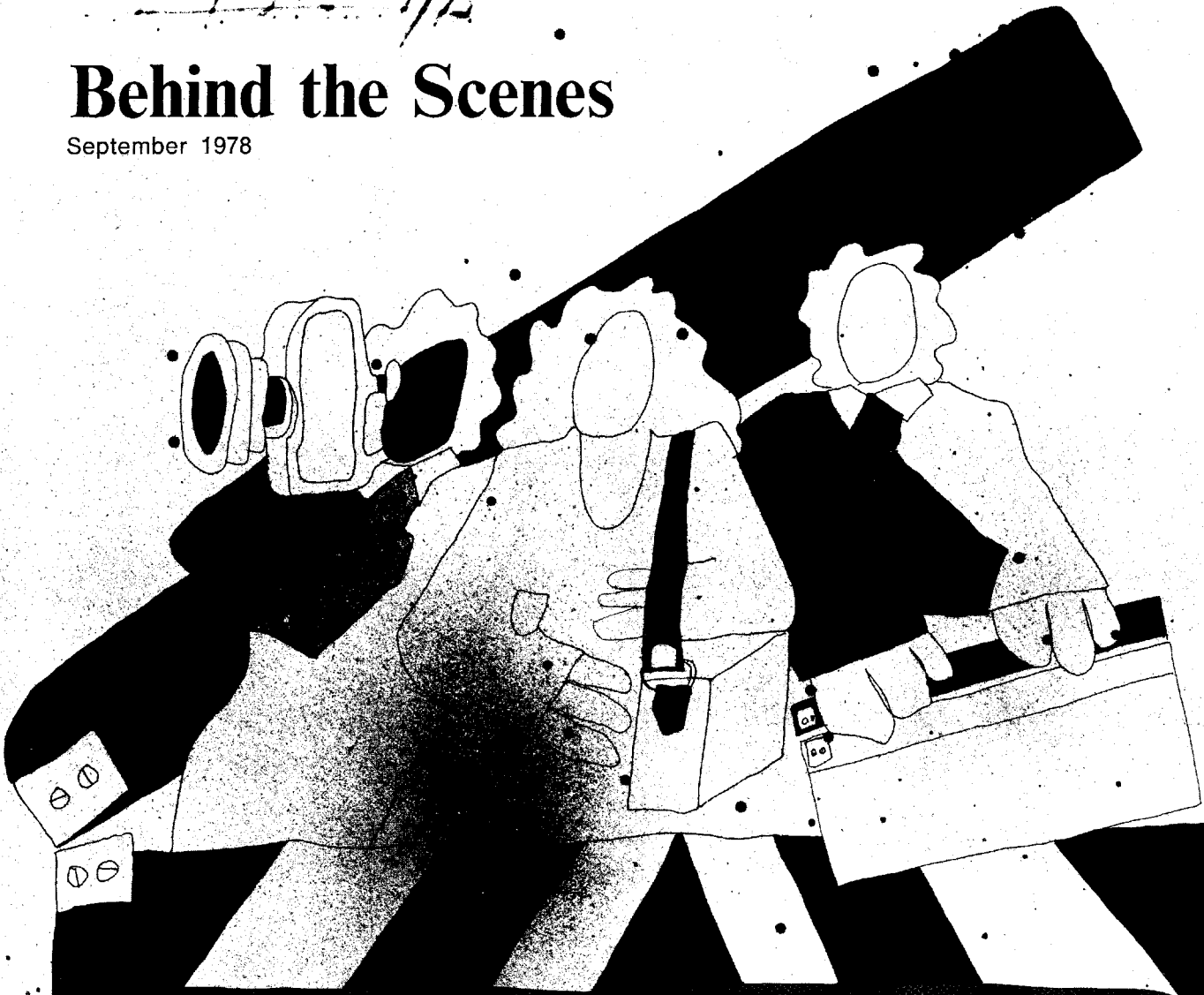


# Behind the Scenes

September 1978



## Equal Employment Opportunity in the Motion Picture Industry

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ort of the California Advisory Committee to the United States Commission on Civil Rights prepared for the information and ration of the Commission. This report will be considered by the Commission, and the Commission will make public its reaction. In the re, the findings and recommendations of this report should not be attributed to the Commission but only to the California Advisory tee.

# Behind the Scenes: Equal Employment Opportunity in the Motion Picture Industry

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The findings and recommendations contained in this report are those of the California Advisory Committee to the United States Commission on Civil Rights and, as such, are not attributable to the Commission. This report has been prepared by the State Advisory Committee for submission to the Commission, and will be considered by the Commission in formulating its recommendations to the President and the Congress.

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## LETTER OF TRANSMITTAL

CALIFORNIA ADVISORY COMMITTEE  
TO THE U.S. COMMISSION  
ON CIVIL RIGHTS  
September 1978

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Sirs and Madam:

The California Advisory Committee submits this report of its study on the employment opportunities afforded minorities and women in the motion picture industry in southern California as part of its responsibility to advise the Commission on civil rights issues within this State.

The purpose of the Advisory Committee's study was to supplement the Commission's national media effort and to document the results of the Federal Government's enforcement effort since hearings sponsored by the U.S. Equal Employment Opportunity Commission were held in March 1969.

The Advisory Committee held an open meeting October 21 and 22, 1976, in Los Angeles to collect public testimony on equal opportunity in the motion picture industry. The Advisory Committee invited representatives of community groups to discuss their concerns and representatives of Federal and State enforcement agencies to discuss their respective responsibilities for equal employment opportunity in the motion picture industry.

The refusal of several motion picture industry representatives to meet with the Advisory Committee prompted a request for a Commission hearing and this second public hearing was held March 16, 1977, in Los Angeles. This report is the result of those activities.

One basic finding of this report is that enforcement efforts by the Federal Government have been weak, allowing the motion picture industry to shirk its equal employment responsibility. The effectiveness of affirmative action efforts depended upon Federal presence. When government compliance efforts diminished, industry equal employment opportunity waned.

A second major finding is that the industry experience roster seriously hampers employers' and unions' efforts to institute affirmative action.

The Advisory Committee urges the Commissioners to recommend to the appropriate Federal agencies that the review and compliance procedures be strengthened. We urge the Commission to support such recommendations.

Respectfully,

Herman Sillas, Jr.  
Chairperson  
California Advisory Committee

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## **THE STATE ADVISORY COMMITTEES**

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Advisory Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective State on matters within the jurisdiction of the Commission; advise the Commission on matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Advisory Committee; initiate and forward advice and recommendations to the Commission upon matters in which the Commission shall request the assistance of the State Advisory Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

## **ACKNOWLEDGMENTS**

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The staff of the Publications Support Center was responsible for final preparation of the report for publication.

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# 1. Introduction

Motion pictures and television play a dominant role in shaping the values, attitudes, and perceptions of Americans. The images of minorities, who are in these media, are often shallow and stereotyped. While women appear more frequently in movies and television than minorities, their images are often degrading and stereotyped.<sup>1</sup>

It was not until 1968 that the Federal Government began to examine whether the entertainment industry's<sup>2</sup> employment practices were discriminatory. The first major Federal study of this issue was the Kerner Commission's *Report of the National Advisory Commission on Civil Disorders*.<sup>3</sup> Identifying factors which contributed to a series of race-related riots, the Kerner Commission found that media compounded the exclusion of blacks from the larger society by failing to communicate their needs and concerns.<sup>4</sup>

In March 1969 the U.S. Equal Employment Opportunity Commission (EEOC) conducted several days of hearings in Los Angeles, California, on employment opportunities for minorities and women in certain major white-collar industries, including both motion picture and television.<sup>5</sup> Following the hearings, EEOC alleged that discriminatory practices existed in both employment and portrayal of minorities and women. Lacking enforcement powers at that time, EEOC referred its allegations to the Department of Justice and requested that, if Justice proved discrimination, legal sanctions be imposed on the entertainment industry. Section 3 discusses the EEOC allegations and the actions taken by the Justice Department.

Since its inception in 1957, the U.S. Commission on Civil Rights has found that one barrier to equal opportunity is the misinformation and lack of information among minority and majority groups about each other. Since the American public places a high value on television as a source of information and entertainment,<sup>6</sup> the Commission decided to study employment and portrayal of minorities and women in television.

The report of this study, released in August 1977, *Window Dressing on the Set: Women and Minorities in Television*, examines discrimination against and exclusion of minorities and women. The report states that while "some improvements have been made since the 1950s and 1960s...minorities and women continue to be underrepresented on local and network work forces."<sup>7</sup>

The Commission's national report discusses the underutilization of minorities and women in the television work force, particularly in decisionmaking positions. The report also notes that local stations depend heavily on network programs over which they have limited control.<sup>8</sup> Many of these network programs are developed and produced by production companies in southern California (see appendix A).

The California Advisory Committee to the Commission on Civil Rights has received numerous complaints about the exclusion of minorities and women from employment in the entertainment industry, particularly in decisionmaking jobs. In 1976 the Advisory Committee decided to investigate opportunities for minorities and women in the entertainment industry in southern California. The purpose of the study was to assess the results of the Federal Government's enforcement effort since 1969. The Advisory Committee hoped to determine what progress had been made as a result of Federal intervention, and what problems, if any, continued to be barriers for achieving equal employment opportunity in the industry.

The Advisory Committee's study included interviews with industry representatives, Federal and State representatives with enforcement responsibility, and concerned minority and women's groups representatives. The Advisory Committee also held a public meeting in October 1976 on equal opportunity in the entertainment industry. Those who had testified before EEOC in 1969 were invited to describe their progress in eliminating discriminatory practices during the intervening 7 years.

Of the five major motion picture studios invited to the Advisory Committee's public meeting, two sent representatives—Walt Disney Studios and Universal Studios. Three studios declined the Advisory Committee's invitation—Paramount, Twentieth Century-Fox, and Warner Brothers. The International Alliance of Theatrical Stage Employees, an umbrella organization for many of the unions in the motion picture industry, also declined to send a representative.

The Advisory Committee also invited representatives of community groups to discuss their concerns and representatives of Federal and State enforcement agencies to discuss their respective responsibilities for equal employment opportunity in the entertainment industry.

The refusal of several industry representatives to meet with the Advisory Committee disturbed Committee members. Chairperson Herman Sillas stated at the public meeting:

I think it raises some serious questions of commitment on the part of studios who refuse to appear to display whatever their commitment is in terms of [equal employment opportunity].<sup>9</sup>

The Advisory Committee requested that the Commissioners use their subpoena powers to collect information from those who declined to provide it voluntarily. The Commissioners approved the request and held a hearing in Los Angeles in March 1977. The recalcitrant witnesses were subpoenaed to appear; several witnesses from the October 1976 public meeting were also subpoenaed.<sup>10</sup>

This report describes the opportunities for minorities and women in the major motion picture production companies in Los Angeles from 1969 to 1977.

## Notes to Section 1

1. See U.S. Commission on Civil Rights, *Window Dressing on the Set: Women and Minorities in Television* (August 1977), p. 147 (hereafter cited as *Window Dressing on the Set*).

2. The term "entertainment industry" is used broadly here to include motion pictures, television, radio, and legitimate theater. The Advisory Committee report is limited to major motion picture studios located in Los Angeles County. However, it should be noted that much of the prime time television programming is produced by or on the premises of these studios. See appendix A.

3. Otto Kerner, chairman (New York: Bantam Books, 1968).

4. *Ibid.*, pp. 382-83.

5. *Hearings before the U.S. Equal Employment Opportunity Commission on Utilization of Minority and Women Workers in Certain Major Industries*, Los Angeles, Calif., March 12-14, 1969.

6. *Window Dressing on the Set*, p. 1.

7. *Ibid.*, p. 3.

8. *Ibid.*, pp. 58-9.

9. Informal Hearing before the California Advisory Committee to the U.S. Commission on Civil Rights, "Opportunities for Minorities and Women in Motion Pictures and Television," Oct. 21-22, 1976, Los Angeles, Calif., pp. 171-72.

10. The U.S. Commission on Civil Rights was unable to serve subpoenas on Twentieth Century-Fox representatives, and the studio sent representatives voluntarily to the March hearing.



## 2. The Nature of the Motion Picture Industry

### Size and Composition of Work Force

The motion picture industry is big business. In 1977 it grossed \$2.4 billion.<sup>1</sup> One industry representative estimates that in 1976, 18,000 persons were in the industry work force in Los Angeles.<sup>2</sup>

Because of the sporadic nature of employment and because an unknown number of persons work for independent producers, it is difficult to identify the exact number of people employed in the industry. However, the following sources provide reliable estimates of the size and composition of the work force.

### The Major Studios' Work Force

In 1976 there were seven major motion picture studios, so characterized because of their size and percentage of high profit films: Columbia, Walt Disney, Metro Goldwyn Mayer, Paramount, Twentieth Century-Fox, Warner Brothers, and Universal. These studios accounted for more than 85 percent of production and distribution during 1977.<sup>3</sup>

Major studios have fluctuating employment. Aside from a small, relatively permanent studio staff of managers, clericals, and service workers, the majority of the employees are craftworkers and technicians who are hired as production needs demand. Traditionally, theatrical film production peaks in the fall, so that films can be released during the Christmas holidays, and it slacks off during the months of February through April. During this slack period, studio facilities are often used for television movies and series production.<sup>4</sup> Unlike previous years, production in 1976 was more evenly distributed throughout the 12 months. Some industry representatives viewed this as a one-time phenomenon, while others predicted that the demands for television shows would keep production high throughout succeeding years.<sup>5</sup>

One indicator of the industry work force is employment data required on EEO-1 forms for annual submission to the Federal Government.<sup>6</sup> In

1970 major employers in the industry reported on EEO-1 forms that they employed 19,840 persons.<sup>7</sup> In 1975 they reported 14,985 employees.<sup>8</sup>

The statistics reported by the industry to EEOC in 1975 indicate a significant underrepresentation of minorities in the industry's work force and a concentration of female employees in office and clerical jobs. The 1975 work force for Los Angeles County included 29 percent minorities.<sup>9</sup> The motion picture industry reported only 14.6 percent minority employees. Although the 31 percent female employment in the industry in 1975 approached the 39 percent for Los Angeles female work force for that year,<sup>10</sup> 66 percent of the women were reported to be holding office and clerical jobs.

Table 1 summarizes the national employment for minorities and women in the industry in 1975.

