

CIVIL RIGHTS IN OAKLAND, CALIFORNIA

A report of an open meeting

By the Northern Subcommittee of the  
California State Advisory Committee  
to the United States Commission on  
Civil Rights

August 1967

CALIFORNIA STATE ADVISORY COMMITTEE

TO THE

UNITED STATES COMMISSION ON CIVIL RIGHTS

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## PREFACE

### The United States Commission on Civil Rights

The United States Commission on Civil Rights is an independent agency of the Executive Branch of the Federal Government created by the Civil Rights Act of 1957. By the terms of that Act, as amended by the Civil Rights Acts of 1960 and 1964, the Commission is charged with the following duties: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the law; maintenance of a national clearinghouse for information respecting denials of the equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

### The State Advisory Committees

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Committee; initiate and forward advice and recommendations to the Commission upon matters which the State Committee has studied; assist the Commission in matters in which the Commission shall request the assistance of the State Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

This report was submitted to the United States Commission on Civil Rights by the California State Advisory Committee. The conclusions and recommendations are based upon the Advisory Committee's evaluation of information received at the open meeting held in Oakland on May 24-25, 1966. This report has been received by the Commission and will be considered by it in making its reports and recommendations to the President and the Congress.

## INTRODUCTION

The California State Advisory Committee's Northern Subcommittee held an open meeting on May 24-25, 1966 to explore the civil rights problems in Oakland and to try to measure what progress had been made in meeting them. Participants in the meeting included Federal, State, and local employment, welfare, housing, and law enforcement officials; representatives of civil rights and civic groups, labor unions, and real estate associations; private employers and private citizens.

Although the open meeting was held last year, the California State Advisory Committee believes that its findings remain timely and indicate problems which still are in urgent need of solution. Even though some action might have been taken on some of the suggestions, the Advisory Committee believes that the suggestions listed in the report should receive the immediate attention of responsible government officials and community leaders.

## EMPLOYMENT

Employment is an area of great concern to Oakland citizens, especially to those in the Negro and Mexican American communities who feel that they are being discriminated against by public and private employers.

According to Rev. Donald Ganoung, urban consultant for the Episcopal Diocese of San Francisco, the Negro unemployment rate in Oakland is four times that of the white unemployment rate. In West Oakland, 25 percent of male Negroes over 20 years of age are unemployed; in North Oakland, 18 percent; in East Oakland, 15 percent. One-half of 1 percent of white-collar employees in Oakland are Negroes.

Elijah Turner, a member of the Oakland Council of Social Planning, pointed out that although 90 percent of the post office employees are Negroes, only 15 of 169 supervisors are Negroes. Generally, said Turner, in government service there are few Negroes or members of other minority groups in professional or supervisory jobs. In both public and private employment, he declared, minority group members are far more frequently found in menial and low paying jobs and, occasionally, not even in these.

Eugene Drew, Chairman of the Oakland chapter of CORE, reported that of approximately 3,000 waiter and bartender positions in the city, less than 2 percent of the former and less than 1 percent of the latter were held by Negroes.

Jack Ortega of the Mexican American Unity Council said that the problem of unemployment is even more acute for the Mexican American than for the Negro: "The Negro manages at least to get a clerk job or a mail carrier job," he declared. "...The Mexican can't even pass the first Civil Service examination."

It was alleged that less than one-half of 1 percent of all Alameda County government employees, the area which includes Oakland, are Mexican Americans and that job hunting is made more difficult for them because less than 2 percent of the State Employment Service employees are Mexican American.

The most frequent complaints were directed at the Bay Area Rapid Transit, known as BART, and the unions whose members will be working on BART's massive new construction program which will link communities on the East Bay with San Francisco. (It was also charged that BART's location will have a detrimental effect on some of the communities through which it will pass.) Thomas Fike, executive director of the Oakland Council on Religion and Race, said that BART officials had told him that 2,000 apprenticeships would be opened up in the Operating Engineers, a union of 10,000 members which, according to Fike, had 10 to 12 Negro members. In cooperation with BART, Fike added, the union had revised its procedures for becoming a journeyman in such a way as to exclude minority group members.

BART's community relations officer, James Brown, told the Committee that the system could not conduct job training programs; it could only enter into programs directly related to the construction of the rapid transit system. He stated that BART could not accept responsibility for hiring because its work agreement is with the contractor who hires the union employees to do the work. He added that BART requires a quarterly report from all contractors showing the ethnic composition of the work force but he was unclear as to what corrective action could be taken.

A representative of the Associated General Contractors, of whom more than 90 percent do Federal construction, acknowledged that each contractor simply accepts verbal assurances of nondiscrimination from the unions with which they deal. According to Clyde Johnson, a business agent for Carpenters Union Local 550, many local contractors subcontract with out-of-state firms, both union and nonunion, which, he said, he suspects are not following Federal guidelines regarding nondiscrimination. The result, Johnson reported, is that integrated plants in the Oakland area which comply with the guidelines are not getting work.

The Committee was told that the U.S. Department of Housing and Urban Development (HUD) had awarded BART more than \$1 million in Federal transportation demonstration grants, asking only that there be compliance in construction directly financed by Federal funds. It was felt among those who spoke on the subject that there should be more stringent Federal and local government sanctions against racial discrimination in the development of the transit system. A private citizens' committee, Justice for Bay Area Rapid Transit (JOBART), has been urging that:

1. minority group members who have held journeymen's status in other areas, but not in organized craft unions, be accepted into journeymen's status;
2. minority group members with some experience in the building trades be enabled to receive on-the-job training that will advance them to journeymen's status;
3. members of minority groups be admitted to apprenticeship programs. In addition, JOBART has demanded that BART

reject contract bids of any contractor who cannot provide a racially balanced labor force.

Robert Scheer, a journalist, alleged that the Federal programs and Federal money coming into the Oakland area have had no impact on employment discrimination. "...It is always assumed that the intrinsic value of a program itself is more important than segregated schools. It is more important to build a post office than to end job discrimination... Until the Federal Government is willing to make that kind of commitment to end job discrimination, I maintain very little is going to be done about these problems."

While one member of the California Fair Employment Practices Commission (FEPC) praised the progress made by local employers toward the elimination of job discrimination, he felt that discrimination is still practiced, particularly by small employers. Remedial measures, he explained, are more difficult to effect because of the relative impotence of the State FEPC which has neither subpoena nor enforcement power.

Francis Jeffrey, executive director of the Alameda County Human Relations Commission, admitted that the county commission is also restricted in its authority. Because of a limited staff, he said, the Commission has not been able to concentrate its energy on eliminating discrimination in all parts of the county, a fact which, he stated, is partly responsible for the lack of coordination between State and county agencies and the communications gap between civil rights commissions and citizens. Of the 4,000 complaints filed with the State FEPC during the past six years, he said, only 300 came from Mexican Americans.



According to Louis Garcia, a member of the California FEPC, Mexican Americans are not familiar with the various services which are available to them. Most of them do not claim disability benefits or unemployment insurance or apply for public health services because they do not know about them. The public agencies are doing little to overcome the language barrier, Garcia asserted, which prevents adequate communication between the two groups.

#### Findings:

1. The unemployment rate for Negroes in the Oakland area is approximately four times that of the white unemployment rate and many persons in the Negro community feel they are being systematically eliminated from all but menial employment by public and private employers.

2. BART does not accept responsibility for the hiring practices of contractors and refused requests to conduct job training programs because it says it can only enter into programs directly related to the construction of the rapid transit system.

3. With few exceptions local unions are not taking meaningful steps to combat discrimination.

4. Local and State commissions, established to encourage fair employment, do not have adequate staff or authority to do the job effectively, communicate with the citizens, or coordinate their efforts.

#### Suggestions for Action:

1. The U.S. Office of Federal Contract Compliance should investigate the employment practices of Federal contractors in the Oakland area

and if its investigation substantiates the conditions indicated at the open meeting, the Federal Government should take all appropriate action to see that discriminatory practices are ended.

2. The Associated General Contractors should initiate a program which would encourage unions to eliminate race as a condition of membership.

3. JOBART, in its campaign for equitable recruitment, training, and contracting, should be supported by the Alameda County Central Labor Council, BART officials, the Associated General Contractors, and State and local human relations agencies.

4. State and local human relations agencies, including the California Fair Employment Practices Commission, the Alameda County Commission on Human Relations, and the proposed Oakland Advisory Committee on Human Relations:

- a. should be granted additional staff and enforcement and subpena powers;
- b. should improve coordination among themselves and communication with minority group members;
- c. should look more closely at State and local civil service practices, particularly as they affect the Mexican American community;
- d. should work with the California Technical Advisory Committee on Testing to revise the current testing procedures for employment and orient tests more directly to job skills;

e. should initiate a thorough and systematic review of private employment in the Oakland area, in cooperation with the U.S. Equal Employment Opportunity Commission.

5. The Central Labor Council of Alameda County should review the membership and employment practices of its affiliates and establish sanctions against those which discriminate on the basis of race, color, national origin, or religion.

