

INDIANA HUMAN RIGHTS LEGISLATIVE ASSOCIATION

EXECUTIVE COMMITTEE

President: Mrs. Jessie Jacobs
Vice-President: Leon F. Bates
Treasurer: Mrs. Faye Bichel
Secretary: Mrs. Lila Cohen

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Ford Gibson	Willard P. Ransom
Mrs. Gertrude Gibson	Opal Tandy
Richard P. Greenleaf	John Preston Ward
Rev. L. J. Hall	Miss Dorothy Whiteside
Mrs. Daisy Hood	Miss Naomi Wortham
Hollis King	Andrew Ramsey

SPEAKERS BUREAU: For speakers at meetings, discussions,
etc., contact John Preston Ward, ME4-5046

STEERING COMMITTEE OF INDIVIDUALS AND GROUPS
COOPERATING WITH NAACP LEGISLATIVE COMMITTEE

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H. E. Duncan
Rev. & Mrs. David Barnes
Lillian Wallace
Beulah Wallace
A. L. Wilson (Women's Council of Federated Clubs)
Rev. Alexander Bernard
Rev. J. P. Pittman (Tabernacle Baptist Church)
Rev. Samuel Swaney (Puritan Baptist Church)
Rev. F. K. Dillard (Greater Missionary Church)
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Richard R. Greenleaf (NAACP)
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Robert Williams (NAACP)
Fred Davidson (NAACP)
Bill Hardy (NAACP)
Donald Davidson
Mrs. Jean Stepney (NAACP, NCMW)

INDIANA HUMAN RIGHTS LEGISLATIVE ASSOCIATION

P. O. Box 686
INDIANAPOLIS, 6, INDIANA

January 10, 1959

Dear Rev. Edwards:

On Dec. 13, 1958, the Indiana Human Rights Legislative Association was formed for the purpose of presenting united action for the passage of human rights legislation - with emphasis on the equal accommodations and fair employment practices bills. Attached to this letter is a list of organizations and their representatives initially forming the ILHRA; as this list is expanded, you will be notified.

At a second meeting on January 3, 1959, the following executive board was elected; Mrs. Jessie Jacobs, President; Mr. Leon Bates, Vice-President; Mrs. Faye Bechel, Treasurer; Mrs. Lila Cohen, Secretary.

Knowing of your group's vital interest in the areas of civil rights and equal opportunity, we hope we may count on your help to make this year's legislature do an effective job in the fields of equal accommodations and fair employment practices. It is, of course, in everyone's interest to help pass such legislation; equality of opportunity for all in all fields is a community affair; good jobs, good housing, good education, all mean tangible returns for all in more purchasing power, better citizens, better neighborhoods. It means, in short, a prosperity that will rub off on everyone.

We all have this stake in the Indiana Legislature's actions this year; and with it goes a responsibility to support all necessary action. Other states have made great strides forward in these fields; Indiana can do it, too. But no one can do the job alone; the combined efforts of all interested groups and their willingness to work are required. Because your group has shown its concern in the field of civil rights, we urgently solicit your cooperation and support.

As you know, action must be implemented by funds. A \$25 minimum has been set for ILHRA membership; there is no maximum. We hope that those able to contribute more will do so. Or you may contribute without registering in the ILHRA. If your group is unable to contribute money, your active support will be equally appreciated. In this latter case, it will be most helpful if you can contribute a dollar or two toward covering the costs of mailings sent to you.

We request your support and cooperation in the only way in which ILHRA can function effectively. If you know of any others who might be interested in ILHRA, won't you please send us their names. A self-addressed envelope is enclosed herewith. Please let us hear from you as soon as possible.

Cordially,

Jessie Jacobs

Leon Bates

LB:LBC

Mrs. Jessie Jacobs, President—Leon E. Bates, Vice President—Mrs. Faye Bechel, Treasurer—Mrs. Lila Cohen, Secy
Indianapolis, Ind. Indianapolis, Ind. Kokomo, Ind. Indianapolis, Ind.

