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**Hearing
before the
United States
Commission on Civil Rights**



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LOS ANGELES,
CALIFORNIA**

MARCH 16, 1977

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U.S. COMMISSION ON CIVIL RIGHTS

The U.S. Commission on Civil Rights is a temporary, independent, bipartisan agency established by Congress in 1957 and directed to:

- Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, or national origin, or by reason of fraudulent practices;
- Study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice;
- Appraise Federal laws and policies with respect to equal protection of the laws because of race, color, religion, sex, or national origin, or in the administration of justice;
- Serve as a national clearinghouse for information in respect to denials of equal protection of the laws because of race, color, religion, sex, or national origin;
- Submit reports, findings, and recommendations to the President and Congress.

MEMBERS OF THE COMMISSION

Arthur S. Flemming, *Chairman*
Stephen Horn, *Vice Chairman*
Frankie M. Freeman
Manuel Ruiz, Jr.
Murray Saltzman

John A. Buggs, *Staff Director*

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EXHIBITS

All exhibits, except Exhibit No. 12, are on file at the U.S. Commission on Civil Rights, Western Regional Office, Los Angeles.

1. Collective-bargaining agreements of Paramount Pictures Corporation
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3. Contracts of Paramount Pictures Corporation with Federal agencies
4. Crafts employment at Paramount Pictures Corporation
5. Statement of Robert L. Proctor, Paramount Pictures Corporation
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UNITED STATES COMMISSION ON CIVIL RIGHTS

Wednesday, March 16, 1977

The public hearing was convened, pursuant to notice, at 9:00 a.m. Commissioners present: Arthur S. Flemming, Chairman; Frankie M. Freeman.

PROCEEDINGS

CHAIRMAN FLEMMING. Let's go on the record. I will ask the reporter and clerks that are going to function in connection with this hearing to raise your right hands.

[The reporter and clerk were sworn.]

CHAIRMAN FLEMMING. The California Advisory Committee to the U.S. Commission on Civil Rights conducted some open meetings relative to employment opportunities in motion picture production. During the course of those hearings, they requested certain persons to appear and present testimony. Those persons declined the invitation. As a result, the California Advisory Committee requested the U.S. Commission on Civil Rights to hold a hearing for the purpose of subpoenaing the witnesses in question and listening to their testimony under oath.

Under the law under which the U.S. Commission on Civil Rights operates, we have authority to conduct a public hearing under the auspices of a subcommittee of the Commission. The law specifies that when we set up a subcommittee for this purpose each political party must be represented.

In response to the request of the California Advisory Committee, the full Commission decided to authorize a public hearing to be conducted under the auspices of a subcommittee. Commissioner Frankie Freeman, who has been a member of this Commission for over a period of 12 years is participating with me, as Chairman of the Commission, in the conduct of this hearing. We were very happy to respond to the request of our Advisory Committee, and at this time we want to commend the Advisory Committee for involving itself in the issues that we will be considering during the course of the day.

Members of our staff from Washington have worked with the staff of the regional office and, in addition to that, have worked with the members of the Advisory Committee in conducting interviews prepara-

tory to the hearing. On the basis of those interviews, as Chairman, I have authorized certain persons to be subpoenaed as witnesses, and they will be here during the course of the day.

We always, when we hold a public hearing, reserve some time at the end of the hearing to listen to persons who have not been subpoenaed as witnesses, but who have viewpoints that they would like to present to us. If there are any persons who desire to take advantage of that opportunity, they should contact members of our staff. Testimony given at the end of the day by persons who have not been subpoenaed as witnesses is given under a 5-minute rule, which we find it necessary to enforce strictly.

At this time, I would like to recognize my colleague, Commissioner Freeman, who will discuss the rules under which this hearing will be conducted today. Commissioner Freeman.

COMMISSIONER FREEMAN. Thank you, Dr. Fleming.

At the outset, I should emphasize that the observations I am about to make on the Commission's rules constitute nothing more than brief summaries of the significant provisions. The rules themselves should be consulted for a fuller understanding. Staff members will be available to answer questions which arise during the course of the hearing.

In outlining procedures which will govern the hearing, I think it is important to explain briefly a special Commission procedure for testimony or evidence which may tend to defame, degrade, or incriminate any person. Section 102(e) of our statute provides, and I quote:

If the Commission determines that evidence or testimony at any hearing may tend to defame, degrade, or incriminate any person, it shall receive such evidence or testimony in executive session. The Commission shall afford any person defamed, degraded, or incriminated by such evidence or testimony an opportunity to appear and be heard in executive session, with a reasonable number of additional witnesses requested by him, before deciding to use such evidence or testimony.

When we use the term "executive session," we mean a session in which only the Commissioners are present, in contrast to a session such as this one in which the public is invited and present. In providing for an executive or closed session for testimony which may tend to defame, degrade, or incriminate any person, Congress clearly intended to give the fullest protection to individuals by affording them an opportunity to show why any testimony which might be damaging to them should not be presented in public. Congress also wished to minimize damage to reputations as much as possible and provide persons an opportunity to rebut unfounded charges before they were well publicized.

Therefore, the Commission, when appropriate, convenes an executive session prior to the receipt of anticipated defamatory testimony.

Following the presentation of the testimony in executive session, and any statement in opposition to it, the Commissioners review the significance of the testimony, and the merit of the opposition to it. In the event we find the testimony to be of insufficient credibility, or the opposition to it to be of sufficient merit, we may refuse to hear said witnesses, even though those witnesses have been subpoenaed to testify in the public session.

An executive session is the only portion of any hearing during which testimony is taken and the public is not allowed to be present. The hearing which begins now is open to all, and the public is invited and urged to attend all of the open sessions.

All persons who are scheduled to appear who live or work in Los Angeles or within 50 miles of the hearing site have been subpoenaed by the Commission. All testimony at the public sessions will be under oath and will be transcribed verbatim by the official reporter. Everyone who testifies or submits data or evidence is entitled to obtain a copy of the transcript on payment of cost. In addition, within 60 days after the close of the hearing, a person may ask to correct errors in the transcript of the hearing of his or her testimony. Such requests will be granted only to make the transcript conform to testimony as presented at the hearing.

All witnesses are entitled to be accompanied and advised by counsel. After the witness has been questioned by the Commission, counsel may subject his or her client to reasonable examination, within the scope of the questions asked by the Commission. He or she also may make objections on the record and argue briefly the basis for such objections.

Should any witness fail or refuse to follow any order made by the Chairman or the Commissioner presiding in his absence, his or her behavior will be considered disorderly, and the matter will be referred to the U.S. Attorney for enforcement, pursuant to the Commission's statutory powers.

If the Commission determines that any witness' testimony appears to defame, degrade, or incriminate any person, that person, or his or her counsel, may submit written questions, which, in the discretion of the Commission, may be put to the witness. Such person also has the right to request that witnesses be subpoenaed on his or her behalf. All witnesses have the right to submit statements prepared by themselves or others for inclusion in the record, provided they are submitted within the time required by the rules.

Any person who has not been subpoenaed may be permitted, in the discretion of the Commission, to submit a written statement at this public hearing. Such statement will be reviewed by the members of the Commission and made a part of the record.

Witnesses at Commission hearings are protected by the provision of Title 18, U.S. Code, section 1505, which makes it a crime to threaten, intimidate, or injure witnesses on account of their attendance at

Government proceedings. The Commission should be immediately informed of any allegations relating to possible intimidation of witnesses. Let me emphasize that we consider this to be a very serious matter, and we will do all in our power to protect witnesses who appear at the hearing.

Copies of the rules which govern this hearing may be secured from a member of the Commission staff. Persons who have been subpoenaed have already been given their copies. I should point out that these rules were drafted with the intent of ensuring that Commission hearings be conducted in a fair and impartial manner. In many cases, the Commission has gone significantly beyond congressional requirements in providing safeguards for witnesses and other persons. We have done that in the belief that useful facts can be developed best in an atmosphere of calm and objectivity. We hope that such an atmosphere will prevail at this hearing.

Finally, there is one other set of rules that I would like to bring to your attention. The recently-enacted Sunshine Act requires that Federal agencies such as the Commission on Civil Rights conduct nearly all of their official business before the public. The principle announced by the Government in the Sunshine Act, and adopted by this Commission, is that the public is entitled to the fullest practicable information regarding the decisionmaking processes of the Commission. Therefore, all deliberations of official Commission business during this hearing, except for those deliberations specifically exempted by the Sunshine Act, will occur right here, not behind closed doors. The one exception will be discussion of matters related to the issuance or enforcement of Commission subpoenas, which, should the public interest so require, will occur in closed session.

With respect to the conduct of persons in this hearing room, the Commission wants to make clear that all orders by the Chairman must be obeyed. Failure by any person to obey an order by Dr. Flemming or the Commissioner presiding in his absence will result in the exclusion of the individual from this hearing room and criminal prosecution by the U.S. Attorney when required. The Federal marshals stationed in and around this hearing room have been thoroughly instructed by the Commission on hearing procedure, and their orders are also to be obeyed.

This hearing will be in public session 1 day. It began at 9 a.m. and will continue until 6 p.m., with a lunch break from 1 p.m. to 2 p.m. The time between 5:15 p.m. and 6 p.m. has been set aside for testimony from persons who have not been subpoenaed and wish to testify. As noted by Chairman Flemming, persons wishing to appear at the open session should be in contact with members of the Commission staff in the staff room, number 53, adjacent to room 8544 in this building, between the hours of 9:00 a.m. and 4:45 p.m. today. This hearing will conclude at 6 p.m. this evening. Thank you.

CHAIRMAN FLEMMING. Thank you very much, Commissioner Freeman.

As indicated in my opening comments, we are here at the request of the California Advisory Committee to the U.S. Commission on Civil Rights, and we do want to express our appreciation to that committee for many of the activities in which it has been engaged. But, we are particularly appreciative of their coming to grips with the issues that we will be discussing in connection with this hearing. And we are delighted that our distinguished Chairperson of the Advisory Committee, Mr. Herman Sillas, is here with us and that he, at this time, is going to make an opening statement. We are delighted to welcome you.

STATEMENT OF HERMAN SILLAS, CHAIRPERSON, CALIFORNIA ADVISORY COMMITTEE TO THE U.S. COMMISSION ON CIVIL RIGHTS

MR. SILLAS. Thank you very much, Mr. Chairman and Commissioner Freeman. I wish to welcome you to Los Angeles, and I hope that your presence here and bringing the rain is an omen that we can look forward to for the balance of the hearing.

On October 21 and 22 of last year, the media subcommittee of the California Advisory Committee to the Commission held an open meeting on the issue of equal employment opportunities for minorities and women in the motion picture and television industries in Los Angeles. The Advisory Committee undertook this study as part of its responsibility to advise the Commission on Civil Rights about concerns in this State. The open meeting was conducted in accordance with all applicable Commission statutes, rules, and regulations as promulgated in sections 101 through 106 of the Civil Rights Act of 1957 and subsequent amendments.

During its 2-day open meeting, the Advisory Committee heard testimony from 30 witnesses representing various points of view about the film and television industries, as well as representatives from Federal agencies with responsibilities for enforcing equal employment opportunity. Concerns about equal employment and programming were raised by spokespersons from the State legislature; the minorities committee and women's committee of the Screen Actors Guild; First American Media Experience, an organization concerned about Native American opportunities in media; the Coalition of Black Stuntmen and Women; NOSOTROS, a nonprofit organization of Latino actors and actresses; California Association of Latins in Broadcasting; National Latino Media Coalition; The East Los Angeles Community Union [TELACU]; Los Angeles Women's Coalition for Better Broadcasting; and the National Association for the Advancement of Colored People. In addition, spokespersons for Walt Disney Productions, Universal Studios, KNBC and KABC television, and the Association of Motion Picture and Television Producers provided information on their equal employment efforts.

Three major motion picture studios, Paramount, Twentieth Century Fox, and Warner Brothers, declined to appear before the Advisory Committee. Representatives of the International Alliance of Theatrical Stage Employees declined to appear. Station KNXT sent written materials, but declined to appear to answer questions.

The Advisory Committee was troubled by the apparent lack of commitment to equal opportunities evidenced by the refusal of these companies to meet with the Committee. Therefore, we asked for your assistance, and we wish to thank you very much for your support.

The evidence received at the Advisory Committee's open meeting strongly suggests that opportunities for minorities and women are not equitable. The Advisory Committee received testimony that between 1970 and 1975 the percentage of women in the industry, based on employer reports submitted to the Equal Employment Opportunity Commission, dropped from 36.7 percent to 31.4 percent. For the same period, 1970 to 1975, total black employment dropped from 9.3 percent to 6.6. The percentage for Asian Americans, Mexican Americans, and Native Americans rose slightly and to insignificant levels of 1.7, 5.8 percent, and 0.5 percent, respectively. Thus, in 1975, the motion picture industry reported a total minority employment of 14.6 percent. These figures are very discouraging when we realize that the minority work force in greater Los Angeles is 30 percent and women's work force is 39 percent.

I would like at this time to share with you some of the allegations discussed at the Advisory Committee's open meeting. First, there were witnesses alleging that minority actors are not afforded the opportunity to compete for roles that don't have a specific racial origin. Minority and women spokespersons alleged that they are typecast and victims of stereotype casting for roles they do receive. Spokespersons alleged a conspicuous absence of minorities and women in off-camera jobs, such as writers, producers, directors, film crews, production assistants, production coordinators, casting directors, and makeup people.

Witnesses alleged that the seniority roster system excludes minorities and women from full participation. Minorities allege that portrayals of many ethnic groups are often inaccurate and that film and television should reflect the reality of society.

Minorities and women allege that individuals who raised equal opportunity issues were often victims of blacklisting. Federal enforcement efforts have been infrequent and ineffective for correcting past discriminatory practices.

An overriding problem noted by a few witnesses was the industry's indifference to the plight of minorities and women. It was alleged that industry decisionmakers do not have minorities in their consciousness. This lack of awareness leads to insensitive programming and unequal employment opportunities. In response, studios and station representatives who participated in the open meeting stated that steady progress was made to employ minorities and women. But they acknowledged

that much still needs to be done to achieve equal employment opportunity.

I would like to insert at this time that, sitting and listening to the testimony and recognizing the impact that the motion picture and electronic media have on our society today, as evidenced by the recent series of "Roots," and what that can do to our present society, I could not help but be reminded of the story that Buddy Hackett tells: as a young boy visiting and seeing movies he noted that, in all the movies that he observed, there was never a bathroom in the house. No matter what movie he saw, no one visited the bathroom; and, if you just watched the American movies in those days, there didn't appear to be one; and it was so obvious to him that he began to question the existence of his own bathroom in his house because it was such an important room. Discussions were always had about it, fights were had over it, who was going to get into it next, and yet, if you watched the American movies, it appeared that none existed. And it appears to me that, if you are Chicano, if you are an Asian, black, or woman watching motion pictures or the electronic media today, you are placed in the same role that Buddy Hackett was as a young boy. You almost don't appear to exist.

And I think that with that in mind, it is very important, and I greatly appreciate the fact that you have responded to our request. We, the Committee, know the failure on the part of the industry to bring minorities and women into all levels of its operations. This observation requires that all industry representatives be heard. Your effort today seems to me will ensure a thorough review of the motion picture industry and greatly assists the Advisory Committee in preparing a comprehensive report for your evaluation. Thank you.

CHAIRMAN FLEMMING. Thank you very much. Are some of the members of the Advisory Committee in attendance, and, if so, would you be willing to introduce them to us?

MR. SILLAS. Certainly I would.

CHAIRMAN FLEMMING. We will ask them to stand and they can introduce themselves.

MR. SILLAS. All right.

CHAIRMAN FLEMMING. Any members of the State Advisory Committee who are in attendance, we would appreciate very much having you stand and introducing yourselves for the record.

MR. SILLAS. All right, Karen, we will start with you from the left here.

MS. HILBORN. My name is Karen Hilborn.

MR. SILLAS. Karen Hilborn.

MR. YOSHIOKA. Vernon Yoshioka, from San Diego.

MS. GILLETTE. Frankie Jacobs Gillette, San Francisco.

MS. RODRIGUEZ. Marta Rodriguez, San Francisco.

MS. FILLIPINI. Patricia Fillipini, Santa Barbara.

CHAIRMAN FLEMMING. Thank you all very much.

MR. SILLAS. Thank you very, very much; it is a pleasure.

CHAIRMAN FLEMMING. I would like to make clear how this hearing relates to the job that has been undertaken by the State Advisory Committee. A record of the hearing that is taking place today will be turned over to the Advisory Committee. The members of the Advisory Committee will then use this record in writing their report, which will include findings and recommendations. The State Advisory Committee report will then come to the U.S. Commission on Civil Rights. Undoubtedly, the report will contain some recommendations for action on the part of Federal departments or agencies. We will consider those recommendations, and if we concur in them we will then take action to call those recommendations to the attention of the appropriate departments and agencies. Furthermore, having called those recommendations to their attention, we will follow up on them to determine what action [the Federal agencies] take.

Counsel will call the first witnesses.

MR. BACA. Stanley Rubin, Don Parker.

CHAIRMAN FLEMMING. You will remain standing, please, and raise your right hand.

[Mr. Stanley Rubin and Mr. Don Parker were sworn.]

TESTIMONY OF STANLEY RUBIN, PRODUCER, AND DON PARKER, WESTERN EXECUTIVE SECRETARY, DIRECTORS GUILD OF AMERICA

CHAIRMAN FLEMMING. Thank you, and we are very happy to have you with us.

MR. BACA. Mr. Rubin and Mr. Parker, first Mr. Rubin, please state your name, occupation, and position with your respective guilds.

MR. RUBIN. My name is Stanley Rubin. I am a writer/producer, member of the Writers Guild, member of the Producers Guild, president of the Producers Guild of America.

MR. BACA. For how long, sir?

MR. RUBIN. For the past 2 years.

MR. BACA. Thank you. Mr. Parker?

MR. PARKER. I am the western executive secretary of the Directors Guild of America. I have been employed about 11 years with them.

MR. BACA. Thank you. Could you please describe the functions and the size of the guild?

MR. PARKER. The Directors Guild of America is a California labor organization representing directors and their assistants throughout the United States.

MR. BACA. Okay. And Mr. Rubin?

MR. RUBIN. The Producers Guild has a membership of approximately 500. It represents producers, executive producers, and associate producers. However, at the present moment, it has no contract with either major or independent production companies in this town and, therefore, is at this instant in limbo. I was given to understand that I was here as an individual to speak about a producer's input into hiring and not as the president of the Producers Guild.

MR. BACA. That is true, that is correct. And, in regard to that subject, could you discuss, generally, how a relationship between a producer and a motion picture company is established and what influence thereafter the producer has on the hiring process?

MR. RUBIN. The question is not quite as simple as it sounds in that a producer's relationship with a production company can be one of several kinds. He may be under contract to that production company on a regular or an annual basis. He may be on what is called a flat deal, to produce, make one particular project, film, either for theatrical release or television release. He may be under a contract to produce a weekly series for television. So, there are many kinds of relationships with production companies.

MR. BACA. Would the amount of influence that the producer has vary with each of those relationships, or would it be the same?

MR. RUBIN. I would say that, if there were any variance, it would be very slight. It would vary with his particular power at the moment, that power being tied to the success of his previous projects.

MR. BACA. Is that a term of negotiation? Can a producer ask or do producers ask to be permitted to hire everyone that works on the production?

MR. RUBIN. No, the producer doesn't have to ask for that. Essentially, that is the producer's function. The producer is the boss of the project. He is—you might, if you were to find an analogy in another occupation, you might say the producer was the general contractor who hires, roughly, hires everyone connected with that project.

However, I think it is very important to set up, right at the beginning here, that in the motion picture and television industry we are dealing with an enormously collaborative effort; and, while a producer presumably has the right to hire and fire anyone working on his film, it doesn't really happen that way. May I break it down?

MR. BACA. Please.

MR. RUBIN. All right, in casting, for example, the producer and director will work in very close collaboration. A producer will never hire anyone to act in a particular project whom the director doesn't want, for a very simple reason: The director is the man on the stage who has to put that actor through his paces in the project, and the producer is not going to force onto that director somebody he doesn't feel he can handle.

MR. BACA. But, let me ask you this, then, do studios, in particular those studios that may have an affirmative action plan, ever negotiate with the producer to impose those kinds of similar conditions?

MR. RUBIN. I am not sure that I fully understand that.

MR. BACA. Should I ask it again?

MR. RUBIN. Yes, please.

MR. BACA. Okay. In your experience, has it ever been a part of a contract between a producer and a studio that a producer will practice some sort of affirmative action policy in hiring?

MR. RUBIN. I have never seen that part of a contract, but I have been in meetings at studios where we were asked to follow such affirmative action.

MR. BACA. Why wasn't it made a part of the contract?

MR. RUBIN. Why wasn't it?

MR. BACA. Yes.

MR. RUBIN. It just didn't seem to be necessary. I mean, the producer's relationship with the company is one of constant meetings and interchange of ideas. And I have been in at least, I would say, over the past few years, I have been in at least three meetings at various studios that were addressed to the subject you just mentioned; that is, affirmative action in hiring minorities. That is both for—that was particularly true in casting.

A producer also hires crew. There again, he will collaborate with the director on many things, for instance, the hiring of the cameraman, who works very closely with the director; the hiring of various technical occupations on the crew, the prop man, the art director, set decorator. However, that hiring that the producer is essentially in control of frequently filters through the production department of the studio because they are there all of the time, they are permanent. Producers come and go, particularly today, on individual projects. So that the production department will really tend to staff the crew of a production, with the producer having the right to make certain requests, which then may be found to be impractical, or he is told they are impractical, or the producer may have—always has a veto power.

MR. BACA. Mr. Parker, could you tell us, first, the size, again, of the guild, and its functions, primarily? I know you have said that it is, in effect, a labor organization.

MR. PARKER. That is correct. It represents about 4,800 members, those members being directors of motion picture and videotape—

MR. BACA. Excuse me, could you move the microphone a little closer to you?

MR. PARKER. Sure.

MR. BACA. Thank you.

MR. PARKER. We represent about 4,800 members in the motion picture and videotape industry, directors and their assistants. And our representation for those members goes directly to contract conditions and negotiating terms and working conditions for them throughout the industry.

MR. BACA. And in regard to the effect a director might have on hiring, we have heard Mr. Rubin say that it is a collaborative effort between the producer and his director; is that accurate?

MR. PARKER. That is correct. Mr. Rubin is correct in that it is a collaborative effort, and there are so many variables involved and so much of a lack of continuity of the employment, both amongst directors and producers, that no one individual in that creative area can be construed as being responsible for or having the final authority

in issuing a decision as to who shall be employed. Most employment decisions are a collaborative effort, and the final decisionmaking 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.

MR. BACA. The one thing, and either of you could answer this for me, you said that the producer or the producer and his director, or perhaps other people as well, participate in the decision to hire. Are there certain key individuals that will be part of the production that that always refers to, or are there some that are hired in other ways, or what?

MR. PARKER. It will vary, I would think, from show to show, picture to picture. Stanley touched on one point that sometimes has a lot of bearing on it, that can be either the stature of the individual producer or individual director who may be on the picture, who may make certain demands in creative areas for people that he feels fit his needs and the ultimate concept of the visual image of his own on the screen. It may be a small collaborative effort, but whoever has the most stature is the one that makes the final decision in who will be employed in those key areas.

When we talk about key areas, you are generally discussing, from the director's point of view and the producer's point of view, a cast, which is done prior, much prior to any principal photography; and you are also discussing, probably, the director of cinematography and the lighting cameramen, the key lighting director. You may be discussing art directors and costume designers, but you are simply talking about key personnel in the creative areas for that input, and it is that collaborative effort that takes place and the pattern changes from one particular skill to another.

MR. BACA. Is that to say that the Directors Guild or the Producers Guild offer no guidelines as to how these prior decisions are to be made?

MR. PARKER. They do not. The ultimate approval, the director of a great deal of stature or a producer with a great deal of stature, the ultimate decision still rests with the money, and the final approval comes from the money.

MR. BACA. Mr. Chairman, I have no further questions at this time.

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. Mr. Rubin, I would like to pursue the statement that you made that you have never seen any part of a contract with an equal opportunity clause. First of all, I would like to know if you will state the dollar amount, or the range of the dollar amounts, of the contracts you have, and with whom do you have this contract? Not identifying the individual, but with what kind of entity do you have the contract?

MR. RUBIN. I have a—are you speaking about me, personally?

COMMISSIONER FREEMAN. You, personally.

MR. RUBIN. I—

COMMISSIONER FREEMAN. You are the one who said that the producer is the boss, and the producer has the contract, so I would like you to describe that contract.

MR. RUBIN. All right. I have a contract at the present moment with Metro-Goldwyn-Mayer, television department, to produce a single, 2-hour picture for television on a particular subject, which I brought in and have developed with my partner. As a matter of fact, that contract, which I just named, does not exist. All that exists at the present moment, and this is usually true, is a very brief letter of agreement, or a deal memo that runs perhaps—this seems a little—is this too close?

COMMISSIONER FREEMAN. We hear you.

MR. RUBIN. It seems normal procedure that when a deal is made—this is particularly true between studios and producers, though it may exist in other departments, other areas, too—that a deal memo is drawn up of perhaps two, three, or four pages in length, and that the contract, the full contract expressing all the details of that deal memo never comes out, never comes to completion until the project has been finished, and this has happened to me again and again for many, many—all of my years in this business. So I have personally never seen a contract between myself and the studio in which there was any mention of kinds of hiring, affirmative action, or anything else.

COMMISSIONER FREEMAN. The Metro-Goldwyn-Mayer has never ever included this in any contract that you have seen; is that correct?

MR. RUBIN. Well, I have only seen my own contract.

COMMISSIONER FREEMAN. Well, what is the dollar amount of that contract?

MR. RUBIN. The dollar amount of the contract I have just mentioned calls for a producer's fee on this project of \$50,000, to be shared between my partner and myself.

COMMISSIONER FREEMAN. Do you contemplate hiring any persons in connection with this show?

MR. RUBIN. We contemplate hiring a great many persons.

COMMISSIONER FREEMAN. How many people?

MR. RUBIN. I have to answer that in stages, Commissioner, because—

COMMISSIONER FREEMAN. All right.

MR. RUBIN. —all of these things happen in stages. At the present moment, we are developing a story. If the story is approved by the network, we will then go on and develop a screenplay. Now, up to this point, the only people engaged on the project are my partner and myself and a writer; the three of us are working on the project.

If after screenplay we have approval of the network, we will then start to do, to prepare for physical production. At that point, we will hire a director. We will also start the casting procedure that Mr. Parker referred to; and, as we get into the physical preparation for the

production, we will begin to hire the various technicians, crew members, that have been talked about, I guess, no need to repeat them, just quickly—

COMMISSIONER FREEMAN. Well, just about how many? Will there be more than 15?

MR. RUBIN. Did you say 15?

COMMISSIONER FREEMAN. Fifteen.

MR. RUBIN. Oh, yes, yes. The final crew will amount to probably somewhere around 50 or 60 people, and the cast depends entirely upon the nature of the story matter.

COMMISSIONER FREEMAN. Fifty or 60 people. Then the cost of the full production would be about how much?