Because EEO-1 data is publicly available only in summary form,<sup>11</sup> it does not show what percentage of employment is in the Los Angeles area. However, the seven major studios in Los Angeles reported 11,679 employees in 1976, reflecting the probability that Los Angeles is the Nation's center for motion picture production.<sup>12</sup>

### Unions and Guilds

Another indicator of the work force is the membership of the more than 40 unions involved in the industry. Twenty-four of these unions are affiliated with the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators (IATSE). IATSE members work in craft and technical jobs such as prop makers, film editors, hairdressers, and sound technicians. Additional unions include several Teamsters locals and six basic crafts which provide services such as janitorial, transportation, commissary, and electrical. There are also unions for studio guards and for officer workers. Five guilds represent employees in the "creative" unions of the industry: producers, directors, writers, actors, and extras.<sup>13</sup>

Collective bargaining agreements between producer-employers and unions establish a roster

**TABLE 1****Summary of Motion Picture Production  
and Services Employment, 1975\***

<b>Employment</b>	<b>Number</b>	<b>Percent</b>
Total	14,985	
Male	10,277	68.6
Female	4,708**	31.4
Professional total	1,725	
Negro***	96	5.6
Spanish-surnamed American	61	3.5
Oriental	34	2.0
American Indian	8	0.5
Technical total	1,047	
Negro	39	3.7
Spanish-surnamed American	51	4.9
Oriental	22	2.1
American Indian	5	0.5
Craft total	2,756	
Negro	97	3.5
Spanish-surnamed American	155	5.6
Oriental	30	1.1
American Indian	13	0.5
Service total	600	
Negro	143	23.6
Spanish-surnamed American	54	9.0
Oriental	5	0.8
American Indian	1	0.2
Minority percentages of total employment		
Negro		6.6
Spanish-surnamed American		5.8
Oriental		1.7
American Indian		0.5

---

\* Information for 45 units and 30 employers for 1975.

\*\* 3,111 or 66 percent of the females are in office and clerical positions.

\*\*\* The racial-ethnic designations were those utilized by the Federal Government for the EEO-1 forms.

Source: Equal Employment Opportunity Commission, Washington, D.C., 1976.

system for employees in 24 of the crafts and guilds.<sup>14</sup> Once an employee has worked for a specified number of days for one producer, usually 30 days, that employee generally is placed on a roster. Roster status and union membership are not synonymous. Since the industry operates as a union shop, most employees are required to join a union upon completion of 30 days of work for an employer.<sup>15</sup>

Union membership lists were not available to the Advisory Committee, but rosters reflect union membership. In February 1977 rosters for 24 unions listed 16,127 persons. With limited union cooperation, Contract Services Administration staff of the Association of Motion Picture and Television Producers identified race/ethnicity and sex of roster membership.<sup>16</sup> Minorities and women were significantly underrepresented. Minorities were 10.4 percent of those on the roster, women were 8.6 percent, and minority women were 0.8 percent.

Table 2 summarizes roster composition by race/ethnicity and sex as of February 18, 1977.

Unlike many of the craft unions, the guilds are nonreferral unions and do not maintain a roster of members for potential employers. Nor do the guilds maintain membership lists by race/ethnicity and sex. Approximate memberships for the guilds in 1977 were as follows: Screen Actors Guild, 35,000; Screen Extras Guild, 3,500; Directors Guild of America, 4,600; Writers Guild of America, West, 4,000; and Producers Guild of America, 600.<sup>17</sup>

These figures are deceptive in estimating the industry's work force, since only a small percentage of guild members work at any given time. For example, the president of the Screen Actors Guild estimates that of that guild's 35,000 members, 85 percent are usually unemployed.<sup>18</sup>

In summary, about 18,000 people are employed by the major producers of the industry. During full production, more than 400 independent producers work in association with the major studios, but it is difficult to identify the work force for independent producers not associated with the major studios. Therefore, the remainder of this report will focus on major producers of the industry and their employment procedures and practices.<sup>19</sup>

## **The Hiring Process**

The major studios operate under multiemployer and multiunion collective bargaining agreements. One multiemployer bargaining unit is the Association of Motion Picture and Television Producers (AMPTP), which represents about 70 member companies plus approximately 400 additional companies with which it has letters of adherence.<sup>20</sup> Another multiemployer bargaining unit was recently formed; it represents Universal, Paramount, and several smaller independent companies.<sup>21</sup> On certain issues, these two multibargaining units negotiate with the unions together, and in most instances, the agreements with the unions are identical.<sup>22</sup> According to the contracts, union employees are hired in three ways: the roster system, off-roster hires, and training and apprenticeship.

## **The Roster System**

Under the terms of the collective bargaining agreements, studios as well as independent producers, who are also signatories to the agreements, hire most of the craftworkers through an industry experience roster system begun in 1948.<sup>23</sup> Generally, this system is a method for assuring preferential hiring for those who have experience in the industry and who have established seniority among the various producers. Signatory producers and companies must hire from persons listed on the rosters; they may hire from other sources only when the rosters have been exhausted, either because all roster members are employed or because in the producer's opinion roster members are unqualified for a specific job.

Membership on the rosters is attained in most cases by working for one producer for 30 days or several producers for 90 days and submitting a request for roster status to the Contract Services Administration Trust Fund, a subsidiary of the AMPTP. In some crafts, qualifications committees review the applicant's request and approve or disapprove it; in other cases, the Contract Services Administration verifies the employment record of the applicant to assure that the work performed was satisfactory to the employer. In all cases, an applicant must have a physical examination administered by the Contract Services Administration.

Names on the rosters are divided into groups one, two, or three depending on the craft. Groups

**TABLE 2****Contract Services Administration Trust Fund,  
Industry Experience Rosters,\*  
February 1977**

	<b>Totals</b>	<b>White**</b>	<b>Black</b>	<b>Spanish- surnamed</b>	<b>Asian American***</b>	<b>American Indian</b>
Male						
Number	14,603	13,437	422	794	101	121
Percent	90.6	92.2	2.6	5.2	0.5	0.7
Minority male						
Number	1,438					
Percent	8.8					
Female						
Number	1,388	1,259	44	63	16	6
Percent	8.6	7.8	0.3	0.4	0.1	0.04
Minority female						
Number	129					
Percent	0.8					
Totals****						
Number	16,127	14,696	466	857	117	127
Percent		90.4	2.8	5.3	0.7	0.8

---

\* Includes 24 craft unions (appendix B contains statistics for each of the 24 unions).

\*\* Excluding Spanish surnamed.

\*\*\* Includes Pacific Islanders. The race and ethnic terms are those of the U.S. Commission on Civil Rights. The roster indicates race and ethnicity with a numerical code.

\*\*\*\* Included in totals are 136 "unknowns"; neither sex nor race were identified.

Source: Association of Motion Picture and Television Producers, Contract Services Administration Trust Fund, "Industry Experience Rosters" (computer tables), Feb. 18, 1977.

are determined primarily by seniority; group one members have the most seniority and group three members have the least. The producers must hire all group one members before hiring group two members, and all group two members must be employed before selection may be made from group three. Producers may request an individual by name from within an appropriate group since employment preference is equal within groups.

The number of persons allowed into group one is determined by anticipated production needs and seniority. The unions' objective is to keep the membership of group one low in order to ensure full employment for all of that group's members during the slack production periods. The producers presumably would prefer a larger group one in order to have a greater labor pool from which to select employees.

Within groups there are further divisions by job category or classification. For example, in the prop makers' roster there might be both prop makers and greensmen<sup>24</sup> in group one. A producer may select from group two of the prop makers, when all group one prop makers are employed, even if all of the group one greensmen are not employed.

Some studios maintain their own studio rosters grouped by seniority at that particular studio. These rosters are independent of the experience rosters negotiated in the contracts, and group status on the industry's experience roster is irrelevant to group status on the studio rosters. The AMPTP members agreed several years ago that studio seniority was not a good system, and there are plans to phase it out. One reason the system is poor, according to AMPTP representatives, is that the employer cannot eliminate some people who are not productive. The system also keeps younger persons and minorities out of the industry.<sup>25</sup>

### **Off-Roster Hires**

Once the rosters are exhausted the producer may use any source for recruitment. This process is called "off-roster hires." The major studios have personnel offices which accept job applications and refer potential employees to various departments within the studio. The studios may also use the services of employment agencies and community groups which exist outside the industry. Some of the unions also accept job applications. If a stu-

dio calls a union for workers and all of the union's members are employed, the union may read off all or only some of the names of applicants who are registered with it.

In August 1976 the AMPTP through its Contract Services Administration established an off-roster-hiring project for its members. The project recruits people to register their availability for work in several of the crafts. One purpose of the project, according to the Contract Services Administration, is to centralize off-roster hiring so that employees may accumulate enough days of work to apply for roster status. Use of this service by AMPTP member companies, however, is voluntary.<sup>26</sup>

As of October 1976, 1,000 persons had registered with the project, and 49 had been referred to producers for jobs. Of this number, 23 or 47 percent of the referrals were minorities or women.<sup>27</sup>

### **Training and Apprenticeship**

Like the roster system, training and apprenticeship are centralized. The Contract Services Administration of the AMPTP funds and administers the training programs that include recruitment, placement, and certification upon completion of the training. Graduates of the training and apprenticeship programs attain group one status on the appropriate craft roster.<sup>28</sup>

As of February 1977 the Contract Services Administration Trust Fund administered five training programs and one apprenticeship program. A total of 153 persons were selected for these six programs for April 1974 through February 1977; 26.7 percent of these were minority and 14.3 percent were women.<sup>29</sup>

Table 3 shows the applicants and trainees by race/ethnicity and sex for the Contract Services Administration training and apprenticeship programs.

**TABLE 3****CSATF Training Programs From April 1974  
Through February 1977**

		Applicants for training programs										
		Caucasian		Black		Hispanic Amer.		Amer. Indian		Oriental		Total
		M	F	M	F	M	F	M	F	M	F	
Assistant directors training program												
	1974	402	112	24	11	15	5	0	0	7	3	579
	1975	564	196	25	18	11	2	0	0	7	5	828
	1976	516	222	29	17	22	4	0	0	11	6	827
	Total	1,482	530	78	46	48	11	0	0	25	14	2,234
Camera assistants training program (initiated in 1975)												
	1975	525	68	50	5	48	3	1	0	15	3	718
	1976	414	67	64	17	32	2	0	3	11	2	612
	Total	939	135	114	22	80	5	1	3	26	5	1,330
Make-up artists training program (initiated in 1976)												
	1976	71	114	3	8	7	8	0	1	2	2	215
Propmakers apprenticeship program												
	1974	Program was not open for applications from April 1974 through February 1977.										
	1975	Program was not open for applications from April 1974 through February 1977.										
	1976	Program was not open for applications from April 1974 through February 1977.										
	Total	Program was not open for applications from April 1974 through February 1977.										
Publicists training program (initiated in 1976)												
	1977	81	66	11	9	5	1	0	0	2	1	177
Wireman and maintenance air conditioning mechanics apprenticeship program (reopened in 1976)												
	1974											
	1975											
	1976	70	2	49	0	34	0	0	0	6	0	163
	1977											
	Total											

**Table 3 (cont.)**

	Persons selected for training programs										Total
	Caucasian		Black		Hispanic Amer.		Amer. Indian		Oriental		
	M	F	M	F	M	F	M	F	M	F	
Assistant directors training program											
1974	10	4	1	0	1	0	0	0	0	0	16
1975	7	3	1	0	1	0	0	0	0	0	12
1976	6	5	2	0	0	0	0	0	1	0	14
Total	23	12	4	0	2	0	0	0	1	0	42
Camera assistants training program (initiated in 1975)											
1975	6	1	2	0	0	0	0	0	1	0	10
1976	6	1	1	0	2	0	0	0	0	0	10
Total	12	2	3	0	2	0	0	0	1	0	20
Make-up artists training program (initiated in 1976)											
1976	2	3	1	2	0	1	0	0	1	0	10
Propmakers apprenticeship program											
1974	20	0	5	0	0	0	0	0	1	0	26
1975	21	0	4	0	0	0	0	0	1	0	26
1976	1	0	0	0	0	0	0	0	0	0	1
Total	42	0	9	0	0	0	0	0	2	0	53
Publicists training program (initiated in 1976)											
1977	3	1	0	1	0	0	0	0	0	0	5
Wireman and maintenance air conditioning mechanics apprenticeship program (reopened in 1976)											
1974	3	0	1	0	1	0	0	0	0	0	5
1975	3	0	1	0	3	0	0	0	0	0	7
1976	4	0	1	0	2	0	0	0	1	0	8
1977	2	0	0	0	1	0	0	0	0	0	3
Total	12	0	3	0	7	0	0	0	1	0	23

Source: Association of Motion Picture and Television Producers

## Notes to Section 2

1. *Newsweek*, Feb. 13, 1978, p. 73.
2. Edward P. Prelock, executive vice president, Association of Motion Picture and Television Producers, letter to Sally E. James, staff, U.S. Commission on Civil Rights, Mar. 30, 1977 (hereafter cited as Prelock Letter). Work force figures exclude oncamera personnel and personnel not directly related to production such as movie house operations and their employees. "Oncamera" is defined as all persons who perform before the camera; "Off camera" is all persons who contribute to the production behind the camera.
3. *Pacific Coast Studio Directory* (Hollywood, Calif.: December 1975), pp. 60-61 (hereafter cited as *Pacific Coast Studio Directory*); *Newsweek*, Feb. 13, 1978, p. 73.
4. See appendix A.
5. Edward P. Prelock and others, Association of Motion Picture and Television Producers, interviews, September 1976 and March 1977 (hereafter cited as Prelock and Others Interviews).
6. 29 C.F.R. §1602.7 (1976).
7. Paul Bullock, "Selected Summary of Motion Picture Production and Services 1970 and 1975" in Paul Bullock, "Employment, Labor Relations and Affirmative Action" (unpublished manuscript), p. 47.
8. *Ibid.*
9. State of California, Employment Development Department, "Total Female and Minority Labor Force Estimates," July 1975.
10. *Ibid.*
11. Individual EEO-1 reports are confidential unless voluntarily supplied by the employer. 42 U.S.C. §2000e-8(e) (1970).
12. The seven studios discussed in this report voluntarily submitted EEO-1 reports to the Commission, with the exception of Warner Brothers which submitted only EEO-1 totals. See Section 4 for a discussion of the specific employment figures at each studio and The Burbank Studios. The Burbank Studios, a joint venture of Warner Brothers and Columbia, is a lease facility; its employees often work on productions for the major studios. Employee figures for The Burbank Studios are included in the work force totals.
13. *Pacific Coast Studio Directory*, pp. 58-59.
14. Depending on the nature of the job to be performed and the availability of workers to do the job, the 24 crafts included in the industry experience roster system include a cross section of the unions mentioned above.
15. Prelock and Others Interviews.
16. Association of Motion Picture and Television Producers, "Industry Experience Roster," Feb. 18, 1977 (computer run-off). The Contract Services Administration Trust Fund is a service arm of the AMPTP.
17. Telephone interviews with members of the Screen Actors Guild, Screen Extras Guild, Directors Guild of America, Writers Guild of America, and Producers Guild of America, February 1977.
18. Kathleen Nolan, president, Screen Actors Guild, interview, September 1977.
19. Prelock Letter. Mr. Prelock cites the research department of the Security Pacific Bank as follows:

Independent film producers have been playing a greater role in the nation's motion picture production—to the detriment of the major film studios. In 1975, for example, independent film producers made 45 percent of the nation's motion pictures, compared with only 29 percent in 1960. This tendency has resulted in a diversification of film production to areas outside of Los Angeles County. Although Hollywood is still recognized as the nation's center of motion picture and television production, 32 percent of total motion picture production is done outside the Los Angeles area. In addition, the amount of filming on studio backlots has declined in favor of filming on location.

