smith, who had been a jet engine specialist with the Army, and has been applying for employment with Eastern Airlines as an aviation mechanic every 6 or 8 months since his discharge from the Army in 1956. He reported to the subcommittee that he had also sought guidance from the Florida State Employment Service with no success.

Shedrick Gilbert, a postal employee in Miami, had a similar story to tell. Mr. Gilbert holds a degree in Industrial Education from Hampton Institute in Virginia. He has been trained to teach plumbing and heating skills. He took the Miami examination for plumbers five or six times and failed it each time. He believes that the examiners were able to single out his paper, even though his work was identified only by a number. Mr. Gilbert eventually took and passed the Miami and Miami Beach Civil Service examinations. He is now first on the Miami Beach list of qualified job applicants. However, to date, he has not gone beyond the required interview for future employment and has yet to receive a job offer.

MARYLAND

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Introduction

Discrimination in apprenticeship and training recently has been the focus of widespread action to remove the barriers of prejudice blocking nonwhite Americans from opportunities to learn skilled trades.

Automation has dried up the source of unskilled and semi-skilled jobs for vast numbers of untrained Negroes, and unemployment among nonwhites in this category is a problem of staggering proportions.

As jobs involving limited skills disappear, there is a corresponding increase in demand for skilled laborers and technicians. All too often, Negroes are denied the opportunity for training that would qualify them to enter the labor market at the skilled level, where openings are plentiful. In effect, therefore, Negroes are squeezed out at both ends of the job spectrum.

In general, civil rights groups have not been willing to accept this situation. In the past few months in Maryland the movement to obtain broader opportunities in apprenticeship and training has generated enough momentum to exceed gains made over the past decade.

The public inquiry conducted by the Maryland Advisory Committee in March 1963 broached the subject of discrimination in apprenticeship at a time when Negro concern with the problem was becoming acute. In the intervening months, we have seen Negro frustrations boil over into a program of action directed against discrimination in employment.

At the present time, there is every indication that inroads are about to be made into what has been an impervious network of discrimination supported by management and labor and condoned by government, whether knowingly or unwittingly.

Based on the information obtained at the March meeting and on events that occurred through September this report will attempt to portray the rapidly changing picture of opportunities for Negroes in training and apprenticeships.

Established Employment Policies and Practices in Maryland

It is apparent from the record of the public meeting of the Maryland Advisory Committee in March that in general the labor movement, the construction industry, industrial employers, and the local, State, and Federal Governments all are committed in one form or another to a policy of nondiscrimination in employment training and apprenticeship.

Speaking on behalf of some of these groups were Woodrow F. Strong, then president of the Maryland State and District of Columbia AFL-CIO; John P. Trimmer, executive vice president of Associated Building Contractors, Inc., the trade association for nonunion contractors; and Mrs. Margaret Clark, manager of the Baltimore Builders Chapter of the Associated General Contractors, the group for the union shop builders. Each declared in separate statements that the employment practices of their groups were non-discriminatory and that apprenticeship opportunities in their fields were available to everyone.

Except for two spokesmen--one from Aircraft Armaments and the other from the Chesapeake and Potomac Telephone Company--industry representatives declined to attend the public meeting. However, from correspondence and information received at the meeting, the employers were unwavering in their public support of a policy of equal employment opportunities and nondiscriminatory training possibilities.

In letters to the Committee, spokesmen for a cross section of industrial concerns declared their companies did not have any formal or registered apprenticeship programs, but conducted in-plant training programs or made provisions for schooling at various nearby educational institutions. The letters, moreover, contained statements on their policies of nondiscriminatory practices.

Mr. L. C. Fitzgerald, plant manager for Chevrolet-Baltimore, wrote that General Motors has a "long standing policy with respect to nondiscrimination. Practices, procedures and decisions are to be, at all times, in conformity with the corporation policy of nondiscrimination."

This statement was echoed in communications from M. J. Olson, plant manager of Fisher Body Division of General Motors Corporation; J. H. Pond, director of industrial relations for the Martin Company; and D. C. Lee, manager of industrial relations for the Westinghouse Electric Corporation.

During his appearance before the Committee, Robert B. Alexander, of the Chesapeake and Potomac Telephone Company, insisted that employment with that public utility is on a nondiscriminatory basis. The company, which employs some 20,000 people in Maryland, has no apprenticeship program, but all C&P employees obtain intensive internal training for their specific jobs. In answer to a question this witness admitted possible discriminatory practices in the past.

Mr. Wesley E. Baynes, Jr., manager of personnel administration for Aircraft Armaments, told the Committee that as a prime contractor for the Department of Defense "we are . . . obligated under governmental regulations to give equal consideration to all qualified applicants regardless of race, creed, and national origin." Although Aircraft Armaments has no registered training, this plant conducts three programs considered their equivalent.

In addition to the position taken by labor and management, Government at almost every level has also adopted a policy of equal opportunity in employment, training, and apprenticeship. It is the practice of agencies and departments of the Federal, State, and city governments to include provisions against discrimination in contracts with companies and firms performing work of a public nature. Enforcement of such contractual obligations, however, has been largely nonexistent. It is difficult to pinpoint the responsibility for enforcement and the penalties available in the case of violations because of the vagueness in which the provision is couched in city and State contracts.

In part, because of this lack of uniformity in enforcement of nondiscriminatory requirements at the State and local level, the Federal Government has stepped up efforts to provide equal opportunities in employment and apprenticeship training. President Kennedy on June 4 announced that the President's Committee on Equal Employment Opportunity will have authority over construction projects undertaken by State or local governments "wholly or in part as a result of Federal grant-in-aid programs."

None of the agencies of Government operating in the field of apprenticeship and training or charged with insuring equal opportunities could cite any instances of complaints about discrimination in this area. Mr. Louis Nemerofsky, State Supervisor for the Department of Labor's Bureau of Apprenticeship and Training

(BAT) at the time of the Baltimore meeting, advised the Committee that he could not "recall receiving a single complaint, that is, a written complaint, saying that any person has not been given an opportunity or has been discriminated against once he has been on the job." The testimony of David L. Glenn, executive director of the Equal Opportunity Commission (EOC) in Baltimore City revealed similar experience at the municipal level. Mr. Glenn, whose agency has procedural machinery to process grievances, told the Committee the EOC "had no formal complaints" concerning apprenticeships. Mr. Glenn added in explanation that few youths from minority groups apply because they "feel they are not going to be considered anyway." In his opinion most of the major employers in Baltimore City are abiding by "the letter of the law," and are not openly discriminating. He voiced doubt, however, that more than a handful of employers "really live by the spirit of the law" in providing for equality of opportunity in employment.

Unlike the EOC, the Federal agency on apprenticeship and training in Maryland has no enforcement powers, although a new Department of Labor policy allows BAT to determine whether companies with registered training programs are complying with a nondiscriminatory standard.

Apprenticeship Program in Maryland

BAT is an agency functioning to promote apprenticeships. There are some 2,400 apprentices in registered programs in Maryland; 1,800 in the Baltimore area, 500 in southern Maryland and on the Eastern Shore, and 200 in western Maryland, according to Louis Nemerofsky, Maryland supervisor for the Bureau.

Decrying the limited number of apprentices on the registered rolls, Mr. Nemerofsky said: "In order to meet the normal replacement demand for those leaving the trades, there should be at least 7,000 apprentices in training at the present time." This projection was based on a conservative ratio of 1 apprentice for every 20 journeymen although the optimum ratio is 1 apprentice for every 8 or 9 journeymen.

Mr. Strong of the AFL-CIO echoed the contention that more apprentices are needed. Against the background that 80 percent of the apprentices in Maryland are in the construction trades, Mr. Strong attempted to explain the current apprentice shortage. He pointed out that the construction industry is subject to seasonal ups and downs, which frequently throw fully trained journeymen out of work. At such times, the industry cannot take on apprentices, and as much as 30 percent of the membership may be out of work for 2 or 3 months during a seasonal slump, Mr. Strong added.

It was reported by Mr. Nemerofsky, however, that in the first 6 months of 1962, Maryland, with a net gain of 213 apprentices, was first in gains in the country as compared with a net loss nationally of 4,129.

NEGRO PARTICIPATION IN APPRENTICESHIP

One of the questions posed during the meeting was how many Negroes presently participate in apprenticeship programs in Maryland. No precise answers could be found for the entire picture, but a piecemeal estimate has indicated there are 20 at most. Using figures supplied by BAT in a breakdown of apprentices by trade, the number of Negroes in programs are compared with the total in a program. Here is the listing, with the total submitted by BAT on the left and the estimate of Negro participation noted on the right:

| <u>TRADE</u> | <u>TOTAL</u> | <u>NEGROES</u> |
|-------------------|--------------|---------------------|
| Electricians | 605 | 3 |
| Plumbers | 459 | 2 |
| Carpenters | 215 | 9 (all Negro local) |
| Machinists | 161 | 0 |
| Compositors | 132 | 1 |
| Metal Workers | 107 | 0 |
| Bricklayers | 90 | 0 |
| Iron Workers | 55 | 0 |
| Printing Pressmen | 52 | 0 |
| Lithographers | 42 | 0 |
| Tool & Die Makers | 41 | 0 |
| Auto Mechanics | 32 | 0 |
| Lathers | 32 | 0 |
| Meat Cutters | 31 | 0 |
| Cabinet Makers | 31 | 1 |
| Cement Masons | 6 | 3 |

The BAT official observed that there are about 600 openings for apprentices every year based on a 4-year training cycle for the present total of 2,500. At the meeting, complaints were raised with the Committee about the failure of sponsoring groups to make the availability of openings known to nonwhite applicants.

Mr. Isaiah C. Fletcher, secretary of vocational services for the Baltimore Urban League, decried "the veil of secrecy around the apprenticeable trades" in the area and claimed that after a year of work trying to obtain information on the apprenticeship trades, the Urban League was still essentially in the dark. He concluded that Negro participation in apprenticeship training was "just about nil."

Mr. Troy Brailey, chairman of the Labor Committee of the Baltimore Branch of the NAACP, underscored the Urban League contention that there seems to be no documented information on the number of applicants for training programs. The number of Negroes seeking admission, says Mr. Brailey, "seems to be a big secret."

EXTENT OF NEGRO APPLICATIONS FOR APPRENTICESHIP TRAINING

Research into the labyrinth of applications and placement procedures has produced opposing contentions from the parties and agencies involved. From management, labor, and government the response seems to center on the failure by members of the Negro community to make applications and on the dearth of qualified Negro applicants. From vocational school educators and civil rights groups, the replies hinge on the futility, the frustrations, and the false hopes involved in making applications.

Mr. D. C. Lee, the Westinghouse industrial relations manager, remarked that "despite intensive advertising and recruiting, we have experienced difficulty in attracting technically trained and professional level personnel from minority groups and this is largely due to the shortage of such individuals in these fields." Mr. A. Howard Bode, director of industrial relations for Bendix, echoed this conclusion as did Wesley Baynes, personnel administration manager for Aircraft Armaments. Mr. Melvin Roy, minority consultant for the Maryland State Employment Service, indicated to the Committee, "there is a steady demand for skilled and technical workers. There is not a sufficient number of qualified Negroes in any one of the categories." Many orders flowing through the Employment Service cannot be filled by Negro referrals because of this shortage.

In the apprenticeship field, the Maryland Employment Service has an agreement with the Associated Builders and Contractors to furnish applicants for training. As of last January, 1963, Mr. Roy stated some 10 Negroes were included in 70 referrals to ABC. Of this group, apparently three Negroes were selected for apprenticeship training.

Exclusive of orders received from the ABC, Mr. Roy said, "I doubt if we have had three requests for apprentices in the past 2 years." Asked to explain this, he observed, "they [the employers] evidently are going directly to the union halls, directly to the employees who have apprenticeable occupations in the plants--they are doing the hiring of these people in the apprenticeable trades themselves. We are not getting the orders directly from the employers."

Mr. John Trimmer of the Associated Builders and Contractors confirmed that in his association "the employer is the one who hires after [the applicants] have been tested, screened, and considered to be qualified by the Maryland State Employment Service." Hiring by members of the union shop Associated General Contractors, according to Mrs. Clark, the Baltimore manager, is accomplished through negotiated contracts with locals representing carpenters and cement finishers. Apprenticeship training is also jointly negotiated between the AGC and the carpenters and cement finishers locals with the selection of trainees solely the responsibility of the unions.

Mr. Charles Muntain,*/ president of the Baltimore Building Trades Council, commented on the placement of Negroes in the construction fields. He said:

Getting boys to train for this type of work means you first have to make application and you don't get many applications for apprenticeship training from colored boys. . . . He is a little bit restrained from going in and making application. . . . We have made some strides, not any great strides, because this is a problem, but I think we are making gains.

Speaking on behalf of the Baltimore Typographical Union, where there are no Negro apprentices, the president, Charles Miller, contended that "we have been trying to line up that situation for a number of years. In my six years as president I have received one application from a member of the colored race although I have encouraged it. . . ." In the typographical trades foremen for printing shops actually hire apprentices, not the union.

In the electrical industry, where there also are few Negro applications, there was an active program initiated to obtain Negro apprentices. Mr. Philip T. Vail, director of apprenticeship training for the Joint Apprenticeship Training Committee of the Electrical Industry, told the Committee that he was instructed to "get applications from colored boys, if you can get them." The reason for this, Mr. Vail says, ". . . we saw this coming, and we took action." Strict standards govern the admission of trainees into the electrical industry's apprenticeship program, and as an inducement higher wages are paid at the rate of \$1.96 per hour the 1st year and reaching as high as \$3.05 the 4th year during a 4-year program involving 8,000 hour of training. There are several Negro apprentices in the program at the present time.

* Mr. Muntain was appointed to membership on the Maryland Advisory Committee subsequent to the Baltimore meeting.

Mr. Strong of the AFL-CIO recalled a meeting of labor leaders with Dr. Saul Perdue, principal of the Carver Vocational Technical High School, and with Dr. Furman Templeton of the Urban League about 18 months earlier to discuss the problem. Mr. Strong said that there was no evidence at that time that there was pressure for admission of Negroes or that this was denied them. He went on to say that today there is still no evidence that minority group members are making an effort to gain entrance into apprenticeship programs.

Discrimination in Apprenticeship Training in Maryland

Labor representatives did not minimize the role discrimination plays in the apprenticeship programs supported by their local unions. "The problem," admitted Mr. Strong, "is getting the leadership to convert the membership. Once the rank and file recognize that it does not impose a penalty, a hardship . . . then it is all over with." Mr. Oliver Singleton, director of region 4, AFL-CIO, said that local unions practicing discrimination must be policed by the AFL-CIO, and failing that the only alternative remaining would be "to expel all these local unions."

Mr. Singleton accused management of not living up to the spirit of the law in accepting apprentices on a nondiscriminatory basis and said in the training programs sponsored by the open shop ABC, the union shop AGC and all others, the employers are solely responsible for admission policies. Asked about the role government should assume, Mr. Singleton replied:

There should be very close supervision of the apprenticeship training program, of the employers and the unions who are engaged in activities under government contract, even to the point of excluding the participation of an employer who does not live up to the spirit of the law itself. The same thing should apply to the unions. . . . I think too that there is a great deal of suspicion across the country that even the BAT is not fulfilling its role in this field and I say that with all due respect to the representative of that Bureau who is present today.

