

IN THE SUPREME COURT OF PENNSYLVANIA

Middle District

PENNSYLVANIA HUMAN RELATIONS
COMMISSION,

Appellant

V.

CHESTER SCHOOL DISTRICT

: No. 82 May Term, 1967
:
:
:
: Appeals from the Order of the
: Superior Court, No. 12 March Term
: 1967 at No. 637 Commonwealth Docket,
: 1964.

OPINION OF THE COURT

ROBERTS, J.

FILED: SEPTEMBER 26, 1967

The crux of this controversy concerns the authority of the Pennsylvania Human Relations Commission over charges of alleged de facto segregation in the school system of City of Chester.¹ Akin to this central problem is whether the Commission's findings of fact are supported by substantial evidence.

In November 1964, after a series of public hearings conducted in the City of Chester, the Commission ordered the Chester School District "by and through the Chester School Board, its officers, agents, and employes," to "take immediate steps to desegregate effectively" six

1. As the courts below observed, de facto segregation "remains undefined in its full concept," yet at the same time it is a meaningful term. 85 Dauph. 18, 25, 224 A.2d 811, 820 (1966). According to one student of the problem, "de facto segregation may be defined simply as the racial imbalance in schools which occurs when the number of Negroes in a compact Negro area becomes so great that drawing school zone boundaries on a geographical basis causes the great majority of Negro children to attend schools which are overwhelmingly Negro in population." Kaplan, Segregation Litigation and the Schools -- Part I: The New Rochelle Experience, 58 N.W.L. Rev. 1, 2 (1963). See also, United States v. Jefferson County Bd. of Educ., 372 F.2d 836, 878 n. 92 (5th Cir. 1966) for other definitions of the term.

SCHOOLS whose enrollments were either all Negro or substantially all Negro.² On appeal the Court of Common Pleas of Dauphin County, sitting as the Commonwealth Court, held that unless the Chester School District intentionally fostered or maintained segregation in the public schools, the Commission exceeded its jurisdiction in ordering the School District to take affirmative steps to relieve racial imbalance in its schools.³ Moreover, the court further held those findings relied upon by the Commission to substantiate such responsibility were arbitrary and capricious. The Superior Court, adopting the Dauphin County Court's opinion as its own, affirmed; Judge Hoffman filed a dissenting opinion in which Judge Spaulding joined, 209 Pa. Superior Ct. 37, 224 A.2d 811 (1966). We granted allocatur. For reasons stated hereinafter we reverse the decisions of the courts below.

I. The Factual Background

The academic year 1963-64 was one of unfortunate racial strife for the citizens of Chester. Negro residents of the city, assisted by civil rights advocates from neighboring communities, conducted a series of protest demonstrations aimed at inducing city officials to furnish their children quality, integrated education and to halt certain administrative practices which they alleged resulted in racial discrimination. The School Board contended that the all Negro schools were the result of residential patterns for which they were not responsible, and denied the allegations of purposeful discrimination. Largely as a result of the

2. Douglass Junior High School and the following elementary schools: Dewey-Mann, Franklin, Lincoln, Washington, and Watts. The Chester School System consists of one senior high school, four junior high schools, and eleven elementary schools.

3. The Dauphin Court's opinion is reported at 85 Dauph. 18, 224 A.2d 811, 816 (1966).

obstinate refusal by both the School Board and the civil rights groups to meet with each other in an attempt to solve their differences, relations between the Negro and white community rapidly deteriorated. Tensions between the two groups reached a climax on the evenings of March 27 and 28 when, during the course of massive civil rights demonstrations, the police arrested scores of individuals to accompanying cries of police brutality.

Sometime prior to the March demonstrations the Mayor of Chester had appointed a Chester Commission on Human Relations which, after study, recommended that the School Board integrate the faculties and develop a plan for integration of the elementary schools. The School Board, however, remained adamant in its support of the existing pattern of neighborhood schools and seemed to foreclose any possibility that it might voluntarily take steps to alleviate the cause of discontent in the Negro community. With the almost total collapse of interracial good will following the March demonstrations, the Chester Human Relations Commission became defunct. Up to this time the Pennsylvania Human Relations Commission, while cooperating with the Chester Commission, had not directly participated in the Chester problem. However, in mid April, at the specific request of former Governor William Scranton and the late Attorney General Walter Alessandrini, the Pennsylvania Human Relations Commission intervened and succeeded in temporarily halting the demonstrations. The Commission also arranged a meeting on April 20, 1964, between the School Board and civil rights leaders, but this meeting failed even to establish a framework for future discussions. Thereafter on April 22 and 24 the demonstrations were resumed; again mass arrests were made, many demonstrators were injured, and charges of police brutality were levied.

With the crisis in Chester worsening, an emergency meeting was held in Philadelphia on Sunday, April 26. At this meeting, attended by the Governor, the Attorney General, the Mayor of Chester, the Chester City Solicitor, counsel for the Chester School Board and representatives of the Pennsylvania Human Relations Commission, it was decided that the Commission would hold immediate public hearings on the charges of alleged racial discrimination in the Chester School System, that the Commission would attempt to induce the parties to settle the controversy themselves, but that if necessary the Commission would issue an appropriate order.

The participants in the April 26 meeting expected the civil rights groups would act as the complainants in the proceedings. However, when the public hearings commenced these groups declined to do so because of expressed uncertainties about the power of the Commission to issue an effective order, and because they were afraid their participation in the hearings would prejudice their standing in the event they decided to file a court suit.⁴ Under the circumstances the Commission filed its own complaint wherein it set forth verbatim the same nine charges made by the civil rights groups in a letter addressed to the Commission's General Counsel. Public hearings were held on 4, 5, 6, and 14 May, 11 June, 17 and 29 September 1964. In addition on July 13 an off the record meeting was held between the Commission and the representatives of the School District in an attempt to reach a solution without the necessity of issuing a formal adjudication and order. This attempt proved unsuccessful. On November 20, 1964, the Commission issued its opinion, which included

4. When the Human Relations Act is invoked, the procedures and remedies provided therein are exclusive. Act of October 27, 1955, P.L. 744, §12, as amended, 43 P.S. §962.

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fifty-three findings of fact and eight conclusions of law. In its decision the Commission dismissed two of the nine allegations charged in the complaint but found:

"The respondent has committed and continues to commit unlawful discriminatory practices in violation of Sections 4 (g), 5 (a) and 5 (i) of the Pennsylvania Human Relations Act, in that (1) respondent maintains segregated, all-Negro and substantially all-Negro public schools within its school system, (2) respondent has established public school zones which confine the Negro pupils to all-Negro schools, (3) respondent has failed to make available kindergartens in sufficient number to accommodate the children of Negroes living in Chester, (4) respondent assigns only Negro teachers and only Negro clerks to all-Negro schools, (5) respondent has permitted the physical condition of the all-Negro school buildings to be inferior to that of other school buildings in its system, and (6) respondent has failed to accept or adopt any affirmative plan whereby the public schools it administers will be effectively desegregated within a reasonable time."

At the same time, the Commission issued its final order wherein it directed the Chester School District to cease and desist from these practices and to take immediate corrective measures.

As provided for in section 10 of the Pennsylvania Human Relations Act,⁵ the School District appealed the Commission's decision under the

5. Ibid. §10, 43 P.S. §960.

provisions of the Administrative Agency Law.⁶ Initially, exceptions to twenty-six of the fifty-three findings of fact made by the Commission, its conclusions of law, decision, and final order were filed, but several of these exceptions have since been abandoned. Specifically, the School District no longer objects to that part of the Commission's order concerning its practice of assigning Negro clerks and teachers to all Negro schools nor with its failure to provide most Negro children with kindergartens, although with respect to the latter it continues to believe there was no legal or factual basis for the Commission's conclusions. Indeed the School District claims to have made substantial progress regarding both complaints. Preserved for our review are the crucial questions of jurisdiction and whether the record supports the Commission's finding that the neighborhood school system as applied in Chester violates the Pennsylvania Human Relations Act.

II. The Procedure Adopted

The School District takes the position that, in the absence of a complaint filed by an aggrieved individual, the Commission possessed authority only to conduct an investigatory hearing but could not itself serve as the complainant or issue a final order. This procedural argument was rejected by the courts below; since we are in accord with the reasons expressed in the Dauphin County Court's opinion on this aspect of the controversy, 85 Dauph. at 22-25; 224 A.2d at 818-20, there is no need to consider it anew.

6. Act of June 4, 1945, P.L. 1388, 71 P.S. §1710.1 et seq.

III. The Commission's Jurisdiction

The School District does not suggest that it would be unconstitutional for the Legislature to command them to consider race in their districting proposals in order to achieve a semblance of racial balance in its schools, nor do we believe there would be any merit in such a contention. See Jackson v. Pasadena City School Dist., 59 Cal.2d 876, 382 P.2d 878 (1963); Guida v. Board of Educ. of New Haven, 26 Conn. Supp. 121, 213 A.2d 843 (1965); School Committee of Boston v. Board of Educ., _____ N.E. 2d _____, 35 Law Week 2743 (Mass. 1967); Booker v. Bd. of Educ. of Plainfield, 45 N.J. 161, 212 A. 2d 1 (1965); Balaban v. Rubin, 14 N.Y. 2d 193, 199 N.E. 2d 375, 250 N.Y.S. 2d 281, cert denied, 379 U.S. 381, 85 S.Ct. 148 (1964); cf. Hobson v. Hansen, _____ F. Supp. _____, _____ (D. D.C. June 19, 1967) (Civ. No. 82-66); United States v. Jefferson County Bd. of Educ., 372 F. 2d 836 (5th Cir. 1966), aff'd en banc, March 29, 1967 (per curiam). But see Tometz v. Board of Educ. of Waukegan City School Dist., _____ N.E. 2d _____ (Ill. June 20, 1967) (Dock. No. 40292--Mar. 1967). Rather its position is that the Legislature has not chosen to require this, and in the absence of such a directive, the School Board need not consider race in drawing boundary lines. The School District, while believing de facto segregation to be regrettable from an educational standpoint, views the solution as lying in the integration of the community's residential sections over which it has no control.

Both parties recognize the correctness of their respective views regarding the Commission's jurisdiction depends upon the construction of the phrase "directly or indirectly" in the context of the following statutory language:

"It shall be an unlawful discriminatory practice. . .for . . .any place of public accommodation. . .to. . .Refuse, withhold from, or deny to any person because of his race, color, religious creed, ancestry or national origin, either directly or indirectly, any of the accommodations, advantages, facilities of privileges of such place of public accommodation. . . ."

Pennsylvania Human Relations Act, §5, Act of October 27, 1955, P.L. 744, as amended by the Act of February 28, 1961, P.L. 47, 43 P.S. §955(i)(1). By virtue of §4, 19 P.S. §954, public schools are places of public accommodation.

In adopting the construction urged by the School District, the courts below reasoned: "As used in this particular statute, it is clear that the phrase 'either directly or indirectly' relates to and modifies the words 'refuse, withhold from, or deny.' Such words contemplate intentional or affirmative acts on the part of the wrongdoer," 85 Daugh. at 27, 224 A.2d at 821. We cannot agree. To begin with the Legislature has specifically mandated in section 12 that "the provisions of this act shall be construed liberally for the accomplishment of the purposes thereof." In our view a more reasonable construction of the disputed phrase would be that where, as here, the responsible party has the power to take corrective measures, indeed of necessity it must redistrict periodically, its failure to act amounts to the continued withholding from most Negro children the admitted advantages of an integrated education. Total non-action by school boards is thus impossible and even seemingly neutral

decisions frequently encourage de facto segregation.⁷ Such a construction, of course, does not mean that a totally integrated school system must be achieved overnight or that Chester need abandon neighborhood schools but only that complete inaction under the circumstances of this case amounts to a denial of these advantages.

Along these lines, and without benefit of a similar statute, the California Supreme Court recently observed in considered dictum:

"(E)ven in the absence of gerrymandering or other affirmative discriminatory conduct by a school board, a student under some circumstances would be entitled to relief where, by reason of residential segregation, substantial racial imbalance exists in his school. So long as large numbers of Negroes live in segregated areas, school authorities will be confronted with difficult problems in providing Negro children with the kind of education they are entitled to have. Residential segregation is in itself an evil which tends to frustrate the youth in the area and to cause anti-social attitudes and behavior. Where such segregation exists it is not enough for a school board to refrain from affirmative discriminatory conduct. The harmful influence on the children will be reflected and intensified in the classroom if school attendance is determined on a geographic basis

7. See note 12 infra and accompanying text. An analogy has been suggested in Kaplan, supra note 1 at 55, between the failure of school boards to alleviate racial imbalance and the failure of state legislatures to redistrict; in the latter case there is clearly an affirmative obligation to take corrective action, e.g., Baker v. Carr, 369 U.S. 186, 82 S.Ct 691 (1962).

without corrective measures. The right to an equal opportunity for education and the harmful consequences of segregation require that school boards take steps, insofar as reasonably feasible, to alleviate racial imbalance in schools regardless of its cause."

Jackson v. Pasadena City School Dist., 59 Cal. 2d 876, 382 P.2d 878, 881-82 (1963). See also Barksdale v. Springfield School Committee, 237 F.Supp. 543 (D. Mass), vacated on other grounds, 348 F.2d 261 (1st Cir. 1965).

The canons of statutory construction require that a statute be read in a manner which will effectuate its purpose, a task which compels consideration of more than the statute's literal words. E.g., Chartiers Valley Joint Schools v. Allegheny County Bd. of School Directors, 418 Pa. 520, 211 A.2d 487 (1965); Rossiter v. Whitpain Twp., 404 Pa. 201, 170 A.2d 586 (1961); New York Life Ins. Co. v. Guaranty Corp., 321 Pa. 359, 184 Atl. 31 (1936); Act of May 28, 1937, P.L. 1019, 46 P.S. §551. In ascertaining this legislative purpose, especially when the act in question is a manifestation of a fundamental policy of the Commonwealth, courts may properly consider the historical setting which gave impetus to its enactment. See New York Life Ins. Co. v. Guaranty Corp., supra; Orlosky v. Haskell, 304 Pa. 57, 155 Atl. 112 (1931); 50 Am. Jur. §295 (1944). Thus even if we assume arguendo that the interpretation we have adopted is not apparent solely from the wording of the statute, any latent ambiguity disappears once we examine the circumstances of its passage.

In 1954, the Supreme Court of the United States ushered in a new era of constitutional development when it held segregated educational facilities deprived children of minority groups the opportunity to obtain an education equal to that received by their Caucasian counterparts. Brown v. Board of Educ., 347 U.S. 483, 74 S.Ct. 686 (1954). The consolidated cases decided in Brown involved areas where the state gave active support to a dual system of schools, and for several years the greatest emphasis was placed upon achieving compliance with the Supreme Court's mandate in the southern states. See, e.g., Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1399 (1958). However, Negro leaders recognized that their children were not receiving equal educational opportunities in northern communities, where the schools were frequently segregated on a de facto basis, and in the late fifties they began to focus their attention on this problem. See, e.g., Taylor v. Board of Educ. of New Rochelle, 191 F.Supp 181 (S.D.N.Y.), aff'd, 294 F.2d 36 (2nd Cir.), cert. denied, 368 U.S. 940, 82 S.Ct. 382 (1961).

The legislative development of the Human Relations Act casts considerable light upon the legislative intention as it effects the present litigation. In 1955, the Pennsylvania Fair Employment Practice Commission was created to supervise the provisions of the then newly enacted Pennsylvania Fair Employment Practice Act.⁸ When this act was amended in 1961 to include discrimination in housing and public accommodations, it was retitled the Pennsylvania Human Relations Act. The Commission's name of course was also changed to reflect its broadened jurisdiction. Two of the 1961 amendments are especially pertinent here: (1) Section 5

(i) (1), the section under which the Commission has proceeded in the instant case, first became a part of our statutory law; (2) the Legislature amended the section dealing with its findings and declaration of policy so as to specifically refer to the evils resulting from racial segregation in the public schools. Section 2(a) now reads as follows:

"The practice or policy of discrimination against individuals or groups by reason of their race, color, religious creed, ancestry, age or national origin is a matter of concern of the Commonwealth. Such discrimination foments domestic strife and unrest, threatens the rights and privileges of the inhabitants of the Commonwealth, and undermines the foundations of a free democratic state. The denial of equal employment, housing and public accommodation opportunities because of such discrimination, and the consequent failure to utilize the productive capacities of individuals to their fullest extent, deprives large segments of the population of the Commonwealth 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 health and welfare, compels many individuals to live in dwellings which are substandard, unhealthful and overcrowded, resulting in racial segregation in public schools and other community facilities, juvenile delinquency and other evils, thereby threatening the peace, health, safety and general welfare of the Commonwealth and its inhabitants."⁹

9. Ibid., as amended by the Act of February 28, 1961, P.L. 47, §1, 43 P.S. §953 (Additions in italics).

Had the Legislature intended to reach by the 1961 amendments only de jure segregation, its legislative pronouncements would have been unnecessary. The 1954 Brown decision made it eminently clear that de jure segregation -- racial isolation produced by the acts of public officials -- is unconstitutional. A legislative pronouncement to this effect, and this effect only, would be mere gild on the lily.

Because the courts below found the underlying inequities, as expressed in this declaration of policy, not to include de facto segregation as such, it refused to conclude that the Legislature intended to grant the Commission jurisdiction over problems of racial imbalance. Instead the courts reasoned: "It is significant to note that the Legislature in this policy declaration states that 'racial segregation in the public schools' is the result of discrimination in the area of the denial of equal housing accommodations. . . . If by the enforcement of the Act discrimination in the areas of employment and housing is largely overcome, or through the recognition by man of the inherent worth of his neighbor regardless of race, creed or color, de facto segregation would to a substantial degree also be overcome as racial imbalance in the public schools is essentially a result of patterns of neighborhood school attendance districts." 85 Dauph. at 28, 224 A.2d at 822. (Emphasis in original.)

In our view this is a vast oversimplification and does not adequately reflect the mandate that the statute be liberally interpreted to reflect its purpose. The restrictive construction placed upon this section by the courts below ignores completely the legislative con-

clusion that racial segregation in the public schools, whatever its source, threatens "the peace, health, safety and general welfare of the Commonwealth and its inhabitants."¹⁰ There are many social and economic causes for the rigidified residential patterns which dominate our communities, and despite anti-discrimination laws the barriers to integrated housing are often difficult to breach.¹¹ Indeed the way to attack discrimination in housing and employment may be to begin with a program of quality integrated education. The best way to demonstrate the "inherent worth of (one's) neighbor" is to place individuals in a situation where they are exposed to their neighbor. This is especially true if a child can become aware of his neighbors' capabilities before

10. Compare the letter of President Lyndon B. Johnson to John A. Hannah, Chairman, U.S. Commission on Civil Rights, reprinted in, *Racial Isolation in the Public Schools* (U.S. Commission on Civil Rights 1967). iv:

"(L)ong after we have done all we can to eliminate past inequities, we will continue to pay their costs in stunted lives. Because millions of Negroes were deprived of quality education and training in basic skills, because they were given to believe that they could aspire only to the most menial and insecure places in our society, they are seriously handicapped in taking advantage of opportunities afforded by new laws, new attitudes and an expanding economy. We can no longer tolerate such waste of human resources.

"Although we have made substantial progress in ending formal segregation of schools, racial isolation in the schools persists -- both in the North and the South -- because of housing patterns, school districting, economic stratification and population movements. It has become apparent that such isolation presents serious barriers to quality education."

11. For a comprehensive study of the socio-economic causes of racial isolation, see *Racial Isolation in the Public Schools* (U.S. Commission on Civil Rights 1967). 17-77.

his prejudices have had a chance to develop, but inter-racial cooperation may also have a beneficial effect on the thinking of adults. Thus, participation in such school activities as the P.T.A. may promote a better understanding which is the crucial first step toward the achievement of a truly integrated society. To paraphrase Mr. Justice Holmes, one such experience may be worth several volumes of sociology.

In line with their interpretation of §5:(i)(1), supra, the courts below also concluded that the last clause of the declaration of policy contemplated an affirmative "practice or policy" on the part of the actor. Yet seemingly neutral decisions by school officials, such as construction sites of new schools, school size, attendance zones, and methods of relieving overcrowded schools, frequently perpetuate racial isolation.¹² Moreover, some of the actions taken by the Chester School District can hardly be classified as neutral. For example, only after the Commission issued its order in the present case did the School Board abandon its practice of assigning only Negro teachers and clerks to all Negro schools, although the consideration of race in faculty assignments is violative of Brown and precludes the establishment of an integrated school system.¹³ As one federal district court recently phrased it: "(T)he presence of all Negro teachers in a school attended solely by Negro pupils in the past denotes that school a 'colored school' just as certainly as if the words

12. See *ibid*, at 44-59.

13. See, e.g., Bradley v. School Bd. of Richmond, 382 U. S. 103, 86 S.Ct. 224 (1965); Smith v. Board of Educ. of Morrilton, 365 F.2d 770, 778 (8th Cir. 1966).



were printed across its entrance in six-inch letters." Brown v. County School Bd. of Frederick County, 245 F.Supp. 549, 560 (W.D. Va. 1965).

Finally, we must be cognizant of the consequences of a particular interpretation. Act of May 28, 1937, P.L. 1019, 46 P.S. §551. The interpretation adopted by the courts below would almost totally deprive the Commission of effectiveness in the area of racial imbalance, for as the New York Court of Appeals observed in an early case interpreting New York's anti-discrimination law: "One intent on violating the Law Against Discrimination cannot be expected to declare or announce his purpose." Holland v. Edwards, 307 N.Y. 38, 45, 119 N.E.2d 581, 584 (1954). Pennsylvanians are justly proud of this Commonwealth's leadership in promoting equal opportunities for all its citizens, and we believe it to be more than coincidental that the 1961 amendments were adopted at a time when many educators and sociologists were giving serious attention to the educational problems posed by de facto segregation.

Nor do we find the counter arguments advanced by the School District against the construction we have adopted persuasive. Essentially, the School District believes Commission jurisdiction in this area will result in the usurpation of its functions under the Public School Code. While the School District agrees that if it were guilty of purposeful discrimination (a question we do not now pass upon), the Commission could issue a cease and desist order, it contends that "regardless of the Commission's findings, its order must be limited to requiring the end of the discriminatory practice." But if the Commission can order an end to the discriminatory practice, it must be able to do so effectively; indeed the simple answer to the School District's contention is found in section 9

of the Human Relations Act which not only instructs the Commission to enter affirmative orders but also requires those in violation of the act to file a report indicating the manner of compliance.

In particular the School District is concerned that the Commission's order will result in forcing them to adopt a system of busing and in the destruction of the neighborhood school system. In order to prevent this they urge us to hold that the Commission is without jurisdiction over problems of racial isolation. We are not at all convinced these fears are justified, but in any event they do not warrant our subverting the legislative goal.

