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THE NEW YORK STATE LAW AGAINST DISCRIMINATION: OPERATION AND ADMINISTRATION

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I. BACKGROUND AND PROVISIONS

There are more than two hundred state laws and constitutional provisions in this country which prohibit discrimination of various types on the basis of race, religion, color, or national origin.¹ Even the Southern states have such provisions. Most of these laws, however, have seldom been rigidly enforced anywhere; the Anti-Defamation League found only five civil rights cases in the *Decennial Digest* for 1926-36 and only 20 for 1936-46, of which a third originated in New York.² In recent years a new series of statutes has been enacted, aimed specifically at the elimination of discrimination in private employment, and these have been enforced more stringently than most previous anti-discrimination acts. Four states, New York, New Jersey, Connecticut and Massachusetts, are the pioneers in this new field; other states³ and municipalities⁴ have passed or debated similar proposals. The New York, New Jersey and Massachusetts acts declare that the opportunity to obtain employment free from discrimination because of race, creed, color or national origin is a civil right.

The New York State "Law Against Discrimination,"⁵ also known as the Ives-Quinn law, is the first of these more recent statutes in the private employment field. It offers the best opportunity for an appraisal of such legislation since it has been in operation longest, has evoked widespread comment, and is administered by an agency with a budget larger than those of similar agencies in other states. This study of the law and its enforcement will summarize its provisions, review its operation from July, 1945 to the end of 1949, examine the rulings and inter-

¹ See the compilations in NEW YORK STATE COMMISSION AGAINST DISCRIMINATION (SCAD), *COMPILATION OF LAWS AGAINST DISCRIMINATION BECAUSE OF RACE, CREED, COLOR OR NATIONAL ORIGIN* (1948); COMMISSION ON LAW AND SOCIAL ACTION, AMERICAN JEWISH CONGRESS, *STATE ANTI-DISCRIMINATION AND ANTI-BIAS LAWS* (1948); KONVITZ, *THE CONSTITUTION AND CIVIL RIGHTS* (1947).

² WEINTRAUB, *HOW SECURE THESE RIGHTS? AN ANTI-DEFAMATION LEAGUE SURVEY* 33 (1949).

³ American Council on Race Relations, Chicago, Release No. 42, *Evaluation of State FEPC: Experience and Forecasts* 9-11 (1949); and AMERICAN JEWISH CONGRESS and NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE, *CIVIL RIGHTS IN THE UNITED STATES IN 1949. A BALANCE SHEET OF GROUP RELATIONS* 21-22 (1950).

⁴ Elson and Schanfield, *Local Regulation of Discriminatory Employment Practices*, 56 YALE L. J. 431 (1947).

⁵ N. Y. EXEC. LAW §§ 125-136.