mission, who asserted that "insofar as the Joint Commission has to do with the erection and operation of any of the hospitals proposed by the Joint Commission, the hospitals will be operated under a non-discriminatory policy."[140]

The New York City Council of SCAD functioned under several limitations. Perhaps because of the prominence of its members, and their involvement in many activities, attendance at Council meetings was poor. In its report for 1947[141] SCAD listed 31 members of the Council (reduced by a few resignations), yet only an average of 14 attended the ten meetings in 1947 and an average of nine members attended the ten meetings in 1948.[142] The Council, too, has had to function within the narrow lane marked out by the Commission. At a public meeting sponsored in May of 1948 by the Committee to Support the Ives-Quinn Law one of the most active Council members complained of the restraints imposed by the second chairman of SCAD:

> He has constantly urged concentration upon the problems of discrimination in employment, to the exclusion, so far as he has been able to influence our Council, of other phases of discrimination. This attitude, I believe, is not in accord with the stated purposes of the Ives-Quinn Act.[143]

At the Council meeting in January of 1948, one of the members suggested that a monthly newsletter be circulated to keep the members better informed of the Commission's work. The second chairman of SCAD, according to the minutes,[144] "expressed approval of the suggestion and agreed to prepare and distribute among all Council members throughout the state a brief monthly digest of interesting and significant accomplishments of the Commission and of the various Councils of the Commission." This material was not circulated up to the end of 1948, when the New York City Council was dissolved by the Commission. It does not appear, from the minutes of the Council meetings, interviews with council members and from the literature distributed by SCAD, that the councils were given any more details of the work of the Commission than were made public to any interested person or group.

The statute, in Section 130.8, gives SCAD a considerable degree of control over the councils it establishes. 1) The Commission is

140 *Id.*, October 14, 1948.

141 1947 Annual Report 32.

142 N. Y. City Council of SCAD, Minutes, 1947, 1948.

143 Stephens, The Functions of Councils Under the Provisions of the Ives-Quinn Act (1948) (typewritten ms. in file at office of Roderick Stephens, N. Y. City).

144 N. Y. City Council of SCAD, Minutes, January 8, 1948.

empowered to "create" the councils. 2) The Commission may authorize a council to carry on certain studies, to foster good-will among the various groups in the state and to make recommendations to the Commission itself. SCAD has interpreted these powers to mean that, 1) in general, the councils must obtain the Commission's approval before they may make public their views and findings, 2) the Commission alone appoints council members, and chairmen and vice-chairmen of council committees,[145] and 3) the Commission may dissolve councils.[146] The manner of its dissolution of the N. Y. City Council reveals the Commission's interpretation of its total power with respect to the councils. At the Council's December 1948 meeting, attended by ten members, the chairman, according to the minutes, "outlined a suggested plan for the dissolution of the present New York City Council and the establishment of councils in each of the five counties of New York City with an overall greater New York Council. After some discussion the members present expressed approval of the plan." The second chairman of SCAD, the minutes conclude, "then stated that the Commission would act on the matter at its next regular meeting."[147] The plan for the creation of five county councils was not a new one, for SCAD's first annual report[148] mentioned that the New York City Council would be "followed by the establishment of Borough Councils throughout the city." The minutes of the Council's last meeting, however, give no intimation as to how its dissolution was to be effected, nor any hint as to the action which soon followed. On December 16, a week after this Council meeting, the Commission unanimously passed a series of resolutions dissolving the Council as of December 31, 1948, and establishing a council for each county of New York City and a Greater New York City Council, of which the Commission would name all the members, chairmen and vice-chairmen. Membership in the Council was terminated by letter from the chairman of SCAD.[149]

V. The Ives-Quinn Law and its Significance

An evaluation of the way in which the New York State Law Against Discrimination has functioned to control discriminatory employment patterns should include two elements: first, an assessment of the actual

145 1945-46 Annual Report 9; see also *supra* note 142.

146 Letter from second chairman of SCAD, dated December 28, 1948, to Mr. Roderick Stephens, member of N. Y. City Council of SCAD.

147 Minutes, December 9, 1948.

148 1945-46 Annual Report 12.

149 See *supra* note 146.