Because of acute overcrowding in certain schools, the Chester School District has found it necessary, for several years prior to the hearings in this case, to transport a number of its pupils out of their neighborhoods to less crowded schools, and in at least one instance, to temporary classrooms in a housing project. Under the Public School Code a school district need not provide transportation for pupils who live within a mile and a half of their schools.¹⁴ Since the City of Chester, with eleven elementary schools and four junior high schools, is only three miles wide, it would seem that the threat of additional mass busing would not be a serious handicap to the integration of its public schools, a conclusion with which several of the School District's witnesses agreed. Moreover, at no time during the hearing did the Commission urge Chester officials to utilize extensive busing as a means of alleviating its racial imbalance. Indeed under the so-called Wolff plan, which was

14. See *Landerman v. Churchill Area School Dist.*, 414 Pa. 530,

submitted by one Dr. Max Wolff¹⁵ and was received favorably by the Commission, there would have been a substantial savings to the School District because, according to its author, there would be no need to bus any pupils. Although a witness later disputed Dr. Wolff's conclusions about busing, even he conceded that, under his interpretation of the Wolff plan, only \$2,000 more, or about an 8% increase, than was currently being expended for busing would be needed.

The argument that the Commission's order will destroy the neighborhood school system completely distorts the historical rationale of neighborhood schools. Traditionally, the neighborhood school has been an exercise in democracy, "a single structure serving a heterogeneous community in which children of varied racial, cultural, religious, and socio-economic backgrounds were taught together -- the proverbial melting pot."¹⁶ One educator has recalled:

15. Dr. Wolff, a community consultant and educator has in recent years specialized in developing programs aimed at the effective desegregation of public schools. He has testified for the proponents of desegregation in litigation involving, among others, the cities of New Rochelle, N.Y., Gary, Ind., and Plainfield, N.J.

16. Carter, De Facto School Segregation: An Examination of the Legal and Constitutional Questions Presented, 16 West. Res. L. Rev. 502, 507 (1965).

"Most men and women over 40 recall a childhood schooling in which the sons and daughters of millowners, shop proprietors, professional men, and day laborers attended side by side. School boundaries, reaching out into fields and hills to embrace the pupil population, transcended such socio-economic clusterings as existed."¹⁷

However, increasing population density in our nation's urban areas have caused neighborhoods to shrink drastically until today convenience is the most common justification for school attendance zones. Thus, "because of rigid racial and socio-economic stratification, ethnic and class similarity has become the most salient present-day neighborhood characteristic, particularly in urban areas. The neighborhood school, which encompasses a homogeneous racial and socio-economic grouping, as is true today, is the very antithesis of the common school heritage."¹⁸ Rather than neighborhood schools, we have all too frequently developed a system of ghetto schools. Integration need not see the demise of neighborhood schooling, although unquestionably new patterns of districting will have to occur. Thus, the Commission found Chester to be at the best a three neighborhood community and Dr. Wolff testified that he believed the School Board by proper planning could offer every child the true benefits of the neighborhood school. Up to now, however, Chester has not begun to realize this potential.

17. Quoted in Racial Isolation in the Public Schools, supra note 11 at 40.

18. Carter, supra note 16 at 507.

The Human Relations Commission's primary function is to assure compliance with the act through "conference, conciliation and persuasion."¹⁹ Only after this approach has failed, is it empowered to hold hearings, make findings of fact, and issue a final order. Such a procedure was followed in the instant case.

IV. The Evidence

Having concluded that the Commission's view of its jurisdiction is correct, we turn to a consideration of the evidence adduced at the hearings. There can be no serious doubt that the education offered pupils in all Negro or substantially all Negro schools is inherently inferior to that offered in integrated schools.²⁰ Even the Chester School District's brief contains several passages which support this basic proposition, such as:

"As to the racial intermingling of the children, solely because of their different color, the School District agrees that as a matter of morals and better educational standards it is better, where it is reasonably possible to do so, to have no all-Negro or predominantly all-Negro schools."

One of the School Board's witnesses, the principal of Douglass Junior High School, described the disadvantages of a segregated education in the following terms:

19. Act of October 27, 1955, P.L. 744, 9, as amended, 43 P.S. 959.

20. See, e.g., Racial Isolation in the Public Schools (U.S. Commission on Civil Rights 1967); Equality of Educational Opportunity (U.S. Office of Education 1966).

"Students are a product of the learning experiences which are provided for them, their experience of interacting with people of various backgrounds socially, economically and culturally just as you don't learn to swim by just looking at a swimming pool and without ever getting into it. You don't learn to understand people unless you associate with them. Learning is not confined to just the direction which is given to four walls of a classroom. Children learn through their association with each other in the cafeteria, eating lunch together. They learn through going on class trips together, journeys and educational excursions. They learn in the way in which they appreciate programs. They learn in the way in which they work together on committees in preparing class projects. And there is no way that a teacher, no matter how excellent she is, there is no way that he or she can give a child this experience."

Under the circumstances we need not consider the extent to which the Chester School District was responsible for the existing condition. We note only that there was evidence which suggests, in the words of the Commission, "that the segregation of the public schools in Chester is not entirely accidental."²¹ While these findings add weight to its adjudication on the de facto issue, we need not, and do not decide,

21. Prior to 1954, school segregation in Chester apparently had official sanction. See, e.g., Report to Board of School Directors of the City of Chester, March 9, 1964, Complainant's Exhibit No. 15.

whether its conclusion that the school authorities purposefully perpetuated the existing segregated structure meets the substantial evidence test.²²

The Commission's final order of November 20, 1964, contained seven provisions. Nos. 1-4 ordered the School District to cease and desist from following practices which had resulted in the substantial segregation of the faculties and staffs; the School District had abandoned its objections to these portions of the final order. No. 5 ordered the School District to establish kindergartens in three all Negro schools and while it objects to the propriety of this order, the School Board does not press its challenge here; indeed, according to its brief, it has already established six additional kindergartens. No. 7 required the School District to take certain affirmative action which, in the Commission's judgment, would effectuate the purpose of the Human Relations Act and to file a report with the Commission indicating the steps taken in compliance with the order. No. 7 also is not challenged except for those portions which require the School District to formulate a plan for the alleviation of racial imbalance in its schools.

22. With respect to the quantum of evidence necessary to support a finding of purposeful segregation under the fourteenth amendment, compare Dowell v. School Bd. of Oklahoma City, 244 F.Supp 971 (W.D. Okla. 1965), aff'd, 375 F.2d 158 (10th Cir. 1967), with Downs v. Board of Educ. of Kansas City, 336 F.2d 988 (10th Cir. 1964), cert. denied, 380 U.S. 914, 85 S.Ct. 898 (1965); compare Taylor v. Board of Educ. of New Rochelle, 191 F.Supp. 181 (S.D.N.Y.), aff'd., 294 F.2d 36 (2nd Cir.) cert. denied, 368 U.S. 940, 82 S.Ct. 382 (1961), and Blocker v. Board of Educ. of Manhasset, 226 F.Supp 208 (E.D.N.Y. 1964) with Bell v. School City of Gary, 213 F.Supp. 819 (N.D. Ind.), aff'd., 324 F.2d 209 (7th Cir. 1963), cert. denied, 377 U.S. 924, 84 S.Ct. 1223 (1964).

Thus, for the purposes of this appeal, the key provision is No. 6, wherein the Commission ordered:

"That the respondent, Chester School District, by and through the Chester School Board, its officers, agents and employes, shall take immediate steps to desegregate effectively the all-Negro Douglass Junior High School, and the following all-Negro or substantially all-Negro elementary schools:

Dewey-Mann, Franklin, Lincoln, Washington and Watts."

At the time of the hearing the racial composition of the schools in question was:

	White	Negro	Total	% Negro
Douglass	1	527	528	99+
Dewey-Mann	0	823	823	100
Franklin	10	1018	1028	99
Lincoln	69	490	559	87
Washington	0	782	782	100
Watts	0	344	344	100

Clearly, the above figures, which are not disputed, satisfy any definition of de facto segregation. But because "racial imbalance" is not precisely defined, in the Human Relations Act, the School District argues that the Legislature has failed to provide adequate standards within which the Commission may act; thus, it suggests there has been an unconstitutional delegation of authority. We find this contention to be without merit, for as early as 1872, this Court stated:

"The legislature cannot delegate its power to make a law; but it can make a law to delegate a power to determine some fact or state of things under which the law makes, or intends to make, its own action depend."

Locke's Appeal, 72 Pa. 491, 498 (1872); cf. Chartiers Valley Joint Schools v. Allegheny County Bd. of School Directors, 418 Pa. 520, 211 A.2d 487 (1965), and authorities analyzed therein. Should the Commission at some future date abuse its authority, the Administrative Agency Law provides adequate protection.

Moreover, having expressed its findings and goals in an early section, the Legislature undoubtedly envisioned a case-by-case approach to the elimination of racial imbalance in public schools. Most observers agree that when courts are forced to devise and supervise programs whose goal is the elimination of racial imbalance they are acting in an area alien to their expertise.²³ These observers would prefer to see de facto segregation attacked by the community itself utilizing other organs of the government. The Human Relations Commission, whose function is to work with the parties to the dispute in an attempt to alleviate the source of the friction through "conference, conciliation and persuasion," and whose procedure is considerably more flexible than the courts, is, as the Legislature recognized, better equipped to deal with this problem than the courts. "In each case, the interests protected by adherence to neighborhood attendance zones must be weighed against the substantiality of the racial imbalance in the community's schools. An agency such as the Human Relations Commission is best equipped to make these difficult judgments, and flexible enough to enter an appropriate order."²⁴

23. See, e.g., Hobson v. Hansen, _____ F. Supp. _____ (D. D.C. June 19, 1967) (Wright, J.) (Civ. No. 82-66) s.o. at 180; Taylor v. Board of Educ. of New Rochelle, 191 F. Supp. 181, 197 (S.D.N.Y. 1961) (Kaufman, J.)

24. Instant case, 209 Superior Ct. at 46-47, 224 A. 2d at 816 (dissenting opinion).

The Commission's handling of the instant case illustrates its acute awareness of the complexities involved in the desegregation of a school system. Both the Commission and its witnesses recognized that long range planning was necessary if Chester was ever to enjoy a truly integrated school system, and total integration was not expected to blossom overnight.²⁵ What the Commission did seek, in addition to long range planning, was the formulation of an immediate program which would eliminate the worst pockets of racial isolation.²⁶ But the Commission did not order the authorities to adopt any particular program,²⁷ for in its view, and ours, the School District bears primary responsibility for the choice and implementation of an effective desegregation program. At the same time, the Commission properly retained jurisdiction.²⁸

25. For example, while Dr. Wolff's plan called for the integration of all elementary grades past the fourth and the junior high school by the opening of the new school year in September 1964, he recognized that more time would be necessary in order to achieve total desegregation of the elementary schools.

26. On July 13, 1964, the School District for the first time did submit a proposal of its own. The Commission, however, found this plan wanting because it did not attempt to resolve the crucial issues of the proceeding, viz., the desegregation of the six named schools: "The School Board proposals do not attempt, other than by vague and indefinite language unsupported by any important details, to propose an effective method whereunder this Commission can be reasonably certain that the all-Negro schools in Chester will be entirely desegregated according to a definite timetable." We believe the Commission's judgment here is fully justified.

27. In formulating a plan of desegregation, the Commission's order urged "the respondent carefully and seriously to consider the following guidelines:

"(1) The plan must state all details as to the school or schools to be replaced, converted or paired, including but not limited to costs, proposed methods of obtaining the required funds, and actual dates when the proposed construction or alterations will be commenced and completed; (cont'd on next page)

(Footnote 28 on next page)

The Administrative Agency Law permits us to set aside or modify the Commission's adjudication only in those instances where the findings of fact necessary to support its adjudication are "not supported by substantial evidence." Act of June 4, 1945, P.L. 1388, §44, 71 P.S. §1710.44; see Blairsville Nat'l Bank v. Myers, 409 Pa. 526, 187 A.2d 655 (1963); Pennsylvania State Bd. of Medical Educ. v. Schireson, 360 Pa. 129, 133, 61 A.2d 343, 346 (1948). For the reasons stated we are abundantly satisfied that the Commission's crucial order, No. 6, is supported by substantial evidence. Accordingly it would serve no

27. (cont'd from previous page)

"(2) If the plan proposes conversion of a present school facility, it must also state with particularity the boundary lines which will define the school zone for such converted school, the number of children required to be bused to such school, and the cost of such busing;

"(3) If the plan proposes construction of new school buildings, it must state specifically all details concerning the exact sites at which such buildings will be erected, the boundary lines which will define the school zones for each such new school, the number of children required to be bused to each such school, and the cost of such busing;

"(4) For short range and immediate action, the plan could embody any or all of the following:

"(a) The adoption of new boundary lines creating new zones which would desegregate some of the segregated schools;

"(b) The creation of middle of intermediary schools for all 5th and 6th grade pupils, to desegregate such grades;

"(c) The establishment of a single junior high school complex in the central part of Chester, similar to the present senior high school arrangement, which would desegregate the all-Negro Douglass Junior High School."

28. Compare Brown v. Board of Educ., 349 U.S. 294, 75 S.Ct. 753 (1955).

useful purpose for us to determine whether any one of the findings of fact specifically objected to by the School District is indeed "arbitrary and capricious," because such a conclusion with respect to an individual finding would not alter the validity of the contested adjudication.

In its final order, the Commission instructed the School District to submit a plan for the desegregation of the six named schools by January 31, 1965. This date, of course, has long since past. Under the circumstances, we shall remand the record to the Pennsylvania Human Relations Commission with instructions to set a new date for the submission of a plan by the Chester School District, and if necessary to modify its order in light of any intervening circumstances.

The order of the court below is modified and those provisions of the Pennsylvania Human Relations Commission's order directed at racial imbalance in the Chester schools are reinstated.

Record remanded with instructions.

MR. JUSTICE COHEN took no part in the consideration or decision of this case.

MR. CHIEF JUSTICE BELL filed a dissenting opinion

MR. JUSTICE JONES dissents

Box C12

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IN THE
SUPREME COURT OF PENNSYLVANIA
Middle District

PENNSYLVANIA HUMAN
RELATIONS COMMISSION, Appellant

v.

CHESTER SCHOOL DISTRICT

: No. 82 May Term, 1967
: Appeals from the Order of the
: Superior Court of Pennsylvania at
: No. 12 March Term, 1967, Affirming
: the Order of the Court of Common Pleas
: of Dauphin County at No. 637
: Commonwealth Docket 1964

DISSENTING OPINION

BELL, C.J.

SEPTEMBER 26, 1967

Article X, Section 1, of the Pennsylvania Constitution provides: "The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public schools wherein all the children of this Commonwealth may be educated." The General Assembly in and by the Public School Code of 1949* has created school districts to act as agents in carrying out this Constitutional mandate. These school districts act through boards of school directors, the members of which in most districts in Pennsylvania are elected by the voters to administer the school district. The Code imposes on school districts and on their boards of school directors certain mandatory duties and certain discretionary powers. These include the duty to provide grounds and buildings (Section 701), and also the duty to assign pupils to the various schools within the district, but makes it unlawful (as does the Pennsylvania Human Relations Act, *infra*) "for any school directors, superintendent, or teacher to make any distinction whatever, on account of, or by reason of, the race or color of any pupil" (Section 1310).

It is clear, therefore, that under the Public School Code school directors have the power and the duty to determine where schools shall be built ^{and} where the pupils shall be assigned, so long as no distinction or discrimination is made for or against pupils by reason of race or color. It is equally clear that no change in these

* Act of March 10, 1949, P.L. 30, 24 P.S. Sec. 1-101, et seq.

powers and duties was made by the Pennsylvania Human Relations Act of October 27, 1955, P.L. 744, 43 P.S. § 951, et seq., which we shall now consider.

Facts, Acts and Basic Errors

Considering these in inverse order, the basic errors of the Majority in interpreting this Act are threefold: (1) It treats the Pennsylvania Human Relations Commission as a statewide super-school board; and (2) the Act, except by a Procrustean stretch of the English language, gives no authority to the Commission to compel what amounts to a destruction or end of the "neighborhood school" which has been a traditional and very important cog in the wonderful development of our local communities, our State and Nation; and (3) the Commission made no findings of fact which were adequate to support its Order or the Majority's Opinion. For example, there was no evidence and certainly no substantial evidence that the Chester School Board created racial imbalance by intentionally or purposely discriminating against Negroes in its buildings or in its assignment of students to the various schools in the School District of Chester.

The Commission (1) merely found the well known and indisputable fact that racial imbalance (sometimes called "de facto segregation") exists in the Chester School System, and particularly in the six named schools, and (2) issued an Order requiring the Chester School Board to propose and, with the Commission's approval, take steps to immediately and effectively desegregate these six schools in order to eliminate all the racial imbalance which exists de facto therein. In practical effect, this amounts to a mandatory ending (by the Commission) of the "neighborhood school," and the mandatory transplanting of countless children who attend public (and necessarily the parochial) schools in Pennsylvania. The Dauphin County Court, sitting as a Commonwealth Court, held that this Order of the Commission exceeded the authority granted by the Legislature to the Pennsylvania Human Relations Commission, and the Superior Court affirmed (with two Judges dissenting).

The real basic question is whether in the absence of a finding supported by substantial evidence that the school district has intentionally discriminated against

its pupils or prospective pupils because of their race, creed or color, the Commission can usurp the province and functions of a board of school directors and require the school board to locate its schools and assign pupils thereto as the Commission deems wise for color or racial or religious reasons.

I strongly agree with the decision of the Dauphin County Court and of the Superior Court. There is no legislative or Constitutional authority to support the Majority Opinion or decision which can be reached and justified only by a farfetched stretch of the English language.

The Chester school system is set up on a neighborhood school basis -- i.e., students are assigned to the school which in the opinion of the Chester School Board is most nearly or easily accessible to the student. The racial imbalance in the Chester schools is unquestionably due to the racial imbalance in the various neighborhoods where the children reside, which in turn is undoubtedly the result of many different factors. It is agreed by everyone that the Chester School Board did not create and is not responsible for, nor can it change or eliminate such neighborhood racial imbalance.

The Pennsylvania Human Relations Commission is given by the Legislature certain powers, but, we repeat, it is not given authority either under the Constitution or under this or any other Act to be a super-Board of Education or to usurp and, in practical effect, eliminate the province and the fundamental functions and powers of the School Board.*

The Majority rely on four sections of the Act -- 4(g), 5(a), 5(i) and 12(a) -- to support the Commission's authority to order and compel an end to all de facto racial imbalance, even though such imbalance was not created by the school board but was the result of the residential neighborhood. A careful analysis of these statutory provisions demonstrates that they do not and cannot by any reasonable construction support the Majority's distorted interpretation.

* I believe, although it is not clear, that the Majority impliedly admit this.

Section 5 of the Act, upon which the appellant and the Majority principally rely, provides in pertinent part, that "it shall be an unlawful discriminatory practice* . . . for any place of public accommodation (defined in Section 4 to include 'public schools'). . . to . . . refuse, withhold from or deny to any person because of his race, color, religious creed. . . either directly or indirectly, any of the accommodations, advantages, facilities or privileges of such place of accommodation." The key words in the prohibition of unlawful discrimination are "to refuse. . . any accommodations. . . because of his race, color or religious creed." It is only when accommodation is intentionally refused or denied directly or indirectly, because of color, etc., that discrimination is declared to be unlawful and is prohibited by the Act. This key language the Majority change or distort(1) by reference to the broad general policy of the Act which is set forth in its preamble and (2) by Section 12(a) which says the Act should be liberally construed -- not rewritten.

The Majority Opinion, in construing Section 5, completely ignores the accompanying clear and controlling language of Section 5, namely, the denial of school accommodations must be because of color or race. The Majority's construction is not only realistically unwise in the light of our Country's history, in which neighborhood schools have provided the interest, the friendships, the pride and the development of local neighborhoods and businesses, but even more important, finds, we repeat, no support in the Acts of the Legislature** or in the Constitution.

As the educational achievements of the citizens of this Commonwealth (and indeed, throughout our entire Country) have demonstrated, this public school system has for some two hundred years served the Commonwealth (and our Country) exceptionally well, and should not be drastically changed or abandoned unless the Legislature clearly, specifically and unequivocally said so.

Moreover, resort by the Majority to Section 12(a) (i.e., the Act should be liberally construed) cannot possibly extend the coverage of the Act to areas or situations not

* Italics throughout, ours

** We note that the Legislature, in its recent School Bus Act of June 15, 1965, No. 91, which amended the Public School Code which this Court sustained in Rhoades et al. v. School District of Abington, et al., 424 Pa. 202, 226 A. 2d 53, staunchly supported the neighborhood school because it promoted better school attendance, reduced the distance pupils must travel, and provided better health for the pupils and more safety from the hazards of traffic.

encompassed or provided for by any section or by any language of the Act. Specifically, it cannot supply authority to the Commission to act in circumstances and in situations where the Commission or a majority of this Court believe the Legislature should have, but did not, empower it to act.

Expressed in other words, the majority have rewritten the Act to require policies and actions which they believe are socially or politically desirable, completely oblivious of the fact that under our Constitution and its guaranteed Republican Form of Government, it is the ordained and fundamental province, power and duty of the Legislative branch of the Government to determine and enact legislation, and that is not the province or function of the Courts.

Inadequate Standards

Racial imbalance undoubtedly exists (as above noted) in some of the schools operated by the Chester School Board which are in fact either almost all or predominantly Negro, or almost all or predominantly white. For example, in the Chester elementary school system, the school population is approximately 65 per cent "Negro" and 35 per cent "white." Without Legislative standards -- not even definitions were given or guidelines erected -- it is impossible to know whether a school that is 85 per cent "Negro," or 75 per cent, or 65 per cent or 60 per cent "Negro" would be considered as racially imbalanced. Without any standards and without any definition of "Negro" or "white," how is it possible to determine whether a person who is one-third or one-half or two-thirds, or some part Negro would be considered as either a "Negro" or a "white" person for school purposes? Surely the Legislature would have dealt clearly, certainly and definitely with these and numerous other problems inherently involved and knowingly existing, if it had intended to end per se, de facto racial imbalance in the public schools. Moreover, I believe the Majority has not sufficiently carefully considered the important question of whether the delegation of powers (which they envision) to the Commission is unconstitutional. See Holgate Brothers Co. v. Bashore, 331 Pa. 255, 200 A. 2d 81.

I believe that the commingling of all kinds and so-called classes of society -- the rich and the poor, the people of all faiths and creeds, the white, the black, the red, the yellow and brown -- makes for a better America! But I further believe that it is a gross distortion and misnomer to call this friendly social and business and political "commingling," "Education." I strongly disagree with much of the social and political philosophy expressed by the Majority in support of its interpretation of the Human Relations Act, the passage of which was motivated more by political than educational considerations.

To pile Pelion upon Ossa, the Administrative Agency Law (June 4, 1945, P.L. 1388, 71 P.S. §1710) permits a Court to set aside or modify the Commission's Orders only in those cases where the findings of fact necessary to support the Orders of adjudications of the Commission are "not supported by substantial evidence." There were no factual findings by the Commission which are necessary to support its Orders, i.e., findings of intentional discrimination by the school board because of race or color, and consequently no substantial evidence to support the Commission's conclusions, Orders or adjudication.

