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PROGRESS IN HUMAN RIGHTS :

**A Bipartisan Program to
Maintain Minnesota's Leadership. --**

GOVERNOR KARL F. ROLVAAG,



**A Special Message to Members of the
Sixty-Fourth Legislative Session**

Monday, February 22, 1965

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*Human Rights
Administration*

To the Members of the Legislature:

So long as any man's freedom to develop his talents and pursue his own destiny is limited by the shackles of racial and religious prejudice, we cannot call ourselves a truly free people.

So long as prejudice prevents American citizens -- Minnesotans -- from enjoying good jobs, decent homes, suitable public accommodations, and many other facets of what we tend to consider the good life, the noble promise of the Declaration of Independence that all men are created equal remains just that -- a promise -- a dream.

It is our particular responsibility, as leaders of a democratic government, to provide swift, certain, and effective redress to those whose rights are violated.

It is also our responsibility to provide adequate support to programs which promote favorable public attitudes on racial and religious questions.

We hear much talk of human rights. The real test of our opinions is whether we are willing to take the steps which are necessary to make the rights we accept in theory enforceable in practice.

On April 25, 1963, I submitted to you a special message setting forth in detail my program for improving Minnesota's laws protecting human dignity.

The compelling needs which require revision of our human rights laws still remain. Despite the progress which has been made, it is the regrettable truth that racial and religious discrimination persists in Minnesota.

Although it was impossible to obtain necessary changes in the law, we have not been without activity these past two years.

-- I testified in behalf of the federal public accommodations law before the Committee on Commerce of the United States Senate, the only governor to testify favorably.

-- Enforcement of our statute which prohibits discrimination by contractors with state or local government has been implemented.

-- All agency heads in state government have been directed to review their hiring policies to eliminate any discrimination which might occur.

-- At my direction, the Governor's Human Rights Commission operated a week-long Human Relations Encampment for Minnesota youth, from which grew the new Minnesota Teen Council on Human Relations.

-- Plans are being worked out to publish our public accommodations law in all licensed public accommodations in Minnesota.

-- The State Commission Against Discrimination was the first such commission in the nation to enter into compacts with the Federal Housing Administration, the Public Housing Administration, and the Urban Renewal Administration establishing grounds for cooperative action among these agencies.

-- The Governor's Human Rights Commission, in cooperation with religious leaders of the state, sponsored the Minnesota Conference on Race and Religion.

-- The Commission brought about the formation of the Women's Committee on Civil Rights, and the formation of local civil rights committees throughout the state.

I know you share my pride in these advances which we have made in Minnesota.

Yet I cannot -- nor can any of us -- let pride or complacency blind us to the great job which remains to be done. I propose to you today certain basic revisions in Minnesota's human rights agencies and statutes which I deem the essential minimum we must enact to continue along the road to human justice and equality in our beloved state.

Let us turn first to the matter of organization.

REORGANIZATION OF HUMAN RIGHTS AGENCIES

Many have long felt that the State Commission Against Discrimination and the Governor's Human Rights Commission overlap, and that their separateness has on occasion led to duplication of effort and a failure to use our limited resources in the most effective manner. It is no criticism of the work of these agencies to suggest that greater coordination and more efficient use of our resources would occur if the two agencies were combined.

This merger can be accomplished without major revision of state law, as the State Commission Against Discrimination was created by statute, while the Governor's Human Rights Commission was established by appointment of a Citizens Committee by Governor Thye. While the Commission Against Discrimination has as its primary purpose the enforcement of certain anti-discrimination laws, and the Human Rights Commission has an educational mission, the Commission Against Discrimination also has statutory responsibility for the development and recommendation of "formal and informal education designed to promote good will."

To accomplish this merger, I make the following proposals:

First, that the two existing agencies be merged into one organization to be known as the Minnesota Human Rights Commission, to be composed of the present membership of the State Commission Against Discrimination plus four new members.

This commission should be given, in addition to the powers now vested in SCAD, the power to "develop, recommend, and conduct programs of formal and informal education" including the provision for staff services to advisory committees, community action groups, conferences and similar activities.

Secondly, that the total amounts requested in my budget for both agencies be granted to the new commission.

These proposals would accomplish several things:

First, they would eliminate the name "State Commission Against Discrimination," which has negative connotations that do not describe nor do justice to the positive virtues of a comprehensive program of service to human rights.

Secondly, rather than reducing the sums available to the cause of human rights in Minnesota, these proposals would enable us to make more efficient use of our limited resources.

Once these proposals are adopted, I will then modify the present Governor's Human Rights Commission by Executive Order into a series of committees providing advice to the new commission. Necessary staff services for such committees would be provided by the commission.

The present employees of both agencies have performed well, and we should continue to utilize their talents in the new commission.

SUBSTANTIVE CHANGES IN MINNESOTA'S CIVIL RIGHTS LAW

We turn now to the need for changes in our basic civil rights statutes, which experience indicates are desirable for continued progress toward human equality.

I propose changes in five areas: housing, public accommodations, employment, business and labor, and procedure.

HOUSING

The present "fair housing" law forbids racial or religious discrimination in the sale or rental of much Minnesota housing. There exists, however, an exception which cannot be justified. I refer to the provision which excepts from coverage any owner-occupied single family dwellings which were not built, purchased, or improved with public assistance.

What this exception means in practice is that of neighbors who live next door to one another in identical homes, one may be forbidden to discriminate while the other may discriminate without penalty, purely because one may have an FHA loan. This can hardly be rational practice -- or theory.

This distinction also makes the fair housing law much more difficult to apply. It is impossible for the average person seeking a home to know whether he enjoys the protection of the law with respect to a given dwelling. Further, our compliance agencies are unable to act rapidly because of difficulty in discerning whether the law covers the complainant's case.

Finally, and most important, this circumstance excepts much of our better housing from coverage, denying thereby the equal protection of the law to many whose means permit them to improve their living conditions.

Accordingly, I propose that the fair housing law be extended to forbid discrimination in connection with the sale or rental of any single-family dwelling, whether or not it is owner occupied or publicly assisted.

PUBLIC ACCOMMODATIONS

Minnesota's venerable public accommodations law--first passed in 1885--has proved a useful tool in eliminating racial and religious discrimination in hotels, motels, restaurants, theaters, and other places of public amusement and accommodation.

Our county attorneys in many areas have done their duty well when known violations have occurred.

Nevertheless, I deem it useful to give to the proposed Minnesota Human Rights Commission power to enforce the public accommodations law, concurrently with the county attorneys.

The addition of a statewide enforcing authority will give consistency in enforcement of an act for which consistency is essential to success. It will afford human relations specialists employed by the Commission an opportunity to use their special skills in resolving complex human problems. It will provide the Commission with one of the tools necessary in a program of comprehensive human rights law enforcement. Finally, it will provide more adequate relief to complainants.

EMPLOYMENT

Under present law, an employer who employs fewer than eight individuals in addition to relatives and domestic servants is exempt from the fair employment practices law. I see no reason why the right to injure a fellow citizen should be made contingent upon the size of one's establishment, and accordingly recommend that this exception be repealed.

BUSINESS AND LABOR

I propose that all business licenses issued by this state or any political subdivision be revocable by the licensing authority upon proof that the licensee has violated any anti-discrimination statute in connection with the licensed activity.

I propose further that it be made an Unfair Labor Practice for any employer or labor organization to discriminate because of race, color, creed, religion, or national origin.

PROCEDURE

To enact laws and fail to provide adequate means of enforcement decreases respect for law in general. Human and civil rights legislation is like all other legislation in this respect.

The existing procedure for enforcing the Minnesota State Act Against Discrimination comes dangerously close to rendering the Act unenforceable. This procedure is cumbersome, awkward, and slow. The complainant, the respondent, and the public all deserve better.

I propose we eliminate this administrative procedure entirely, and substitute a court action.

The federal Civil Rights Act of 1964 sets a model for civil rights law enforcement which we can well emulate. Enforcement by injunction offers a speedy, inexpensive remedy which enables both the Commission and the respondent to obtain a hearing before an impartial tribunal much earlier than can be achieved under the existing procedure. Further, it would tend to eliminate unnecessary expense and delays which benefit neither the complainant nor the respondent.

Accordingly, I propose that the Commission be given power to seek injunctive relief against violations of the Minnesota State Act Against Discrimination.

CONCLUSION

I have presented to you a balanced program which meets the needs of the state as demonstrated by our experience. It is the fruit of consultation, careful thought, and a belief that the heart of the American dream is that each man be judged on his own merits, regardless of the color of his skin or the nature of his religious beliefs.

I seek bipartisan support, for a truly nonpartisan program. No program which will conserve human values which antedate the Magna Carta may properly be called anything but conservative, nor can any program which will promote and extend true human liberty be called anything but liberal.

I urge its enactment.