MR. RUBIN. Approximately \$800,000 to \$850,000 in this particular instance. Now, as I am sure you know, that varies, of course, by the project.

COMMISSIONER FREEMAN. Now, Mr. Rubin, have you ever had a contract with any agency of the Federal Government to produce any show of any kind?

MR. RUBIN. No, I have not.

COMMISSIONER FREEMAN. Do you know if the Metro-Goldwyn-Mayer has ever had a contract with any agency of the Federal Government to produce any show of any kind?

MR. RUBIN. I have no knowledge of that.

COMMISSIONER FREEMAN. Well, let me ask you this. Take this show that you are working on now, you are starting with three people. How many of them are female?

MR. RUBIN. One is female, that is the writer, and the two producers are male.

COMMISSIONER FREEMAN. How many of them are minorities?

MR. RUBIN. All three of us are white, and non-Chicano, non-Asian, so I would assume that none of us qualifies as a member of a minority, except possibly for the woman writer. On the other hand, two of the three are Jewish, if you want to qualify that as a minority.

COMMISSIONER FREEMAN. Among the shows that you have produced, and the number of people that you have hired, what has been the number of minorities that you have hired as cameramen?

MR. RUBIN. I have yet to see a cameraman who was a member of a minority, as being discussed here today. However, I personally have seen an enormous—

COMMISSIONER FREEMAN. You mean you have never seen one?

MR. RUBIN. I have never seen a black, Asian, or Chicano first cameraman. I have never seen one on a set. I am giving you my honest answer to what I have seen in production, and I have been in production a long time. May I go on?

COMMISSIONER FREEMAN. Yes.

MR. RUBIN. I have, however, seen an enormous growth—this is firsthand, not hearsay—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 the—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. For example, electricians. I am trying to think of other areas in which I have seen minorities. There are many—assistant directors.

COMMISSIONER FREEMAN. What about art directors?

MR. RUBIN. I cannot recall a member of a minority in that category.

COMMISSIONER FREEMAN. Prop men?

MR. RUBIN. I believe I have seen some in the property division, but I will not swear to that fact; I am not certain.

COMMISSIONER FREEMAN. Have you yourself ever hired a person as a member of a cast to play a part that was designated other than the race of that person?

MR. RUBIN. Oh, yes. As a matter of fact, very recently. I was doing a series for MGM and CBS; the title of the series was "Executive Suite." The script called for a judge. There was no description of race or sex, as a matter of fact, and in the end we decided to hire a black actress to portray that judge.

COMMISSIONER FREEMAN. That is the only time?

MR. RUBIN. Oh, no, there have been many other instances. I gave you the latest because that happened just a few months ago.

COMMISSIONER FREEMAN. I have no further questions.

CHAIRMAN FLEMMING. I was very much interested, Mr. Rubin, in your response to counsel's question relative to whether or not, in the conferences that were referred to, any emphasis was placed on the fact that some consideration should be given to affirmative action. Now, as I recall your response, you said you did not recall any agreement, any formal agreement, that referred to any responsibility for conducting hiring in connection with affirmative action concepts; am I correct on that?

MR. RUBIN. I meant no formal agreement in my own contract, yes, right, okay.

CHAIRMAN FLEMMING. I understand that you are testifying as to your personal experiences in this particular area.

Now, I was interested in your response to Commissioner Freeman's questions relative to first cameramen, art directors. In both of those instances you said that you did not recall the utilization of any member of a minority group as a first cameraman or as an art director; I'll just take those two categories.

MR. RUBIN. All right.

CHAIRMAN FLEMMING. Where should the responsibility be placed for failure to open up opportunities in those two categories for members of minority groups?

MR. RUBIN. I have to give you a subjective, very personal answer. In my opinion, the responsibility must be placed on the production company—that is, the studio—whether the major or independent, and upon the unions representing those categories. In the case of cameramen, that is IA; in the case of art directors, also IA.

CHAIRMAN FLEMMING. IA?

MR. RUBIN. International Alliance of Theatrical Stage Employees, IA, also known as IATSE.

CHAIRMAN FLEMMING. Okay, fine. All right, could I, Mr. Parker, address the same question to you?

MR. PARKER. Yes.

CHAIRMAN FLEMMING. You have heard this testimony, if you agree with it factually, then where do you feel that the responsibility should be placed for failing to open up opportunities for members of minority groups in the two categories?

MR. PARKER. I say it rests with the money. Stanley and I do not—

CHAIRMAN FLEMMING. When you say the money, now—

MR. PARKER. The money flows from the studio or the production company making the film. One thing I must add, particularly in the area of television film, which Stanley should substantiate, is that decisions on employment, approval of cast and key personnel, including actors and directors and writers, are made by the network. They are made by the network; it is an indisputable fact of life. So, if we are talking about those areas of—in the creative areas in the failure to hire minorities, in the abstract way in which they make determinations for employment, they have specific lists which they utilize to reject or select people that any producer or producing company should wish to employ on a producing company.

CHAIRMAN FLEMMING. Has your organization, which you represent, taken the initiative at any time in making recommendations which in your judgment would open up opportunities for members of minority groups, say as first cameramen, art directors, or in any of the other of the categories? In other words, has your organization assumed an affirmative attitude toward this particular issue at any point, and, if so, could you identify the actions taken?

MR. PARKER. No, to my knowledge we have not taken any position with any one of the IATSE crafts in regards to how they should conduct their business in respect to opening up for minorities. We have no affiliation with any guilds or craft unions within Los Angeles County or the United States. We are a guild that functions only within itself for itself.

CHAIRMAN FLEMMING. You fix the responsibility, as you call it, with the money, meaning the studios, the producers. Can you think of any of the procedures that are followed by the Directors Guild that would make it possible for the money, or for a studio or producer, to say, "We would like to do it, but the Directors Guild stands in our way?"

MR. PARKER. That would be a complete falsehood. The Directors Guild would not stand in their way.

CHAIRMAN FLEMMING. Assume that they approached you and asked you as a guild to work with them on an affirmative program designed to open up opportunities; would you be responsive to a request of that kind, I mean, your organization?

MR. PARKER. I think our organization would. We, as a creative organization, creative people, have no objection to minority employment. Directors and their assistants do not look at individuals as minorities; they look at individuals as people who are capable of doing a particular job to lend their input to the creative aspect that they want to put visually on the screen, and that is their entire motivation in selecting any individual and going to bat for them, as the expression goes, for employment on their particular crew, whether he be a key personnel that lends a great deal of support to their creative input or one of the technical craftsmen.

CHAIRMAN FLEMMING. In other words, as an organization, you find yourself in agreement with the objectives of Title VII of the Civil Rights Act, which is the equal employment opportunity title of the Civil Rights Act?

MR. PARKER. I would say, yes, we do.

CHAIRMAN FLEMMING. Have you at your meetings at any time given any consideration to, in effect, kind of putting the heat on the studios and the producers to get going on an affirmative action plan?

MR. PARKER. As a guild, no, we have not.

CHAIRMAN FLEMMING. All right. Counsel has two other questions he would like to address.

MR. BACA. Mr. Chairman, you have already asked one of them. The other one is, if you describe yourselves as labor organizations, do you then report as labor organizations to the Equal Employment Opportunity Commission?

MR. PARKER. I believe so.

MR. BACA. Do you submit, then, the document known as EEO-1?

MR. PARKER. I couldn't answer that; I don't know.

CHAIRMAN FLEMMING. Could you obtain the answer to that question and submit it to us so that we can make it a part of the record at this point? Just the factual question, do you submit EEO-1s.

MR. PARKER. I don't know.

MR. BACA. Who would be the person in your organization responsible if it were submitted?

MR. BACA. I think our auditing firm, Mr. Paul Kuperstein, would be the individual who would have that information as to whether or not we remit that form to you.

MR. BACA. Could you supply us with that information?

MR. PARKER. I could.

MR. BACA. Thank you.

CHAIRMAN FLEMMING. Thank you both very, very much. We appreciate your being here, appreciate the information you have given us.

Counsel will call the next witnesses.

Okay, we are running just a little bit ahead of time, so we will recess for 10 minutes.

CHAIRMAN FLEMMING. The hearing will come to order. Counsel will call the next witnesses.

MR. BACA. Michael Eisner, Robert Proctor, Leon Johnson.

Mr. Chairman?

CHAIRMAN FLEMMING. Yes.

MR. BACA. The attorney for Paramount Pictures is here, and I think he would like to address the Chairman.

CHAIRMAN FLEMMING. Mr. Eisner?

MR. JANOFSKY. Mr. Chairman, my name is Leonard Janofsky.

CHAIRMAN FLEMMING. Oh, I am sorry.

MR. JANOFSKY. And I am with the firm of Paul, Hastings, Janofsky & Walker, and we represent Paramount Pictures Corporation.

VOICE. Speak up.

VOICE. Could you speak into the mike please.

MR. JANOFSKY. It is our understanding that the witnesses for Paramount were to appear here at 10:15, and I am hopeful that they will be here in a few moments.

CHAIRMAN FLEMMING. All right, fine. We recognize that it is now about 10:10 or 10:11, so—

MR. JANOFSKY. This is one occasion, at least, where the attorney is on time.

CHAIRMAN FLEMMING. Off the record.

[Brief recess.]

CHAIRMAN FLEMMING. The hearing will be in order. Counsel will call the next witnesses.

MR. BACA. Michael Eisner, Robert Proctor, Leon Johnson, would you please take the stand?

CHAIRMAN FLEMMING. Please remain standing and raise your right hands so that I can administer the oath.

[Messrs. Michael Eisner, Robert L. Proctor, and Leon Johnson were sworn.]

TESTIMONY OF MICHAEL EISNER, ROBERT L. PROCTOR, AND LEON JOHNSON, PARAMOUNT PICTURES CORPORATION

CHAIRMAN FLEMMING. Thank you.

MR. GLICK. Mr. Eisner?

MR. EISNER. Yes?

MR. GLICK. Before the General Counsel begins questioning, I would like to ask you if you brought with you the materials subpoenaed, particularly the contracts between the company and the Affiliated Property Craftsmen, Local 44?

MR. JANOFSKY. Yes, we have that contract, Mr. Glick.

MR. GLICK. And the contract with the Motion Pictures Studio Grips, Local 80?

MR. JANOFSKY. We have all of the contracts which were listed in the subpoenas.

MR. GLICK. Mr. Chairman, I would request that these be admitted into the record at this time.

CHAIRMAN FLEMMING. Without objection, it will be done.

[The documents referred to were received into evidence.]

MR. GLICK. Thank you.

MR. JANOFSKY. Let the record show that I am handing Mr. Glick all of the collective-bargaining agreements that were listed in the subpoena.

MR. GLICK. Thank you, counsel.

MR. BACA. Mr. Eisner.

MR. EISNER. Yes?

MR. BACA. Could you tell us if your company has a policy on equal employment opportunity and, if so, what it is?

MR. EISNER. The answer is, yes, we have a policy. I might say at this time that it would probably be best to direct most of your questions to Bob Proctor, and that I have recently joined Paramount and, although I am reasonably well versed in the areas that are of concern to this meeting, that in the 3 months I have been at Paramount, I have in this area made sure that the people on the line responsible in the personnel department for equal employment opportunity are qualified and that I endorse the plan. I think direct questions that relate to the plan, the past performance of Paramount, and the future plans are probably best directed to Bob—not because I don't want to answer them, but because of my short term at Paramount, I am probably not, at this time, qualified.

MR. BACA. Could we do this, then, could I address my questions to you and if you feel that someone else who is with you could answer them better than you, you could defer to that person at that time?

MR. EISNER. That would be fine.

MR. BACA. Thank you. Do you know, then, what the policy is?

MR. EISNER. Yes, we have a plan, and I have read the plan. I am acquainted with the plan. I think questions directed about the plan should be directed to Bob.

MR. BACA. Well, can you tell us, then, when the plan was implemented, or when the plan was designed?

MR. EISNER. Well, I believe the plan is an evolving plan. There was a plan last year, and I could be corrected, but I assume that there was a plan previous to that. There is a plan that I have ascribed my signature to recently, which is an update and a reaffirmation of the plan, which, again, Bob can give you details about.

MR. BACA. Mr. Proctor, could you elaborate?

MR. PROCTOR. Yes. Basically, there was a plan in 1976, which was our first plan which set out goals and timetables.

MR. BACA. Prior to 1976 you had no plan?

MR. PROCTOR. Prior to 1976 there was no formal plan. There was a policy, which would not constitute a complete affirmative action plan.

MR. BACA. And where did the idea for the plan come from? Was it imposed upon the corporation? Did the corporation do it voluntarily? If so, was it done at the board level? Was it the chief operating officer at that time? Can you tell us?

MR. PROCTOR. It is my understanding it was basically a management commitment in this area to comply with the Federal obligations.

MR. BACA. Were you with the corporation at the time the plan was developed?

MR. PROCTOR. I was not at Paramount in 1976, no, at that time.

MR. BACA. So, you can tell us nothing of the process by which the plan was developed?

MR. PROCTOR. Perhaps Leon could give you a little bit of the basis on that first one. The process by which the plan was developed really unfolded at that time.

MR. BACA. Mr. Johnson?

MR. JOHNSON. Yes. The process was that it was developed in conjunction with our corporate office in New York, at which time we met with various executives, department heads, and we set goals and timetables with them.

MR. BACA. What was the basis for the decision about goals and timetables? What were they tied to?

MR. JOHNSON. Well, basically, they were tied to SMSA [Standard Metropolitan Statistical Area] data, using that as a guideline, basically, because we didn't have any other guidelines as far as goals, ultimate goals, were concerned.

MR. BACA. Is this then the ultimate goal of the corporation, anyone who could answer this, please? Is it the ultimate goal of the corporation to achieve parity with the population of—the SMSA population work force?

MR. EISNER. What may be a good idea here, in companies like Paramount where a consistency of management has not been demonstrated—I mean, Paramount has had, in 10 years, quite a few different top managements, and now I believe—I would have to believe—that we do have consistency of management in this area and in other areas. If not, next year, you will have somebody else testify here. Going on the proposition that we will all be here for a while, we have developed a statement which maybe Bob should read at the top of this to give you some indication which may answer some of your questions in advance.

MR. BACA. Is it brief?

MR. EISNER. Yes—

MR. PROCTOR. Very brief.

MR. EISNER. —about two pages.

MR. BACA. Could you just summarize it, then, for us, please?

MR. PROCTOR. I should say the statement basically represents a summary of our total accomplishments to this date, which we will submit. The statement is a summary in itself.

CHAIRMAN FLEMMING. Counsel, I would like to have that read into the record at this time.

MR. BACA. Please go ahead.

COMMISSIONER FREEMAN. The entire document.

CHAIRMAN FLEMMING. Yes, the entire document.

MR. BACA. Please read the entire document, then.

MR. PROCTOR. The entire document?

MR. BACA. Well, you said it was two pages.

MR. PROCTOR. Yes.

CHAIRMAN FLEMMING. Let's make it—you said that you had a two-page statement—

MR. PROCTOR. Right.

CHAIRMAN FLEMMING. —and Commissioner Freeman and I would like to have you read that into the record at this time.

MR. PROCTOR. Okay.

Thank you for the opportunity to appear before your Commission. I would like to briefly summarize the progress we have made in the utilization of minorities and women between 1969 and the present, the steps we are taking to make sure that progress not only continues, but continues at a rapid pace. An overview of what we have accomplished between 1969 and the present can be obtained through an understanding of the following statistics. During that time period, 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.

Our utilization of minorities in officials and managers category has increased from 1.2 percent to 13 percent. Female utilization in the officials and managers category has increased from 8.5 percent to 14 percent. Minority utilization in the professional category has increased from 5.9 percent to 25.6 percent. Female utilization in the professionals category has increased from 11.8 percent to 37.2 percent. Minority utilization in office and clerical areas has increased from approximately 5 percent to 27 percent.

Although our accomplishments between 1969 and 1977 are significant, we do not want you to mistake our feeling of accomplishment for a feeling that enough has been accomplished or that little more needs to be accomplished. The top management of our corporation has determined that substantial increases in our utilization of minorities and women at all levels is a major corporate priority.

I was hired by Paramount Pictures Corporation in 1976 to head our personnel EEO efforts, and I am ably assisted with Leon Johnson, who is here today, and by Arthur Flores. Each of us has been specifically informed that our major job assignment is a substantial increase in our corporation's utilization of minorities and women. It has been made

abundantly clear to us that results will be the primary criteria by which our work will be evaluated. I have been personally informed by our chief operating officer that not only do I have direct personal access to him with regard to EEO matters, but that at any time I feel that our personnel are not supporting EEO efforts that I lead, he will take a personal hand in the matter and will ensure full cooperation.

We have made a decision that performance in the area of affirmative action and EEO will be a specific and significant element of performance evaluations for all members of supervision and management who have hiring, promotion, and training responsibilities. Such performance evaluations are, of course, determinative with respect to wage increases, promotions, and indeed, retention.

We have accomplished significant results. I appear before you here to represent that we are going to do even more to achieve the goals which our corporation and your Commission share. We will be happy to answer all your questions.

MR. BACA. Thank you. You have referred to several gains and, you said, among minority hiring. Are those gains the same or similar for all categories of minorities? I mean, have blacks increased, have Chicanos increased, have Asians increased? Have all groups in the minority classifications increased?

MR. PROCTOR. There have been increases in all of the groups. The bulk of that increase has been among blacks and Chicanos.

MR. BACA. Now, as to the plan itself and your role in administering it, I presume you are the person who administers the plan on a day-to-day basis?

MR. PROCTOR. On a day-to-day basis, right.

MR. BACA. How do you go about that? How, as regards, say, permanent staff of the studio? Describe the process to me.

MR. PROCTOR. Well, in the process of general—what we perceive to be professional personnel management, and all of the personnel matters that happen on a day-to-day basis, basically goes through our department, go through me directly or indirectly.

MR. BACA. Does that mean that you are notified of all vacancies?

MR. PROCTOR. Right.

MR. BACA. Does that mean that you control where vacancies are advertised?

MR. PROCTOR. Exactly.

MR. BACA. And where do you advertise now that you didn't before?

MR. PROCTOR. Advertisements as a recruitment source, when they are used, we try to reach all areas of the community. We use an advertising agency to place our ads—that agency has instructions to place those ads in all of what we believe to be the most significant of all the minority media publications.

MR. BACA. Do you know which those are?

MR. PROCTOR. We rely on the agency's professional judgement in terms of circulation and classified ads statistics, those that he can advise us on; specific publications would be the *Sentinel*, most recently—

MR. JOHNSON. Belvedere.

MR. PROCTOR. —Belvedere. We have, we don't use advertising that often, so we have to think back a few months.

MR. BACA. Do you do recruiting in another way?

MR. PROCTOR. I beg your pardon?

MR. BACA. How do you do your recruiting?

MR. PROCTOR. Well, basically, we prefer to recruit on a face-to-face basis where we can. We prefer to be in the community and be on—basically, active in whatever community groups have placement facilities, placement capabilities.

MR. BACA. Do you do that yourself?

MR. PROCTOR. I do it, Arthur Flores does it, and Leon also does it. We are a small staff, so we share the responsibilities.

MR. BACA. Could you describe some of the places that you are now recruiting that you did not before, with a particular eye towards finding minority candidates?

MR. JOHNSON. Well, one of the agencies that we have used is a minority agency by the name of Moody Associates, which placed our managers by recruitment. We are also involved with a minority organization, LABEEO, which can refer persons to us. Also, PMAA, which is a Mexican American organization.

MR. BACA. What kind of organization?

MR. JOHNSON. Personnel organization.

MR. BACA. And they refer people for positions?

MR. JOHNSON. Yes, they do.

MR. PROCTOR. Well, we are going to submit a whole list of our recruitment sources to put into the record, as I can just—give you a preview, some of the names we included today. Arthur Flores, who is our recruitment manager, is active in PMAA. Leon is active in LABEEO. Those are areas where we put out contacts and make it known we have openings. Also, those areas where we do our basic research and learn of other community groups and organizations which can be helpful in this area.

MR. JOHNSON. In addition to that, we have, within the last 6 months, opened up an employment office at Paramount that is easily accessible to people who would like to come in and make application. We also use that as a recruitment source.

MR. BACA. Was that generally advertised, the existence of that office?

MR. JOHNSON. It wasn't advertised in the media. It was advertised by word of mouth.

MR. BACA. By word of mouth, thank you. You described a process by, where you are notified of all vacancies and you do the recruiting for them, both by the press and other media, and by word of mouth and by recruitments through agencies. What happens once the candidates begin to arrive to interview or to submit applications for the positions? What part do you play then, in the respective departments of the corporation?

MR. PROCTOR. Well, it would be my responsibility to be sure my recruitment manager processes all candidates, makes the basic qualifications determinations, which candidates should be referred for the positions, and then they are referred for the—we are talking now about nonaffiliated positions. He would then select, based on the specifications that we have developed—I should back up a step, maybe, it might be helpful to know the process of requisition.

MR. BACA. Okay.

MR. PROCTOR. We don't make a move until we get a requisition, we in personnel, from management that is properly signed and approved on a budgeted basis, so that we know that this position is needed. We have a small staff. We can't commit that many resources unless it is a position that is really ready to be worked on and not someone's thought. At that time, we develop a job description; we try to develop operating specifications, job-related specifications, for that position. The recruitment manager then approaches the recruiting project with those specifications in mind as his blueprint. He then evaluates, based on that blueprint. The finalists of the group of candidates that he develops are then referred to the requisitioning unit for a final decision.

MR. BACA. And what part do you play in that final decision?

MR. PROCTOR. Really, my personal role in that is to make sure that it is done according to policy, that it is done in a standardized, consistent manner, everytime, for every applicant, for every position.

MR. BACA. And what part do you play in the developing the criteria of the job description?

MR. PROCTOR. Right now a fairly heavy part in terms of advising both Leon and Art. We have a little group; in that we are small, we can approach it somewhat informally with a little evaluation group. Once the specification is written, we then, we look it over. We make sure that the specifications that are required—performance specifications required by the unit—are indeed required, that these are realistic performance requirements.

MR. BACA. You do go through some process of validation, then, to assure that the requirements are correctly tied to the job?

MR. PROCTOR. Not a formal validation process. We haven't got a personnel research capability as of yet. In our plans, we plan to standardize the whole job analysis process. Right now we are doing job analyses more or less on an experimental basis. We are trying—we are doing it consistently for every job that is open, but we aren't just here to really just represent our current method as the most effective, and we reserve the right to improve that method and we will. As a matter of fact, we have had extensive conversations and a verbal agreement with an outside consultant who is highly regarded in the field to come in and assist us in doing a job analysis, Dick Middle and Associates, out of Sacramento, who has had extensive experience with his GOJA system, an acronym for Guideline Oriented Job Analysis, probably one

of the most forward, progressive kinds of system that we have seen. So, we plan to do that in the very near future.

MR. BACA. And that will be implemented?

MR. PROCTOR. That will be implemented.

MR. BACA. I see. If a dispute should arise between the EEO officer, you, and the hiring supervisor, how is that resolved? Where you feel, say, that there has been a pattern or a frustration of the company's intent to hire minorities and women, how is that problem resolved?

MR. PROCTOR. Well, basically, if the problem could not be resolved at my level or at Leon's level or at Arthur Flores' level, my direct supervisor is the vice president in charge of finance and administration. I would seek his counsel. If the problem could not be resolved at that level, it would go directly to Mike. And at that time Mike's input would be applied.

I should point out that the nature of our organizational structure provides that a good many of these discussions can be had without formal organizational channels necessarily. In other words, we can sit down and have rap sessions in situations like this, especially at Leon's level and like mine.

MR. BACA. When you said Mike, do you mean Mr. Eisner?

MR. PROCTOR. Mr. Eisner.

MR. BACA. Okay. In terms of negotiations with producers, unions, and other entities where your studio will invest money and spend money, do you—have you, at present, or do you intend to negotiate affirmative action plans or affirmative action clauses in those contracts? Mr. Eisner, perhaps you might like to answer that.

MR. JOHNSON. Well, we have a nondiscrimination clause in the contract. However, I am not sure I understand what you mean when you say affirmative action clause.

MR. BACA. Well, if for example, as we heard earlier, the process can sometimes be that a producer comes to the studio and sells a product, in effect, and then the producer hires the people necessary to carry out that project, is there any effort on the part of the studio to ensure that their own policies of affirmative action are going to be carried out by the producer in his hiring or her hiring?

MR. JOHNSON. At the present time, within the last couple of months, all hiring is done through personnel. All calls are made—that are made to the unions or to individuals—are made through the personnel department. Even with the producer coming on the lot that wants to hire his own staff would still have to come through the personnel department.

MR. BACA. That is with every producer?

MR. PROCTOR. That would be for—

MR. JOHNSON. Every Paramount producer.

MR. PROCTOR. Are you talking about—are you referring to the outside producers coming in bringing his own staff?

MR. BACA. Yes.

MR. PROCTOR. Those people do their own hiring.

MR. BACA. All right. And that is—I am specifically referring to those kinds of arrangements, those kinds of contracts. Are there affirmative action requirements in those contracts?

MR. JOHNSON. Not at the present time—I don't know.

MR. PROCTOR. I really couldn't answer that.

MR. BACA. Okay. As to the recruitment or the hiring of union and casual employees, who primarily is responsible for that, that activity?

MR. JOHNSON. Well, as far as the roster system will allow us to bring in employees that are not on the industry experience roster, personnel is responsible.

MR. BACA. And what efforts do you make in affirmative action in that regard?

MR. JOHNSON. We utilize the same sources that we use for nonaffiliated employees; that is, we contact the community organizations; also, the employment office that we have opened, and so forth.

MR. PROCTOR. We develop a prospect file for each of the job categories that we have. That prospect file is the first to be accessed when openings occur off roster. I might add that all openings, whether they are on a casual day-to-day basis or permanent, front-office type openings, go through the personnel office, and calls to the locals are made by the personnel office, so that we can at least have some monitoring effect on the utilization of the current roster members.

MR. BACA. Within the guidelines of flexibility that you have in calling for people from the roster, is there any attempt to implement affirmative action through that process as well?

MR. PROCTOR. To the extent that we have control over that, certainly.

MR. BACA. How do you do that?

MR. PROCTOR. Well, we encourage, basically, the locals. We make it known to them that we are more than interested in seeing their minority candidates, but we really haven't been very—we haven't been able to really request certain members based on minority group.

MR. JOHNSON. To the extent that we could do it, we went through the rosters and we identified as many minorities and females as possible. And we have attempted to, when we call a union, to call these people by name, if they were in the appropriate that was able to be dispatched.

MR. PROCTOR. And these lists have also been distributed among our department heads so that they can update them as they have experience with the roster people.

MR. BACA. Have you utilized the AMPTP off-roster project?

MR. PROCTOR. We have not utilized it in the recent past, not since I have been at Paramount. Not by design, but because we have had our own prospect files that we have been developing, although we are in constant touch with Bob Rivers over there. And we plan to use them if we need them as a resource.

MR. BACA. Does the studio maintain a studio seniority system as well as referring or using the AMPTP seniority roster?

MR. JOHNSON. There are studio seniority rosters with several unions. I think it is about four or five.