What this citation fails to note is that some of the location filming is done by the major studios with film crews from the Los Angeles work force, and that some independent film producers lease major studio facilities and crews.
20. Prelock and Others Interviews.
21. *Daily Variety* (Hollywood, Calif.), Nov. 8, 1976, p. 1.
22. Prelock and Others Interviews.
23. U.S., Department of Justice, *Factual Summary—Investigation of the Movie Industry in 1969*. The description of the roster system is summarized from this document.
24. "Greensmen" handle property such as plants, trees, etc.
25. Prelock and Others Interviews.
26. Contract Services Administration Trust Fund, "What is Off-Roster Hiring?" (Hollywood, Calif., undated brochure).
27. Informal Hearing before the California Advisory Committee to the U.S. Commission on Civil Rights, "Opportunities for Minorities and Women in Motion Pictures and Television," October 21-22, 1976, Los Angeles, Calif. (hereafter cited as Transcript, October 1976). In the next 12 months (October 1976-October 1977) 736 individuals were referred to jobs; "Proposed Findings and Recommendations Regarding the Motion Picture Industry," Edward P. Prelock, first vice president, AMPTP, letter to U.S. Commission on Civil Rights, Jan. 30, 1978.
28. Transcript, October 1976.
29. Association of Motion Picture and Television Producers, "Contract Services Administration Trust Fund Training Programs from April 1974 through February 1977" (mimeographed).



### 3. The Motion Picture Industry in 1969

#### Equal Employment Opportunity Commission Hearings

In March 1969 the Equal Employment Opportunity Commission (EEOC) held 3 days of hearings on white-collar employees in Los Angeles, 1 day of which focused on the utilization of minorities and women in the motion picture industry.<sup>1</sup>

Four major studios—Universal, Warner Brothers-Seven Arts, Twentieth Century-Fox, and Walt Disney—the Association of Motion Picture and Television Producers (AMPTP), and the International Alliance of Theatrical Stage Employees (IATSE) sent representatives. Metro Goldwyn Mayer and Paramount submitted written statements.<sup>2</sup>

In preparation for the hearing, EEOC staff compiled data on the employment of minorities in seven major motion picture studios in Los Angeles. Their study showed that in 1967 the motion picture studios' utilization of blacks and Mexican Americans fell below the average rates for all industries in the Los Angeles Standard Metropolitan Statistical Area (SMSA). For example, the black work force in the Los Angeles SMSA in 1967 was 7.4 percent, but was only 4.2 percent at the seven studios. The Mexican American work force in 1967 was 10.1 percent in Los Angeles, but was only 4.2 percent at the studios.<sup>3</sup>

Equal Employment Opportunity Commission staff found that there were great differences among studios in their reported minority employment. The lowest percentage of Mexican Americans employed was 1.5 percent and the highest was 16.2 percent; the lowest percentage of blacks employed was 0.6 percent and the highest was 10.4 percent.<sup>4</sup>

One studio, Universal, employed blacks at a significantly higher rate (10.4 percent) than any of the other studios. If Universal's percentages of blacks are excluded from the totals, the remaining six studios employed only 2.1 percent blacks. This percentage accounted for approximately 400 persons in a total industry work force of 19,000.<sup>5</sup>

Tables 4 and 5 show the percentage of minority employment in the seven studios in 1967 by white- and blue-collar workers.

Testimony during the EEOC hearing highlighted potentially exclusionary practices of the IATSE unions and the studios. One area examined closely by EEOC was the process for getting on the rosters and into the craft unions. In 1969 a person applying for a job with a studio would be told that one had to be a member of the union. The union in turn would say that a person had to be employed by a producer to be considered for union membership.<sup>6</sup>

Prior to consideration for union membership, applicants were asked to complete a registration form at the local union. One sample form presented at the hearing required the applicant to identify the type of vocation one's father and/or guardian pursued for a livelihood. Josef Bernay, international representative for the IATSE, told the EEOC that the purpose for this question was:

Maybe for background purposes as far as persons who are engineers, and then maybe his son becomes one, or a person is an artist and the son takes the artistic trend, something similar to that, so that maybe his background is more imbued with more knowledge so he is more apt to know about it because of the background involved.<sup>7</sup>

The registration form also asked if the applicant was foreign born and who referred the applicant to the local union. EEOC questioned the relevance of these items for job consideration and union membership.<sup>8</sup>

The Equal Employment Opportunity Commission found that the constitution of the IATSE-International required that an applicant for membership must have his or her application endorsed by three members of the international.<sup>9</sup> In addition, local unions' bylaws often required that three local members also endorse applicants.<sup>10</sup> Since there were so few minorities in the unions, EEOC questioned whether minorities would be able to obtain membership endorsement for admission to the union.

**TABLE 4****Percentage Black Employment Reported in 1967**

	<b>Black work force SMSA</b>	<b>Motion picture producers</b>	<b>Motion picture producers (excl. one company)</b>
Total	7.4	4.2	2.1
White collar	3.4	3.5	0.8
Officials and managers	1.1	0.6	0.5
Professional	2.1	7.1	0.5
Technical	4.3	0.4	0.3
Blue collar	10.3	2.3	1.0
Craftsmen	4.9	1.5	0.4
Operatives	12.5	2.3	0.9

Source: Hearings before the U.S. Equal Employment Opportunity Commission on Utilization of Minority and Women Workers in Certain Major Industries, Los Angeles, Calif., Mar. 12-14, 1969.

**TABLE 5****Percentage Mexican American Employment, 1967\***

	<b>Work force SMSA</b>	<b>Motion picture producers</b>
Total	10.1	4.2
White collar	4.4	3.5
Office and clerical	6.5	3.8
Blue collar	17.5	4.7
Craftsmen	9.9	5.4
Operatives	19.0	3.9

\* EEOC assumed that all employees reported by companies as "Spanish-surnamed Americans" were Mexican Americans.

Source: Hearings before the U.S. Equal Employment Opportunity Commission on Utilization of Minority and Women Workers in Certain Major Industries, Los Angeles, Calif., Mar. 12-14, 1969.

Another alleged barrier to employment was the system of qualification committees. When qualification committees were established in 1965, those members who were already on the rosters did not have to be qualified by the committees. EEOC found that new employees trying to qualify were often required to have more skills than existing roster members. According to the EEOC, because the rosters had been predominantly white up to this time, this practice was a disparate requirement adversely affecting minorities.<sup>11</sup>

The Equal Employment Opportunity Commission found that practices of both the studios and the unions in hiring off-roster workers tended to exclude minorities. Rather than utilize applications left with their own personnel offices, studio representatives told EEOC that they frequently called unions for off-roster referrals. In addition, union officials told applicants at their offices that they did not make off-roster referrals. They told EEOC, however, that if the union's rosters were exhausted, they provided the studios with names of persons who had registered with them.<sup>12</sup>

The EEOC also found that the studios had made only a minimal effort in recruiting within predominantly minority communities. Advertisements in minority-oriented newspapers and personal contacts with groups, such as the National Association for the Advancement of Colored People (NAACP), Urban League, Mexican American Opportunity Foundation, etc., had been infrequent, and some studio representatives were unfamiliar with minority employment service groups.<sup>13</sup> Studio officials told EEOC that their most effective recruitment of minorities was through minority personnel already employed in the industry.<sup>14</sup>

Testimony at the EEOC hearings showed that some effort had been made to recruit minorities and women into the industry; however, few were working in the top four categories: managers and officials, professionals, technicians, and also sales workers.<sup>15</sup>

The Equal Employment Opportunity Commission identified the industry experience roster system developed jointly by the industry and the unions as the major barrier to equal opportunity because experience in individual crafts was the criteria for roster status, and minorities had been denied the opportunity to obtain such experience.<sup>16</sup>

At the conclusion of the hearings, EEOC requested that the Department of Justice investigate the possibility of a suit:

...under Sec. 707 of Title VII of the Civil Rights Act of 1964 against the AMPTP, the motion picture production companies, a good number of craft unions, and the International Alliance of Theatrical Stage Employees and Moving Picture Machine Operators of the United States and Canada.<sup>17</sup>

## The Settlement Agreement

After conducting its own investigation, the Department of Justice stated that it had reasonable grounds to conclude that a pattern and practice of employment discrimination in the motion picture industry existed in violation of Section 707 of Title VII of the Civil Rights Act of 1964. The Department of Justice added that litigation was warranted against the motion picture production companies and the labor organization representing craft employees.<sup>18</sup>

The Association of Motion Picture and Television Producers, which included more than 80 production companies, and IATSE-International and nine of its locals denied the existence of discrimination or discriminatory conduct. Wishing to avoid extended litigation, they voluntarily entered into a settlement agreement with the U.S. Department of Justice in the spring of 1970:

...recognize[ing] the need for a remedial program to recruit, train, and refer more minority group persons to such employment, and to insure that equal employment opportunities are made available to such minority group persons without regard to race, color, religion, sex or national origin...[the private parties] sought an opportunity to settle and adjust the matter to effectuate the purposes and policies of such act and to avoid litigation....<sup>19</sup>

The agreement, unlike a consent decree of a court, was voluntary. There were no enforcement procedures or penalties for noncompliance.

The primary purposes of the agreement were to increase the numbers of minorities in the off-camera work force; to increase the number of days worked by minorities; and eventually to integrate minorities fully into all levels of the industry's work force. A U.S. Department of Justice attorney who participated in the investigation told Commission staff that women were not included in the

agreement because women were not in sufficient numbers in the work force to establish a women's labor pool.<sup>20</sup>

The settlement agreement provisions included:

- Discontinuance of practices such as giving employment preference to friends and relatives of union members and of requirements not validated as job related such as possessing a high school diploma.
- Initiation of training programs to provide minorities the necessary preparation for opportunities in the industry.
- Publication of employment opportunities and increased recruiting efforts directed toward the minority community.<sup>21</sup>

One major stipulation of the agreement concerned the establishment of a minority labor pool. Generally, each of the nine IATSE local unions included in the agreement was directed to make two referrals from its respective minority labor pool for every five referrals made from the experience roster for a period up to 2 years. Once minority referrals achieved 20 percent of the available work days, the ratio would be one minority for every four referrals from the experience rosters.<sup>22</sup>

Minorities would gain experience through such a referral system, and the Department of Justice anticipated that at the end of 1 or 2 years (depending on the union) the minority labor pool members would have sufficient skills to merge with the experience roster members. All minorities who had at least 30 days' employment at the time of the merger would be incorporated in a nondiscriminatory manner into the experience roster, creating one roster of approximately 20 percent minority membership. The minorities were to be placed in group one, two, or three based on a formula to be devised at the time of collective bargaining.<sup>23</sup>

Unions and producers were required to submit quarterly reports to the Department of Justice on their progress in achieving the agreement's goals. The quarterly reports of the producers were to include progress in clerical and administrative positions as well as union jobs.<sup>24</sup>

Originally, the agreement stated that the minority labor pools would merge with the experience rosters by the spring of 1972. However, in 1972 the parties to the agreement, including the Justice Department, delayed the settlement agreement

provisions for an additional 2 years, because the anticipated merger of the minority rosters with the seniority rosters did not occur. A congressional report noted:

Some minorities did not qualify because they had not worked the requisite thirty (30) days to be admitted. Others could not afford the expensive initiation dues; and overall the unions were not enthusiastic about receiving them.<sup>25</sup>

### Notes to Section 3

1. U.S. Equal Employment Opportunity Commission, *Hearings before the U.S. Equal Employment Opportunity Commission on Utilization of Minority and Women Workers in Certain Major Industries*, Los Angeles, Calif., March 12-14, 1969 (hereafter cited as *EEOC Transcript*).
2. *Ibid.*
3. *Ibid.*
4. *Ibid.*
5. *Ibid.*
6. U.S., Department of Justice, *Factual Summary—Investigation of the Movie Industry in 1969* (hereafter cited as *Factual Summary*).
7. *EEOC Transcript*, p. 159.
8. *Ibid.*, p. 160.
9. Constitution of the International Alliance of Theatrical Stage Employees, art. 21, sec. 1.
10. *EEOC Transcript*, p. 154.
11. *Factual Summary*, p. 17.
12. *EEOC Transcript*, p. 227.
13. *Ibid.*, p. 221.
14. *Ibid.*, p. 176.
15. *Ibid.*, pp. 179, 218.
16. *Ibid.*, p. 227.
17. *Ibid.*
18. *EEOC Settlement Agreements; Compliance Report*, June 27-December 26, 1971, p. 3.
19. *Ibid.*
20. Stuart Herman, former attorney with the U.S. Department of Justice, interview, October 1976.
21. U.S., Department of Justice, "Settlement Agreement," Apr. 1, 1970 (mimeographed).
22. *Ibid.*
23. *Ibid.*
24. *Ibid.*
25. U.S., Congress, House, Subcommittee on Equal Opportunity, *Oversight Investigation of Federal Enforcement of Equal Opportunity Laws*, S. Report, December 1976, p. 44.

## 4. The Major Studios in 1977

### Affirmative Action

In 1969 representatives of the major studios expressed to the Equal Employment Opportunity Commission (EEOC) little understanding of affirmative action.<sup>1</sup> During 1976 the California Advisory Committee to the U.S. Commission on Civil Rights examined the records of the studios to assess if the situation had changed.

The Advisory Committee found that major studios were very slow in developing written affirmative action plans as required of Government contractors.<sup>2</sup> For example, Universal began writing a plan in 1971 which was extensively modified in 1976; Paramount had a written policy statement for some time, but a written plan was not started until 1976.<sup>3</sup>

In some cases, the plans were solely company policy statements of nondiscrimination;<sup>4</sup> in other cases, studio representatives told the Civil Rights Commission that a plan with goals and timetables yet to be finalized was in the development process for over a year.<sup>5</sup> Twentieth Century-Fox representatives promised to provide the Commission with its affirmative action goals "within a few weeks" of the Commission's March 1977 hearing. The Commission was told that the first written plan had been developed in 1972.<sup>6</sup> Despite a written request for the plan's goals by the Commission's Western Regional Office following the hearing, Twentieth Century-Fox had failed to submit its goals as of January 1978.<sup>7</sup>

A Walt Disney studio representative, Kenneth Sieling, told the Advisory Committee that his studio's affirmative action plan had been developed voluntarily in 1974, since it was not clear whether Disney Studios was a Federal contractor at that time. Mr. Sieling went on to say that the studio was in the process of developing a 5-year plan in 1976.<sup>8</sup>

The Advisory Committee was disturbed by the question of whether a company is or is not a Federal contractor because Federal contractors must have affirmative action plans. According to

Roscoe Ballard, General Services Administration's contract compliance office representative, the Federal Government has no centralized method for determining exactly which companies hold Federal contracts at any given period.<sup>9</sup> However, the Advisory Committee was able to ascertain that all of the major studios had Federal contracts in excess of \$50,000 during 1975 and 1976.<sup>10</sup> If a Federal contractor does not have complete written affirmative action plans within 120 days of signing a Federal contract for \$50,000 and over, that contractor is in violation of Federal regulation.<sup>11</sup>

The Advisory Committee was also interested in the results of any affirmative steps which the studios may have taken, with or without written plans. The Advisory Committee noted that some progress in using minorities and women had been made by the major studios since 1969. A description of each studio's progress follows.