I further note that the Majority's decision goes far beyond any decision of the Supreme Court of the United States in the field of Education, and I reserve the right to pass upon the Constitutionality of the Act in connection with the power of the Commission over public schools and school boards.

To summarize: The short and irrefutable answer to the Majority's Opinion is that if the Legislature had intended the drastic change envisioned by the Majority, namely, to end all de facto per se racial imbalance, which it knew (and everyone knows) exists in many public schools, it would not only have set up and provided definitions, guidelines and standards, but even more important it would have clearly and specifically said so!!!

For these reasons, I dissent.

CHAIRMAN
MAX ROSENN



COMMONWEALTH OF PENNSYLVANIA
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MOST REV. JOHN J. WRIGHT
JOSEPH X. YAFFE, ESQ.

SUBJECT: Investigatory Hearings - City of Chester, Delaware County,
Pennsylvania

TO: The Honorable Raymond P. Shafer,
Governor of the Commonwealth of Pennsylvania

and

The Honorable John H. Nacrelli,
Mayor of the City of Chester, Pennsylvania

FROM: Max Rosenn, Chairman
Pennsylvania Human Relations Commission

1. Commission Report on the Investigatory Hearings conducted in the City of Chester on July 17, 18, 29 and 31 and continued on August 8, 9, and 21, and further continued on September 6. and 11, 1968.
2. Outline of contents of the Report:
 - a. Legal Basis for Conduct of the Investigatory Hearings by the Pennsylvania Human Relations Commission
 - b. Sequence of Events and Procedures Leading to the Investigatory Hearings.
 - c. Summary of Findings by the Hearing Commissioners.
 - d. Specific Commitments by Local Authorities for Affirmative Action to Alleviate Racial Tensions Within the Community.
 - e. Commission Recommendations.



PHRC Investigatory Hearings - City of Chester

L E G A L B A S I S

For Conduct of Investigatory Hearings

By the Pennsylvania Human Relations Commission

Act Number 191 of the General Assembly of Pennsylvania (House Bill #1516) signed into law by the Governor on October 11, 1967 and effective the 11th day of December, 1967.

Act Number 191: AN ACT amending the Act of October 27, 1955 (P.L. 744) entitled, as amended, "An Act prohibiting certain practices of discrimination because of race, color, religious creed, age or national origin by employers, employment agencies, labor organizations and others as herein defined; creating the Pennsylvania Human Relations Commission in the Department of Labor and Industry; defining its functions, powers and duties; providing for procedure and enforcement; providing for an educational program to prevent prejudice; providing for judicial review and enforcement and imposing penalties; providing for investigatory hearings by the Commission relating to racial discrimination or tension and for investigations by the Commission relative to civil rights demonstrations.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 7; Act of October 27, 1955 (P.L. 744) known as the "Pennsylvania Human Relations Act", is amended by adding after clause (f), two new clauses to read:

(f.1) To investigate where no complaint has been filed but with the consent of at least eight members of the Commission any problem of discrimination with the intent of avoiding and preventing the development of racial tension.

(f.2) On request of the Governor, to investigate claims of excessive use of force by police in civil rights protest activities.

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LEGAL BASIS: Continued

Act Number 191: The Pennsylvania Human Relations Act is amended by adding after Section 8 a new Section to read:

Section 8.1 Investigatory Hearings Relating to Racial Problems

Whenever any problem of racial discrimination or racial tension arises, the Commission may immediately hold an investigatory hearing. The place of any such hearing shall be in the county where the problem exists. The hearing may be public or private and the Commission shall have the same powers as provided in clause (g) for hearings on complaint filed.

The purpose of the hearing shall be to resolve the problem promptly by the gathering of all the facts from all the interested parties and making such recommendations as may be necessary.

The Commission shall not be bound by the strict rules of evidence prevailing in courts of law or equity. The testimony taken at the hearings shall be under oath and be transcribed.

Should the recommendations of the Commission not be accepted within a reasonable time the Commission may, with the consent of eight members, on its own behalf initiate a complaint and the hearing findings and Commission order shall proceed the same as where a complaint has been filed.

PHRC Investigatory Hearings - City of Chester

- I. Sequence of Procedures Leading to the Investigatory Hearings Conducted by the Pennsylvania Human Relations Commission in the City of Chester, Delaware County, Pennsylvania
- A. The Commission received formal requests from residents of the City of Chester for the Commission to conduct investigatory hearings in the City of Chester. This was followed by staff evaluation and recommendation that Commission action would be an essential element for the requisite development of avenues and methodologies to resolve tensions and remove causes of racial tensions in the City of Chester.
- B. At regular session of the Commission, upon affirmative vote of eight members of the Commission, decision was made to investigate all areas of tension within the City of Chester via the medium of the investigatory hearing.
- C. Commission Chairman appointed the Hearing Commissioners and directed such action by Commission Legal Counsel and Commission staff as would accomplish the Investigatory Hearing in the City of Chester.
- D. Commission Legal Counsel and staff met with the Mayor of the City of Chester to announce Commission Investigatory Hearing and to obtain cooperation of officials and persons of the City of Chester.

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II. Summary of Findings by the Hearing Commissioners:A. That a Tension Situation, Racial in Nature, Does in Fact Exist in the City of Chester:

Evaluation of sworn testimony clearly portrayed that this existent and real tension situation had been foreshadowed by historical practice and custom culminating in an accumulation of unresolved grievances by non-white residents against local authorities and the status quo.

The City of Chester, with rapidly increasing Negro population and readily discernible pattern of exodus of the white residents from the core city, has an acute problem of communication.

That a racial problem exists has not been recognized by many; that Negroes and other minorities suffer inequities is neither understood or acknowledged by many; that complete cross-strata understanding and combined affirmative action by all residents to resolve inequities and the needs of peoples in housing, education, employment and public services has not been attained.

The local authorities express the earnest assertion that the Black community is adequately represented throughout the local governmental structure. The Black community just as firmly believes they are denied a voice in the planning and decision making processes of government....that in fact, the non-white representation now a part of the power structure was not

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II. Summary of Findings by the Hearing Commissioners:

A. Continued:

chosen by the Black community but selected by the establishment to merely echo the decisions and sentiments of the establishment.

This has resulted in a frustrating relationship that effectively distorts and obstructs normal channels of communication and understanding. The end result has been a deterioration of communications to the point where rumors and apprehensions have supplanted factual information. This has been a major cause of racial tensions through the accentuating of emotions, perpetuation of old unfounded fears and mutual mistrust on the part of agencies, organizations and individuals.

The school demonstrations of 1964, the planning of urban renewal and highway projects, the deteriorating, inadequate and circumscribed housing, the lack of employment and under-employment, the lack of effective and visible police-community relations, have all combined to foster a situation wherein the local authorities, unable to effectively communicate with an increasingly aggravated Black community, cannot either accurately define the problems or pinpoint the priorities of need. This situation is bound to continue, and to further deteriorate, unless meaningful avenues of real inclusive

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II. Summary of Findings by the Hearing Commissioners:

A. Continued:

communication between authority and the Black community becomes a working reality. This cannot occur until such time as Black representation in the planning and decision making processes of the community authorities is made meaningful by the inclusion of concerned community selected organizations and individuals.

The racially tense situation in the City of Chester has been evidenced by the many protests and demands of civil rights groups upon the elements of authority and, the overt violence that has sporadically occurred as triggered by local affairs or such events of national impact as the slaying of Dr. Martin Luther King. Overt violence that has resulted in damage to property and injury to individuals has, in several instances, contained the full and awesome potential for escalation from a demonstrative protest against the status quo to full scale revolt against authority and/or race riot.

That such an event has not as yet occurred has been due more to the untiring efforts of responsible minority group individuals and organizations who patiently and trustingly work and aspire for change within the law than to any affirmative actions taken by responsible authority.

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II. Summary of Findings by the Hearing Commissioners:B. The Negro or Other Non-white Resident in the City of Chester Has Been Historically, and Is Presently Subjected to Discrimination in Housing and Limited in Residence, in Most Part, to Circumscribed Areas of the City:

Private housing is segregated by race in the City of Chester. Tracts 44,45,46,53 and 54 are maintained as nearly 100% white neighborhoods. Tract 60 is approximately 80% white in residency. Tracts number 52,57,58A and 58B are "Black" neighborhoods.

For the privilege of living in these circumscribed areas the non-white resident pays more money per room and per apartment or house than does his white counterpart freely able to acquire comparative or better living facilities in the "white" neighborhoods. The rentals in Tract 58A, a Black neighborhood wherein 52% of the housing is substandard, are the same as the rentals in Tract 45, a "white" neighborhood, where only 6% of the properties are substandard.

Most of the substandard housing in the City of Chester is located in those tracts where the great majority of non-whites reside:

Tract # 57	44%	of the housing	substandard
Tract # 58A	52%	" "	" "
Tract # 58B	29%	" "	" "
Tract # 52	12%	" "	" "

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II. Summary of Findings by the Hearing Commissioners:

B. Continued:

Those tracts allegedly preserved for white residency for generations also present very discernible evidence of urban decay as evidenced by percentages of substandard housing but, with the exception of Tract #60, not to the degree of those tracts or neighborhoods designated as "Black":

Tract # 44	2% of the housing substandard
Tract # 45	6% " " " "
Tract # 46	1% " " " "

Tracts # 53 and 54 No indication of significant numbers of substandard properties.

Tract #60, now approximately 80% white residency, has the highest percentage (78%) of substandard housing in the City of Chester and also, the lowest rentals in the City.

In the circumscribed Black neighborhoods by far the majority of the residents are tenants....not owners of their living accommodations. Many of these individuals and families are paying exorbitant rentals for living space in multi-family units that had been hastily and economically converted from single family usage. The majority of these tenant properties are owned by absentee white landlords. Maintenance of these properties is minimal at best. The absentee landlords refuse to make needed repairs, eliminate vermin or rodents, and.... are totally inconsiderate of the needs or problems of the tenant

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II. Summary of Findings by the Hearing Commissioners:

B. Continued:

The single or two-family dwelling, converted to multi-family use with minimal investment by the landlord, with little or no continuity of maintenance, can only deteriorate.....and thus slum conditions develop. The single family home, hastily converted to multi-family usage; with over 50 year old one inch water line now half blocked with mineral deposits that cannot possible supply adequate water pressure; the three inch sewer outlet now half filled with verdigris that cannot handle multi-family load and so backs up in basements to form breeding ground for vermin and disease; the floor joists and load bearing walls inadequate for stress and wear demands of multi-family use; the one inch stair risers and steps, with 50 years of wear, never designed for heavy traffic. This property can, and does, deteriorate with remarkable rapidity.

Another factor in neighborhood deterioration is the low percentage of owner occupied dwellings in the Black neighborhoods. There is very little pride of ownership to combat individual property and neighborhood deterioration. Of all the owner occupied properties in the City of Chester, more than 80% are white owned and occupied.

Discrimination against the Black seeker of housing by the real estate and mortgage banking industries has effectively

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II. Summary of Findings by the Hearing Commissioners:

B. Continued:

deterred and often blocked the economically able Black family from acquiring housing of their choice in neighborhoods of their choice. Limited to the present circumscribed areas, the Black family even when financially able does not invest in the property surrounded by economic decay. Thus, the slum landlord, generally an absentee caucasian, has become the provider of housing.

The City of Chester has a very acceptable housing code if said code were to be adequately and equitably enforced. Vigorous enforcement of housing and zoning codes, with greater regard for human values than for the property dollar or the status quo, could have done much to alleviate present housing conditions in the City of Chester. The enforcement of the housing code is seriously curtailed due to the rigid reality that there is no available affordable decent and adequate housing into which to move the low income family forced to relocate due to housing code enforcement condemnation of substandard housing.

Public housing, based primarily on the concentrated project type facility, is segregated by race.

There are four (4) such public housing facility projects serving the low income housing needs of the City of Chester:

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II. Summary of Findings by the Hearing Commissioners:

B. Continued:

<u>Project</u>	<u>Units</u>	<u>Percent Negro Occupancy</u>
Lamokin Village	350	100% Negro occupancy
Ruth Bennett	390	100% Negro occupancy
William Penn	250	86% Negro occupancy
McCaffrey Village	350	0% Negro occupancy

This segregated pattern of housing maintained by the Chester Housing Authority has added to racial tensions; established permanent communities of the economically disadvantaged; become permanent hearts for ghettos in microcosm; and have been administered in such an aura of paternalism as to have fostered the antipathies of tenants and adjacent residents and business operators alike.

Repeated charges were heard regarding the Housing Authority operations. Following is a condensation of charges made:

- *Tenant selection is discriminatory and arbitrary.
- *Tenants are not permitted to actively participate in meetings that relate to and directly concern their welfare.
- *Community managers and administrators are not qualified.
- *There are inadequate recreational facilities for youth and none for adults.
- *Exorbitant charges are made for ordinary maintenance.
- *The Housing Authority has failed to develop adequate social training programs.
- *The Housing Authority has failed to recognize the full need for developing meaningful avenues of communication and understanding with the tenants of the projects.

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II. Summary of Findings by the Hearing Commissioners:

B. Continued:

The Black community of the City of Chester points out the recent hiring of a caucasian for an executive position with the Chester Housing Authority as another instance of "bad faith." The Authority had set educational requirements for the position to include a Masters Degree and had stipulated, so the Black community was informed, that positive recruitment would assure this position would be filled by a non-white. This position would recommend policies to the Housing Authority which would directly effect the tenants.....approximately 75% of whom are Negro. The white person appointed to the position reportedly does not possess the educational degree requirements stipulated by the job specifications..

Urban renewal programs have been so ineptly handled as to become known as "Negro Removal Programs." The Black resident of the City of Chester has not been adequately or meaningfully included in the planning and decision making processes for renewal and redevelopment. Non-white residents forced to relocate through renewal or highway programs have not been kept adequately informed and have been without knowledge of program inclusion until they were notified to move out. Relocation services have not been adequate and not really sensitive to need. A very high percentage of persons and

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II. Summary of Findings by the Hearing Commissioners:

B. Continued:

families forced to relocate through renewal programs have been dislocated to move into already overcrowded substandard housing where they are again liable to undergo forced relocation due to the condition of the only affordable housing. Many Black families, due to the frustrating failure of relocation services, are forced to move in and double up with friends or relatives or displace from the City. The inadequate supply of decent and affordable low or middle income housing and the housing discrimination encountered by the Black seeker of housing have combined to deny the Black family adequate and desirable housing when forced to relocate. The relocation services afforded these persons and families have not been able to develop adequate housing supply or a positive program of open housing compliance essential for a workable relocation program.

Testimony by officials representing the City of Chester, the Chester Housing Authority, the Chester Redevelopment Authority, the Chester Model Cities Agency, the Greater Chester Movement, and the Housing Development Corporation of Chester substantiated many of the complaints of individuals testifying before the Commission.

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II. Summary of Findings by the Hearing Commissioners:

B. Continued:

First, there was no argument by any witness against the very evident and universally acknowledged dire need for a dramatic increase in the supply of housing for low and moderate income families. The absolute need for a progressive and massive rehabilitation program received the same universal acceptance.

Secondly, the Mayor and others, agreed as to the need for a supply of leased housing to supplement the facilities of the Chester Housing Authority and, as the quickest means of providing adequate and decent housing to the large low-income family.

Mr. Howard K. Gallagher, Executive Director, Chester Housing Authority, objected to many of the charges made by witnesses against policies and administrative procedures of the Housing Authority. This opposing testimony, at times acrimonious, very vividly portrayed the lack of understanding and communication between management and tenant and vice versa. Mr. Gallagher very readily agreed as to the very great need for additional recreational facilities contingent to public housing and testified as to the Housing Authority application to HUD for additional funds for rehabilitation of existent project housing structures.

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II. Summary of Findings by the Hearing Commissioners:

B. Continued:

Mr. James Sharp, Code Enforcement Officer in the City of Chester testified as to the dire need for additional standard housing. Mr. Sharp also agreed that there were very few arrests for violation of the housing code. Arrests are curtailed, according to the witness, by the need to protect the tenant who would have no place to live if the code were to be rigidly enforced.

Mr. John Fitzgerald, Executive Director, Chester Redevelopment Authority, argued against the claim that urban renewal was known as "Negro Removal." Mr. Fitzgerald further testified that in his estimation 75% to 80% of all the families involved in renewal programs relocate themselves without the need for relocation services. Mr. Fitzgerald also agreed as to the very evident lack of communication and understanding between the Black community and the Chester RDA.

The Acting Director of the Chester Model Cities Agency indicated that under present Model Cities Demonstration Neighborhoods Program Planning, there would be no displacement of or relocation of families.

Mr. Frank Tyler, Greater Chester Movement; Mrs. Ruth Sephes, the Chester Home Improvement Project, and others, testified

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II. Summary of Findings by the Hearing Commissioners:

B. Continued:

as to the dire need for enforcement of the Rent Withholding Law. It was forcefully expressed that utilization of this Rent Withholding procedure could do much toward upgrading the available housing in the City of Chester.

Mr. McIntyre, Housing Development Corporation of Chester, testified as to the planning progress for the rehabilitation of a planned 2500 units in the City of Chester.

Most evident throughout the proceedings was the very well substantiated and uncontested fact that discrimination in housing does exist in the City of Chester and surrounding area. Further, that segregated patterns of housing, high occupational density in Black neighborhoods, slum landlordism, urban decay as evidenced by the high percentage of substandard housing, and the pressing need for greatly expanded supply of new low and middle income housing, have combined to make housing in the City of Chester a major cause of racial tensions.

Attempts to alleviate housing conditions in the City of Chester and to provide additional housing for low and middle income families have been inadequate in concept or accomplishment. The meaningful involvement of concerned residents, Black and white, in the planning and decision making processes required

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II. Summary of Findings by the Hearing Commissioners:

B. Continued:

for total community renewal has not been accomplished. The Black and white communities of the City of Chester have not as yet become active partners in accomplishment.

The brick and mortar renewal of the City of Chester cannot alone solve the housing problems of the community. Only a totally inclusive coalition of people and organizations accurately and currently informed through total involvement can hope to effect positive and substantive change in the housing situation.

Testimony revealed that such a coalition partnership of persons and organizations does not exist in the City of Chester.

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II. Summary of Findings By the Hearing Commissioners:C. That the School District of the City of Chester Has Not Adequately Progressed in Staff Integration or Curriculum and Program Development to Answer the Changing Educational Needs of the Total Community:

The education of the youth is the heart of any program to restructure the environment afforded the disadvantaged. This education must be tailored to equip each and every pupil to become a productive member of society. Any custom, procedure, administrative or educational practice or policy that detracts from, or fails to adequately provide for, the educational preparation of the total youth of the community cannot be condoned. The testimony of many witnesses indicated a failure of the Chester School System adequately and equitably to prepare the poor and the Black with the educational foundation for either higher education or acceptance into the productive mainstream of society.

The Chester School System has a Negro pupil enrollment of almost seventy percent (70%). The nine elected members of the School Board has but one (1) Negro representative.

The Counselling services offered pupils develops little pupil-counsellor rapport, according to witnesses, due to the fact there are very few Black counsellors. Testimony revealed that there was only one (1) Negro counsellor in the high school.

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II. Summary of Findings By the Hearing Commissioners:C. Continued:

The many school athletic teams in the City of Chester are predominantly made up of Negro athletes....but, every head coach to date has been white.

The Black student has not been fully included in the social structure contingent to the academic program.

The Chester School System was charged, by many witnesses, with failure in the following areas:

- + Failure to incorporate a curriculum compensatory for the environmental inadequacies and bottom of the scale social-economic background of the disadvantaged student.
- + Failure to recognize the pride and motivational factors to be found in a mode of student dress or attire.
- + Failure to be aware of the need for individual student's freedom of expression in printed or verbal form. Expression with which the individual can relate. This of particular importance at School Board meetings.
- + Failure to clarify the procedures for dissemination of administrative directives.

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II. Summary of Findings By the Hearing Commissioners:C. Continued:

- + Failure to define suspension procedures.
- + Failure to fully provide needed special education facilities and instructional staff.
- + Failure to hire fully qualified professional teaching staff and substitutes.
- + Failure to incorporate Negro and other ethnic groups contributions and history into the total curriculum.
- + Failure to recognize and to meet the personal as well as the professional needs of the teachers and professional staff.
- + Failure to recognize essential changes and needs, thus perpetuating an academic environment, practice and custom, not conducive to a total student enrichment program.

It was stated that the excessively high student drop-out rate and disciplinary problems of Black students have, to a recognizable degree, directly resulted from the above stated inequities and failures.

Communication between the school authorities and the "grass-roots" residents of the community has been fragmentary at best. The very evident reluctance of the Chester School Board to allow concerned citizen participation in so-called "public" meetings of the School

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Summary of Findings By the Hearing Commissioners:C. Continued:

Board; the convening of School Board meetings at a facility too small to accommodate interested citizens; the failure of the School Board to understand that having the police patrol the Board meetings is creative of animosity and resentment; the refusal of the Board to permit open debate on contemporary issues; the refusal of the Board to recognize interested parents and other citizens who are continually present at Board meetings with the vain hope of expressing needs and viewpoints; the refusal of the School Board to discuss in detail those matters voted upon....even when they entail major expenditures of tax dollars; all these irritant producing practices have done little to foster better understanding and trust and have, in fact, developed an ever widening gap in understanding and communication between the School Board and the Black community.

This ever widening chasm of understanding has fostered the formation of an all-Black parent group who have been driven to the point of threatening a boycott of the school system until such time as a fruitful channel of communications and meaningful citizen involvement may be forthcoming from the School Board and the School Administration. Further development of a single race group and the determined push for

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II. Summary of Findings By the Hearing Commissioners:C. Continued:

direct confrontation can only lead to further "apartheid" racial separatism in the community and an increase in racial tensions.

Counselling services provided in the Chester School System have been, to the Black community, inadequate, outmoded, insensitive to need, and applied too late in the educational process.

The Superintendent of the Chester School District is also holding the position of Chairman of the Local Draft Board. This has caused rumor and fear in the Black community, among teachers, parents and students, because of the fear of possible intimidation.

Whether real or imagined, this fear has caused apprehension on the part of Black persons vitally concerned with the hope for restructuring of the educational system.

Repeated testimony cited the failure of the School District to make the needed physical plant repairs to the predominantly Negro schools designated as:

Dewey-Mann	Franklin	Washington
Lincoln	Watts	Douglas Junior High School

Such renovation and repair needs as: Painting, plastering, plumbing, lighting, ventilation, glazing, play area.

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II. Summary of Findings By the Hearing Commissioners:C. Continued:

and playgrounds equipment have been deferred so long as have seriously aggravated the Black parents. Witnesses further evaluated some of these schools as having deteriorated to the point where deterioration coupled with outmoded inadequate original design have reached the point where some schools are unfit to be operated.

Subsequent to the conduct of the Investigatory Hearings the Hearing Commissioners visited and inspected several of the above listed schools. The following discrepancies were readily apparent:

The following commissioners visited the Chester schools on Wednesday, September 25: Chairman Harry Boyer, Stanley Miller, Rev. Nearn and Everett Smith. This was a follow-up on the testimony relating to the Chester schools and physical condition, etc., that was given in the Chester Investigatory Hearings. Following are some of the conditions we found:

Franklin School (K-4)

Boy's room - to be remodeled - contract not let
bad urinals - no toilet paper holders
Girl's room - no toilet paper - window broken
Windows all replaced soon

Frederick Douglass (Grades 7,8,9)

Broken windows - all to be replaced w/new frames

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II. Summary of Findings By the Hearing Commissioners:C. Continued:

Booker T. Washington (K-Grades 5 & 6)
Middle School
Boy's toilet - smells badly

John Watts (K-4)
Library in basement - no ventilation - very low ceilings
Playground equipment - none
Swings - chains only - slide steps but no slide
Low fence - mainline of Penn Central RR

Dewey- Mann (K-4)
Dewey- very old school
no playground equipment - only 10 min. recess
Mann - newer school
toilets to be renovated

John Wetherill (K-4)
Built around 1923,4,5
About same as Washington which is in a negro neighborhood
Integrated, but in white neighborhood
68% white students
Bussing- blacks and whites

A recent School Board resolution to change the name of the Chester Senior High School to the "Francis P. Donahoo Chester Senior High School" has triggered an immediate adverse reaction on the part of many of the Black community. The Negro community is circulating a petition in the Chester business community demanding rejection of the School Board resolution for name change. The question being: "Why should Chester High School, made famous throughout the Commonwealth and adjacent states by athletic teams predominantly Negrowith a predominantly Negro student body..... be renamed to honor a previous School Board member who

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II. Summary of Findings By the Hearing Commissioners:C. Continued:

happens to be white.....?" This resolution is another instance of failure of the School Board to recognize the present racial composition of the public schools, to include the High School, in the City of Chester.

The myriad of grievances expressed against the School Board and the School Administration in the City of Chester by witnesses before the Hearing Commissioners were dramatically illustrative of the racial divisiveness in the City. Policy and procedure practiced by the Chester School System has not been conducive to the establishment of an aura of understanding, cooperation, cross-strata-constructive-involvement, or mutual respect. The task of maintaining open avenues of two-way communication between school authorities and pupils, between school authorities and parents, between school authorities and citizen organizations has not been accomplished. Rumor, distrust, and black vs white or white vs Black polarization with resultant racial antipathies, has replaced meaningful communication and understanding.

This very apparent racial divisiveness has dramatically

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II. Summary of Findings By the Hearing Commissioners:C. Continued:

increased the difficulty for all residents to live with mutual respect under the aegis of progressive law and order. To date, no one agency or group has demonstrated sufficient community-wide base or cooperative respect of the City power structure as to be capable of implementing affirmative programs for positive change.

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II. Summary of Findings By the Hearing Commissioners:D. The Negro Residents of the City of Chester Have Not Been Afforded Equality of Opportunity in Employment:

Approximately fifty percent (50%) of the residents of Delaware County are employed within Delaware County. Approximately twenty-five percent (25%) of the residents of Delaware County are employed within the City of Chester. The City of Chester has one of the highest unemployment rates in the Commonwealth of Pennsylvania. The 1960 census statistics indicated the following unemployment rates for The City of Chester:

Percentage of Total Chester Labor Force Unemployed.....	12%
Percentage of White Labor Force Unemployed.....	7%
Percentage of Negro Labor Force Unemployed.....	16%

Thirty-six percent (36%) of the total employed labor force in the City of Chester was employed at unskilled or semi-skilled jobs.

The 1960 Census also indicated that the average family in The City of Chester had total annual income of \$5300. The non-white family average income was \$4600 per year. Thus, according to U.S. Department of Labor standards, approximately 50% of the families living in Chester in 1960 were living under poverty conditions.

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II. Summary of Findings By the Hearing Commissioners:

D. Continued:

In 1966 the Pennsylvania Department of Internal Affairs reported that Delaware County and the City of Chester median income had increased 68% and there was a 10% increase in employment since the 1960 Census. This report indicated that those earning over \$5300 per year had increased their income by approximately \$1500...the family whose earnings had been \$4000 or less per annum had continued to decline.

At the time of the Hearings, based on statistics tabulated in July, 1968, twenty-two (22%) of the white residents and thirty-six (36%) percent of the non-white residents in the City of Chester annual income were low enough to qualify for assistance funds under the Office of Economic Opportunity provisions.

Residents of the City of Chester make up twenty-two percent (22%) of the Delaware County labor force. Business, industry and government in the City of Chester pays twenty-one percent (21%) of the total wages and produces eighteen (18%) of the total commodities in Delaware County yet the residents of the City of Chester do not proportionately or equitably share in the available employment.

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II. Summary of Findings By the Hearing Commissioners:

D. continued:

It must be emphasized that the unemployment rate of the non-white, in particular the Afro-American...the Black,...is more than double that of the white residents of the City of Chester. This high unemployment rate cannot be blamed on lack of education. The average educational level for the Black resident of Chester is less than half a grade (one semester) less than that of the average white resident.

When educational levels for Black Americans parallel those of the whites...when individual and group needs are the same...when individual and group skills are equal...and... the Black residents suffer a sixteen (16%) percent unemployment rate as compared to a seven (7%) percent rate for their white neighbors...the only identifiable factor creating and maintaining this very evident "difference" is racial discrimination.

Much statistical evidence to substantiate the fact of racial discrimination in employment was presented to the Hearing Commissioners. A sampling of pertinent areas of such testimony contains such factual information as:

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II. Summary of Findings By the Hearing Commissioners:

D. Continued

+ As of July, 1968 there are 1620 employees of government in Delaware County. Non-whites occupy 246 of these positions. However, of the 246 non-white governmental employees, 193 were at a salary range of less than \$5000 per annum. The median income for the 1620 employees was in excess of \$7300. Approximately seventy-eight (78%) of these non-white governmental employees held such jobs as janitors, domestics, laundry help, clerks, information workers, etc.

Thirty-three (33%) of the residents of the City of Chester are Afro-Americans. Not one agency of City Government is representative of this percentage in composition. A sampling of the racial composition of City agencies indicates:

Agency	Employees			
	Total	White	Black	%Black
City Administration				
Secretaries and Clerks.....	50	46	4	8.0%
Chester Redevelopment Authority...	43	32	11	25.6%
Chester Housing Authority.....	64	44	20	31.2%
Chester Police Department.....	94	69	25	26.6%

The above statistics do not accurately reflect the true picture of employment. Closer analysis indicates the following:

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II. Summary of Findings By the Hearing Commissioners:

D. Continued:

(1) The Chester Redevelopment Authority:

Professional positions.....26
Professional positions held by whites.....23
Professional positions held by Negroes..... 3
Percentage of professional positions held by Negroes.11.5%

There are no (0) Negroes employed in professional positions by the Redevelopment Authority on the Executive Staff, in the Planning and Engineering Department, or in the Relocation Department*. (See note below)

Only one (1) Negro is employed in an administrative position.

NOTE:

* It seems hard to believe that no Negro professional is employed on the Relocation Department Staff when a markedly high percentage of the persons serviced by this Department have been, and will be, Negro.

It was further noted that the five (5) member Board of Directors of the Chester Redevelopment Authority now has one (1) non-white member.

(2) The Chester Housing Authority:

Board of Directors: Four (4) white and one (1) Negro.

Of the 20 Negro employees, one (1) is the Occupancy Director; two (2) are Project Managers; two (2) are Foreman in the Maintenance Department and the remaining fifteen (15) are all employed in non-supervisory jobs, primarily in the Maintenance Department.

NOTE: This employment pattern is not racially equitable when the Housing Authority administers five projects wherein occupancy is approximately 75% Negro.

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II. Summary of Findings By the Hearing Commissioners:

D. Continued

(3) The Chester Police Department:

Now employing 25 Negroes representing an increase of 15 since 1963.

One (1) Negro has attained the rank of Captain and two (2) Negroes have attained the rank of Sargeant. Testimony indicated that two (2) of these Negro officers have no direct supervision of on-the-street activity and the other is assigned to a squad for special assignments. There are four (4) Black Detectives and One Negro in the Traffic Department.

In addition, one (1) Negro is employed in the Juvenile Division as a Juvenile Aide Officer without police status.

+ Testimony expressing the grievances of fourteen (14) Negro police officers indicated great concern over the operation of an all-white Board which reviews all applications form employment on the Police Force. There officers feel the Board is operating a quota system in the appointment of Negro officers to the police force. If the applicant resides near a presently active Negro police officer, the Board, reportedly, rejects the applicant.

+ The Chester School District, during the academic year 1966-67 had a total pupil enrollment of 11,725 of whom 7,959 were non-white. (67.9% non-white) The School District employed 541 full-time professional teachers of whom 312 were Caucasian and 229 were non-white (42.3% non-white). However, in the Chester High School out of

II. Summary of Findings By the Hearing Commissioners:

D. Continued:

100 full-time professional teachers there were only 14 non-whites (14%) although the High School student body was approximately seventy (70%) percent non-white.

There is only one (1) Black counsellor employed at the High School. Of the 21 school principals, 14 are Caucasian and 7 are non-white. School District Secretarial Staff: 49 persons, 37 Caucasian and 12 non-white. The Schools Maintenance Department: 100 persons, 68 Caucasians and 32 non-whites.

Testimony repeatedly indicated that the Chester Administration has not accepted a leadership role in developing or implementing affirmative action programs in job training or fair employment.

No urban coalition exists in the City of Chester. It was noted that the Mayor did indicate he has had a series of meetings with the Youth Corps, AFL-CIO officials and the National Alliance of Businessmen in an effort to promote job training and placement. This unilateral effort has not obtained the benefit of the combined all-inclusive cross-strata community involvement as is developed through a working urban coalition.

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II. Summary of Findings By the Hearing Commissioners:

D. Continued:

Progressive action on job training and placement has been fragmentary at best.

Testimony covered many areas of concern in employment. Some of the areas, and problems involved, were indicated as:

- + The Greater Chester Movement, an OEO funded agency, has made efforts to place their job trainees in local industries and has developed an Advisory Council with industry and business representation seeking wider development of training and job placement programs. City Administration is not represented on this Advisory Council.
- + The National Alliance of Businessmen in Delaware County have embarked on a program with objective of obtaining 350 employers in the County to pledge 3500-4000 additional jobs to be filled by the hard-core unemployed by 1971. Some 1200-1400 of these persons to be employed will be residents of the City of Chester. The Alliance has not requested City Administration participation because this is a private industry endeavor.
- + The National Alliance of Businessmen has officially designated the Chester Office of the Pennsylvania Bureau of Employment Security (BES) to recruit these "hard core" people to fill the job opportunities as developed by the

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II. Summary of Findings By the Hearing Commissioners:

D. Continued:

Alliance. However, the Alliance has failed to communicate with the many Black oriented organizations in Chester to the end result that the majority of the Black community is unaware that such a program exists.

+ Chester City Administration indicated that they have solicited an organization (CAMPS) to coordinate all employment activities yet the Black community has not been involved in any of the planning for such a "coordinated" activity. This is another example of the long standing lack of communications between the City Authorities and the Black community groups.

+ The Neighborhood Youth Corps has been successful to a limited extent in job placement of Afro-Americans in City Government and in some of the prominent industrial firms in the Chester area. "Operation Opportunity" program conducted by the Neighborhood Youth Corps, financed by grant of approximately \$2,000,000.00 in Federal funds, has involved such firms as Boeing-Vertol, Scott Paper Company, Sun Shipbuilding and Dry-Dock Company, in the hiring of disadvantaged youths during the summer, and after school, in on-the-job-training programs. This program, and the training and placement programs of the Greater Chester Movement, have been the most affirmatively

II. Summary of Findings By the Hearing Commissioners:

D. Continued:

recognizable action programs attacking and alleviating employment problems in the disadvantaged areas of the City of Chester.

+ Criticism of the operation of the Chester Office of the Bureau of Employment Security, Pennsylvania Department of Labor and Industry, covered the following pertinent areas:

- (1) Chester Office, BES, repeatedly charged with doing a great disservice to the Black residents of Chester primarily because of the methods and procedures of this agency being completely insensitive to the needs and problems of the Black applicant in contending with constant denial of equal opportunity in employment.
- (2) The very evident need for additional non-white staff in the Chester Office of BES. Present staff of 40 persons, of whom nine (9) are non-white, has had trouble communicating with the Black user of the services of the office. (It was noted that five (5) of the present nine (9) non-white staff have been newly employed...since 1967.) The Manager of the office testified that there is much need for additional non-white staff. He further stated that

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II. Summary of Findings By the Hearing Commissioners:

D. Continued:

only recently has Pennsylvania State Employment Service (PSES) been designated by the Commonwealth as the official recruiting agency for State Civil Service and now BES will be able to advertise job openings and further, fully intends to encourage more Negroes from the Chester area to apply for positional openings with BES.

- (3) A very serious charge made against the Chester Office of the Bureau of Employment Security was "this agency condones and participates in unfair treatment of migratory farm workers recruited from the City of Chester". This office of the BES was specifically charged with permitting such workers to be victimized by: violation of minimum wage law, inadequate or no sanitary facilities provided by employers, violations of child labor laws, violations of regulations regarding the inspection of vehicles transporting laborers, etc.

It was indicated that the Chester Office of BES had suspended all activities pertaining to farm workers subsequent to a recent workers-in-transit bus accident resulting in multiple fatalities including Negro children from the City of Chester.

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II. Summary of Findings By the Hearing Commissioners:

D. Continued:

(4) The hiring of four (4) white college students for the summer of 1968 by the Chester Office of BES when no recruitment of Black students from the local primarily Negro Colleges (Cheyney and Lincoln) had occurred greatly incensed the Negro community. It was noted that the appointment of the four white students was by the Governor's Office of Administration although this Office was aware of the request by the Chester Office of BES that these persons should be non-white.

Testimony indicated that an all-white Civil Rights Organization in Delaware County had completed a door-to-door business employment survey in the City of Chester and of selected industries located in Delaware County. A sampling of this survey indicated: The banking industry employs very few Negroes. Those few Negroes employed are at lowest income and skill levels, i.e. clerks, tellers, janitorial etc. The same held true of the small business firms. Negroes were employed as fountain help, dishwashers, clerks, repairmen, custodial and janitorial, etc. One taxi company included in the survey employs in the City of Chester thirty-five drivers all of whom are white.

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II. Summary of Findings By the Hearing Commissioners:

D. Continued:

Representatives of the largest industrial employers in the County testified as to the concern and desire of their employers to adhere to a policy of fair employment, promotion, and treatment within the various departments. They further testified as to their involvement in program development and implementation with the Greater Chester Movement, the Neighborhood Youth Corps and the National Alliance of Businessmen. Their testimony gave no indication of any meaningful contacts with Black organizations in the City of Chester.

Two of the largest industrial employers, Boeing-Vertol and Sun Shipbuilding and Dry-Dock Company emphasized dramatic gains in the hiring and promotion of non-whites in the past five (5) years. Countering this testimony, the West Philadelphia Board of the NAACP submitted testimony charging extensive discrimination toward Negroes prevails in these two corporations...particularly at Boeing-Vertol. Particularly in the areas of upgrading, job assignments, labor practices, on-the-job treatment and appointment to supervisory positions.

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II. Summary of Findings by the Hearing Commissioners:

D. Continued:

Union representatives from these two firms testified as to the establishment of anti-discrimination policies and procedures. The Aerospace Union of Boeing-Vertol refuted many of the charges made against it by the NAACP. The NAACP had charged this Union with unconcern and lack of action in response to grievances voiced to the Union by non-white members. The NAACP charged that this situation directly resulted in a petition signed by over 850 Black workers demanding better Union action on grievances and against discrimination. The Union representative stated that the Fair Practices and Anti-Discrimination Committee of the Union held hearings on the above petition and grievances and that twenty-three (23) individual complaints were received. The Union is investigating four (4) of these complaints at the present time.

Testimony indicated that the Union apprenticeship programs available to the residents of Chester are generally closed to the Afro-American applicant. Further, that most union offices and apprenticeship programs are located in Philadelphia. Very few of the unions operate headquarters or offices in the City of Chester. It was pointed out that

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II. Summary of Findings By the Hearing Commissioners:

D. Continued:

although much headway has been made in the major and national unions toward fair employment, the mechanical trade unions are still very effectively closed against non-white membership.

This barring of the Negro from union membership was amply illustrated by the fact that though the unions utilize the Pennsylvania Bureau of Employment Services and The Chester School District for publication of opportunity and for job training, there are only four (4) union membership Negro carpenters and one (1) Negro electrical worker in the City of Chester. This despite the fact that there are four (4) vocational schools located in Delaware County.

Testimony indicated that the Crozer Hospital medical and nursing staffs are well integrated. There again, non-whites are not employed as administrators nor are they employed in the billing or cashier departments.

The Delaware County Medical Association has, according to testimony, been well integrated. The same testimony indicated that only one (1) Black nurse and no (0) Black physicians were employed by the major industrial firms in the area. This carries over into the treatment of employees

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II. Summary of Findings By the Hearing Commissioners:

D. Continued:

of these firms. None of the five (5) Negro physicians in Chester have any of the employees of these firms as patients.

Patterns of discrimination in employment have a very negative effect on the racial composition of the Chester area civic clubs and associations such as the Rotary, Kiwanis and the Optimists. Although there are many Negroes in the same professions as white members of these organizations none of these civic groups have ever invited their Negro counterparts and associates into membership.

Evaluation of testimony concerning employment reveals one clear fact...: Discrimination against the Afro-American and other minority-group persons does exist in the City of Chester and this racial discrimination is a major cause of racial tensions.

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II. Summary of Findings by the Hearing Commissioners:E. The Negro Citizens of the City of Chester Have Been Denied Membership In, or Employment by, the Fire Companies in the City of Chester:

The 1967-1968 budget for the City of Chester allocated 375,000 dollars of tax monies for the support of the fire companies and Fire Department of the City. These funds, as well as paying the salaries of the forty-five (45) full-time employees of the five volunteer fire companies in Chester would also pay rental for the firehouses, portions of the utilities and operating expenses of these five (5) fire companies.

The City has only three (3) professional employees in the Fire Department. The chief and his two assistants who are employed to coordinate fire prevention in Chester, enforce the fire companies' bylaws, maintain fire statistics, keep the Mayor and the City Council informed. The fire chief has no jurisdiction over the hiring of the drivers and tillermen (the full-time employees of the fire companies) other than as voting member of the fire company to which he belongs.

The five (5) fire companies in the City of Chester have a membership in excess of five hundred (500). There are no Negro members. It was noted that immediately prior to the conduct of the investigatory hearings, one fire company did

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II. Summary of Findings by the Hearing Commissioners:

E. Continued:

admit two (2) Negro applicants to "social membership only."

The Delaware County Fire Association has never admitted a Negro fire company to membership in its history. Five years ago this association eliminated the racially restrictive clause for membership, but a two-thirds majority vote is still required, and thus all Black applicants are still forbidden membership. The bylaws of this Association require sponsorship of an applicant. No Negro has been able to obtain the required sponsorship, so, of course, no Negro can claim he has been rejected on proper application for membership.

Testimony of a Negro physician, resident of Chester, related his experiences with the fire companies. On two occasions he offered his medical skills to the fire companies and in both instances was informed that the "company membership was full."

The Negro resident of Chester has been the bitter recipient of blatant discrimination by the fire companies for over one hundred years. The aforementioned admittance of two Negroes to "social membership only" is considered by the Black community as an insulting evasive maneuver done only so the fire companies could testify that they now have Negro members.

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II. Summary of Findings by the Hearing Commissioners:

E. Continued:

The deaths of nine or ten Negro residents in fires in the City of Chester over the past few years has done nothing to alleviate the bitterness of the Black community against the discriminatory all-white fire companies.

The individual Negro deems it a personal insult.....the Negro community deems it racial injustice.....that the Negro resident is refused and denied the opportunity to make his contribution to the safeguarding of his own neighborhood.

The Mayor of the City of Chester testified that he does not dispute the testimony affirming discrimination by the fire companies. The Mayor was also not aware of any refusal of any Negro applicant for membership in the fire companies.

He further stated that the City could withhold funds from the fire companies but the safety of the entire city would be jeopardized if he and the City Council took such action.

The fire chief testified that he could not understand why Negroes threw rocks and bottles at firemen when they responded to an alarm in Black neighborhoods. The chief further stated that "the Fire Department is not mad at nobody...!" The chief further stated that he would sponsor a Black member

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II. Summary of Findings by the Hearing Commissioners:

E. Continued:

but did not think it would do any good for on membership voting "it would only take three black balls to turn him down....!"

The Chief may "not be mad at nobody," but the Black community of the City of Chester is mad. It was most apparent that the racial discrimination long practiced by the fire companies of the City of Chester has been, and is, increasingly a major cause of racial tensions.

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II. Summary of Findings By the Hearing Commissioners:

- F. That the Police Department of the City of Chester Has Become a Focal Point for Overt Expression of Disrespect for Authority By the Black Community Primarily Due to the Lack of any Viable Community Relations Program:

Repeated testimony by Afro-American witnesses attested to the well evidenced racist attitudes and actions of a recognizable portion of the Police Department of the City of Chester.

Residents of the Black community, and sincerely concerned white residents of Chester, increasingly convinced of the exclusion of the Black resident from the planning and decision making processes which so vitally effect their lives, have through long and frustrating experience developed a deep-rooted distrust and hostility toward the institutions of unshared authority. The Police Department of the City of Chester, as the most visible and often the only encountered agency of the "power structure", seemingly operated with more concentration of effort to maintain the status quo than to maintain the peace, has become the focal point for overt expressions of hostility toward insensitive authority.

This police-community relations situation has deteriorated to the point where a recognizable fraction of the Black youth of the community has totally seceded from and is militantly alienated against the "whitey" dominated community structure.

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II. Summary of Findings by the Hearing Commissioners:

F. Continued:

The alienation of the Afro-American against the white dominated power structure has permeated the Police Department itself as expressed in testimony by a Negro police officer representing fourteen Black officers. This police complaint against unshared authority as reflected by the all-white Civil Service Board and the very few Blacks who have attained any supervisory position is indicative of this Black-white alienation. Negro police also testified as to the resentment felt due to such discriminatory Police Department procedures as: 1. No Black policeman directly in command of on-the-street activities; 2. Patrol cars assigned to white areas of the City not integrated but assigned to white police only.

It was repeatedly charged that curfew violations, gambling and tavern disturbances draw immediate suppressive response from the Police Department while like offenses and illegal actions in the white neighborhoods go unnoticed and unsuppressed. This was also attested to by the Negro police officers.

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II. Summary of Findings By the Hearing Commissioners:

F. Continued:

The use of profane and insulting language by white police officers when addressing or referring to Negro residents; profane references to Blacks by white officers using patrol car radios; the avoidance by white police of responding to calls for police assistance in the Black neighborhoods; the retention on the Police Force of a white police officer in the grade of Captain, who has continually demonstrated racist attitudes...were among the grievances expressed by Negro police officers.

The lack of response by white police officers to requests for police in the Black communities has continued even though the Chief of Police has stated that suspensions would result if such incidents happen. Testimony by witnesses refuted the effectiveness of the threat of suspensions for such dereliction of duty by police.."the order has not been enforced".

Although the Chief of Police testified that all officers of the Chester Force are sent to school for training in police practices and procedures, testimony by police officers attested to the fact that the only police training offered with reference to the urban ghetto has been in the controlling of riots and civil disorders. There has been no meaningful

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II. Summary of Findings By the Hearing Commissioners:

F. Continued:

training in human relations and no sensitivity training in the City of Chester. This lack of training has, according to responsible persons, directly lead to excessive use of force in instances and a total misunderstanding on the part of individual police and the police department as a whole in its confrontation with Black residents of Chester.

Contacts between police and citizens of the Black communities require discretion and judgement that must have a foundation in top-level police department policy. Testimony revealed such Departmental policy to be inadequate and not clearly understood at all levels. Further, in regard to the Black communities, affirmative action policies entailing practice of good police-community relations has been totally lacking.

There is no clearly defined procedure or unrestricted open avenue for citizen complainant seeking redress for grievance against police action or lack of police action. The Black communities have no knowledge of any means of redress for acts of racial discrimination perpetrated by police.

The Police Department of the City of Chester has not adequately demonstrated police policy and purpose being the preservation of law and order rather than the maintenance of the status quo.

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II. Summary of Findings by the Hearing Commissioners:

F. Continued:

Affirmative programs for the recruitment, assignment and promotion of Negro police has not been adequate to provide a police force composition reflective of the community it serves.

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II. Summary of Findings By the Hearing Commissioners:G. The Negro Residents in the Black Neighborhoods of the City of Chester are Not Equitably Afforded Public Services as a Direct Result of Racial Discrimination:

The very evident alienation between local government and the Black communities, primarily due to the existent wide gap in communications and understanding, has intensified the grievances, whether real or imagined, by the Negro community against the rigid power structure of the City of Chester.

Therefore, every abrasive contact Negroes have had with agencies or individuals representing unshared authority has intensified this alienation. The grievances suffered by Negroes then take on a deep personal significance far overbalancing the immediate consequences of the grievance. Therefore, the Black neighborhood subjected to delay in trash and garbage removal, insufficient safety signals, inadequate street cleaning, slow response to needs such as fire and public safety, views these delays and inadequacies not only as instances of poor public service but as example of racial discrimination.

Testimony of both Black and white witnesses repeatedly compared the services afforded the "white" Wards One and Eleven (1 & 11) as compared to the Black neighborhoods. These two (2) "white" Wards never suffer the delays in

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II. Summary of Findings By the Hearing Commissioners:G. Continued:

trash, garbage and snow removal that are common occurrences in the Black neighborhoods. Again, these witnesses charged that these politically favored "white" neighborhoods have the necessary traffic signals and stop signs while the circumscribed Negro neighborhoods do not. It was claimed that not only are traffic safety devices missing at heavy traffic-flow intersections in the Negro neighborhoods, but also at intersections near the predominantly Black schools. Further testimony indicated that even the alleys are well paved in the favored "all-white" neighborhoods where no such "niceties" exist in the Black neighborhoods.

Public services to the residents of a City become more than just "a touchy point" when inequities and inequalities exist due to the racial composition of neighborhoods. Unequal public services due to the race of citizens cannot do other than foster and foment racial hatreds and tensions.

Testimony revealed a long existent pattern of failure of the City Authorities to recognize very evident inequities in public service in the community. This has solidified the convictions of the Afro-American communities that insensitive authority has not, and will not, respond to the needs of the Black residents in any equitable manner.

II. Summary of Findings By the Hearing Commissioners:

G. Continued:

Just as solidified is the conviction of the Negro residents of Chester that positive action must be taken to assure equal public services for all residents in all neighborhoods of the City.

It must be recognized by all parties concerned that even if all inequities in public service were to be corrected so that absolute equality of service existed for all residents, regardless of neighborhoods or race, until such time as the Black residents are clearly convinced of this equity in services, through meaningful informed involvement, the alienation of the Black community against local government can only further solidify. To obtain this meaningful informed involvement of Negro residents will require the opening of avenues of two-way communication not now existent.

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II. Summary of Findings By the Hearing Commissioners:H. That the City of Chester Has Not Enacted Local Ordinances Relating to Human Relations and Has Not Established An Official Agency or Avenue For the Redress of Citizen Complaint In the Case of Infringement or Denial of the Civil Rights of Individuals:

The City of Chester has offered no local recourse to that individual whose civil rights have been impugned, impaired or denied, but the courts of the land. The Black community now expresses sincere doubts over the timely effectiveness of use of the courts as an avenue of redress. Particular reference was made to the failure of the courts to act on the case of so many liens against Negro home-owners since plea before the courts placed in 1964.

The City of Chester has not established an affirmative public policy, program, commission or agency, to safeguard and foster the rights of all residents to utilize their productive capacities to the fullest and to enjoy the fruits of their labors on equal terms with their neighbors.

A few weeks prior to the convening of these investigatory hearings, the Mayor of Chester established a Branch Office located in the Black Community designed and empowered to receive all complaints and to function as a community services office. The Commonwealth of Pennsylvania has been operating a "Governor's Branch Office" for the performance of similar functions. It was noted that the

II. Summary of Findings By the Hearing Commissioners:

H. Continued:

City Administration has reportedly lost contact with the local Governor's Branch Office. Neither of these two community-service oriented offices has the responsive recourse of legal powers to assure proper adjustment in complaint situations.

The City of Chester has not provided the citizens of the community with the guarantees of equal opportunity backed up by civil ordinance. Such social concepts as "equality of opportunity" and "social justice" will not be accomplished by the passage of laws alone, but law provides the foundation upon which such social structures may be built. History provides us with the factual proof that moral concepts can be expressed in legal terminology. It is incumbent upon government, at all levels, to provide the legal safeguards adequate to assure that each individual shall have the unimpaired right to be respected and the opportunity to compete for that position in society that his natural abilities might attain.

The failure of the City Administration to take affirmative action to provide redress of complaint under the aegis of law assuring true equality of opportunity has been a major

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II. Summary of Findings By the Hearing Commissioners:H. Continued:

factor in the deepening of thus-far unchecked racial antipathies and the very apparent racial polarization in the City of Chester.

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II. Summary of Findings By the Hearing Commissioners:

I. The Poor and the Black Residents of the City of Chester are Not Afforded Adequate Cross-Strata Health Services:

Testimony of residents and officials of City and County officials all agreed that the low-income families of the City of Chester are not afforded adequate and readily available health services essential to maintenance of high standards of health.

Evidence was presented which indicated that the Black population constitutes the majority of those families who live in such city areas as are afforded less than adequate health services.

Of the twenty-three (23) Chester physicians practicing in those medical fields of specialization most needed by the poor, only three (3) are located in the poverty areas throughout the city. Of the eight (8) voluntary agencies operating in the City, only one (1), the Community Nursing Service maintains a regular program in the poverty areas.

The infant mortality rate in the City of Chester is among the highest in the Commonwealth of Pennsylvania, Chester ranks second in the incidence rate of tuberculosis and fourth in Cirrhosis of the liver in the State. Yet, the City offers only five (5) well baby clinics and has estab-

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II. Summary of Findings By the Hearing Commissioners:

I. Continued:

lished no other effective preventive health service or program. The poor of the city are afforded an occasional immunization drive or periodic mobile X-ray service as a disease preventive program.

As attested to by the City and County health officials, the poor lack any mobility outside of their own immediate neighborhoods. The City or County have not developed or implemented any community-wide health programs directed toward the provision of adequate health services within the areas of need, or, to assist the poor and the indigent in obtaining adequate health services outside the immediate area of residency.

The only hospital servicing the Black neighborhoods of the City of Chester is located outside the City. The old Chester Hospital houses various health clinics which will operate for another eighteen (18) months. This facility offers no comprehensive health care program for the neighborhoods of the poor and the Black and is located at a site most inconvenient for service for the people who need this care the most. Compounding this problem of lack of close and readily available health care is the absence of any publicly supported ambulance service.

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II. Summary of Findings By the Hearing Commissioners:

I. Continued:

The City of Chester evidences one of the highest needs in the State for dental care, yet there are no public dental clinics. The lack of such dental clinics has a critical effect on the pre-school children of the poor and the Black. Of the eighteen (18) dentists practicing in the City of Chester, only one (1) is located in a primarily Black low-income area of the City. The Greater Chester Movement and the Community Nursing Service have placed great emphasis and effort in the seeking of the needed health services in the City. Recently, the Delaware County Health and Welfare Council has opened an office in Chester so as to allow the residents of the disadvantaged neighborhoods to decide the priorities to be given various health services. This will include the location of hospitals and clinics, physicians, and the already existent health services and agencies. The Delaware County Health and Welfare Council is also seeking funding arrangements with various hospitals in the Philadelphia Metropolitan area and the cooperation of such local agencies as the Chester Redevelopment Authority in the planning and implementation of programs designed to increase public participation in wider and better health services.

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II. Summary of Findings By the Hearing Commissioners:

I. Continued:

Less than adequate health services in the neighborhoods of the disadvantaged has been, and is, another factor conducive to the growth and perpetuation of racial tensions. The Black parents who lose a child due to inadequate or not-available pre-natal care services does not require lessons in hatred against the unresponsive society in which they are entrapped.

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II. Summary of Findings By the Hearing Commissioners:

J. That the Negro Residents of the City of Chester Have Not Been Afforded Equal Opportunity In Voter Registration and the Black Voters Have Been Intimidated By the Political Activities of Police at the Polling Places:

The Chester Swarthmore League of Women Voters stated that the Black residents of the City of Chester are not provided an equal opportunity to register for the vote as compared to the opportunities provided the white residents. The Delaware County roving registrars are assigned to Chester only in the months of February and August.....the worst weather month in the year and the major vacation month. Further, this registration is conducted in the white neighborhoods in place of pedestrian convenience such as the supermarkets. Never have the registrars appeared in such a convenient place as a supermarket site in a Black neighborhood in Chester or in Delaware County.

The League of Women Voters requested a voting machine to be used to familiarize the Chester residents with voter machine operation. The County Commissioners fulfilled this request, but the machine was not placed in a neutral location but in the City Municipal Building.....completely subject to the political party which is in power.

League spokesmen expressed great need for sample voting machines in all of the schools in the City of Chester....

II. Summary of Findings By the Hearing Commissioners:

J. Continued:

not just in the predominantly white schools as has been the case in the past.

Of major concern to the Black residents of the City of Chester is the fact that police officers of the City are actively engaged in political activities, many holding the position of Committeemen, and others as active political party workers, who are very conspicuously present at the polls at voting time.

As expressed by one witness: "This smacks at the same time as a totalitarianism that existed in Hitler's Germany and any other dictator run country you may wish to name". It was very firmly expressed by witnesses that the presence of police at the polls....police who must, as the Black residents well know, wear their guns at all times even when off duty and not in uniformintimidates Black people and prevents them from voting. Police of the City of Chester, present at the polling places, telling voters who they should vote for and actively transporting their own party members to the polls, have proven to be a fearsome intimidating factor to the Black would-be voters.

One of the grievances presented by the fourteen (14)

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II. Summary of Findings By the Hearing Commissioners:

J. Continued:

Black policemen of the Chester Police Force was the firm conviction that in order to receive promotion in the Police Department an officer has to have political connections and be politically active.

A caucasian witness, who lives in a predominantly Negro area of the City of Chester, indicated that he had to vote in a polling place established in the residence of a candidate for the office of magistrate although a public school was only one (1) city block away.

The City of Chester has eleven (11) political subdivisions or Wards. Wards Number 1 and Number 11 are the two geographically largest and contain an almost 100% white constituency. The present political subdivisions of the City have been properly established under the Third Class City Code of the Commonwealth but, tend to perpetuate a political alignment of peoples, and through circumscribed patterns of residency, does not facilitate fair representation for the Black population of the City.

Evaluation of testimony presented indicated that the exercise of voting rights of Black citizens, by being impaired, has been, and is, a discernible factor in the

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II: Summary of Findings By the Hearing Commissioners:

J. Continued:

alienation of the Negro from local government and
thus a cause of racial tensions in the City of Chester.

II. Summary of Findings By the Hearing Commissioners:

K. That the Negro Residents of the City of Chester Have Not Been Equitably or Adequately Afforded Recreational Facilities:

Testimony by the Executive Director of the only Neighborhood Settlement House in the City of Chester cited quotes and statistics from a Comprehensive Plan for Recreation entitled "Parks and Recreation Areas, Development Plan, City of Chester" dated March 1968, and from a Comprehensive Plan dating from 1965 dealing with long-range recreation planning and prepared by the Chester Planning Commission.

These plans, in essence, indicated a critical shortage of parks and playgrounds in the City of Chester. Emphasized was the critical shortage in precisely those facilities required to relieve the social pressures of the old congested part of the City. These plans indicated that the population of Chester required at least seventeen (17) recreation areas....One park for each one thousand (1000) families within easy pedestrian distance and each park to contain a minimum land area of three (3) acres.

At the present time, the City of Chester has only five (5) such parks with area of three (3) acres or more. It was noted that four (4) of the five (5) parks were located in the east side area in the predominantly white neighborhoods

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II. Summary of Findings By the Hearing Commissioners:

K. Continued:

of the City and....only Memorial Park is located on the west side in the predominantly Black and much more densely populated area of the City.

The Comprehensive Recreational Plans, stipulating need for seventeen (17) three (3) acre parks could only be accomplished without major relocation problems in the east side, white residency areas, due to the evident housing density factors in the east side of the City.

The Comprehensive Plan for the three (3) year period of 1968, 1969 and 1970 contains a proposed park and recreation budget asking for \$1,717,000 to be made up from Federal, State and City funds as a part of a \$64,000,000 total improvement budget for the period 1968 to 1973. However, none of these fund sources have been guaranteed and the City officials have made no firm commitment via a clear statement of priorities for the use of such funds should they become available.

The City of Chester has allotted \$38,500 for the three (3) year period of 1968-1970 for the planning of "Vest Pocket Parks" which should see the establishment of four (4) such parks in the City. It must be noted that

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II. Summary of Findings By the Hearing Commissioners:

K. Continued:

the Black community is not aware of where such parks are to be located.

It is also worthy of note that the Comprehensive Plans made no commitment of priority of need for recreational facilities in the Black communities where such facilities are most urgently needed.

The residents of the three (3) all-Black projects operated by the Housing Authority testified as to the dire lack of recreational facilities contingent to these concentrations of disadvantaged peoples. Complaint was made of the indifference displayed by the Executive Board of the Chester Housing Authority in failing to apply for Federal or State funding for the construction of a two-story community and educational center which would provide facility for the teaching of arts and crafts and encourage skilled trades. The lack of playgrounds, the safety hazards encountered by youths traveling to and from the distant recreational facilities, the unhealthy and obsolescent condition of present recreational facilities (such as the basements of the Housing Projects) were the subject of repeated protests by witnesses.

The need for additional recreation facilities and programs

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II. Summary of Findings By the Hearing Commissioners:

K. Continued:

as an integral part of the educational program....the need for combined educational/recreational facilities was very forcefully expressed.

At the time of the hearings the few day care centers in the City of Chester, designed to care for children under the age of six (6) during parental working hours, were too few to support the need for such services.

These five (5) centers can accommodate a maximum of 300 children daily. Approximately 38% of the women in the City of Chester are employed and 22% of the employed women have children under the age of six (6). This evidences a need for day-care facilities able to accommodate 1500-2000 children..... most of whom are Negro.

The Head- Start Program conducted by the Greater Chester Movement has the funds to accommodate 200 pre-school age children. The need for such a program, with requisite recreational and educational staff and facilities, is very evident for 3,000 to 4,000 children.... the majority of whom are Negro.

The high incidence of juvenile delinquency in any urban

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II. Summary of Findings By the Hearing Commissioners:

K. Continued:

community can be related to the lack of qualitative totally inclusive recreational programs and the supportive recreational facilities afforded the urban youth. The absence of inclusive recreational programs and supportive facilities all too often makes the control of youth activities a police action. Such has been the case in the City of Chester.

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II. Summary of Findings By the Hearing Commissioners:L. The City of Chester Has A High Potentiality for Racial Tension and Violence:

Polarization of the races is readily perceptible in the City of Chester. To permit this apparent "apartheid" divisive trend to establish and perpetuate two racially identifiable separate and distinct communities would only magnify and intensify racial fears and overt confrontations within the community. This trend is not self-reversing. Only affirmative and positive action on the part of a totally aware and totally concerned citizenry can hope to obliterate racism, remove causes of tensions, and restructure the City of Chester so that all persons may live with mutual respect under the aegis of progressive law and order.

Most evident throughout the hearings was the fact that all too many persons, some of whom are in positions of vital responsibility, had failed to recognize that racial problems and inequities do in fact exist in the City of Chester. This very well evidenced insensitivity to the existence of real and prolonged problems and the failure of the white majority to recognize a fellow citizen as having equal rights, needs and desires because that persons's skin coloring is different has made discrimination and racial injustice habit and custom in the City of Chester.

II. Summary of Findings By the Hearing Commissioners:

L. Continued:

The Honorable John H. Nacrelli, Mayor of the City of Chester, welcomed the Commission to the City and provided the assistance of the Office of the Mayor for the conduct of the Hearings. The Mayor, in testimony, indicated that the City of Chester has major problems and that his administration is "looking for help in any direction to cure these problems!" The Commission is appreciative of this cooperation and the expressed mutual desire for alleviation of the problems present in the City of Chester.

The Mayor further stated that he is..."going into the community, taking people who I feel are representative of the community...!". This statement is of grave concern to the Commission. We must again and again emphasize the fact that this is one of the very practices that are anathema to the Black community. No white individual, whether office holder or not, can ascertain the true needs, desires, frustrations, and conditions of the Black community by selecting those non-white persons "he" believes representative of the Black community. These "selected" persons are then looked upon by the Black community as "Toms" who were selected by the power structure to echo the sentiments and decisions of the establishment.

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II. Summary of Findings By the Hearing Commissioners:

L. Continued:

Meaningful Black representation must be by Black people chosen by Black people just as white representation is chosen by white people. This fact has not been observed in the City of Chester.

The City Administration did not create the prolonged and visibly intensifying racial polarization evident in the City of Chester. However, to continue to use the conventional "status quo" means of countering racial antipathies such as "selecting representative Negroes" can only have a negative effect.

The Mayor and the City Council were requested to hold Council meetings in the evenings...outside of normal working hours... so that working citizens would be able to attend, observe and participate. This request was turned down. This was not consistent with the acknowledgement by the Mayor and the City Council that the Negro residents should have more of a voice in the planning and decision making processes of City Government. The erasure of the Communications gap now apparent and the involvement of citizens in the processes government, are not going to be accomplished with a "business-as-usual-during-working-hours-only policy or attitude. Historical patterns of disassociation will only be changed when positive and innovative action is taken to

II. Summary of Findings By the Hearing Commissioners:

L. Continued:

accommodate and effect this change.

Very emotional testimony was heard during the Investigatory Hearings. Many persons gave up days of employment and income so they could appear and testify of their very deep concern. By far the majority of this concern was constructive in nature. Concerned individuals and agencies expressed their frustrations, identified their problems, and presented constructive recommendations for positive progressive change in their City. A City that is their home also.

Accompanying this constructive testimony was an ever visible thread of hope. It was clearly stated that the Black community has "become frustrated in its efforts to change the patterns of discrimination which have denied the Negro equal exercise of his civil rights as a citizen of the United States and in particular as residents of the City of Chester". The hostility toward the establishment and the status quo evidenced during the hearings was a welcome alternative to other apparent methods of venting of pent-up hostilities. This was, and we quote, "a last attempt to seek the ear and the understanding of those in the power structure to help them to alleviate the problems people face in striving for human dignity".

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II. Summary of Findings By the Hearing Commissioners:

I. Continued:

A very earnest warning was made quite clear in the phrase...

" a last attempt..." A guarantee of united effort is also contained in the words "to help them to alleviate the problems".

All evidence presented to the Commission revealed an awesome potential for racial violence in the City of Chester. The same testimony by the same persons also revealed a deep from the heart desire that positive change could be the outcome of these hearings. These two alternatives became the apparent potentials.

II. Summary of Findings by the Hearing Commissioners:

M. Comments by the Hearing Commissioners on Pertinent Facts Deduced From the Sworn Testimony:

Repeated testimony made crystal clear the fact that the great majority of police, school teachers, employees of other public service agencies in the City of Chester, are dedicated persons performing their jobs in a manner to bring great credit to themselves and the departments or agencies they represent. The same testimony identified instances, individuals, departments and agencies who, by insensitivity, rigid maintenance of the status quo, racist attitudes and practices, not only failed to alleviate tensions, but in recognizable instances, fomented and intensified racial antipathies.

Most apparent also was the lack of coordination of effort on the part of those individuals, agencies and associations concerned enough to actively strive for progressive and affirmative change. A diffusion of effort and resources and fragmentary accomplishment, has been the end result. Until such time as a meaningful and totally inclusive coalition of local citizens, agencies, industry, business, educators and government combine in priority oriented effort for affirmative action, the alleviation or removal of the causes of racial tensions will remain expedient, oriented and inconclusive at best.

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III. Positive Commitments for Programs or Changes to Alleviate Tensions as Presented by Responsible Officials During the Investigatory Hearings:

A. General Comment by the Hearing Commissioners:

Elected and appointed public officials, representatives of official and quasi-official agencies, business, industry, unions, associations and organizations testified during the course of the investigatory hearings..

Much of this testimony consisted of statements of positive policies and programs affirmatively directed toward the alleviation of racial tensions.

The commitments submitted, through testimony and documented articles placed in evidence, are made an integral part of this report in the following paragraphs.

In many instances the positive commitments made by responsible authorities are included in entirety in the Commission Recommendations in Section IV of this report.

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III. Positive Commitments for Programs or Changes to Alleviate Tensions as Presented by Responsible Officials During the Investigatory Hearings:

B. HOUSING:

1. City Administration; represented by the Honorable John H. Nacrelli Mayor:
 - a. The City of Chester direly needs new housing for low and moderate income families as well as progressive rehabilitation programs. Priority of effort will be toward the resolution of this problem.
 - b. The Mayor will support a leased housing program to be administered by the Housing Authority.
 - c. The Mayor will enforce the Rent Withholding Law as soon as legal implications are clarified.
 - d. To the knowledge of the Mayor, no one in the political power structure of the City owns real estate in the City of Chester, so there are no vested interests or slum landlords sheltered by the administration.
 - e. All complaints of unfair or non-equitable treatment should be documented and presented to the proper City official. Corrective action will be assured.
 - f. Housing Codes will be vigorously and honestly enforced.

III. Positive Commitments for Programs or Changes to Alleviate Tensions as Presented by Responsible Officials During the Investigatory Hearings:

B. 1. Continued:

g. There will be no discrimination in public housing in the City of Chester.

h. Urban Renewal, under this City Administration, will not be known as "Negro removal".

(a) The Mayor and Redevelopment Authority Executive

Director have met with the Secretary of the Pennsylvania Department of Highways relative

to the highway program in the City of Chester.

It was agreed that no individual or family would be displaced until the Highway Department is assured of adequate housing for all such persons.

(b) The Mayor favors and will support a broad-based task force to handle relocation problems contingent to renewal programs.

i. The Non-profit Corporation established by the City in the spring of 1968 (The Housing Development Corporation of Chester) has the ultimate purpose of providing additional units of low-income housing by construction using HUD programs.

2. Howard K. Gallagher, Executive Director, Chester Housing Authority, testified as to the following positive actions taken and program planning:

III. Positive Commitments for Programs or Changes to Alleviate Tensions as Presented by Responsible Officials During the Investigatory Hearings:

B. 2. Continued:

- a. Housing Authority policy now implemented allows the tenant to select community in which they desire to live.
- b. The Authority has very recently been required by HUD (U.S. Department of Housing and Urban Development) to abandon this policy of permitting tenant selection. Witness was not certain what new HUD policy would mean.
- c. The Authority does not unjustly charge tenants for maintenance.
- d. The Authority has applied to HUD for funds to rehabilitate present physical structures.
- e. Tenants are participating with management on drawing up ideas for programs and establishment of priorities.
- f. Housing Authority agrees there is great need for recreational facilities. The Authority had recently sought permission from HUD to rent a building for tenant recreational purposes but application was rejected. Continued planning and emphasis will be placed on the expansion of recreational facilities.

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III. Positive Commitments for Programs or Changes to Alleviate Tensions as Presented by Responsible Officials During the Investigatory Hearings:

B. Continued:

3. Mr. James Sharp, Code Enforcement Office, City of Chester testified as to the following points:

- a. There is a dire need for additional standard housing in the City of Chester.
- b. Code enforcement does encounter absentee landlords.
- c. There have been few arrests due primarily to the following two (2) factors:
 - (1) Owners make the mandated repairs.
 - (2) To protest the tenants who as a result of code enforcement may be evicted with no place available to relocate.

4. Mr. John Fitzgerald, Executive Director, Chester Redevelopment Authority made the following statement:

- a. There is, and shall be, no such thing as "Negro removal".
 - (1) Seventy-five (75) to eighty (80) percent of families involved in relocation due to redevelopment programs relocate themselves without agency assistance.
- b. The Authority does not work with Real Estate Brokers suspected of having discriminatory listings.

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III. Positive Commitments for Programs or Changes to Alleviate Tensions as Presented by Responsible Officials During the Investigatory Hearings:

B. 4. Continued:

c. The Authority favors and will support a leased housing program to be administered by the Housing Authority.

d. There is a very easily recognized lack of communication between the Authority and the Black community.

e. The Authority favors comprehensive and meaningful participation in all programs by the people in the concerned neighborhoods and community at large. The Authority has attempted to develop this involvement in the planning and decision making processes without much success.

5. Mr. William J. Coopersmith, Acting Director, Model Cities Agency, Chester, made the following statement:

a. Planned programs of the Model Cities Agency will not displace any families.

b. Major planning is aimed at the rehabilitation of houses in the projected area.

6. Mr. Roy McIntyre, Housing Development Corporation of Chester, made the following commitment statement:

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III. Positive Commitments for Programs or Changes to Alleviate Tensions as Presented by Responsible Officials During the Investigatory Hearings:

B. 6. Continued:

- a. The Development Corporation envisions rehabilitation of 2500 dwellings in the City of Chester.
- b. The Development Corporation has started on approved pilot project of six (6) houses to be completely rehabilitated.

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III. Positive Commitments for Programs or Changes to Alleviate Tensions as Presented by Responsible Officials During the Investigatory Hearings:C. EDUCATION:

1. The Chester School Board and the School Administration of the City of Chester committed themselves to the following affirmative proposals, programs and specific actions:
 - a. The School Board has never failed to act on a proposal submitted on the behalf of the Black community by the Negro member of the Board, Mr. Clarence Roberts.
 - b. The utilization of requested and received federal funds has allowed the School Board to spend \$900 per student per year in the five (5) predominantly Black schools as compared to the \$600 per student per year in the other schools in the City.
 - c. The School Board President will be meeting with the School District's consultants in the near future to review the progress and programs in the five (5) schools which are predominantly Negro.
 - d. The School Board will review, and provide the Commission with current statistical data concerning the number of minority group persons employed in all positions in the Chester School System.

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III. Positive Commitments for Programs or Changes to Alleviate Tensions as Presented by Responsible Officials During the Investigatory Hearings:

C. 1. Continued:

- e. The Chester School Administration is conducting weekly conferences for all teachers concerning Afro-American history. The School Board is actively seeking an expert in the field from a Negro University.
- f. There is an application now submitted to Harrisburg seeking additional funds for the program of training of the orthogenic backward child on the secondary level.
- g. The Chester School District is the only district in Delaware County to operate an around-the-clock full-time Psychological Center.
- h. The Chester School District is affirmatively seeking to have bi-racial committees on all school matters.
- i. Maintenance and renovation of schools:
 - (1) The School Board submitted to the PHRC for the period of 1952 through 1968.
 - (2) The School Administration will meet at any time with representation from the Black community on any matters of concern...i.e., discussions on the Feasibility Report to be

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III. Positive Commitments for Programs or Changes to Alleviate Tensions as Presented by Responsible Officials During the Investigatory Hearings:

c. 1. i. (2)

submitted by the architect concerning the site of the new Chester Senior High School.

(3) The Administration invited the Commission to personally inspect all the schools in the City of Chester.

NOTE: Commissioners did conduct a physical inspection of selected schools. Report of that inspection is contained in Section IV of this Report.

The School Administration does inspect all schools in the City of Chester at least twice a year.

j. The President of the School Board has urged the Administration and the Board to utilize all channels to improve the counselling services.

k. The School Board established, five years ago, an educational panel to review most suspensions of students for disciplinary infractions.

Also, if there is, as has been stated during the hearings, any existent practice by the School Administration of suspending students indefinitely, then the School Board will take corrective action.

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III. Positive Commitments for Programs or Changes to Alleviate Tensions as Presented by Responsible Officials During the Investigatory Hearings:

C. 1. Continued:

l. The School Administration has approved a Code of Dress submitted by a student group from the senior high school.

There will be no reprimands if a student wears "Freedom Beads" to school unless and until the School Board rules otherwise. The Administration has reinstated the twelve (12) students who were suspended for wearing such beads without any blemish on their individual school records.

m. There will be no substitute school teachers utilized in the Chester Schools during academic year 1968-1969.

n. The Superintendent of School's position as Chairman of the Local Draft Board is sanctioned by the Pennsylvania Department of Public Instruction, and in no way has the Superintendent ever used this position to intimidate a teacher or a student.

o. The School Administration will actively seek to employ Black head coaches for school athletic teams with the proviso that they are certified teachers as is required by law.

PHRC Investigatory Hearings - City of Chester

III. Positive Commitments for Programs or Changes to Alleviate Tensions as Presented by Responsible Officials During the Investigatory Hearings:

C. 1. Continued:

p. The School Board and School Administration have met with teachers to discuss such needs as increased salaries, medical benefits, etc., and will continue to do so in the future.

q. The Superintendent of Schools submitted to the Hearing Commissioners documentary evidence that at least twenty-seven (27) graduates of Cheyney College, a predominantly Negro institution, were hired by the School System of Chester since 1967. Eleven (11) of these persons were first employed for the academic year 1968-1969.

2. The School Board and the School Administration will make continued efforts to widen and refine avenues of two-way communication between the School System and the Black community.

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III. Positive Commitments for Programs or Changes to Alleviate Tensions as Presented by Responsible Officials During the Investigatory Hearings:

D. EMPLOYMENT:

1. The National Alliance of Businessmen has officially designated the Chester Office of the Pennsylvania Bureau of Employment Security to recruit "hard core" persons to fill the job opportunities developed by the Alliance Programs.

The National Alliance of Businessmen has embarked on a program that should open up 1200-1400 new job opportunities for presently unemployed or underemployed persons from the City of Chester.

2. Bureau staff of the Chester Office of the Pennsylvania Bureau of Employment Security will attend a course at Temple University for sensitivity training and development of better understanding of the problems of minority peoples.

III. Positive Commitments for Programs or Changes to Alleviate Tensions as Presented by Responsible Officials During the Investigatory Hearings:

E. FIRE COMPANIES:

1. The Mayor stated that the City Administration, at the time of the hearings, was negotiating with the fire companies and racial discrimination was an item on the agenda to be discussed.
2. The Mayor stated that the Department of Public Safety could make recommendations to the fire companies regarding equal opportunity in seeking and accepting members.
3. The Chief of the Fire Department stated that he would sponsor a Negro applicant who met the age limits and eligibility requirements, to become an active fire company member.

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III. Positive Commitments for Programs or Changes to Alleviate Tensions as Presented by Responsible Officials During the Investigatory Hearings:F. POLICE-COMMUNITY RELATIONS:

1. The Chief of the Police Department of the City of Chester made the following positive commitments:
 - a. The Police Chief would investigate all grievances and complaints by the citizens of Chester regarding the actions of Chester police officers and, if any undue harassment or brutality had indeed occurred, such officers would be suspended.
 - b. The Police Chief will talk to any Black leader about the relationship between the Police Department and the Negro community in order to develop mutual understanding, make changes and improvements.

(Example: The Police Chief would thoroughly discuss the problems Black youth are having with police with Mr. Clarence "Big Daddy" Pitts.)
 - c. The Police Chief will never take any action against any officer, white or Black, for presenting his grievances to the Pennsylvania Human Relations Commission or anywhere else, and he will look into any such grievances within the Police Department.
 - d. The Police Chief will request of the Mayor and the City Council authorization for the hiring of more Black Meter Maids.

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.III. Positive Commitments for Programs or Changes to Alleviate Tensions as Presented by Responsible Officials During the Investigatory Hearings:

F. 1. Continued:

- e. All police cars are integrated in all parts of the City where police strengths make it possible.
- f. The Police Chief favors a Police Cadet Program for youths interested in a police career and between the ages of 18 and 21.
- g. The Chief expressed favor of an ongoing program of training for all policemen in Police-Community Relations.

2. The Honorable John H. Nacrelli, Mayor of the City of Chester, made the following positive commitments:

- a. The Mayor will recommend that the Police Department shall establish an ongoing in-service training program on Police-Community Relations.
- b. The Mayor has established a Mayor's Branch Office, manned by a uniformed police officer, which is a community service office. This office has full access to all City departments in the City of Chester to resolve complaints and grievances. The Mayor's Office has maintained direct communication with the Branch Office. This operation has proven extremely successful.

III. Positive Commitments for Programs or Changes to Alleviate Tensions as Presented by Responsible Officials During the Investigatory Hearings:

G. PUBLIC SERVICES:

1. The Mayor stated that in the month of September, 1968, the boundaries and pick-up areas in the City of Chester have been readjusted so as to have an equal area assigned for trash and garbage pick-up on given days.

The Mayor denied that any such public service was, or would be, neglected in the City of Chester.
2. The Mayor indicated that the City uses a checkerboard pattern (east to west) in the cleaning of streets and that no section of the City is neglected. The Mayor would have any driver fired who was negligent in his duties or who failed to perform assigned functions.
3. The Mayor has referred all complaints to the Pennsylvania Highway Department who has the sole authority to erect traffic signals in the City of Chester. Due to the fact that the state agency must conduct a traffic survey before such traffic control changes may be made, delays are not uncommon.

In reference to the charges made that there was a lack of adequate traffic signals at schools, the Mayor stated that he has no knowledge of any such situation.

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III. Positive Commitments for Programs or Changes to Alleviate Tensions as Presented by Responsible Officials During the Investigatory Hearings:

H. ESTABLISHMENT OF LOCAL AVENUES OF REDRESS OR COMPLAINT IN CIVIL RIGHTS AREAS:

1. The Mayor of the City of Chester favors the appointment of a City Human Relations Commission or Council, but only on a voluntary member basis.
2. The Mayor stated that the City of Chester does not have the tax dollar resources to enact local ordinances that would require administration and enforcement by a paid professional staff. The Mayor favors instead, full cooperation with the Pennsylvania Human Relations Commission in the enforcement of Fair Housing and Equal Opportunity Laws in the City of Chester.

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III. Positive Commitments for Programs or Changes to Alleviate Tensions as Presented by Responsible Officials During the Investigatory Hearings:I. HEALTH AND WELFARE:

1. The Mayor has established a City Health Board to direct the functions of the City Health Department. Prior to the establishment of this Health Board the City Council performed this role.
2. Delaware County will vote on the proposal establishing a County Board of Health. Such a board would assist the Health Board of the City of Chester immensely by the funding and the channeling of various program funding to the City.

NOTE: It must be noted that prior to the completion of this report the above proposal was defeated at the polls in Delaware County by an almost two to one majority.

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III. Positive Commitments for Programs or Changes to Alleviate Tensions as Presented by Responsible Officials During the Investigatory Hearings:J. VOTING AND VOTING REGISTRATION:

No positive commitments were made by responsible City or County officials regarding the grievances expressed concerning voter education, registration and exercise of franchise.

III. Positive Commitments for Programs or Changes to Alleviate Tensions as Presented by Responsible Officials During the Investigatory Hearings:

K. RECREATION:

1. The Mayor emphasized that no plan or project by the City has ever been designed to purposely establish unbalanced recreational facilities due to the racial makeup of neighborhoods. The only reason that four (4) of the largest parks in the City are located in the east side, in predominantly white neighborhoods, is that 100 years of planning and City growth, using the Chester Creek as the dividing line, has always made the use of available space the deciding park placement factor. The shape, size and racial composition of the City has undergone dramatic change since existing parks were established.
2. The Mayor states that the City Administration has established recreational facilities in the City for the use of all residents and that these facilities are balanced as well as available space will permit.
3. The Mayor indicated that a major concern of the City Administration has been the lack of facilities for the operation of a full-time year-round community center owned and operated by the City as an integral part of a full-strata city-wide recreational program.

III. Positive Commitments for Programs or Changes to Alleviate Tensions as Presented by Responsible Officials During the Investigatory Hearings:

K. Continued:

This has caused the School District's buildings to be utilized for recreational activities and the first such recreational program established this year was done in a ghetto area.

As soon as funds are available, space acquired more such recreational programs will be established in the City.

4. The Mayor stated that two (2) public swimming pools will be constructed during the fall and spring of 1968-1969. One will be located in Crozier Park, a racially balanced neighborhood, and the other in Memorial Park, a primarily Black neighborhood. Both sites are in the western section of the City where most of the Black residents reside. These pools will be constructed on public property and no discrimination will exist in admission policies.
5. The Executive Director of the Chester Housing Authority indicated that the Authority did seek funds for the construction of a community building in the Ruth Bennett Homes area designed for the two-fold purpose of providing educational and recreational facilities

III. Positive Commitments for Programs or Changes to Alleviate Tensions as Presented by Responsible Officials During the Investigatory Hearings:

K. Continued:

for both the Ruth Bennett Homes and the Lamokin Village tenants....whom are all Negro.

This project application was rejected by HUD (U.S. Department of Housing and Urban Development).

6. The Executive Director of the Housing Authority stated that each of the Housing Projects has an authorized program and a Tenant Advisory Council which decides as to how their money will be expended....whether for rehabilitation of facilities, landscaping, community building, etc.
7. The Executive Director of the Chester Housing Authority expressly requested the aid of the Pennsylvania Human Relations Commission in helping the Housing Authority solve the many problems faced by this Authority....not the least of which is the provision of adequate and desirable recreational facilities.

III. Positive Commitments for Programs or Changes to Alleviate Tensions as Presented by Responsible Officials During the Investigatory Hearings:

L. GENERAL COMMENT BY THE HEARING COMMISSIONERS:

Perhaps the most positive and striking commitments made for affirmative action to remove or alleviate the causes of racial tensions in the City of Chester was made by every witness who, through factual and constructive concern, publicly voiced his or her individual and collective desire and will to work with all skills and energies toward the resolution of the grievances and inequities that now beset the City of Chester.

Without the commitment of the Black and White "John and Mary Does" of the City of Chester, any commitment made by authority would have little meaning or chance of success.

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IV. Recommendations by the Pennsylvania Human Relations Commission for Positive Actions to Alleviate Existent Tensions and Reduce the Potential for Racial Tensions in the City of Chester:

The recommendations contained in Section IV of this report, in most instances, are addressed to specific individuals, elected bodies, agencies or organizations for affirmative action.

In specific instances a time limit for implementation of recommendation is indicated.

In all instances the Commission will monitor the meaningful implementation of the following recommendations. Where action is not accomplished to a significant degree the Commission, upon review, shall take such further steps as specified by law to assure affirmative action to reduce racial tensions in the City of Chester.

IV. Commission Recommendations:

A. Recommendations for the Reduction of Racial Tensions in the City of Chester:

1. The following paragraphs of Section IV of this report will address recommendations to compartmentalized areas of concern:

Housing	Section IV B
Education	Section IV C
Employment	Section IV D
Fire Companies	Section IV E
Police-Community Relations	Section IV F
Public Services	Section IV G
Ordinances Required	Section IV H
Health and Welfare	Section IV I
Voter Registration	Section IV J
Recreation	Section IV K
Miscellaneous	Section IV L

2. Copies of this report will be provided all persons, elected bodies, agencies or organizations, determined as responsible for the accomplishment of Commission recommendations. This will include, but not be limited to city, county and state governmental agencies operative in the City of Chester.

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IV. Commission Recommendations:

A. Continued: -

3. Copies of this report will also be provided news media and those agencies and organizations operative in the City of Chester.

Additional copies will be provided upon request by individual or agency.

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IV. Commission Recommendations:B. HOUSING:1. Open Housing:

a. The City of Chester, through the Office of the Mayor, utilizing leadership role of the City Council, should, with full cooperation of existing interracial organizations such as the Greater Chester Movement, the Housing Development Corporation of Chester and others, immediately implement a city-wide educational program in housing. This program should have the following minimum objectives:

- (1) To educate the citizens of the City as to the rights of all persons to seek and acquire housing within the economic abilities of the individual or family.
- (2) To educate the citizens of the City as to the responsibility of government at all levels, to provide adequate, decent and desirable housing for all citizens.
- (3) To realistically inform all citizens of the City of Chester of the accomplishments, planned programs and objectives of the City in renewal, redevelopment, rehabilitation, zoning, code enforcement and related housing programs so that

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IV. Commission Recommendations:

B. 1. a. (3) Continued:

an informed and understanding citizenry may become active partners in accomplishment.

- b. The City Council of the City of Chester should take immediate action to establish an official human relations commission or council via passage of City Ordinance.

The establishment of such a commission or council will provide a focus vehicle for:

- (1) A study of needs for City ordinances to assure open housing in the City of Chester.
- (2) Centralized coordination with Philadelphia Regional Office of the Pennsylvania Human Relations Commission for more meaningful and responsive compliance action in administration and enforcement of Federal and State housing laws thus assuring an avenue of redress for complaint in housing.
- (3) Assuring that the residents of the concerned neighborhoods are meaningfully included in the planning and decision making processes of all existent and planned programs of Model Cities, renewal, redevelopment, rehabilitation, zoning, code enforcement, relocation and related housing programs.

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IV. Commission Recommendations:

B. 1. b. Continued:

(4) Advising and/or acting for the Mayor and the City Council in the affirmative action programs essential to removing causes of racial tensions in the area of housing in the City of Chester.

- c. The Mayor and the City Council should take immediate and continued action to ascertain that all programs implemented by the Chester Redevelopment Authority, Model Cities Agency, Housing Code Enforcement Office, Relocation Office of the RDA, and others, are affirmatively directed toward the erasure of historical patterns of racially circumscribed areas of housing.

No project or program implemented by any housing agency should be permitted to add permanency to neighborhoods of the economically disadvantaged or to segregate peoples because of race or economic status.

2. Survey by United States Department of Housing and Urban Development recently conducted in the City of Chester:

- a. Upon release of this housing survey by Region II, Philadelphia Regional Office, HUD, it is recommended that the Office of the Mayor of the City of Chester shall initiate:

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IV. Commission Recommendations:

B. 2. a. Continued:

- (1) Appointment of a fully inclusive committee for study and evaluation of the HUD Housing Survey Report. This committee to establish priorities and recommend program implementation to accomplish the affirmative findings of the HUD report.
 - (2) Assure the wide dissemination to the public of the recommendations of the HUD report so that an informed citizenry may take active and understanding part in accomplishment.
- b. The Mayor and the City Council should designate one properly constituted agency, such as the Chester Redevelopment Authority, as the staff agency to provide technical support to the Office of the Mayor and the Housing Advisory Committee for study and evaluation of the HUD report. The resources of such agencies as the Greater Chester Movement and the Chester Housing Development Corporation should be utilized on a volunteer basis.
3. The Mayor and the City Council should take immediate action to implement the Pennsylvania Rent Withholding Act.
(House Bill 2260, Amending Act of January 24, 1966, P.L. 1534

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IV. Commission Recommendations:

B. 3. Continued:

entitled "An Act providing for the suspension of the duty to pay rent for dwellings certified to be unfit for human habitation * * * * and providing for the withholding and disposition of shelter allowances.")

Both House Bill 2260 and P.L. 1534 establish only the authority for rent withholding. The administrative details are largely a responsibility of the regulatory agency established by the City government. The City of Chester has been provided with the two year experiences of the Cities of Philadelphia and Pittsburgh in administering the Rent Withholding Act.

The Rent Withholding Act provides the tenant of the less than standard housing with the right, under the laws of the Commonwealth, to seek legal redress through the certification of the dwelling as "unfit for human habitation." It is the duty of the City Administration of Chester to provide its citizens with:

- a. Agency for the administration of the Rent Withholding Law.
- b. Properly supervised escrow of all funds.
- c. Timely and adequate response to complaint and response to property owner who has satisfactorily and completely adjusted complaint.

IV. Commission Recommendations:

B. 3. Continued:

- d. Community-wide information as to the procedures and details involved for utilization of the rent withholding program.

NOTE: The Commission recommendation for implementation of the Rent Withholding Law by the City of Chester should be accomplished not later than April 30, 1969.

4. The Office of the Mayor and the City Council should make maximum efforts to ascertain that complete and exhaustive follow-up is made of the application to the U. S. Department of Housing and Urban Development for funding for the Concentrated Code Enforcement Program in the City of Chester.

This Code Enforcement Program, Section 116 of the United States Housing Act of 1949, as amended, would provide grant for 2/3 of the cost of the Code Enforcement Program with remaining 1/3 split equally between State and City government. This program also offers a 100% grant for cost of relocation of families and individuals forced to relocate due to program application. In addition, the 1968 amendments to the Federal Housing Act hiked the individual property-owner rehabilitation grant ceiling from \$1500 to \$3000.

5. The Redevelopment Authority of the City of Chester should immediately review all programs and pending programs where

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IV. Commission Recommendations:

B. 5. Continued:

applications for HUD approval are in process with purpose being development of a coordinated priority oriented program based upon the HUD survey previously referred to in this report.

The Redevelopment Authority should:

- a. Be prepared to render staff assistance to the Office of the Mayor and the Housing Advisory Committee designated to study and evaluate the HUD Housing Survey Report of the City of Chester.
- b. Ascertain that the planning and decision making processes contingent to all programs administered by the Authority shall be fully and meaningfully inclusive of the persons in the concerned program area.
- c. Re-evaluate cleared land re-use policies to ascertain that priority be given to the construction of housing for low and moderate income families.

NOTE: This recommendation is not to be construed as advocating that neighborhoods of the disadvantaged are to be perpetuated by concentrated areas of low-income housing.

The City of Chester well evidences the need for housing for low-income persons, middle-income housing,

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IV. Commission Recommendations:

B. 5. c. Continued

and luxury housing. The pattern in which such new housing is provided will be a major determinant of the future of the City of Chester. To provide the City of Chester with only housing for the low-income family would be to establish a permanent core city of the economically disadvantaged surrounded by a suburban ring of the more affluent. The flight of the economically able family from the City to the suburban ring will only be reversed by the provision of new and desirable housing in all income ranges within the City proper.

- d. Make preparations to give maximum support to the non-profit sponsors now active, or those who will become active. Such support should include, but not be limited to:

- (1) Utilization of the non-profit sponsor as housing rehabilitation operator. This is particularly apt for 221(h) Program - "Rehabilitation of Properties for Resale to Low-Income Purchasers." This is a key program for enabling low-income families to purchase their own home. Conversion of neighborhoods from absentee landlordism to individual home ownership

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IV. Commission Recommendations:

B. 5. d. (1) Continued:

cannot be other than a major factor in the upgrading of neighborhoods.

It must also be noted that the non-profit sponsor can also employ and train, construction workers and contractors indigenous to the neighborhood.

- (2) Provide the non-profit sponsors with feasibility studies to include statistical data.
 - (3) Provide mapping, topography, zoning and engineering data such as: water tables, soil compaction data, utility right-of-way mapping, etc.
 - (4) Meaningfully include the non-profit or limited dividend sponsors in community planning.
 - (5) Such other innovative support as will augment the rehabilitation of existing housing and will take fullest advantage of existing Federal programs for the production of new housing for the elderly and for low and middle income families.
6. City Council should direct a rigidly enforced and expanded program of enforcement of the City Housing Code. This should as a minimum include:

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IV. Commission Recommendations:

B. 6. Continued:

- a. Expansion of the Housing Code Inspection Force and closer supervision of the work of this agency so adequate response to complaint and program case continuity may be afforded
 - b. Expansion of the Code Enforcement Office, and complete training of personnel, to adequately support the housing inspection and certification provisions of the Rent Withholding Act. Adequate, equitable and timely response by the Code Enforcement Office is an absolute requisite in the administration of the Rent Withholding Act.
 - c. Application to the Bureau of Environmental Safety, Pennsylvania Department of Health, for training program for every staff member of the Code Enforcement Office. This program is available without cost to the community.
7. The Housing Authority of the City of Chester should give maximum emphasis to the development of an expanded program for scattered site leased housing. (The Federal Leased Housing Program, Section 23 of the law authorizing Federal assistance for low-income families; the U. S. Housing Act of 1949, as amended.) This program would enable the Chester Housing Authority to:

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IV. Commission Recommendations:

B. 7. Continued:

- a. Provide the large low-income family with adequate and decent housing without the several year delay contingent to the completion of housing projects and, within the cost per-unit limitations stipulated by Federal government.
- b. Provide adequate and decent housing for low-income persons without expansion of the "public housing projects" type facilities which tend to become permanent concentrations of the disadvantaged.
(Ghettos in microcosm)
- c. Expand the available facilities for low-income families and key the break from circumscribed housing patterns now existent.

8. The Housing Authority of the City of Chester should develop closer liaison with the Office of the Mayor and the City Council. This same close relationship and understanding must also be established with the Human Relations Commission or Council of the City of Chester as soon as that body is established. As the focal point for housing need, and grievance procedure, the Mayor and the City Council must be able to obtain immediate and constant consultative and supportive services from the Housing Authority.

IV. Commission Recommendations:

B. Continued:

9. The Housing Authority of the City of Chester should objectively review the March 22, 1968 circular issued by the U. S. Department of Housing and Urban Development (HUD) on "The Social Goals for Public Housing." It is further recommended that this review shall be jointly conducted by: Chester Housing Authority members, Authority executive staff and a bi-racial committee of the tenants of the Housing Authority.

NOTE: This recommendation should be accomplished not later than May 15th, 1969.

10. The City of Chester should take maximum advantage of existing Federal and State programs supportive of the involvement of the private sector in the production of low and middle-income housing. Maximum dissemination and use should be made of the Pennsylvania Neighborhood Assistance Act, Act #292 of the General Assembly, enacted November 29, 1967, to support the contributions of industry and business in upgrading the housing supply of the City of Chester.

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IV. Commission Recommendations:C. EDUCATION:

The following Commission recommendations are directed toward the alleviation of existent tensions and the affirmative actions and programs obviated to reduce potential tensions:

1. The Commission recommends that the following changes be adopted forthwith by the School Board of the City of Chester in its conduct of public meetings:
 - a. Public meetings of the School Board be alternated between its regular board room and various schools throughout the district.
 - b. Publicize in the local newspapers the time, place and agenda, if possible, of forthcoming Board meetings.
 - c. Abolish the practice of having uniformed police at Board meetings.
 - d. Rescind the age restrictions on who may speak at Board meetings.
 - e. For citizens to speak at Board meetings, require only that they indicate to a staff representative of the School Board before the meeting begins their desire to speak, the subject and the time limit they will observe.

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IV. Commission Recommendations:

C. 1. Continued:

- f. The School Board should set a reasonable time at which to adjourn its meetings, and its chairman shorten the time limits of community speakers only if necessary to meet this adjournment time.
 - g. Require that standing committee reports clearly indicate the general areas of discussion and action.
 - h. At Board meetings, provide enough copies of the agenda and any other material provided the press, so that any citizen who desires copies may be so provided.
 - i. Schedule additional public meetings to hear further discussion on any issues relevant to Board consideration.
2. That the School Board of the City of Chester shall confirm to the Commission completion this school year of the repairs found needed in the on-site inspection by members of the Commission on September 25, 1968 of the Dewey-Mann, Franklin, Watts, Wetherill, Washington schools and Douglas Junior High School and the playgrounds as noted.
3. The Chester School District should set up an Advisory Committee on Human Relations to include cross-strata

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IV. Commission Recommendations:

C. 3. Continued

representation from the Black and white communities, selected by their own organizations, as well as school administrators, counsellors, teachers, parents, students and concerned citizens to make substantive recommendations to the superintendent, the Board of Education, its committees and community organizations regarding, but not limited to such concerns as:

- a. Relations between the School Board, Superintendent's Office and the community.
- b. Relations among students, faculty, administration and parents at all grade levels.
- c. Recruitment and employment of professional and non-professional staff.
- d. Relevance and adequacy of curriculum programs to pupil needs, with particular attention to Special Education and Compensatory Education for the disadvantaged.
- e. Degree and kind of counselling received by students.
- f. The policies and procedures of student discipline.
- g. Dropout rate among students.
- h. Under-achievement of pupils.

PHRC Investigatory Hearings - City of Chester

IV. Commission Recommendations:

C. 3. Continued:

- i. Implementation of a program of inter-group education in the schools as outlined in the Pennsylvania Department of Public Instruction's curriculum "Guide to Intergroup Education in Schools, Our Greatest Challenge - Human Relations."

NOTE: This recommendation should be accomplished not later than the end of the 1968-1969 school year.

4. The Chester School Administration should organize a district-wide faculty-student-community committee, bi-racially representative, to:

- a. Evaluate the adequacy of the Chester School District's textbook portrayals of minority-group peoples and their contributions to society, and to make recommendations for compensating for any inadequacies.
- b. Make recommendations regarding the training and/or recruiting of teachers for this purpose.

NOTE: This recommendation should be accomplished not later than the end of the 1968-1969 school year.

5. That the School District of the City of Chester shall adopt forthwith a specific policy that all School District committees include as members representatives of the Black and white communities of the City.

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IV. Commission Recommendations:

C. 5. Continued:

NOTE: A copy of this specific policy and report on implementation status, shall be forwarded to the Pennsylvania Human Relations Commission not later than April 30, 1969.

6. That the Superintendent institute a series of in-service sensitivity training sessions for guidance counsellors and other administrative personnel regarding minority-group guidance problems. The Commission's "Training Program in Minority-Group Guidance" should be considered as a part of this training.
7. That the Superintendent shall submit to the Commission not later than July 1, 1969, a progress report of the Chester School District's policies, procedures and results of affirmative recruiting and employing a racially integrated staff for all schools and position levels, including head coaches, administrative staff, guidance counsellors, clerical, cafeteria and maintenance personnel. This report should include the specific colleges, leaders, agencies and press from which Negro applicants have been sought.
8. That the Chester School Board recommend that the Superintendent resign as chairman of the local draft board in order to alleviate community apprehensions

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IV. Commission Recommendations:

C. 8. Continued:

that the threat of military service might be used to intimidate students and staff.

9. That the School Board provide at one of its public meetings in the near future a full explanation and question-and-answer opportunity regarding its choice of a site for the new high school.

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IV. Commission Recommendations:D. EMPLOYMENT:

The Commission makes the following recommendations in the area of employment:

1. The City of Chester, through the Office of the Mayor, should, with least possible delay, form an urban coalition of representatives of organizations, agencies, neighborhoods and peoples, bi-racial in composition, to act as a central coordinating and directive bureau for all employment, job training and associated activities and programs in the City of Chester. The Urban Coalition should include representation from the business community, labor, industry, government, public - parochial - college levels of education, civic and social organizations, OEO and OIC, and concerned citizens of the City of Chester.

The City should seek Federal funding to support a full-time professional staff to study, evaluate and render technical support to the Urban Coalition in the planning of programs for:

- a. Support of the Chester Human Relations Commission or Council in the conduct of a community-wide educational program on equal opportunity in employment.

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IV. Commission Recommendations:

D. 1. Continued:

- b. The seeking out, categorizing and development of employment opportunities in the City of Chester and Delaware County.
- c. The seeking out and development of avenues and agencies for skills training, vocational education, on-the-job training and the development of affirmative action programs concerned with employment at the highest skill, equitable assignment and promotion opportunities, and the development of career employment areas such as police cadet training programs, etc.
- d. Act as planning and coordinating agency for resource and priorities studies to support the development and passage of local ordinances that would provide the Chester Human Relations Commission or Council with enforcement powers in the primary areas of employment, housing, education and public accommodations
- e. Actively support the operation of a "Rumor Control Central" by providing factual timely information as answer to the tension causing rumor.
- f. Organize and conduct a series of community-wide workshops on employment to involve all concerned

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IV. Commission Recommendations:

D. l. f. Continued:

groups and persons. The first priority of the workshops should be the problems of discrimination in employment.

- g. Development of job training and placement programs which would be inclusive of expanded full-strata social services and follow-up services for all trainees and newly employed.
- h. Encouragement of labor unions to locate offices and apprenticeship programs in the City of Chester.
- i. Affirmative action program for the placement of non-white doctors and nurses in industrial plants and the placement of non-whites in hospital administrative capacities.
- j. Adoption of affirmative action guidelines for employment testing.
- k. Affirmative action program, to be conducted jointly by the Urban Coalition and the Chester Human Relations Commission or Council, to ascertain that every employer, labor organization and employment agency subject to the provisions of the Pennsylvania Human Relations Act has posted the "Employment Provisions" poster provided by the PHRC and that employees are familiar with the employment provisions of the law.

IV. Commission Recommendations:

D. Continued:

2. That the Chester City Administration, through the City Council, should review all hiring policies, qualification standards, job specifications and testing procedures to assure fair employment policy standards and practices in all departments of City government.

The Office of the Mayor should prepare affirmative action guidelines for positive programs for recruitment of minority persons to at least the point wherein a racial balance is reached that is reflective of the City at large.

3. The Office of the Mayor of the City of Chester should submit the following information to the Commission:
a. List of all salaried officials, elected or appointed, and all full or part-time employees of the City whether Civil Service or not, to indicate: position classification, salary range, Civil Service status and racial composition of each area.

b. The racial composition of the City Civil Service Board and a summary of the duties of the Board to include whether or not the Board reviews all applications for appointment to include the police force of the

City of Chester.

IV. Commission Recommendations:

D. 3. Continued:

c. Summary of information specifically outlining the background, organization and role of "CAMPS", engaged by the City of Chester to coordinate all employment activities.

d. A report as to the positive action taken, or planned, by the Office of the Mayor, for an affirmative action equal opportunities employment program in the City of Chester. This should include scheduled or planned community workshops: meetings with National Alliance of Businessmen, business, industry, labor, Neighborhood Youth Corps, OEO, OIC, BBS, and other employment and job training oriented agencies or organizations.

NOTE: This recommendation should be accomplished not later than April 30, 1969.

4. That the County Commissioners of Delaware County and the City Council of the City of Chester shall direct, and ascertain, that all departments and agencies of County and City government shall be positively supportive of the agencies and organizations engaged in job training and skill level upgrading in Delaware County. This will require close liaison between local government, the concerned agencies, and the community at large.

IV. Commission Recommendations:

D. Continued:

5. That the Mayor of the City of Chester shall lend the powers of the Office and his personal abilities to the leadership role of augmenting the force of the Urban Coalition by involving non-governmental organizations, associations and persons of the City of Chester in an affirmative action employment program to ascertain that each individual shall have equal opportunity in employment and advancement to the highest skill level. Some of the key organizations should be:

- a. The Chamber of Commerce
- b. The Manufacturers Association
- c. The Board of Trade

IV. Commission Recommendations:

E. Recommendations for the Alleviation of Racial Tensions

Contingent to the Operation of the Fire Department and

the Fire Companies in the City of Chester:

1. The Office of the Mayor of the City of Chester shall submit to the Commission a report concerning:

a. The results of the City Administration negotiation

with the fire companies in respect to racial

discrimination and any policy changes which would

affirmatively promote equal opportunity in fire

companies' membership.

b. The policy of the City Administration regarding

operation of the Fire Department to assure affirmative

action toward equal opportunity in employment.

This report will require that the Chief of the Fire

Department shall obtain from the fire companies a

current list of all job openings in the fire companies

of the City of Chester and policy statement from each

fire company as to fair employment practices that will

be utilized to fill these positions.

c. The Chief of the Fire Department will also submit

to the Commission a copy of the by-laws of the

Delaware County Fire Association and those of each

of the five (5) fire companies in the City of Chester.

IV. Commission Recommendations:

E. Continued:

2. That the Mayor, the City Council and the Department of

Public Safety of the City of Chester, shall institute an

evaluative study of the feasibility of terminating the

present volunteer fire companies system in favor of a

full-time professional city owned and civil service

administered fire department.

The evaluative study should also accomplish a cut-off

date for the use of tax funds for the payment of salaries

or any other monetary support of any fire company pursuing

a policy of denial of fire company membership to any

applicant on the basis of the race, religion, ancestry

or national origin.

3. The only equitable basis for perpetuating the present

system of fire Department, based on the "volunteer"

fire companies, should be when each and every fire company

has presented validated proof of equal opportunity in

membership and employment. To provide such a basis each

fire company should submit through the Fire Chief and

the Office of the Mayor a report of affirmative action

taken to accomplish equal opportunity in membership and

IV. Commission Recommendations:

F. 3. Continued:

employment and the number of non-white applicants

considered for an admitted to membership.

NOTE: A copy of this report should be submitted to the Commission not later than May 31, 1969.

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IV. Commission Recommendations:F. Recommendations to Effect Positive Change in Police-Community Relations in the City of Chester:

1. That the City of Chester, via positive direction from the Office of the Mayor, City Council and Department of Public Safety shall accomplish the following:

a. Develop and administer a top level police policy directive for police actions involving:

- (1) Youth
- (2) Minority-group persons
- (3) Participants in civil rights protest activities.

This policy should reflect the police duty to maintain law and order without deference to the status quo. The police duty to make apprehension or arrest without judgment of the individual or group should be most clearly stipulated.

This Departmental Directive should be directed toward, but not limited to, such areas as:

- * Individual officer actions and duties.
- * Police Headquarters and police supervisors' actions and duties.
- * Regulations regarding the use of firearms, chemicals and group control equipment.
- * Procedure for the use of supporting individuals and agencies in such areas as auxiliary police, rumor control, etc.

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IV. Commission Recommendations:

F. 1. a. Continued:

* Specific procedures for the handling of juveniles.

* Provisions for legal counselling.

- b. The Police Department of the City of Chester, through the cooperation of the Office of the Mayor and the City Council, with least possible delay, shall establish an in-service Human Relations and Sensitivity Training Program for all police at all levels. Maximum use should be made of indigenous organizations, individuals and local colleges and universities in the development and conduct of this program.

NOTE: This recommendation should be well established as an ongoing program not later than April 30, 1969.

- c. The Police Department of the City of Chester should take maximum advantage of police training programs available through the Pennsylvania State Police, the Federal Bureau of Investigation, the Philadelphia Police Department and like sources. Particular emphasis should be on the complete training of all police officers in 'Community Relations Training Programs' conducted by police agencies or departments (F.B.I., State Police, etc.) with program based on experience rather than theory.

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IV. Commission Recommendations:

F. 1. Continued:

- d. That the Police Department of the City of Chester shall support and maintain an augmented Police-Community Relations team within the police force. That a part of the duties of this team shall be the operation of the Mayor's Branch Office(s).
- e. That with least possible delay the City Council shall appoint a Police Advisory Committee consisting of bi-racial cross-strata community-wide representation. That the primary duties of this Committee (or Board) shall be:
 - (1) To directly support the Police-Community Relations Team.
 - (2) To advise the Mayor, the City Council, the Director of Public Safety and the Chester Human Relations Commission or Committee on Police-Community Relations matters.
 - (3) To supervise the operation of a "Rumor Control" Center and rumor control program.

It is suggested that this Police Advisory Committee membership should consist of meaningful representation drawn from: City Council, Department of Public Safety,

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IV. Commission Recommendations:

F. 1. e. Continued:

Delaware County Bar Association, Chamber of Commerce, and at least four (4) persons appointed by and representing the Black community of the City of Chester. The Police Advisory Committee (or Board) should be so constituted as to be able to receive citizens' complaints at regularly scheduled sessions or, in case of civil emergency, at emergency sessions.

- f. The Director of Public Safety, under supervision of the City Council, should review present administrative policy of the Police Department for establishing and publishing standard operating procedures for dissemination to every officer on the force. This revised directive should detail, as far as possible, police procedures, duties, rights, limitations and disciplinary actions for infractions of directive or regulations. No police officer should be required to depend on "experience" alone. Police Department Policy Directive outline in paragraph 1.a. of Section IV.F. of this report should be included as an integral part of the overall Police Department standard operating procedures.
2. The City Council, with cooperation of the Police Department, the Chester Human Relations Commission or Council, and

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IV. Commission Recommendations:

F. 2. Continued:

the civil rights organizations of the community should establish a 'Rumor Control Center' to be operated under the direction of the Police Advisory Committee (or Board).

The Rumor Control Center could initially be operated by the Police Department Community Relations Team and located at the Mayor's Branch Office.

Concentrated effort should be made to involve the full cooperation of established community action groups, Black community and inter-racial organizations, Ministerial Association and others to effectively counter tension producing rumors and distortions with factual information.

NOTE: This recommendation should be accomplished not later than May 15, 1969.

- 3. That the Mayor and the City Council of the City of Chester shall give full support to the establishment of a Police "Cadet" Program for the recruiting and training of community youth in the career field of public service and police work. This affirmative program, with the cooperation of the School System and the local colleges, should enable the City of Chester to dramatically upgrade the understanding of the community and the calibre of services of the Police Department.

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IV. Commission Recommendations:

F. Continued:

4. That the Director of Public Safety shall submit to the Commission a report of the following points of interest raised during the conduct of the hearings:
 - a. The responses given Officer Matthews, spokesman for the fourteen (14) Negro police officers, by the Chief of Police. This should include an item-by-item summary of actions taken to rectify these complaints.
 - b. A copy of the requirements (Application Forms) for employment as a police officer in the City of Chester.
 - c. The reasoning behind non-qualification as a police officer of the Juvenile Aid Division Officer now assigned in Police Headquarters.
 - d. A copy of the request made by the Chief of Police to the Office of the Mayor and the City Council for authorization for employment of more Black Meter Maids.

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IV. Commission Recommendations:

G. The Commission Makes the Following Recommendations in the Area of Public Services:

1. The Office of the Mayor, by use of public news media, should give wide dissemination, to include mapping, of the boundary changes established in the City of Chester so as to equalize job loads and upgrade services in garbage and trash collection. The public should be fully and accurately informed as to the areas covered and the day-of-the-week scheduling for these services.

The Public should be fully advised of the "checkerboard" pattern of street cleaning. Further, constant adjustment of street cleaning should be made so that street cleaning may be based more on need than on rigid area scheduling.

2. The Office of the Mayor and the City Council should direct a survey of traffic control device needs in the City of Chester with particular emphasis to intersections adjacent to schools and on major pedestrian traffic routes to schools, shopping and public transportation routes.

The Office of the Mayor and the Director of Public Safety should ascertain that immediate response is given to

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IV. Commission Recommendations:

G. 2. Continued:

citizen complaint of lack of traffic control devices. Complainants should be clearly advised of the action taken by the City of Chester in each instance.

3. The Office of the Mayor and the City Council should direct such administrative action that will make all departments of City government positively responsive to citizen complaint. It should be established as a standard operating procedure that citizen complaint be:
 - a. Docketed.
 - b. Investigated by responsible department or agency.
 - c. Immediate corrective action taken as indicated.
 - d. Complainant be notified with least possible delay of the adjudication of complaint and corrective action taken or scheduled or applied for.

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IV. Commission Recommendations:

H. The Commission Recommends That The City of Chester Shall Take the Following Affirmative Actions to Provide the Residents of Chester With an Officially Recognized Avenue of Redress for Complaint in the Area of Civil Rights:

1. Reference Section IV, paragraph B.1.b. this report:
The City Council of the City of Chester should take immediate action to establish an official Human Relations Commission or Council via enactment of enabling ordinance.