MR. BACA. Is there any conflict between that studio seniority system and the affirmative action plan?

MR. JOHNSON. None that I know of.

MR. BACA. In other words, there is a mix among the people with studio seniority, that it would include women and minorities?

MR. JOHNSON. No, it isn't.

MR. BACA. So, there might be a conflict?

MR. JOHNSON. There could be.

MR. BACA. Does the studio ever bypass the roster members in order to hire someone with special skills who is not listed among the roster membership?

MR. JOHNSON. Since I have been at Paramount, I don't know of this happening. However, there is a clause in the contract that would allow that to happen in certain instances.

MR. BACA. Mr. Chairman, I have no further questions at this time.

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. Mr. Johnson, how long have you been at Paramount?

MR. JOHNSON. Three years.

COMMISSIONER FREEMAN. You mentioned that you have a program that information was conveyed by word of mouth. Will you describe for me again, what that program is?

MR. JOHNSON. It isn't a formal program. It is a situation that happened where the word was passed out through word of mouth that we did have certain facilities.

COMMISSIONER FREEMAN. Well, when you say word of mouth, what do you mean? The word starts with whom?

MR. JOHNSON. Well, the word starts with the various community organizations. We have contact with the Urban League; we have had contact with other community organizations. We also have talked with the minority employees that we have on the lot and we have encouraged them to refer other minority candidates.

COMMISSIONER FREEMAN. How would you assess the progress that has been made under that procedure?

MR. JOHNSON. I think that we have made quite a bit of progress. However, I think that we will make quite a bit more progress and at the present time I am not saying that this is the best procedure because we are looking at other procedures that—we will be advertising in the media, the various minority medias, and we are in the process of developing an employee handbook so those employees who are on the lot, including those minority employees, would have this procedure written out so they will be aware of it.

COMMISSIONER FREEMAN. Mr. Proctor, you are director of personnel?

MR. PROCTOR. That is correct.

COMMISSIONER FREEMAN. You indicated that you have a small office. How many employees do you have?

MR. PROCTOR. We have, right now, seven.

COMMISSIONER FREEMAN. Seven. How many of those employees are minorities?

MR. PROCTOR. We have two of the three secretaries are minorities; Leon is a minority; my manager of recruitment, Arthur Flores, is minority.

COMMISSIONER FREEMAN. Leon, do you mean Mr.—

MR. PROCTOR. Mr. Johnson.

COMMISSIONER FREEMAN. And he works under you, under your supervision?

MR. PROCTOR. That is right.

COMMISSIONER FREEMAN. Are there any other—and there are two of the seven?

MR. PROCTOR. No, four,

COMMISSIONER FREEMAN. Four out of the seven. How many are women?

MR. PROCTOR. Four.

COMMISSIONER FREEMAN. Are the secretaries female?

MR. PROCTOR. Yes.

COMMISSIONER FREEMAN. How many secretaries do you have?

MR. PROCTOR. We have three currently. We have an opening for one.

COMMISSIONER FREEMAN. And would that opening be passed along by word of mouth?

MR. PROCTOR. That opening is under the PAOEA contract. That opening will be posted in accordance with the provisions of that contract on the lot. If no one applies or no one with skills and abilities applies, then we can go to our own sources to recruit that position.

COMMISSIONER FREEMAN. Mr. Eisner—no, I think I want to—Mr. Proctor, you were the one who gave the two-page statement into the record. I would like to—you indicated the increases of from 5 percent to 15 percent with respect to minorities. I would like to request that you translate that into numbers and submit it to the staff. One of the things that we have found with respect to the use of percentages only is that when one had one minority and then that increased to two, they indicated a 100 percent increase, and sometimes that was not, in our opinion, very significant. That is why, could you translate each of the percentages in that report to numbers for us and submit it?

MR. JOHNSON. Well, we are talking about percentages for both—

MR. PROCTOR. We have that available.

COMMISSIONER FREEMAN. You already have it. Well, then, would you give it—and it will be, Mr. Chairman, I would request that it be included in the record at this point.

CHAIRMAN FLEMMING. Without objection, that will be done.

[The document referred to was constructively received into evidence.]

COMMISSIONER FREEMAN. Mr. Eisner, first of all, I would like to ask that you only—you are president of Paramount?

MR. EISNER. That is correct.

COMMISSIONER FREEMAN. Does Paramount Pictures have any Government contracts with any Federal agencies at this time?

MR. EISNER. I am not totally competent to answer. Generally, the answer would be no; however, one of the companies that is part of the Paramount organization is Paramount-Oxford, the educational division of Paramount; and I suspect, although I do not have the contracts in front of me, that we have some Government subsidy in the educational area. Other than that, we do not perform under any Government contracts.

COMMISSIONER FREEMAN. Mr. Eisner, I would like to request that Paramount Studios submit for the record the information concerning any contracts which Paramount Studios or any of its affiliates and subsidiaries would have with any Federal agencies.

MR. EISNER. We will be happy to do that.

COMMISSIONER FREEMAN. Now, Mr. Eisner, I would like to ask you if you would give us your opinion of what the consequences would be if you limited and restricted the marketing of the product, of the films, to word of mouth?

MR. EISNER. Well, it depends—

COMMISSIONER FREEMAN. If you had a movie, and you did not advertise at any time, you just depended on word of mouth that there would be a movie in any community.

MR. EISNER. You bring up a subject that is under constant discussion. I mean, I know what you are referring to, but the fact of the matter is, is both advertising and word of mouth in the motion picture business is essential. In the motion picture business, if you have a film like *King Kong*, \$7 million of advertising will result in a large box office in 3 weeks over Christmas. If you have a film like *Rocky*, which in the end is going to do much more business than *King Kong*, I would say 98 percent of that film's effectiveness has been word of mouth. So, the answer to your question is, I think, in the motion picture business or in any business the two go hand in hand. If you have a product, hopefully people will tell you that the product is good and somebody else will go see it.

COMMISSIONER FREEMAN. Recognizing that the two go hand in hand, could you, as a chief executive officer of Paramount, consider using the same kind of advertising that you are—if you are an equal opportunity employer, by advertising, other than relying on the word-of-mouth technique that Mr. Johnson was talking about?

MR. EISNER. I think that, if I heard correctly, and again, I am not an expert in this area, having only recently arrived at Paramount, that that is a plan. Part of our plan is a combination of word of mouth and direct contact with the community, either through advertising or going into the community. The fact of the matter in the entertainment busi-

ness, and I would suspect in many other businesses, that you find qualified candidates by asking people that are working for you now. "Do you know anybody?" So I think word of mouth to that degree is effective and all of the other things that are part of our formal plan, which is what you are driving at, are necessary.

COMMISSIONER FREEMAN. Well, the problem that we have encountered in the past is that when we rely only on asking the people who are working for us now that when those persons were white males only, that the only people they knew were white males. And so, therefore, you never got anybody but white males.

MR. EISNER. That is why we have a formal plan that transcends that word of mouth. I think what Mr. Johnson was saying was that—and I think that the point you are addressing yourself to is a very small part of the overall plan—but, if you talk to a minority employee and ask that minority employee if he knows of any qualified candidates, that can't hurt. Certainly, it is a source of information; it is not the only source.

MR. PROCTOR. Commissioner Freeman, could I possibly clear up some thoughts on this word of mouth?

COMMISSIONER FREEMAN. Mr. Proctor.

MR. PROCTOR. 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 nonminority staff.

What we are trying to do, and I think the context in which Leon 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 once we got it going we wanted a chance to be able to fine tune it a bit. We weren't quite confident that the location was right, that the signs were properly located, that we had it adequately staffed, that our people were trained. It was about that time Arthur Flores joined the organization. We had a great deal of work to do. Leon had a great deal of work to do with ART and with me to get us up to speed and move with the industry, since we weren't that familiar with it. So, once we got the thing rolling we found that, my gosh, we were having such good results with this employment office, there was really no point in publicizing it at this point. Now, perhaps that was a bad decision; we are certainly willing to reconsider it. But you should not infer from what I have said that word of mouth is our only or even our most heavily used recruitment source.

COMMISSIONER FREEMAN. Well, the next question in this area is with respect to the extent to which you have made a utilization survey in all of your areas and made determinations that in certain categories

minorities and women have been underutilized. Have you made such a determination?

MR. PROCTOR. Yes, we have, that is part of our—part of our affirmative action plan contains all of these analyses.

COMMISSIONER FREEMAN. So you recognize that in certain categories that there is underutilization? Have you made a determination to do something about it?

MR. PROCTOR. We have done all those analyses, and we have made a—yes, we have made a determination as a part of our affirmative action plan. And everything that is in that plan represents our willingness to gear up to do even better in the future.

COMMISSIONER FREEMAN. Well, when are you going to start?

MR. PROCTOR. Well, I think we have started. I think that the numbers that we have read today represent reasonable accomplishment, and we are quite proud of that accomplishment. We are not here to represent that that is really the end; it certainly isn't; it is just the beginning.

COMMISSIONER FREEMAN. Then if there are people who are available—if, for instance, somebody indicated, an earlier witness said, he had never seen a black cameraman—if there is one, then all he would have to do would be to present himself to the appropriate division of Paramount Studios?

MR. PROCTOR. No.

VOICE. No, no way, it don't work that way.

CHAIRMAN FLEMMING. The hearing will be in order.

MR. PROCTOR. Perhaps that part of the process can be clarified. A cameraman—as you know, we are under—

CHAIRMAN FLEMMING. Could I—we would like you to take that illustration, and I—what do you—the top cameraman is called what?

MR. JOHNSON. Director of photography.

CHAIRMAN FLEMMING. Well, in any event, what we are thinking about is a journeyman cameraman, one who is paid at the highest rate. We were told by one witness that he had never observed one who belonged to a minority group. Now, if we can stay with that as an illustration, and if you could tell us the process that a person would have to go through if he were going to be employed in that particular capacity and what the problems are, what the roadblocks are, and why it is that there is very little, if any, representation of the minority community in that category?

MR. JOHNSON. Well, I can tell you the process by which the person would have to go through, and that is, once we found the person—

CHAIRMAN FLEMMING. I have got my note here. I am talking about a first cameraman.

MR. JOHNSON. Yes. The person would have to go through the industry experience roster process. If there were no available qualified persons on the roster in that job category, then, yes, we could offer that person employment. However, if there were qualified people, we would not be able to.

CHAIRMAN FLEMMING. Well, what has been your experience? Have you tried to get a member of a minority group as a first cameraman at any point in the last year, let's say?

MR. JOHNSON. I—according to my knowledge, for the last year, I am not aware of the roster being exhausted in that particular area.

CHAIRMAN FLEMMING. But, going back to my question, have you tried to employ a first cameraman during the past year from a minority group?

MR. JOHNSON. Not to my knowledge.

COMMISSIONER FREEMAN. Is there—I would like to—would Mr. Proctor or Mr. Eisner have any contrary answer?

MR. EISNER. I don't know the specifics of that area myself at this point. Again, I came from a—recently from the American Broadcasting Company, and I have only been at Paramount 3 months, and I am studying this area, which I find quite complex.

COMMISSIONER FREEMAN. But you have some experience?

MR. EISNER. I have no experience as relates to the roster and the unions and the selection of the cameraman. I have no experience in that area.

COMMISSIONER FREEMAN. You are not suggesting, however, that you are not qualified for the position?

MR. EISNER. No, I am not.

COMMISSIONER FREEMAN. Thank you. I have no further questions.

CHAIRMAN FLEMMING. I would like to ask some questions relative, really relative to the affirmative action process. Mr. Eisner, you just indicated that you have been on the job 3 months. Mr. Proctor, how long have you been on the job?

MR. PROCTOR. I have been on the job since May of 1976.

CHAIRMAN FLEMMING. May of 1976.

MR. PROCTOR. Yes.

CHAIRMAN FLEMMING. When you arrived in May of 1976, was there an affirmative action plan?

MR. PROCTOR. Yes, there was.

CHAIRMAN FLEMMING. How long had that plan been in existence?

MR. PROCTOR. Since January of 1976.

CHAIRMAN FLEMMING. Did you evaluate the plan at that point?

MR. PROCTOR. I read the plan. I made every attempt to evaluate it, but I have had very little real contact in the early months against which to make any evaluations.

CHAIRMAN FLEMMING. Did you recommend any changes in the plan?

MR. PROCTOR. I tried to hold off on that for quite a while, and I expressed most of my changes in—my opinions about changes for the 1977 plan. It took some time to see how the industry runs.

CHAIRMAN FLEMMING. The plan that you developed is a calendar year plan; that is, there was a plan for 1976; you now have a plan for 1977?

MR. PROCTOR. That is correct.

CHAIRMAN FLEMMING. Did you develop that plan with the help of your associates?

MR. PROCTOR. Yes.

CHAIRMAN FLEMMING. Did you recommend—to whom did you recommend the adoption of the plan?

MR. PROCTOR. Mr. Eisner.

CHAIRMAN FLEMMING. Mr. Eisner, you looked at the plan. Did you have any suggestions to make relative to changes in the plan?

MR. EISNER. No, I approved the plan, subject to my ability to continually review it and change it. I felt it would be presumptuous of me to, in a matter of weeks, to change a plan that had been worked on for a matter of months and even a year. Therefore, my personal role, I believe, is to analyze this plan and to watch how the people on the line, Mr. Proctor, Mr. Johnson, and others, and the employees of Paramount, because the plan and the degree that the personnel department can effect a plan is only as effective as the employees who are responsible for finding candidates to work for them, proceed under the plan. So, I see my role, frankly, is to look at the plan, to see how the plan works over the next year, to talk to Mr. Proctor about the cooperation he is getting from the line employees responsible for the various areas, and to step in, frankly, where the plan is either not working because it is written incorrectly or because the cooperation is not effectively being given, and that is how I see my role.

CHAIRMAN FLEMMING. Mr. Proctor, the 1976 plan was a plan that set forth goals and timetables?

MR. PROCTOR. That is correct.

CHAIRMAN FLEMMING. And I assume that the timetable called for the achievement of the goals by the end of 1976?

MR. PROCTOR. That is right.

CHAIRMAN FLEMMING. What success did Paramount have with the 1976 plan? How many of the goals that you set were achieved during 1976?

MR. PROCTOR. We achieved some, and there were others that we did not achieve. By and large, we achieved most everything we set out to do, with a couple of exceptions.

CHAIRMAN FLEMMING. Well, let me ask you if you could take one area where you did not achieve your goal and indicate why, in your judgment, the goal was not achieved?

MR. PROCTOR. Well, basically, in our legal areas in 1976, we hired, I believe, two minority attorneys. Our goal set there was three, and we didn't quite make it. That would be in our professional area.

CHAIRMAN FLEMMING. Now, as I understood your statement, the policy at Paramount is to hold what I would call the operating officials, line operating officials, responsible for implementing the plan. You, as the personnel director, will provide them with staff help and assistance; you will evaluate progress or lack of progress. If there is lack of progress, you make recommendations to them designed to correct the

situation. If you cannot get men to move, then you report that to the vice president for administration and if you don't get a satisfactory response there, you report it to the president; is that essentially the way the process operates?

MR. PROCTOR. That is essentially the way it would work, right.

CHAIRMAN FLEMMING. During the period that you have been there, now, from May '76 up to the present time, have you run into resistances on the part of line operating officials in relationship to these goals?

MR. PROCTOR. I guess the answer is, yes, but the resistance was not a resistance of intent, but a resistance more in interpretation of circumstances; but the answer is basically, yes, on occasions.

CHAIRMAN FLEMMING. Well, let's—you say, as far as you can determine, not a resistance of intent. In other words, you don't have any people in line responsibilities who are out of harmony as far as their own thinking is concerned with the Title VII of the Civil Rights Act?

MR. PROCTOR. I can't say from experience that anyone—I haven't have any experiences like that.

CHAIRMAN FLEMMING. You haven't had anyone who when presented with the opportunity of employment of a member of a minority group or someone else has not resisted the opportunity to employ a member of a minority group in the interest of helping Paramount achieve its goals?

MR. PROCTOR. Well, basically, the line management on almost every occasion has said, "Whoever is qualified."

CHAIRMAN FLEMMING. All right. Now, let me ask you then, what are the principal roadblocks that stand in the way of achieving the kind of goals that Paramount has set? What are the problems that you run up against which get in the way of achieving some of these goals?

MR. PROCTOR. Well, basically, in terms of the goals that we have set, the job specifications, basically knowing what it takes to be successful on any given job, at this point in time, in my short career at Paramount are really not clear to me in every case. So, I think we need to get a much better handle on what it takes to be successful in certain jobs. I think there may well be traditional requirements set in the past for certain jobs that cannot be, really cannot be justified, based on the performance realities of those jobs.

CHAIRMAN FLEMMING. Can you identify any situation of that kind up to the present time?

MR. PROCTOR. We are in the process of doing that. It has to do basically with our whole—

CHAIRMAN FLEMMING. But, have you identified any one area where you have some job specifications that you are convinced are set in such a way as to virtually block minority persons from getting into that particular area?

MR. PROCTOR. No.

CHAIRMAN FLEMMING. You don't have any job specification that you feel has got a bias built into it? Do you use written tests in connection with any of your jobs?

MR. PROCTOR. No, we do not.

CHAIRMAN FLEMMING. And so you haven't, as far as you know, you haven't got any job specification at the present time that would really make it virtually impossible for a member of a minority group to become involved?

MR. JOHNSON. We haven't had a chance to complete the validation of all of the jobs at Paramount and we are in the process—we are going to be doing that. So, we can't answer that question at this time.

MR. PROCTOR. Well, if you are referring to BFOQs no, absolutely not.

CHAIRMAN FLEMMING. Wait a minute, referring to what?

MR. PROCTOR. Bona Fide Qualifications Occupations.

CHAIRMAN FLEMMING. All right. Commissioner Freeman would like to follow up on that; I have got a couple of other questions, but—

COMMISSIONER FREEMAN. Go ahead.

CHAIRMAN FLEMMING. No, go ahead and follow up on this one.

COMMISSIONER FREEMAN. I would like to—in your line management, who were you talking about and how many people are you talking about, Mr. Proctor? The statement you made was that line management has said, "Whoever is qualified." First, who is line management?

CHAIRMAN FLEMMING. In other words, how many persons do you have who head up principal operating units within Paramount?

MR. JOHNSON. Well, we would be talking about approximately 30 department heads that would be in the craft areas and we would also have some vice presidents in charge of certain areas.

COMMISSIONER FREEMAN. Among those 30 department heads, how many of them are minorities?

MR. JOHNSON. One.

COMMISSIONER FREEMAN. How many of them are females?

MR. JOHNSON. One.

COMMISSIONER FREEMAN. Now, that means 29 whites, 1 minority. Is it 29 male, 1 female? Is the one minority also female?

MR. JOHNSON. I am sorry, let me—it is, yes, it is two minorities, one female minority.

COMMISSIONER FREEMAN. Two minorities, one female minority. One is double counted?

MR. JOHNSON. Yes.

COMMISSIONER FREEMAN. I believe you can anticipate the problem. In other words, it is the predominantly white male who makes the judgment, quote, "Whoever is qualified." Now, we are going to the job specifications. Are those job specifications in writing?

MR. JOHNSON. No, I said we are in the process of developing job specifications. They will be in writing. We have had a conversation with an outside consultant where we will have job-related job descrip-

tions, job specs, that would be developed with the department heads, with the personnel department, and with the consultant.

COMMISSIONER FREEMAN. Now, they are not in writing so right now you are talking about a situation in which line management disqualifies persons or qualifies persons without any written job specifications; is that correct?

MR. JOHNSON. Not in all areas, no. At the present time, when we recruit for nonaffiliated jobs, we do make an attempt to write job descriptions, and this is done by the personnel department.

COMMISSIONER FREEMAN. Where you have a job specification that is not in writing and is limited solely to the subjective determination of line management, would you not agree that this itself reinforces systemic discrimination?

MR. PROCTOR. But that is not the manner in which our specifications are going to be developed.

COMMISSIONER FREEMAN. But you do not now have any.

MR. PROCTOR. Basically, the sole responsibility for specifications in terms of are they defensible and so forth rests with us; that is not a sole responsibility of the line manager.

COMMISSIONER FREEMAN. Well, then the blame is with you, right?

MR. PROCTOR. I am not so sure it is a blame-orientation issue. What we are talking about here is discussing specifications—what does it take to do the job? Of course, we have to rely on the line manager's input. Who knows the job better than he does?

COMMISSIONER FREEMAN. There are not now any written specifications?

MR. PROCTOR. That is correct.

COMMISSIONER FREEMAN. Then, may we suggest that that in itself would be in violation of the testing guidelines of Title VII of the EEO? Mr. Chairman, I would like to request that counsel will pursue this matter with the Equal Employment Opportunity Commission. Thank you.

CHAIRMAN FLEMMING. The record will so indicate.

May I now, going back to the the 29 or 30 operating heads that we were talking about, it is my understanding that they do a number of things in connection with the process. Am I correct in understanding that they do participate in the recruiting process? In other words, that they have the opportunity of trying to recruit persons who would, in their judgment, fill their vacancies in a satisfactory manner?

MR. JOHNSON. Well, the—well, yes, they do participate in the recruiting process. However, it is not left solely up to them.

CHAIRMAN FLEMMING. I understand that, but they do participate in that?

MR. PROCTOR. We welcome their input. If they have qualified applicants, they will be allowed to be considered with the rest of the applicants.

CHAIRMAN FLEMMING. What has been your experience in terms of the 29 or 30 recommending to you the employment of members of minority groups; that is, taking the initiative and saying, "We know of such and such a person who belongs to a minority group, and in our judgment that person could do a good job?" I guess I should back up a moment. Do they recommend to you employment, or can they actually sign off and employ someone?

MR. PROCTOR. Not without going through the selection process.

CHAIRMAN FLEMMING. But, having gone through the selection process, can they then, do they make the decision, or is the decision made at a higher level?

MR. PROCTOR. Basically, the requisitioning unit or the manager who has the responsibility for hiring, that person will ultimately make that decision.

CHAIRMAN FLEMMING. All right.

MR. PROCTOR. He must, however, make that decision based on job-related qualifications.

CHAIRMAN FLEMMING. And some of those are not yet in writing?

MR. PROCTOR. To the extent that we are able to determine, that is right.

CHAIRMAN FLEMMING. So that in some cases he is making the determination on the basis of what he regards, or she regards, as job-related qualifications. Now, let me ask this. Has, in your judgment, your relationships with the unions stood in the way of your achieving your goals within the timetables that you have set?

MR. PROCTOR. I am not sure I understand the question.

CHAIRMAN FLEMMING. Well, 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 craft areas are concerned, we have not set goals in those areas because there is no way to predict the amount of employment that we are going to have in one given year.

CHAIRMAN FLEMMING. What would be—just taking them in order, a magnitude—in a normal year, what would be the total number of persons employed, just in order of magnitude? I am not asking for anything—

MR. JOHNSON. It depends totally on production. I really can't answer that.

CHAIRMAN FLEMMING. Well, could you give me any one year and indicate what it was? I don't care—take last year, or the year before, something—just feeling for an order of magnitude here, that is all.

MR. PROCTOR. Yes.

MR. JOHNSON. I can't answer that; I don't know.

CHAIRMAN FLEMMING. Well, you know how many were employed in 1 year within these categories, approximately. What are we talking about, 200, 300, 400, what are we talking about? Order of magnitude?

MR. JOHNSON. I can't answer that for our previous years because, you know, I don't know. We—

CHAIRMAN FLEMMING. Is that information available in the records of Paramount?

MR. JANOFSKY. Precisely which information, Mr. Chairman?

CHAIRMAN FLEMMING. I am just taking these categories where Mr. Johnson had indicated that, in his judgment, Paramount does not have control and asking him, that is in terms of hiring, and asking him, how many persons are we talking about in any given year? Now, I appreciate the fact that this is dependent on your production schedule and so on, but I am just trying to get a feel of whether we are talking about 10 people or 200 people, or 300, or whatnot; that is all I am interested in.

MR. PROCTOR. Basically, the number of people we can determine. So far, we have not monitored it quite that way. The utilization of these people who are in the craft areas, the same person may work for us 3, 4, 10, an indeterminate number of times for an indeterminate sequence of days over the year's time. What Leon is referring to, I think, basically is that we have to count some people twice, or a separate incidences. And so, basically—we could reproduce that data. We don't have that data with us.

CHAIRMAN FLEMMING. Okay, well, that is it. If you would do that, I would appreciate it so that we can enter it into the record at this time. And as far as I am concerned, you can use a full-time equivalent approach or whatever approach you want to use in order to just give us a feel of it, that is all.

MR. PROCTOR. Well, we do monitor that data on a mandays-worked basis for each of these areas, and we have that in statistical and graphical form—

CHAIRMAN FLEMMING. Okay.

MR. PROCTOR. —We just don't have the individuals.

CHAIRMAN FLEMMING. Well, going back, you 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 are concerned?

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

CHAIRMAN FLEMMING. Do you have any contacts or discussions with those who develop those rosters as to how they develop them, under what circumstances they develop them?

MR. JOHNSON. I don't understand your question.

CHAIRMAN FLEMMING. We are talking about rosters.

MR. JOHNSON. Yes.

CHAIRMAN FLEMMING. And under certain circumstances, you have got to go to the rosters?

MR. JOHNSON. Yes.

CHAIRMAN FLEMMING. You can't pick up until they tell you that there is no one on the roster—well, let me ask this. 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.

CHAIRMAN FLEMMING. You said there are opportunities?

MR. PROCTOR. When those rosters are exhausted and all of the members are working.

CHAIRMAN FLEMMING. Oh, yes, okay, but what I am doing, I am coming to the point. If you turned to whoever controls the roster, you ask for certification of some people from the roster, has your experience with those rosters been such as to indicate that members of minority groups have had a good opportunity to get on those rosters? Do you find minority persons on those rosters?

MR. JOHNSON. Are you asking if there are minorities on the roster?

CHAIRMAN FLEMMING. What I am asking you is your best judgment as to whether or not members of minority groups—over the last few years, I won't go back too far—have had an equal opportunity to get on those rosters so that they can be certified to you?

MR. JOHNSON. I don't know.

CHAIRMAN FLEMMING. You don't know?

MR. JOHNSON. No.

CHAIRMAN FLEMMING. What has been your experience in terms of the number of minority persons who have been certified to you from those rosters?

MR. JOHNSON. Well, the rosters are administered out of the AMPTP, and I would not have that data.

CHAIRMAN FLEMMING. But, that leads me to this question. Are you members—is Paramount a member of AMPTP?

MR. JOHNSON. Not—no.

CHAIRMAN FLEMMING. Then why are you required to go to the roster?

MR. JOHNSON. Because we have been advised by our labor relations department that this is—that we should use the rosters.

CHAIRMAN FLEMMING. In other words, although you are not a member, and therefore not—do not have a formal requirement to turn to the roster, as a matter of policy, you turn to the roster?

MR. JOHNSON. We have not been—we haven't been told not to go to the roster.

MR. PROCTOR. Well, we are basically not lawyers, and we really don't—aren't qualified to talk about the rosters. We are—

CHAIRMAN FLEMMING. I appreciate that.

MR. PROCTOR. —operating as we always have operated, and we haven't been told to do anything different. We are operating with that thought.

CHAIRMAN FLEMMING. All I am trying to get is the facts here and as—I understand it is a fact that Paramount is not a member of AMPTP; is that correct?

MR. PROCTOR. That is correct.

CHAIRMAN FLEMMING. All right. Then, is it correct that you have been told to go to the roster first as a matter of policy? I mean, that is the policy?

MR. PROCTOR. That is the policy at Paramount, right.

CHAIRMAN FLEMMING. Then, may I ask whether or not it has been your experience that, when you go to the rosters, you do have referred to you, at least from time to time, members of minority groups?

MR. PROCTOR. Yes, we do. As a matter of fact, we have lists, to the extent that we have been able to make that determination of the minorities on each individual roster. Basically, when we have that option, we request those individuals.

CHAIRMAN FLEMMING. So, is it your—do you feel that using that roster contributes to the achievement of your goals and timetables under your affirmative action plan?

MR. PROCTOR. Well, being bound by the roster obviously creates certain limitations in terms of numbers.

CHAIRMAN FLEMMING. I would appreciate it if counsel would explore with counsel for Paramount the question of whether or not Paramount is bound by the roster. I appreciate we are getting over into a legal area here, but the Commission would like to know whether or not that is, in fact, the case.

Now, let me turn, just briefly, to a discussion that you had with counsel about entering into contracts with producers, where it is your money that is made available to the producers. In response to a question from the counsel you indicated that you, at least up to this point, had not raised with them the question of whether or not they had an affirmative action plan; am I correct in my recollection?

MR. PROCTOR. That is correct.

CHAIRMAN FLEMMING. Have you given consideration to raising that question with a producer in the interest of achieving overall objectives for the industry? Has that ever been under consideration?

MR. PROCTOR. That has been a topic for discussion, along with everything else that we are doing to try to gear up.

CHAIRMAN FLEMMING. Do you feel that this is an area where, if you work that into your contract with the producers, you will be able to make a positive contribution to the achievement of equal employment opportunity goals?

MR. PROCTOR. Basically, our goals—in the case of producers, those people would work for the producers; our goals are really responsible for the people who work for Paramount.

CHAIRMAN FLEMMING. I appreciate that, from a legal point of view, but I am just thinking in terms of the industry as a whole and the opportunities or the lack of opportunities for minorities. Would you see this as an opportunity to make a contribution to opening up the doors of opportunity within the industry if you discussed this issue with producers?

MR. PROCTOR. It would be hard to deny that it wouldn't be an opportunity. It certainly would.

CHAIRMAN FLEMMING. You are now into—we are now into near the end of March, as far as calendar year 1977 is concerned. As you look at your goals and your timetables for 1977, what is your feeling as to the progress that has been made toward the achievement of those goals?

MR. PROCTOR. I think we are very optimistic.

CHAIRMAN FLEMMING. And looking down the road, do you feel that in spite of the obstacles that you may encounter and run into, as all of us do working in this area, that you will be able to achieve those goals?

MR. PROCTOR. I certainly do, and I would encourage the Commission to spend some time on the statement that we are submitting. I think it outlines there much better than I have been able to do here in response to questions or that Leon has been able to do. It has really been—the gist of your question right now, the beginning of the trends are quite obvious from the people we have hired from the process and procedures that we have instituted.

CHAIRMAN FLEMMING. My recollection of your statement is that you were dealing with a period from '69 down to the present time; is that correct?

MR. PROCTOR. The bulk—that was—we were responding to that question. We do, however, take some effort there to point out that most recent accomplishments.

CHAIRMAN FLEMMING. If you want to amplify that, I would be very happy to have you do it. I mean, what has happened from '66 on into '77—I mean, '76 on into '77. Would you just, one final question, summarize for me, briefly, your positive recruiting program designed to open up opportunities for members of minority groups in the interest of achieving the goals and within the timetables that you have set? If I could just have a single summary of that. We discussed various aspects of it, but I think it would be helpful if we had a summary of all of your positive recruitment efforts in the record.

MR. PROCTOR. Sure. Basically, we are talking about—the first step is finding out what it takes to be successful in those jobs and then identifying the sources in the community. Now, the recruiting aspects, the sources in the community, which I assume you are referring to, we

have outlined at some length, which I can amplify from our statement. I am sure you can appreciate that a number of our plans are plans and, as such, are subject to evaluation in terms of the results they achieve. The things that look like the best bets right now in terms of percentages for success right now for us are active involvement in such organizations as LABEEO and PMAA.

CHAIRMAN FLEMMING. Would you mind translating the initials for me?

MR. PROCTOR. Sure, I am sorry. Los Angeles Basin Equal Employment Opportunity League, the Personnel Management Association of Atlan. Arthur Flores is on the advisory committee of Mount San Antonio College. We happen to believe there might be a very high percentage of good candidates in our community college system. I happen to be an officer in the executive council of the California Community College Placement Association. I am very optimistic about the input that we can have from junior college recruitment for those jobs where it makes sense. I am also on the Pasadena City College Placement Advisory Committee.

We have active memberships in most of the other relevant kinds of groups, for example, without going into great detail, the Personnel Testing Council of Los Angeles. I don't know if you are familiar with that group, but it is basically a group of personnel experts in testing people who are qualified people in the area; we have, regularly, speakers from the EEOC, Bill Ennus, in the past, an EEO psychologist in San Francisco, that kind of thing, without going into any great detail. We stay on top, in other words, of all the guidelines, developments, and so forth as a professional group. We try to bring those things back to our staff and apply those things in a professional manner.

In terms of recruitment agencies, I can give you a list of some of the things we done just in the recent months. The Chicano Librarians' Association we have utilized. Leon earlier referred to Executive Opportunities, which happens to be primarily a minority private agency. We have used them with success on two occasions for higher-level jobs. In one instance, a senior systems analyst, who is, by the way, helping us to automate all of our personnel data so that we may have better data by this time next year and more effective ways of managing the data. The greater Pasadena Job Clearing House—

CHAIRMAN FLEMMING. In the interest of time, do we have a copy of the complete statement?

MR. PROCTOR. You have a copy.

CHAIRMAN FLEMMING. Okay, we will insert the rest of it in the record. We have run a little over time here so that we will have to end the discussion with this panel. But we appreciate very much your being here. We appreciate very much the kind of information that you have given us in response to our questions.

And I will ask the counsel now to call the next witnesses, but I understand that one of the next witnesses must leave within a fairly short period of time. So, I will ask counsel to direct his questions to him first, and then we will turn to the other members of the panel. Thank you very much.

MR. JANOFSKY. Mr. Chairman, may we file this written statement on behalf of Paramount that has been alluded to here?

CHAIRMAN FLEMMING. Yes, I would be very happy to have it in the record at this particular point.

MR. BACA. Dennis Stanfill, Robert Holms, and Richard Brooks, please.

MR. BACA. Mr. Stanfill, Mr. Holms, Mr. Brooks, would you please take your places and be sworn?

CHAIRMAN FLEMMING. If you will just stand and raise your right hand, please. Will all of the persons who are to present testimony, if you will raise your right hands, please, and take the oath?

[Messrs. Dennis C. Stanfill, Robert Holms, and Richard A. Brooks and Ms. Cathy McKee were sworn.]

**TESTIMONY OF DENNIS C. STANFILL, ROBERT HOLMS, RICHARD A. BROOKS,
AND CATHY MCKEE, TWENTIETH CENTURY FOX CORPORATION**

CHAIRMAN FLEMMING. Thank you. We appreciate your being here. Counsel will proceed.

MR. JANOFSKY. Mr. Chairman.

CHAIRMAN FLEMMING. Yes.

MR. JANOFSKY. Before you direct any questions to Mr. Stanfill, and I appreciate very much the fact that you are going to put questions to him first so that he can go on to another appointment, I would appreciate very much, indeed, if Cathy McKee, the young lady who is sitting here and who is the company's EEO coordinator, could have the opportunity to make a brief 3- or 4-minute statement, if she could.

CHAIRMAN FLEMMING. That is ahead of Mr. Stanfill's testimony?

MR. JANOFSKY. Right.

CHAIRMAN FLEMMING. Counsel, we can proceed in that way.

MR. JANOFSKY. Thank you very much.

MR. BACA. Miss McKee.

MS. MCKEE. Thank you.

Thank you for the opportunity to appear before you and to detail the progress that we have made in the employment of minorities and women since 1969, and to tell you the steps that we are taking to continue the substantial increase in the utilization which has already taken place. We have made significant accomplishments. The bottom line of the detailed accomplishments we have submitted to your Commission is the fact that our utilization of minorities has almost tripled during the time frame, and our utilization of females has more than doubled.

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.

I am director of equal employment opportunity for Twentieth Century Fox Film Corporation; in this capacity I report directly to our chief executive officer, Dennis C. Stanfill. I have direct access to Dennis Stanfill as needed. Our chief executive officer, both personally and in writing, has made it clear to all members of management that equal employment opportunity and affirmative action is a high level corporate priority.

Richard Brooks, who is here with us today, works for me as affirmative action programs coordinator. We have taken the unusual step for our industry of having Richard review scripts, meet with producers and assistant directors, inform them of our affirmative action policy and to offer suggestions on casting where we feel it to be apropos, which is a job of tremendous sensitivity and diplomacy, but it is a significant effort that we are making.

Total staff devoted directly to EEO is four persons, a large number for the relatively small size of our corporation. Substantially involved in the direction of our EEO efforts are also our personnel and employee relations department. The total number of persons with significant direct responsibility for leading our EEO efforts are over a dozen, six of whom are minorities and five are female.

In short, we have made significant progress, almost tripling our utilization of minorities and more than doubling our utilization of females since 1969. We are devoting the talents of an unusual number of people to making sure that our high corporate priority of significantly increasing our utilization of minorities and women at all levels is realized. We will be happy to answer any questions you have with respect to what we have accomplished in the past and the efforts and procedures we are utilizing to ensure significant accomplishments in the future. Thank you.

MR. BACA. Thank you, Miss McKee, we will be discussing that statement with you in a moment, but if we could turn to Mr. Stanfill first.

MR. BACA. Mr. Stanfill, how long have you been president of the corporation?

MR. STANFILL. I have been chairman of the board and—

MR. BACA. Chairman of the board.

MR. STANFILL. —chief executive officer for about 5-1/2 years and I was with the corporation 2 years before that.

MR. BACA. So, you would be familiar with the history of affirmative action in the corporation?

MR. STANFILL. Yes.

MR. BACA. And can you tell us the first time that a plan was developed for the corporation and how it was decided to implement such a plan?

MR. STANFILL. I believe that there were commitments by the prior management of the corporation prior to the time that I came to the corporation in 1969. I became more actively involved in these areas when I became the chief executive officer in 1971. There was a specific plan of action developed in 1972. It was further modified and amplified in 1975 and again last year, and it is currently under further review.

MR. BACA. How often is it reviewed?

MR. STANFILL. It is part of our personnel plans and policies and, therefore, it comes under fairly routine review.

MR. BACA. That is an annual process?

MR. STANFILL. Normally, yes, sometimes more frequently.

MR. BACA. Your present plan is geared towards what goals and what timetables?

MR. STANFILL. Our present plan is a significant one on several fronts. In terms of goals, we are in the process of reviewing it. We began the review last year toward reviewing what our further goals should be, and they are in development now. We expect to have them completed shortly and for submission to you.

MR. BACA. Yes, sir. In terms of the way that the corporation makes its product, motion pictures, I understand that on many occasions an independent producer comes to the corporation with an idea, you decide to make that film, or to give him money, or contract with him to make that film. In any of those contracts, do you negotiate an affirmative action requirement?

MR. STANFILL. We normally do that by working with the producer, as Miss McKee has outlined, in terms of the casting and the roles, and then other employment is handled as it may be through our personnel and employment operations.

MR. BACA. Okay. Mr. Chairman, in the interest of time, I would defer the questions to you at this point.

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. Mr. Stanfill, will you give the number of persons on the board of directors of Twentieth Century Fox?

MR. STANFILL. There are 12 members of the board of directors and, as Miss McKee reported, one member is a minority, a black, and one member is a woman.

COMMISSIONER FREEMAN. Does Twentieth Century Fox or any of its affiliates or subsidiaries have any contracts with any agency of the Federal Government?

MR. STANFILL. Yes.

COMMISSIONER FREEMAN. How many—what is the range of such contracts?

MR. STANFILL. We have several, depending on Twentieth Century Fox and its affiliates. Of course, we lease our films to the Army, Navy, and Air Force, and I believe some of our other affiliates also do business with various agencies and departments of the Government.

COMMISSIONER FREEMAN. In those contracts, there is a nondiscriminatory clause, is there not?

MR. STANFILL. I am not familiar with the precise details of those contracts. I normally don't handle the negotiations of them.

COMMISSIONER FREEMAN. Do you sign those contracts?

MR. STANFILL. No.

COMMISSIONER FREEMAN. Who is the officer that signs the contracts with the Federal Government on behalf of Twentieth Century Fox?

MR. STANFILL. There would be, I am sure, several executives in various parts of the company who would sign contracts. It is not a centralized function; it is broken down among the various departments as they do business.

COMMISSIONER FREEMAN. You are aware, however, that in all contracts with the Federal Government there is a requirement for nondiscrimination on the basis of race, creed, sex, national origin; is that correct?

MR. STANFILL. I am aware of the general requirement. I was not aware that it was a requirement of all contracts, and I think that our actions, our significant actions, demonstrate our belief in affirmative action.

COMMISSIONER FREEMAN. What we would like to know is the extent to which you transfer that belief into action. What we want to know is the employment practices. How many employees does Twentieth Century Fox have at this time?

MR. STANFILL. At this time, I can give you a figure, for example, I believe our last EEO-1 report indicated approximately 1,800 people. In prior years those reports have shown an employment of approximately 1,000 people.

COMMISSIONER FREEMAN. Now, do you have information as to the actual number when you refer to the statement that the number of minorities has tripled, the percentage has tripled; again, you see, it could go from one to three and that would have been tripling. So, could you or could your company supply to this Commission the actual figures with respect to job categories?

MR. STANFILL. Yes, indeed. I think we have, but we will certainly supply them again.

COMMISSIONER FREEMAN. Then, would you have the same—you have managers, do you know, as president or chairman of the board, how many members would be in the classification of managers?

MR. STANFILL. I don't have it here in front of me, but I have reviewed, from time to time, those categories, and I hasten to say I think, with regard to executives and managers, we have done a very fine job. For example, I believe we are the only company in the motion picture industry who has a corporate vice president who is a minority.

COMMISSIONER FREEMAN. How many managers, how many individuals would be in the category of managers?

MR. STANFILL. In that classification could you give me a figure, Cathy? We will supply a figure, but we have a good representation.

COMMISSIONER FREEMAN. You indicated you have one, but I want to know what the total is.

MR. STANFILL. Yes, I was singling out the most senior.

MS. MCKEE. We don't have those numbers with us.

CHAIRMAN FLEMMING. Could you give us an order of magnitude? Are we talking about 40 or are we talking about 100?

MR. STANFILL. In terms of the broad classification, Mr. Chairman?

COMMISSIONER FREEMAN. Of the broad classification of managers.

CHAIRMAN FLEMMING. Program managers, if you want to use that term, middle management, maybe.

MS. MCKEE. Probably about 100 to 150, and that is right off the top of the head.

CHAIRMAN FLEMMING. All right.

COMMISSIONER FREEMAN. Well, you said, you indicated that you took pride in the fact that you had one, and if you have 100, and you have only 1 minority—

MR. STANFILL. No, Commissioner, I was only beginning, and I think I was interrupted. We have a number of other executives who are either minorities or women. I was only singling out my most senior executive, who was recently promoted as a corporate vice president.

COMMISSIONER FREEMAN. When was that?

MR. STANFILL. About a month ago. He had been with the company 4 years.

COMMISSIONER FREEMAN. All right, would you then proceed?

MR. STANFILL. And we have a number of others, as Miss McKee outlined, in various other areas. For example, we recruited last year a corporate director of EDP, electronic data processing, who is also a minority, and an important executive in our company. We have a lawyer and associate resident counsel, a manager of tax administration, a manager of office services, among others.

COMMISSIONER FREEMAN. Let me go to the contract that you have with producers. You have contracts with producers, do you not?

MR. STANFILL. Normally made, yes, on an individual, picture-by-picture basis.

COMMISSIONER FREEMAN. That is right. Now, in that contract between Twentieth Century Fox and the producers, is there a nondiscrimination clause?

MR. STANFILL. I will have to refer to my colleagues on that.

MS. MCKEE. I don't know that there is any clause in the producers' contracts.

COMMISSIONER FREEMAN. What is the range, dollar range, of the contract that you would have with a producer?

MR. STANFILL. To make a motion picture, for example, it could range from \$1.5 million to \$7.5 million to \$10 million.

COMMISSIONER FREEMAN. Then you are saying that you may have a contract that ranges for \$10 million and there is no requirement for equal employment opportunity in the contract?

MR. STANFILL. I didn't say there was no requirement, Commissioner; I said that I was not knowledgeable on that particular technical point. I would like to point out again, as Miss McKee pointed out, that we are very careful in talking to our producers about—particularly before- and behind-the-camera work—in terms of assuring the best representation possible, and she mentioned two cases recently in our films in which we cast blacks in roles in which the script did not call for blacks. The latest one being Richard Pryor in our hit picture, *Silver Streak*, in which he has played an outstanding role, and if you have seen the picture, I commend it to you, an outstanding performance. He is really the star of the show.

COMMISSIONER FREEMAN. What I am still trying to find out is how you translate—you say you talk to them, but how can you enforce the provision of the contract with respect to nondiscrimination if the only thing—if there is no written provision in the contract? And I am not taking anything from Richard Pryor, I just wanted to—

MR. STANFILL. Please don't.

COMMISSIONER FREEMAN. I am talking about the nuts and bolts of the everyday job that person has.

MR. STANFILL. Yes. You asked the question, enforce.

COMMISSIONER FREEMAN. That is right, enforce.

MR. STANFILL. We seek to be persuasive and I think, as we have said, I think the record in which we have made significant progress there. You are also mindful that much of the manpower involved in making a motion picture, the so-called behind-the-camera people are governed by a whole other set of hiring procedures which run through our personnel and hiring procedures and, therefore, come under our surveillance as best it can.

COMMISSIONER FREEMAN. Is it correct then that with respect—when you have a contract with a producer, that as to all of the provisions of that contract, as to whether that producer is going to perform it satisfactorily or not, you seek merely to be persuasive?

MR. STANFILL. Yes, and I think we are and the record demonstrates we have been effective in that regard, and as I told you, I am not aware of the technical requirement on whether or not these contracts have other requirements in them. Those are handled by other people.

COMMISSIONER FREEMAN. Does that mean that, if the producer did not come forth with the product, that you would not consider that a violation of the contract?

MR. STANFILL. If he did not come forth with the product, Commissioner?

COMMISSIONER FREEMAN. Yes, the film. Suppose you had a contract with a producer to produce *King Kong* and instead the producer produced *I Will Arrive*, and you would just try to persuade him, you would not consider that a violation of the contract if he didn't produce the product that that contract provided for?

MR. STANFILL. Well, of course, in our procedures, that would never happen, Commissioner, because we are involved carefully in the supervision of the production of the picture from the beginning and we watch it carefully, normally monitoring the daily shooting.

COMMISSIONER FREEMAN. This is precisely the concern we have, and that is that we find that there is monitoring of every provision other than the nondiscrimination provision.

MR. STANFILL. Commissioner, again, I would like to point out to you that I think before the camera our record speaks for itself. It is a fine record. In addition to these pictures that I have mentioned, this company, for example, wholly financed the Broadway musical *The Wiz*. We distributed two distinguished films, *Sounder* and *Claudine*. Our before-the-camera record is very good. That speaks for itself and can be seen. Behind the camera, the employment is governed by our good personnel and employment practices. We have a good record.

COMMISSIONER FREEMAN. Let me ask you about cameramen. Just answer that one question; I don't want to make you miss your plane. What about the cameramen? We heard testimony from someone who had never seen a black cameraman; is that true in Twentieth Century—

CHAIRMAN FLEMMING. First cameraman.

COMMISSIONER FREEMAN. First cameraman—is that true at Twentieth Century Fox?

MR. STANFILL. I can't testify to that, Commissioner; I am not normally on sound stages. That is managed by other executives.

COMMISSIONER FREEMAN. Would anybody here know the answer? I mean, if so, we will just pass it.

CHAIRMAN FLEMMING. We can pick that up later.

COMMISSIONER FREEMAN. All right.

MR. STANFILL. They may; I am not sure.

COMMISSIONER FREEMAN. Thank you.

CHAIRMAN FLEMMING. I would just like to ask one question. In connection with the affirmative action plan where you have goals and timetables, do you ultimately, or finally, participate in that process as the chief executive officer?

MR. STANFILL. Yes, Mr. Chairman.

CHAIRMAN FLEMMING. And do you share that with the members of the board?

MR. STANFILL. Yes, from time to time.

CHAIRMAN FLEMMING. And you also participate in the process of checking up to see what progress is being made towards the goals within the timetables that are set?

MR. STANFILL. Yes, sir.

CHAIRMAN FLEMMING. Thank you very much.

MR. STANFILL. Thank you very much. I appreciate your consideration.

CHAIRMAN FLEMMING. Well, we appreciate your being here, and I hope that you won't miss the plane. Thank you very much.

All right, counsel, you may proceed.

MR. BACA. Did you wish to submit that statement at this point, Miss McKee, and any other materials or documents that you want to get into the record?

Okay, if we could go to the plan itself, I have a couple of preliminary questions about—

MR. JANOFSKY. Just for the record, Mr. Baca, we would like to submit this statement on behalf of Twentieth Century Fox Film Corporation, so that may be made a part of the record.

CHAIRMAN FLEMMING. This will be entered into the record at this point in the hearing.

[The document referred to was received in evidence.]

MR. JANOFSKY.-Mr. Chairman, I appreciate very much, indeed, your consideration of Mr. Stanfill's having to leave.

CHAIRMAN FLEMMING. I was happy to do it.

MR. BACA. We have heard a general statement of the plan, Miss McKee; could you be more specific in the terms of the goals and timetables—how they would be determined, what progress the company is making towards this year's goals, how next year's goals will be set—so that we can understand something of the plan?

MS. MCKEE. Certainly. Our affirmative action plan is very lengthy. It contains all of the provisions that are required by Executive orders. We are in the process right now of developing our goals for 1977, based on labor-market data and industry data, and I can't give you the specific numbers today because we really have to sit down with Mr. Stanfill and with our senior executives and negotiate the objectives for the year.

MR. BACA. Is that how the plan was developed? Is it a process of negotiation by you and your office with the managers in the corporation?

MS. MCKEE. Not the development of the plan, the development of the goals. We want to involve them in the goal-setting process; that way they will own the goals as well as we will own the goals. They will be realistic, and we will continue the progress that we have made.

CHAIRMAN FLEMMING. Can I interrupt just a moment?

MR. BACA. Sure.

MS. MCKEE. Sure.

CHAIRMAN FLEMMING. Is your plan for a fiscal year or a calendar year?

MS. MCKEE. For, in effect, a calendar year.

CHAIRMAN FLEMMING. So that you are now still operating under the 1976 plan; you do not yet have a 1977 plan?

MS. MCKEE. The plan was revised in October of '76. We are still in the goal-setting process. So, it is a '76-'77 plan, to be specific.

MR. BACA. How long has that process taken, so far, and when do you expect it will be concluded?

MS. MCKEE. Hopefully, we will finish the goal-setting process with all of operating managers before the end of April.

MR. BACA. When did you begin?

MS. MCKEE. After developing the numbers?

MR. BACA. Yes.

MS. MCKEE. In February.

MR. BACA. Okay.

COMMISSIONER FREEMAN. Was that last month?

MR. BACA. Yes, was that last month?

MS. MCKEE. Is that right, Richard?

MR. BROOKS. Yes.

MR. BACA. Once the goals are determined for the year, how is information about the plan or the responsibilities of each division or section manager, however you describe those responsibilities, how are their particular responsibilities communicated to them?

MS. MCKEE. Directly, face to face, one on one, or two on one.

MR. BACA. Is there a written expression of those responsibilities?

MS. MCKEE. Yes. They—each operating manager will receive a copy of the affirmative action plan. He or she will also receive a copy and will, as I said, be involved in the goal-setting process. They will have in their manual what is going to happen in 1977, given turnover or additions to staff or whatever. But these are the things that we have agreed to in various categories, officials and managers, technicians, professionals.

MR. BACA. And is performance in carrying out those responsibilities under the plan part of those supervisors' evaluation?

MS. MCKEE. How is it part of the evaluation?

MR. BACA. Is it, first?

MS. MCKEE. Yes.

MR. BACA. And how is that done?

MS. MCKEE. At performance review, at the end of the year. That is our intention.

MR. BACA. That is not your practice now?

MS. MCKEE. It will be our practice.

MR. BACA. Earlier you commented on the progress that the corporation had made, and, although I have the statement, perhaps you could help me understand something. Comparing reported data from 1969 to 1976, progress seems to be sort of limited in the area of Spanish-speaking employees, or Spanish-surname employees. For example, in 1969 you reported 3 percent. In 1976, it was 3.5 percent. Can you explain that particular disparate hiring?

MS. MCKEE. No, I can't.

MR. BACA. Is there anything in your plan which takes into account such imbalances? That is, are there the same practices for minorities generally, or is there some special effort where the company is lagging or how is that done?

MS. MCKEE. There will be special—I don't want to say special—the goal-setting process will take all of those things into consideration. Now, we will not—we will be setting an overall percentage increase for minorities and females and specific percentage increases by category.

MR. BACA. Okay. Were you aware of that, which I say, that sort of imbalance?

MS. MCKEE. Imbalance?

MR. BACA. Yes, well, as I say, there was progress in some other areas, the number of women has increased, the number of blacks has increased, but in that one area there seems to be a deficiency, and I was wondering if the planning process was taking that into account?

MS. MCKEE. Yes.

MR. BACA. Could you describe some of the things that you are suggesting to managers to correct that?

MS. MCKEE. We will be improving our contacts in the community, and there were contacts in previous years. We need to reestablish those contacts and reach out.

MR. BACA. Can you describe the kinds of contacts you make now? Earlier we heard about word of mouth from another studio, advertising through some, through some publications, some recruiting. Could you describe what it is Fox does?

MS. MCKEE. I will make a very brief statement and then ask Mr. Holms to fill it in. Mr. Holms is manager of employee relations and is directly involved in the employment, promotions, and transfer process.

We advertise in newspapers; we also use word of mouth. But I wouldn't say that that is the sole source of candidates that—obviously, we need more than just that one thing. Mr. Holms?

MR. HOLMS. I have been on board with Fox since November 15 of last year. Since around the 1st of February of this year, I have been manager of employee relations, which includes both employment as well as certain aspects of labor relations.

There has been a considerable amount of personnel turbulence in turnover in the section which I now head, which has hindered their efforts. At one point in the past, we had a listing of job openings which was distributed to various community organizations, both public and private, in order to more widely publicize the availability of opportunities at Fox Studios; due to the turbulence and turnover which I have alluded to, that has not been done, and will again be done under my direction.

At this point in time, we are attempting to assess—let me restate that. I am attempting to assess just where my staff is and what their

understandings are. I have been giving them special training and special guidance in their obligations under our affirmative action plan, in the areas of equal employment opportunity. I have a very junior staff. No one on it has more than a year and a half of service to the company. In my particular area, as I say, there is a considerable need for training and for developing, and that is taking place and will continue to take place.

MR. BACA. Mr. Brooks, perhaps you could help us understand—I think, in your statement, Miss McKee, you said that there were four people at the studio, a large number of people for a relatively small corporation, who are involved in the EEO process. Could you tell us who those people are and exactly what their responsibilities are in, and how they coordinate?

MS. MCKEE. Okay. I am the director of the EEO for Twentieth Century Fox.

MR. BACA. Are you the senior person in charge of EEO?

MS. MCKEE. Yes. And as I said, I report directly to Dennis C. Stanfill.

MR. BACA. And is that your full-time responsibility?

MS. MCKEE. Yes, it is.

MR. BACA. Do you have other responsibilities as well?

MS. MCKEE. Yes.

MR. BACA. Could you describe those?

MS. MCKEE. Yes. I am manager of the compensation functions of Twentieth Century Fox, but that is up and running and doesn't really require a whole lot of my individual effort, and I have people who can now maintain that function for me.

MR. BACA. What is that?

MS. MCKEE. Salary administration.

MR. BACA. Thank you.

MS. MCKEE. And it ties in very nicely with affirmative action. The two go hand in hand. Mr. Brooks works full time in the area of affirmative action. I have a personnel intern who works for Twentieth Century Fox part time, and she is a minority, and she spends her time gathering and compiling the kinds of data that is necessary for us to have. We are looking right now, for example, at an analysis of turnover, an analysis of hiring, and an analysis of promotions.

MR. BACA. Is that, in part, to be included in the plan?

MS. MCKEE. Yes, it would be in the plan, and also we would be using it as a way of monitoring what is happening, and she is spending her efforts on that, and then the fourth member of the staff who is a minority is our secretary.

MR. BACA. So, one of the four people that you described who is involved in the process is a support person, a clerical person?

MS. MCKEE. Correct.

MR. BACA. Okay.

MS. MCKEE. Now, those are the people that report to me in the area of EEO. Quite obviously, affirmative action is dependent quite heavily on the employment process and Mr. Holms' staff is also involved, I would have to say directly, although Mr. Holms does not report to me. But we work very, very closely together. That is the only way the program can work.

MR. BACA. Perhaps it would help us to understand if you could describe the process by which positions are announced or recruiting is done, how vacancies are filled; that is, at what point do you impact on that process?

MS. MCKEE. Okay. I will start to answer that question and then have Mr. Holms pick it up.

MR. BACA. Fine.

MS. MCKEE. The process begins as Paramount described, we also have requisitions to increase our permanent staff. The personnel department is directly involved in that hiring process. In 1975, when Mr. Weiss, who is corporate personnel director, arrived, the personnel department was not directly involved in recruiting all permanent staff employees. Now we are. The requisition comes in to me, and I review it with both of my hats on. I review it with the compensation hat, attaching a salary range to the job, reviewing the job duties that are mentioned on there, and looking for job-related experience and skill requirements. I make notes on it and pass it on to Mr. Holms. We also make suggestions on people that are to be considered for internal promotion, and Mr. Holms takes the requisition and he will tell you what he does with it.

MR. BACA. Let me—before Mr. Holms does that, who develops the job criteria? How is that done?

MS. MCKEE. Okay. The initial—if the requisition is for a new position, we have a salary analyst who will go out and develop a job description or a job brief, listing the tasks that are to be performed and relating a skill or knowledge requirement to those tasks.

MR. BACA. Are those existing—what did you call them?

MS. MCKEE. Job descriptions?

MR. BACA. Yes—I am sorry, I thought you called them something more interesting.

MS. MCKEE. I said job brief.

MR. BACA. Maybe that was it.

MS. MCKEE. Where we might not go into all of the task analysis.

MR. BACA. I got thrown off the subject. How are those job criteria validated? How do you or does anyone in the corporation assure that those criteria, those qualifications, are not potentially discriminatory?

MS. MCKEE. Okay, we are not going through a statistical validation process. I have also gone through the guidelines oriented job analysis program that Mr. Proctor described. I am a trained job analyst and can relate, say, a skill requirement to a task. For example, if someone is to type letters, and they are not going to—we are not going to teach

them to type on the job or give—that can't be learned in a brief orientation, then the knowledge of typing or the ability to type would be a job requirement. Or, if someone is an accountant, and we do not train accountants, then we would require the knowledge necessary to prepare financial statements normally acquired in general accounting 1A or 1B or equivalent kind of thing so that we—

MR. BACA. Mr. Holms—I am sorry. Mr. Holms, I don't wish to postpone, but I do want to ask one more question, and that is, you mentioned in areas where you do not have training. Do you have training in some areas?

MS. MCKEE. Pardon?

MR. BACA. Does the corporation do training in some areas? You said you don't train some kinds of employees?

MS. MCKEE. On a very limited basis at this point in time. However, we have big plans.

MR. BACA. You have big plans? Good. With that, Mr. Holms? We—if you forgot—

MR. HOLMS. Okay, when—

MR. JANOFSKY. Just a moment, do you know what you are speaking to?

MR. HOLMS. Yes.

MR. JANOFSKY. Go ahead.

MR. HOLMS. When a department has initiated a personnel requisition, and that requisition is then approved by their department manager as an addition to staff or a budgeted replacement for a staff member, has gone through Miss McKee's section to get signed off there in the compensation, wage and salary says that this is an appropriate level of compensation for this job title and these duties, it then comes to my office. I assign it to one—I assign responsibility for filling that requisition to one of my interviewers, and if we have a—well, we have a situation at Twentieth Century Fox Studios where the Office and Professional Employees, Local 174, represents many office and clerical skills not traditionally associated with bargaining units. We have certain job-posting requirements and opportunities for those employees who are presently at the studio and members of Local 174 to bid up for the higher-wage bracketed position. If we are unable to fill the skill through the bidding process or if it is an entry-level type of skill, then we, as most employment offices, will look to our skills inventory, those individuals who have furnished us with either applications or resumes and, likewise, we advertise.

MR. BACA. Mr. Chairman, I have no further questions at this time.

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. I guess my question could be answered by either of you. The statement was made by an earlier witness that the producer is the boss of the project, and my first question that I would like to know is, how many producers do you have on the payroll now and what is the breakdown by race and sex of those producers?

MS. MCKEE. Of producers?

COMMISSIONER FREEMAN. Yes.

MS. MCKEE. I am really—I don't know the answer to that question. We have perhaps a slightly different situation than some other studios. We have independent producers with whom we make one picture or two pictures or three picture deals, as Mr. Stanfill mentioned. They are not employed 52 weeks a year as a producer.

COMMISSIONER FREEMAN. Well, Mr. Stanfill, I believe, indicated that he had no information as to whether the contracts between that independent producer and Twentieth Century Fox would have a nondiscriminatory or affirmative action provision; is that correct?

MS. MCKEE. He indicated that and I can't answer the question. I have no personal knowledge of those contracts.

COMMISSIONER FREEMAN. Is there any one of the witnesses that would have any personal knowledge of the provisions of the contracts between Twentieth Century Fox and the producers?

[No response.]

CHAIRMAN FLEMMING. In that connection, Commissioner Freeman, I think we should ask counsel to further contact Twentieth Century Fox in order to obtain the answer to that question. In other words, is there a contract or are there any contracts with producers at the present time that contain an affirmative action provision?

MR. DORSEY. With your permission, Mr. Chairman, we would request at this time if you could transmit that request to the corporation for submission of that data in pursuance of the testimony that you are giving here as an addendum, if you will, and if, in line with what Commissioner Freeman was alluding to, if you could also indicate in the return of that data, the relative representation of minorities and women among those producers that you have one-shot or two-shot or whatever relationships with during any given calendar year. Is that what you had in mind?

COMMISSIONER FREEMAN. Yes, and to identify the producers—classify, cross-classify by race and sex.

MS. MCKEE. Okay.

COMMISSIONER FREEMAN. Would you have, Miss McKee, have you had occasion in your position as EEO officer, the chief EEO officer for Twentieth Century Fox, have you made any evaluation or any assessment—you have indicated you don't know anything about the contracts, but have you, has it ever occurred to you to check into whether there are any minority producers under contract or if there have ever been?

MS. MCKEE. No, that has not occurred to me, because the employment relations, we have been concentrating our efforts on developing, revising, and implementing our affirmative action plan and have in addition to that, Mr. Brooks has spent quite a bit of his time working with producers and assistant directors, as I mentioned, to make our efforts known to them and make our affirmative action policy known to them. We have not gone out and taken a census of producers. However, they know of our existence and they know of our desires.

COMMISSIONER FREEMAN. What would be the total number of employees affected by this affirmative action plan that you have been working with?

Ms. MCKEE. Right now, around 1,800.

COMMISSIONER FREEMAN. Around 1,800. Is it possible then, that the number of contracts that Twentieth Century Fox might have over a given year with independent producers might involve about 10 times that many employees?

CHAIRMAN FLEMMING. If you will hold your answer, we need to give the person who is recording this an opportunity to make a change in the tape.

CHAIRMAN FLEMMING. All right. We can resume at this point.

Ms. MCKEE. Would you please restate your question?

COMMISSIONER FREEMAN. My question was referring to the producer. Well, maybe we will back up and ask you if you know about how many producers during the past year has Twentieth Century Fox had contracts with?

Ms. MCKEE. I don't know.

COMMISSIONER FREEMAN. Is there any witness who knows?

[No response.]

COMMISSIONER FREEMAN. Well, we would like to have that information, but I want to still pursue it. The president, the chairman of the board, indicated that the contract with a producer may range between \$1.5 million and up to \$10 million. Assuming that you could produce whatever number of films, we could really be talking about close to \$1 billion in money, total over a year, and several thousands of employees because the producer is the one who hires the camera crew, the stunt person, the cast, the creative—the actors and actresses, and it is their—that would be at the guts of it where you have exclusion of minorities and women, that would be at the guts of it. What I am saying is that, if you limit your concerns only to 1,800 people, the systemic discrimination could continue and there would really be no change. What I want to ask from you, what have you done in your role as EEO person to determine whether there is underutilization of minorities as producers?

Ms. MCKEE. As producers, or do you mean the people involved before the camera?

COMMISSIONER FREEMAN. The producer—it is the producer who you said—somebody said it is the producer—

CHAIRMAN FLEMMING: Yes, the employer is the producer. All these people are on the payroll.

Ms. MCKEE. Okay, I am not sure I understand whether you are talking about underutilization of minorities and females in the occupation

of producer, or whether you are talking about underutilization of people—

COMMISSIONER FREEMAN. Well, let's start with that. How many females—do you know any—do you have the information? And I believe you said you didn't have it, but you would give it to us. But, do you know—

Ms. MCKEE. Okay—

COMMISSIONER FREEMAN. —if there have been any minority producers?

Ms. MCKEE. I do not know whether there have been any minority producers. I do know, however, that we have development deals right now with two women.

COMMISSIONER FREEMAN. Are they black or white?

Ms. MCKEE. I believe that they are Caucasian.

COMMISSIONER FREEMAN. So then you are still not changing anything with respect to race discrimination?

Ms. MCKEE. I think we are making some changes in the fact that we have development deals with two women to produce movies and that is not particularly common.

COMMISSIONER FREEMAN. That would demonstrate progress with respect to the elimination of sex discrimination; what I want to know is two-pronged. What then, with respect to minorities, the Chicanos, Hispanic, Spanish, black, Asian, etc.?

Ms. MCKEE. I will gather the information for you regarding the racial and sexual mix of our producers.

COMMISSIONER FREEMAN. We would like to have that information, Mr. Chairman, but we would also, because it is indicated that the answer would reflect underutilization, we would like you to submit plans for changing.

Ms. MCKEE. Okay. I would like to comment on that. I think this is implicit in your question, and I am not sure. We have taken an assertive effort to work directly with our producers on films that are being made under a deal with Fox, and I would like Mr. Brooks to take a few minutes and tell you what he has been doing, and it is something that I don't think you are going to find in too many of the studios.

COMMISSIONER FREEMAN. If that answer is going to mean that what he is doing to get minority producers—is that what it is going to be—

Ms. MCKEE. Not producers, but to improve what is going on before the camera; I think that is important, too.

COMMISSIONER FREEMAN. Yes. Well, what I am saying is that Mr. Brooks is not going to talk about getting any minority producers? He is going to talk about what he does with the producers that you now have?

Ms. MCKEE. Yes.

COMMISSIONER FREEMAN. I would like to hear that, Mr. Brooks.

MR. BROOKS. Okay, first of all, we have been involved through the AMPTP, setting up a program where we would direct our efforts to

before-the-camera people, stunt persons and minorities in nondescript roles.

COMMISSIONER FREEMAN. You have a contract with them?

MR. BROOKS. With whom?

COMMISSIONER FREEMAN. AMPTP.

MR. BROOKS. We are signators to the AMPTP, yes. Okay, now through that, the procedures were established that we would sit down with the producers, directors, unit managers and, in the preproduction stages of the film, once it is decided that the go signal was on for the future—

COMMISSIONER FREEMAN. When did that start?

MR. BROOKS. When did this start?

COMMISSIONER FREEMAN. Yes.

MR. BROOKS. This started roughly last fall. I am not sure of the exact date, but I would say September or October.

COMMISSIONER FREEMAN. About 5 months ago?

MR. BROOKS. Right, perhaps 6, about 5 months ago. And since that time, Fox has taken a very aggressive step and we created our position where we would sit down with the producers on a one-to-one or one-to-two basis and discuss the entire script with them, as possibilities of selections for minorities or females in the various roles. Now, mind you, our office is not a creative office, nor are we an agency that can give them the contracts or hire the actors, all in one, but we do give input that they use; and, as an example, we have a feature right now going before the screen and I was instrumental in getting seven minorities selected for the roles that traditionally hadn't even been thought of by the producer, and he happens to be a producer-director and the star of the picture. And when I gave him the suggestions, he immediately called the agencies and had the people look at minorities for the parts, and I have reports now that they were hired in the various roles.

COMMISSIONER FREEMAN. When did that occur?

MR. BROOKS. My preproduction meeting must have been sometime in January. The feature started March 14 and is presently being filmed now.

COMMISSIONER FREEMAN. So that, except for your conversation—as a result of the conversation which you have had, or the discussions, there was seven minorities employed who otherwise might not have been employed?

MR. BROOKS. That is correct; for that particular feature, now.

COMMISSIONER FREEMAN. What is the total number of employees for that particular feature?

MR. BROOKS. I don't have the cast list handy, and I can't recall.

COMMISSIONER FREEMAN. So you don't know whether that is a significant percentage or not?

MR. BROOKS. Well, now, another thing, are we talking about SAG members or—and SEG members or just SAG, because—

CHAIRMAN FLEMMING. I am sorry, could you translate those?

MR. BROOKS. Oh, Screen Actors or Screen Extras, and that would be altogether different, and it depends on what the script would call for from day to day, and we don't keep records of how many are required in the cast list of extras. We do get records on a daily basis of the number of extras that are used.

COMMISSIONER FREEMAN. Well, if you don't keep records, how can you assess it, the effectiveness of it?

MR. BROOKS. We do keep records, as I said, for the day to day, as they come in, but the script may call for a crowd scene, and we would not know what the producer determined the crowd scene to be—it could be 25 people, he may decide he wants to use 50 people—but, once the day's shooting is done, we do get a record of everyone that was used in that crowd scene, the numbers, because we have their pay vouchers to pay them.

MS. MCKEE. And that is one of the ways that—it is one of the ways that we can get back to the producer if we see the statistics are not representative.

MR. BROOKS. But—

MS. MCKEE. In a scene where we can employ a variety of people.

MR. BROOKS. Let me also add here that through the association we—it was also written in that we would make reports on the employment or the lack of employment on the minorities and females and stunt people. For an example, we instruct our people, if they don't use any minorities, they have to justify why. If they call—we get, occasionally, times where they say they have tried to contact some and they were unable to locate specific people for the roles. They have to give us documentation stating that they did contact the person, when they contacted the person, and what the reason was that they didn't use the person. And that information is fed into our office periodically, and then if I—once we analyze that, if it is not up to our expectations or what they have agreed to, then we go back to them and question them, why?

COMMISSIONER FREEMAN. Just one final question. How could a minority producer get a contract with the Twentieth Century Fox?

MR. BROOKS. Well, my answer would be speculative, so I would rather not make that suggestion.

COMMISSIONER FREEMAN. Does anybody know?

[No response.]

COMMISSIONER FREEMAN. Thank you.

CHAIRMAN FLEMMING. There are a couple of questions I would like to ask. I noted—I am going back now to the employment of Twentieth Century Fox; I would like to come into the production and director area, also—but I noted that you said that this year, for the first time, what management does in terms of implementing the affirmative action plans will be used as one of the bases for performance evaluation of management; is that correct? In other words, up until 1977, there has been an affirmative action plan, but there hasn't been what I would

call a regular systematic manner of judging the performance of management in relation to that plan and holding them accountable? When I say management, I am talking, I guess, primarily, maybe middle management and just above middle management. I gather you feel as employment officers that this represents real progress in terms of getting a decision to the effect that in 1977 management's overall performance will include an evaluation of the performance on affirmative action? Let me take the last plan, that is for '76. I recognize that you haven't fully developed a '77 plan up to the present time—but taking the '76 plan, thinking of the goals and thinking of the timetable, were there some notable successes and also some rather notable failures in certain categories? I won't ask you to identify the categories at the moment, that isn't necessary for my question; but just looking at it on an overall point of view, from an overall point of view.

Ms. MCKEE. We have had some successes in several areas. Failures don't come to mind at this moment in time.

CHAIRMAN FLEMMING. Well, let me assume that you had some situations where you didn't reach your goals within the timetable. What action is taken then, by top management—

Ms. MCKEE. Okay.

CHAIRMAN FLEMMING. —under the system as it is operated up to the present time? Let me just, I am going to assume—now maybe this is an incorrect assumption—but I am going to assume that you have got some managers that you find a little bit more difficult to work with than other managers. As an administrator, I find that I have that experience in connection with affirmative action plans. Where some managers resist or at least certainly don't get involved in a positive way, up to now, what action has been taken in an effort to correct that situation as far as they are concerned?

Ms. MCKEE. Okay, I am not aware of action that has been taken in the past. I would refer to myself as having an iron fist and a velvet glove, and if I meet resistance and I haven't met any real resistance yet—I am sure that I will, human nature being what it is—but our intention is to have a successful plan; and, if I do meet resistance and I am unable to persuade, gently persuade, then not so gently persuade, then that manager or director or vice president and I will have a meeting with my superior.

CHAIRMAN FLEMMING. Who is the chief executive officer.

Ms. MCKEE. Mr. Stanfill.

CHAIRMAN FLEMMING. But you have not had that kind of an experience up to the present time?

Ms. MCKEE. Not to the present time.

CHAIRMAN FLEMMING. Fine. So that you don't know now what action might be taken. Let me go to the production and direct—this Commission has a concern for equal employment opportunity for the industry; I mean, we are obviously very much interested in the personnel policies, the affirmative action plan of an organization such as Twentieth

Century Fox, but we recognize from the testimony we have already received, from testimony that has been received by our State Advisory Committee that there is a close interrelationship here between an organization such as Twentieth Century Fox and the producer and the director. Now, we had testimony this morning from Mr. Rubin of the Producers Guild of America—although he made it clear he was here as an individual; he was not necessarily representing that guild—to the effect that he had never seen a first cameraman from a minority group, in his experience. Now, I don't know whether that is a common experience, but we gathered from his testimony he has had a considerable amount of experience.

MS. MCKEE. Is he a producer?

CHAIRMAN FLEMMING. Yes.

COMMISSIONER FREEMAN. Yes.

CHAIRMAN FLEMMING. Mr. Stanley Rubin, president of the Producers Guild of American, and who, himself, is a producer and I think the testimony showed, didn't it, Mr. Baca, that he has been a producer over a considerable period of time?

MR. BACA. Yes, sir, that is correct.

CHAIRMAN FLEMMING. His testimony was that in all of his experience as a producer he has yet to see a first cameraman from a minority group. Now, what I am interested in, I think the Commission is interested in, who is responsible for that? I am going to follow that up with another question—or reference to the testimony from Mr. Don Parker, who is the western region executive secretary of the Directors Guild of America. They were on the panel together. When we pressed him in terms of how you open up opportunities for—in the equal employment field, he said you go back to the source of the money. And I said, "What do you mean?" And he said, "Twentieth Century Fox, and others, Paramount, and others." And I said—I asked him if, in his judgment, they were the organizations that could open up this situation. His response was in the affirmative.

Now, Mr. Brooks, you have been working with—and Miss McKee—with both producers and directors, and so you are generally familiar, I assume, with their employment practices. How do we get at that situation of the first cameraman where we have never had, according to Mr. Rubin, or at least he has never observed, a member of a minority group? There is something wrong with the system, and there is someplace in the system that is got to be reached in order to open up that kind of an opportunity. Because, as I see it, that's indefensible, and that demonstrates that, taking a key position in the industry as a whole, the industry is just not conforming, I mean, to the objectives set forth under Title VII of the Civil Rights Act. Do you have any feel as to, (a) the validity of that comment, and then, (b) do you have any feel as to where we touch the system in order to bring about a correction?

MR. BROOKS. Well, I don't agree with the validity of the statement completely. There is two phases of it. One is rather negative, is to say I don't agree with it; then you don't have a solution. But, I think if I did have a solution to your question, I would probably be the most popular person in the industry because it is a problem. But I don't know of any solution to the problem, and, you know, I am not saying I—there are no minorities as first cameramen. I have not seen any, but I am not saying there aren't any. But to answer your question as far as how do we get to the source, or how do we get them in the position, you sort of mix apples and oranges there, in a way, because you have brought in a producer, you have brought in a director, and then you brought in the cameraman. And we are talking about three different areas, the three different requirements, qualifications and experience, see. So, I am just giving a general statement to you—

CHAIRMAN FLEMMING. Well, then, let me ask this question, and I address it to any member of the panel. Supposing an organization such as Twentieth Century Fox, in entering into a contract with a producer, included in that contract a requirement that the contractor must operate in accordance with the Executive order in accordance with the standards set by EEOC; would that constitute a beginning in terms of getting at the heart of this problem?

MS. MCKEE. It would constitute a beginning. We haven't started, necessarily, with the producers, but we are entering affirmative action language into deals that—what is called a deal memo with casting directors, and are in the process of putting together some kind of a kit for them so that they can provide us with information about who they have called for a reading and who they have cast. So we have started that. We didn't start it with the producers, but we are starting it—we have started it with casting directors. So that we have got a handle on what they are doing. Certainly, putting language in the producers' deal would be a first step.

CHAIRMAN FLEMMING. Now, your testimony, as indicated in other testimony, that in certain circumstances you go to a roster maintained by AMPTP, is that a part of the problem? I mean, the persons who are—well, let me put it another way. Growing out of your experience in dealing with that roster, and I guess that would come under Mr. Holms, do you get certified to you persons from minority groups? I mean, not just token certifications, but rather substantial certification? Do you get the kind of certifications which would indicate that minorities have had the opportunity of getting on those rosters? A genuine opportunity?

MR. HOLMS. From what I have been able to tell, the answer to that would be no and, having said that, I would like to give you some indication of what we are doing to attempt to change that.

CHAIRMAN FLEMMING. I am very much interested.

MR. HOLMS. Effective last summer, we at Twentieth Century Fox, together with the Association of Motion Picture and Television Produ-

cers—specifically, the individual we deal with there is Bob Rivers—we are now associated with the off-roster project, which is a means of improving those referrals—I should say improving the representative nature of those referrals which come to Fox when a union roster has been exhausted.

CHAIRMAN FLEMMING. Do you want to make a prediction? Do you think your efforts are apt to meet with some success?

MR. HOLMS. Well, I have one statistic here that I think indicates that from August 11 of '76, which, to the best of my knowledge is approximately when we started this dealing with the off-roster project, of a total of 87 referrals, 42 of the 87 referrals have been minority individuals, and I think with a percentage like that, 42 out of 87, I think it bodes well for the future for our studio.

COMMISSIONER FREEMAN. Were they hired?

MR. HOLMS. Pardon me?

COMMISSIONER FREEMAN. Were they hired?

MR. HOLMS. In our terminology, this referral would indicate a hire, yes.

CHAIRMAN FLEMMING. Okay, we do have to move on, but I want to emphasize again the thing we are concerned about is the industry as a whole, the opening up of opportunities for minority groups, and where the process is not producing results, as in the case of the first cameramen, where the EEOC or where the Department of Labor and the administration of its Executive order should fix responsibility and ask for corrective action. We appreciate the kind of responses you have given to the questions that we have addressed to you, very much, and it will be helpful to us in trying to get to the bottom of this. Thank you all, very much.

MR. JANOFSKY. Thank you, Mr. Chairman, and Commissioner Freeman. And I also wanted to express my thanks to your counsel, Mr. Baca and Mr. Dorsey, for their cooperation.

CHAIRMAN FLEMMING. Thank you and we appreciate your being here and assisting in this process.

Okay, counsel will call the next witness.

MR. BACA. Thank you. Charles Greenlaw, Ralph Peterson, Jay Ballance. Would you stand and be sworn?

CHAIRMAN FLEMMING. The witnesses will please stand and raise your right hands.

[Messrs. Charles Greenlaw, Ralph Peterson, and Jay Ballance were sworn.]

TESTIMONY OF CHARLES GREENLAW, RALPH PETERSON, AND JAY BALLANCE, WARNER BROTHERS

CHAIRMAN FLEMMING. Thank you very much.

MR. GLICK. Mr. Greenlaw, the subpoena that was served on Warner Brothers, some contracts were requested—and I see that counsel is

providing them. Thank you very much. Mr. Chairman, with your permission, I would like these contracts to be introduced into the record at this point.

CHAIRMAN FLEMMING. Without objection, that will be done.

[The documents referred to were received in evidence.]

MR. BACA. Will counsel identify themselves for the record, please?

MR. KAUFF. I am Jerome Kauff, K-a-u-f-f.

MR. SIMON. Richard Simon, S-i-m-o-n.

MR. KAUFF. If you will permit, Mr. Baca, Mr. Greenlaw has a very brief opening statement.

MR. BACA. Mr. Chairman?

CHAIRMAN FLEMMING. We would be very happy to hear that statement.

MR. GREENLAW. Thank you, Mr. Chairman. I am Charles Greenlaw. I am executive vice president of Warner Brothers. My main area of responsibility is production. With the exception of a 3-year period between 1966 and 1969, I have been continuously with Warner Brothers since 1933.

Although my principal area of authority is production management, I am a member of the administrative team of the company and, like the other members of that team, I am fully committed to our program of affirmative action and minority hiring. We have had at Warner Brothers a formal affirmative action program since 1973. That original program was preceded by various other informal programs, which are supported by memo systems, etc.

In 1976 we revised our affirmative action program bringing it up to date, adding goals and timetables, in a formal manner, adding other things such as clauses concerning upward mobility, covering our relationships with vendors, with unions. It is particularly important, I think, to note that in connection with our affirmative action program, which runs roughly from March 31 to April 1, we have, in the past year, the year ending approximately now, not only met our goals for the 1-year period, in some cases we have exceeded those goals. We have even accomplished some of the goals, in part, which we set for ourselves over a 5-year period.

Our affirmative action program is administered by Ralph Peterson, who handles both affirmative action and EEO matters. He is a vice president and treasurer of the company, reporting directly to our president, Frank Wells. The staff of the personnel department handles the day-to-day operational matters concerning affirmative action and EEO, including hiring, promotion, and termination matters within the company.

The staff of that department is Harry Bronstein, who has some 40 years of experience with the city of New York, including the position of personnel director for the civil service commission, for the hospital commission, and other positions of that kind. His associate director is Susan Milleram, who recently was employed by the city of Los An-

geles, and has a master's degree in psychology, considerable expertise in all of the elements of job analysis, job training, testing where required, etc. The staff of that office further consists of five female clerks, three of whom are black, one of whom is Hispanic.

We feel that since the 1969 hearings we have made substantial progress in terms of minority hiring. In that connection, I might add that, unlike some of the other major motion picture companies, we are a very small company. At our last report, as of February 23 of this year, we had a total of 601 employees. Over 300 of those employees are employed under a bargaining agreement with the Office Employees Guild, and we can go into that in terms of hiring, transfer, or terminations, etc., if you wish. The balance of the employees are, in the main, administrative and line staff personnel. We do not hire a craft, so-called, from the various union contracts directly, with one or two minor exceptions. Mr. Ballance can tell you what those exceptions are at the appropriate time.

Our progress, I think, expressed in percentages, may be interesting, particularly considering the size of our company. And if I may, I will read them to you. In 1969, 7.2 percent of the total Warner Brothers work force comprised minorities, and 15 percent females. Today, the minority work force comprises 17.3 percent of the total, and the minority percentage is 52 percent.

MR. BALLANCE. Female.

MR. GREENLAW. I am sorry, the female percentage is 52 percent. Our progress has been broad based in all the various job categories set up under EEO. Officials and managers in 1969 constituted 3.7 minorities, 6.2 females. Today, minorities are 8.5 and females, 14.9.

Perhaps our most significant statistic, however, relates to more recent hires. In the past year, since approximately April 1 of 1976, the net Warner work force, and I gave you those numbers, so you will have some relation to the total, was increased by 46 employees, net. Of this total of 46, 34.8 were minorities and 58.7 were females.

We obviously are not where we want to be, nor are we where we will be. But it is significant to note that we are presently in the process of once again reevaluating our affirmative action program and policies, reexamining our goals and timetables, and we will set new goals and timetables, probably on a 1- and a 5-year basis.

I would be happy to answer whatever questions the Commission may have.

MR. BACA. Was there something else?

MR. GREENLAW. No.

MR. BACA. If you could, Mr. Greenlaw, would you explain to the Commission the relationship between your studio—I am sorry, your studio, Columbia Studio, and Burbank Studio?

MR. GREENLAW. Yes, I will be happy to. The relationship is better than that microphone.

MR. BACA. In particular with regard to the kind of hiring that is done by each.

MR. GREENLAW. Yes. In the early seventies, because of economic considerations and the difficulty in fully utilizing studios such as Warner Brothers Studio in Burbank, it became apparent that the only practical solution to both matters, economical and utilization, lay in combining the efforts of at least two major producing companies to utilize the same facility. In the arrangement that was worked out between Columbia and Warner Brothers, it was agreed that the operations of Columbia would be moved to the Warner Brothers lot, and we would share the facilities and the equipment and the space.

However, in order to make a viable arrangement for the management of the studio, a joint venture was created between Warners and Columbia and was called the Burbank Studio. In order to make it economically viable, it was necessary to give the Burbank Studio management a full autonomy and authority in running the lot. The reason for that in some part was the fact that, in order to make it economically practical, the Burbank Studio would have to be allowed to bring in outside renters to utilize space and facilities not being utilized by the two prime tenants.

Therefore, at the present time, there is Warner Brothers Features; Warner Brothers Television; Columbia counterparts in both areas; Lorimar, which is a very large independent company; and, from time to time, many other either individual producing companies for single films or for television shows, for videotape; and, not infrequently, album producers who utilize the scoring facilities of the studio for producing record albums. The relationship then became, obviously, one of an arms-length negotiation between each of the tenants, including Warner's and Columbia, with the management of the Burbank Studios. Various price schedules were set, which applied to all, in terms of utilization of stage space and equipment, and the entire matter of below-the-line, so-called, or crafts hiring was placed in the purview of the Burbank Studios. Therefore, with the few exceptions that do exist, all of the crews that are supplied to our films and television productions are supplied by the Burbank Studios, under their bargaining agreement with the unions and under the roster system. Does that answer your question, Mr. Baca?

MR. BACA. Yes it does. Then, when you say you have an affirmative action plan and that it—does it apply only to Warner Brothers, the small permanent staff that you referred to?

MR. GREENLAW. That is basically correct.

MR. BACA. Okay. How is the determination as to who will manage the Burbank Studios—how do the two—how do Columbia and Warner Brothers decide that, or how was that decided? Is it a separate corporation entirely?

MR. GREENLAW. Is it a corporation?

MR. SIMON. It is a joint venture.

MR. GREENLAW. It is a joint venture.

MR. BACA. Okay. So people from both studios sit on the management?

MR. GREENLAW. There is not a management board; there is an administrative committee with representatives of both Warner's and Columbia, which deal basically and almost exclusively with the financial responsibility of the Burbank Studios because the two joint ventures obviously share in the profits or the losses of that operation. The day-to-day operation, however, of necessity, is vested totally in the management of the Burbank Studios.

MR. BACA. And how is the management of any affirmative action plan or—let me put my question another way. Does Warner Brothers impose any affirmative action requirement on the Burbank Studios?

MR. GREENLAW. In a formal manner, no.

MR. BACA. How, informally, then?

MR. GREENLAW. Our internal effort goes beyond the staff employment that I mentioned. Because we do produce films and television, we make it our business, and have, as a part of our affirmative action program, to request and persuade and come as close to demanding as we can of the TBS departments, that they supply minorities for our crew. We have had some rather good success in that area, I believe. It is limited, of course, by the conditions that you have heard in prior testimony, the matters of rosters and so on.

MR. BACA. Which of you gentlemen is the person, who, on a day-to-day basis, administers the affirmative action plan?

MR. PETERSON. I do, Ralph Peterson.

MR. BACA. Okay. Could you tell me what that process entails from the time a vacancy is going to exist, or does exist, until the time it is filled? How do you impact on that process?

MR. PETERSON. Well, basically, when a vacancy does exist, the supervisor or division head will contact our personnel department, and our personnel department will supply the applicants for the job. He will interview the applicants, discuss it with our personnel department, and then, basically after that, a final decision with review by myself, and the person is basically hired.

MR. BACA. If—

MR. GREENLAW. Pardon me, if I may add to that.

MR. BACA. Yes, sir.

MR. GREENLAW. There is an even more formal procedure than that. There is a form that is utilized by any supervisor or department head when an opening of any kind occurs, that form must be forwarded first to the personnel department for review and evaluation before the candidates are sent for interview.

MR. BACA. Okay, Mr. Ballance, is it?

MR. BALLANCE. Yes, Ballance.

MR. BACA. Ballance.

MR. BALLANCE. Yes.

MR. BACA. Could you tell what role you have in the affirmative action process?

MR. BALLANCE. I am the director of labor relations for Warner Brothers. I have a cross reference with the personnel and EEO office. All work requests come across my desk for my approval before they are acted upon.

MR. BACA. It is my understanding, you decide or help decide whether a department head needs a person?

MR. BALLANCE. Well, I don't decide whether he needs a person.

MR. BACA. Yes.

MR. BALLANCE. I decide the job description, the rate of pay, things like that, if it is in the collective-bargaining agreement or not.

MR. BACA. Do most of the jobs in the corporation have a job description?

MR. BALLANCE. The majority of them do, yes.

MR. BACA. Are those new, recent?

MR. BALLANCE. There are some new, they are always updated, and then we have some that are very old.

MR. BACA. How have—how—

MR. GREENLAW. Pardon me, I might add that we are in the process of computerizing our entire work flow pattern, including, where practical, of job classifications or descriptions, whatever is appropriate. We have gotten that partially completed in the administrative—in the case of clerical personnel. And we intend to continue it throughout the balance of our employment personnel.

MR. BACA. Does this process include any validation? That is, are you attempting to make sure the job descriptions have to do with the job that is going to be done?

MR. PETERSON. Definitely.

MR. BACA. Okay. And have you discovered any areas where, in the past, perhaps, based on the job description it was possible that people who would have, in real terms, been qualified were eliminated from consideration?

MR. BALLANCE. No, I have not found that.

MR. BACA. What kinds of problems are you finding with the job descriptions, then?

MR. BALLANCE. Basically, the problems with our job description in-house, basically because some of them are very old and we are in the process of updating them, as I stated.

MR. BACA. So, they don't describe what people really do now?

MR. BALLANCE. Well, they do, but, you know, some modern techniques have changed. More computers have been added. Instead of a comptometer, you use a calculator—various types of terminology within the job description has to be changed.

MR. BACA. Is your performance, Mr. Peterson, as affirmative action officer part of your evaluation generally? That is, is that taken into consideration when you are evaluated by whoever evaluates you?

MR. PETERSON. Yes, I believe it is.

MR. BACA. Do you know if it is?

MR. PETERSON. Well, no. Basically, I haven't been informed of that, but basically I—since I have been the EEO officer, I have been having discussions with Mr. Wells, who is the president and chief operating officer; and, while he hasn't specifically stated, I assume that, like any other job a person gets, it is part of your overall evaluation in determining whether you are doing your job correctly or successfully.

MR. BACA. Is there a formalized evaluation process at Warner Brothers? Is there an annual thing that must be done, and you have meetings with your supervisor?

MR. PETERSON. Well—

MR. GREENLAW. There is an annual review.

MR. PETERSON. Well, there is an annual review of all salaries, all promotions, each year, which is done with chief executive officer, the department heads, and myself.

MR. BACA. And when you come up for your review, is the matter of affirmative action mentioned to you?

MR. PETERSON. Well, the problem that I have had is that basically this review is done February 1 of each year, and I haven't been the EEO officer that long to have had any effect on it. I only started at the beginning of the year.

MR. BACA. I see. So you haven't been reviewed in that regard yet.

MR. PETERSON. Not in that regard yet.

MR. GREENLAW. If I may add—

MR. BACA. Yes, sir.

MR. GREENLAW. Evaluation on the basis of affirmative action performance is definitely a part of the evaluation process in the studio. Whether Mr. Peterson has been advised of it or not, I can assure you that that part of his evaluation by Mr. Wells would include that.

MR. BACA. Thank you. When there is some conflict, for whatever reason, between the goals the company has set in terms of affirmative action and the other wishes of someone with hiring authority, how are those disputes reconciled?

MR. GREENLAW. We haven't had that problem. If we were to have it, it would be handled in a direct-line basis. Mr. Peterson is directly responsible and answerable to Frank Wells. The personnel department is directly answerable to Mr. Peterson. The industrial relations department is jointly responsible to Mr. Peterson and myself. There would be no problem with reaching the top of the company if necessary in order to settle such a problem.

MR. BACA. Okay. I am not sure which of you can answer this question best, but whichever of you can, please do so. And I can't remember the specific terms, Mr. Greenlaw, of the stated progress that your corporation has made. But, has that progress been an across-the-board progress? Now, let me tell you what I am asking. In terms of Spanish-surnamed employees, in 1969, you reported 3.4 percent, and in 1976, 5.4 percent, when the work force in this county is 15.9 percent. In other areas it is much better. You cited women and there have

been great gains in that regard. But, what plans are there to include in next year's program some particular attention to groups that are not making as much progress as others?

MR. GREENLAW. Are you speaking of ethnic groups?

MR. BACA. Yes.

MR. GREENLAW. I can give you the figures rather specifically in the period from 1976 to present, our last reporting period. A total of 74 minority employees in 1976, of which 44 were black, 30 Hispanic, and 14 others. I don't have the breakdown of the various categories. In 1977 those numbers were 49 black, an increase of 5, an increase in Hispanic from 30 to 36, and an increase in the other categories from 14 to 19. I don't have the breakdown by categories of that type for the prior year. They could be developed, I believe.

MR. BACA. Okay. What I am asking is, really, is whether in the development of a plan for next year, or however that is done, is particular attention being paid to those groups which this year's record indicates have not been keeping up with other groups in terms of hiring?

MR. GREENLAW. Oh, well, I can answer that by saying that our underutilization analysis is broken down into the various groups—black, Hispanic, American Indian, Oriental—and I believe this year, now, Alaskan native, very recently, that is a new category. We analyze our work force in all of those categories against the relevant statistics and determine the underutilization. Our figures which I have just given you unfortunately don't break down that fine. And perhaps I didn't totally answer your question. Yes, our underutilization analysis or work force analysis in this current year will be done the same way.

MR. BACA. Thank you. Mr. Chairman, I have no further questions.

CHAIRMAN FLEMMING. Just a couple of questions that I would like to ask relative to your own employment situation. I noted in the discussion with—relative to the Burbank Studios, and I heard the term "joint venture." I recognize that the hiring at the Burbank Studio is done by the other organization. However, in terms of policies that are followed in connection with hiring at the Burbank Studios, would it be correct to say that Warner shares responsibility?

MR. GREENLAW. I don't know whether I could say that we share the responsibility. I know that we have our own responsibility, and we conduct ourselves toward that responsibility in what I believe is a responsible manner. Perhaps if I describe a little more in detail the kinds of people we hire, it might make the whole situation a little clearer to you.

CHAIRMAN FLEMMING. Do you mean at Burbank?

MR. GREENLAW. Yes. Warner Brothers hires from the craft roster only directors of photography and film editors in all classifications within that union bargaining agreement. We select, wherever possible, the people we want to fill secondary managerial company positions, such as camera operator, key grip, key electrician, and we attempt to

get those specific people through the Burbank Studios. They are the hiring agent. We try to exert as much influence as we can to fulfill minority hiring obligations or responsibilities in that way.

We have a very direct-line way of doing it. Our studio production manager, personally, under my supervision and with continual conference with me, attempts to staff every single picture over which we have production control in that manner. Now, I have some examples of the kinds of things that we have been able to do. They might be interesting because some of them go, in a sense, to Commissioner Freeman's questions about cameramen. Let me give you a few examples of what we have accomplished, basically, through our own selection, but technically through the Burbank Studio.

On a production which finished about 2 months ago, we had an Oriental second assistant director, a Spanish-surnamed camera assistant, a Pacific Islander property master, a black female hairdresser—and this was not what is called a black picture.

COMMISSIONER FREEMAN. Mr.—

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. Just with respect to that particular production, how many employees did that production have?

MR. GREENLAW. It would vary from day to day, depending on the production requirements, but the basic staff of the production would consist of about 20. The total personnel might reach as high as 40 or 45 on a given day.

COMMISSIONER FREEMAN. Including the cast?

MR. GREENLAW. Not including the cast. The cast would be separate.

COMMISSIONER FREEMAN. How many, then, including the cast?

MR. GREENLAW. The cast was basically a three-person cast, with day players and small parts from time to time. The actual numbers of cast on that film, if you are interested—no, I am sorry, I don't have that. I don't have the cast, the numbers on that particular production. However, let me continue if I may.

CHAIRMAN FLEMMING. Well, if you could give us just a few other illustrations. In the interest of time, though, I hope that you will keep in mind what I am interested in—I am very much interested in your impact. I mean, Warner Brothers' impact as you are indicating at the present time. But, then there is another group of employees for which, as I understand it, Burbank has complete responsibility?

MR. GREENLAW. That is true.

CHAIRMAN FLEMMING. Now—

MR. GREENLAW. If I may give you one more example.

CHAIRMAN FLEMMING. Yes, yes. If Burbank, in the judgment of Warner Brothers, was not following an affirmative action program in connection with their employment, would not Warner Brothers under the concept of a joint venture have the obligation of doing something about that?

MR. GREENLAW. I am not sure that we would. That may be a legal question. I would not be qualified to answer it.

CHAIRMAN FLEMMING. I wasn't thinking of it so much as a legal question as a matter of relationship. If the term joint venture is an accurate term, that means that both organizations are engaged in the operation of the Burbank Studios; but, then, here is a whole group that you do not have direct responsibility for, and if—and I am not alleging that this is the case—but assuming that there was a failure to follow affirmative action concepts in those hirings, wouldn't Warner as a participant in the joint venture have what I might call a moral responsibility to try to do something about it?

MR. GREENLAW. It might be construed that way, Mr. Chairman. One thing you said, however, was that we in conjunction with Columbia, supervise their operation. We do not supervise their operation. But I understand your question, and I can only—

CHAIRMAN FLEMMING. No, I didn't mean to—

MR. GREENLAW. Pardon me—

CHAIRMAN FLEMMING. I didn't mean to imply that you participated in the supervision of their operation, but I am just using the term that you or someone else used, namely identifying it as a joint venture between Warner and Columbia.

MR. GREENLAW. Well, to answer your question, I am aware that the Burbank Studios has an affirmative action policy, attitude. I believe that has been expressed in a letter to this Commission or to Miss Sally James of the Advisory Committee. I have seen it. While it is not my job nor anyone at Warner Brothers to approve it, I think it goes in the direction of affirmative action, properly. Certainly, if we were unable to get from the Burbank Studios on request, on what I called as close to a demand as we can make, any minority members of the company, then we would certainly take it up at an administrative level with the Burbank Studios.

CHAIRMAN FLEMMING. That would be the joint administrative committee you talked about?

MR. GREENLAW. That is correct.

CHAIRMAN FLEMMING. Okay. Now, going back to your illustrations, you heard us talk about the first cameraman, and the fact that our evidence up to the present time points to the conclusion that there has been no first cameraman who is a member of a minority group, and I might say, just so that we don't stress that exclusively, that the testimony this morning also indicated—and I am now referring to the testimony from Mr. Rubin—that he had never observed an art director from a minority group. I am just wondering whether your experience in dealing with a producer, and you are giving us an illustration there, has resulted in your concluding that the statements that were made to us do not necessarily apply across the board?

MR. GREENLAW. If I may, Mr. Chairman—

CHAIRMAN FLEMMING. In other words, have you seen a first cameraman who is a member of a minority group?

MR. GREENLAW. Well, I don't wish to differ with my respected colleague, Mr. Rubin, but I know of two first cameramen or directors of photography who are of American Indian derivation. I know of at least one Hispanic director of photography. Being one of the older members of this industry, one of my close friends was that tremendous talented cameraman, James Wong Howe, who was Oriental. The fact that I was giving you illustrations of the way we attempt to get minority members into our crew in part illustrates what I think is an answer to questions which have been answered in various ways before this committee and, if I may, I would like to give you mine.

CHAIRMAN FLEMMING. I appreciate it very much.

MR. GREENLAW. To begin with—and please forgive me, I am not attempting to lecture or educate this Commission; I am stating what I consider to be a fact, and if it isn't a fact, please take it as my personal opinion from many years of experience—pictures are not made in the way which has been implied in some of the testimony before this Commission. 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. The fact that there are several Hispanic, black, even Oriental camera assistants and camera operators, the fact 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 those people exist 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.

If you wish to go to the question of producers, I can't speak for the industry, but in the case of Warner Brothers, we do not have any staff producers. Sometimes we don't have any producers at all. Sometimes a film maker comes in as director-producer and fills both functions. In most cases, he comes with a package already partially filled. He may have the script; he may have the director of photography; he may have the star or stars. And we have to make a business judgment, whether we accept that project in that state or not. We then try to be as influential as we can, whether in minority hiring, or in good business practice, to influence the selection of the other people involved in making that film because, after all, we are in a commercial business.

I know you have heard that over and over, but it is true. And we have to try to make successful films. No matter who the submitter of a project is, we will consider it on its merits, as material suitable for

a motion picture. As far as producers are concerned, Sidney Poitier is producing and directing his own films. He started today on photography of the third film he will have made for Warner Brothers distribution. Late last year we completed production of a film which was produced by a female producer who brought the project to us; we evaluated it and decided to go forward with it and finance it.

There is no question in my mind that there are talented female writers, there are talented minority writers. I don't happen to come in contact with them to that extent, so I can't give you examples. But, in the few that I have given you, I hope it will be possible for you to see that perhaps the industry isn't quite as it has been described to you, in such specific terms, and perhaps you will see that there is opportunity in the industry today for minorities as for females. And Warner Brothers is doing everything it can to make those opportunities possible.

CHAIRMAN FLEMMING. Have you considered the possibility, as you entered into contracts with producers, including in the contract a provision that would require them to participate or to develop and implement an affirmative action program?

MR. GREENLAW. Well, in most cases, the producer—no, I shouldn't say in most cases—in many cases, the producer is an individual. He comes to us with a package, and we make a deal with him for production and distribution. He retains certain financial rights and other rights in the picture. In those cases, while there is no formal clause in the contract concerning minority hiring, we like to feel that we have considerable control over that area and exert our influences in it. In the case of what we call a negative pickup, where a producer guarantees to make a film for a certain price and takes all the risks of running over the budget, and goes away somewhere and makes it and brings it to us in finished form, and our risk is limited, we do not have such a clause. In the case of a film which is brought to us in already-completed form, submitted to us for distribution, on whatever financial deal can be arranged, there is no formal clause to that effect.

Since the numbers of films made under those various systems vary tremendously from year to year, it is hard to give you any kinds of figures as to how many of each occur. But, in addition to the size of our company, which I referred to earlier, we probably produce, finance, and distribute, in total, something in the area of 10 to 14 pictures a year. Obviously, whenever possible, we exert our full influence on the staffing and the casting of each production.

CHAIRMAN FLEMMING. Well, I was interested in your comments relative to the fact that you feel that some members of minority groups are now coming into positions, which will mean that at some point down the road they may emerge as first cameraman or directors of photography or art directors. What I am interested in is whether or not this is something that is moving forward with all deliberate speed or

whether or not there is a decision and a determination on the part of members of the industry to open up the industry to minority groups, not only in connection, for example, with your own employment, but, also, in connection with the relationships that you have with producers and/or directors or producers have with directors. Because the evidence so far would indicate that that is where the roadblocks or one of the roadblocks has been, and so far we haven't—so far, the one encouraging note has been the testimony that you have been giving relative to some breakthroughs that have taken place as a result of your leadership.

But, in your judgment, would it be possible for the industry as a whole to provide for a very significant breakthrough, if organizations such as yours said, "When we deal with producers and/or directors, we are only going to deal with those who will assure us that they are going to conduct an aggressive affirmative action program so that some of today's generation can benefit from them without people having to wait until this opens up 10 to 15 years from now?"

MR. GREENLAW. Unfortunately, Mr. Chairman, we as motion picture companies are not in full control. We must operate under the parameters of—in addition to sporadic production and fluctuating production levels—under the roster system that applies in all of the craft unions, with, I believe, one exception, one major exception.

CHAIRMAN FLEMMING. Well, can I—

MR. GREENLAW. That roster was open for a period of time after the 1970 settlement, or the period of 1970-71, and was then closed. Only when the roster was exhausted and all members on the rosters are employed is it possible to go to the off-roster hiring program, which is conducted by the Association of Motion Picture Producers and Motion Picture and Television Producers, of which we are a member.

CHAIRMAN FLEMMING. Who negotiates the rules of the game under which that roster operates?

MR. GREENLAW. It is negotiated by the association. We delegate—in a sense, we delegate our negotiating authority to the association, since otherwise, with 50 or 60 members of the association, it would become unmanageable.

CHAIRMAN FLEMMING. Has the industry ever instructed the association to bring about changes in the administration or operation of the roster which would open up opportunities for minority groups?

MR. GREENLAW. As a member of the board of directors of the association, I can tell you that it has been discussed many times. I don't know if the negotiator for the association has been instructed precisely, since it would seem that the rosters are, in fact, a very important part of the bargaining agreements.

CHAIRMAN FLEMMING. Has—to the best of your knowledge, then, the association has not, at any time, said to its representative, "Look, we are not going to sign the new agreement unless these rosters get opened up so that minorities will have a greater opportunity than they have had to get on them"?

MR. GREENLAW. I am afraid that you won't like my answer. If we were to give instructions of that type 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 roster, I am afraid we would come to an impasse.

CHAIRMAN FLEMMING. What we are dealing with here is the Constitution of the United States—

MR. GREENLAW. I understand.

CHAIRMAN FLEMMING. —as implemented by the Congress. Are we saying that it is a system in effect here in relation to the roster that makes it impossible for the industry to conform to the Constitution and conform to the laws that the Congress has passed in order to implement the Constitution? That we have got a system here that is so rigid that there is just no way for some categories in the industry, having them opened up so that minorities have an equal opportunity with others?

MR. BALLANCE. Mr. Chairman—

CHAIRMAN FLEMMING. Pardon me, I have addressed the question to Mr. Greenlaw.

MR. GREENLAW. I don't think I can make that judgment, Mr. Chairman. That is a very involved and a very highly legal problem, I am afraid. I don't think I can make that judgment. If I may, however, I would like to point out that there are other avenues which we hope and we expect will provide opportunities. Those consist of the training programs that exist within the industry. They consist of individual efforts that we make from time to time, where possible, and perhaps Mr. Ballance can give you some details of those programs, if you don't already have them.

CHAIRMAN FLEMMING. Well, the only reason I pursued it because you identified this. You said there were certain situations there were really out from under the control of the industry, in terms of achieving the objectives that you are trying to achieve with your own employees, and you identified the rosters as one of those factors, and that is why I was pursuing that.

MR. GREENLAW. I understand.

CHAIRMAN FLEMMING. I think as a Commission on Civil Rights, if that kind of a situation exists, then there are certain types of recommendations that we should be ready to make in order to correct the system that leads to the kind of end results that we have been identifying. Now, I appreciate the fact that, undoubtedly, you're utilizing some other approaches in the interest of achieving some of the objectives that you had, but up to now, unless I hear evidence to the contrary, it seems to me that this becomes—the utilization of the roster becomes a very serious factor in terms of getting adherence to the Constitution and the laws passed by the Congress. Now, Mr. Ballance, you had a—

MR. BALLANCE. Yes. I was going to state that the training programs in the basic agreement will, and as well as the off-roster program, will feed in some people from time to time. There are several training programs in the contract services that the AMPTP will allude to later on in the testimony.

CHAIRMAN FLEMMING. But you tend to underline some from "time to time."

MR. BALLANCE. Well, there are certain time limits in various training programs, that is why I am saying from time to time because for one of the programs that I sit on runs 18 months, where another one runs 6 months. So, that is what I was using "time to time" to demonstrate.

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. Mr. Greenlaw, you have served in production management for about 44 years. You referred to the number of pictures produced last year as between 10 to 14?

MR. GREENLAW. Yes, that is correct.

COMMISSIONER FREEMAN. How many producers were involved—what was the total number of producers involved on all of them?

MR. GREENLAW. I don't have those facts before me, but if I can speculate I would say that, if 10 pictures were produced last year, probably seven producers as such, possibly only six, and a like percentage of the 14, if we made that many.

COMMISSIONER FREEMAN. How many of them were minorities?

MR. GREENLAW. No minorities. I mentioned one female producer.

COMMISSIONER FREEMAN. How many directors were involved?

MR. GREENLAW. There would be—the number of directors would relate to the number of productions, since there is a director on every picture. It would be 10 or 14.

COMMISSIONER FREEMAN. And how many of them were minorities?

MR. GREENLAW. Last year, two. One of them, however, so that I don't mislead you, replaced another one in the middle of a film.

COMMISSIONER FREEMAN. How many film editors? What was the total of film editors?

MR. GREENLAW. I truly don't know. I might explain. There are not only single film editors. That branch includes a number of positions which go into the postproduction areas of dubbing, scoring, looping, and so forth, all of which are fluctuating employment.

COMMISSIONER FREEMAN. How many would be—and in that, also, I want the same answers for directors of photography, how many of them were minorities? How many of them were black?

MR. GREENLAW. I am afraid I don't have those figures, Commissioner.

COMMISSIONER FREEMAN. Would you have these figures available?

MR. GREENLAW. Yes, of course.

COMMISSIONER FREEMAN. Would you submit the answers to all of those questions to the Commission staff—

MR. GREENLAW. Sure.

COMMISSIONER FREEMAN. —for inclusion in the record?

MR. GREENLAW. Yes.

COMMISSIONER FREEMAN. And I would so request that it be included at this time.

CHAIRMAN FLEMMING. Without objection that will be done.

[The documents referred to were constructively received in evidence.]

COMMISSIONER FREEMAN. Mr. Greenlaw, you have described the difficulties that you stated that the Burbank, Warner, Columbia, that you have had with respect to collective-bargaining agreements, and that—and you have indicated that some of the restrictions with respect, some of the practices with respect to the roster are responsible for the underutilization, and have indicated an inability to do anything about it. Are you aware that discrimination on the basis of race and sex by a labor union is also in violation of Title VII?

MR. GREENLAW. To begin with, Commissioner, I am not quite sure that I specifically said what you quoted me as having said. I indicated that there are limitations involved. However, I did begin to point out some examples of the success we have had in minority employment on pictures. It didn't seem appropriate to continue with those examples, but I have a number of additional—

COMMISSIONER FREEMAN. Yes. You indicated, however, that all of the crew of—all of the crafts, for the most part, are made available by the guilds or unions or under the provisions of the collective-bargaining agreement, and you indicated that you have had some discussions and perhaps sometime in the future, in maybe 14 or 15 years, the picture would have been improved; is that what you have said?

MR. GREENLAW. I am not sure I said that, Commissioner. I don't wish to dispute your memory of my statement, but—

COMMISSIONER FREEMAN. Well, it would be in the record, anyway. What did you say?

MR. GREENLAW. What I said was we have had considerable success, I believe, in some areas of feeding minorities in at the levels where they can gain experience, and it is my conviction that in the future they will have progressed and been promoted to points—to jobs of more responsibility.

COMMISSIONER FREEMAN. What was the statement that you made with respect to difficulties with respect to the collective-bargaining agreement?

MR. GREENLAW. I believe I said that the difficulties that we run into are two; one is the fluctuating employment in the industry, the fluctuating amount of production, and the other one is the fact that we, under our bargaining agreements, must live with the rosters.

COMMISSIONER FREEMAN. That is the point to which I am talking about. Under the bargaining agreement, you must live with the roster. To the extent that that roster would be white male only, would your company consider that you still have to live with the roster?

MR. GREENLAW. I would have to ask legal advice in answering that question, because I truly don't know. I would assume that we would, yes.

COMMISSIONER FREEMAN. Since counsel is here with you—I believe you have counsel with you—would counsel want to advise, whisper to this?

MR. KAUFF. Well, Commissioner, I can speak directly on that question. I do not know the answer to that question. It would seem to me you are asking a question, and, if I can restate it in another way, whether the roster system itself is to such import as to collide with Title VII and the Constitution. I don't know the answer to that question, and Chairman Flemming raised the same question. It is an interesting question. I think what Mr. Greenlaw is saying is that within the framework of the roster, given the roster system, Warner Brothers has tried its very best to hire as many minorities on that roster—and there are minorities on that roster—that it could possibly hire, and if you want the information on the kind of minority employment that Warner has had in 1976 and 1975, coming from the roster, crews, Mr. Greenlaw has that information. The important thing is that he is testifying that the company has made an effort within the framework of the roster system.

COMMISSIONER FREEMAN. What we want to know, we—first of all, the information that you say Mr. Greenlaw has, we would like to request that it be submitted for the record, and then the further question that this Commission is interested in is to the extent that that roster itself excludes minorities and women, to the extent that the perpetuation of that roster is in violation of Title VII, then this entire portion of the transcript as it—this response, you see, is the third time this morning that we have heard this. This apparently is systemic to the industry, so that what we would be, what this Commissioner would be suggesting to the staff would be that it transmit to the Justice Department and to EEOC the entire transcript for their advice as to whether the combination of the employer and the unions, whether the exclusion of minorities and women, might in fact be conspiracy and perpetuate a system of discrimination that is in violation of the Constitution and the laws of the United States. This is, we see, as to be our duty that the motion picture industry has a great deal of influence on this country and, if discrimination cannot be cracked here, then somebody would have to get at where it can be cracked.

CHAIRMAN FLEMMING. Right along that line, could I ask the question, who maintains and operates the AMPTP roster?

MR. BALLANCE. The roster is maintained by contract services administration trust fund.

CHAIRMAN FLEMMING. But who enters into that contract? Does the industry enter into the contract?

MR. BALLANCE. Yes, the industry enters into this contract.

CHAIRMAN FLEMMING. In other words, the industry maintains and, through a contract, operates the roster?

MR. BALLANCE. When you say operate, do you mean fund it or operate it—

CHAIRMAN FLEMMING: Well, I mean, keeps it going on a day-to-day basis?

MR. BALLANCE. The contract services keeps track of the roster, yes, under the IA basic agreement.

CHAIRMAN FLEMMING. But it is basically—

MR. BALLANCE. An administration—

CHAIRMAN FLEMMING. —the responsibility for the operation of the roster is the responsibility of the industry?

MR. GREENLAW. The responsibility for the administration of the roster, and I know that is a fine distinction, but—

CHAIRMAN FLEMMING. Well, okay, I am—

MR. GREENLAW. —it is maintained as a matter of convenience so that every company doesn't have to maintain it individually.

CHAIRMAN FLEMMING. Now, the rules of the game under which the roster is operated are the result of negotiation with the unions?

MR. GREENLAW. And collective-bargaining agreements, yes.

CHAIRMAN FLEMMING. Yes, I meant collective-bargaining agreements with the union. The day-to-day operation is the responsibility of the industry. Okay.

MR. BUGGS. Mr. Chairman, I have a concern that there are times when we have noted in many, many places that minorities and women are paid lower than other persons who work at the same job and do the same kind of work. I wonder, therefore, Mr. Greenlaw, if you could provide information regarding the rank order of all the administrators and managers, according to salary, but no names and no figures? You don't have to say what they make, nor do you have to say who they are, but indicating on that scale, rank order, the ethnic, racial, and sexual identity of each person.

MR. GREENLAW. Yes, I have that information if the Commission requests it, we can supply it.

CHAIRMAN FLEMMING. Thank you, very well—

MR. BUGGS. Mr. Chairman, may I ask, also—and I should have thought of this before—I would like to get that information from each of the companies if the General Counsel indicates that it may be possible.

CHAIRMAN FLEMMING. I see no reason why we cannot make a similar request of the other companies that have appeared here today, and we will ask General Counsel to do that in behalf of the Commission.

Thank you very, very much for coming here and sharing your insights with us. We appreciate it very much.

MR. GREENLAW. Thank you for your courtesy.

CHAIRMAN FLEMMING. Due to the fact that we are running a little behind, the hearing will resume at 2:15. We are in recess until 2:15.

AFTERNOON SESSION

CHAIRMAN FLEMMING. The hearing will come to order. Counsel will call the next witnesses.

MR. BACA. Edward Prelock, Alfred Chamie.

MR. PRELOCK. Mr. Chamie will be right here.

MR. BACA. Thank you. Mr. Prelock, is Chamie correct?

MR. PRELOCK. Yes, Chamie.

MR. BACA. Counsel, did you have the documents?

MR. BRUNSWICK. Do you want them now?

MR. BACA. Mr. Chairman, we have subpoenaed certain documents from the association and I would like those introduced at this time into the record.

CHAIRMAN FLEMMING. Without objection, that will be done.

[The documents referred to were received in evidence.]

MR. BACA. Thank you. Do you want to swear Mr. Prelock?

CHAIRMAN FLEMMING. Yes. Raise your right hand.

[Mr. Edward P. Prelock was sworn.]

**TESTIMONY OF EDWARD P. PRELOCK, EXECUTIVE VICE PRESIDENT,
ASSOCIATION OF MOTION PICTURE AND TELEVISION PRODUCERS**

CHAIRMAN FLEMMING. Thank you.

MR. BACA. Counsel, would you identify yourself please for the record?

MR. BRUNSWICK. Yes, I am Allen Brunswick. I am on the staff of the Association of Motion Picture and Television Producers.

MR. BACA. Thank you.

MS. MIRON. Mr. Prelock, will you please state your name and position and how long you have held that position?

MR. PRELOCK. Yes. My name is Edward P. Prelock, P-r-e-l-o-c-k, and I am the executive vice president of the Association of Motion Picture and Television Producers, and I have held that position approximately since November of 1975.

MS. MIRON. Thank you. Can you please briefly describe the association, its size, and its function?

MR. PRELOCK. The AMPTP, or the association, is a trade organization that is composed of approximately 70 member companies. We also have an affiliation with 400 additional companies, which are referred to as letter-of-adherence companies. The primary functions of the association is to conduct negotiations on behalf of the members in the collective-bargaining unit, to administer various industry training programs, to maintain the industry experience rosters, and to carry on various legislative and—legislative work that is of importance to the industry, either on a local level and occasionally on a State level.

MR. BACA. Mr. Chairman, could I interrupt at this time to have Mr. Chamie sworn?

CHAIRMAN FLEMMING. If you would stand and raise your right hand, please.

[Mr. Alfred Chamie was sworn.]

**TESTIMONY OF ALFRED CHAMIE, VICE PRESIDENT, ASSOCIATION OF
MOTION PICTURE AND TELEVISION PRODUCERS**

CHAIRMAN FLEMMING. Thank you.

MS. MIRON. Mr. Chamie, could you please state your name, title, and how long you have held your position?

MR. CHAMIE. My name is Alfred P. Chamie, C-h-a-m-i-e. I am the vice president, secretary, and general counsel of the Association of Motion Picture and Television Producers, and I have been employed by the Association since January of 1948.

MS. MIRON. Okay. Mr. Prelock, can you please summarize the functions of the contract services administration trust fund and its relationship to the association?

MR. PRELOCK. The contract services trust fund is an organization that was developed, I believe, in 1969, or was it earlier? I think maybe it was 1965. It is a fund that is supported by employer contributions based upon the number of hours an individual works. The contract services general functions are to maintain the industry experience rosters, to conduct various programs, from time to time, as they are needed, such as we have a continuing safety program, we have an off-roster hiring project, and other programs from time to time as our members indicate are necessary.

MS. MIRON. Can you please tell me if there is—the relationship between the association and the contract services trust fund as to board of directors?

MR. PRELOCK. There are boards of directors for each organization. The members of the boards are not identical, but in some cases some of the members of the board of contract services are also members on the board of the AMPTP. I am on the board of AMPTP, but I am chairman of the board of contract services administration trust fund.

MS. MIRON. And is that also true for you, Mr. Chamie?

MR. CHAMIE. Well, I am not a member of the AMPTP board, but I am a member of the contract services administration trust fund.

MS. MIRON. And are there representatives of the studios on the boards?

MR. PRELOCK. Yes, there—on the AMPTP board, the directors are selected from our, the highest class membership and there are approximately 14 members on that board. Contract services, I believe, has 14 people on its board, but its board is selected from all of those companies that are contributors to contract services trust fund.

MS. MIRON. Which includes the major studios?

MR. PRELOCK. Yes, that is correct, with two exceptions.

MS. MIRON. Paramount and Universal, is that correct?

MR. PRELOCK. That is correct.

MS. MIRON. Can you please describe the industry experience roster system? How is entry achieved on that system?

MR. PRELOCK. I am sorry, what is the last part of your question?

MS. MIRON. Well, maybe I better start from—asking who is—the contract services trust fund, does that administer the roster system?

MR. PRELOCK. Yes, it does.

MS. MIRON. And how is entry achieved on the industry experience roster system?

MR. PRELOCK. Pursuant to the requirements of the various collective-bargaining agreements, an individual who has either accumulated 30, 60, or in some cases, 120 days of satisfactory experience with a given employer. After that experience is verified, the individual's name is then placed upon the roster. In some cases, the verification process may include qualifications committees.

MS. MIRON. And are the studios required to hire from the experience roster?

MR. PRELOCK. In most cases, yes, but there are exceptions.

MS. MIRON. Can you please state those exceptions?

MR. PRELOCK. The first exception would be in the event that the necessary skills and abilities are not contained within the available people that are on the rosters. Then an employer is free to hire anyone from any source. Another time when the employer is not required to utilize the roster is when the rosters are exhausted and there is no one left to be referred; then the employer is again free to hire from any source.

MS. MIRON. Can you please explain again the group system within the rosters?

MR. PRELOCK. It varies from the various unions. Some rosters have everyone in a single group; other rosters, or, other unions may have the rosters in, people in group one, two, and three. The obligation of the employer is to first ascertain the availability of qualified people in group one and, if there aren't people available, then they go to group two, and, if there are no people in group two, then they go to group three.

MS. MIRON. And what is the criteria for getting into group one, two, and three?

MR. PRELOCK. It is generally either a number of days in the lesser group. Some times it is based upon numbers that have been negotiated. For example, a certain union may warrant that there will be 500 people in group one, and from time to time people are moved into group one based upon that number of 500 being fulfilled.

MS. MIRON. And that number is negotiated in the collective-bargaining agreement?

MR. PRELOCK. Yes, it is.

MS. MIRON. And the qualifications committees only exist as to entry into group three; is that correct?

MR. PRELOCK. Where there are qualification committees—now, there are also other qualification committees where people may be in group one and specific skills are, there is an attempt to identify specific skills, and if these specific skills are identified, then a person may receive an additional classification in group one—the prop maker, someone may have a special skill, special abilities, and so on; the Teamsters, they would also have a similar situation where someone may be a group one driver, but also he may also be a wrangler, and the wrangler skills are then identified; or wild animal trainer.

MS. MIRON. Okay. Okay, who sits on these qualification committees?

MR. PRELOCK. The composition of varies from time to time. It is generally always a representative of contract services, an employer labor relations representative from one of the major companies, and then others who sit on the committees may be department heads from the various companies or people that have knowledge of the particular qualifications that are being identified.

MS. MIRON. And how are those qualifications determined?

MR. PRELOCK. They are appointed by the association. I am sorry; what was the question again?

MS. MIRON. I am asking what the criteria is that the qualifications committee has to use in determining whether someone is qualified for admission onto the roster?

MR. PRELOCK. It varies from union to union. Some of the areas, and, in fact, I would say the majority of areas—unions, it is merely a verification of employment, that they were employed in the motion picture industry.

MS. MIRON. What areas are those?

MR. PRELOCK. I don't have a specific list, but in the alternative, I think there are probably only six or seven qualification committees out of a potential of maybe 20, 22 unions.

MS. MIRON. No, I think you misunderstood my question. I am asking you, in those areas in which it is only verification of employment, what are those—what are those areas?

MR. PRELOCK. Oh, for example, the camera local, the sound local, I think maybe the editors; some of the major unions just merely verify the employment record of the individual that they were employed in the motion picture industry.

MS. MIRON. And how many other unions use other criteria, other than just verification?

MR. PRELOCK. I think that there are perhaps seven or eight that have qualification committees that use other criteria other than verification of employment.

MS. MIRON. Mr. Chamie, can you please tell me if there are established penalties for the studios for violating the roster system?

MR. CHAMIE. Pardon me, would you repeat that again, please?

MS. MIRON. Yes. I am sorry. Are there established penalties as to the studios if they violate the roster system?

MR. CHAMIE. If the studios violate the roster system?

Ms. MIRON. Yes. My understanding is that the studios are required to hire, first, group three members until they are—

Mr. CHAMIE. Yes, that is a contractual provision of the collective-bargaining agreement.

Ms. MIRON. And what penalties are there if the studio violates that?

Mr. CHAMIE. Well, there is no specific penalties spelled out in the collective-bargaining agreement, but it would constitute a violation of the agreement itself if they violated it, and in the event that there was a hire that was not proper on the collective agreement and there would be available to the unions an opportunity to protest it and to go to grievance and arbitration; and, if they prevailed the correct seniority would be applied.

Ms. MIRON. And has there ever been such complaints?

Mr. CHAMIE. Pardon?

Ms. MIRON. Have there ever been such complaints?

Mr. CHAMIE. Over the years? Yes, there have been complaints about violations, and on occasion they have been sustained, on occasion they have not.

Ms. MIRON. And who determines when the roster is exhausted?

Mr. CHAMIE. The rosters—where they have the rosters set out, the CSATF determines the persons on the roster, and when the calls are put in for employment for the people on the rosters, if they are not available, then the producers then have the right to go off the rosters.

Ms. MIRON. So, it would be the contract services trust fund which would determine whether the rosters are exhausted by calling the people who are requested; is that correct?

Mr. CHAMIE. It is true in many of the locals; but in also many cases they can call the unions to see if the unions have people on the roster and, if they are informed that the unions don't have it, and they do not have any knowledge of anybody else on their rosters available, then they use their discretion and go off the roster.

Ms. MIRON. Okay. Can you please tell me, Mr. Prelock, what notification is required if an employee who applies for admission onto the roster is found to be unqualified? What notification is required to be given to the employee?

Mr. PRELOCK. I am sorry; I don't understand your question.

Ms. MIRON. Well, the procedure that we are describing is that a potential employee works the requisite number of days and then applies to the qualifications committee is approved or not approved by the qualifications committee; what notification is required to be given to that potential hire?

Mr. PRELOCK. That that individual was either accepted or not accepted?

Ms. MIRON. Yes.

Mr. PRELOCK. There is no contractual requirement.

Ms. MIRON. Does that potential employee have to be told the reasons why he was found to be unapproved?

MR. PRELOCK. I don't know of any contractual requirement, but I think from time to time the individuals are advised. I know that on the Teamsters qualification committee, if someone had a very bad driving record and the record indicated that there were five drunk driving charges, they would be told that until those are cleared up that they are not qualified.

MS. MIRON. Okay. It was our understanding from our previous discussion that the qualification committees have been abolished as of March 1.

MR. PRELOCK. That is correct.

MS. MIRON. And—

MR. CHAMIE. May I add that the qualifications committee as of March 1, with respect to the open period on the rosters, would not apply. That is the new amendment I think we discussed.

MS. MIRON. Okay. Can you please describe that open system?

MR. CHAMIE. Yes. There has been agreement reached between the international alliance and the producers that as of March 1 there would be an open period of 1 year. This was for other purposes, that there would be an open period of 1 year, 365 days prior to, I believe the date is November the 12th, 1976; and any person who worked in that period or any producer, regardless of whether it is a producer in our multiemployer bargaining unit, which is the association unit, that that person could, by working the necessary 30 or 90 days, be considered for placement on the roster in group one.

MS. MIRON. And what is the purpose for this change?

MR. CHAMIE. That is a change that was made in order to bring the rosters into compliance, whereby we again would have one single multiemployer bargaining unit, including Universal and Paramount. And this meets the Taft-Hartley requirements for such a change.

MS. MIRON. And why has this change been announced as of March 1?

MR. CHAMIE. Pardon?

MS. MIRON. Why has this change been announced at this time?

MR. CHAMIE. Why has it been announced?

MS. MIRON. Yes. I assume that the purposes for this change were—those circumstances were always true, but the change has been announced as of March 1.

MR. CHAMIE. No. Let me give you some background so you have a complete picture. Now, we had one, single, multiemployer bargaining unit up until approximately February 1, 1976, which included Universal and Paramount. But when Universal and Paramount left the association, they also left the collective-bargaining, multiemployer bargaining unit. Now, in order to come back into the multiemployer bargaining unit, we then had this recent amendment with the open period to cover that 365-day period, past period, which under the Taft-Hartley Act we felt was necessary in order to legally be able to do it.

MR. PRELOCK. And I might add that this was coincidental with—in fact, it was part of the negotiations that took place on our videotape agreement; in order to have an agreement that would cover the entire industry, it was necessary for Universal and Paramount to join together to establish, reestablish the multiemployer bargaining unit, and, in doing so, then there had to be an open period to allow people to register to get back on the rosters.

MS. MIRON. What this allows is for persons who have worked for Universal and Paramount and nonassociation members to now be included on the industry experience roster in group one?

MR. PRELOCK. Yes, it is much broader than just Universal and Paramount. It is anyone that has had experience in our industry in Los Angeles County.

MR. CHAMIE. With any employer, whether the employer is or was a member of the multiemployer bargaining unit or not. It is really wide open.

MS. MIRON. Okay. Could you please explain, Mr. Chamie, the off-roster hiring project?

MR. CHAMIE. Well, I will try. Our off-roster hiring program is handled by Mr. Bob Rivers, who is here with us today; but generally speaking is, as Mr. Prelock was stating before, that where there are unavailable qualified persons in their respective industry groups to fill the requirements of—the production requirements of the employer, the employer may go off the roster and hire from any source, and that off-roster program of hiring off the roster is now being centralized with CSATF so that it can be directed and that program is a program of hiring and developing a system of hiring off the roster for people who are not now on the roster.

MS. MIRON. When was this program developed?

MR. CHAMIE. I think it was developed last summer.

MR. PRELOCK. It was August of last year.

MS. MIRON. Okay. And how was entry obtained?

MR. CHAMIE. Pardon?

MR. MIRON. How was entry obtained?

MR. CHAMIE. How entry is obtained? Well, Mr. Rivers is in charge of developing a really—an off-roster roster of names of people who are available to be called, and when there is an opportunity he sends these people to the respective studios and, hopefully, they will be employed by that studio.

MS. MIRON. Has it not been used so far?

MR. CHAMIE. Yes, it is being used.

MS. MIRON. And how many referrals have you made from that?

MR. CHAMIE. Again, I can't hear you.

MS. MIRON. How many—I am sorry—how many referrals are made from the off-roster lists?

MR. CHAMIE. We have the record here. Have you got that, Ed?

MR. PRELOCK. Well, can I say that we have—the association was asked to appear in October of 1976 at the California Advisory Commission to your Commission. We did supply that information at that time. And we weren't requested to supply it today, but we certainly have it, and we can bring you up to date on it.

MS. MIRON. Okay, thank you. Can you tell me what efforts are being made towards affirmative action for minorities and women in training and apprenticeship programs?

MR. PRELOCK. Well, in all of the training programs that are instituted through contract services, it is the policy of the Association of Motion Picture and Television Producers to encourage the fullest participation of women and minorities in all apprenticeship and training programs. And to that end, our contract services staff is continually contacting minority sources to advise people that these programs are open and available, and to the extent of recruiting at various schools, campuses, communities, any agency that can be of assistance to us in having these people come forward. It is a very active program; it is a very continuous program, and we believe that we have contacts in many of the areas where we believe that minority people can be found.

MS. MIRON. How many training programs and apprenticeships are currently being operated by the trust fund?

MR. PRELOCK. We have a total of six programs, and two of them are apprenticeship programs.

MS. MIRON. And what is the representation of minorities and women on these programs?

MR. PRELOCK. Which program are you referring to? We have assistant directors, we have camera, we have makeup artists, we have prop makers, we have publicists, and we have wireman and maintenance airconditioning mechanics.

MS. MIRON. I would like to know the total number of minorities and women involved in the programs.

MR. PRELOCK. I do not have those numbers, but in the information that you have requested, you will find, under training, statistics of the total numbers. They have not been added in that way. I can tell you on any individual program on any given year, but they have never been totaled.

COMMISSIONER FREEMAN. Mr. Chairman, we would like to request that these be submitted, cross-classified by race and sex.

MR. BRUNSWICK. Mrs. Freeman, those statistics have been submitted already. Mr. Baca has them now.

MS. MIRON. Okay. Mr. Chairman, I have no further questions at this time.

CHAIRMAN FLEMMING. In testimony this morning, we asked, for example, the executive vice president of Warner Brothers, Incorporated, to discuss with us the efforts, not only on the part of his own company but on the part of the industry, to open up opportunities for members

of minority groups, and, in responding to that question, he called our attention to the fact that the industry did not always have control of the situation. And one of the illustrations that he gave us was the operation of the rosters to which you referred. Now, as I understand it, your association represents the industry in negotiating with the unions relative to the operation of the rosters; is that correct?

MR. PRELOCK. Yes, we do.

CHAIRMAN FLEMMING. In—when was your last negotiation with a major union? Do you negotiate with all of them simultaneously, or do the contracts run out at different times?

MR. PRELOCK. With the trade unions, the IATSE, and the basic crafts, we negotiate all at the same time. And our last negotiations were, I believe, in February of 1976.

CHAIRMAN FLEMMING. In connection with those negotiations, were you instructed by the industry to raise with the unions the whole issue of affirmative action and, specifically, the relationship between affirmative action programs and the way in which the rosters are constituted and the way in which the system operates?

MR. PRELOCK. I was not specifically instructed to undertake that task, but the association did, in fact, during our last negotiations on several occasions request information as to racial-ethnic background that the various unions had on their rosters, because we do not have that information, and we felt that that type of information would be most helpful to show us where the areas of affirmative action is needed the most. And we also advised the unions during those negotiations that we felt that it was necessary to make additional efforts in our affirmative action programs by establishing an off-roster hiring project, which in some extent altered the previous way employment was obtained in the industry, and we have, under the Taft-Hartley Act, an obligation to notify the unions that we were going to do this. We have had continuing discussions with the people who are involved from the union side on the training programs, and I particularly have discussed with the union representatives our need and desire to raise our consciousness and to put additional efforts in securing minorities and women in all of our training programs with much more enthusiasm, perhaps, than we have exhibited in the past.

CHAIRMAN FLEMMING. What was the reaction to your request?

MR. PRELOCK. Generally, there was an acknowledgment that we do have a problem and that it is difficult to try and resolve, and that we would get cooperation from the unions involved. We, in fact, did get cooperation from several of the unions involved, to the extent of the employer having the free right, or the complete right, to place in the training programs people without union involvement. And that was something that was not always possible in the past.

CHAIRMAN FLEMMING. Does the existence of the roster system, in your judgment, interfere with the efforts that one of the companies connected with your association might undertake in an all-out effort to open up opportunities for members of minority groups?

MR. PRELOCK. It certainly is not an assistance. One of the problems that—

CHAIRMAN FLEMMING. Could I—

MR. PRELOCK. I am sorry.

CHAIRMAN FLEMMING. In your judgment, is it an obstacle that would stand in the way of an employer who is a member of the association who decided that as an employer that we are going to go all out on an affirmative action program?

MR. PRELOCK. Yes, I would say it is an obstacle, in my opinion. Sir, can I add something to try to put this into perspective?

CHAIRMAN FLEMMING. Yes, sure.

MR. PRELOCK. The rosters not only apply to the member companies of our association, they apply to these letter-of-adherence companies that I first mentioned, and there are approximately 400 or more of these companies. These companies may be in town to shoot a commercial and gone the next day. They may be someone that has been here for many, many years. They also have a right to place people on the rosters, and we have no control whatsoever if—as to who they place on these rosters. Our member companies may indeed develop a great sensitivity and do their share to encourage minority participation on these rosters and succeed. But, when you take a look at the total numbers and the sources of where these employees are coming from, the efforts of any of the companies that have exhibited a conscious effort become very obscured.

CHAIRMAN FLEMMING. Well, let me take the 400 companies to which you have referred. They are related, as I gather, in a rather peripheral manner to the industry. That is, at times they are involved in operations that are directly related to the industry and other times they are not?

MR. PRELOCK. No, generally speaking, they are not involved at all in the operation of the industry, except for them to contribute to the contract services trust fund and also by their letter of adherence they become members of the multiemployer bargaining unit; but they do not participate in the multiemployer unit bargaining as a rule, although they are certainly legally entitled to. One of the reasons the contract services was originally established was to try and have the entire industry share in the training programs and the apprenticeship programs that we hoped to have—that we would and did establish through the years—so that, if our efforts are successful, that the people that graduate from those programs would be sent out into the entire industry, and the cost of training those people would have been shared by the entire industry, as opposed to the majors who in one instance may train these individuals and then they are lost completely to an independent and they never come back to the major fold again.

CHAIRMAN FLEMMING. As I understand it, these companies can add anyone they so desire to these rosters?

MR. PRELOCK. Only when the rosters are exhausted or—and I am not completely familiar with this. If these companies are originally signed up for the first time by the unions, their existing employees would be placed on the rosters, I guess, for at least the purposes of that company and for the purposes of the industries. But, when the rosters are exhausted, which they are occasionally, yes, they are free to hire from any source whatsoever, and if those people get the requisite days, then they can be placed on the rosters.

CHAIRMAN FLEMMING. All right, this brings me back to what seems to me to be the basic question, the basic issue here. A person, in order to get on the roster, normally has to have a record of prior employment within the industry, and then under certain circumstances with any one of these 400 companies; is that correct?

MR. PRELOCK. Generally speaking, yes, that is correct.

CHAIRMAN FLEMMING. So that if the previous record of the industry, let's say, over a period of time, as well as these other companies, has been the record, certainly of not encouraging, and conceivably discouraging, minority employment, it becomes very, very difficult for a member of a minority group to establish an employment record that will make it possible for him to get on one of these rosters in groups one, two, and three. In other words, over a considerable period of time, as I get the picture, there have been very few opportunities, comparatively speaking, for members of minority groups to establish an employment record in the industry or in these other 400 companies; is that correct?

MR. PRELOCK. Well, generally, yes. There was one major exception, which I feel we are all somewhat disappointed with. That occurred in '72 or '73, when we did get into a minority hiring situation through the Department of Justice. At the end of that period, we did have a pool of minorities there were eligible to go into group one in many of the unions. And the disappointing part was that, by the time that these people became eligible, several hundred of them did not apply to go into these rosters, and we felt that we lost the benefit of the training by these people leaving the industry.

CHAIRMAN FLEMMING. Was a positive effort made on the part of the industry to encourage them to stay in the industry and get on these rosters?

MR. PRELOCK. Absolutely, that was part of the requirement that the Justice required.

CHAIRMAN FLEMMING. Have they now lost their opportunity to get on the rosters, or are they still eligible for entry on the roster?

MR. PRELOCK. Technically, I believe they may have lost their opportunity; but, from a practical point of view and a realistic point of view, any of these individuals that have come back to us, we have certainly encouraged their placement on the rosters, and I believe that the unions have cooperated with us in this respect.

CHAIRMAN FLEMMING. All right. Now, we received testimony from a number of sources to the effect that there were very few, if any—most of the testimony was that there were not any first cameramen—representing minority groups, art directors representing minority groups. Is it fair to conclude that the reason why you find very few, if any, in those categories is that in the past employment has been blocked so that they have not had the opportunity of beginning to work up the ladder, so to speak, and become eligible for group one, as an illustration?

MR. PRELOCK. I think the conclusion that they did not have the opportunities, I would certainly agree, as first cameramen because obviously, if 10 or 15 years ago, they weren't involved, they wouldn't be a first cameraman. I don't know, I cannot comment if they were blocked from applying or were getting work experience, but I know the result is that there are very few in those senior categories.

CHAIRMAN FLEMMING. In your discussions with the unions as representatives of the industry, have you ever advanced a plan for a change in the collective-bargaining agreements that would correct this situation that has grown out of the roster system?

MR. PRELOCK. To the extent that the association has adopted a policy as far back as 1968 as to its own affirmative action views to inserting in the collective-bargaining agreements various clauses, nondiscrimination clauses, to insist that all of our training and apprenticeship programs be operated on a nondiscriminatory basis; that was the extent of our request. On the other side, as it is common in collective-bargaining and Taft-Hartley agreements, that seniority provisions generally are areas that the employers have to bargain with the unions about, and you cannot unilaterally change certain working conditions without getting an agreement from the union. One of the basic protections that a union member may feel is that they have seniority protection, so it is a very difficult area to find much movement because of the vested rights that people feel that they have. Its corollary is a no-strike clause on the employers' part, or a management rights' clause to run its business. These are the important ingredients that make up the collective agreement, in my view.

MR. CHAMIE. Mr. Chairman—

CHAIRMAN FLEMMING. Do you believe—pardon me, yes.

MR. CHAMIE. May I add to what Mr. Prelock said? I think there were several occasions where those rosters have been opened up. One—principally the one that he mentioned in 1970 as a result of a settlement agreement made between the members of the association and the United States Government and the alliance. We did have a minority training program and we did establish a minority labor pool, and under that agreement there were certain objectives to be sought for in employment; and when the specific locals—there were nine involved—of the IATSE, when a specific local reached those objectives, the minority labor pool was then merged with the roster so that the

people who were on the minority labor pool went into the rosters, in most cases, in group one. And then the second time the rosters were opened up—

CHAIRMAN FLEMMING. That agreement was entered into in, when, 1970?

MR. CHAMIE. 1970.

CHAIRMAN FLEMMING. Under the—

MR. CHAMIE. April of 1970.

CHAIRMAN FLEMMING. Under the direction of the Department of Justice?

MR. CHAMIE. The Department of Justice; it was monitored thereafter by Justice and by EEOC.

CHAIRMAN FLEMMING. And that is the agreement that lapsed in 1974?

MR. CHAMIE. With respect to those locals that had merged their minority pool into the rosters.

CHAIRMAN FLEMMING. Was any effort made to extend that agreement?

MR. CHAMIE. No. By the terms of the agreement, that was supposed to have provided a pool of labor which would have fitted into the rosters, giving an appropriate representation to the minority groups.

CHAIRMAN FLEMMING. Was it within the purview, however, of the industry and the unions to agree to extend the agreement for an indefinite period of time?

MR. CHAMIE. No, there was a termination date to the agreement with respect to the respective locals, depending upon the time that they merged their minority labor pool into the rosters. I believe eight of them have completed that merger, and the only one that has not is 776, the editors.

MR. PRELOCK. Mr. Chairman, there was an effort made shortly after that period of time where the Department of Labor was going to enter into a relationship with the association for a continuing minority labor pool training program such as you are perhaps suggesting, and there was a question of financing and the amounts of money, as I recall, was—I think it was \$500,000—and with that money, with matching funds, I believe, that we were going to continue a program something along the lines that you are suggesting, but that agreement was never consummated.

MR. CHAMIE. Mr. Chairman, the second time that the rosters were opened up, I believe, was in 1974, where we had an open period, again, of a year in which experience in the—comparable experience in the appropriate classifications with any employer, not necessarily an employer in the association or in the multiemployer bargaining unit—any experience counted. If he—30 or 90 days towards getting on the roster, and at that time, the new roster people went into group three. Now the last, the third open period, the period that we are into presently, provides for this year open period, and in that open period

persons who have the comparable experience of 30 or 90 days are eligible to be placed on the roster in group one.

CHAIRMAN FLEMMING. What does that mean, comparable experience?

MR. CHAMIE. Well, in other words, if he is a carpenter, he would go on the carpenter's roster. If he is an electrician, he goes on the electrician's roster.

CHAIRMAN FLEMMING. The experience doesn't have to be within the industry, however?

MR. CHAMIE. No, the experience has to be within the motion picture or the television industry.

CHAIRMAN FLEMMING. Still, then, getting in depends on previous employment, a previous employment record within the industry?

MR. CHAMIE. In that sense, yes.

CHAIRMAN FLEMMING. Well, the—

MR. CHAMIE. That relates again to having some kind of a relationship or skills in the motion picture industry.

CHAIRMAN FLEMMING. Well, let me just state a tentative conclusion. There are other witnesses who will be appearing and who may want to challenge this, or at least throw additional light on the issue. But, on the basis of the investigation that has been conducted, on the basis of the testimony that we have heard today, I tentatively conclude that the collective—or that the operation of the rosters, which in turn are based on collective-bargaining agreements, stand in the way of an effective implementation of Title VII of the Civil Rights Act and the Executive order, which pertains to concerns that have contracts with the Government, and if that proves to be the case, if that assumption or tentative conclusion can be, is upheld on the basis of evidence, I don't see how the Government, whether it is within the executive branch, or within the judicial branch, can tolerate it, because we are dealing with a constitutional issue here. We are not dealing with a question of whether people think this is a good policy or that is a good policy. We are dealing with a constitutional issue as interpreted or as reflected in the laws. I just state that to see whether any of you want to react to it because that—

MR. CHAMIE. I would say, Mr. Chairman, that that raises the fundamental question. If the roster is, in fact, legal and proper, then there is nothing wrong. But, if it is not legal and it is not proper, then, of course, we have a different kind of situation.

CHAIRMAN FLEMMING. Well, my question is, can it be legal and proper if it operates in such a manner as to block the implementation of the rights that people have under the Constitution of the United States?

MR. CHAMIE. I think that is the fundamental question of fact.

CHAIRMAN FLEMMING. Right, right, okay. Commissioner Freeman?

COMMISSIONER FREEMAN. Gentlemen, I would—to follow up the Chairman's line of questioning—want to say that I have reviewed the

documents which you have submitted in response to the subpoena, and in every single category there is a very, very wide discrepancy, which indicates underutilization of minorities in the crafts. And I want to ask you a question, particularly concerning your training programs, which you have said was for the purpose of improving the participation of minorities, and ask if the tests that you administer have been validated under the guidelines of EEOC?

MR. PRELOCK. No, they were not. They were handled through, I believe, a Dr. Jones at USC, and we have expressed our concern about the validity of the tests, and he assured us that he felt that the applicants that are referred to us are suggested on a, are sent on a nondiscriminatory basis, and we have not been challenged, based upon those tests.

COMMISSIONER FREEMAN. You have not been challenged? Well, let me give you a cite from your submission. "The camera assistant training program." Now, the person who is to go into the camera assistant training program receives an interview, and, Mr. Chairman, I would like to read into the record the interview that the camera assistant has to—what the interviewer asks. First of all, "general appearance and personal—and physical qualifications, candidate suitability of dress and grooming, physical capacity for job," and then there is a bracket for them to check, "weak, limited, acceptable, good, outstanding." I don't know whether jeans would be applicable or whether if you didn't wear jeans it would be considered poor grooming.

"Oral interview. Candidate is to be rated on each of the following factors: Effectiveness of oral expression." I am talking about the camera assistant interview now. "Halting, hesitant speech, presence of impediment which affects clarity, incorrect word usage, rambling, illogical statements," number 3, and then, "expresses ideas clearly, concisely and convincingly." We are still talking training for the assistant cameraman.

"B. Motivation." This is from your document. "Poorly organized goals, failure to plan realistically, including financial aspects, limited knowledge of craft, lacks direction of own affairs." I suppose you mean the budgeting and etc. "Shows little insight."

"C. Effectiveness of contacts with others. Extent to which candidate demonstrates ability to develop and maintain effective relationships with others. Makes little or ineffective efforts to establish suitable relationships." And then again, rating, "weak, limited, acceptable," and so forth.

"D. Problem solving and orientation. Candidate's attitude and approach to problems, narrow, rigid approach to problems, unimaginative, seems unaware." Two, "practical solutions." I would assume that none of the cameramen here would have failed those tests.

"E. Past experience. Extent to which candidate's education and past work, social, and military experience are coexistent with the duties of an assistant cameraman." Those are the tests that have to be taken before one is accepted for the program.

MR. PRELOCK. Commissioner, that is not the case.

COMMISSIONER FREEMAN. Well, that is what you have here, "Assistant cameraman training program."

MR. PRELOCK. That was the criteria that was used prior to the arrangements that we have arrived with the unions that the employer is going to be the sole party in selecting the applicants. It is my understanding that this test was made up by a joint employer-union committee, and those arrangements have been changed.

COMMISSIONER FREEMAN. What are the arrangements now?

MR. PRELOCK. The people are going to—

COMMISSIONER FREEMAN. We—you see, this is what was submitted to us.

MR. PRELOCK. That is correct.

COMMISSIONER FREEMAN. And you have submitted to this Commission a document that is not current; is that correct?

MR. PRELOCK. You have requested in your subpoena documents going back to 1975 and '76. These documents were in existence at that time. We were not asked to delete any document that is not current.

COMMISSIONER FREEMAN. What I have here is your employment statistics for 1976.

MR. PRELOCK. Yes.

COMMISSIONER FREEMAN. Well, Mr. Prelock, will you submit to this Commission the current, all of the current data with respect to tests, any tests which are used with respect to any program or employment, with respect to the categories of crafts which were previously submitted?

MR. PRELOCK. You have them all.

COMMISSIONER FREEMAN. This is all you have?

MR. PRELOCK. That is correct.

COMMISSIONER FREEMAN. But this is not current?

MR. PRELOCK. That is correct. As far as the camera training program is concerned, we are in the process of deciding or determining if we are going to go ahead with a new camera training program and on what basis.

COMMISSIONER FREEMAN. Well, would you respond with respect to all of the other crafts listed in the documents?

MR. PRELOCK. I—in what—the rest of them—

COMMISSIONER FREEMAN. Set designers, story analysts—what is that?—grips, first aid, script supervisor, film technicians, prop, cameras, Teamsters, projectionists, makeup artists, and what is this, this is a—operators, ramp operators?

MR. BRUNSWICK. That would be lamp operators, Commissioner.

COMMISSIONER FREEMAN. Lamp operators.

MR. PRELOCK. We do not have training programs for all of those. The training programs are listed in the kit, and I believe that there are six or seven that I previously testified to.

COMMISSIONER FREEMAN. Well, those are the ones that I was reading through.

CHAIRMAN FLEMMING. All of the information you have submitted on training programs is current except—

MR. PRELOCK. Yes.

CHAIRMAN FLEMMING. —for the cameramen?

MR. PRELOCK. That is correct.

CHAIRMAN FLEMMING. I might suggest on that one, in developing any similar one, that it occurs to me that one of the factors that was given some emphasis would be in direct conflict with current laws on discrimination against handicapped persons.

MR. PRELOCK. I certainly agree with you. I can assure you that the association has, in the past year, year and a half, has been continually reviewing the criteria that is used in selecting people, and, as Mr. Chamie testified, the qualification committees have been abolished for the purpose of this open period. What type of committees will be set up in the future has yet to be determined, and I can assure you that we are aware of the many problems that have existed and the types of questions and tests that we have used, and we cannot deny that.

COMMISSIONER FREEMAN. Well, Mr. Prelock, you say that this is all of—this test is applicable with respect to everything other than assistant cameramen.

MR. PRELOCK. No, that is not correct. That is the only area, I believe, that that test was used, and that was in the camera program.

COMMISSIONER FREEMAN. Well, we have it also for producer. The producer cannot have halting, hesitant speech.

MR. CHAMIE. The producer, are you sure on that?

COMMISSIONER FREEMAN. Well, that is what is here. The producer—

MR. CHAMIE. No, I don't believe—

COMMISSIONER FREEMAN. —training program.

MR. CHAMIE. What group—page?

CHAIRMAN FLEMMING. They have got the same document, let's—

COMMISSIONER FREEMAN. Well, actually, it is the same test, the same questions are asked with respect to everyone; the only difference is at the top of it on the lefthand side, you have changed the title.

MR. CHAMIE. Is that true?

MR. BRUNSWICK. No.

MR. CHAMIE. May I ask, Mrs. Commissioner, I don't quite follow that in the statistics I have.

COMMISSIONER FREEMAN. You have the same document?

CHAIRMAN FLEMMING. Let's see if we can get it by numbers.

COMMISSIONER FREEMAN. You have the same document? This is the—

CHAIRMAN FLEMMING. Yes, this is the same document. I assume you have a copy of this document in front of you.

MR. CHAMIE. Is that the DGA training plan that you are—

COMMISSIONER FREEMAN. That is right.

MR. CHAMIE. Well, that is the Directors Guild training plan, for assistant directors and unit production managers.

COMMISSIONER FREEMAN. Yes. You also test them as to halting speech?

CHAIRMAN FLEMMING. Is that a—and that is a current requirement as far as the—

MR. PRELOCK. That is—

MR. CHAMIE. That is correct.

CHAIRMAN FLEMMING. —assistant director training program is concerned?

MR. CHAMIE. That is correct.

CHAIRMAN FLEMMING. Is that being reviewed?

MR. PRELOCK. Not—

CHAIRMAN FLEMMING. In the light, for example, of the law prohibiting discrimination on the basis of handicap?

MR. PRELOCK. Now, in that respect, yes. As far as the entire form, yes, it is being reviewed. We have not had discussions with the Directors Guild as we have had with the camera local in regards to the programs. We have had discussions with the training program committee members, and we have expressed our concern at that time that there is—that we were going to have a continuing review of all of the selection procedures that have been used in the past with the intent of making them to conform with all of the applicable State and Federal laws. But we have not done that yet with the Directors, but we have done it with the camera.

CHAIRMAN FLEMMING. Do you have any age requirement for admission to these training programs?

MR. PRELOCK. Well—

MR. BRUNSWICK. I believe that they have to be at least 18.

MR. PRELOCK. Yes, at least 18, I believe.

MR. CHAMIE. That is, I believe, in the apprenticeship program.

CHAIRMAN FLEMMING. Do you have any further questions?

COMMISSIONER FREEMAN. No.

CHAIRMAN FLEMMING. Okay, thank you very much for being here and sharing this information with us.

MR. CHAMIE. Thank you and we appreciate this opportunity to be able to discuss these matters with you.

CHAIRMAN FLEMMING. Thank you.

Counsel will call the next witnesses.

MR. DORSEY. Josef Bernay.

CHAIRMAN FLEMMING. Mr. Bernay, if you would please stand and raise your right hand.

[Mr. Josef Bernay was sworn.]

**TESTIMONY OF JOSEF BERNAY, INTERNATIONAL REPRESENTATIVE,
INTERNATIONAL ALLIANCE OF THEATRICAL AND STAGE EMPLOYEES**

CHAIRMAN FLEMMING. Thank you. Counsel will proceed.

MR. DORSEY. Would you please state your full name and spell your last name for the record?

MR. BERNAY. Josef J. Bernay, B-e-r-n-a-y.

MR. DORSEY. Could you give your occupation for the record?

MR. BERNAY. I am an international representative of the International Alliance of Theatrical and Stage Employees and Moving Picture Machine Operators of the United States and Canada, AFL-CIO, CLC.

MR. DORSEY. And how long have you been so employed?

MR. BERNAY. Eleven years.

MR. DORSEY. Do you also hold office with local unions in this area?

MR. BERNAY. I am executive secretary with the Story Analysts local and business agent of the Set Designers and Illustrators, in that order.

MR. DORSEY. In line with your employment and your association with local unions in this area, did you participate in the joint labor-management committee which monitored the 1970 settlement agreement with the EEOC and the Department of Justice?

MR. BERNAY. I did.

MR. DORSEY. And could you just briefly summarize for us your duties in that regard?

MR. BERNAY. We had occasional meetings—I think it was maybe every 6 weeks or every quarter—where reports had to be sent in to the Government that were required by the unions that were involved in nine locals involved, and the employer, to submit what they were doing as far as the affirmative action program was concerned and to reach the desired situation where there would be a balance of minorities, including Caucasians.

MR. DORSEY. So that your experience with the movie industry and the unions in particular goes back at least as far as those agreements?

MR. BERNAY. Yes, it does.

MR. DORSEY. In line with your responsibility and association with the alliance, will you state just briefly what the function of the alliance is in relationship to its member local unions and the limitations which it has in terms of establishing regulatory kinds of relationships with those locals?

MR. BERNAY. The international, as far as Hollywood is concerned, is the exclusive bargaining agent for 23 local locals or unions—whichever word you want to prefer there—and outside of the basic agreement that we negotiate, which covers wages, hours, working conditions, and fringe benefits, the other individual locals have what is called local autonomy. They individually go in and negotiate things pertaining to their own individual crafts. We sit in with them. That is the setup only here in Hollywood as far as the locals that I am telling you are concerned.

MR. DORSEY. So, basically, within the industry in this area at least, there are two negotiation processes with two resulting contracts, one a general contract which covers all of the member locals and also another contract individually negotiated by member organizations?

MR. BERNAY. Correct. They do it prior to the, usually prior to the general. They try to get out of the way their own local problems.

MR. DORSEY. Within your responsibilities in the alliance to negotiate, do you in any way negotiate on the issues of affirmative action, minority recruitment, minority training, or any other area in the realm of equal employment opportunity?

MR. BERNAY. Part of our contract, and I remember the memorandum agreement pretty clearly, stating the affirmative action program, putting into writing the activities of the contract services administration trust fund, and also putting locals that would be involved in the contract. And they are part of it.

MR. DORSEY. Is there any mechanism within the alliance for monitoring the success of that particular clause on nondiscrimination?

MR. BERNAY. We have, the alliance has no way to monitor the individual locals as far as the training programs or affirmative action program is concerned because, first of all, not only the alliance, but the individual locals also do not hire the people.

MR. DORSEY. Does the alliance have any relationship whatever to the maintenance or the regulations pertaining to the roster system which we have had testimony on today?

MR. BERNAY. The alliance, no; the individual locals, yes.

MR. DORSEY. As a business agent of at least two local labor organizations, can you state just generally what relationship the union has to the maintenance and regulation of the roster system?

MR. BERNAY. The locals I represent have the following system. I will take the story analyst, which there are 80 in the industry. Instead of the producer having to call in each individual person that is on their roster—not the union's roster, on the producer's roster—to see if any one of them are available to work, we, the union, are like an adjunct in this respect. Our individual members, because, after 30 days, they get on the roster, we under Taft-Hartley take them into the union. They let us know when they are out of work and we put their name on the list of roster people available for work. The producer calls us, instead of, like I say, calling the 80 people to see who is out of work, and said—they read the names of the people on the roster that are available.

Now, two things occur, we may read some names, if they are there, and they can pick whoever they want, or we may say there is no one that is out of work that is on the roster. Then they go and hire whoever they want and notify us that they have hired so and so, within 7 days; and, then after 30 days, as far as one employer is concerned, or 90 days where various employers are concerned, the producers then have them come up and qualify in front of the qualifications committee. Meanwhile, at the end of 30 days, we send them an application to join, with the basis that, the proviso be that they get on the roster, because being a member of the union does not give you a job in the motion picture industry. You must be on the producer's roster. We have many members in various locals who do not work in the industry and are not on the roster.

MR. DORSEY. Let me follow that up with one question. If you do not accept membership prior to roster status, how do you have members now listed who are not rostered?

MR. BERNAY. We have none that are—we have no members listed that are not rostered. We don't list any member as far as sending him on a job because we are not referral unions at all.

MR. DORSEY. Well, perhaps I misunderstood you. I thought I heard you say that you have union members who are not on rosters.

MR. BERNAY. I said there are various locals, not the ones that I cover, the various locals that have people that are not on the rosters that are members of the union because they are working in another area.

MR. DORSEY. In regard to your statement as to how the union—well, let's call it the out-of-work roster—in other words, you have a listing of people who are union members who are rostered and who have notified you that they are out of work?

MR. BERNAY. Correct.

MR. DORSEY. Let us assume that on that listing there would be 10 names, at any given time.

MR. BERNAY. Yes.

MR. DORSEY. When there is a call for a person from a producer, is the entire listing read, is a portion of it read, is it read in order of the way in which they signed up, or is there any specific mechanism to determine how those people would be listed to the producer who calls in?

MR. BERNAY. We usually read all of the names, or they say, "Read us the list," and as we read, they say, "Stop," and that particular person is the one that they are interested in, then we give them their phone number if they don't have it listed and they call them and hire them.

MR. DORSEY. Okay. So there is no requirement under contract to give out the name first of the first person who had signed up as unemployed?

MR. BERNAY. No.

MR. DORSEY. There is also no agreement under contract, as I understand your statement, to have a listing of, say, the top three, and he must choose between those three?

MR. BERNAY. No, except, there is the group one and two, if there are any group one, two, or three. The three locals that I have, every one is in group one.

MR. DORSEY. Okay. So that the only qualification would be whether or not, by virtue of some seniority listing, a person would be in group one, two, or three, and then group one would get first priority and then group two and group three, and you must exhaust a group before going to the next one?

MR. BERNAY. Correct.

MR. DORSEY. But, within any given group, and in the case where there is no grouping, the producer or employer has full access to choose within the eligibles any particular person they see fit?

MR. BERNAY. Absolutely right.

MR. DORSEY. Getting to the composition of the international itself, could you briefly summarize the manner in which an individual of a given craft member union to the alliance would obtain membership in a given local union? Take, for example, any one of the three that you are an officer of?

MR. BERNAY. At the end of 30 days employment, under Taft-Hartley, we submit an application for them to join. They have—all they do is fill it out, send it back to us with the \$100 deposit towards the initiation fee. We send the application to New York. New York checks it for whether they had been formerly a member or if they owe any local that they were involved in the dues, and whatever checking they do there, and they give them the stamp of approval and send it back to us. We then act upon them at the next union meeting. And we take them in, except for the requirement that we say to you, make sure that they get on the roster, because if they don't get on the roster we would be taking their money away and not be able to service them because we can't give them a job. It would be silly. We could—hundreds of people could come to our office and we would give them an application and have them join, say, as a story analyst, and they may never work 1 day. We could get rich, but we don't believe in it.

MR. DORSEY. You were kind enough to provide us with a copy of the constitution of the alliance.

MR. BERNAY. Correct.

MR. DORSEY. And I noted in reviewing that that there is a provision, as my reading of it is, that requires, for application for membership, that there be an endorsement by three members of the alliance in good standing. