Councilman Myron Bush berated City Council for allowing public funds to be used in construction of "our city" with Negroes being excluded from many jobs. He said, "...this means public funds are used to perpetuate union discrimination in these areas of employment."

In the spring of 1965 the NAACP announced that it was contemplating picketing public construction sites in the city to protest the lack of Negro employees in the skilled trades.
The concept of Affirmative Action as we understand it today, and as it is presently implemented, could well have had its beginnings in Cincinnati. In the early days it was called by other names such as Fair Employment Practices. The words "Affirmative Action" did not come into our vocabulary until later on. However, an examination of the facts in our community historically will show its development.

On December 13, 1965, Councilman Myron Bush, in a scathing statement to the City Council, stated:

In my opinion this council, representative of all the citizens of Cincinnati, should be embarrassed and ashamed that this situation is allowed to prevail. CBS television (the Walter Cronkite News Program) at 6:30 on December 10 and December 13 has given broad national coverage to this problem in our city. Victor Reisel, nationally syndicated labor columnist, in his column in the Sunday, December 12, Enquirer has given additional attention to it. We are allowing public funds to be used in construction of our city with Negroes being excluded from many jobs because union membership is a condition of employment. In a true sense, this means public funds are used to perpetuate union discrimination in these areas of employment. Surely, our legal obligations to prevent this are clearly set forth in the laws; our moral obligations are no less clear in these situations. Our refusal to abide by local, state, and federal FEP laws, both in our contracts for new construction and in our employment practices, is civil disobedience. In my opinion, it is a more flagrant type of civil disobedience than that which we decry in the demonstrations which only seek to point out the injustices brought about by our own violations of the law.

The situation Councilman Bush was referring to was the continuing cancer in our community of the exclusions from employment of Negro workmen in the skilled building trades industry, and the fact that public officials had given only lip service to the problem, but nothing more.

On May 17, 1965, the NAACP announced in a public letter addressed to the Secretary of Labor, numerous state officials, the City Council, and the labor
movement, that it was contemplating picketing public construction sites to protest the lack of Negro employees in the skilled trades. Upon receipt of it, the City Manager, Bill Wickmann, called me to his office and asked what we were going to do about it. "We," being the Cincinnati Human Relations Commission (CHRC), which had just been revamped by City Council from the Mayor's Friendly Relations Commission. I told him without mincing words, that the problem was his.

On public construction sponsored by the city, the city contracts with the general contractor who, in turn, subcontracts the work out. The building trades unions provide the workmen for the jobs to the contractors, but have no legal relationship with the city. Thus, if the city manager exercised his powers to require the contractors to attempt to integrate their work forces by putting pressure on the unions, then something could be done. Of course, the city manager bridled at this comment because he recognized that the contractors, as well as the city, were pretty much at the mercy of the unions and the traditional way membership in the unions, by both journeymen and apprentices, is gained.

This was not a new problem in Cincinnati, as the issue had been before the city in 1963, at the start of the construction of the new Federal Building at 550 Main Street.

In June, 1963, the NAACP charged the discriminatory practices in the building trade industry barred Negroes from journeymen jobs and apprenticeship programs and it threatened demonstrations at the Federal Building construction site. A committee of volunteers—the "Leadership Committee"—was organized in part by the Mayor's Friendly Relations Commission to seek to resolve the problem.

This occurred at the peak of demonstrations and violence in Philadelphia at a school construction site there. The Leadership Committee was organized to seek a solution, and after a series of meetings, on July 17, 1963, the NAACP cancelled the proposed demonstrations. This temporary accommodation came out of the many conferences which brought together building trades union representations, building and allied construction contractors, the NAACP officers, and representatives of the Mayor's Friendly Relations Committee. The second result of the conferences of the Leadership Committee was the establishment of a federally funded and state administered Apprentice Information Center in Cincinnati, and many of the Leadership Committee were appointed to the advisory committee of the Apprenticeship Information Center, and "when completed," the Leadership Commission ceased "to function."

In February, 1965, the NAACP asked the Mayor's Friendly Relations Committee to reactivate the Leadership Committee because the NAACP was concerned about the lack of employment of Negro males in the construction industry, their exclusion from craft unions and apprenticeship training programs.
This was done, and questionnaires were sent out to twenty-five building trades unions seeking information concerning membership and the breakdown of Negroes and whites in journeymen classifications, as well as apprenticeship programs, but only a few unions replied. The May 17 blast by the NAACP referred to previously, resulted from its conclusion that voluntary efforts to integrate the building trades were fruitless.

On June 2, 1965, CHRC recommended that City Council conduct public hearings to determine, among other things, which unions were all white, what had been the membership trend in each union since July, 1963; the relationship of the union hiring hall to the overall problem of discrimination; how each union determined its qualifications for journeymen and apprenticeship; the nature of reciprocal agreements among locals of the same unions in the same geographical area; the relationship of each union to its international; and the degree of autonomy of each local; how each union recruited new members; and the unemployment rate for unions.

In regard to the contractors, it was recommended that the hearings develop what voice the contractor had in the control of jobs available at the apprenticeship level; the selection of apprentices; what rights the contractor had regarding accepting or rejecting journeymen job applicants to encourage the elimination of discriminatory practices of the unions, and what were the employment policies of the contractors and their own organizations.

In regard to the civil rights group, city council should determine what responsibilities they had to recruit Negro candidates for apprenticeship and journeymen programs; what had they done in the recruitment area; their attitude toward existing qualifications for union membership and apprenticeship programs, what they meant by "preferential inclusion" of Negroes; the attitude of young Negroes toward unions in general, and the building trades in particular. Other areas of inquiry were also suggested.

The purpose of holding public hearings was threefold: First, to abate the threat of potential violence in the community by focusing attention on the problem so that public officials would act. Second, to attempt to remedy the problem of such discrimination by creating a positive attitude on the part of public officials through the hearings to seek solutions. And third, to bring to light the various factors which precluded Blacks from applying for jobs in the trade unions, that might result in developing methods to help train Blacks for both apprenticeship and journeymen status.

City Council, unanimously, on June 16, 1965, requested the Ohio Civil Rights Commission (OCRC) "to conduct a complete investigation of alleged discrimination within the building trades industry in Cincinnati," rather than conduct a hearing itself, which responsibility the OCRC accepted. However, the OCRC did not gear up to the job until the late summer of 1965 when it began to take testimony.

During the summer of 1965 problems related to discrimination against
Blacks in the building trades became more intense. On July 10, the Cincinnati Chapter of Congress in Racial Equality (CORE), announced plans for a massive demonstration at the scene of the Glenwood School site where the Penker Construction was constructing a new building. On July 26, CORE marched, including twelve children, around the Glenwood School site, carrying signs reading “I am a union man—color me white. At the site, sixteen of the marchers entered the property where they remained until arrested. The demonstration caused a work stoppage, and on July 29, a restraining order against picketing at all school sites was issued by the Common Pleas Court. On August 5, the NAACP conducted a demonstration at the office of the Cincinnati Building Trades Council at 1015 Vine Street; five NAACP members were arrested, including its president, Dr. Bruce Green. On August 7, there was a civil rights march in front of the Vine Street Elementary School, and on August 9, members of NAACP and CORE staged a sit-in at the Allied Construction Industries offices at 1010 Yale Avenue, where the demonstrators were arrested for trespassing. On August 11, four NAACP member sat in at the offices of Al Bilik, President of the AFL-CIO Labor Council.

Recall that this was the summer of 1965, the summer when the riots in the United States began. Watts in Los Angeles was the first major conflagration. Watts was burning when the civil rights groups were demonstrating in Cincinnati. Up to this time, many in the civil rights movement did not believe that massive riots and property destruction would occur. Civil disobedience and demonstration to call attention to problems had been the order of today, but not the violence, destruction, bloodshed, and insurrection of the type witnessed at Watts in August, 1965.

CHRC called a meeting on August 13 of all interested parties, including public officials, in an attempt to calm the situation and to coordinate the efforts of many public and private groups seeking to find a solution to the problem. Two committees were created. One to work with contractors and unions—to assure that qualified people would be accepted in skilled trades, regardless of race or color; and the other, to find such qualified personnel in the Negro community. The latter was called the “Talent Search Committee.”

The Ohio Civil Rights Commission began its hearings on August 31, 1965. In September, the civil rights organizations declared a moratorium on further demonstrations for the time being. CHRC attempted to assist by helping to recruit qualified black applicants and to seek commitments from contractors and unions, so that such people would be placed on jobs or in training programs as openings occurred. Further, CHRC had been delegated the responsibility of determining whether non-discrimination clauses in city contracts were being complied with, and it sought the cooperation of contractors on city projects, and advising when job vacancies occurred.

Unfortunately, the results of these programs were not encouraging. Although the Ad Hoc Talent Search Committee had been successful in obtaining the
names of approximately 175 blacks, who were willing to seek employment on construction projects or commence training in the apprenticeship programs, only a very few had been permitted on the jobs by the unions or in the apprenticeship program. The contractors indicated an unwillingness to employ qualified blacks who did not hold journeymen cards, until they were accepted by a union; and the unions, according to the attitude of their executive secretary, Jack Aparius, were unwilling to cooperate with CHRC. This was understandable, as Mr. Aparius had no love for the chairman of CHRC, as he stated publicly in a news article:

Mr. Spiegel’s near-hysterical letter to the city manager with its predictions of bloodshed and his demand for a public hearing to ‘place on the record this dismaying lack of progress in eliminating discrimination in the building trades unions’ ignores the fundamental fact of life in a democracy. No evidence has been offered to sustain the charges; no specific instances on the part of the building trade have been given; no sensible reasons for substituting a public hearing for the orderly due process of the law has been offered. . . . Mr. Spiegel’s plea for a peaceful solution after his inflammatory and unfounded charges seem strange. His predictions of turmoil and bloodshed unless there is a public hearing, is, we think, unfounded. He has, in our opinion, materially contributed to such a possibility through his ill advised recommendations. . . . We, too, prefer peace, but if Mr. Spiegel and his kind insist on creating bloodshed and turmoil, we will not retreat.

Specifically, the building trades unions refused to accept the qualifications of those Negroes recruited by the Talent Search Committee. The fear of work stoppages sanctioned by the unions if a contractor employed a qualified person who was not a union journeyman, frightened the contractors.

On October 25, CHRC pointed out to the city manager and city council that the situation was fast approaching a crisis, because serious confrontations in any one or more of the following situations: 1) Federal Government v. Municipal Government, i.e., the cutting off of funds by the federal authorities under the terms of the 1964 Civil Rights Acts; 2) the City Government v. General Contractors, where the contractors freely admitted they were unwilling to hire qualified blacks unless they were members of the union because of the fear of labor troubles; 3) Contractors v. Unions, if contractors hired a Negro employee they felt to be qualified in a skilled trade, the threat of work stoppages by the union because of union security clauses; 4) Civil Rights Organizations v Public Authority, the demonstrations up to that time had been reasonably well disciplined, but the frustration of no progress after the moratorium on such demonstrations was generating heat, was playing into the hands of fringe element of the civil rights group difficult to control, and mob violence could easily result.
On Thursday, February 24, 1966, the Ohio Civil Rights Commission announced its findings stating that "there is a pattern of racial discrimination in the building trades industries, encompassing unions, contractors, and joint apprenticeship committees." More specifically their findings included the following: "The contractors have not fully complied with their responsibility under the FEP law to employ persons without regard to race or color in both union and non-union classifications, and the argument that the job applicant must have a union card or some type of union sanction is groundless since the employer should, and in fact does, have the sole responsibility for the employment decision. The unions have practiced discrimination by ignoring the Negro as a potential member of the building trades work force. Their custom of limiting opportunities for membership through programs of job control, high and impractical admission standards, and various other devices to discourage applicants have resulted in keeping Negroes from developing an/or utilizing their talents, and this is evidenced by the lack of Negroes in actual membership and employment, along with the revealing quotations from union minutes, as well as other communication. The joint apprenticeship committees have been negligent in enlisting Negroes and other minorities for their training programs. These committees have practiced segregation of the Negro from the programs by discouraging applicants, limiting or discontinuing programs, by maintaining impractical standards and qualifications, and by the lack of public promotion in recruitment of apprenticeship programs."