### Walt Disney Productions

The Disney affirmative action efforts focus on its administrative and clerical staff. The industry experience roster, according to studio representatives, is only indirectly controlled by Disney's management.<sup>12</sup> Kenneth Sieling, Disney Production's personnel director, told the Advisory Committee:

In 1969 minorities comprised 5.6 percent of the total [administrative] work force. Today, [in 1976] despite a relatively constant level of employment, a rise of only 100 employees during that 7-year period, we have virtually tripled the percentage of minority employees, which today stands at 16 percent.<sup>13</sup>

Mr. Sieling added that the increase of minorities in official, manager, professional, and technician job categories had gone from 5 to 10 percent between 1969 and 1976, and the increase of women in these categories had gone 21 to 25 percent.<sup>14</sup> Tables 6 and 7 show the employment figures for Walt Disney Productions as reported to EEOC for February 1968 and April 1976.<sup>15</sup>

**TABLE 6****Walt Disney Productions, February 1968**

Job categories	All employees			Male				Female			
	Total	Male	Female	Negro	Oriental	Amer- ican Indian	Spanish- surnamed American	Negro	Oriental	Amer- ican Indian	Spanish- surnamed American
Officials and managers	236	182	54	0	0	0	5	0	0	0	2
Professionals	216	150	66	2	1	0	6	2	1	0	4
Technicians	177	164	13	0	0	0	8	0	0	0	0
Sales workers	0	0	0	0	0	0	0	0	0	0	0
Office and clerical	258	81	177	4	1	1	4	2	2	1	3
Craftsmen (skilled)	214	203	11	0	0	0	13	0	0	0	2
Operatives (semiskilled)	67	67	0	0	0	0	6	0	0	0	0
Laborers (unskilled)	70	70	0	0	0	0	10	0	0	0	0
Service workers	82	63	19	31	0	0	4	2	0	0	0
Total	1,320	980	340	37	3	1	56	6	3	1	11

Source: EEO-1 Report to Equal Employment Opportunity Commission provided voluntarily by Walt Disney Productions.

**TABLE 7****Walt Disney Productions, April 1976**

Job categories	All employees			Male				Female			
	Total	Male	Female	Negro	Oriental	Amer- ican Indian	Spanish- surnamed American	Negro	Oriental	Amer- ican Indian	Spanish- surnamed American
Officials and managers	169	102	67	4	1	0	4	2	2	1	3
Professionals	330	244	86	6	11	0	7	1	2	0	1
Technicians	211	186	25	8	4	2	10	0	0	0	0
Sales workers	0	0	0	0	0	0	0	0	0	0	0
Office and clerical	238	49	189	3	2	1	6	10	6	0	10
Craftsmen (skilled)	296	283	13	12	1	1	26	0	0	0	1
Operatives (semiskilled)	95	93	2	4	1	0	3	0	0	0	0
Laborers (unskilled)	97	93	4	6	2	0	9	1	0	0	0
Service workers	77	58	19	23	1	0	8	4	0	0	1
Total	1,513	1,108	405	66	23	4	73	18	10	1	16

Source: EEO-1 Report to Equal Employment Opportunity Commission provided voluntarily by Walt Disney Productions.

Mr. Sieling attributed the increase in use of minorities to more concerted recruitment efforts, adding that word-of-mouth recruitment through Disney's minority employees was effective. He told the Advisory Committee that Disney Productions had instituted management training seminars for staff on equal employment opportunities and that the studio participated in training and apprenticeship programs and the off-roster project of the Contract Services Administration Trust Fund.<sup>16</sup>

When questioned by the Advisory Committee on the usefulness of the off-roster project, Mr. Sieling conceded that Disney Productions had been unable to use the service because studio production had slowed down since the project's inception.<sup>17</sup>

Mr. Sieling also told the Advisory Committee that the studio had not found it necessary to write detailed job descriptions for openings because, "we know what we need."<sup>18</sup>

## Paramount Pictures Corporation

Paramount focused its affirmative action program on administrative and clerical positions, stating that union seniority systems were less subject to management modifications.<sup>19</sup> Robert Proctor, Paramount's personnel director, told the Commission:

During [1969-77] our utilization of minorities has almost tripled from slightly over 5 percent utilization in 1969. Our utilization of females has more than doubled from our approximately 18 percent utilization in 1969.<sup>20</sup>

He added that use of minorities and women as officials and managers had increased from 1.2 to 13 percent and 8.5 to 14 percent, respectively; minorities in the professional category had increased from 5.9 to 25.6 percent and women from 11.8 to 37.2 percent.<sup>21</sup>

Paramount submitted information to the Commission following the March hearing which showed that of its top 50 administrators, 1 was an American Indian male and 5 were white females; of the top 100 administrators, 7 were black males; 1 was an American Indian male; 1 was a Spanish-surnamed male; 15 were white females; and 3 were black females.<sup>22</sup>

Tables 8 and 9 show the EEOC employment statistics for Paramount as reported in January 1969 and September 1976.<sup>23</sup>

On June 1, 1976, Paul Birmingham, an official of Paramount Pictures Corporation, issued a memorandum to all department heads which read in part:

We have been informed by the General Services Administration (GSA) that Paramount Pictures Corporation will, in the near future, be subject to an on-site compliance review relative to our employment practices with emphasis on our minority/female hiring and promotions....

In reviewing our records for 1975 and previous years, I have found overall performance in this area to be less than satisfactory.<sup>24</sup>

It is evident from Mr. Birmingham's comments and the data in tables 8 and 9 that little affirmative action had been effected at Paramount up to mid-1976. According to Mr. Proctor during testimony at the Commission's March hearing, some progress had been made between June 1976 and March 1977.

Mr. Proctor described several recruitment efforts specifically directed toward increasing minority hires, including word of mouth:

Basically, our selection of a recruitment source is based on many things. And whether or not we use advertising or not depends upon whether or not advertising is a cost effective source for that particular job, or whether or not we would use an executive search firm, or whether or not we would use word of mouth. We are, of course, quite aware of the pitfalls when you only use word of mouth. We, of course, are quite aware of those pitfalls when they relate to a primarily or heavily non-minority staff. What we are trying to do, and I think the context in which Leon [Johnson, Paramount's EEO coordinator] made his remarks about the word of mouth related to the employment office and the opening of that office. That office, we did not publicize that widely at the outset, because...we were having such good results with this employment office, there was really no point in publicizing it at this time. Now, perhaps that was a bad decision; we are certainly willing to reconsider it. But you should not infer from that that word of mouth is our only or even our most heavily used recruitment source.<sup>25</sup>

The personnel office at Paramount had been creating and updating job descriptions for various positions. Mr. Proctor told the Commission that the process was not yet completed.<sup>26</sup> Since January



**TABLE 8****Paramount Pictures Corporation, January 1969**

Job categories	All employees			Male				Female			
	Total	Male	Female	Negro	Oriental	Amer- ican Indian	Spanish- surnamed American	Negro	Oriental	Amer- ican Indian	Spanish- surnamed American
Officials and managers	82	75	7	0	0	0	1	0	0	0	0
Professionals	119	105	14	0	3	0	4	0	0	0	0
Technicians	254	224	30	0	0	0	6	0	0	0	0
Sales workers	7	7	0	0	0	0	1	0	0	0	0
Office and clerical	296	79	217	3	0	0	3	2	0	0	4
Craftsmen (skilled)	452	452	0	2	0	0	18	0	0	0	0
Operatives (semiskilled)	506	463	43	5	0	1	8	0	2	0	1
Laborers (unskilled)	91	91	0	4	0	0	3	0	0	0	0
Service workers	139	108	31	10	2	0	9	7	0	0	2
Total	1,946	1,604	342	24	5	1	53	9	2	0	7

6 Source: EEO-1 Report to Equal Employment Opportunity Commission provided voluntarily by Paramount Pictures Corporation.

**TABLE 9****Paramount Pictures Corporation, First Quarter, 1976**

Job categories	All employees			Male				Female			
	Total	Male	Female	Negro	Oriental	Amer- ican Indian	Spanish- surnamed American	Negro	Oriental	Amer- ican Indian	Spanish- surnamed American
Officials and managers	72	62	10	2	0	0	2	0	0	0	0
Professionals	128	109	19	5	0	0	1	3	0	0	1
Technicians	110	104	6	2	1	0	3	1	0	1	0
Sales workers	0	0	0	0	0	0	0	0	0	0	0
Office and clerical	214	44	171	7	2	0	7	15	5	3	13
Craftsmen (skilled)	162	150	12	6	1	2	6	1	0	0	0
Operatives (semiskilled)	114	101	13	11	1	1	4	0	2	0	0
Laborers (unskilled)	32	32	0	5	0	0	5	0	0	0	0
Service workers	42	37	5	2	0	0	1	1	0	0	0
Total	874	639	236	40	5	3	29	21	7	4	14

Source: EEO-1 Report to Equal Employment Opportunity Commission provided voluntarily by Paramount Pictures Corporation.

1977 all job openings including craft jobs are requisitioned to the personnel office, so that there exists some centralized control of employment needs and affirmative action efforts.<sup>27</sup>

Paramount has not utilized the off-roster service of the Contract Services Administration Trust Fund. Instead, it recruits new hires through its own applicant files.<sup>28</sup>

## **Twentieth Century-Fox**

Cathy McKee, equal employment opportunity coordinator for Twentieth Century-Fox, told the Commission that since 1969, the "utilization of minorities has almost tripled...and our utilization of females has more than doubled."<sup>29</sup> She added:

Illustrative of this progress are some of the significant positions in our organization which are held by minorities and women. Minorities hold the following positions, among others, membership on our board of directors, corporate vice president of domestic marketing and distribution, corporate director of EDP, associate resident counsel, manager of tax administration, manager of office services. Females hold, among others, the following significant positions: vice president, comedy development, vice president, Twentieth Century-Fox Realty, associate resident counsel, manager of telecommunications administration, director of movies for television, one membership on our board of directors, director of publicity, and manager of media. Although our accomplishments are significant, my assignment directly from our chief executive officer is to redouble our efforts.<sup>30</sup>

Despite these claims, Twentieth submitted information to the Commission following its March hearing which showed that of its top 50 administrators only 1 was a black male and only 1 was a white female; of the top 100 administrators only 3 were black males and 5 were white females.<sup>31</sup>

Tables 10 and 11 show employment figures for Twentieth Century-Fox as reported to EEOC in the first quarter of 1969 and June 1976.

While employment statistics indicate some progress, the total minority employment is only 11 percent. In particular, Ms. McKee could not account for the almost negligible progress of Spanish-surnamed employment which had risen from 3 percent in 1969 to only 3.5 percent in 1976.<sup>32</sup>

Like the other major studios, since 1969 Twentieth has expanded its recruitment efforts by advertising positions more broadly in minority community papers and utilizing minority and women's employment agencies.<sup>33</sup> Ms. McKee told the Commission that in the future each operating manager would be held accountable for the hiring and promotion of minorities and women into supervisory and management positions; when managers' performances were evaluated at the end of each year, equal employment opportunity performance would be included.<sup>34</sup>

Twentieth has centralized its recruitment and hiring process. Department managers notify the personnel department when positions are vacant. The personnel department in turn reviews the skill requirements and recommends possible hires to the labor relations office which proceeds to fill the positions. As new jobs become available, the personnel department has developed job descriptions for these positions.<sup>35</sup> Twentieth Century-Fox also participates in the Contract Services Administration Trust Fund off-roster-hiring project.

## **Universal City Studios**

Universal is the largest employer of the seven major studios. In February 1976, Universal reported a total of 3,547 employees on its EEO-1 form. Tables 12 and 13 show the employment figures for Universal as reported to EEOC for March 1969 and February 1976. Similarly to the employment situation at Disney Productions, Universal's employment has remained stable and has even increased slightly over the years.

In 1969 Universal had a minority employment of 13.5 percent. By 1976 that percentage was 16.4 percent. Although the percentage increase indicates some improvement, the actual numbers of blacks decreased by nearly 150. Gareth Hughes, vice president for industrial relations, told the Advisory Committee that this phenomenon could partly be attributed to the "difficulty of a snapshot measurement" taken once a year during traditionally slow production periods.<sup>36</sup> He added that "there needs to be an analysis on an annualized basis....In fact, in the discussions that have taken place with [GSA] we've been measuring things on a little bit better basis."<sup>37</sup> He said that Universal had measured employee statistics at other times of the year and found that there could be a swing of

**TABLE 10****Twentieth Century-Fox Film Corporation, First Quarter, 1969**

Job categories	All employees			Male				Female			
	Total	Male	Female	Negro	Oriental	Amer- ican Indian	Spanish- surnamed American	Negro	Oriental	Amer- ican Indian	Spanish- surnamed American
Officials and managers	172	165	7	0	0	0	3	0	0	0	0
Professionals	695	610	85	9	1	0	13	0	0	0	2
Technicians	174	140	34	0	2	0	2	0	0	0	4
Sales workers	0	0	0	0	0	0	0	0	0	0	0
Office and clerical	433	138	295	3	2	0	1	4	1	0	4
Craftsmen (skilled)	926	903	23	4	1	1	26	0	0	0	1
Operatives (semiskilled)	380	360	20	2	3	0	9	1	1	0	2
Laborers (unskilled)	184	182	2	6	2	1	9	0	0	0	0
Service workers	172	145	27	7	2	1	16	1	0	0	0
Total	3,136	2,643	493	31	13	3	79	6	2	0	13

Source: EEO-1 Report to Equal Employment Opportunity Commission provided voluntarily by Twentieth Century-Fox Film Corporation.

**TABLE 11****Twentieth Century-Fox Film Corporation, June 1976**

Job categories	All employees			Male				Female			
	Total	Male	Female	Negro	Oriental	Amer- ican Indian	Spanish- surnamed American	Negro	Oriental	Amer- ican Indian	Spanish- surnamed American
Officials and managers	253	239	14	9	1	2	3	0	0	0	0
Professionals	197	150	47	4	7	0	5	1	5	0	0
Technicians	34	31	3	1	1	0	1	0	0	0	0
Sales workers	35	32	3	0	0	0	1	0	0	0	0
Office and clerical	734	130	604	10	3	0	7	37	17	3	27
Craftsmen (skilled)	346	330	16	21	5	3	10	1	0	0	2
Operatives (semiskilled)	146	145	1	5	0	1	3	0	0	0	0
Laborers (unskilled)	79	79	0	3	0	1	6	0	0	0	0
Service workers	34	33	1	2	0	0	1	0	0	0	0
Total	1,858	1,169	689	55	17	7	37	39	22	3	29

Source: EEO-1 Report to Equal Employment Opportunity Commission provided voluntarily by Twentieth Century-Fox Film Corporation.

**TABLE 12****Universal City Studios, March 1969**

Job categories	All employees			Male				Female			
	Total	Male	Female	Negro	Oriental	Amer- ican Indian	Spanish- surnamed American	Negro	Oriental	Amer- ican Indian	Spanish- surnamed American
Officials and managers	361	332	29	5	0	0	3	0	0	0	0
Professionals	89	65	24	19	0	0	6	1	0	0	0
Technicians	172	167	5	2	0	0	0	0	0	0	0
Sales workers	132	87	45	8	0	0	4	7	2	1	4
Office and clerical	417	139	278	40	7	0	14	42	8	0	31
Craftsmen (skilled)	789	748	41	44	0	3	12	1	0	0	6
Operatives (semiskilled)	868	647	221	56	2	1	21	0	0	0	3
Laborers (unskilled)	567	567	0	34	0	1	6	0	0	0	0
Service workers	321	233	88	63	0	0	2	38	0	0	3
Total	3,716	2,985	731	271	9	5	68	89	10	1	47

Source: EEO-1 Report to Equal Employment Opportunity Commission provided voluntarily by Universal City Studios.