## POLICE-COMMUNITY RELATIONS

The Committee was told that a serious lack of confidence in public authority prevails in Oakland. Citizens from the Negro and Mexican American communities charged that the city's chief of police supports a "get-tough" policy and rejects virtually all criticism of his department as unfounded. The chief's idea of improving the public image of the police, according to statements made to the Committee, was to invite ministers to ride with policemen to observe how well the police perform what the chief calls a "difficult task." Representatives of civil rights groups told the Committee that on the Oakland police force of 617, there are only 16 Negroes and four Mexican Americans.

Armando Rodriquez, an attorney working with a neighborhood center, alleged that patrolmen who are ordered by their superiors to write a certain number of tickets easily meet their quotas by arresting Mexican American and Negro drivers for traffic violations. Complainants also alleged that the police patrol the Mexican American and Negro neighborhoods in an effort to make arrests for any possible reason. Furthermore, it was charged that officers make no attempt to get the Mexican American's side of the story when that individual cannot communicate in English. The following examples of capricious arrests were offered:

A boy and his mother were arrested for a curfew violation.

Although the boy made no attempt to resist arrest, he was kept in handcuffs all night because police claimed they feared he would become violent.

Police forced their way into the home of a Negro family and beat the owner, his sons, and two white friends. The police said they had seen the white youths leaving the house and thought the residence was a house of prostitution. Although the defendants were later absolved of all charges, the officers involved in the incident were not reprimanded.

Police are motivated to harass members of minority groups not merely out of prejudice against Mexican Americans and Negroes but out of a belief that anyone involved in civil rights is ipso facto a part of the radical left and, therefore, against society, Rev. John Frickman, pastor of St. John's Lutheran Church, told the Committee.

John D. George, chairman of the board of directors of the Oakland Police Affairs Committee, described a proposal which his organization has submitted to the Oakland Economic Development Council. This proposal, favorably received by the Council, would provide for an equitable review of police brutality and harassment cases.

Robert J. Preston, chief of police, and Charles Gains, deputy chief of police, explained the work of the department in fostering good community relations. These efforts, they said, are highlighted by a five-man community relations division composed of two lieutenants and three sergeants. The division collects information and disseminates it throughout the force during classes offered for the department; a van which travels through minority neighborhoods seeking recruits; and attendance by police officials at community meetings.

According to Chief Preston, the force is particularly interested in recruiting Negroes and Mexican Americans. He noted that the shortage of policemen is the department's most pressing problem. In response to the brutality complaints lodged against the department, the chief admitted that on occasion officers have engaged in improper activities and their discharge from the force has sometimes followed. However, he defended the majority of the city's policemen, adding that they are often brutalized in the performance of their duties. As evidence of the good work of the department, he noted that only one formal complaint is filed for every 2,490 recorded police-community contacts. There is one sustained complaint where evidence is found to substantiate the allegation for every 6,036 contacts, he reported.

Both the chief and his deputy were opposed to a civilian review board. They argued that such a board would only serve to hamper police officers in the routine performance of their duties. They pointed out that relations between the police department and community leaders are sufficient to maintain a healthy community and that the complaining groups are usually irresponsible segments of the community.

Findings:

1. Of the 617 members of the Oakland Police Department, only 20 are minority group members, of whom 16 are Negroes and 4 are Mexican Americans.
2. Members of minority groups have made numerous allegations of police intimidation and excessive use of force against Negroes and Mexican Americans.

3. Minority group representatives expressed the belief that a civilian review board would be instrumental in discouraging police intimidation and abuse.

4. Police opposition to a civilian review board was based on the assumption that it would hamper a police department which already has good relations with the minority community and one which takes strong measures against officers who abuse their authority.

Suggestions for Action:

1. The city of Oakland should implement the Oakland Police Affairs Committee's proposal of a hearing panel which would sit at regularly scheduled times at the city's four poverty program neighborhood centers. The panel should have a staff which would help the complainant seek redress of his grievances and follow each complaint through to its resolution.

2. The police department should intensify its efforts to recruit minority group members and institute a program to teach Spanish to non Spanish-speaking members of the department.

3. The Community Relations Service of the U.S. Department of Justice should work closely with the Oakland Police Department's community relations division to help improve relations between local city officials and minority residents of the community.

## HOUSING

An analysis of housing conditions of low-income families in Oakland, based on data supplied by local public agencies, was presented by Ruth Goodman, a graduate student in social welfare at the University of California. She gave the following information: there are currently 1,317 units of public housing in Oakland although 96,250, or 25 percent, of Oakland's 385,000 citizens earn less than \$4,000 per year and are, therefore, eligible for some form of public housing. Public housing comprises less than 1 percent of all of Oakland's housing. The Department of Housing and Building has placed only 600 families out of the 5,000 who have made application for such housing during the last five years. The situation was made more critical between 1960-63 when some 9,700 housing units were razed to make way for renewal projects, BART, and freeway construction. About 6,600 of those units were in the poverty target area. Present plans by the Oakland Redevelopment Agency call for the demolition of 5,700 additional housing units during the next four years.

"In addition to these plans," Miss Goodman said, "the code enforcement program expects that 13,560 additional housing units will be demolished." Although 15,000 new housing units have been built, her research indicated that those persons in most critical need of the housing cannot afford it.

Little has been done to change the relocation situation. It was alleged that the city is more interested in raising its tax base by encouraging the construction of high-cost apartments than in housing the poor. Mrs. Arlene Slaughter, a real estate broker, told of her attempts



to call the problem in its entirety to the attention of the Oakland Real Estate Board--attempts which were met with complete resistance from its members.

It was also alleged that the California Real Estate Association officially proclaims that its members can maintain housing lists according to race. Landlords and realtors can stipulate that they will not sell or rent to Negroes when they give listings to the Building and Housing Office, it was reported at the meeting. It was further alleged that a realtor who shows a dwelling to an "undesirable" may be prosecuted for trespassing by the owner of the property.

Public housing tenants made the following charges against the Oakland Housing Authority:

- \* Residences are entered when occupants are not at home.
- \* Leases can be broken without warning.
- \* Damage to the property is automatically considered the result of negligence of the resident even though the lease provides that charges can be made only if proof is offered that the damages were the result of the tenant's negligence.
- \* Late fees are charged tenants who fail to pay their rent the first of each month.
- \* Tenants are reluctant to join the tenant organizations for fear of eviction.
- \* Tenants who seek redress of their grievances are branded as "subversive."

Oakland Housing Authority officials, replying to tenants' charges stated:

- \* A person may speak at a meeting of the Housing Authority if he presents a written request stating the topic in advance.
- \* Home visits, made while residents are not on the premises, are justified as a means of preventive maintenance.
- \* No evictions have been made during the past year. Leases which have been broken resulted from a lack of tenant cooperation in either the payment of rent or from conduct detrimental to the interests of other residents.
- \* Tenants are expected to pay for damages to a dwelling. Payments for sizable damages can be made in installments.
- \* The Housing Authority charges a penalty for overdue rent payments ranging from \$2 to \$5.
- \* The city encourages the formation of tenant organizations which have the best interests of the tenants at heart but not those organizations which seek to disrupt the smooth operation of the housing authority.

While the public housing officials conceded that there is a disparity between the demand and supply of public housing, they said that Oakland had made great progress in a short time. Projects underway include the construction of 105 public housing units; a renewal effort which will transform downtown Oakland; and two federally financed housing projects, Oak Center and Acorn. The Oak Center Project includes the restoration of many of the city's once beautiful homes and the construction of

playgrounds and wider streets in what is now a depressed area. . Acorn, jointly financed by the Federal Housing Administration and local residents, will provide 800 units renting for \$80 to \$120 a month.

The local housing officials reaffirmed the concern of the city government for the housing problems of the poor and Lee Merryweather, Assistant to the Regional Administrator, U.S. Department of Housing and Urban Development, reiterated the concern of the Federal Government for decent, sanitary housing.

Findings:

1. The need for public housing far exceeds the available supply and the gap is not being closed.

2. Various urban renewal projects have demolished more than 1,000 low-income public and private housing units. Displaced tenants cannot afford the new housing. Meanwhile, 5,700 additional units are scheduled to be demolished, intensifying the need for realistically priced housing.

3. Many residents of public housing feel that the Public Housing Authority infringes upon their rights and civil liberties.

4. The California Real Estate Association and many private realtors actively perpetuate racial discrimination in housing.

Suggestions for Action:

1. The Public Housing Authority of Oakland should be investigated by the Regional Office of the U.S. Department of Housing and Urban

Development and its practices of intrusive home visits, evictions, and unreasonable fines for alleged property damage and overdue rents should be eliminated.

2. A representative group of public housing residents should serve on the Housing Authority Board.

3. Oakland should provide 3,000 standard housing units at monthly rentals of \$40 to \$80 using all provisions available in the 1965 Housing and Urban Development Act, including the leasing, purchase, and rehabilitation of existing housing and the construction of low rent public housing on scattered sites. Large tracts of public housing located in the ghetto areas should be avoided since they will perpetuate present segregated housing patterns and aggravate some of the serious social problems which exist.

4. Oakland should establish a Central Relocation Agency which would assist people affected by government action or other emergency situations in obtaining standard relocation payments and other relocation services.

5. The State and local civil rights and human relations agencies should work aggressively for the elimination of housing discrimination fully utilizing California's official policy on open occupancy.

6. The U.S. Department of Housing and Urban Development should encourage and assist the city to construct desegregated, low-income housing. Moreover, it should strictly enforce the requirement that persons forced to move because of redevelopment be relocated in decent, safe, and sanitary housing within their means.

## WELFARE

Welfare recipients alleged that the treatment they received from the Alameda County Welfare Department was insensitive, unjust, and unwarranted. They charged that the department invades the privacy of mothers receiving Aid to Families with Dependent Children (AFDC) to make certain that no man lives on the premises; that it withholds welfare allotments without telling the recipient why this has been done; that it discontinues checks to persons unjustly accused of fraud; and that sometimes it refuses to refer applicants to programs for which they are presumably eligible. It was also alleged that the procedure for establishing welfare eligibility is lengthy, discouraging, and often humiliating. Recipients complained that after an application is made to the Welfare Department, the applicant is referred to the District Attorney's office where she must face a long, harassing interview and sign a statement agreeing to prosecute if the father of her child is found and is able to contribute to the support of the child.

Mrs. Virginia Proctor of the Welfare Rights Organization, in illustrating these charges, told the Committee of one recipient whose allowance was abruptly discontinued because a man was in her living room and whose allowance was discontinued a second time because the department claimed she was living in unsuitable housing.

Mrs. Proctor also explained that welfare benefits were withheld from applicants with dependent children unless they had lived in the

State for one year and that applicants were ineligible for disability benefits unless they had lived in the State for five years and in the county for a minimum of one month.

When a recipient is charged with fraud, excessively high bail is set, according to welfare recipients who explained that subsequent court judgements may have nothing to do with the amount of the alleged fraud and bear no relation to substantial evidence of guilt. Even when exonerated, recipients say they may be subject to further harassment.

A welfare recipient reported that in the spring of 1964 Alameda County began discontinuing benefits to families with an unemployed father in the home because farm work was available. If the father refused to report to the Farm Labor Bureau, the family was denied aid and if he did report to the bureau and got a job, the family's welfare payments were stopped regardless of his wages. In no case, it was said, was there a review of the factors involved in the individual case.

The inadequacies of the welfare system are also apparent in the availability and quality of housing for its recipients, the Committee was told. Thirty-two percent of the city's AFDC recipients, displaced by urban renewal projects, were forced to move into sub-standard housing because of inadequate welfare allotments: \$38 a month for a family of three and \$43 a month for a family of five. Although legislation had been passed which increased each category

by \$24, the legislature did not appropriate the funds to cover this increase.

Representatives of the Welfare Rights Organization said that its members had had a struggle to obtain recognition and cooperation from the Alameda County Welfare Department. They told the Committee that they had been systematically excluded from interviews and denied the right to review cases or represent people on welfare. It was only after their appeal to the State Department of Welfare that they finally won recognition from the county department and the right to represent welfare recipients.

The Committee was told that there are very few minority group members in professional positions and no Spanish-speaking social workers employed by the Alameda County Welfare Department. It was felt that such a situation not only suggested discrimination but made communication between the department and Spanish-speaking clients practically impossible.

Findings:

1. The Alameda County Department of Welfare has been charged with terminating welfare checks arbitrarily, making surprise investigations, withholding welfare allotments, and falsely accusing recipients of fraud.
2. Persons accused of welfare fraud are often served with warrants dated months beforehand and held on bail disproportionate to the charges.

3. The procedure for establishing welfare eligibility is difficult, discouraging, and sometimes humiliating.

4. Welfare allotments are inadequate and cause a significant number of recipients to live in substandard housing.

5. Few minority group members are employed in responsible positions in the county welfare department and the department does not employ a Spanish-speaking social worker.

Suggestions for Action:

1. A thorough review should be made of the Alameda County Welfare Department by the Regional Office of the Federal Welfare Administration.

2. The 1-year residence requirement for families in need of welfare assistance should be eliminated.

3. The interview of an AFDC applicant by the District Attorney's office should be eliminated.

4. The Alameda County welfare allotments for housing should be increased so that welfare clients can afford clean, safe, and sanitary housing.

5. The county department should increase the number of its minority group staff members and provide Spanish-speaking social workers.