- Mrs. Virginia Davis (NAACP, NCMW)
- Mrs. Stella Woodall (NAACP)
- Paul E. Meyers (Indiana Council of Teachers Union)
- Rev. Wm. D. Edwards
- Atty. Rufus C. Kuykendall
- Hollis King
- Mrs. Louise King
- Rev. George Tate
- Moses Gibson
- Sammy R. Allen
- Billie Joyce Black (NAACP)
- Dorothy Waters
- Robert Short
- Gertrude Gibson
- Mrs. Zoie Smith
- Miss Naomi Northam
- Rev. & Mrs. Ford Gibson

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William Jones

Marshall J. Cohen

Ford Gibson

Mrs. Gertrude Gibson

Richard P. Greenleaf

Rev. L. J. Hall

Mrs. Lela Wood

Hollis King

- Mrs. Naomi Northam
- Miss Dorothy Whitehead
- John Preston Ward
- Opal Lundy
- William P. Hanson
- Mrs. Jean S. Lawson
- Andrew Ramsey

STEERING COMMITTEE OF INDIVIDUALS AND GROUPS
COOPERATING WITH NAACP INQUIRY COMMITTEE

- Needle P. Livingston (Prince Hall Grand Lodge, F.M.M.)
- H. E. Jackson
- Rev. David Barnes
- William Wallace
- Barbara Wallace
- A. L. Johnson (Women's Council of Federated Clubs)
- Rev. Alexander Bernard
- Rev. A. J. Johnson (Tabernacle Baptist Church)
- Rev. Samuel Taylor (Prayer Book Baptist Church)
- Rev. E. K. Mitchell (Prayer Book Baptist Church)
- Rev. Andrew J. Brown (St. John Baptist Church)
- Richard E. Greenleaf (NAACP)
- Opal Lundy (NAACP)
- John H. Hall (NAACP)
- William P. Hanson (NAACP)
- Robert W. Jones (NAACP)
- Frank J. Jones (NAACP)
- Billie Joyce Black (NAACP)
- John H. Hall
- Mrs. Jean S. Lawson (NAACP, NCMW)

A BILL FOR AN ACT to protect all persons in their civil and legal rights, prescribing penalties for the violation to be recovered in a civil action, defining certain misdemeanors, fixing penalties, and declaring an emergency.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA:

SECTION 1. It is hereby declared to be the public policy of the State of Indiana that all persons are entitled to the full and equal enjoyment of all places of public accommodation, entertainment, service and amusement without regard to race, creed or color, and without separation, segregation or any form of discrimination based on race, creed or color.

SEC. 2. All persons within the jurisdiction of this state shall be entitled to the full and equal enjoyment of all of the accommodations, advantages, facilities, services and privileges of any and all places of public accommodation, entertainment, service or amusement, without segregation, separation or any form of discrimination based on race, creed or color, subject only to the conditions and limitations established by law and applicable alike to all persons.

SEC. 3. Any person who shall violate any of the provisions of section 2 of this act, by denying to any person, except for reasons applicable to all persons of any race, creed or color, and regardless of color, creed or race, the full and equal enjoyment of any of the accommodations, advantages, facilities or privileges indicated in said section, or by aiding or inciting such denial, or by directly or indirectly publishing, circulating, issuing, displaying, mailing any written or printed communication, notice or advertisement to the effect that any of the accommodations, advantages, facilities and privileges of any place shall be refused, withheld from or denied to any person on account of race, religious creed, color or national origin, or that the patronage or custom thereof, of any person belonging to or purporting to be of any particular race, religious creed, color or national origin is unwelcome, objectionable, or not acceptable, desired or invited, shall, for every such offense, forfeit and pay a sum of not less than three hundred dollars to any person aggrieved thereby, to be recovered in any court of competent jurisdiction in the county where said offense was committed to-

made by any person being the owner, lessee, proprietor, superintendent or manager thereof, shall be presumptive evidence in any civil or criminal action that the same was authorized by such person; and in all cases where the provisions of this act may be applicable, the failure to offer or make available to any prospective patron the services and accommodation of any such place of public accommodation, entertainment, service and amusement is indicated in section 2 of this act, where such prospective patron has entered any such place for such accommodation, entertainment, service or amusement, shall be deemed prima facie evidence of a violation under this act.

SEC. 4. Any person who shall violate any of the provisions of sections 2 and 3 of this act by denying to any person, except for reasons applicable alike to all persons of every race, creed or color the full and equal enjoyment of any of the accommodations, advantages, facilities or privileges indicated in said sections or by aiding or inciting such denial shall, for every offense, be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than three hundred dollars, nor more than five hundred dollars, or shall be imprisoned not more than thirty days or both: PROVIDED: That a judgment in favor of the party aggrieved, or punishment or committal upon indictment, or affidavit or information, shall be a bar to further or other prosecution or suit.

SEC. 5. Any person who shall repeatedly violate any of the provisions of sections 2 and 3 of this act by denying to any person except for reasons applicable alike to all persons of every race, creed or color, and regardless of color, creed or race, the full and equal enjoyment of any of the accommodations, advantages, facilities or privileges indicated in said sections, or by repeatedly aiding or inciting such denial, shall be deemed guilty of maintaining a public nuisance and may be enjoined by any court of competent jurisdiction, upon proper petition of the person or persons aggrieved, from repeating or continuing such violation of sections 2 and 3 of this act.

In the case of the violation of injunction or order of abatement issued under the provisions of this act, the court in term or a judge in vacation may try and punish the offender for contempt of court.

Any action to enjoin violations of this act may also be brought in the name of the State of Indiana by the attorney general of the state or by the

SEC. 6. Any person who shall violate any of the provisions of sections 2 and 3 of this act by denying to any person except for the reasons applicable, alike to all persons of every race, creed and color, and regardless of color, creed or race, the full and equal enjoyment of any of the accommodations, advantages, facilities or privileges indicated in said sections, or by aiding or inciting such denial, or by doing any of the acts prohibited by section 3 of this act, shall upon being convicted three times of such offense forfeit or suffer revocation of any license issued to such individual to do business in a place of public accommodation by the State of Indiana or any subdivision thereof.

SEC. 7. Nothing contained in this act shall be construed to include any institution, organization or place of accommodation which is in its nature strictly private and is not open to the public at large.

SEC. 8. The term "person" as used in this act, shall include individuals, corporations, firms, partnerships, organizations, associations, legal representatives, trustees and receivers.

SEC. 9. If any section, paragraph, sentence or clause of this act shall for any reason be held invalid or unconstitutional by the court of competent jurisdiction, the same shall not affect the validity of this act as a whole or any part thereof, other than that portion so held to be invalid or unconstitutional.

SEC. 10. All laws or parts of laws in conflict herewith are hereby repealed.

SEC. 11. Whereas an emergency exists for the immediate taking effect of this act, the same shall be in full force and effect from and after its passage.

A. BILL FOR AN ACT TO create a State Commission for Fair Employment Practices, defining its functions, powers and duties; to prevent and eliminate practices of discrimination in employment and otherwise against persons because of race, religion, color, National origin or ancestry; and providing for the appointment and compensation of its officers and employees.

BE IT ENACTED BY THE GENERAL ASSEMBLY ON THE STATE OF INDIANA:

SECTION 1. This act shall be known and made be cited and referred to as the "Indiana Fair Employment Practices Act."

SEC. 2. (1) The practices or policy of discrimination against individuals by reason of their race, color, religion, national origin, or ancestry is a matter of state concern. Such discrimination foments domestic strife and unrest, threatens; the rights and privileges of the inhabitants of the state and undermines the foundation of a free democratic state. The denial of equal employment opportunities because of race discrimination and consequent failure to utilize the productive capacities of individuals to their fullest extent, deprive large segments of the population of the state of earnings necessary to maintain decent standards of living, necessitates their resort to public relief, and intensifies group conflicts, thereby resulting in grave injury to the public safety, morale, health and welfare. Experience has proved that protection by law of the rights of all people of this state to obtain gainful employment free from such discrimination encourages the full utilization of the productive resources of the state to the benefit of the state, the family, and to all the people of the state.

(2) In the interpretation and application of this act and otherwise it is hereby declared to be the public policy of this state to foster the employment of all properly qualified persons in accordance with their fullest capacities, regardless of their race, color, religion, national origin or ancestry, and to safeguard their right to obtain and hold employment without such discrimination.