**TABLE 13****Universal City Studios, February 1976**

Job categories	All employees			Male				Female			
	Total	Male	Female	Negro	Oriental	Amer- ican Indian	Spanish- surnamed American	Negro	Oriental	Amer- ican Indian	Spanish- surnamed American
Officials and managers	128	120	8	3	0	0	5	0	0	0	0
Professionals	256	184	72	4	2	3	9	2	0	1	6
Technicians	14	14	0	1	0	0	0	0	0	0	0
Sales workers	38	28	10	2	0	0	4	0	0	0	0
Office and clerical	751	165	586	9	5	2	23	29	24	3	34
Craftsmen (skilled)	841	808	33	27	7	5	50	1	0	0	1
Operatives (semiskilled)	835	775	60	36	15	14	72	6	0	0	1
Laborers (unskilled)	94	85	9	5	1	1	14	0	0	0	1
Service workers	590	330	260	40	7	0	53	28	9	2	14
Total	3,547	2,509	1,038	127	37	25	230	66	33	6	57

as much as 4 percent depending on the time of the year and the nature of the work force.<sup>38</sup>

Universal reported in 1969 that women made up 18 percent of its employees; by 1976 that percentage was 29 percent. However, in 1976 over 80 percent of all women employees were service or clerical workers. According to the 1976 EEO-1 report, Universal had 9.6 percent minorities and 20 percent women in the top four job categories (officials and managers, professionals, technicians, and sales workers).

Mr. Hughes told the Advisory Committee that the most effective factor in affirmative action came:

[W]ith the constant renewal and a constant reminder...a constant personal reminder as well. We try in the industrial relations area, our organization, to visit with those people who influence the employment as regularly as seems appropriate, in order to accomplish this goal of think, think [hiring minorities] before you act.<sup>39</sup>

Mr. Hughes told the Advisory Committee that department managers' performance evaluations include equal employment opportunity concerns, but no one had been terminated for poor performance. The company preferred to use counseling as an incentive technique.<sup>40</sup>

In addition to expanded recruitment efforts, Universal introduced a minority executive training program. Of the four people in that program, two have remained with the company.<sup>41</sup> Other training programs at Universal are conducted in conjunction with the AMPTP centralized training efforts.

Universal has found, according to Mr. Hughes, that the most effective method for bringing minorities and women into the industry is through off-roster hires during peak production.<sup>42</sup> This method provides on-the-job training for new hires but is not considered a formalized training program. In 1975 Universal used approximately 550 off-roster personnel of whom 5 percent were women and 22.3 percent were minorities. About one-fourth of the off-roster hires did not work enough days to be eligible for roster status; about one-fifth of these were minorities; none were women.<sup>43</sup> In other words, a greater percentage of minorities and women entered the roster relative to their percentage in the group as a whole.

Mr. Hughes told the Advisory Committee that his company did not feel job descriptions were appropriate for the industry:

Sometimes we pride ourselves in this industry on it being unique, and sometimes we use that as an excuse and perhaps shouldn't, but you still can't get away from the fact that it is unique. You can take in certain craft areas, for example, basic skills of a welder, any kind of welder, but he then has to take that basic welding skill and be able to apply it in an improvisational kind of technique.<sup>44</sup>

## **Warner Brothers Incorporated**

In 1969 Warner Brothers operated its own studio lot, employing the full range of staff from administrators to technicians and unskilled laborers. Warner Brothers modified its company's structure by eliminating certain classes of employees from its payroll in 1972. These classes, known as "below the line" employees, included craft, technical, and unskilled workers. During film production, Warner Brothers now leases equipment, facilities, and employees from other studios, including The Burbank Studios, a joint-venture rental facility of Warner Brothers and Columbia Pictures.<sup>45</sup>

In the process of modifying its company structure, Warner Brothers eliminated many job categories; it is, therefore, difficult to compare figures in order to assess progress made since 1969. In addition, the Advisory Committee obtained only total employee figures from Warner Brothers. Therefore, there is no way to assess minority and women employees by job category.

Keeping in mind that the 1976 figures include only the five categories of officials and managers, professionals, technicians, sales workers, and office and clerical, as listed on EEO-1 form, a comparison of the 1969 and 1976 data can be indicative of the equal employment opportunity efforts exerted by the company. Tables 14 and 15 show the employee totals by race and sex at Warner Brothers in 1969 and 1976.

Minority employment rose from 7 percent in 1969 to 15.6 percent in 1976; during this same period, the employment of women rose from 14.7 percent to 51 percent.

In response to a draft of this report, a Warner Brothers' representative elaborated on the studio's progress:



**TABLE 14****Warner Brothers, Inc., February 1969**

Job categories	All employees			Male				Female			
	Total	Male	Female	Negro	Oriental	American Indian	Spanish-surnamed American	Negro	Oriental	American Indian	Spanish-surnamed American
Total	1,666	1,411	255	53	1	1	48	3	4	0	10

Source: Hearing, 1969 Equal Employment Opportunity Commission Hearing.

**TABLE 15****Warner Brothers, Inc., 1976**

Job categories	All employees			Male				Female			
	Total	Male	Female	Negro	Oriental	American Indian	Spanish-surnamed American	Negro	Oriental	American Indian	Spanish-surnamed American
Total	555	270	285	18	7	0	13	26	4	2	17

Source: Warner Brothers, Inc.

In the officials and managers category in 1969, there were 3.7 percent minorities and 6.2 percent females, and in 1977 the percentage of minorities and females had increased to 8.5 percent and 14.9 percent, respectively; that from April 1976 to April 1977 the network force at Warner Brothers increased by 46 people, of which 34.8 percent were minorities and 58.7 percent were female; that out of a relatively small work force, Warner Brothers employed 88 minorities in 1976 (44 blacks, 30 Hispanic and 14 other) and 104 minorities in 1977 (48 blacks, 36 Hispanic and 19 other); that not only had the Company met its one-year goals in its 1976-77 Affirmative Action Plan year, it had met some of its five-year goals in a one-year period.<sup>46</sup>

In figures submitted to the Commission following the March hearing, Warner reported that of its top 50 administrators and managers, 3 were white females and 2 were Hispanic; of the total 100 administrators, 17 were white females, 1 was a Hispanic female, 3 were Hispanic males, and 2 were black males.<sup>47</sup>

Job vacancies at Warner Brothers are handled by a centralized personnel department, and needs in various divisions are referred to personnel.<sup>48</sup> According to Jay Ballance, director of labor relations at Warner, most of the jobs in the company have job descriptions; "there are some new, they are always updated, and then we have some that are very old."<sup>49</sup> Charles Greenlaw, vice president at Warner Brothers, added:

We are *in the process* of computerizing our entire workflow pattern, including, where practical, job classifications or descriptions, whatever is appropriate. We have gotten that partially completed...in the case of clerical personnel. And we intend to continue it throughout the balance of our employment personnel.<sup>50</sup> [emphasis added]

Performance evaluation of studio managers includes affirmative action concerns, according to Mr. Greenlaw. He did not indicate whether any sanctions had been imposed against those with poor performance ratings on this issue.<sup>51</sup>

### **Columbia Pictures Industries**

Columbia Pictures Industries did not participate in the 1969 hearings, and consequently was not invited to the Advisory Committee's open meeting. However, for the Committee to complete its un-

derstanding of opportunities in the industry, it requested written information from that studio.

Columbia reported that in 1969 minority employees were 4.4 percent of the work force and women were 19.5 percent. In 1976 minorities were 14.6 percent and women 50.8 percent. As with Warner Brothers, the figures for the 2 years are not directly comparable since they do not reflect comparisons with identical job categories. Columbia also reported that minorities represented 11 percent of the officials, professionals, and technicians in 1976 (compared with 1.6 percent in those categories in 1969) and that women represented 15.2 percent of the officials and managers in 1976.<sup>52</sup>

### **The Burbank Studios**

The Burbank Studios (TBS) does not produce its own films, but it is a major lease facility used by the other studios. Because Warner Brothers and Columbia established TBS, the Advisory Committee believed that information about TBS would contribute to the study.

Both Columbia and Warner appoint people to sit on the administrative committees of TBS; however, neither company has direct control or responsibility for TBS policy or operations; legally, TBS is an independent company.<sup>53</sup> Charles Greenlaw of Warner Brothers told the Commission that in practice the three entities work cooperatively.<sup>54</sup>

The Burbank Studios supplied the Advisory Committee with its total employment figures by race and sex. In February 1976 The Burbank Studios had a work force of 1,751; of this number 171 or 9.7 percent were women and 256 or 14.5 percent were minorities. The Burbank Studios did not indicate how many minorities and women were in the top categories of management and administration.

The Burbank Studios pointed out the importance of off-roster hiring for bringing women and minorities into the industry. According to Robert K. Hagel, former company president of TBS, they employed 545 off-roster hires during 1976; 195 or 35.8 percent of these were minorities and/or women.<sup>55</sup> Mr. Hagel did not designate how many were minorities, how many were women, or how many were minority women.

## **Metro Goldwyn Mayer**

Metro Goldwyn Mayer (MGM) did not participate in the 1969 hearings and therefore was not invited to the Advisory Committee's open meeting, but written information was requested for inclusion in the study.

In January 1976 MGM reported to EEOC a work force of 1,091, of whom 143 or 13 percent were minority and 273 or 25 percent were female. Of the 105 managers at the studio, 4 were minority and 13 were female; of the latter 1 was a black female. Table 16 details the 1976 work force, by job category.

Alex Carter, personnel manager for MGM, wrote to the Advisory Committee that, "we have not found the absence or presence of job descriptions to be a problem...our selection process for non-union positions derives its fairness criteria from the rule of objectivity."<sup>56</sup> Mr. Carter did not elaborate on how that rule of objectivity operates in practice. Further, Mr. Carter's comments contradict the studio's affirmative action plan which states that "position descriptions shall be maintained and evaluated to insure that required skills accurately reflect the demands of the positions."<sup>57</sup>

MGM did not provide the Advisory Committee with its affirmative action goals for 1977. According to Mr. Carter, goals would be established "as soon as there is an indication of the amount of production activity we can anticipate."<sup>58</sup> He added:

Unfortunately, we do not enjoy such relative freedom [for objective nondiscriminatory selection] with union employees which constitutes approximately 85 percent of our total work force....A 27 percent reduction in our total work force over a four year period has not aided our total integration objective nor has the unavailability of qualified minorities and females for the more complex positions.<sup>59</sup>

## **Barriers to Equal Opportunity**

Studio representatives acknowledged that some progress had been made and that much more still needs to be done. The brief summary of Metro Goldwyn Mayer's perceptions of barriers to progress echoes what the Advisory Committee heard from other studio representatives: Major barriers include the industry experience roster system, the unavailability of qualified minorities and women for complex jobs, and limited training and apprenticeships.

## **Industry Experience Roster System**

The roster system is administered by the Contract Services Administration of the AMPTP. The conditions of the system are established by joint agreement with the unions through collective bargaining. Studio representatives told the Commission that the roster system meant each studio had limited hiring control of many employees. At MGM, roster hires accounted for as many as 85 percent of its employees; at Disney it accounted for approximately 50 percent.<sup>60</sup>

In 1969 the Department of Justice found that few minorities had attained roster status. The Justice Department settlement agreement focused on correcting this disparity, so that in the motion picture industry, the number of minorities holding membership in the unions would be comparable with their representation in the general work force, but that representation did not materialize. By 1977 minorities and women were still minimally represented. Of the 16,127 roster members, 10.4 percent were minorities, 8.6 percent were women, and 0.8 percent were minority women.<sup>61</sup>

Union representatives disclaim responsibility for the few minorities and women on the rosters, saying that rosters are run by the employers and one must be hired by an employer in order to attain roster status.<sup>62</sup> Employers stated that they are hampered from hiring minorities and women because they must exhaust the rosters before they can turn to other sources.<sup>63</sup> During the tenure of the settlement agreement, however, the major studios were hiring approximately 20 percent minorities. Neither union nor studio representatives were able to explain satisfactorily to the Commission and Advisory Committee why this rate could not be sustained once the agreement expired.

Many studio representatives view the union contracts as imperative for their survival. Warner's Charles Greenlaw told the Commission:

If we were to give instructions of that type [unions must open up for equal opportunity] to our negotiator, we as members of the association would find that Universal and Paramount are making all the products and we are out of business. We cannot operate without bargaining agreements. We have to have them. If we were to make a deal-breaker point out of something about which the unions feel as strongly as they do about the

**TABLE 16****Metro Goldwyn Mayer, Inc., January 1976**

Job categories	All employees			Male				Female			
	Total	Male	Female	Negro	Oriental	Amer- ican Indian	Spanish- American surnamed	Negro	Oriental	Amer- ican Indian	Spanish- surnamed American
Officials and managers	105	92	13	2	0	0	1	1	0	0	0
Professionals	49	36	13	1	0	0	0	0	0	0	0
Technicians	54	53	1	0	1	0	2	0	0	0	0
Sales workers	0	0	0	0	0	0	0	0	0	0	0
Office and clerical	256	58	198	5	3	0	6	12	7	1	6
Craftsmen (skilled)	339	318	21	6	5	1	21	0	1	0	3
Operatives (semiskilled)	130	126	4	4	0	2	5	0	0	0	0
Laborers (unskilled)	90	88	2	7	3	1	4	0	0	0	0
Service workers	68	47	21	15	1	0	7	8	0	0	1
Total	1,091	818	273	40	13	4	46	21	8	1	10

Source: EEO-1 Report to Equal Employment Opportunity Commission provided voluntarily by Metro Goldwyn Mayer.

roster, I am afraid we would come to an impasse.<sup>64</sup>

Both AMPTP and studio representatives responded to criticism of the roster system by describing the efforts of employers to counteract its effects. One such effort is through attempts to hire minorities and women once the rosters are exhausted—the voluntary off-roster-hiring project. The AMPTP centralized this effort in one place where employers could seek referrals and employees could register. Only 49 persons had been referred between August and November 1976 (peak season in the industry).<sup>65</sup> On October 5, 1977, *Daily Variety* reported that the off-roster project had registered 4,000 minorities; 785 referrals were made to studios of whom 257 were blacks, 61 Spanish surnamed, 5 American Pacific Islanders, and 26 Native Americans; 61 were women.<sup>66</sup>

Another effort, the employers state, has been “open seasons,” when qualifications for roster status are modified for a period of time to allow for increased enrollments. The first open season was the minority labor pools of the 1970 settlement agreement. Edward P. Prelock, executive vice president of the AMPTP, told the Commission that approximately half of the 500 minorities brought into the industry through the agreement had left the industry by the time the agreement was terminated.<sup>67</sup>

A second open season occurred in 1974, according to Alfred Chamie, executive secretary of AMPTP. During 1974, 483 people were placed on the rosters; 44 of these were minority and 44 were women.<sup>68</sup> During the next 2 years, the placement of minorities and women onto the rosters followed a similar pattern. In 1975, 525 were placed on the roster; 57 were minority and 61 were women; in 1976, of the 420 persons placed on the roster, 32 were minority and 21 were women.<sup>69</sup>

A third open season began in the winter of 1976–77. Anyone who had worked in the industry for any producer for the requisite number of days could be considered for group one roster status by the Contract Services Administration regardless of whether that producer was a signatory to the union agreements.<sup>70</sup>

Since the applicant had to work in the industry between November 1975 and November 1976, there were several problems with the latest open

season. First, since minorities and women were not entering the roster during that time period, in proportion to their percentages in the general work force, it is doubtful that a significantly higher percentage found work in the industry even with non-signatory producers. Second, because there was an increase in the number of people in group one status since the open season ended in September 1977, it is reasonable to assume that the demand for off-roster hires—a major method for bringing new people into the industry—will diminish.

### **Availability of Minorities and Women**

Studio representatives told the Commission that the industry’s decisionmaking and skilled jobs often require years of experience. Acknowledging that minorities and women were minimally represented, for whatever reason, in production jobs in the past, Mr. Greenlaw of Warner said:

Producers are not made, directors are not made. Directors of photography are not made. In most cases, as with writers and actors and people with talent, they grow through experience.

The fact that there are few minority producers, directors, directors of photography, writers is probably due to the historical fact that the motion picture industry, until the last few years, either did not have the opportunity or was not willing to feed in minority people in a position where they could learn. I believe this has been turned around to some extent.<sup>71</sup>

Representatives of producers and directors at the March hearing indicated that producers and directors have influence on who is hired for each production. Don Parker, western region executive secretary of the Directors Guild of America, Inc., told the Commission:

The final decisionmaking [on hiring] is always done by what we know in the industry as “the money”; that is, those people who are in the continuity of employing producers, directors, and other production people.<sup>72</sup>

He added that “the money” could be a studio or a production company, if the product were a feature film, or a television network, if the product were for television.<sup>73</sup>

The numbers of minorities and women in top positions are negligible. Stanley Ruben, of the Producers Guild of America, Inc., told the Commission:

I personally have seen an enormous growth in the entrance of minorities into the makeup of production crews on studio lots. I have seen black and/or Chicano and/or Asian members of the camera crews, not first cameramen, but members of the crew, who will now obviously start—I hope—the procedure of working their way up to becoming first cameramen. I have seen the various minorities now entering into other occupations among the crew.<sup>74</sup>

The problem with finding qualified minorities and women for top positions in the industry is complicated by the lack of job descriptions. Although some of the studios have begun to systematize their employment practices, few have attempted to analyze skills needed for the top jobs, particularly for those designated as “creative” positions.

### **Training and Apprenticeship**

A traditional method for many industries to bring in or promote people is through training and apprenticeship. As employees retire, younger employees with the necessary skills move up the seniority ladder.

Formal training and apprenticeship have not been a major recruitment source in the motion picture industry. Industry representatives claim that the unpredictability of production needs makes it impossible to guarantee a certain number of permanent work days upon completion of a program as required by State apprentice standards requirements.<sup>75</sup>

A formal training program for several off-camera crafts is centrally administered by the Contract Services Administration Trust Fund. These crafts include assistant directors, camera assistants, makeup artists, prop makers, publicists, and electricians. For a 3-year period, 1974–76, 153 persons were selected for training in these programs; 23 of these were black, 12 were Hispanic, and 6 were Asian; 22 were women, including 4 minority women.<sup>76</sup>

Both employer and union representatives told the Commission that they wanted more training programs. Edward Prelock, executive vice president, AMPTP, said that the Federal Government had failed to provide a \$500,000 grant for training in 1974.<sup>77</sup>

Josef Bernay, International Alliance of Theatrical Stage Employees representative, told the Com-

mission that the unions welcomed training if there were more work in the industry. He added that the Federal Government does too much of its own filming and, thus, takes jobs away from Hollywood.<sup>78</sup> He concurred with Mr. Prelock that the studios and the unions had wanted the training, but the Federal Government declined to provide a grant.<sup>79</sup> The Department of Labor informed the Commission that:

...the proposal was denied because it did not conform to the hire first train later principle; it was not clear that jobs were available for the trainees; and union support was not forthcoming since there were union members out of work.<sup>80</sup>

The industry has continued to claim that training is minimal because of lack of funds and fluctuating production. Paul Bullock, economist at the Institute for Industrial Relations, University of California at Los Angeles, acknowledged these problems and told the Advisory Committee:

If we really mean what we say about affirmative action, particularly about getting to the creative youngsters, there has to be some extension or expansion of training programs, on-the-job training in the industry....

The average age of the crafts, and you can't get concrete figures, but I've talked to enough people on this to know the average age is quite high. And it should be time now to begin looking at training, apprenticeship programs to fill the need as people leave the labor force in Hollywood or job openings occur.<sup>81</sup>

Mr. Bullock pointed out to the Advisory Committee that during the settlement agreement, the industry managed to provide more extensive training opportunities:

In [the settlement] agreement there were commitments, even though they were not legally enforceable commitments, to institute training programs, to create a special minority pool which lasted about 2 years....But when the 2-year period ended, and the [Federal Government] pressure was off, then unfortunately much of the industry returned to old practices which have involved everything from personal favoritism to nepotism. It's a very personal industry in terms of who gets hired and who get fired.

It was that way before the agreement, it was modified slightly during the period when the agreement was really in effect, and to considerable degree now, it has returned to that old personal kind of hiring policy.<sup>82</sup>

On December 6, 1976, the AMPTP announced the formation of a Contract Services Administration Equal Employment Opportunities Committee. Composed of representatives of production companies, but no union representatives, the committee's goals were stated as follows: information exchange, issuance of recommendations for community action participation, and attainment of affirmative action goals; further, the committee would "review problems connected with the employment of minorities and women in the film industry and suggest programs for their solution."<sup>83</sup>

#### Notes to Section 4

1. Both during the EEOC hearings and the Commission Advisory Committee's study, Universal Studios was found to use significantly higher percentages of women and minorities. However, both in 1969 and 1976, Universal representatives acknowledged that more needed to be done; see Gareth Hughes testimony, California Advisory Committee to the U.S. Commission on Civil Rights, "Opportunities for Minorities and Women in the Motion Picture and Television Industries," Los Angeles, Calif., Oct. 21-22, 1976 (hereafter cited as Transcript, October 1976).

2. See section 5 of this report, which discusses the Federal requirements for contractors with the U.S. Government.

3. Transcript, October 1976, p. 173; *Hearing Before the United States Commission on Civil Rights, Los Angeles, Calif.*, Mar. 16, 1977, p. 42 (hereafter cited as Transcript, March 1977); Paramount responds, "The fact is that Paramount has a complete written affirmative action plan which it is quite agreeable to submit to the Commission subject to appropriate provisions to maintain its confidentiality...." Comments on draft report from Leonard S. Janofsky, counsel for Paramount Pictures, Inc., to U.S. Commission on Civil Rights, Jan. 26, 1978; Paramount's comments do not change the fact that its written plan was not completed before 1976.

4. Transcript, March 1977, p. 42.

5. *Ibid.*, p. 99.

6. *Ibid.*, pp. 99-100; Twentieth Century-Fox informed the Commission on Jan. 26, 1978, that the company "has a complete written affirmative action plan...."; Comments on draft report from Leonard S. Janofsky, counsel for Twentieth Century-Fox, to U.S. Commission on Civil Rights, Jan. 26, 1978. Similarly, Mr. Janofsky informed the Commission that Walt Disney Productions has a written affirmative action plan.

7. On May 13, 1977, Leonard S. Janofsky, counsel for Twentieth Century-Fox, wrote to the Commission, "the affirmative action goals are still being developed and will be forwarded to you shortly." Mr. Janofsky's next communication with the Commission, Jan. 26, 1978, regarding Twentieth Century-Fox did not include the requested goals.

8. Transcript, October 1976, pp. 140 and 142.

9. *Ibid.*, p. 475.

10. On file in the Western Regional Office are letters confirming Federal contracts with major studios from U.S. Department of Labor, Aug. 4, 1976; U.S. Department of Health, Education, and Welfare, July 2, 1976; U.S. Department of the Interior, July 26, 1976; and U.S. Department of Defense, July 1, 1976.

11. 41 C.F.R. §60-1.40 (1977); Twentieth Century-Fox informed the Commission that it had:

...a contract with the United States Veterans Administration dated March 31, 1977, in the sum of \$25,000 and a contract with the United States Department of Health, Education, and Welfare dated June 1, 1977, in the sum of \$149,220. Fox has had a written affirmative action plan in effect at all appropriate times with respect to such contracts.

Paramount informed the Commission that it had "supplied the Commission with the names, numbers, and dollar amounts of contracts which Paramount had with agencies of the United States government." Paramount did not state whether the studio had an affirmative action plan during the duration of these contracts, Janofsky letters, Jan. 26, 1978.

12. Transcript, October 1976, p. 137. The effect of affirmative action on unions is discussed below under "Barriers to Progress." The Advisory Committee did not study the affirmative action efforts for oncamera personnel; studio representatives stated to the Commission that some effort in this area had been made. The Commission found in its national report, *Window Dressing on the Set*, that stereotyping of minorities and women still existed in 1974-75.

13. Transcript, October 1976, pp. 128-29.

14. *Ibid.*

15. It should be noted that the dates for compiling EEO-1 data vary from year to year and from studio to studio. This is a major problem for comparing yearly data for progress, since production fluctuates from month to month as well as from year to year. Generally, the peak season is September through January. James P. Southard, contract compliance, General Services Administration, Region X, interview, March 1977.

16. Transcript, October 1976, p. 129.

17. *Ibid.*, p. 163. Disney Productions informed the Commission that "following the [October] hearing, however, during the production season of 1977 [primarily between May and October] Walt Disney hired 83 employees from the off-roster project, of which 40 percent were minority and 10 percent were female." Janofsky letter, Jan. 26, 1978.

18. *Ibid.*

19. Transcript, March 1977, pp. 82-86. Paramount claims that this statement is incorrect. "The fact is that Paramount focuses its affirmative action program on the company as a whole and not merely on administrative and clerical positions." Janofsky letter, Jan. 26, 1978. The Advisory Committee bases its assessment on the sworn testimony between Commission Chairman Flemming, Paramount personnel director Robert Proctor, and his assistant, Leon Johnson:

Chairman Flemming. Earlier, you were talking about rosters and so on in connection with the relationship with some of the organized groups within the industry. Now, you have set a goal for the recruitment of a certain number of minorities in a particular category. Are you ever told that it was impossible for us to reach that particular goal because of the agreement or the understanding that we have with unions?

Mr. Johnson. Well, the only areas that we have set goals in are those areas where we have control of the hiring, and that would be the officials and managers, professionals, and office and clerical. As far as the class areas [craft employees] are concerned, we have not set goals in those areas because there is no way to predict the amount of employment we are going to have in a given year....

Chairman Flemming. Well, going back, you [Mr. Proctor] feel and Mr. Johnson feels that in terms of the equal employment opportunity you have no opportunity to influence what happens as far as this group of employees [those from the rosters] are concerned?

Mr. Johnson. Well, we do have—we can influence once the rosters are exhausted and we are—we have set up mechanics whereby we will recruit and bring in minorities when the opportunity presents itself....

Chairman Flemming. What is your impression of those rosters in terms of adherence to affirmative action or adherence to opening up equal employment opportunities for members of minorities? How would you characterize them? Are there a good many minorities on those rosters and over the last few years has it been possible for a good many minorities to get on those rosters?

Mr. Proctor. To the extent that those rosters have been open, there have been opportunities for minorities to get on those rosters, that is true. (Transcript, March 1977, pp. 82–86).

20. *Ibid.*, p. 45.

21. *Ibid.*, p. 46.

22. Leonard S. Janofsky, attorney for Paramount, letter to Sally E. James, Commission staff, May 12, 1977.

23. The 1976 EEO-1 form for Paramount Studios is dated Sept. 17, 1976; however, the employment data is for some unspecified period earlier in the calendar year.

24. Paul A. Birmingham, Paramount official, to All Department Heads, memorandum, June 1, 1976.

25. Transcript, March 1977, pp. 66–67

26. *Ibid.*, pp. 53, 55, and 76.

27. *Ibid.*, p. 52.

28. *Ibid.*, p. 58.

29. *Ibid.*, p. 96.

30. *Ibid.*, pp. 96–97.

31. "Top" is defined here by salary ranking. Leonard S. Janofsky, attorney for Twentieth Century-Fox, to Sally E. James, May 12, 1977.

32. Transcript, March 1977, p. 114.

33. Transcript, March 1977, p. 116.

34. Transcript, March 1977, p. 114.

35. Transcript, March 1977, p. 120.

36. Transcript, October 1976, pp. 195–96.

37. *Ibid.*

38. *Ibid.*, p. 175.

39. *Ibid.*, pp. 178–79.

40. *Ibid.*, pp. 183–86.

41. *Ibid.*, p. 188.

42. *Ibid.*, p. 190.

43. General Services Administration Compliance Review Report of Universal City Studios (undated mimeograph).

44. Transcript, October 1976, pp. 193–94.

45. Robert K. Hagel, president, The Burbank Studios, letter to Sally E. James, Dec. 30, 1976 (hereafter cited as Hagel Letter); and Transcript, March 1977, p. 148.

46. Jerome B. Kauff, attorney for Warner Brothers, letter to Sally E. James, Jan. 26, 1978.

47. Jerome B. Kauff, letter to Sally E. James, May 20, 1977.

48. Transcript, March 1977, p. 151.

49. *Ibid.*, p. 152.

50. *Ibid.*, p. 153.

51. *Ibid.*, p. 155.

52. Harvey J. Lehman, Jr., director of personnel, Columbia Pictures Industries, Inc. letter to Sally E. James, Mar. 4, 1977.

53. Transcript, March 1977, pp. 148–50

54. *Ibid.*, pp. 149–50.

55. Hagel Letter.

56. Alex J. Carter, personnel manager, Metro Goldwyn Mayer, letter to Sally E. James, Dec. 2, 1976 (hereafter as cited as Carter Letter).

57. Metro Goldwyn Mayer, Inc., "Affirmative Action Program," Nov. 15, 1975 (mimeographed), p. 7.

58. Carter Letter.

59. *Ibid.* Mr. Carter added, in response to a draft of this report:

With respect to position descriptions, please be advised that they are available for many of our managerial positions. The preparation of position descriptions is an ongoing project; however our recruitment efforts are not adversely affected by the absence of a position description for each managerial position (Carter letter, Jan. 25, 1978).

60. *Ibid.*; Transcript, October 1976, p. 137; Transcript, March 1977, p. 168.