During this troubled time, there was a committee of citizens operating behind the scenes in Cincinnati composed of fourteen white industrialists, educators, bankers, and public officials, and fourteen black leaders—the "Committee of Twenty Eight." John R. Bullock, a lawyer with Taft, Stettinius & Hollister law firm, was its convenor, and it met at least monthly to review and discuss the many problems affecting the community, particularly of a racial nature. It was apprised of the problems in the building trades and public construction which CHRC was working on through liaison between me and Mr. Bullock. The Committee of Twenty Eight had the muscle to get things done in the city and a lot of credit should be given to it for such progress as occurred. Unfortunately, most of its white members were unwilling to take public stances, electing to work behind the scenes. The rationale for their public reticence had to do with the businesses they represented. Some felt that if they publicly supported a program, no matter how right and moral it may have been if such program failed or led to disagreeable consequences, the public reaction, in such a situation, might have a detrimental effect on their businesses—sale of their products, etc.

They elected to work behind the scenes and in regard to the building trade problem, they concluded that they would assist CHRC in two principal areas: The establishment of an outreach program to find and identify Blacks who could be potential apprentices or journeymen in the building trades union; and
in the creation of a compliance procedure for non-discrimination in employment on contracts involving public funds. Messers. Richard Barrett, a partner with Dinsmore, Shohl, Coates & Deupree law firm, and John Egbert with Frost & Jacobs worked with the Committee of Twenty Eight and CHRC to formulate these programs.

In February, 1966, the proposed compliance procedure mentioned before was submitted to the city council. In it, efforts were made to include an affirmative action program for contractors bidding on jobs with the city, which would be part of the contracts. Specifically there would be a pre-award investigation of the present and proposed employment policies and practices of the prospective subcontractors, suppliers of materials, etc., and a continuing reporting program whereby the contractors would periodically advise the city in regard to the makeup of its work force in relation to the proposed goal of obtaining more blacks on the job. The contractors would be required to develop affirmative action programs in the areas of recruitment, upgrading and working areas.

The city manager, in April, 1966, recommended to the city council, the adoption of compliance procedure, including an affirmative action program substantially similar to that devised by CHRC, representatives of the Committee of Twenty Eight, and others. It is interesting to note that the city proposals specifically provided that “contractor will not use a quota system in determining compliance.”

At the same time that CHRC was developing the contract compliance and affirmative action program, with representatives of the Committee of Twenty Eight, the city administration, etc., and others, it developed a proposal for training 300 Negroes in the skilled crafts. As noted on March 24, 1966 in the Cincinnati Enquirer:

The Cincinnati Human Relations Commission has asked the federal government for $700,000.00 to train 300 Negroes in the skilled crafts. The plan on file with the U.S. Labor Department is designed to seek out both preapprentice applicants and older men who need additional training to qualify as journeymen. If the Labor Department approves the grant, the money would be used in two ways. It would be used to find 150 young people and give them preapprentice training in such subjects as reading, writing, arithmetic and blue print reading. The young men would be paid while attending classes 25 hours a week for 24 weeks at the Ohio Mechanics’ Institute. The second phase of the program is designed for older men who would need additional training before they could qualify as journeymen in the skilled crafts. In announcing a summer program in New York Wednesday, Secretary of Labor, W. Willard Wirtz, said part of the job would be ‘to identify ... hard core unemployed on a person to person and door to door basis so as to determine what the needs are.’ Mr.
Wirtz said a Harlem project and a Watts program similar to the Cincinnati proposal are the first "in a man power search to be conducted in 30 cities."

This program became known as the "Jump Program" for "journeymen underemployed man power program." It started with high hopes over a drink at the bar in the Terrace Hilton with Harold Lattimer, attorney for the building trades unions, John Egbert representing the Committee of Twenty Eight, and myself on behalf of CHRC. John became the chairman of the board, I became known as King Arthur, and Lattimer as Hard Head. We strived mightily to make the program a success.