(3) This act shall be deemed an exercise of the police power of the state for the protection of the public welfare, prosperity, morale, health and peace of the people of the state.

SECTION 3. The opportunities to obtain employment and to become a member of a labor organization without discrimination because of race, color, religion, national origin or ancestry are hereby recognized as, and declared to be, civil rights.

SECTION 4. (1) The term "person" includes one or more individuals, partnerships, associations, cooperative, organizations, corporations, legal representatives, trustees, trustees in bankruptcy or receivers, or other organized groups or persons.

(2) The term "employer" includes the state, or nay political or civil subdivision thereof, and any person employing six or more persons within the state, but does not include a religions corporation or association except such corporations or associations supported in whole or in part by public funds.

(3) The term "employee" shall not include any individual employed by his parents, spouse or child, or in the domestic service of any person.

(4) The term "labor"organization" includes any organization which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances terms or conditions of employment, or of other mutual aid or protection in relation to employment.

(5) The term "employment agency" includes any person undertaking with or without compensation to procure, recruit, refer or place employees.

(6) The term "commission" means the State Commission for Fair Employment practices created by this article.

(7) The term "discriminate" includes segregate or separate

SECTION 5. It shall be an unfair employment practice:

(1) For any employer, because of the race, color, religion, national origin, or ancestry of an individual, to refuse to hire or otherwise to discriminate against him with respect to hiring, upgrading or promotion, tenure, terms, conditions or privileges of employment, or any matter directly or indirectly

13. (a) Elicit any information concerning the race, color, religion,
14. national origin or ancestry of an employee or applicant for employment or
15. membership;
16. (b) Make or keep record of the race, color, religion, national
17. origin or ancestry of any employee or applicant for employment or membership;
18. (c) Use any form of application for employment, or personnel or
19. membership blank containing questions or entries regarding race, color,
20. religion, national origin or ancestry;
21. (d) Print or publish or cause to be printed or published any
22. notice or advertisement relating to employment or membership indicating any pre-
23. ference limitation, specification, or discrimination, based upon race, color,
24. religion, national origin or ancestry;
25. (e) Establish, announce or follow a policy of denying, or limit-
26. ing, through a quota system or otherwise, employment or membership opportunities of
27. any group because of the race, color, religion, national origin or ancestry
28. of such group;
29. (f) Utilize in the recruitment or hiring of individuals to any
30. employment agency, placement services, training school or center, labor organiza-
31. tion or other employee-referring source which discriminates against individuals
32. because of their race, color, religion, national origin or ancestry.
33. (4) For any individual seeking employment to publish or cause to be
34. published any advertisement which specifies or in any manner indicates his race,
35. color, religion, national origin or ancestry, or expresses a limitation or
36. preference as to the race, color, religion, national origin or ancestry
37. of any prospective employer.
38. (5) For any labor organization, because of race, color, religion,
39. national origin or ancestry, to deny full and equal membership rights to any
40. individual or otherwise to discriminate in any manner against him with respect
41. to hiring, upgrading or promotion, tenure, terms, conditions or privileges of
42. employment, or any other matter directly or indirectly related to employment
43. or membership, whether or not authorized or required by the constitution or
44. bylaws of such labor organization or by collective labor agreement or
45. other contract.
46. (6) For any employer, employment agency or labor organization to
47. discriminate in any manner against any individual because he has opposed any
48. practice forbidden by this act, or because he has made a change, testified or
49. assisted in any manner in any investigation, proceeding or hearing under this
50. act.
51. (7) For any person, whether or not an employer, employment agency,
52. labor organization or employee, to aid, abet, incite, compel or coerce the doing
53. of any act declared by this section to be an unfair employment practice, or to
54. obstruct or prevent any person from complying with the provisions of this act
55. or any order issued thereunder, or to attempt directly or indirectly to
56. commit any act declared by this section to be unfair employment practice

SECTION 6. Every contract to which the state or any of its political or
2. civil subdivisions is a party, including franchises granted to public utilities,
3. shall contain a provision requiring the contractor and his sub-contractors
4. not to discriminate against any employee or applicant for employment, to be
5. employed in the performance of such contract, with respect to his hire, tenure,
6. terms, conditions or privileges of employment or any matter directly or in-
7. directly related to employment, because of his race, color, religion, national
8. origin or ancestry. Branch of this covenant may be regarded as a material
9. breach of the contract.

SECTION 7. (1) There is hereby created a State Commission for Fair
2. Employment Practices to consist of three members to be appointed by the
3. governor. Not more than two of the commissioners shall be of the same political
4. party. Immediately upon the taking effect of this set, the governor shall
5. appoint three members of the Commission for Fair Employment Practices hereby
6. created, one of whom shall serve for one year, one for two years, and the
7. third for three years and the term of each member as appointed shall be des-
8. ignated by the governor in his appointment. Thereafter the members of said
9. commission shall be appointed for a term of four years, excepting the filling
10. of a vacancy, in which case such appointment shall be for such unexpired term
11. only. All members of said commission shall serve as such until their successors

21. not less than \$7,500.00 per annum and the governor shall be empowered to increase
22. said salary to not more than \$10,000.00 per annum at his discretion and each
23. member of the commission shall be entitled to his expenses actual and necessary
24. incurred by him in the performance of his duties. He shall not engage in any
25. other business, vocation or employment, but shall devote his full time to his
26. duties under the act. All members of the commission shall be eligible for
27. reappointment.

28. (4) The governor shall designate one of the members of said
29. commission as chairman of the commission. Thereafter, upon completion of the
30. term of the chairman so appointed the three members of the commission shall elect
31. a chairman from among the three members then duly appointed and qualified.

32. (5) Immediately upon the taking effect of this set the commission
33. shall appoint an executive secretary to the commission, who shall devote full time
34. to the enforcement of the act. Said executive secretary shall receive a
35. salary of not less than \$7,500.00 or more than \$10,000.00 per annum, upon the
36. recommendation of the commission and at the discretion of the governor, and
37. be entitled to his expenses actually and necessarily incurred by him in the
38. performance of his duties, said executive secretary shall be appointed by
39. the commission for a term of four years, removable by the commission, after
40. being given a written statement of the charges and an opportunity to be heard
41. publicly thereon, only for inefficiency, neglect of duty, or malfeasance in
42. office, but for no other cause.

SECTION 8. The commission shall have the following powers, duties and
2. functions: (1) To establish and maintain a principal office in the City of
3. Indianapolis and such other offices within the state as it may deem necessary

4. (2) To meet and function at any place within the state through one
5. or more of its members, or by such agents or agencies as it may designate, con-
6. duct any proceeding, hearing, investigation, or inquiry necessary to the
7. performance of its functions. A member who participates in any such proceeding
8. shall not be disqualified from subsequently participating in a decision of the
9. commission in the same case.

10. (3) To appoint such attorneys, clerks and other employees and agents
11. as it may deem necessary and competent; and, where possible, full-time personnel,
12. Their compensation to be fixed within the limitations provided by law, and
13. their respective duties prescribed by the commission and its executive secretary.

14. (4) All employees, with the exception of an executive secretary,
15. hearing members and attorneys, shall be appointed by the commission from eligible
16. lists to be promulgated by the personnel board as the result of a competitive
17. examination held pursuant to the merit law and rules and on the basis of train-
18. ing, practical experience education, and character, provided, however, that
19. special consideration and due weight shall be given to the practical experience
20. and training which a person may have for the particular position involved, re-
21. gardless of academic training, Promotions, suspensions, and removals of persons
22. appointed from such lists shall be in accordance with provisions of the merit
23. law.

24. (5) The reasonable and necessary traveling and other expenses of
25. the other employees of the commission while actually engaged in the performance
26. of their duties outside the City of Indianapolis shall be paid. Attorneys
27. appointed under this section may, at the discretion of the commission, appear
28. for and represent the commission in any case in court. The commission may
29. establish or utilize such regional, local, or other agencies, and utilize
30. such voluntary and uncompensated service as may from time to time be needed.

31. (6) To adopt, promulgate, amend and rescind rules and regulations
32. to effectuate the provisions of this act and the policies and practice of the
33. commission in connection therewith; such rules and regulations to be adopted
34. promulgated, amended and rescinded pursuant to the provisions of Chapter 120
35. of the Acts of the Eighty-fourth session of the Indiana General Assembly.

36. (7) To formulate policies to effectuate the purpose of this act
37. and make recommendations to agencies and officers of the state or local sub-
38. divisions of government to effectuate such policies. The several departments,
39. commissions, divisions, authorities, boards, bureaus agencies and officers
40. of the state or any political subdivision or agency thereof, shall furnish
41. the commission upon its request, all records, papers, and information in
42. their possession relating to any matter before the commission.

43. (8) To receive, investigate and pass upon charges of unfair
44. employment practices.

53. hearing is held or in which the witness resides or transacts business. No
54. person shall be excused from attending and testifying or from producing
55. records, correspondence, documents or other evidence in obedience to the
56. subpoena of the commission on the grounds that the testimony or evidence re-
57. quired of him may tend to incriminate him or subject him to penalty or for-
58. feiture, but no person shall be prosecuted or subjected to any penalty or
59. forfeiture for or an account of any transaction, matter or thing concerning
60. which he is compelled after having claimed his privilege against self-
61. incrimination, to testify or produce evidence, except that such person so
62. testifying shall not be exempt from prosecution and punishment for perjury
63. committed in so testifying. The immunity herein provided shall extend only
64. to natural persons so compelled to testify.

65. (10) To utilize voluntary and uncompensated services of private individ-
66. uals and organizations as may from time to time be offered and needed.

67. (11) To create such advisory agencies, and conciliation councils, local
68. or state-wide, as will aid in effectuating the purposes of this act. The com-
69. mission may itself, or it may empower these agencies and councils to, (a) study
70. the problems of discrimination in all or specific fields of human relationships
71. when based on race, color, religion, national origin or ancestry; and

72. (b) Foster through community effort or otherwise good will among the
73. groups and elements of the population of the state. Advisory agencies and
74. conciliation councils created by the commission shall be composed of repre-
75. sentative citizens serving without pay, but with reimbursement for actual and
76. necessary traveling expenses.

77. (12) The commission is likewise empowered to receive and investigate
78. complaints of violation of the civil rights law or other discriminatory practices
79. based upon race, color, religion, national origin or ancestry in, but not
80. limited to, the fields of housing, recreation, education, health and social
81. welfare, or may conduct such investigations in the absence of complaint
82. whenever the commission deems it in the public interest; to conduct public
83. or private hearings; and to make public its findings and recommendations.
84. For the purpose of such hearings or investigations it shall have all the
85. power vested in it by previous sections. The commission may from time to time
86. transmit to the General Assembly recommendations for legislation concerning
87. abuses or discrimination revealed by such investigations.

88. (13) To issue such publications and such results of investigations and
89. research as in its judgement will tend to promote good will and minimize or
90. eliminate discrimination because of race, color, religion, national origin or
91. ancestry.

92. (14) From time to time, but not less than once a year, to report to the
93. legislature and governor, describing in detail the investigations, pro-
94. ceedings and hearings it has conducted and their outcome, the decisions it
95. has rendered and the other work performed by it and make recommendations for
96. such further legislation concerning abuses and discrimination because of race,
97. color, religion, national origin or ancestry as may be desirable.

98. (15) To adopt an official seal.

SEC. 9. (1) In order to eliminate prejudice among the various racial,
2. religious and ethnic groups in this state and to further good will among such
3. groups, the commission, in cooperation with the State Department of Public
4. Instruction and the universities and colleges of the state, and such other
5. universities and colleges as are willing to cooperate, is directed to prepare
6. a comprehensive educational program, designed for the students of the public
7. schools of the state, and all other schools as are willing to cooperate, and
8. for all other residents thereof, designed to emphasize the origin of prejudice
9. against such minority groups, its harmful effects, its incompatibility with
10. American principles of equality and fair play, and violation of the Brotherhood
11. of man under the Fatherhood of Almighty God.

12. (2) The commission is hereby authorized to accept contributions from
13. any person to assist in the effectuation of this section and may seek and
14. enlist the cooperation of private charitable, religious, labor, civic, and
15. benevolent organizations for the purposes of the section.

SEC. 10. (1) The commission is empowered and directed, as hereinafter
2. provided, to prevent any person from engaging in unfair employment practices,
3. provided that before instituting the formal hearing authorized by this section
4. it shall immediately attempt, by the informal methods of conference, persua-
5. sion, and conciliation, to induce compliance with this act. The members of
6. the commission and its staff shall not disclose what has occurred in the

8. in the case of any complaint which has been dismissed and the terms of concil-
9. iation when a complaint has been adjusted.

10. (2) Upon its own initiative or whenever a charge has been made by the
11. executive secretary of said commission, or by an aggrieved individual, or by
12. an organization chartered for the purpose of combating discrimination or
13. racism, or of safeguarding civil liberties, or of preventing full, free, or
14. fair employment opportunities, hereinafter referred to as the complainant,
15. that any employer, employment agency, labor organization or persons, hereinafter
16. referred to as the respondent, has engaged in or is engaging in any unfair
17. employment practice, the commission shall have the power to issue and cause
18. to be served upon such respondent a complaint stating the charges in that
19. respect and containing a notice of hearing before the commission or a member
20. thereof or a hearing examiner at a place therein fixed to be held not less
21. than ten days after the service of said complaint. Any complaint issued
22. pursuant to this section must be so issued within six months after the alleged
23. unfair employment practice was committed.

24. (3) Any such complaint may be amended by the commission or a member
25. thereof or its agents conducting the hearing at any time prior to the issuance
26. of an order based thereon. The respondent shall have the right to file an
27. answer to the original and amended complaint and to appear at such hearing in
28. person or by attorney or otherwise to examine and cross-examine witnesses,
29. and to obtain compulsory process for the issuance of subpoenas in the same
30. manner as the commission is authorized to do so by the provisions of section
31. 9 of this act.

32. (4) The complainant may be a party to the proceeding and in the dis-
33. cretion of a member or agent conducting the hearing or of the commission, any
34. other person may be allowed to intervene upon such terms and conditions as
35. the commission may by special or general order prescribe.

36. (5) In any such proceeding the commission or its agent shall not be
37. bound by the strict rules of evidence prevailing in the courts of law or
38. equity, but as a matter of policy the commission shall provide for the exclusion
39. of irrelevant, immaterial or unduly repetitious evidence.

40. (6) The commission shall in ascertaining the practices followed by the
41. respondent, take into account all the substantial evidence, statistical or
42. otherwise, which may tend to prove the existence of a predetermined pattern
43. of employment or membership; provided that nothing herein contained shall be
44. construed to authorize or require any employer or labor organization to admit
45. applicants for employment or membership in the proportion which their race,
46. color, religion, national origin or ancestry bears to the total population or
47. in accordance with any criterion other than the individual qualifications of
48. the applicant.

49. (7) The testimony taken at the hearing shall be under oath and shall be
50. reduced to writing and filed with the commission. Thereafter, in its dis-
51. cretion, the commission upon notice may take further testimony or hear argument.

52. (8) If upon all the testimony taken the commission shall determine that
53. the respondent has engaged in or is engaging in any unfair employment practice,
54. the commission shall state its findings of fact and shall issue and cause to
55. be served on such respondent an order requiring such respondent to cease and
56. desist from such unfair employment practice and to take such further affirma-
57. tive or other action as will effectuate the purposes of this act, including,
58. but not limited to hiring, reinstatement or upgrading of employees with or
59. without back pay, or admission or restoration to union membership, including
60. a requirement for reports of the manner of compliance. Upon the submission
61. of such reports of compliance the commission may issue a declaratory order
62. stating that respondent has ceased to engage in unfair employment practices.
63. The findings of the commission shall be supported by relevant, reliable and
64. probative evidence. Pure hearsay evidence standing alone shall not be con-
65. sidered probative evidence sufficient to support the commission's findings.

66. (9) If the commission shall find that no probable cause exists for
67. crediting the charges or if upon all the evidence the commission shall find
68. that a respondent has not engaged in any unfair employment practices, it shall
69. state its findings of fact and shall issue and cause to be served on the com-
70. plainant an order dismissing the said complaint as to such respondent. A copy
71. of the order shall be delivered in all cases to the Attorney General and such
72. other public officers as the Commission deems proper.

6. or Superior Court of the state within any County wherein the unfair employment
7. practice which is the subject of the commission's order was committed or wherein
8. any respondent required in the order to cease and desist from any unfair employ-
9. ment practice or to take other affirmative action resides or transacts business.

10. (2) Each proceeding shall be initiated by the filing of a petition in
11. such court, together with the transcript of the record upon the hearing before
12. the commission, and the service of a copy of the said petition upon the com-
13. mission and upon all parties who appear before the commission. Thereupon the
14. court shall have jurisdiction of the proceeding and of the questions determined
15. therein and shall have power to grant such temporary relief or restraining
16. order as it deems just and proper and to make and enter upon the pleadings,
17. testimony and proceeding set forth in such transcript an order enforcing,
18. modifying and enforcing as so modified, or setting aside in whole or in part,
19. the order of the commission.

20. (3) An objection that has been urged before the commission shall not be
21. considered by the court, unless the failure or neglect to urge such objection
22. shall be excused because of extraordinary circumstances.

23. (4) Any party may move the court to remit the case to the commission in
24. the interest of justice for the purpose of adducing additional specified and
25. material evidence and seeking findings thereon, provided he show reasonable
26. grounds for the failure to adduce such evidence before the commission.

27. (5) The findings of the commission as to the facts shall be conclusive
28. if supported by substantial evidence.

29. (6) The jurisdiction of the court shall be exclusive and its judgement
30. and order shall be final, subject to review by the Supreme Court as provided
31. by law.

32. (7) The commission's copy of the testimony shall be available at all
33. reasonable times to all parties without cost for examination and for the pur-
34. poses of judicial review of the order of the commission. The petition shall
35. be heard on the transcript of the record without requiring printing.

36. (8) The commission may appear in court by its executive secretary.

37. (9) If no proceeding to obtain, judicial review is instituted by a con-
38. plaint, intervenor, or respondent within thirty days from the service of an
39. order of the commission pursuant to section 9 hereof, the commission may
40. obtain a decree of the court for the enforcement of such order in the Circuit
41. or Superior Court upon showing that respondent in subject to the commission's
42. jurisdiction and resides or transacts business within the county in which the
43. petition for enforcement is brought.

SEC. 12. Every employer, employment agency and labor union subject to
2. this act shall post in conspicuous place or places on his premises a notice
3. to be prepared or approved by the commission which shall set forth excerpts
4. of this chapter and such other relevant information which the commission deems
5. necessary to explain the act. Any employer, employment agency or labor union
6. refusing to comply with the provisions of this section shall be punished by
7. a fine of not less than one hundred dollars (\$100.00) nor more than two hundred
8. and fifty (\$250.00).

SEC. 13 Any person who shall willfully fail or refuse to comply with
2. the provisions of this act shall be deemed guilty of a misdemeanor and upon
3. conviction thereof, shall be fined in any sum not less than five hundred (\$500.00)
4. nor more than one thousand dollars (\$1000.00), or by imprisonment for not more
5. than six months, or both.

SEC. 14. The provisions of this act shall be construed liberally for
2. the accomplishment of the purpose hereof and any law inconsistent with any
3. provision hereof shall not apply. For the purpose of construing this act the
4. title and the declaration of policy shall be considered part of the act itself.
5. Nothing contained in this act shall be deemed to repeal any of the provisions
6. of any law of this state relating to discrimination because of race, color,
7. religion, national origin or ancestry, save as hereinafter expressly mentioned.

SEC. 15. This act expressly repeals and supercedes in all its provisions,
2. Chapter 325, as amended, if the Acts of the Eighty-fourth Session of the
3. Indiana General Assembly.

SEC. 16. If any clause, sentence, paragraph or part of this act or the
2. application thereof to any person or circumstance shall be for any reason ad-
3. judged by a court of competent jurisdiction to be invalid, such judgement shall
4. not affect, impair or invalidate the remainder of this act, and the applications
5. thereof to other persons or circumstances, but shall be confined in its operation
6. to the clause, sentence, paragraph, or part thereof directly involved in the