Dr. Perdue gave the Committee this insight into what he described as the subtle operation of discrimination that his students encounter when they seek apprenticeship training:

Well, the students are well received, graciously received, generally. They are asked to fill out a form and to give certain information. They are asked about their training and so on. But, after that is done, they are usually told, "We don't have a vacancy at the moment. . . we do not expect to enlarge our force at the moment, but maybe next week, or in two weeks from now, and at that time you will hear from us." Occasionally one may go directly to the job construction site and ask for

employment right there. Well, the usual reply to that is, "I don't need anybody today," and they are rather abrupt about that. But, as a general thing, they are rather gracious, quite warm, and they give the impression that the student should be very hopeful. It is made to look as if the chance of getting the job is very promising, encouraging, and it perks him up, but then, after he goes away and waits, and waits, and waits, and nothing happens that's when the student feels that all hope is gone. Then it begins to dawn on him that this is nothing but a run-around, just an alibi. They say, "It's the same old thing that mom and dad told me about, and that some of the other people have been talking about all my life."

PLACEMENT PRACTICES IN APPRENTICESHIP TRAINING

Commenting on the procedural technique of placement by the schools, William Hucksoll, director of Vocational Education for the City Department of Education, said he believed direct placement by the schools is more effective than working through other agencies. "We send qualified students, and this is a must. Acceptance or rejection is a matter for the employer." The Department of Education will initiate an investigation of a company's hiring practices only after a grievance is brought to its attention by a student rejected for employment. The company is dropped by the approved school list of employers if an inquiry supports the student's contention that discrimination was a factor in his rejection.

Nepotism as a factor in job placement was raised by Isaiah Fletcher of the Urban League. "We know nepotism is a reality," he said, "of course, being that the membership of unions is predominantly white, when jobs are available and the membership is given the opportunity to recommend friends, or relatives, nonwhite and white youngsters who are not friends or relatives of members, suffer as a result." Mr. Strong of the AFL-CIO disputed the extent of nepotism in the labor movement, saying that it is definitely not a major problem. "This matter of being accepted for apprenticeship training because of father-son relationship, or having friends in the local . . . is in the minority. That has been used as an excuse. . . ." Mr. Muntain of the Building Trades Council viewed nepotism in a more serious vein. "This practice of nepotism in the building trades has been present in the industry, ever since the day it started. There has been a directive from the AFL-CIO on that and

this thing is coming more and more to a halt. . . . The building trades industry is being forced by its own people to do something about it."

Mr. Fletcher recommended that adjustments should be made in salary scales for apprentices to attract qualified Negro applicants who need higher paying jobs in the general labor market. He warned the Committee to be on guard against the use of "seniority" and other restrictive criteria by some companies to bypass otherwise eligible Negroes in training and apprenticeship programs. He favored special consideration for the Negro in this vital area to make up for the deliberate exclusion in the program.

The Committee also heard from Leonard Thompson, an employee of Western Electric and cochairman of the Equal Employment Opportunity Committee for the independent electrical workers union at the plant. He charged that Western Electric, a principal defense contractor, had established qualifications for admission into its apprenticeship training program which effectively eliminate Negroes. Mr. Thompson, who has been with Western Electric for 21 years and is still a semi-skilled worker, said there are no Negroes in the 600 skilled jobs at Western Electric even though there are 400 nonwhite members of the union. The Committee has learned since the Baltimore meeting that Western Electric has a Negro scheduled to begin apprenticeship sometime in 1964. This applicant is several notches down on the eligible list. Mr. Thompson has been encouraging Negroes to apply for better jobs, and he believes the company is making some progress toward integration.

Mr. Fletcher of the Urban League mentioned an ambivalence among the Negroes with regard to the apprenticeship programs. On the one hand, there is lack of interest; on the other hand, those who complete vocational high school courses and who are interested cannot find opportunities.

EXTENT OF OPPORTUNITIES FOR NEGROES IN APPRENTICESHIP TRAINING

Mr. Hucksoll, of the Department of Education in Baltimore City, underscored the lack of opportunity in his report to the Committee. Discussing the question of placement, he said, "That is a matter of follow-up and we are not too proud of what we have found. . . ." Checking on graduates as they leave school, Mr. Hucksoll reported that, of the available graduates last June who went directly into the working world, 74 percent of the students in the apprenticeable areas at Mergenthaler Vocational Technical High School (predominantly white) did go either into the field for which they were trained or into fields directly related. At Carver Vocational

Technical High School (all Negro), on the other hand, only 15 percent of the available graduates went into such fields.

Dr. Saul H. Perdue, principal at Carver, offered this explanation: "I say the difference is due to direct discrimination. There is no other way to explain it. Let's be fair about it. There are some people who just will not hire colored people." Dr. Perdue blamed the labor movement as the "stumbling block" to fairer treatment for Negro workers. He claimed that despite the reports of improvement, unions are still discriminating.

Comparing courses taught at Carver with the same courses given at Mergenthaler, Dr. Perdue said that the schools are comparable, although he did note that Mergenthaler's curriculum included courses in specialized skills not available at Carver. Mr. Hucksoil commented that there is "an open avenue for any student in Carver who has the interest and achievement to come to Mergenthaler for its program," but added that there are very few transfers.

Asked to comment on the unavailability of qualified Negro candidates for apprenticeship training, Dr. Perdue reminded the Committee that "in order to determine qualifications work must be made available to prove the qualifications."

Vocational Training and Public School Practices in Apprenticeship Programs

Vocational training in the schools was regarded by educators appearing before the Committee as a critical factor in the expansion of apprenticeship training. But it also was noted that the vocational field is held in low esteem by students and the public.

Mr. James L. Reid, director of vocational education for the State Department of Education, stressed the importance of vocational training, and Mr. Hucksohl of the city Department of Education urged assistance by all public agencies, trade unions, and other interested organizations to raise the public image of the trade school to equal that of any college preparatory course.

Criticism of vocational education came from Charles Muntain, whose Baltimore Building Trades Council is an organization representing 26 unions with a total membership of 15,000. Mr. Muntain claimed that the graduates of vocational-technical high schools are inadequately trained and that in most instances they cannot be given credit for the time they spend in school. Mr. Reid, of the State's vocational education department, maintained that schooling "in the trades and industry is doing a good job. I think some 80 percent of all graduates of these programs get jobs in related areas in which they have received training."

It was determined during the meeting that there were 1,300 students at the all-Negro Carver High School and 1,900 at Mergenthaler. A total of 802 are enrolled in the building trades--carpentry, machine operation, electrical work, plumbing, painting--with 527 at Mergenthaler and 275 at Carver.

Mr. Reid expressed concern over the criticism leveled at the vocational schools and called for Federal support of the school training programs. He recalled that the State is currently receiving some \$650,000 in Federal funds for this purpose. He criticized the low level of payments given to trainees under the manpower redevelopment and training programs, explaining that an applicant with a family cannot afford to spend 4 years in training on the \$32 a week he is paid. Asked to comment on the use of public school facilities for apprenticeship programs operated on a segregated basis, Mr. Reid replied:

It is not up to us to determine what can be done after they leave school. We have enough to do trying to run our school system. We try to break down segregation as far as the use of school facilities is concerned, but when we try to get involved by the use of facilities and funds of the public school system outside the confines of the public school system, then frankly, I think we would be on dangerous ground. I might agree . . . in principle, but I would doubt whether that would be part of our real job.

Asked whether a more affirmative position should be taken by the schools in controlling the racial makeup of apprenticeship classes, Mr. Reid replied that he was dubious that this was "part of the duties of the public school system."

Recent Developments in the Area of Equal Opportunities

A development in civil rights in Baltimore in June 1963 forced the hands of government, labor, and management. This began when the Interdenominational Ministers' Alliance issued a statement on June 8 demanding that discrimination in apprenticeship training and hiring be ended on city-financed construction projects. Picket lines were threatened. This precipitated a meeting with labor and set the wheels in motion for a conference with the Mayor on June 13. The Negro community was seething over the job situation. Mr. Jentry MacDonald, executive director of the local NAACP chapter maintained, "The big question is not one of intention but of action. We're interested in employment for Negroes now. We want a solution now."

What in all probability sparked the threatened picketing of public works in Baltimore was a combination of events in Washington, Philadelphia, and the White House. Demonstrations in Washington against a construction job at Howard University brought a directive from the President's Committee on Equal Employment Opportunity ordering the builders to live up to the nondiscriminatory provisions in Government contracts. In Philadelphia, demonstrations went unheeded until violence erupted and then, and only then, concessions were granted and a number of skilled Negro craftsmen were hired on city-financed jobs.

On June 4 this activity culminated in a statement from the President on the subject of discriminatory hiring practices in Government-sponsored construction programs. President Kennedy in a directive to the Secretary of Labor called for the admission of "young workers to apprenticeship programs . . . on a completely nondiscriminatory basis" and for a review of all Federal construction programs to prevent "any racial discrimination in hiring practices, either directly in the rejection of presently available qualified Negro workers or indirectly by the exclusion of Negro applicants for apprenticeship training."

Although this problem of job discrimination in Baltimore has been the subject of many conferences in the past, the findings have never seemed to be translated into any form of demonstrable progress. In asking for tangible changes in hiring practices, the civil rights groups wanted to see Negroes hired in skilled crafts and in apprenticeship programs by Monday, June 17. The labor movement was charged with blocking Negroes from membership; the contractors, with failing to adhere to the provisions of nondiscriminatory clauses in

contracts with the city; the city was charged with failing to enforce the anti-bias pledges and with failing to take a positive stand on behalf of civil rights in employment.

At the meeting on June 11, a Department of Public Works progress report dated June 1, 1963, was produced on which 35 city construction jobs were listed with a total expenditure in excess of \$20 million. Among the skilled craftsmen on these 35 projects there were very few Negroes. When the list was reviewed by Mr. Muntain of the Building Trades Council, it was determined that only one of the 35 contracts was with a union contractor.

At this joint meeting, Mr. Muntain was critical of the city for its failure to upgrade and strictly enforce the prevailing wage scales set by the Board of Estimates under an ordinance enacted about 20 years ago. Mrs. Juanita Jackson Mitchell, president of the Maryland Branch of NAACP claimed: "All we want is a fair proportion of colored people on the jobs. After all, we are one-third of the total population in the city." The ministers charged that white labor is often brought into Baltimore; that school counselors direct Negro students into fields where Negroes traditionally have found employment; that no Negroes are enrolled in an electronics course at Mergenthaler; and that qualified skilled Negro craftsmen are forced to seek jobs out of town.

At the conclusion of this meeting there was a general consensus that all parties would press the city to broaden the scope of the nondiscriminatory pledges in municipal contracts let to private contractors and to give the EOC real responsibility and a reasonable staff to implement and enforce the anti-bias clauses. Mr. Strong, of the Maryland-District of Columbia AFL-CIO, said he would be in favor of barring segregated unions from work on city-sponsored contracts.

The parties also agreed that the city must upgrade the prevailing wage scales and, at the same time, institute an enforcement program with teeth. "All of the work on city schools, for instance," Mr. Muntain said, "has gone to nonunion contractors. Because there is no enforcement of the prevailing wage schedule, union contractors are not competitive with nonunion contractors."

Labor offered to work out a timetable and establish a framework for a program to promote equality. In turn they asked the civil rights groups to provide labor with a roster of qualified Negro craftsmen and applicants for apprenticeships. The request came in the wake of charges that there was a labor pool of Negro workers languishing without the possibility of getting jobs in the Baltimore area.

On June 13, the ministers met with the city officials, members of EOC, labor, and management to discuss the situation. The Reverend Marion Bascom of the Ministers' Alliance told the gathering of some 80 people that his group had observed the work at "many buildings under construction and to our chagrin the Negro is almost excluded."

Armed with figures showing that the municipal government is the largest employer in Baltimore, and that huge construction programs are fostered by the city, Reverend Bascom presented the following list of "specific recommendations," asking for relief from job and apprenticeship discrimination:

1. That five Negroes be employed in the skilled trades in each of two school building projects by Monday, June 17, 1963.
2. That within 60 days from June 17, 50 percent of the jobs under city contracts have Negroes employed on "an across the board practice."
3. That within 90 days from June 17, all jobs under city contracts have completely integrated work forces.
4. That the city insure compliance by putting into operation the nondiscriminatory clauses in all of its construction contracts.
5. That the Department of Education bar segregated training or apprenticeship training classes from utilizing its facilities or its staff.
6. That the city of Baltimore "eliminate completely all racial discriminatory practices in its employment, promotion, and upgrading of its employees."
7. That the budgetary allocation for the city's Equal Opportunity Commission be upped from \$54,000 to \$125,000 "in order that it might enlarge its staff and be equipped to implement an effective program in this area of responsibility."

By June 17 the Mayor had personally intervened to secure placement of five skilled Negro workers on each of two building projects. It was reported that three of the five on one project and one of the five on the other were apprentices.

As of November, the deadlines imposed by the ministers have been extended because of the steady progress made by the city. The city was conferring with all of the joint apprenticeship committees, with union and nonunion contractors, and with the sub-contractors involved in work awarded by the municipality. A roster

of qualified apprenticeship applicants and of skilled craftsmen was being prepared in cooperation with the Urban League.

The Department of Education recently announced that its facilities no longer would be available to work-study programs and apprenticeship training programs operated on a segregated basis. The city solicitor's office promised a revision in the non-discriminatory clauses of municipal contracts providing for sanctions and penalties in cases where breaches were uncovered, and on August 13 a ruling was issued that municipal contractors who discriminate in hiring may legally be barred from bidding on future city contracts for a period of time specified by the Board of Estimates. This recommendation was subsequently adopted by the Board as public policy for the city. The city solicitor also recommended that workers be compensated for lost wages by companies who refuse to hire or promote or who fire because of race. This provision would be written into all city contracts. A move is underway to establish an apprenticeship information center where youths may be counseled and advised on opportunities in the trades. More recently a permanent committee to review apprenticeship and other on-the-job training programs was established by the Maryland-District of Columbia chapter of the AFL-CIO. This new committee will work with existing programs and help set up new ones as they become needed.

Summarizing their position, representatives of organized labor indicated that all 10 locals in the building trades in Baltimore would accept members and/or apprentices based solely on qualifications as prescribed by union constitutions and noted that 6 of the 10 locals have apprenticeship programs supervised by both union and employer representatives on a joint committee. The labor summary added that "evidence of an arbitrary rule of discrimination in the selection of apprentice applicants appears to be lacking."

Negro leaders said lists would be compiled of five candidates for each of about 15 apprenticeship programs in the construction crafts and these would be turned over to city officials who then would meet with union leaders on the matter. Reverend Bascom, the Alliance leader, commented that the organization of Negro ministers is "impressed with what steps will be taken to involve the Negroes in the skilled crafts immediately. We have agreed to encourage Negroes to become members of the union."

In mid-October, Mayor Theodore R. McKeldin submitted to the Baltimore City Council what has been described as the most comprehensive civil rights legislation ever drafted for any municipality in the Nation.

Included in its far-reaching coverage are provisions banning discriminatory practices in education, employment (and specifically in apprentice training), health, hospital and welfare services, public accommodations, and housing. The scope of the city's Equal Opportunity Commission would be enlarged and under a new name-- Baltimore Community Relations Commission--would be charged with administering and enforcing the provisions of the legislation.

Passage of this legislation, Mayor McKeldin predicts, will make Baltimore, "an open city."

The ordinance provides that it shall be an unlawful employment practice "for any labor organization or employers' association established for the purpose of training apprentice candidates, acting individually or jointly, to discriminate against any person with respect to admission or membership, or with respect to terms, conditions of employment or training, placement, or any other benefits." As with other unlawful practices under the proposed ordinance, the Community Relations Commission is empowered to take appropriate steps to eliminate discriminatory apprenticeship practices.

At the moment there is activity and there would seem to be progress in this Baltimore City situation. It has been demonstrated that government can respond quickly to a crisis and mobilize itself into a forceful agent of change.

Findings and Conclusions

1. In general, equal opportunity in employment, upgrading, promotion, apprenticeship programs, and training programs is the official policy of industry, labor, and government. However, in practice this policy has been relatively meaningless in the absence of affirmative implementation by the parties enunciating such policies.

2. The apprenticeship programs currently operating in Maryland with the sponsorship of the Bureau of Apprenticeship and Training fail to meet the demand for trained workers, white and Negro, in the State.

3. Negroes present an insignificant percentage of the trainees for skilled work in Maryland. Within the entire framework of the apprenticeship programs, there exist extremely limited opportunities for Negroes to obtain training in the crafts and the industrial trades.

4. For numerous reasons, Negroes are not applying for apprenticeship training in any substantial numbers.

5. Discrimination is oftentimes subtly and deviously applied, but it is nonetheless apparent and discouraging to the potential nonwhite trainee.

6. Negro participation in apprenticeship training programs has been effectively limited by inadequate vocational school followup procedures, by nepotism in the trade union movement, and by restrictive criteria in company admission policies.

7. Whites are favored in preponderant numbers over Negroes with comparable training for openings in apprenticeship and training programs.

Despite policies to the contrary, some unions at the local levels have maintained fairly rigid discriminatory practices in denying to nonwhites the opportunity for membership and training.

Employers also have practiced discrimination in hiring--despite asserted policies and pronouncements to the contrary.

8. High school students in vocational education are being taught some skills that no longer are in great demand. Because of the heavy expenditures involved, there is limited training in the

skills required as a result of advances and strides in technology and science. Even in the traditional industrial skills, students are not receiving the grounding considered necessary to obtain employment in the crafts and to participate in apprenticeship programs. Public schools have fostered segregation practices in apprenticeship and training programs by permitting the use of classrooms and shop facilities by organizations practicing discrimination, although such practices have now been eliminated in Baltimore.

9. Integration of the work forces on construction jobs awarded by Baltimore City has been token at best and as a rule almost non-existent in the apprenticeship and skilled areas. For a time this summer it seemed that threatened demonstrations were the only way to get action from the city, the unions, and the employers. The city has been derelict in the enforcement of its prevailing wage schedules and has allowed nonunion contractors to pay workers less than the scales established. With the overwhelming preponderance of city-financed work awarded to nonunion contractors, the Associated Builders and Contractors have a special obligation to live up to their declarations of nondiscrimination.

Unions and union contractors, with two-thirds as many apprenticeship programs as the ABC, have a comparable responsibility to open up classes and membership for Negroes.

Unions have not opened their ranks to nonwhites on an across the board basis, but nonunion workers now have the opportunity to enter hitherto restricted and segregated locals by participating in organizing campaigns. On the whole, there are very few journeymen and skilled workers among Negroes in the Baltimore area.

The city's nondiscriminatory edict in its contracts has not been enforced. The contractors' and unions' pledges of equal opportunities also, in the main, have been hollow. The city is not now geared with the adequate programs, agencies, or legislation to bring about compliance with its policy of nondiscrimination, although the sweeping civil rights proposal of the city administration could, if enacted, bring much needed improvement.

Recommendations

1. A nondiscrimination clause should be required in the contracts awarded by every subdivision and incorporated municipality in the State. It would seem practical that a uniform clause be adopted throughout the State (which would also supersede the provisions of the State and Baltimore City) so that the provisions, penalties, sanctions, and enforcement features will be identical.

2. Enforcement of the nondiscriminatory clauses and pledges must be aggressively and affirmatively conducted at every echelon of government where they are applicable and at every level of the business, labor, and industrial community where they are enunciated.

At the national level, the President's Committee on Equal Employment Opportunity should delegate enforcement of clauses prohibiting discrimination in apprenticeship to the State offices of the Bureau of Apprenticeship and Training of the Department of Labor.

At the State level, the Maryland Commission on Interracial Problems and Relations should be assigned the task of enforcement and funds should be made available to staff this operation.

At the city of Baltimore level, the enforcing assignment should go to the Equal Opportunity Commission and funds also should be allocated to provide for a staff to carry out this function.

The scope of responsibility of the enforcing agencies must extend to the general contractors, the subcontractors, and to the unions when they are involved.

Extensive records on hiring, promotions, upgrading, and lay-offs must be maintained by the hiring companies, and such records must be available to the governmental enforcing authorities. For unions engaged in work on government-sponsored jobs, records must be maintained on applicants for journeymen and apprentice assignments, on hiring hall practices, and on assignment to jobs and to apprenticeship programs. All such records, insofar as they pertain to union involvement, also must be made available to the governmental enforcing authorities.

3. All apprenticeship training programs undertaken by any contractor, company, association, organization, business, industry, or union or group of unions engaging in interstate commerce or affected by a public interest should be registered with the Bureau of Apprenticeship and Training.

4. The Bureau of Apprenticeship and Training and other appropriate State and Federal agencies should institute aggressive programs encouraging all employers, whether dealing with apprenticeable trades or not, to establish training programs for various job categories and to encourage the use of such programs to train employees for various job classifications on a nondiscriminatory basis. The staff of BAT should be increased to permit adequate conduct of these activities.

In all such apprenticeship and training programs, BAT should establish objective criteria for admission; establish the ratio of apprentices to journeymen; receive the list of applicants and the subsequent list of accepted apprentices; certify the candidates accepted as qualified; review the list of disqualified candidates and determine whether, under the criteria established, such determination was proper; take affirmative steps to interest, counsel, and recruit Negroes into the apprenticeship and training programs under its jurisdiction; and maintain supervisory checks on the progress, status and, when it occurs, the dismissal of all trainees in such programs.

In the event BAT determines discrimination or prejudice to have been a factor in any negative action taken, BAT shall recommend the imposition of penalties and sanctions as prescribed by the President's Committee.

5. An apprenticeship and training information center should be established in the Maryland State Employment Service headquarters in Baltimore and subcenters should be established in the various regional offices of the MSES in other geographic areas of the State.

The center should maintain a complete dossier on all apprenticeship programs in the State including information on where they are located, how they are run and by whom, the number in each class, the scheduled opening of new classes, and the availability of openings and vacancies in the programs.

The center should be operated by staff personnel of the MSES and an advisory board should be created to give policy direction, counsel and advice in the operation of the center. Membership of the advisory board should be made up of one representative each from the Bureau of Apprenticeship and Training, organized labor and management, and one public representative each from Baltimore City,

Baltimore County, Anne Arundel County, Prince Georges County, Montgomery County, the Eastern Shore, southern Maryland, and western Maryland.

The staff of the center should work closely with guidance counselors and vocational education departments throughout the State, and insure that the training provided at the secondary school level is attuned to the contemporary and future demands of the industrial community.

The center should coordinate its activities closely with the plans and programs of organized labor and management in the apprenticeship and training fields and take affirmative steps to encourage Negro youths to prepare for skilled work. It should also assume leadership in recruiting trainees from among nonwhite students into established apprenticeship and training programs.

6. The Maryland State Department of Education, through its Division of Vocational Education, should immediately undertake a study to:

(a) determine whether the training received in the vocational schools and other training classes is of a caliber high enough to meet the standards imposed by craft and trade unions and by employers generally.

(b) determine whether the training given is of the nature and kind sufficient to meet the demands of an industrial community geared to a technology requiring special skills.

(c) determine how the vocational curriculum should be revamped to meet the needs of a modern and fast-moving technical society.

(d) determine whether the counseling and followup procedures given particularly to students from the minority community are sufficiently enlightened and intensive to insure that the potential of the minority youth is realized and opportunities for them are obtained and achieved.

7. The Maryland State Department of Education, and the Departments of Education in every subdivision of the State, should issue a policy directive barring the use of any school facility to any group conducting apprentice training on a segregated basis.

NEW JERSEY

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Apprenticeship Training in New Jersey

BACKGROUND

With unskilled job openings steadily diminishing and with the increasing need for skilled workers accepted everywhere as axiomatic, apprenticeship training has become one of the main avenues to union membership and to employment. It is particularly striking, therefore, to note that in 1961 apprenticeship training enrollment in New Jersey had fallen to 3,600 from a high point of nearly 8,000 in 1948.¹ Perhaps one factor contributing to the low enrollment rate is the fact that Negroes have systematically been discouraged in their attempts to enter apprenticeship training programs in the State. This section of the New Jersey Advisory Committee report examines evidence of discrimination in union membership and apprenticeship training, and attempts to discern ways by which the Negro may soon partake fully in the benefits provided by both programs.

The preliminary study of the apprenticeship training program, which was included in the 1961 report of the New Jersey Advisory Committee to the United States Commission on Civil Rights, forms the background of this survey of the problem. The report reads as follows:²

The apprenticeship training program in New Jersey involves two separate governmental agencies: The Federal Bureau of Apprenticeship and Training, which promotes apprenticeship in New Jersey; and the New Jersey Department of Education, Vocational Division, which approves the establishments in which training is given and provides related instruction through local technical-vocational schools. Neither agency can control admission into the program and neither assists individuals in finding apprenticeship openings. Of the 3,975 apprentices enrolled in the New Jersey program in 1960, only 14, or less than one-half of one percent, were nonwhite. This is particularly striking when one considers that the total vocational school enrollment was 30,000 (including approximately 4,000 apprentices), and that of those outside the apprenticeship program, about 30 percent were nonwhites.

1. U.S. Bureau of Apprenticeship and Training (BAT), reports that the total number of registered apprentices in New Jersey as of June 1963 is 4,519.
2. 1961 Report of the New Jersey Advisory Committee to the United States Commission on Civil Rights.

The situation had not improved in October 1962, when the New Jersey Advisory Committee conducted an open meeting in Camden. Charles Ashley, field representative, Division on Civil Rights, New Jersey Department of Education, described the importance of the apprentice program and the difficulties Negroes experience in entering it.³

There are usually only two ways to enter the craft unions--through apprentice programs administered by the unions, or by admission as a journeyman as a result of a qualifying test given by an examining board.

The fact that there are only 14 Negro apprentices out of approximately 3,900 in the State of New Jersey attests to the exclusion of Negroes from the program. Invariably this apprentice program in the craft unions is open only to relatives of employers or to relatives of members of the union. Thus, it is easily seen that since Negroes are hardly ever union members their chances of participating in the apprentice programs are almost nonexistent.

In other words, a little over one-third of one percent of the total number of apprentices in New Jersey are Negro. If the percentage of Negroes participating in apprenticeship programs were comparable to the percentage of Negroes in the State--around 12 percent--there would be about 30 times as many Negro apprentices than there are at present.⁴

In his testimony before the United States Commission on Civil Rights, in Newark, Adolph Holmes, industrial relations secretary, Urban League of Essex County, commented on the two most common reasons--discussed in greater detail later in this report--why Negroes have not participated on their own initiative in the State's apprenticeship program:⁵

3. Unpublished transcript of the State Advisory Committee meeting in Camden, New Jersey, October 15, 1962. (Hereinafter cited as Camden Meeting Transcript.) For more recent statistics on the total number of apprentices in New Jersey, see note 1 supra.
4. Hearings in Newark, New Jersey, before the United States Commission on Civil Rights 93 (1962) (hereinafter cited as Newark Hearings).
5. Id. at 12.

One of the usual routes to membership in the local union is through apprenticeship training. The question is raised, then, as to why Negroes do not enter such programs. I would like to suggest two reasons why they do not: namely, one, information regarding openings and examinations is not normally disseminated to the Negro community; second, many times an apprentice must be recommended by a union member. As a consequence, it is obvious that few, if any Negroes ever had the opportunity to apply for apprentice training.

Holmes went on to report that the Urban League has contacted the various craft and building trade unions in his county and informed them of an available supply of Negroes who are qualified to go into their apprentice programs. According to Holmes, though, "they give the reason that the time is not right or many of the other reasons that you hear as to why 'We cannot do it at this time.'"⁶

Thus, although apprenticeship training plays a significant role in the overall employment situation, statistics plainly demonstrate that its benefits today are still limited to whites only. The next chapter will examine the detrimental effects of such discrimination on the Negro's job aspirations and opportunities.

6. Id. at 19.

Significance of Apprenticeship Training

Apprenticeship training occupies a pivotal position both in gaining union membership and in procuring skilled employment. Discrimination in either of these two areas means that the Negro is deprived of the advantages which may be reaped by his white counterpart.

Louis Vehling, business manager, Local 52, International Brotherhood of Electrical Workers, told the Commission about the importance of apprenticeship training for securing admission into his union:⁷

Methods of becoming a member are as follows: (1) Through the apprenticeship program. This is the usual and almost the exclusive method, although others are theoretically available and occasionally used. It is a practice in the union that qualified sons' of members are given preference; approximately 50 percent of the apprentices who are initiated into membership are sons of members.

William F. Confroy, business representative, Plumbers Union Local 24, testified to this same point:⁸

The procedure for becoming a [union] member varies. The most usual is through the apprenticeship program. However, when we sign up a new employer, we accept his employees into membership.

It is difficult, however, for Negroes to enter apprenticeship training programs and thus gain admission into a union. Elijah Perry, Negro city councilman in Camden, told the Committee of his efforts to invade the pipefitter's union through its apprenticeship program:⁹

7. Id. at 59.

8. Id. at 63.

9. Camden Meeting Transcript.

As far as the Pipefitter's Union is concerned, I know there are no Negroes in the apprentice program. . . . When I called for an appointment, there was no problem in getting one. There hadn't been any Negroes before, you see, and I understand that no one has attempted to try and invade that union . . . they Union have a committee--apprentice--who selects young men who are to become apprentices and if you can invade that committee, it's pretty sure we can get someone in. So I was trying to get them to accept someone.

Perry concluded his comment by saying that "it's going to be quite a job getting men into the Pipefitter's Union . . . because the skill--there are not too many who have the skill."¹⁰

Vehling underscored Perry's testimony about the importance of apprenticeship training as a qualification for union membership. He explained to the Committee why his union had turned down two Negro journeymen.¹¹

The policy of my local is to take in apprentices. Only in a few instances are journeymen taken in, and those are cases where they have civil service jobs, or there are certain special qualifications needed that these gentlemen may possess.

As the foregoing statements indicate, the apprenticeship training program is of great importance to anyone who seeks employment in a skilled trade or union membership. The present admissions procedure of these programs, however, mediates against the Negroes gaining entrance.

10. Ibid.

11. Newark Hearings 72.

Entrance Procedure

The method for securing entrance into an apprenticeship program can be lengthy and complicated. The system as it now functions in the majority of such programs places emphasis on sponsorship, election, and family relationships, and reflects the deliberate desire of unions to limit entrance into certain trades.

Romeo Jensen of Ironworkers Local 11 was asked by the Commission how a person qualifies for admission to the apprentice program of his trade:¹²

You must have two sponsors, and if he is accepted he'd have to go through the training program. After from 2 to 4 years he qualifies; he goes before the examining Board, and if he's qualified he's accepted.

Mr. Confroy of the Plumbers Union had explained his union's apprenticeship procedure up to 1958:¹³

We have a clause in our contract which has been in the contract for many years, reading as follows:

"Sec. 6. Registration and issuing of all apprentice cards, rules and regulations governing apprentices desiring to learn the plumbing trade, shall be under the supervision of a joint board for apprentices, consisting of members of the party of the first part and members of the party of the second part in equal number."

For many years this joint board functioned actively, selecting the apprentices, supervising their training and schooling and certifying the completion of their apprenticeship. . . . About 1958, the joint board ceased to function, although the clause is still in our contract. This largely resulted from a lack of demand for apprentices, combined with a lack of desire on the part of the young men to become apprentices at the low rate of wage during the first 2 or 3 years.

12. Id. at 75.

13. Id. at 63.

Mr. Vehling of the IBEW also told about the difficulty of gaining admission to his union's apprenticeship program. He related the following story about a group of young Negroes to illustrate his point:¹⁴

We were visited one evening by a group of young Negro men all of whom demanded admission as apprentices. It was obvious that they did not know the normal procedure, which is that an applicant must first be referred for employment and perform satisfactory work in that capacity for at least six months, and usually longer, before becoming apprentices. Although there is no official "waiting list" of men waiting for such referral, the list of such men actually at work is usually referred to as a "waiting list"--that is, men waiting to become apprentices. These men were told that this "waiting list," the number of men already working, was already too long, and that there was no opening at that time.

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One thing must be clear--we cannot discriminate against other groups in order to provide employment for one group. We cannot make apprentices out of Negro applicants, while there are 70 to 75 men actually working as helpers, waiting to become apprentices.

He commented, in addition, that about 50 percent of the apprentices in his trades' program were sons of journeymen and that of the other 50 percent, "some are relatives, some are recommended by employers, some by vocational schools. Some merely apply for work."¹⁵

He was asked if this would result in exclusion of Negroes and replied:¹⁶

I wouldn't exactly agree with that. In order to become an apprentice in my local union, a young man has to apply for work, and he has to apply in the morning between 8 and 10, Monday to Friday, and when work is available they are sent out in their turn, regardless of their race, creed, or color.

14. Id. at 60-61.

15. Id. at 76.

16. Ibid.

He admitted, however, that Negroes would have no chance for the 50 percent of jobs that go to sons of members. Asked how this could be corrected, Vehling answered:¹⁷

Well, I'm no authority on race relations. I would think that probably if various groups would take a deeper interest in these matters--there have been a number of charges filed. In my opinion, that's the wrong way about this, the wrong way to solve this problem. I think groups such as the Urban League and the vocational schools should take an interest in trying to educate young Negroes so they will be qualified, and recommending them.

Commissioner Robert S. Rankin asked Vehling whether he still would not take the son of a member over somebody recommended by the Urban League. The reply was unequivocal. "The son of a member has preference, regardless, over all other applicants."¹⁸

John E. Joyce, Jr., vice president and secretary of John E. Joyce, Inc., and a member of the Apprenticeship Committee of Steamfitters Local Union 465, defended the guild system of family relationships in the apprenticeship training program for the benefit of the Advisory Committee:¹⁹

The development of the craft, highly skilled craft, trades that we know is more or less an inheritance of the concept of a guild system, although greatly liberalized. The way I look at it, it's pretty much run that way, and there is a natural preference for sons and relatives of journeymen. I don't think this is an unworthy tradition. It may not be to the Negroes' advantage, but it happens in many other walks of life. For instance, in your colleges and universities, favoritism is shown to sons of alumni.

One of the main reasons the craft unions do not expand . . . is that we have to hark back to the days of the 1930's when this was one of the most desirable industries, and today I know even among our plumbers and steamfitters 1,600 hours of employment in the year is an exception rather than the rule.

17. Ibid.

18. Ibid.

19. Id. at 67-68.

Mr. Joyce went on to discuss the qualifications for membership in his union's apprenticeship program;²⁰

The qualifications for a steamfitter apprentice for the apprenticeship program the applicant receives at the office of the apprenticeship committee. A man must be 18, no more than 21; except for military service the maximum age is 25. They must pass a physical exam.

We have had four classes in the past 7 or 8 years. . . . We have never had to recruit any apprentices. We, in fact, have to turn most of the applicants down.

There is considerable evidence that the number of apprentices is controlled by agreement with the union. This leads to the deliberate effort on the part of unions to limit the number of those who enter the trade to the expected demand for workers. For example, C. W. Myers, industrial relations officer of the New York Shipbuilding Corporation in Camden, stated:²¹

We're limited by contract with our labor union as to the number of apprentices we can have in the plant. That is, we are permitted to have one apprentice for each ten craftsmen at the first-class skill level and above. So, we reduce, as a result of reduction of force to 90 people, we must eliminate one apprentice.

Thus to gain entrance to the apprenticeship training program and through that program to find a job in the highly paid skilled trades, the Negro must surmount the hurdles of sponsorship, family relationships, and the desire or necessity to limit the supply of workers. It is obvious that clauses against discrimination are not sufficient to open the benefits of apprenticeship training to any significant number of Negroes in New Jersey.

20. Id. at 68.

21. Camden Meeting Transcript.

Major Obstacles to Negro Participation in Apprenticeship Programs

Commission Chairman John A. Hannah questioned Mrs. Amy Terry, industrial training adviser for minorities, Bureau of Apprenticeship and Training, United States Department of Labor, and Neil Kort, New Jersey State Supervisor, also from the Bureau of Apprenticeship and Training. The Chairman asked both witnesses to pinpoint, if they could, the major obstacles to Negro training and to suggest means of overcoming them. Two dominant reasons emerge: lack of information among Negroes about the program, and lack of enforcement of the existing nondiscrimination clauses.

Speaking to the first point, Mrs. Terry indicated that Negro youths generally do not know when, where, or how to apply for apprenticeship training. Noting that such information is not widespread, she said:²²

The only people who know that there are apprentice opportunities available are the sons, nephews, the relatives and the friends of those who are already in the trades. . . . Negroes . . . have no one or have few people within the trades and, therefore, are not aware of the opportunities which exist. . . .

Mrs. Terry felt that steps should be taken to inform Negroes of existing openings and to insure them that once they apply, discrimination will not prevent their entering the trades.

Kort testified that the Bureau of Apprenticeship and Training always has attempted to insure that no apprentice program would be registered which contained a discriminatory clause. The Bureau, however, has no investigatory or enforcement power. Labor Secretary Goldberg directed that a nondiscrimination clause, consistent with Executive Order 10925, be included in every new apprentice program, in order to underscore the importance of equal opportunity for such programs. The Bureau was also ordered to require the inclusion of a specific nondiscrimination statement in the apprenticeship standards of firms handling Government contracts. Kort said that the requirements were all in effect.²³

22. Id. at 94.

23. Id. at 81.

Berl I. Bernhard, Commission Staff Director, explored the nature of the control which the Bureau of Apprenticeship and Training (BAT) exercises over union apprentice training programs. After ascertaining that the programs of the union represented by Confroy and Vehling were registered with BAT, Mr. Bernhard asked whether the Bureau had ever raised the question as to why there are no Negroes in their particular unions.²⁴

Vehling's answer was that the question had never been raised either by the Bureau or in executive board meetings. He acknowledged the existence of nondiscrimination clauses in the training program of the Department of Labor as well as in union contracts. Nevertheless, he could recall only one Negro member in the 23-year period he has been connected with IBEW Local 52.²⁵

Confroy stated that there had been two Negroes in his union, but well before his time.²⁶

In response to a subsequent question regarding responsibility for the enforcement of nondiscrimination clauses, State Supervisor Kort emphasized again that his agency merely has the duty to see to it that all contracts include nondiscrimination clauses. Enforcement, he added, is left to the contracting agency.

When asked by Staff Director Bernhard, if a method of supervision to insure enforcement of the nondiscrimination clause would help, he replied, "I don't believe so. I think we have been pretty successful on a voluntary program."²⁷

Mrs. Terry, the BAT minority group advisor, speaking of the frustration caused by lack of enforcement of nondiscrimination clauses, expressed a slightly different view.²⁸

Well, that's the point which I find very frustrating at the moment because I faithfully submit reports each week as to the visits I have made and what I have gotten out of them, and there is no way that it is followed up and something is done to see that the employer or the union is going to take some positive steps towards changing this picture of racial discrimination.

24. Id. at 79.

25. Ibid.

26. Id. at 80.

27. Id. at 97.

28. Id. at 99.

I think that's one of the weaknesses of the whole program of apprenticeship and training because, as I said before, many of them have clauses, nondiscriminatory clauses, but if they are buried in somebody's desk and nobody does anything to implement them we will find 10 years from now there will still be 14 Negroes in the State of New Jersey who are receiving apprenticeship training.

To Bernhard's question whether she thought that ". . . something more than mere rhetoric and good intentions are required," Mrs. Terry replied, "Yes, I definitely do."²⁹

Kort spoke of a program newly created by BAT designed to disseminate information about apprentice programs to minority groups. Although the program had existed for 2 years, he could see no results as far as minority groups were concerned. He indicated that he was not free to modify the information program in the light of this lack of results, since it originates in Washington.³⁰

Dr. Neal B. Perkins, Director of Trades and Industrial Education, New Jersey Department of Education, told the Committee that on the State level most of the information about apprenticeship programs is disseminated through the schools. Since there is no classification as to race, creed, color, or national origin in the school records, he could not determine whether the program was a success or a failure as regards minorities.³¹

29. Ibid.

30. Id. at 98.

31. Ibid.

Some months after the Commission hearings in Newark, the Advisory Committee checked with Dr. Perkins at the New Jersey Department of Education to see what progress had been made in securing equal opportunity for Negroes in the apprenticeship training program. Dr. Perkins emphasized again that the New Jersey Bureau of Apprenticeship and Training has no figures concerning the number of minority group members in the program, although the total enrollment figure (3,876 as of January 1963) was available.³² He told the interviewers that it was impossible for him to give them current figures on the number of Negro apprentices in the State, in spite of the fact that, in 1961, the figure of 14 Negro apprentices had come from the New Jersey Department of Education. He emphasized also that the New Jersey Bureau of Apprenticeship and Training does nothing more than register the indentured apprentices who already have contracts, and that the Department has no authority as to which workers are given contracts, and, thereby, made eligible to enter the program. Dr. Perkins was asked, as he had been at the Newark hearings, why there were so few Negroes enrolled in apprenticeship programs in the State, and he answered, as he had in Newark, that the reason was that so few Negroes were employed in the trades the programs cover. It was clear to the committee members that the Department of Education had made no effort following the Newark hearings to check on the compliance with the nondiscrimination clauses that are included in all the contracts.

32. But see note 1 supra for an indication of the increase in total enrollment as of June 1963.

Conclusions

Despite the fact that the unions, the employers, the State of New Jersey, and the Federal Government all have impressive clauses barring discrimination in any section of the apprentice training program with which they are concerned, it is obvious that apprenticeship training is almost entirely closed to Negroes in this State. The last available figures³³ show less than one-half of one percent enrolled. All the evidence, especially the sworn testimony given in Newark, leads to the inescapable conclusion that those who are in charge of registering and approving apprenticeship training programs in New Jersey--that is the State Supervisor of the Bureau of Apprenticeship and Training, U.S. Department of Labor, and the Assistant State Director of Vocational Education, an employee of the New Jersey State Department of Education--are either unwilling or unable to take any responsibility for the enforcement of a policy of equal opportunity. Further, although public funds (both State and Federal) are used in these programs, and although the related instruction is given in the public schools of our State, neither the Federal nor the State authorities concerned with the apprenticeship training program check to see whether or not there is compliance with the law against discrimination.

Admittedly, the apprenticeship program involves only a limited number of youngsters. This number has been decreasing in New Jersey in spite of the urgent need for skilled workers. It is true that the elimination of discrimination in this program would not solve the Negro employment problem. Nevertheless, the flagrant injustice of virtual Negro exclusion cannot be allowed to continue, especially since apprenticeship training offers an important, even if limited, avenue of escape from the ranks of the unskilled to which so many Negroes are currently confined.

Two years ago, this discrimination problem was brought to the attention of the United States Commission on Civil Rights. Last year, as a direct result of the Advisory Committee's 1961 report, legislation was introduced and passed in the New Jersey legislature specifically barring discrimination in the apprenticeship training program, and making the use of public funds and facilities illegal, if discrimination is practiced. This advance will remain of little importance, unless the legislation is enforced. It

33. See note 1 supra.

appears from the available evidence that public officials had made no serious efforts to enforce the avowed policies of the State and Federal Government in this area by the time this report was submitted to the United States Commission on Civil Rights, in June 1963. With this in mind, the New Jersey Advisory Committee submits the following recommendations to the Commission in an attempt to bring about some form of corrective action.

Apprenticeship Training Recommendations

1. In concert with the Regional Director of the Bureau of Apprenticeship and Training of the U.S. Department of Labor and the Director of Apprenticeship and Training in the New Jersey Department of Education, the Department of Labor and Industry of New Jersey should set up State Apprentice Training Information Centers in several of the largest cities of New Jersey. These centers would make available information on occupations which use apprentice systems; on industries and unions which have apprenticeship programs; on the procedures necessary to file applications for apprentice training; and on the qualifications for admission to the various programs. Following the experience of New York City, which has set up an information clearing house, the Apprentice Training Information Centers would not concern themselves with job placement.

2. A Joint Committee on Apprenticeship composed of representatives of labor unions, management, the Puerto Rican Department of Labor, the Manufacturers Association, the Urban League, the NAACP, the National Conference of Christians and Jews, and other religious and civic groups should be established by the Governor. In addition to these groups, the Committee should also include representatives of the New Jersey State Department of Labor and Industry, the Chief of the Vocational Division of the Bureau of Apprenticeship Training in the New Jersey State Department of Education, and the State Director of Guidance Counseling. Such a committee, now called "The Statewide Committee on Equal Opportunity in Apprenticeship and Training for Minority Groups" has been set up in California and has proved most useful.

3. In the expenditure of public funds, efforts should be made by Federal, State and other government bodies to encourage apprenticeship programs, making sure that apprenticeship opportunities are open equally to all.

4. A plan for enforcement of existing legislation against discrimination should be developed by the State Committee on Equal Opportunity in Apprenticeship and Training, providing for a reasonable number of nonwhites and Puerto Ricans in each program or trade. The number that should be considered reasonable should be determined by the Director of the Division on Civil Rights, in light of the proportion of these groups in the population, the nature of the

work, and other similar considerations. No apprentice should be registered in any trade or program in which a reasonable number of nonwhites and Puerto Ricans is not enrolled without proof of efforts to obtain such apprentices by the contracting agency for apprentices. Proof of such efforts should be submitted to the Director of the Division on Civil Rights for approval, and certified by him as satisfactory to the State Department of Education. State and Federal Directors of Apprentice Training should be responsible for compliance. In the absence of evidence of compliance, the responsible officers should be subject to dismissal. The decision of the Director as to a reasonable number should be final if supported by substantial evidence.

NEW YORK

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* Subcommittee on the Building Trades
Chairman, Professor William M. Murphy

Introduction

In the fall of 1962, the New York State Advisory Committee to the United States Commission on Civil Rights appointed a subcommittee, under the chairmanship of Professor William M. Murphy, to study whether there was a clear pattern of discrimination against Negroes in the building trades industry in New York City. The subcommittee was able to procure the services of Dr. Donald Shaughnessy of Columbia University to do most of the field work in the project. The material in this summary report is largely derived from Dr. Shaughnessy's report.

The study was necessarily limited by the relatively small amount of time that could be devoted to this complex subject. A further--and unnecessary--limitation was encountered as a result of the general policy of noncooperation followed by leaders of the building trades unions. With few exceptions, union officials failed to assist the study in any way--making it difficult or impossible to obtain information that was readily available.

Despite these limitations, the study serves to demonstrate that Negroes are denied access to employment in most of the building trades in New York City. The study further indicates that retention of present practices in admission to apprenticeship programs will mean that Negroes can expect no more than token participation in most of the building trades in the future. Our report considers some of the economic and other factors that lead to these practices and recommends that these practices be modified.

Building Construction in New York City

At 6:16 on weekday mornings a train leaves Bridgeport, Connecticut, carrying a group of commuters relatively unknown to the general public. They are men with skills in the building trades who arrive in New York City at 7:30, and report to construction jobs. It costs about \$15 a week to commute from Bridgeport to New York, but a union electrician earns \$200 per week, and the work is steady.

These blue-collar commuters represent one of the many indications of the obvious fact that New York City is in the midst of a continuing boom in large construction. There is presently more office space in New York City than in the next 15 largest cities combined. Despite rows of office towers like those north of Grand Central on Park Avenue and rows of residential towers like those all along Third Avenue, there are estimates that the backlog of needed construction in New York City may take decades to fill.

How do these buildings get built? With wide allowance for oversimplification the process may be summarized as follows:

When the architect has completed his design and specifications, general contractors competent in the size of job being undertaken submit bids to the owners. Subcontractors (electrical firms, plumbing firms and the like) have previously submitted bids to the general contractor upon which his bid, in part, is based. The contract is then awarded to a general contractor--who engages subcontractors--and men begin to appear to perform the work in the specialized trades. First the excavation men, then the other trades in their turn appear on the job.

Most firms in the building industry are not large; they do not steadily employ a large number of skilled workers. These firms build a product that is immobile. This product must be built in the city, essentially by local contractors and subcontractors--and in particular by a locally based labor force.

The men who build New York City's buildings are recruited from labor pools controlled by the unions in the building trades. The union is the employment agency and the men who appear on the construction job--whether they be local or "out-of-town" men--are the men whom the union permits to appear. Since a building cannot be erected in Detroit or Atlanta and shipped to New York and since the unions regulate the local use of "out-of-town" labor, the labor supply is rigidly controlled.

The construction worker tends to identify with his union for a number of reasons. He is rarely on any job for a great length of time. He may well have five or six employers in one year. He is not likely to develop an attachment for a particular firm or to have steady fellow workers from year to year, and of course, he has no fixed place of work. His job security comes from the local union. The local union is not only his hiring hall but the place where his friendships are formed and is the continuing stable element in his employment. Local unions may or may not be ethnocentric but their members are likely to be united against outsiders. In one local "outsiders" may mean people not of Italian ancestry, in another it may mean Jews. For most unions in the building trades, as for many other institutions, color is the most readily identifiable badge of nonmembership.

With these economic and social bonds to his local union, the man in the building trades is little concerned with the "labor" views on the subject of race relations. George Meany, once a plumber, now president of the AFL-CIO, concedes that local unions can effectively disregard the resolutions opposing discrimination that are regularly adopted by federated bodies in the labor movement. On the bread-and-butter issues it is not the international or any council that delivers--but the local union.

This is not to say that the building trade unions lack the ability to unite in support of their common interests. In the building and construction trade department of the AFL-CIO there are 19 international unions. New York City locals of these unions form the New York City Building and Construction Trade Council. This Council serves as a very effective spokesman for the building trades unions in city and State legislative halls and executive departments. While the Council is active and effective in speaking to the outside world on behalf of its constituent locals, it has not traditionally exerted effective internal pressures. (The Council's president, Peter J. Brennan, assured Mayor Wagner on June 6, 1963, of "an all-out effort to end discrimination in building trades unions." This assurance clearly must be qualified in view of the Council's mixed reaction to proposals to secure more Negro and Puerto Rican apprentices.)

In brief, the economic structure of the building industry tends to concentrate in the local unions the decision as to who obtains employment and, even more important, who gets admitted to the craft. The dominating role of the union in construction employment affords to contractors the opportunity to disclaim all responsibility for

discrimination in the building trades. The employers seem to welcome the opportunity, which accords with their consistent tendency to avoid "rocking the boat." Our study found no instance in which an employer sought to promote equal employment opportunity in the building trades.

Apprenticeship

Current apprentice programs provide from one-half to two-thirds of the skilled workers needed simply to replace craftsmen who retire, die, or leave the trade. By fixing the number of apprentices in accordance with a ratio of apprentices to journeymen (the mean ratio is 1:6), and not in accordance with present or future demand, the building trades unions continue to maintain an effective shortage of labor. One way that this shortage is preserved in the face of continuing high demand is by the use of commuters like those from Bridgeport who represent an auxiliary source of manpower that can be cut off at any time.

While 120-mile-per-day commuters have found steady employment for several years, a local source of skilled manpower is ignored. New York City has 22 vocational high schools in 5 of which are taught skills used in the building trades. These schools are financed by Federal, State, and city funds. The best qualified graduates of the vocational schools often take low-paying nonunion jobs, or jobs outside the trade. Federal and State apprenticeship agencies have not been heard to complain that Negro youngsters, taught a trade at public expense, are consistently deprived of the opportunity to practice it.

New York State law on the subject is clear and precise. Section 296 of article 15 of the Executive Law prohibits discrimination by employers in hiring, compensation, employment privileges, working conditions and discharges, prohibits union discrimination in membership, and bars discrimination by employers and unions in admission to apprentice training, on-the-job training, and the like. This policy is also reflected in the existence of agencies such as the State Commission for Human Rights, the New York City Commission on Human Rights, and the Civil Rights Bureau of the State Attorney General's office. The last-named agency is largely responsible for the fact that, in the State of New York, there are now two Negroes in the apprentice training program of the Plumbers Union.

The national agency in the field of apprenticeship is the Bureau of Apprenticeship and Training in the U.S. Department of Labor. The Bureau has an essentially passive role in certifying and registering apprentice training programs. This role is of no great importance since less than half of the apprentice programs in the city are certified by the Bureau. The Bureau appears to have been neutral in the matter of racial discrimination, an inappropriate posture the abandonment of which is recommended at the end of this report.

First, let us review the practice of several of the unions in New York City:

1. Local 28, International Sheetmetal Workers Union

There has been no significant change in the size of this local in the past 10 years, despite the vast increase in construction. There are no Negroes among its 3,300 members nor among its 75 apprentices. Admission to the apprentice program of the Sheetmetal Workers Union is on the basis of a personal interview with a joint committee. The applicant is usually sponsored by a union member, sometimes by an employer. The union states that there are four applicants for every vacancy but gives no indication that any applicant sponsored by the union has ever been rejected. The apprentice committee maintains no liaison with vocational schools. Its apprentices attend a union school which obtains no government support. Various requirements are listed for admission to the apprenticeship program, but they are not applied to sponsored applicants. In March 1963, the Civil Rights Bureau of the attorney general's office charged local 28 with discriminatory practices.

2. Local 2, United Association of Journeymen Plumbers and Steamfitters

The Plumbers Union says it has four applicants for apprenticeship for every apprentice who can be accepted. On the other hand, the union admits that there are 1,000 out-of-town plumbers working in New York City. Of 3,300 members of local 2, none are Negroes. While there are requirements that theoretically apply to admission to the apprenticeship program, the main practical requirement has to do with bloodlines. Eighty to 85 percent of those admitted to membership are sons or nephews of local 2 members. Members of this union consider that the right to nominate apprentices is among the important benefits of union membership.

3. District Council of United Brotherhood of Carpenters and Joiners (42 Locals)

The Council has 34,000 members of whom over 5,000 are Negroes. While there tend to be predominantly white and predominantly Negro locals, the Carpenters Union has provided the only substantial employment opportunity for Negroes in the building trades.

4. Local 60, Operating Plasterers and Cement Masons International Association

In this union there is a larger ratio of Negroes presently employed in the trade than in its apprenticeship program. Three

hundred of 2,000 members of local 60 are Negroes, as compared to 5 of the 80 apprentices. In local 60's apprenticeship program, as in most others, no aptitude tests or objective standards are applied in the admission of apprentices.

5. Local 14 and 14B of the International Union of
Operating Engineers

Local 14 and 14B is one local union with two parts, each part dealing with a different kind of machinery. This union trains its members through Apprenticeship Local 15--a 3-year program. Unlike most other union members, the operating engineers must take an objective examination, administered by the New York City Department of Buildings. The examination is open--not limited to union members. After passing the examination, an apprentice must obtain two sponsors (members of local 14 and 14B) in order to be admitted to the union. Thus far only 23 Negroes have been admitted to the 1,600-member union.

6. Local 3, International Brotherhood of Electrical
Workers

Local 3 recently won fame in securing a 5-hour day. This union has different levels of membership, the most important of which is "A-Card construction worker." These men (who won the 5-hour day) comprise 9,000 of the 30,000 members of local 3. The number of Negroes who hold the A-Card and earn \$5 per hour is small, estimates ranging from 300 to 400. There are about 2,250 men from outside New York City working in electrical construction, filling jobs from which qualified vocational school graduates are excluded. On the lower level of local 3, members work for the lamp and lamp shade manufacturing industry and are paid about \$2 per hour.

In the spring of 1962, Mr. Harry Van Arsdale, president of local 3, announced that the union would recruit 1,000 new apprentices, on a nondiscriminatory basis. The Urban League forwarded the names of 51 qualified Negroes and the NAACP forwarded 57 names. Negroes and Puerto Ricans were recruited from other sources and a total of 1,600 apprentices was screened by a nonunion committee of three men, one of whom was a Negro. One thousand and twenty apprentices were admitted to the program including about 140 Negroes and about 60 Puerto Ricans. This dramatic result and local 3's broad recruiting effort is, so far as we know, without parallel in any building trades union in the country.

In the course of its inquiry, the New York State Advisory Committee became aware of undocumented charges to the effect that the approximately 200 Negro and Puerto Rican apprentices have not

entered into regular apprenticeship channels, but are being utilized to perform unskilled labor. This issue was raised by Committee Chairman Sachs in a meeting with Mr. Harry Van Arsdale, business manager of local 3, IBEW, and Mr. Theodore W. Kheel, director of the Office of Impartial Review of the Electrical Industry. Mr. Sachs received unequivocal assurances from both Mr. Van Arsdale and Mr. Kheel that these charges are unfounded, and that the 200 apprentices in question are undergoing regular apprenticeship training leading, in the course of 4 years, to full journeyman status and a Class-A union membership card, on the same basis as all other apprentices.

The six examples listed above illustrate that control of apprenticeship programs gives the building trades unions a potent weapon against the possibility of future unemployment. By restricting the apprenticeship program, the union can continue to maintain a chronic labor shortage and to assure reasonably full employment for their members. Entry into such a well-protected, high-paying career is an outstanding employment opportunity. These employment opportunities have, in effect, become union patronage. A union leader who is not skillful in dispensing this patronage may lose his position. He and the rank-and-file members assume that their power at the bargaining table has won them control of apprenticeship opportunities.

The unions have maintained a tight rein on apprenticeship openings despite the current widespread projections of a continued high level of new construction. Earlier projections by the Department of Commerce indicated that for every 100 men skilled in the building trades in 1955, 122 would be needed in 1965 and 145 by 1975. Current apprenticeship programs not only fail to provide for this growth but, as noted above, fail to produce enough journeymen to replace those who retire, die, or leave the trade.

In keeping with this static philosophy of apprenticeship, Negro participation has remained relatively constant. In 1950, Negroes constituted 1.5 percent of the apprentices and 13 percent of the population of New York City. In 1960, Negroes constituted 2 percent of the apprentices and 22 percent of the population of New York City. It is estimated that by 1970 Negroes will constitute about 33 percent of the population of New York City. If Negro participation in apprenticeship programs continues to bear no relation to the size of the Negro population, then larger and larger numbers of Negroes will be obliged to compete for the dwindling supply of unskilled jobs.

The alternatives are essentially three:

1. Retention by the building trades unions of presently prevailing practices. This is likely to result in no substantial increase in Negro and Puerto Rican apprenticeship.

2. Voluntary adoption by other unions of programs like that of local 3, IBEW, with positive efforts to recruit Negroes and Puerto Ricans and an objective body to screen and approve apprenticeship applicants.

3. Adoption by public authorities of regulations, contract policies, and other practices which provide objective criteria for apprentice selection and enforce compliance by the manner in which public funds are expended and withheld.

While our study was limited, it was sufficient to reject the first alternative as intolerable and to conclude that while the second alternative may be more desirable, the third is required for prompt and effective action.

Conclusions

1. Participation of Negroes in the building trades in New York City ranges from total exclusion in some trades (sheetmetal workers, plumbers) through token participation in others (plasterers, operating engineers) to substantial, if often segregated, local union membership in other (carpenters).

2. Access to employment in the building trades is substantially controlled by local unions. Through apprenticeship programs nominally subject to the joint control of unions and management, the unions determine who shall acquire the skills--and the journeyman rating--necessary to employment on nearly all new construction in the city.

3. The number of persons admitted to apprenticeship in any year is not determined by current demand but by the ratio of apprentices to journeymen deemed appropriate by agreement of the union and the employers in a given trade. Where demand continues to be high over a period of years as it recently has, "out-of-town" men are imported temporarily to meet the demand.

4. By rigid limitations on the number of apprentices, the unions have maintained a chronic labor shortage in the building trades. Admission to and completion of an apprenticeship program is fair assurance of reasonably steady employment for a regular workweek and extremely high pay for overtime work. Union members value highly the right to secure admissions to apprenticeship programs--and tend to exercise it (especially in the plumbers union) in favor of their sons, nephews and others with whom they have personal connections.

5. Since admission to apprenticeship is controlled largely on a personal basis, and by persons already pursuing the various trades, patterns of exclusion of Negroes will tend to be perpetuated. The elaborate Federal, State, and local apprenticeship structure leaves essentially untouched the crucial, subjective decision as to whom is admitted to apprenticeship in the building trades--for example:

Five New York City high schools train young men in the building trades. Their honor graduates have less chance of admission to an apprenticeship program than any business agent's nephew.

The complex New York State Apprenticeship Council, created by statute to "promote an orderly development of the supply of skilled journeymen or craftsmen," is fearful that if the issue of minority apprenticeships is raised, industry and labor might withdraw from, or not join in, apprenticeship programs registered with the Council.

The Federal Bureau of Apprenticeship and Training, created to promote and improve standards of apprenticeship, clearly has lacked the power (and apparently the inclination) to enforce nondiscrimination as a "standard" of admission to apprenticeship.

6. The men who now control admission to apprenticeship programs remember with fear the chronic job scarcity of the 1930's. This memory and their enormous bargaining power suggest that union leaders will not lightly surrender the prerogative of regulating admission to apprenticeship programs.

7. The admission of Negroes to apprenticeship beyond a token basis requires that there be introduced into the present personal, subjective procedures for entry into apprenticeship programs standards that are objective and public. Recommendations that fail to move in this direction do not come to grips with the economic realities and the highly personal relationships that underlie the present system. If the building trades unions insist on retaining the present "patronage" approach, they will eventually be confronted with a form of "civil service" selection analogous to that which has deprived the political parties of their former control of most areas of public employment.

8. The commendable voluntary approach of Local 3, IBEW, including active recruitment of minority youngsters and the selection of apprentices by an independent group, has not been followed by other unions. As of July 1963, there was little indication that it would be adopted by other building trades locals in New York City.

Recommendations

The New York State Advisory Committee recommends to the United States Commission on Civil Rights that steps be taken to bring about the following changes in present practices:

1. (a) That the Federal Bureau of Apprenticeship and Training be authorized and empowered to require that all apprenticeship programs in the construction industry be registered by the Bureau; that it establish, in consultation with representatives of unions and management, objective criteria for admission to apprenticeship programs; that it determine the number of available apprenticeship openings in each program, giving consideration to the skilled manpower needs of the Nation as well as to those of the industry and the immediate locality; and that it establish a meaningful and effective evaluation system for each of the trades;
- (b) That the Federal Bureau of Apprenticeship and Training be authorized and empowered to require that all notices of acceptance and rejection to apprenticeship programs be filed with the Bureau, and that acceptances and rejections be accounted for in terms of the established objective criteria of admission;
- (c) That the Federal Bureau of Apprenticeship and Training be authorized and empowered to conduct systematic apprenticeship recruiting programs, in part by means of uniform vocational guidance procedures in public schools, and to investigate, on its own initiative, apprentice training programs which are, or are believed to be, engaged in discriminatory practices.

2. (a) That departments, agencies, offices, and bureaus of the Federal Government be required to withhold all financial support from apprenticeship programs which fail to admit qualified Negro applicants or fail to comply with the requirements of the Bureau of Apprenticeship and Training described above;
 - (b) That departments, agencies, offices, and bureaus of the Federal Government be required to withhold all financial assistance from any contractor and from any building project employing the labor of any union or local thereof which cannot give satisfactory proof that it does not follow discriminatory practices.
3. In the event that the foregoing procedures are found to be ineffective, we recommend that Congress enact legislation declaring that admission to apprenticeship in the construction trades is a matter affecting interstate commerce and that such admission be vested in a suitable agency empowered to adopt and enforce procedures analogous to those employed by the Civil Service Commission.

The foregoing is a report which primarily summarizes material supplied to the New York State Advisory Committee by Dr. Donald Shaughnessy. It also draws upon "Apprentices, Skilled Craftsman and the Negro," a publication of the New York State Commission for Human Rights, and the experience of Frank Logue, Regional Consultant to the United States Commission on Civil Rights for New York and the New England States.

TENNESSEE

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Negro Participation in Apprenticeship Training Programs in Tennessee

As part of a larger study of training and educational opportunities for Negroes under specialized types of instruction and programs, the Tennessee Advisory Committee to the United States Commission on Civil Rights undertook a limited inquiry into the status of Negro participation in training programs registered with the Federal Bureau of Apprenticeship and Training. The Committee concerned itself with the extent of Negro participation in apprenticeship training programs, the range of access to such programs, and the extent to which nondiscriminatory policies are incorporated into apprenticeship programs.

APPRENTICESHIP PROGRAMS AND TRAINEES

At the beginning of 1963, apprenticeship training programs in Tennessee embraced about 50 crafts and trades, according to reports of the Federal Bureau of Apprenticeship and Training. Involved in the programs were 2,926 trainees distributed throughout the State as shown in table I. The distribution of trainees among the crafts and trades, ranked according to the number of persons involved in each program, is shown in table II.

Of the 50 crafts and trades listed in table II only 4 were known to have included Negro apprentices until about 2 years ago. These four were: bricklayers, carpenters, roofers, and cement finishers. The situation is about the same today except for four labor-management sponsored programs in the Union Carbide Nuclear Company in Oak Ridge. One Negro apprentice was enrolled in each of the following programs in Oak Ridge about 2 years ago: electrician, machinist, sheetmetal, and millwright. In June 1963 there were openings for two additional apprentices in the Union Carbide program.

Although reliable data on Negro participation in apprenticeship training programs are scarce, enough information has been obtained to suggest extremely limited participation in these programs on the part of Negroes as well as sharp restrictions in scope and range of access to apprenticeship programs.

Negroes make up 16.4 percent of the population of the State of Tennessee. Of the State's 127,816 craftsmen and kindred workers, Negroes comprise about 9,100 or 7 percent of the total number. From all information available to the Advisory Committee--interviews with officials of the schools where related instruction is offered, officials of organized labor, and the State Supervisor of Apprenticeship and Training--it seems fair to estimate that at most 1 percent of the apprentices in Tennessee are Negroes. On the basis of a 1 percent estimate, 1 Negro apprentice is in training for every 426 craftsmen and kindred workers in Tennessee in comparison with 1 white apprentice in training for every 44 craftsmen in the State. Furthermore, only 1 Negro apprentice is being trained for every 303 Negro craftsmen and kindred workers in comparison with 1 white apprentice for every 41 white craftsmen. Thus both in terms of projected demands for skilled craftsmen as well as in terms of normal attrition, Negro craftsmen are not being trained in proportion to the needs of the economy and at a rate significant enough to guarantee the necessary supply of Negro craftsmen. The skilled trades are, and will continue to be, in a significantly better position to replace losses through attrition and meet future demands with white skilled craftsmen than they will be with skilled Negro craftsmen.

Not only are the few Negro apprentices in the State confined to the trowel trades, carpentry, and roofing trades, with the exception of the Oak Ridge program previously mentioned; in addition apprenticeship training for Negroes is largely confined to Memphis.

Field representatives of the Bureau of Apprenticeship and Training were asked by the Advisory Committee to make a determination of the extent of participation by Negroes in registered programs. Responses received from the Bureau representatives tend to suggest that training available to Negroes is rather sharply restricted to "all Negro" craft unions. Such unions exist primarily in carpentry and the trowel trades. Their responses are perhaps indicative of "traditional thinking" among those involved with the development of apprenticeship programs regarding Negro access to these programs. The responses of four field representatives follow:

1. Carpenters Local Union 1937 . . . is an all-Negro union, but has done nothing about apprenticeship. This union is a member of the Mid-Tennessee Carpenters District Council.

2. To the best of my knowledge, there is only one Negro craft union in this area. It is Carpenters Local Union 1986, Memphis, Tennessee. It has a total membership of 54 journeymen and 1 apprenticeship. This apprentice was initiated in the Local Union in 1959, and I understand from the Business Agent, Mr. J. N. Cowan, that the four years have expired.

About two years ago a survey was made in the Carpenters' trade to determine the amount of apprenticeship activities. At that time it was reported that there was only one apprentice in the union. I assume this is the same apprentice that is in the union at the present time.

In recent years apprentice members of Local 1986 have participated in the Memphis Carpenters Apprenticeship programs; however, to the best of my knowledge, the apprentice who is presently in the local union has never appeared before the apprenticeship committee. I assume from the discussion I had with the Business Agent of Local 1986, that this apprentice is not receiving any related instruction whatsoever. In fact, the Business Agent stated to me on Monday, March 25, 1963, that he did not even know where the apprentice was working.

3. Knoxville Carpenters Local 1021 is the only colored local in the area. They do not, and have not, for my tenure in the Knoxville Office, made any efforts to train. The local does not have a Business Representative nor do they have any contractors under contract to use their members.
4. I do not know of any craft unions in this area whose membership is restricted solely to members of the colored race.

To the best of my knowledge all craft unions in this area accept qualified journeymen for membership regardless of race. None of them has ever refused to work on a project employing Negro journeymen. I have an all-Negro INW program registered in my area--it is the Roland A. Dykes masonry contractor program of Newport. The trade is bricklayer. . . . No apprentices are registered with us at the present time.

Very few all-Negro craft unions exist in Tennessee; many all-white craft unions exist. This is so even though union policy is to admit persons to membership on a nondiscriminatory basis insofar as race is concerned. Table V includes some of the all-Negro and all-white craft unions.

The existence of all-Negro and all-white unions obviously influences access of Negroes to apprenticeship training programs. In the electrical, plumbing, and pipefitting trades, for example, failure of Negroes to be absorbed into apprenticeship programs is attributable to the fact that these unions are for all practical purposes all-white. The accessibility of the carpentry, trowel, and roofing trades to Negro apprentices is due to the existence of racially mixed or all-Negro unions. Furthermore, where racially mixed craft unions are in existence, more often than not Negro members are not journeymen craftsmen but are part of an industrial union. For example, such is the case in the machinist union which represents the workers at the AVCO plant in Nashville. In most instances in Tennessee, Negro journeymen have been responsible for providing the necessary guidance and endorsement for admission of Negro youths to apprenticeship programs. However, the number of Negro journeymen in the crafts, trades, and unions is so small that opportunities for Negro youths to enter apprenticeship programs are extremely limited.

AVAILABILITY OF PUBLIC SCHOOL FACILITIES

Apprenticeship training programs rely substantially upon public school facilities for "related instruction" and course work. Such instruction is designed to provide trainees with specialized knowledge necessary to become a journeyman in an apprenticeable craft. With the exception of Memphis, no evidence was found of apprenticeship courses or related instruction in the public schools either available to or being pursued by Negroes.

In Memphis and Nashville enrollment in apprenticeship courses and related instruction reflects rather sharply prevailing limitations faced by Negroes in obtaining apprenticeship training throughout the State. Table III provides information on four schools in the two cities. These schools have the major responsibility for vocational and technical training programs in the public schools. As indicated in the table, two schools are all-Negro and two are all-white. The table reflects the differences in participation in apprenticeship training courses on the part of Negroes and whites.

In general, Negroes in Tennessee do not have access to nonsegregated vocational and technical training schools. Programs in Negro schools are oriented toward "traditional Negro jobs." Thus with access to the craft unions limited and practically no access to vocational and technical schools on a nonsegregated basis, it is virtually impossible for Negro youth or adults in Tennessee to receive training in the crafts and trades except in those areas previously mentioned.

NONDISCRIMINATION CLAUSES

The Federal Bureau of Apprenticeship and Training represents the Federal Government's efforts to promote apprenticeship training. The Bureau, in addition to establishing programs of apprenticeship and training by working closely with State agencies, trade and industrial education institutions, and management and labor, provides technical assistance for setting up all programs registered with it.

As of July 1961 the Federal Bureau of Apprenticeship and Training announced a policy to the effect that new programs or those being amended would not be accepted for registration unless such programs contained a statement that all persons would be accepted for the program without regard to race, creed, color, or national origin. During the early part of 1963 an attempt was made to determine the extent to which registered programs in Tennessee contained a nondiscriminatory policy. Table IV summarizes the number of such programs and exhibit A sets forth the programs with such clauses.

The effect of the clause on the programs has not been determined. Interviews with representatives of the Bureau of Apprenticeship and Training, however, indicate that special effort is being put forth almost daily to get additional sponsors to include explicit statements of a nondiscriminatory policy in their programs.

SUMMARY

In summary, Negroes in Tennessee are grossly underrepresented in apprenticeship training programs. Several factors account for this:

1. Racial exclusion by craft unions;
2. Racial discrimination in hiring and other employment practices by business and industry;

3. Limitation of access to apprenticeship training generally to all-Negro unions or mixed unions (this confines Negro apprentices primarily to masonry, roofing, and carpentry and keeps them from more skilled occupations--see table II);
4. Lack of information concerning employment opportunities in the skilled trades;
5. Inadequate guidance and counseling at home and in school;
6. Limited opportunities in the public school system--Memphis alone has apprenticeship courses or related instruction available to Negroes;
7. Failure of informal training outside apprenticeship programs to develop skills to meet present day standards.

EXHIBIT A

Registered Apprenticeship Training Programs in Tennessee
with Nondiscrimination Clauses--April 1963

REGION I - NASHVILLE

1. ARO, Inc., Tullahoma
2. Ford Motor Co., (Glass Plant), Nashville
3. Tennessee Valley Authority, Knoxville
4. Malcolm Alley, Contractor, Sparta
5. Chromalox, Inc., Murfreesboro
6. Hacket Precision Co., Nashville
7. J. W. Ferguson Mfg. Co., Hendersonville
8. Ross Gear & Tool Co., Lebanon
9. Sparta Planing Mills, Sparta
10. Walden Ridge Coal Co., Walden Ridge
11. Mid-South Tool & Die Co., Nashville

REGION II - MEMPHIS

1. Memphis Electrical Joint Apprenticeship Committee
2. Memphis Plumbers Joint Apprenticeship Committee
3. Memphis Pipefitters Joint Apprenticeship Committee
4. Memphis Lathers Joint Apprenticeship Committee
5. Memphis Plasterers Joint Apprenticeship Committee
6. Memphis Roofers Joint Apprenticeship Committee
7. Forging Die Engineering Co., Memphis
8. National Die & Machine Works, Memphis
9. Harlan Tool & Die Co., Memphis

REGION III - CHATTANOOGA

1. Chattanooga Painters Joint Apprenticeship Committee
2. Chattanooga Carpenters Joint Apprenticeship Committee
3. Eureka Foundry, Chattanooga
4. U.S. Pipe & Foundry (4 programs), Chattanooga

EXHIBIT A (continued)

REGION IV - KNOXVILLE

1. *Fulton Sylphon Div., Robertshaw-Fulton Controls Co.,
Knoxville
2. Oak Ridge National Laboratory, Oak Ridge
3. Union Carbide Nuclear Co., Oak Ridge
4. *Carpenters Joint Apprenticeship Committee,
Local Union No. 50, Knoxville
5. Carpenters Local No. 1021, Knoxville
6. Carpenters Local No. 2132, LaFollette
7. *Electricians Joint Apprenticeship Committee, Knoxville
8. *Electricians Joint Apprenticeship Committee, Oak Ridge
9. Iron Workers Local No. 384, Knoxville
10. Lathers Joint Apprenticeship Committee, Knoxville
11. *Painters & Decorators Joint Apprenticeship Committee,
Knoxville
12. Millwrights Local No. 1002, Knoxville
13. Plasterers Cement Workers Joint Apprenticeship Committee,
Knoxville
14. *Plumbers & Steamfitters Joint Apprenticeship Committee,
Knoxville
15. *Sheetmetal Workers Joint Apprenticeship Committee,
Knoxville
16. *Masonry Joint Apprenticeship Committee, Knoxville

REGION V - KINGSPORT

1. Cherokee Electric Co., Kingsport
2. Center Street Restaurant, Kingsport
3. Bristol Tennessee Electric System, Bristol
4. Elizabethton Electric System, Elizabethton
5. Greeneville Light & Power System, Greeneville
6. Tri-Cities Area Electrical JAC, Kingsport
7. Johnson City Area Pipe Trades JAC, Johnson City
8. Raytheon Company-Area/Weapons Div., Bristol
9. Morristown Tool & Die Div., Henrite Corp., Morristown
10. Universal Insulation Corp., Johnson City
11. Wall Tube & Metal Products Co., Newport
12. Taylor Construction Co., Elizabethton
13. American-St. Gobain Corp., Kingsport
14. Watson Lithographing Co., Kingsport
15. Wininger Motors, Kingsport

* These programs have verbally accepted the nondiscriminatory clause and are in the process of revising their standards to include a nondiscriminatory statement.

Table I

Number of Persons Enrolled in Registered Apprenticeship
Training Programs in Tennessee by Region--January 1963

| Region | Office | Number enrolled | Percent of total |
|--------|-------------|--------------------|---------------------|
| State | Nashville | 2,926 | 100.0 |
| I | Nashville | 996 | 34.0 |
| II | Memphis | 613 | 21.0 |
| III | Chattanooga | 441 | 15.1 |
| IV | Knoxville | 457 | 15.6 |
| V | Kingsport | 419 | 14.3 |

Table II

Distribution of Apprenticeship Trainees in Tennessee by Craft--January 1963

| Craft or trade | Number | Percent | Rank |
|-------------------------------------|--------|---------|------|
| TOTAL FOR ALL CRAFTS | 2,926 | 100.0 | |
| **Carpenter | 498 | 17.0 | 1 |
| **Electrician--Oak Ridge | 406 | 13.9 | 2 |
| Plumber-pipe fitter | 221 | 7.6 | 3 |
| **Bricklayer, stone mason | 202 | 6.9 | 4 |
| **Roofer | 195 | 6.7 | 5 |
| **Sheet metal worker--Oak Ridge | 187 | 6.4 | 6 |
| Painter-decorator | 174 | 5.9 | 7 |
| **Machinist--Oak Ridge | 153 | 5.2 | 8 |
| Ironworker erector | 111 | 3.8 | 9 |
| Maintenance mechanic repairman | 100 | 3.4 | 10 |
| Tool and die maker | 99 | 3.4 | 11 |
| Lineman | 60 | 2.1 | 12 |
| Compositor (printer) | 55 | 1.9 | 13 |
| Electrical worker (light and power) | 36 | 1.2 | 14 |
| **Automotive mechanic | 31 | 1.1 | 15 |
| Printing pressman | 30 | 1.1 | 16 |
| Glazier | 28 | 1.0 | 17 |
| Bookbinder, binding worker | 27 | 0.9 | 18 |
| Tile and terrazzo maker | 25 | 0.9 | 19 |

| | | | |
|--|----|-----|-------|
| *Plasterer | 26 | 0.9 | 20-21 |
| Miscellaneous metal trades | 26 | 0.9 | 20-21 |
| Lather | 24 | 0.8 | 22-23 |
| Electrical worker (other) | 24 | 0.8 | 22-23 |
| Butcher meatcutter | 22 | 0.7 | 24 |
| **Millwright--Oak Ridge | 21 | 0.7 | 25-26 |
| Boilermaker | 21 | 0.7 | 25-26 |
| Heavy duty equipment mechanic | 13 | * | 27 |
| Carman | 10 | * | 28 |
| Cement mason | 9 | * | 29-32 |
| Operating engineer | 9 | * | 29-32 |
| Auto body builder-repairman | 9 | * | 29-32 |
| Lead burner | 9 | * | 29-32 |
| Patternmaker and modelmaker | 7 | * | 33-34 |
| Stereotypier | 7 | * | 33-34 |
| Baker | 6 | * | 35 |
| Ironworker-fabricator | 5 | * | 36-38 |
| Mailer | 5 | * | 36-38 |
| Painter (except construction) | 5 | * | 36-38 |
| Optical technician | 4 | * | 39-40 |
| Draftsman designer | 4 | * | 39-40 |
| Lithographer | 3 | * | 41-42 |
| Molder-Coremaker | 3 | * | 41-42 |
| Floorcoverer | 2 | * | 43-47 |
| Sprinkler filter | 2 | * | 43-47 |
| Orthopedic-prosthetic technician | 2 | * | 43-47 |
| Cook, restaurant | 2 | * | 43-47 |
| **Upholsterer | 2 | * | 43-47 |
| Powerhouse electrician | 1 | * | 48-50 |
| Blacksmith | 1 | * | 48-50 |
| Miscellaneous construction trades | 1 | * | 48-50 |
| * Less than one-half of 1 percent. | | | |
| ** Known to have included Negro apprentices within past 2 years. | | | |

Table III

Enrollment in Apprenticeship Training Courses and Related
Instruction Courses for Apprentices in Vocational
and Technical Schools and Programs
Nashville and Memphis
1961-1962

| Trade | Memphis | | Nashville | |
|-------------------------|-------------|-----------|-------------|---------|
| | High school | | High school | |
| | Technical | Booker T. | Hume-Fogg | Pearl |
| | (white) | (Negro) | (white) | (Negro) |
| Electrician | 72 | 0 | 111 | 0 |
| Pipefitter | 31 | 0 | 19 | 0 |
| Plumber | 14 | 0 | 19 | 0 |
| Lathers and Plasterers | * | * | 27 | 0 |
| Carpenters | 45 | 0 | 95 | 0 |
| Bricklayers | 31 | 0 | * | * |
| Advanced projection | * | * | 18 | 0 |
| Sheetmetal | 33 | 0 | * | * |
| Math. and physics (mgt) | * | * | 43 | 0 |
| Painter | 12 | 0 | * | * |
| Roofer | 34 | 31 | * | * |
| * No programs reported | | | | |

Table IV

Distribution by Region and City of Apprenticeship Training
Programs With Nondiscriminatory Clauses--April 1963

| Region and City | Total | Management Sponsored | Joint Apprenticeship Committee |
|-------------------|-----------|-------------------------|-----------------------------------|
| <u>State</u> | <u>55</u> | <u>32</u> | <u>23</u> |
| <u>Region I</u> | 11 | 11 | 0 |
| Nashville | 4 | 4 | 0 |
| Tallohoma | 1 | 1 | 0 |
| Sparta | 2 | 2 | 0 |
| Murfreesboro | 1 | 1 | 0 |
| Hendersonville | 2 | 1 | 0 |
| Lebanon | 1 | 1 | 0 |
| Waldan Ridge | 1 | 1 | 0 |
| <u>Region II</u> | 9 | 3 | 6 |
| Memphis | 9 | 3 | 6 |
| <u>Region III</u> | 4 | 2 | 2 |
| Chattanooga | 4 | 2 | 2 |
| <u>Region IV</u> | 16 | 3 | 13 |
| Knoxville | 12 | 1 | 11 |
| Oak Ridge | 3 | 2 | 1 |
| La Follette | 1 | 0 | 1 |
| <u>Region V</u> | 15 | 13 | 2 |
| Kingsport | 6 | 5 | 1 |
| Bristol | 2 | 2 | 0 |
| Elizabethon | 2 | 2 | 0 |
| Greeneville | 1 | 1 | 0 |
| Morristown | 1 | 1 | 0 |
| Johnson City | 2 | 1 | 1 |
| Newport | 1 | 1 | 0 |
| Source: Table V | | | |

Table V
 Membership by Race of Selected Craft Unions in Tennessee (Percent)

| Union | Local Number | Membership Percent | |
|------------------------------|--------------|--------------------|-------|
| | | Negro | White |
| <u>Memphis</u> | | | |
| Carpenters | 345 | 0 | 100 |
| Carpenters | 1946 | 100 | 0 |
| Electrical | 414 | 0 | 100 |
| Ironworkers | 167 | 0 | 100 |
| Sheetmetal workers | 4 | 0 | 100 |
| Bricklayers | 1 | 12 | 88 |
| Plasterers and cement masons | 521 | 60 | 40 |
| Plumbers | 17 | 0 | 100 |
| Hod carriers | 126 | 98 | 2 |
| Roofers | 115 | 20 | 80 |
| Steamfitters | 614 | 0 | 100 |
| Typographical | 11 | 0 | 100 |
| <u>Nashville</u> | | | |
| Carpenters | 507 | 0 | 100 |
| Carpenters | 1937 | 100 | 0 |
| Electrical | 316 | 0 | 100 |
| Electrical | 492 | 0 | 100 |
| Electrical | 1836 | 0 | 100 |
| Ironworkers | 492 | 0 | 100 |
| Plumbers | 352 | 0 | 100 |
| Sheetmetal | 177 | 0 | 100 |
| Steamfitters | 572 | 0 | 100 |
| Bricklayers | 4 | 5 | 95 |
| Elevator Constructors | 64 | 0 | 100 |
| <u>Chattanooga</u> | | | |
| Electrical | 175 | 0 | 100 |
| Electrical | 721 | 0 | 100 |
| Electrical | 846 | 0 | 100 |
| Plumbers and steamfitters | 43 | 0 | 100 |
| Typographical | 89 | 0 | 100 |
| <u>Knoxville</u> | | | |
| Electrical | 365 | 0 | 100 |
| Electrical | 760 | 0 | 100 |
| Plumbers and steamfitters | 102 | 0 | 100 |
| Sheetmetal | 194 | 0 | 100 |
| <u>Jackson</u> | | | |
| Electrical | 835 | 0 | 100 |
| Electrical | 900 | 0 | 100 |
| Plumber | 407 | 0 | 100 |

WISCONSIN

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Introduction

The Wisconsin Advisory Committee decided to explore the problem of discrimination in the apprenticeship programs by conducting an open meeting in Milwaukee to gather the opinions of informed representatives of labor, management, government, and civil rights organizations. The meeting was held in the Federal building on January 17, 1963. From the transcript of this session and from written materials submitted by the participants, the Advisory Committee did obtain some insight into a very murky subject. The Committee also found, however, that while there is information on apprenticeship training for nonwhites in Wisconsin, if one knows where to look for it, actual knowledge of the program is vague, sketchy, and largely second hand.

Currently apprenticeship programs conducted jointly by industrial management and the labor unions supply the trades with skilled craftsmen who must replace those who die, retire, or leave the trades year after year. Statistics indicate that at present, programs of apprenticeship training are not keeping pace with the rate of growth in the trades. Apprenticeship training or the lack of it, therefore, is a concern for all people in Wisconsin. The public interest of the State requires that workers continue to acquire and improve those skills which will enable them to remain gainfully employed in an era which is witness to the continuing contraction of opportunity for semi-skilled and unskilled labor. If the manpower resources of the State are to be utilized to the fullest, it is essential that no qualified person be denied participation in apprenticeship programs because of race, creed, color, or national origin.

Opportunities in Apprenticeship in Wisconsin

There are approximately 4,000 apprentices in Wisconsin at the present time. This figure must be approximate because there is a conflict in the sources of information. Mathias Schimenz, chairman of the Wisconsin Industrial Commission, the agency responsible for the State's apprenticeship program, told the Committee that there were 4,200 apprentices in 1962 "including barbers and cosmetologists"; the Federal Bureau of Apprenticeship and Training reported 3,956 registered apprentices as of June 30, 1963; the 1960 census, the only source of racial figures, indicated 1,847 apprentices, 12 of whom were Negro, but this total figure is probably far from correct.

Mr. Schimenz asserted that the critical problem for the economy of the State is the small total number of apprentices. With a skilled labor force of 160,000 people, 4,000 apprentices will not even be able to replace those who die, retire, or leave the work each year. If one industry out of five maintained apprenticeship programs, the need for skilled workers could be met. Only about one thirty-third of the industries in Wisconsin, however, are participating in apprenticeship training programs. It was indicated that many employers were reluctant to use apprentices because the trainees are "stolen" by other concerns as soon as they are trained; on the other hand, there was some indication that labor does not encourage expansion of the programs because it feels that it is tough enough to keep all the members employed all year. Yet it is in the public interest and particularly in the interest of the State of Wisconsin to sustain a skilled labor pool capable of maintaining our economic position and attracting new industry to the area. Dr. George Parkinson, director of the Milwaukee Vocational and Adult School, told the Committee that skilled labor is Wisconsin's "greatest natural resource." All indications, however, are that this resource will be seriously depleted if the current situation does not change.

Figures from the Milwaukee Vocational School show that despite the city's growth, the number of students attending the school has decreased from 9,515 in 1930 to 944 at the present time. At the end of World War II, 14,000 were participating in apprenticeship training in Wisconsin. The current figure is around 4,000. The rate of decrease in the number preparing for skilled positions is alarming in view of the accompanying decline in demand for the unskilled and semi-skilled workers.

Participation by Negroes in Apprenticeship Training

There is virtually no participation by Negroes in apprenticeship training in Wisconsin. Exact figures are not available but the number of Negro apprentices (12) found by the 1960 census-takers at least provides a minimum figure. Anthony King, vice president of the Milwaukee Building and Construction Trades Council was unable to account for any nonwhite apprentices in training for the building trades. Al Redman, president of the Milwaukee Typographical Union and a member of the Joint Apprenticeship Committee for his trade, could not recall a Negro apprentice in his seven and a half years of service. The business manager of the Milwaukee local of the International Brotherhood of Electrical Workers, Rex Fransway, recalled that his union had received applications from only five Negroes in his memory, and none of these had been found qualified. Because Negroes are not in the apprenticeship programs, it was not surprising that there is but a handful of Negro journeymen in all the building and printing trades in Wisconsin.

Is this a problem of discrimination by those responsible for the apprenticeship programs? This question cannot be satisfactorily answered by our Committee at this time. It was evident from the testimony of all participants that very few Negroes ever applied for the apprenticeship programs. The representative of the Building Trades Council could recall only one applicant; the Electrical Union, only five; the Typographical Union, one. The lack of formal applications by Negroes for the programs does not fully answer the question. It was difficult even for our Advisory Committee in a day-long session with experts in the apprenticeship field to get a clear picture of how one actually does apply for an apprenticeship. One fact emerged, however: A youngster trying to break into the field without expert assistance would find it discouragingly difficult to get the necessary information.

The Wisconsin Industrial Commission publishes a guide for school counselors on apprenticeship, which lists seven sources of further information on opportunities. Among these are three government agencies, the Industrial Commission itself, the State Employment Service, and the Federal Bureau of Apprenticeship and Training. The Committee was told, however, that none of these agencies engage in placement or hiring of apprentices. The local schools of vocational and adult education are suggested as the possible hiring point, but the director of the Milwaukee Vocational and Adult Schools,

Dr. George Parkinson, told us that the schools have no role in the selection of apprentices. They only provide "related [school] instruction." The local trade union is also suggested, but the union officials told us that the employers do the hiring. Employers are suggested, but if there is a trade association, it is suggested that it be contacted. If there is a joint apprenticeship committee, it is suggested as a source of information. From the testimony we did get the idea that if the applicant succeeds in locating the joint apprenticeship committee (the committees are not listed in the telephone directory) he would at least have found the place where the actual selection is made. The final suggestion in the guide for counselors is "Friends and/or relatives already engaged in the trade." This seemed to the Committee to be the contact most likely to produce results. But since this means is open only to those having friends or relatives in the skilled trades, it is obvious that the practical result is to exclude most nonwhites.