61. Industry Experience Roster, Feb. 18, 1977, Edward P. Prelock, first vice president, AMPTP, commented in response to a draft of this report:

The report should note that the statistics provided to the Commission reflect only those individuals *known* to be members of minority groups. Roster applications do not request ethnic origin information and for many of the rosters and for all rosters during the so-called "open periods," the entire application process is done by mail. Thus, many roster applicants are never seen by the staff of the Contract Services Administration Trust Fund, which administers the rosters. Any individual for whom no specific ethnic information is available is automatically shown as a caucasian—whether that individual is in fact a caucasian or a member of another ethnic group....

62. Transcript, March 1977, p. 226.

63. Transcript, March 1977, p. 168

64. Transcript, March 1977, p. 170.

65. Transcript, October 1976, p. 205.

66. *Daily Variety*, p. 1.

67. Transcript, March 1977, p. 206.

68. "Employment Statistics" submitted by the Association of Motion Picture and Television Producers to the U.S. Commission on Civil Rights, March Hearing, 1977 (mimeograph).



69. Ibid.

70. Transcript, March 1977, p. 194.

71. Transcript, March 1977, p. 164. Counsel for Warner Brothers objected as follows:

In any event, the quote of Mr. Greenlaw's on p. 70 of the study is seriously out of context. First, the quote starts in midstream. The operative portion of Mr. Greenlaw's testimony began with, "I am stating what I consider to be the fact, and if it isn't a fact, please take it as my, *personal opinion* from many years of experience." Transcript (64, 1. 3-5) [Emphasis supplied]

Second, the study ends the quote prematurely. Mr. Greenlaw continued beyond the quoted material as follows: "The fact [is] that there are several Hispanic black, even Oriental camera assistants and camera operators, the fact [is] that there are opportunities from time to time to feed minorities into the grade below those, which is the film loader, where a knowledge of film and equipment is gained, with an opportunity to be promoted. The fact that these people exist [ed] indicates that there will be minority directors of photography when the experience is gained and if the talent is there, they will be first cameramen. There is no doubt in my mind about that." Jerome Kauff, letter to Philip Montez, Jan. 26, 1977.

72. Transcript, March 1977, p. 24.

73. Transcript, March 1977, p. 34.

74. Transcript, March 1977, p. 31.

75. "Contract Services Administration Trust Fund Training Programs from April 1974 through February 1977" (mimeograph).

76. Ibid.

77. Transcript, March 1977, p. 210.

78. Ibid., p. 232.

79. Ibid., pp. 231-32.

80. Robert J. McConnon, Deputy Assistant Secretary for Employment and Training, U.S. Department of Labor, letter to Philip Montez, Regional Director, U.S. Commission on Civil Rights, July 6, 1977.

81. Transcript, October 1976, p. 103.

82. Transcript, October 1976, p. 92.

83. Association of Motion Picture and Television Producers, press release, Dec. 6, 1976.

## 5. Federal Enforcement Effort

Two Federal agencies have primary responsibility for ensuring equal employment opportunity in the entertainment industry; the U.S. Equal Employment Opportunity Commission (EEOC) and the Office for Federal Contract Compliance Programs (OFCCP) of the U.S. Department of Labor.

### Equal Employment Opportunity Commission

The Equal Employment Opportunity Commission is the Federal agency charged with enforcement of employment discrimination laws. EEOC is authorized under Title VII of the Civil Rights Act of 1964 to remedy individual discrimination and to eliminate unlawful employment practices.<sup>1</sup> Prior to 1972, EEOC did not have litigation authority and, thus, following its hearings in 1969, requested the Department of Justice (DOJ) to pursue litigation against the entertainment industry. This request culminated in the settlement agreement discussed earlier in this report.

Because of EEOC's 1969 involvement, the Department of Justice requested that EEOC monitor compliance with the settlement agreement.<sup>2</sup> In 1970 the Los Angeles District Director of EEOC requested that the agency's headquarters allocate seven staff members for the monitoring responsibility; EEOC headquarters approved three, two professionals and one clerical.<sup>3</sup> Within 1 year only one professional was assigned by EEOC headquarters to monitor the motion picture companies and unions that were signatories to the agreement.

Despite the staff shortage in the monitoring unit, EEOC reported that its Los Angeles office received fewer than 30 complaints relating to the entertainment industry from 1970 to 1975. Lorenzo Traylor, EEOC District Director, estimated that without a monitor, several hundred complaints would have been received from an industry the size of the entertainment industry.<sup>4</sup>

The monitor's presence apparently affected the number of complaints filed with EEOC, but the effects of the agreement were less apparent. Mr. Traylor told the Commission:

Most of [the companies] were deemed to be in compliance with the percentage of people who were to be allocated work out of the minority labor pool, that is, from 16 to 22 percent of the number of days worked. They were not in compliance within the terms of the total number of permanent jobs; those were [craft union] jobs that would last for more than 2 weeks. Those were the choice jobs and minorities got few of those....

[In] white collar jobs, the companies made some progress, but not as much as we would have hoped they would. There is one thing we didn't recognize; there was still a lot of discrimination on the part of officials in these companies. For example, one company was employing a black lawyer, and they offered him \$25,000, as if that was a great amount of money. Our monitor found out that the lowest paid lawyer in that company, in the same unit, made in the thirties....

During the first year [of the agreement], as I can recall, we had some 600 [minority] people employed in white-collar jobs, but when we looked at the average salaries, they ranged somewhere between \$8,000 and \$10,000.<sup>5</sup>

Mr. Traylor noted that others besides the companies and the unions were barriers to achieving equal opportunity:

There was a lot of resistance on the part of the major directors and producers, who had never had the experience of working with minority group people. Many of them were not about to request people from the minority labor pool or to use people in meaningful assignments.<sup>6</sup>

In 1974 the agreement terminated. Neither EEOC nor the Department of Justice attempted to renegotiate the agreement when it expired. However, EEOC continued to monitor the industry as if the agreement were still in effect. Mr. Traylor told the Commission that he had the discretionary power to continue the monitoring effort as long as EEOC headquarters agreed to allocate monitoring staff.<sup>7</sup> He chose to continue monitoring because:

Even though some of the companies, or most of the companies, were in compliance with the behind-the-camera requirements, we still felt that there had not been enough done in jobs in front of the camera, and also in jobs in the administrative and clerical areas. So, we kept the person [monitor] there as long as we could.<sup>8</sup>

By 1976, however, EEOC decided that its monitoring of the industry was ineffective. The monitor in the district office was notified by the Deputy District Director to "cease all monitoring of the Justice Consent Decree in the movie industry."<sup>9</sup> In a letter to the chairperson of the Advisory Committee, acting EEOC chairperson, Ethel Bent Walsh, explained this decision:

[EEOC] found very little progress had been made as a result of the settlement agreements. In the case of local 33, IATSE stagehands, one of the ten (10) signatory unions monitoring the agreement there was only two percent increase in membership from 1970 to 1974. In fact, since the expiration of the agreements in 1974, only one of the ten unions continued to file quarterly reports with EEOC.<sup>10</sup>

Ms. Walsh went on to explain that EEOC's primary responsibility was to process individual charges of discrimination and to eliminate systemic discriminatory employment practices. She concluded:

It is an inefficient use of our staff's time to monitor expired settlement agreements. Rather, our personnel are concentrating their efforts on existing conciliation agreements and court-approved consent decrees.<sup>11</sup>

The U.S. House of Representatives' Subcommittee on Equal Opportunities issued a staff report in December 1976 that questioned the EEOC's decision to stop monitoring. The report stated that:

The EEOC's decision to discontinue monitoring the television and movie industries was ill-advised and short-sighted, for the monitoring activities undoubtedly saved the EEOC substantial time and resources in avoiding potential [individual] charges being added to the commission's backlog.<sup>12</sup>

The subcommittee's conclusion seems well founded. Although EEOC received fewer than 30 complaints from the entertainment industry during the monitoring, the Los Angeles District Director of EEOC estimated that 168 complaints against the industry were outstanding as of March 1977.

When asked by the Commission whether the district office had reviewed these cases for possible patterns of discrimination, District Director Lorenzo Traylor said that "at the present time we have staff assigned to other areas where there are multiple charges."<sup>13</sup>

In 1972 Congress amended the Civil Rights Act of 1964 to give EEOC litigation and enforcement authority that had been previously the responsibility of the Department of Justice.<sup>14</sup> Litigation centers were established throughout the country to prosecute employers found to discriminate and to monitor compliance with conciliation agreements and consent decrees.<sup>15</sup> Attorneys in these centers are available to provide legal support and advice to EEOC district offices. If a district office is unable to conciliate successfully with an employer, the case may be referred to a center for legal action. Litigation centers may also initiate their own cases.<sup>16</sup> An EEOC litigation center in San Francisco provides support services for the agency's Los Angeles district office.

The Department of Justice transferred all of its files on the entertainment industry to the San Francisco litigation center in 1976. With the exception of one case resulting from the settlement agreements, the Department of Justice withdrew from any responsibility for equal employment opportunity matters in the entertainment industry.<sup>17</sup>

EEOC also has regional offices which oversee the administration of several district offices, may investigate patterns of discrimination, and monitor conciliation agreements.<sup>18</sup> The EEOC regional office in San Francisco oversees the Los Angeles district office and four other district offices for 14 western States.<sup>19</sup>

Neither the Los Angeles district office, the San Francisco regional office, nor the San Francisco litigation center attempted to negotiate a conciliation agreement once the agency determined that the settlement agreements had failed to employ appreciable percentages of minorities on a permanent basis. Any of the three offices could have taken the initiative for such action.

District Director Lorenzo Traylor told the Commission that such action required a reinvestigation, and he had decided that the Los Angeles office did not have the staff to conduct a reinvestigation.<sup>20</sup>

Regional Director Frank Quinn said that EEOC uses several criteria to determine whether a pattern and practices case should be pursued. These criteria are:

1. The size of an industry.
2. The possibilities for expanding employment.
3. The leadership position of an industry to create a ripple effect throughout the community.<sup>21</sup>

In the opinion of Mr. Quinn, the entertainment industry did not meet this criteria, because it was relatively small with a declining number of employees. Other industries in California, in his opinion, had higher priority in terms of size, number or available jobs, and potential impact.<sup>22</sup>

Further, Mr. Quinn told the Commission that:

The Equal Employment Opportunity Commission has put a great deal of stress in the last few years upon the resolution of individual charges. [T]he agency has said that we were to have had 30 percent of your field resources devoted to systematic charges, but the agency has not followed that practice.<sup>23</sup>

Rather, he added, requirements dictated by headquarters force local offices to work almost entirely on individual complaint resolution.<sup>24</sup>

As of March 1977, the San Francisco litigation center had taken no steps to review the materials for a possible pattern and practices case, after receiving all of the Department of Justice files on the industry.<sup>25</sup>

Although EEO had a history of involvement with the industry by investing significant resources toward eliminating discriminatory practices, it made no effort to follow through on its initial work, nor did it have any plans to do so in the future.<sup>26</sup> At the Commission hearing, Chairman Arthur Flemming made the following comments on EEOC's failure to follow through:

I think it is a little sad that an agreement of that kind was entered into, and let's assume that it wasn't as strong as it might have been, but it was entered into. A number of your EEOC staff spent a great deal of time, made a major investment in monitoring the agreement, and then in effect, the whole situation was permitted to lapse and the Government ceased to play the role that it had been playing.<sup>27</sup>

## **Office of Contract Compliance, Department of Labor**

Presidential Executive Order 11246, which was amended by 11375, prohibits discrimination on the basis of race, color, religion, sex, or national origin by Federal contractors or subcontractors.<sup>28</sup> Administration and enforcement of Federal contract compliance with the Executive orders rests with the Director of the Office of Federal Contract Compliance Programs, Department of Labor.<sup>29</sup> OFCCP has, in turn, delegated compliance responsibility to 11 compliance agencies.<sup>30</sup> These agencies, however, are not necessarily the same agencies which award contracts. The U.S. Department of Health, Education, and Welfare (HEW) might award a contract to a motion picture studio, but the General Services Administration (GSA) assesses whether that studio is in compliance with civil rights laws and regulations relating to employment.<sup>31</sup>

OFCCP has delegated to the GSA contract compliance office the responsibility for enforcing the Executive orders in the entertainment industry.<sup>32</sup>

Regulations of the Executive orders require that each Federal contractor with 50 or more employees and a Federal contract for \$50,000 or more must have a written affirmative action plan within 120 days of the consummation of the contract.<sup>33</sup> GSA conducts a compliance review of a contractor to determine whether a contractor's affirmative action plan is adequate and whether it is being implemented.<sup>34</sup>

If the contract is for a \$1 million or more<sup>35</sup> the compliance agency may conduct a "pre-award" review within 12 months prior to the awarding of a contract or it may conduct a compliance review during the duration of the contract.<sup>36</sup>

Federal contractors or subcontractors who fail to comply with the Executive orders are subject to termination or suspension of their contracts. The contractors may also be declared ineligible for future Federal contracts. Further, the compliance agency, through OFCCP, may recommend that appropriate action be taken to enforce the Executive orders or it may recommend to EEOC that legal proceedings be instituted under Title VII of the Civil Rights Act of 1964.<sup>37</sup>

Prior to 1976, GSA had not completed a compliance review of any company in the entertain-

ment industry. The regional director told the Advisory Committee that OFCCP had told GSA to discontinue its compliance reviews of the industry in 1973.<sup>38</sup> In 1969 the compliance agency had considered conducting a review of several studios, but it decided to withdraw upon learning of the Department of Justice settlement agreement.<sup>39</sup> GSA conducted a preliminary review of Metro Goldwyn Mayer (MGM) in 1973 before OFCCP asked for its withdrawal. Some corrective measures were negotiated with that studio, but it was not until 1976 that OFCCP told GSA to again include the entertainment industry in its compliance responsibility, and GSA could return to the studios to ascertain their compliance status.<sup>40</sup>

In the spring of 1976, GSA began a review of Universal Studios.<sup>41</sup> During the 1969 Department of Justice investigation, Universal was found not to hire in a discriminatory manner. It had, however, chosen to voluntarily participate in the settlement agreement.<sup>42</sup> In 1976 the GSA compliance review showed that Universal had an underutilization of minorities and women in many job categories.<sup>43</sup> Following extensive negotiations a conciliation agreement was signed with Universal in late January 1977.<sup>44</sup> One aspect of the agreement was for Universal to establish a data retrieval system, so that its compliance posture could be reviewed periodically throughout the year and not just once a year, when employment was traditionally at its nadir.<sup>45</sup>

As a result of the Advisory Committee's open meeting in October, GSA's contract compliance office in San Francisco decided to do compliance reviews of the other major studios.<sup>46</sup> During the spring 1977, GSA conducted reviews of Warner Brothers, Columbia, Metro Goldwyn Mayer, Paramount, Twentieth Century-Fox, and Walt Disney Studios.<sup>47</sup>

At the time of the Advisory Committee's investigation, the regional director of GSA's compliance office had full discretion in determining office priorities within a region.<sup>48</sup> James P. Southard, Region IX Director for GSA contract compliance, told the Commission that his office would study the findings from the completed reviews of the seven major studios and determine further action at that time.<sup>49</sup>

Action on those reviews was still pending as of April 1978.<sup>50</sup> However, Mr. Southard did tell the

Commission in March 1977 that his office was finding problems in the industry which "does not contradict anything" which the Commission had found.<sup>51</sup>

## Notes to Section 5

1. 42 U.S.C. §2000e-5(1970)(amended 1972).
2. *EEOC Settlement Agreements; Compliance Report* June 27-Dec. 26, 1971, p. 3 (hereafter cited as *EEOC Settlement Agreements*).
3. *Hearing Before the U.S. Commission on Civil Rights*, Los Angeles, Calif., Mar. 16, 1977 (hereafter cited as Transcript, March 1977).
4. *Hearing before the California Advisory Committee to the U.S. Commission on Civil Rights*, Los Angeles, Calif., Oct. 21-22, 1976 (hereafter cited as Transcript, October 1976).
5. Transcript, March 1977.
6. *Ibid.*
7. *Ibid.*
8. *Ibid.*
9. Preston T. Wilson, Deputy District Director, memorandum to Stanley Vainrib, EEOC generalist, Apr. 7, 1976.
10. Ethel Walsh, to Herman Sillas, Jr., June 3, 1976.
11. *Ibid.*
12. U.S., Congress, House, Subcommittee on Equal Opportunity, *Oversight Investigation of Federal Enforcement of Equal Opportunity Laws*, S. Report, December 1976, p. 36 (hereafter cited as *Oversight Investigation*).
13. Transcript, March 1977.
14. 43 U.S.C. §2999e-5 to 6 (Supp. V 1975).
15. *Oversight Investigation*, p. 36.
16. Transcript, March 1977.
17. Richard Ugelow, Civil Rights Division, Department of Justice, telephone interview, September 1976.
18. Transcript, March 1977.
19. *Ibid.*
20. *Ibid.*
21. *Ibid.*
22. *Ibid.*
23. *Ibid.*
24. *Ibid.*
25. *Ibid.*
26. *Ibid.*
27. *Ibid.*
28. Exec. Order No. 11246, 3 C.F.R. 339 (1965), represented in 42 U.S.C. §2000e app., at 10294 (1970); Exec. Order No. 11375, 3 C.F.R. 684 (1967).

29. Ibid.; 41 C.F.R. §60-1.2 (1977).
30. Transcript, October 1976; 41 C.F.R. §60-1.46 (1977).
31. 41 C.F.R. §60-1.20 (1977).
32. Transcript, March 1977.
33. 42 Fed. Reg. 3461 (1977) to be codified in 41 C.F.R. §60-1.40 (1977).
34. Ibid.
35. 41 C.F.R. §60-1.20 (d)(1977).
36. There is no Federal regulation stating that a compliance agency loses jurisdiction once a contract has expired; by its terms Executive Order 11246 merely gives the right to monitor compliance during the life of a contract. H.M. Zinn, assistance administrator, OFCCP, Region X, telephone interview, Nov. 30, 1977.
37. Exec. Order No. 11246 supra at note 28.
38. Transcript, October 1976 and March 1977.
39. Ibid.; James Southard, Regional Director, Office of Civil Rights, General Services Administration, San Francisco, telephone interview, January 1978.
40. Ibid.
41. Transcript, October 1976.
42. *EEOC Settlement Agreements*.
43. Transcript, March 1977.
44. Ibid.
45. "Conciliation Agreement" entered into between Universal Studios and the Equal Employment Opportunity Contract Compliance Division, General Services Administration (undated mimeograph).
46. James P. Southard, staff interview, March 1977.
47. Ibid.
48. Transcript, March. 1977.
49. Ibid.
50. James P. Southard, telephone interview, April 1978.
51. Transcript, March 1977.

## 6. Findings and Recommendations

Progress has occurred since the Federal Government first investigated the motion picture industry in 1969. Within the major studios, employment percentages of minorities and women has at least doubled. However, with the decrease in total numbers of employees in the industry and the rise of minorities and women in the California work force between 1969 and 1977, net gains within the industry are negligible.

Industry commitment to effective affirmative action as evaluated through results is lacking. While improvements in recruitment have been made since 1969, there is still heavy reliance on word of mouth openings. While espousing cooperation, both producers and unions blame each other for the small numbers of minorities and women on the industry experience rosters.

Sporadic and weak enforcement efforts by the Federal Government have allowed the industry to shirk its responsibilities. While expending considerable resources in the early 1970s, EEOC decided to discontinue its monitoring of the industry. No effort was made to strengthen the volunteer agreement or to obtain court ordered agreements. Not until 1976 did the General Services Administration initiate compliance reviews of seven major studios.

### Finding 1

Minorities and women still have difficulty attaining roster status. While the roster system is administered by the employers, it is established through collective bargaining agreements. Both the employers and the unions are responsible for its structure. At their best the rosters are simply seniority systems which operate to exclude persons through last hired, first fired provisions. This practice has adverse effects on the young, minorities, and women.

### Recommendation 1

The Advisory Committee should request the U.S. Commission on Civil Rights to recommend that EEOC conduct an analysis of the industry ex-

perience roster system's compliance with Title VII of the Civil Rights Act.

### Recommendation 2

The employers and unions should form an ongoing committee to develop methods acceptable to both parties for increasing opportunities for minorities and women.

### Finding 2

The Federal agencies with civil rights enforcement responsibilities have failed to require consistent and effective compliance with civil rights laws and regulations relating to employment practices. Neither EEOC or GSA have followed through on their enforcement responsibilities. The effectiveness of affirmative action has depended on immediate Federal presence. Once that presence diminished, so did equal opportunity efforts. Neither enforcement agency instituted monitoring mechanisms to insure ongoing equal opportunity in the industry's employment practices. Centralized data on which companies are Federal contractors are lacking.

### Recommendation 3

EEOC should immediately consolidate discrimination charges received from the motion picture industry and investigate the feasibility of a patterns and practices suit.

### Recommendation 4

GSA should establish an ongoing periodic monitoring system for insuring contract compliance.

### Recommendation 5

GSA and EEOC should establish a formal mechanism for coordinating their enforcement efforts in the industry; these agencies should explore an industrywide compliance program.

### Recommendation 6

The Office of Management and Budget should review methods for centralizing Federal contractor data.

### **Finding 3**

Despite claims to the contrary, minorities and women are poorly represented in decisionmaking positions in the motion picture studios. While studio representatives claim progress in this area, conflicting data suggests few minorities and women are decision makers.

Part of the problem is the failure of the industry to use EEO-1 categories in a consistent fashion; within studios the officials-managers category may be redefined each year. There is minimal use by the studios of job descriptions and an overdependence on word-of-mouth recruitment. Between studios there is little coordination. Additionally, the annual data collection now required by EEOC fails to provide an adequate evaluation of a studio's equal employment opportunity progress because of fluctuating production and resultant fluctuating employment.

Another problem is that top managers at studios have not been held accountable for effective affirmative action.

### **Recommendation 7**

**EEOC representatives should meet with the Contract Services Administration Trust Fund Equal Employment Opportunity Committee to develop data collection mechanisms that more accurately reflect fluctuating employment patterns.**

### **Recommendation 8**

**The Contract Services Administration Trust Fund Equal Employment Opportunity Committee should work toward consistent definitions for job categories and the individual studios should adopt these definitions and formal job descriptions.**

### **Recommendation 9**

**Studio managers' evaluations formally should include their effectiveness in hiring and promotion of minorities and women.**

### **Finding 4**

The total industry work force has decreased since 1969; this decrease affects everyone in the motion picture industry, but especially impacts on those previously excluded—minorities and women. Industry representatives, employers, and union members charge that the Federal Government does too much of its own film production. They al-

lege that if more of this production were contracted to private companies increased opportunities for minorities and women would exist. Training opportunities in the industry are minimal.

### **Recommendation 10**

**The Federal Procurement Policy Office of the Office of Management and Budget should study the Federal Government's role in producing its own films and the possibility of transferring this function to the private sector.**

### **Recommendation 11**

**In conjunction with the Office of Management and Budget effort, the U.S. Department of Labor should review possible financial support for training and apprenticeship, and any training supported by the Department of Labor should include enforceable equal employment opportunity requirements.**



## Appendix A

### THE PRODUCERS -- Fall 1977 Prime Time

<u>Producer</u>	<u>Cost for One Original and One Repeat of Each Episode - 1977 Season</u>
Universal:	
Hardy Boys/Nancy Drew (ABC)	\$ 385,000
Six Million Dollar Man (ABC)	405,000
Kojak (CBS)	380,000
Off The Wall (NBC)	155,000
Baretta (ABC)	405,000
The Oregon Trail (NBC)	380,000
What Really Happened to the Class of '65 (NBC)	380,000
Rosetti and Ryan (NBC)	370,000
Switch (CBS)	370,000
The Rockford Files (NBC)	380,000
Quincy (NBC)	385,000
Operation Petticoat (ABC)	205,000
The Bionic Woman (NBC)	390,000
MTM Enterprises:	
The Tony Randall Show (CBS)	165,000
Rhoda (CBS)	180,000
The Betty White Show (CBS)	165,000
The Ed Asner Show (CBS)	370,000
The Bob Newhart Show (CBS)	200,000
We've Got Each Other (CBS)	160,000
Norman Lear:	
All In The Family (CBS)	270,000
Maude (CBS)	190,000
One Day At A Time (CBS)	175,000
Good Times (CBS)	175,000
The Jeffersons (CBS)	175,000
Herb Solow Productions:	
The Man From Atlantis (NBC)	375,000

Filmways TV:		
Big Hawaii (NBC)		\$ 365,000
Columbia Pictures Television:		
Police Woman (NBC)		380,000
Sunn Classics:		
Grizzly Adams (NBC)		350,000
CBS: Leonard Freeman:		
Hawaii Five-0 (CBS)		390,000
Fox/Blye/Einstein:		
The Redd Foxx Show (ABC)		*275,000
Aaron Ruben:		
CPO Sharkey (NBC)		160,000
Nicholl/Ross/West:		
Three's Company (ABC)		160,000
Wilt/Thomas/Harris:		
Soap (ABC)		160,000
Walt Disney:		
Wonderful World of Walt Disney (NBC)		400,000
NBC:		
Little House on the Prairie (NBC)		370,000
CBS:		
60 Minutes (CBS)		270,000
Quinn Martin:		
Barnaby Jones (CBS)		365,000
Burt Sugarman:		
The Richard Pryor Show (NBC)		*270,000
ABC:		
Donny & Marie (ABC)		*300,000
Bud Yorkin:		
Sanford Arms (NBC)		180,000
CBS/Joe Hamilton:		
The Carol Burnett Show (CBS)		*310,000

\*price of original show only

Warner Brothers:	
Alice (CBS)	\$ 165,000
Rafferty (CBS)	360,000
The Fitzpatricks (CBS)	360,000
Wonder Woman (CBS)	375,000
Spelling/Goldberg:	
Family (ABC)	365,000
Charlie's Angels (ABC)	390,000
Starsky & Hutch (ABC)	395,000
Paramount:	
Happy Days (ABC)	200,000
Laverne & Shirley (ABC)	190,000
Busting Loose (CBS)	160,000
Aaron Spelling Productions:	
The San Pedro Bums (ABC)	360,000
Love Boat (ABC)	380,000
Danny Arnold:	
Barney Miller (ABC)	185,000
Fish (ABC)	180,000
Yorkin/Turtletaub/Orenstein:	
What's Happening (ABC)	165,000
Carter Country (ABC)	165,000
Komack/Warner Brothers:	
Welcome Back Kotter (ABC)	165,000
Chico & The Man (ABC)	165,000
Lorimar:	
Eight Is Enough (ABC)	360,000
The Waltons (CBS)	375,000
MGM Television:	
Chips (NBC)	360,000
Logan's Run (CBS)	360,000
20th Century Fox Television:	
Daniel Boone (CBS)	370,000
M*A*S*H (CBS)	210,000

ABC's Sunday Movie	\$ 940,000
NBC's The Big Event	900,000
NBC's Monday Night at the Movies	940,000
CBS's Wednesday Night Movies	940,000
ABC's Friday Night Movies	940,000
NBC's Saturday Night at the Movies	940,000
NFL Monday Night Football	700,000

source: Broadcasting, June 6, 1977.

CONTRACT SERVICES ADMINISTRATION TRUST FUND  
INDUSTRY EXPERIENCE ROSTERS BY CRAFT - FEBRUARY 1977

	RACE/ETHNICITY						FEMALE		Total
	White	Black	Mexican American	Asian American	American Indian	Unknown	Total	Minority	
#471 - Directors Guild of America	883	5	5	2	0	56	25	0	951
# 44 - Affiliated Property Craftsman	2,088	115	193	18	25	6	81	17	2,445
# 78 - Plumbers and Pipefitters	1	0	0	0	0	19	0	0	20
# 80 - Motion Picture Studio Grips	645	23	54	7	30	1	12	2	759
#165 - Studio Projectionists	194	6	7	0	2	5	2	0	214
#399 - Studio Transportation Drivers	1,372	5	59	3	0	1	75	3	1,440
#659 - International Photographers	1,014	35	38	14	7	0	11	1	1,108
#693 - Film Technicians	2,375	66	128	16	4	4	392	22	2,593
#695 - Sound Technicians	682	21	32	3	6	5	16	0	749
#705 - Costumers	462	19	61	12	1	0	307	42	555
#706 - Makeup Artists and Hairstylists	219	13	12	1	7	1	96	15	253
#724 - Studio Utility Employees	499	42	56	3	0	2	6	2	602
#727 - Motion Picture Crafts Service	220	30	20	4	4	0	11	1	278
#728 - Electricians	584	38	67	7	36	2	7	0	734
#729 - Set Painters	426	8	17	2	0	0	5	1	453

CONTRACT SERVICES ADMINISTRATION TRUST FUND  
INDUSTRY EXPERIENCE ROSTERS BY CRAFT - FEBRUARY 1977

(CONTINUED)

	RACE/ETHNICITY						FEMALE		Total	Total
	White*	Black	Mexican American	Asian American	American Indian	Unknown	Total	Minority		
#767 - First Aid Employees	86	1	2	1	1	0	41	2	91	
#776 - Motion Picture Editors	1,580	27	57	14	2	0	153	17	1,680	
#789 - Studio Cinetechnicians	339	8	41	4	2	1	0	0	395	
#790 - Illustrators and Matte Artists	57	0	0	0	0	3	4	0	60	
#818 - Publicists Guild	127	0	4	0	0	6	14	0	137	
#847 - Set Designers and Model Makers	161	0	1	3	0	1	6	0	166	
#854 - Story Analysts	76	1	0	0	0	2	31	1	79	
#871 - Script Supervisors	129	1	1	0	0	0	89	1	131	
#876 - Art Directors	203	2	2	3	0	24	4	2	234	
TOTALS	14,422	466	857	117	127	139	1,308	129	16,127	
		(2.8%)	(5.3%)	(.7%)	(.8%)	(.8%)	(8.6%)	(.8%)		

Source: Association of Motion Picture and Television Producers

\*"The statistics provided to the Commission reflect only those individuals known to be members of minority groups...any individuals for whom no specific ethnic information is available is automatically shown as caucasian [white] - whether that individual is in fact caucasian or a member of an other ethnic group." Letter from Edward P. Prelock, first vice president, AMPTP, to the U.S. Commission on Civil Rights, January 30, 1978.

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