The city turned over the old public welfare building on Lincoln Park Drive, (since torn down), as a place where classes could be conducted; the idea being that the students and teachers in the learning process would practically renovate the old building at federal expense.

All kinds of problems were encountered. The Ohio Mechanics' Institute did not become the teaching arm, as originally planned and some of the unions which were supposed to furnish journeymen instructors to train the young blacks in the skills of the various trades balked because the training of non-union members violated provisions of their local or international constitutions. Many of the students who were recruited had never been subjected to the discipline of following a schedule, and great difficulty was encountered in getting them to class and keeping them in class. CHRC set up a special program to counsel and make sure that students who had signed up for Jump were at the teaching facility on time.

There were attitudinal problems between the union instructors and the young blacks they were training, which resulted not only in a breakdown of discipline, but at one point, in picketing the project by the students, even though they were being paid to attend.

The final blow came when it became next to impossible to find work for those that did manage to limp through the program. After a year to eighteen months, the Jump Program quietly folded. Several hundred thousand dollars were pumped into it by the Department of Labor, and a lot was gained from it. The key element learned in any such program was to insure that those who are accepted and are trained will be employed at the end of the program. The despair for those who went through the program and then did not get jobs was overwhelming.

All of the foregoing occurred over ten years ago, ten years before Bakke became a household word. What did we learn from it?

We learned that government blinked its eyes at violations of equal opportunity clauses in contracts; that Blacks did not apply to the apprenticeship programs in the major building trades because they had been rejected for so long that they did not believe that there was any real likelihood that there
would be acceptance or a job for them. The building trades unions claimed that there were no blacks supplied and that there were not any that were qualified. The civil rights groups, after pointing up the problem, were frustrated when they could not find the blacks willing to be part of the demonstration programs designed to remedy the problems.

In regard to the question on qualifications, we must remember that the apprenticeship training programs were set up by joint apprenticeship training boards made up of representatives of the Department of Labor, contractors and the union, and the qualifications for these programs coincided generally with the qualifications for union membership, i.e., that the applicant be a high school graduate, have no police record, be of good moral character, and pass a personal interview. As can be imagined, most young blacks in the 60's who were not otherwise employed, would have had problems meeting such qualifications.

Blacks did not apply to apprenticeship programs in the building trades because they had been rejected by the all white unions for so long that they did not believe there was any real likelihood of being accepted or gaining a job.
Thus, very few blacks applied for the apprenticeship programs because they knew they would be rejected for not having finished high school or because of some police problem, or if neither of these, for some subjective reason not communicated to them by the interviewer.

In those days to prove discrimination was difficult. The proof required evidence of intentional exclusion because of race. Thus, at CHRC we tried to overcome the problems of possible crippling strikes and violence through the contract compliance procedure which included an affirmative action program specifically designed to monitor periodically the head count of the building trades to determine what, if any, improvement in their complexion was developing. We attempted to change the entrance requirements in the apprenticeship programs by lobbying for the elimination of the no police record requirement, and the high school diploma requirement, seeing neither as being relevant to basic skills, and attempted to minimize the importance of the personal interview. We designed an outreach program to identify blacks willing to seek training in the Jump Program.

President Woodrow Wilson is reputed to have said that it is better to fail in something that will ultimately succeed than succeed in something that will ultimately fail. Our efforts at CHRC were unsuccessful if measured against the goals of eliminating discrimination in the schools, discrimination in the police and fire departments, discrimination in employment, and discrimination in housing. However, our efforts kept the pressure on at least those groups with whom we were in daily contact, such as the city personnel department, the police department, and the fire department. Years later a lawsuit was brought in Federal Court alleging discrimination in the fire department and the city agreed to a consent decree, in effect, admitting that such discrimination existed. Up to that time no one would admit that there was discrimination in city employment, in the police department, in the fire department. Federal law now requires that the city have its own Affirmative Action plan and it is presently under fire from federal authorities.

S. Arthur Spiegel, a graduate of Harvard Law School and a senior partner in the law firm, Cohen, Todd, Kite & Spiegel, served as chairman of the Cincinnati Human Relations Commission in 1965 and 1966 when the Commission developed the principle of affirmative action for the city.