There exist no means by which the Negro youth or the general public may receive notice of specific apprenticeship openings. The Joint Apprenticeship Committees, consisting of labor and management representatives, maintain lists of applicants for the slots and fill them as needs occur. These committees are usually dominated by the craft unions and are guided by their needs. Workers employed in the trades in capacities other than craftsmen, such as helpers, having friends or relatives within the trades willing to recommend them, have the best chances of getting their names on the apprentice lists. Openings are quietly filled and those passed over never hear a word. The entrance requirements, preference of relatives or friends, and absence of information made available to the general public make it difficult for any potential apprentice without connections to gain access to the program.

The Negro youth aspiring to become a craftsman confronts frustration even in the absence of discrimination. If all factors are equal and a union does not discriminate on a racial basis, the preference for friends and relatives of union members operates to exclude him as effectively as does racial discrimination. Since Negroes have been excluded from many unions and trades over a period of time, there is no one on whom the young Negro may rely for information about apprenticeship openings or for a recommendation that he be given consideration.

The Negro community is aware that special privilege is available for sons and nephews of craftsmen, and senses that there is no desire by the responsible parties to have Negroes apply. The Advisory Committee was told by Negro leaders that changes in selection procedures to compensate for the exclusionary family preference

system were much needed. A representative of a number of Negroes employed by a local railroad objected to the waiting list technique; he said that eight Negroes on the list of those waiting to be machinists' apprentices had never heard from the union or the employer. Lloyd Barbee, president of the NAACP State Conference, suggested that the lists be revised every 6 months or so in order to exercise some control. It takes considerable effort for a Negro youth to find out about apprenticeship. If he is to survive the selection process, he must be as determined and as persistent as the children who are breaking the walls of school segregation in the South.

A major problem is that in this area motivation is not high. Unless apprenticeship is viewed by both white and Negro in the proper perspective, as a training period in which the hours are long and the pay is low until the skills are acquired and the better job achieved, it can have very little attraction for those not familiar with its rewards. Negro youngsters have had minimal association with craftsmen because of the persisting employment patterns. If they are apt and are doing well in school they will elect to prepare for the professions or white-collar work. Mr. Schimenz of the Wisconsin Industrial Commission conducted a survey of high school graduates in Milwaukee for presentation to our Committee. The survey revealed that Negro students with better grades overwhelmingly chose academic courses, while Negroes who chose vocational training had grade averages so low as to indicate no potential for the apprenticeable trades. The brighter youths understandably seek training for employment they know to be more nearly open without regard to race. Additional factors inhibiting entrance of Negroes were mentioned by Corneff Taylor, executive secretary of the Milwaukee Commission on Community Relations. These include low wages, lengthy terms of apprenticeship, and lack of financial assistance. These factors force many youths to forego long-range material rewards for immediate satisfaction of economic needs.

Although it is difficult to determine the relative importance of the various reasons for the lack of Negro participation in apprenticeship programs, it is clear that the problem is urgent. There is need for immediate action by schools, unions, employers, government, and the public at large. Failing such action, there will be further stratification of Negro employment patterns, with the great bulk of the Negro labor force condemned to menial positions at best, chronic unemployment at worst.

Efforts by the School System

The schools in Wisconsin recognize the crisis and the need to train skilled workers, but they have had little success in vocational education. The major problems seem to be in curriculum planning and in guidance and counseling.

Most apprenticeship programs in Wisconsin require a high school diploma for entrance. The students who go into vocational education at schools like Boys Technical and Trade High School in Milwaukee have excellent prospects for job success in the trades, and some are even granted a waiver of 12 months of their apprenticeship for having graduated from this school. Yet fewer and fewer students, white and nonwhite, are attracted to this program. The Milwaukee school system has a better record than any other major city in graduating beginning high school students, but few of these graduates are motivated to enter the skilled trades. The most serious problem in this regard is with the Negro students, since almost none of the brighter members of this group select other than academic courses.

T. J. Kuemmerlein, a Milwaukee school official, told us:

You would be amazed at the aspirations of some of these youngsters of limited ability aspiring to go into college, to go into some of the professions, and you know very well that their abilities are limited and they can't do it. It's heartening to see the desire and motivation, but it is also disheartening to realize that somewhere along the line there will come the awakening that this is not for this youngster.

He said the reason so few Negroes are in the apprenticeship programs is that those who show preference for trade training are largely unqualified. Although these youngsters are provided every opportunity in the schools, the schools "can't make up for all the inadequacies of the community, the family and all the backgrounds these young people have." Through counseling and guidance much could be done to attract students with aptitude for skilled labor into the proper channels.

Dr. Parkinson of the Vocational School thought the problem was aggravated by school officials focusing on the gifted and backward students and neglecting the large middle group, 78 percent of the school population, from whom the community might draw its skilled workers. Impressive special programs exist in the schools for the very bright pupils, and a new pilot program seeks to stimulate communication, motivation, and adjustment for the culturally deprived children who have newly arrived in Milwaukee from backward areas of the country. There seems to be too little attention given to the "average" student. It would be encouraging to see some intense effort to stimulate and properly prepare students who might eventually go into vocational education.

Federal Government Efforts

In addition to providing staff help for Wisconsin's Apprenticeship Division, the Federal Bureau of Apprenticeship and Training has placed an industrial training advisor in its Chicago regional office. According to the Labor Department press release announcing his appointment, he "will work with unions and employers to persuade them of the importance of accepting persons from minority groups into their ranks." This official's responsibility covers the States of Illinois, Indiana, and Wisconsin. He has been on the job since July 1962. The Advisory Committee wanted him to testify at the meeting, but was advised that he had not as yet made any contact with apprenticeship people in Wisconsin. At the time of our meeting he was devoting his time to making calls in the Chicago area trying to negotiate "plans of acceptance" in industrial plants there. He had no immediate plans to work in Wisconsin.

State Government Efforts

The Wisconsin Industrial Commission through its Apprenticeship Division undertakes the promotion of apprenticeship and the maintenance of apprenticeship standards throughout the State. The Division is assisted by the Bureau of Apprenticeship and Training of the United States Department of Labor by having on the Division staff eight or nine Bureau personnel. Apprenticeship standards are spelled out in the Wisconsin Apprenticeship Law (chapter 106), and there is a statutory requirement that no distinction be made on account of race. Industrial Commission Chairman Mathias Schimenz told the Advisory Committee at the Milwaukee meeting that:

The Commission is not involved in the recruitment, placement or training of apprentices. These functions rest with the individual employers and because participation by employers under the law . . . is purely voluntary, the Commission cannot dictate to employers whether or not they must employ apprentices from minority groups. . . . The Commission will not interfere unless something in the [apprenticeship] agreement is contrary to apprenticeship law. . . . Although the Commission cannot dictate to employers as to whom they employ as apprentices, it can and does promote and advise employment of apprentices from minority groups. All statewide standards of apprenticeship, revised and approved by the Commission during the last 18 months, contain the following provision: "All applicants will be afforded equal employment opportunities regardless of race, creed, color, or national origin". . . . This is in accord with the President's recommendation and will be provided in all standards as they come up for revision. . . .

The Commission says that it has had fair success in recent months through persuasion. It states that recently a Negro completed a foundry apprenticeship, two colored carpentry apprentices have been indentured, and a Negro is on the waiting list for a plumber's apprenticeship.

It appeared to the Advisory Committee that a sincere effort was being made by the Industrial Commission to meet its responsibilities in this area, but that it was largely hamstrung by a weak apprenticeship law which prevents it from undertaking meaningful programs to promote minority group participation.

The other governmental efforts to achieve equal employment opportunities and to stimulate Negro participation in training programs have been almost negligible in Wisconsin. It was pointed out that government agencies do not have the necessary personnel to deal with the problem. The Fair Employment Practices Division of the Industrial Commission has only six staff members for the entire State. The Milwaukee Commission on Community Relations has only one staff member and many of the communities have no paid staff at all.

Management and Labor

The Advisory Committee feels that there is a high degree of awareness in both the management and labor groups of the problems in connection with the lack of opportunity for Negro youth in the skilled trades. The business and union leaders who responded to our invitation to appear at the open meeting all seemed to have given some thought to solutions to the problems. Certainly this general attitude of good will is not unexpected in a forward-looking State like Wisconsin.

The president of the Milwaukee Urban League, Roy Dingman, is also the vice president in charge of personnel relations at the A.O. Smith Corporation, one of the city's major industries. He testified that his company had upgraded Negroes into skilled jobs and said that the experience of the company belied the stereotyped notions many people have about the capacity of nonwhites for bettering their lot in industrial life. He thought the relatively small number of Negroes in his company's apprenticeship program was due to lack of attempts by Negroes to enter this field. He urged Negroes to acquire a good grounding in mathematics and the principles of a trade such as electrician in order to take advantage of the opportunities available.

Eugene Kasal, executive director of the Electrical Contractors Association felt that lack of interest was the reason so few nonwhites had entered electrical occupations. He stated that ". . . there is no direct attempt being made to inhibit the entrance of nonwhite young people into the apprenticeship programs. . . . There would be no objection on the part of the Joint Apprenticeship Committee to indenture a nonwhite apprentice, provided that the man had the qualifications and was in a position to come up to the standards that the Committee has." He did warn that "the journeymen themselves might not be inclined to cooperate to the extent of training the boys, so they would be in that position."

Some union officials seemed anxious to develop ways of bringing Negroes into the programs, but said there was little they could do since there were so few applications. The labor people were not so much reluctant to accept Negroes as they were anxious to keep the apprenticeship programs at a low enough level as not to threaten employment security of the journeymen. A union business manager complained that "journeymen are on the back of fellows like me and they want to know how come we load up with all these apprentices

when we might have known we weren't going to need them. 'You have got us unemployed because you put on too many apprentices.' . . . Regardless of what the general public thinks, we have more journeymen than the industry can keep working."

Despite the claims by union officials that their unions did not practice discrimination, the Advisory Committee felt that the almost total exclusion of Negroes from the apprenticeship and journeyman ranks of most of the unions indicated that some union practices, whether intended or not, do have a strong tendency to discourage Negro youth from entry. It is difficult to determine whether there is any prospect of improvement in the foreseeable future if such practices persist.

Community Action

The wiles and ways of the craftsman's world have attracted little attention from the community at large. There is little consciousness of the role of skilled labor in Wisconsin. Few people are aware that one of the best sources of new workers is being wasted through current apprenticeship practices.

The battle of minority groups in Wisconsin for equality of opportunity in education, in housing, and in other fields of human aspiration has perhaps overshadowed the increasing concern of Negro leaders here and elsewhere over lack of access to the skilled labor force. The National Association for the Advancement of Colored People has initiated projects in five Wisconsin cities--Milwaukee, Kenosha, Racine, Beloit, and Madison--to stimulate entry into the apprenticeship programs in those communities by informing the youth of the opportunities and by urging community assistance in the guidance of talented candidates.

The Milwaukee Urban League has long assisted young Negroes in bettering their economic lot, although the League's executive director, Wesley Scott, told the Committee that a "total community effort" is needed. The Urban League describes its work as job development, not job placement. "We sell the principle to the employers, [we] don't get a job for John Smith. . . . [I]t is true now as in the past that Negroes with skills and training are not working at their trades because they have faced discrimination and found it difficult to find employment."

An indication of some of the community effort necessary came from the statement of the Industrial Commission Chairman Schimenz:

Even though we were to build up the program to the point where each and every qualified employer in the State was training apprentices, this would result in no great benefit to minority groups if very few of them were qualified to fill the job. If we might offer a possible solution to the problem, it would be that efforts be concentrated to build up the

trainability background of prospective apprentices from minority groups. Although we can assume that as time goes by students from minority groups will be properly counseled and selected to prepare for apprenticeship training while in junior high school, present efforts should be directed toward some type of preapprenticeship training. . . . You are not going to be able to do the things we need in the State of Wisconsin without having skilled mechanics, and vocational training is going to be the education of the future in my book.

Conclusions

Wisconsin is a State which seeks to live its progressive tradition. It is proud of its record in human rights, its laws barring racial discrimination in employment, public housing, education, and public accommodations. When the public conscience has been aroused in this State, the people have taken strong action by law and voluntary effort to insure equal opportunity to all citizens regardless of race.

Equality of opportunity in apprenticeship training has not been achieved mainly because there has not been a community awareness of the problems to be overcome. Faced with an almost total exclusion of Negroes from training for the skilled trades, we, as citizens, must do more than speculate about the causes and remedies.

The most constructive approach to achievement of equal opportunity in apprenticeship is to increase the role of the public in the programs, without regard to the racial implications. Although the actual selection of apprentices is performed by a joint apprenticeship committee consisting of labor and management, the hiring is technically in the hands of the employer. But it is the union's assessment of its needs for trainees which appears to guide the joint committee, and it is the will of the union as expressed in the apprenticeship provisions of the contract that determines the hiring of apprentices by the employer. Employers, especially in the construction industry, claim that they have never attempted to influence the decision to bring trainees into a craft. Even though Government agencies are charged with assessment of the needs of the labor market and the appropriate "promotion of apprenticeship," they play a passive role. Even on the public works contracts of State and local governments, and on manufacturing and construction jobs for the Federal Government, there is no governmental mechanism for expanding training opportunities to meet the demands of the labor market for more craftsmen as such needs arise.

The apprenticeship system must be reformed to allow for an increased public role in the selection process. The public should be represented on the joint apprenticeship committees for the trades. The Wisconsin Industrial Commission and the Federal Bureau of Apprenticeship and Training should exert influence on the contracting officers for public works and Federal contracts to stimulate apprenticeship programs. The influence of the public on the

apprenticeship program would not only serve our economic needs for the training of skilled manpower, but would provide a framework for dealing with the problems of racial discrimination.

The vocational education program must be expanded to meet the demand for trained high school graduates prepared for entry into the trades. The school system has failed to provide adequate facilities for trade training. Counseling and guidance programs for high schools and the lower grades must be expanded.

To solve the problem of inclusion of Negroes in the crafts, there must be increased communication between the trades and the minority community. Labor and management could develop a program to disseminate information about apprenticeship to minority group youth, perhaps by means of apprenticeship information centers such as have been created in other areas. In addition, the State and Federal apprenticeship agencies, operating under current law, should initiate and effectuate meaningful programs to promote apprenticeship among minority youth.

There is a bright future for skilled workers in Wisconsin, and our Negro citizens must make every effort to share in it. Citizen groups concerned with civil rights should devote more forceful efforts to remove barriers which now keep Negro youth out of the skilled labor force. The result of increased efforts would benefit not only the nonwhites but in addition the economic and spiritual well-being of the entire State.

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