The establishment of such Commission or Council will provide official agency for:

- a. Conduct of a study of needs for Chester City Ordinances to assure equal opportunity for all residents in the fields of housing, employment, education and public accommodations.
- b. An operating vehicle for more responsive and meaningful compliance action.
- c. An agency mandated to conduct educational programs of an affirmative action nature in the City of Chester. To develop and conduct such programs in the areas of housing, employment, education and public accommodations as to assure bi-racial understanding, inter-communication, and progressive action in attainment of equality of opportunity in all areas for all residents.

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IV. Commission Recommendations:

H: 1. Continued:

d. A focus vehicle for assuring that the residents of the concerned neighborhoods are meaningfully included in the planning and decision making processes required for certification of such programs as:

- + Urban Planning
- + Model Cities and/or Demonstration Neighborhoods
- + Redevelopment or Urban Renewal
- + Rehabilitation
- + Zoning or Code Enforcement
- + Relocation
- + Rent Withholding
- + Head Start
- + Federal Elementary and Secondary Education Act Programs
- + Federal and State Supported Programs in the Areas of Poverty Control, Pre-natal Care, Day Care, Social Training, Job Training, Job Placement, Adult Education, Youth Development, Recreation, Parks and other Related Programs.

NOTE: The establishment of a local Human Relations Commission or Council would provide the agency equipped to support Redevelopment Authorities, Urban Planning Commissions, etc., to meet involvement of persons criteria established and enforced by the Housing and Urban Development Act of 1968.

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IV. Commission Recommendations:

H. 1. Continued:

- e. An agency to provide the residents of the City of Chester with immediate responsive avenue for complaint and redress of wrong.

It will be the decision of the concerned residents and officials of the City of Chester to determine the manner in which compliance procedure is provided.

The immediate options are:

- (1) Enactment of local ordinances providing the Chester Human Relations Commission or Council with compliance procedure backed by law and administered by professional staff.
- (2) Development of close liaison and coordination with the Philadelphia Regional Office of the Pennsylvania Human Relations Commission for immediate response compliance action by PHRC staff.

Providing the City of Chester with an agency that could provide centralized coordination and support of the programs of:

- + Chester Rumor Control Center
- + Police-Community Relations Training

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IV. Commission Recommendations:

H. 1. f. Continued.

- + Human Relations Team on the Police Force
- + Mayor's and Governor's Branch Offices
- + Board of Education
- + Recreation Board
- + Other Agencies

2. The City of Chester, under direction of the Office of the Mayor and the City Council, should with least possible delay conduct a study of needs with the objective of developing and enacting such City Ordinances as will provide the residents of the City of Chester with legal foundation for positive action in all areas of civil rights and human relations.

NOTE: The cross-strata community-wide representation recruited to support the Mayor and the City Council as an advisory panel in this objective study of needs could also be those same persons making up progressively the Chester Human Relations Committee and then the Chester Human Relations Commission or Council.

NOTE: City Administration action on Commission Recommendations such as implementation of the "Rent

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IV. Commission Recommendations:

H. 2. Continued:

Withholding Law" should be accomplished without reference to a study of needs or delay that would occur awaiting advisory panel or commission evaluation and report.

3. The Mayor and the City Council of the City of Chester should take positive action to:

- a. Recognize fully the existence and causes of racial tensions in the City of Chester.
- b. Accept the leadership role that will provide cross-strata impetus to affirmative actions to reduce racial tensions and remove the causes of such tensions.
- c. Establish close and meaningful liaison with civil rights groups and agencies with objective of seeking to enroll these individuals, groups and agencies in a concerted effort to:
 - (1) Establish and maintain two-way avenues of communication and understanding.
 - (2) Develop full community involvement in and support of the establishment of a Human Relations Commission or Council and the contingent study of needs and establishment of priorities.
 - (3) Develop immediate awareness to inequities and avenues and methodologies for corrective response.

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IV. Commission Recommendations:

H. 3. c. Continued:

(4) Give central organization and continuity to a program to erase the causes of tensions.

4. That Chester City Council, in order to develop lines of communication and understanding, should conduct at least a recognizable percentage of regularly scheduled Council meetings during evening hours or Saturdays so that concerned working residents may have equitable opportunity to attend Council sessions. This may entail a radical change in routine or custom. However, the present situation in the City of Chester warrants action far removed from normal routine.

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IV. Commission Recommendations:I. The Commission Recommends the Following Actions be Taken to Remove Causes of Tensions in the Areas of Health and Welfare:

1. That the Office of the Mayor of the City of Chester shall submit to the Commission a report concerning:
 - a. The establishment of the City Health Board to include:
 - + List of membership with background data on each member
 - + Racial composition of the Board
 - b. Methods the City Health Board will employ to coordinate activities and how the Board will meaningfully involve the people it will serve:
2. That the City Health Board shall fully consider the recommendations presented by such agencies as:
 - + Delaware County Health and Welfare Council
 - + Chester Community Nursing Services
 - + Greater Chester Movement
 - + Other interested agencies, associations and persons.

This is primarily important for the establishment of priorities for the neighborhood oriented programs.

3. That the City Health Board shall give high priority to a review of the programs available through Federal or State agencies. Application for program involvement or expansion

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IV. Commission Recommendations:

I. 3. Continued:

of programs offering Federal or State support should be made in all applicable instances to assure the City of Chester of maximum inclusion and maximum funding.

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IV. Commission Recommendations:J. The Commission Recommends the Following Actions be Taken to Remove Tensions Contingent to Voter Registration and the Exercise of Voter Rights:

1. The Office of the Mayor and the City Council of the City of Chester should take the following actions:

- a. Enact and enforce an ordinance to bar all Civil Service appointees, to include police officers, from engaging in any political activity. This measure would serve the dual purpose of protecting the Civil Service employee from political pressures and would assure that no City employee, particularly police, could be accused of intimidating or "pressuring" persons engaged in registering to vote or voting.

The City of Chester must free the Police Department and the individual police officers from any and all pressures or influences that impair in any way the police duty to enforce and preserve law and order. Promotion on the force must be on the basis of merit alone....totally free from the moral and incentive destroying effects of political patronage.

- b. Conduct a survey of polling places utilized in the past two elections to ascertain whether in fact any voting location was used such as the residence or

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IV. Commission Recommendations:

J. 1. b. Continued:

office of a candidate. If in fact such did occur, stringent regulatory procedures should be published to assure no recurrences.

c. A survey should be conducted as to ward alignment under the stipulations of the Third Class City Code. Realignment needs should be assessed and accomplished with least possible delay.

2. The City Council of the City of Chester should, with cooperation of the responsible authorities of Delaware County, ascertain that the "roving registrars" service shall be equitably extended and provided to all neighborhoods and all residents in the City of Chester. The equitable extension of this voting registration service should include:

- + Registration service not limited to the months of February and August. It is recommended that rescheduling be arranged so that this registration service could be afforded perhaps in two-week blocks at four (4) or more separate periods in the year. (Example: First two weeks of January-April-July-October. This would afford a two week period each quarter for voter registration.)
- + Use of public buildings such as schools or high traffic sites such as shopping centers should be utilized for voter registration in all neighborhoods.
- + Extension of voter registration to hours outside of normal working hours. Evenings and Saturday registration services should be afforded.

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IV. Commission Recommendations:

J. Continued:

3. The Mayor of the City of Chester should convene a conference to develop and implement affirmative action programs herein outlined.

This conference should include representation from:

- + City Council
- + Chester School Board
- + Delaware County Commissioners or Voting Registrar's Office
- + The League of Women Voters
- + Representation from the major political parties, NAACP and other civic interest groups

This conference should develop, but not be limited to, the following affirmative action programs:

- a. Installation of sample voting machines in all schools and curriculum inclusion of instruction in the use of voting machines. Particularly included should be the implementation of adult instruction classes conducted by the School System in the use of voting machines.
- b. The placement of voting machines in the community for all year round use in such suggested areas as:

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IV. Commission Recommendations:

J. 3. b. Continued:

- + Adult education classes in schools
- + Area settlement housing
- + Space provided by the Housing Authority
- + Such other sites and at times to be determined by the conference participants

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VII. Summary Comments by the Commission:

As the law is presently written, this Commission, through the media of the investigatory hearings, has only the authority to make recommendations for corrective and affirmative action. The Commission recommendations contained in this report should be acted upon by responsible authority. Where Commission recommendations are not affirmatively acted upon within a "reasonable" length of time, the law provides for compliance procedures that may be implemented by the Commission.

The Commission believes that the major benefits derived from this type of public investigatory hearing are most apparent in the airing of grievances, exposing of conditions and practices, identification of basic causes of tensions, and the urging for action to remove the basic causes and to change the attitudes and situations in such a way that tensions will not exist because of race.

Positive change cannot be accomplished without the cooperation of the public administration, without the cooperation of the commercial and industrial communities and without the cooperation of all citizens, of all races and origins.

It is sincerely hoped that immediate responsible action will be taken on all Commission recommendations as submitted. Further, that there will be a measure of understanding by the community that it must act as an aware and unified community.

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VI. Special Interest Subject: Continued

and meaningfully included in the planning and decision making processes of all agencies and services in the community.

Cooperative understanding is the end result of meaningful involvement.

The Commission recommendation regarding this issue (Section IV, para C.9.) should receive priority and adequate action.

VI. Special Interest Subject:

The Location of the Planned-For Construction of New Senior High School in the City of Chester:

Testimony indicated very clearly that the need for the new high school is universally accepted. The same testimony revealed the site selected for construction as being a cause of racial tensions within the City of Chester.

Witnesses presented the following salient information:

- + Planned construction site is on the location of the old Chester Hospital.
- + Chester School Board will have to appropriate a large sum for land acquisition for adequate area to construct on the old hospital site while the School Board now owns a thirty (30) acre site adjacent to the Showalter School. This 30 acres is located in the proposed North Central Urban Renewal Area and this site would enable the School Board to obtain Federal funds through the Urban Renewal program.
- + The thirty (30) acre site adjacent to the Showalter School is a more central location for all residents of the City of Chester.
- + Utilizing the 30 acre site adjacent to the Showalter School would be creative of the Educational Park Concept which has been found to be highly desirable.
- + The Black community of Chester is firmly convinced that the School Board selection of the Old Chester Hospital site has subordinated such factors as cost, central location and educational park concept desirability to appeasement of the white community in that the old hospital site is bordered by both white and Black neighborhoods while the thirty (30) acre site adjacent to Showalter School is in an all Black neighborhood.

This controversial subject was selected by the Commission as illustrative of the divisive opinions and racial tensions resultant in any community where concerned peoples are not fully

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V. Commission Recommendations:

- F. The Commission shall request that the Pennsylvania Department of Community Affairs review and evaluate the Housing Survey Report of the City of Chester submitted by HUD. This Department should then develop close action liaison between the City of Chester and the Region II Office of HUD for the purpose of providing all possible support to the City of Chester for housing programs accomplishment.
- G. The Commission shall request that the Pennsylvania Department of Community Affairs shall review the Chester City recreational and parks programs for the purpose of providing all possible supportive action for program accomplishment.
- H. The Commission reserves the right to make further requests of, and recommendations to, County, State and Federal agencies as the Commission monitors affirmative actions in the City of Chester and needs for supportive action become evident.

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V. Commission Recommendations:

Continued:

- B. County District Attorney's Office and take such actions or make such findings and recommendations as may be warranted.

NOTE: A copy of the Delaware County District Attorney's report to the Attorney General and the findings or recommendations of the Attorney General's Office shall be provided the Commission

- C. The Commission recommends that the Pennsylvania Department of Justice shall officially observe the next local or general elections to be conducted in the City of Chester to ascertain that:

1. Polling places are properly and equitably established.
2. Coercion or intimidation of citizens seeking to vote shall not exist.

- D. The Commission shall request that the Pennsylvania Department of Health shall monitor the programs and accomplishments of the Chester Health Board for the purpose of providing all possible supportive action to this agency and the City of Chester.

- E. The Commission shall request that Region II, Department of Housing and Urban Development (HUD), Philadelphia, Pennsylvania shall provide the Pennsylvania Department of Community Affairs and the Housing Division of the Commission with copies of the report of the HUD Housing Survey conducted in the City of Chester.

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V. Commission Recommendations for County, State and Federal Agency Actions to Alleviate Racial Tensions in the City of Chester:

A 1. The Commission shall request the Office of the District

Attorney of Delaware County to submit a report to the Office of the Attorney General of the Commonwealth of Pennsylvania on the following:

1. Legal basis for the placing of lien on the property of individual as security for bail bond after arrest for involvement in civil rights protest activities.

NOTE: It was reported, by sworn testimony, that many Negro residents of Chester had such liens placed against their properties when bail bonds were required after approximately 800 Negro residents were arrested as a result of civil rights protests against segregated schools in the City of Chester in 1964. These bonds, which resulted in liens against properties, amounted to more than \$300,000.

2. Were the liens automatically removed when no longer required for bail bond security or, was this an additional cost not easily affordable by the individuals concerned?
3. Were alternative security measures available but not utilized?

B. The Commission shall request the Office of the Attorney General of the Commonwealth to evaluate the report from the Delaware

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IV. Commission Recommendations:

L. 2. a. Continued:

corporations are based. It is urgently recommended that the clergy of all faiths should organize to either provide such a base for non-profit housing or provide incentive leadership for lay persons and organizations to establish cross-strata use of available housing programs by the non-profit sponsors.

b. The combined churches of the City of Chester should accept and exercise the leadership role in ascertaining that youth development programs of recreation and training are the very best obtainable for the City of Chester.

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IV. Commission Recommendations:

L. Additional Recommendations for the Reduction of Tensions in the City of Chester:

1. Editorial policies and reporting that emanates from, and reflects the viewpoint of, the white man's world many times unconsciously presents the biases, paternalism and the indifferences of White America to the Black American. This is not excusable in an institution that has the mission to inform and educate all segments of our society. It is therefore recommended that the City of Chester, through the programs of the Chester City Council, the Chester Human Relations Commission or Council and the Chester Rumor Control Center, shall make every effort to ascertain that the news media of the City of Chester shall be kept factually informed in any and all racial incidents or occasion of civil protest or disorder. City Council should direct a public information policy for the Police Department of the City of Chester.

2. The clergy of all faiths should accept a leadership role in urging action and in active participation in the accomplishment of positive changes as answer to obvious community needs:
 - a. The church is, in many cities, the active and progressive foundation upon which non-profit housing

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IV. Commission Recommendations:

K. 3. b. Continued:

(2) Use of school facilities to accommodate programs for the increased recreational and educational needs of pre-school age children.

4. That the Chester Housing Authority shall report to the Commission the following information:

a. Copy of planning program for expansion of recreational facilities for tenants of the four (4) housing projects operated by the Authority. This should also include:

+ Survey of existent recreational facilities afforded and equipment provided for recreational or educational programs.

+ Budget for the four (4) projects operated by the Authority to include in particular funding for recreation facilities.

+ Status report on applications for federal or state funded programs that would support expansion of recreational or educational facilities.

b. Copy of the recommendations made by the Tenant Advisory Committee in the area of recreational needs and an Authority analysis of the acceptability and feasibility of these recommendations.

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IV. Commission Recommendations:

K. 2. Continued:

- c. Description of program and evaluation of worth of the recent program established in 1968 in one (1) "ghetto area" school. Statement of intent as to program continuance.
 - d. The number of "Mini Parks" to be established in the City of Chester with such specific information as:
 - + Exact site location
 - + Size
 - + Projected completion date
3. That the School Board and the School Administration of the City of Chester should:
- a. Coordinate with City Administration in affirmative action recreation programs.
 - b. Give full consideration and implementation to the proposed expansion of uses for school facilities:
 - (1) Opening of the schools, where not already committed, for educational and recreational activities and programs in the evening and week-ends and most extensively during the summer months. Thus, utilizing school facilities as "School-Community Centers" as has been so successfully done in other cities throughout the nation.

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IV. Commission Recommendations:

K. 1. c. Continued:

Chester School Board and others will permit the cohesive accomplishment of programmed or future recreational and park projects.

2. That the City Council of the City of Chester shall direct the preparation of a report to the Commission and to the public at large on the following subjects:

a. The number of "Tot Lots" to be constructed in the City of Chester as included in the Redevelopment plans of the City. Included should be such specific information as:

- + Exact site locations
- + Size of each site and equipment to be installed
- + Planning for supervision
- + Projected completion date
- + Fact that sites will be named by the immediate neighborhood in which located.

b. A copy of the revised and approved recreational plan and the parks plan for the City of Chester to include:

- + Use of existent facilities
- + Planned projects
- + Project priorities established
- + Projected completion dates for facilities and for the inauguration of expanded or new recreational programs
- + Staff levels and staff augmentation

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IV. Commission Recommendations:K. The Commission Makes the Following Recommendations for Affirmative Action to Reduce Racial Tensions Contingent to Recreation in the City of Chester:

1. That the City Council of the City of Chester shall direct reappraisal of existent programs and facilities for recreation in the City of Chester to include such specific areas and subjects as:
 - a. A review of the 1965 Comprehensive Plan for Recreation Program as prepared by the Chester Planning Commission and of the March, 1968 Plan entitled "Parks and Recreation Areas, Development Plan, City of Chester" for the following purposes:
 - (1) Readjustment of planning as evidenced by needs
 - (2) Re-certification of priorities
 - (3) Assessment of accomplishment and obstacles to plan fulfillment
 - b. Availability of all Federal and State supported programs for recreation and parks and status of all prior applications by the City of Chester for funding support.
 - c. That full cooperation and coordination exists between the various agencies and departments of local government. Only the most meaningful close coordination with such agencies as the Redevelopment Authority,

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IV. Commission Recommendations:

K. 1. c. Continued:

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IV. Commission Recommendations:

K. 2. Continued:

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a. The church is, in many cities, the active and progressive foundation upon which non-profit housing

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IV. Commission Recommendations:

L. 2. a. Continued:

corporations are based. It is urgently recommended that the clergy of all faiths should organize to either provide such a base for non-profit housing or provide incentive leadership for lay persons and organizations to establish cross-strata use of available housing programs by the non-profit sponsors.

- b. The combined churches of the City of Chester should accept and exercise the leadership role in ascertaining that youth development programs of recreation and training are the very best obtainable for the City of Chester.

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V. Commission Recommendations for County, State and Federal Agency Actions to Alleviate Racial Tensions in the City of Chester:

A 1. The Commission shall request the Office of the District Attorney of Delaware County to submit a report to the Office of the Attorney General of the Commonwealth of Pennsylvania on the following:

1. Legal basis for the placing of lien on the property of individual as security for bail bond after arrest for involvement in civil rights protest activities.

NOTE: It was reported, by sworn testimony, that many Negro residents of Chester had such liens placed against their properties when bail bonds were required after approximately 800 Negro residents were arrested as a result of civil rights protests against segregated schools in the City of Chester in 1964. These bonds, which resulted in liens against properties, amounted to more than \$300,000.

2. Were the liens automatically removed when no longer required for bail bond security or, was this an additional cost not easily affordable by the individuals concerned?
3. Were alternative security measures available but not utilized?

B. The Commission shall request the Office of the Attorney General of the Commonwealth to evaluate the report from the Delaware

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V. Commission Recommendations:

Continued:

- B. County District Attorney's Office and take such actions or make such findings and recommendations as may be warranted.

NOTE: A copy of the Delaware County District Attorney's report to the Attorney General and the findings or recommendations of the Attorney General's Office shall be provided the Commission

- C. The Commission recommends that the Pennsylvania Department of Justice shall officially observe the next local or general elections to be conducted in the City of Chester to ascertain that:

1. Polling places are properly and equitably established.
2. Coercion or intimidation of citizens seeking to vote shall not exist.

- D. The Commission shall request that the Pennsylvania Department of Health shall monitor the programs and accomplishments of the Chester Health Board for the purpose of providing all possible supportive action to this agency and the City of Chester.

- E. The Commission shall request that Region II, Department of Housing and Urban Development (HUD), Philadelphia, Pennsylvania shall provide the Pennsylvania Department of Community Affairs and the Housing Division of the Commission with copies of the report of the HUD Housing Survey conducted in the City of Chester.

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V. Commission Recommendations:

- F. The Commission shall request that the Pennsylvania Department of Community Affairs review and evaluate the Housing Survey Report of the City of Chester submitted by HUD. This Department should then develop close action liaison between the City of Chester and the Region II Office of HUD for the purpose of providing all possible support to the City of Chester for housing programs accomplishment.
- G. The Commission shall request that the Pennsylvania Department of Community Affairs shall review the Chester City recreational and parks programs for the purpose of providing all possible supportive action for program accomplishment.
- H. The Commission reserves the right to make further requests of, and recommendations to, County, State and Federal agencies as the Commission monitors affirmative actions in the City of Chester and needs for supportive action become evident.

VI. Special Interest Subject:

The Location of the Planned-For Construction of New Senior High School in the City of Chester:

Testimony indicated very clearly that the need for the new high school is universally accepted. The same testimony revealed the site selected for construction as being a cause of racial tensions within the City of Chester.

Witnesses presented the following salient information:

- + Planned construction site is on the location of the old Chester Hospital.
- + Chester School Board will have to appropriate a large sum for land acquisition for adequate area to construct on the old hospital site while the School Board now owns a thirty (30) acre site adjacent to the Showalter School. This 30 acres is located in the proposed North Central Urban Renewal Area and this site would enable the School Board to obtain Federal funds through the Urban Renewal program.
- + The thirty (30) acre site adjacent to the Showalter School is a more central location for all residents of the City of Chester.
- + Utilizing the 30 acre site adjacent to the Showalter School would be creative of the Educational Park Concept which has been found to be highly desirable.
- + The Black community of Chester is firmly convinced that the School Board selection of the Old Chester Hospital site has subordinated such factors as cost, central location and educational park concept desirability to appeasement of the white community in that the old hospital site is bordered by both white and Black neighborhoods while the thirty (30) acre site adjacent to Showalter School is in an all Black neighborhood.

This controversial subject was selected by the Commission as illustrative of the divisive opinions and racial tensions resultant in any community where concerned peoples are not fully

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VI. Special Interest Subject: Continued

and meaningfully included in the planning and decision making processes of all agencies and services in the community.

Cooperative understanding is the end result of meaningful involvement.

The Commission recommendation regarding this issue (Section IV, para C.9.) should receive priority and adequate action.

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VII. Summary Comments by the Commission:

As the law is presently written, this Commission, through the media of the investigatory hearings, has only the authority to make recommendations for corrective and affirmative action.

The Commission recommendations contained in this report should be acted upon by responsible authority. Where Commission recommendations are not affirmatively acted upon within a "reasonable" length of time, the law provides for compliance procedures that may be implemented by the Commission.

The Commission believes that the major benefits derived from this type of public investigatory hearing are most apparent in the airing of grievances, exposing of conditions and practices, identification of basic causes of tensions, and the urging for action to remove the basic causes and to change the attitudes and situations in such a way that tensions will not exist because of race.

Positive change cannot be accomplished without the cooperation of the public administration, without the cooperation of the commercial and industrial communities and without the cooperation of all citizens, of all races and origins.

It is sincerely hoped that immediate responsible action will be taken on all Commission recommendations as submitted. Further, that there will be a measure of understanding by the community that it must act as an aware and unified community.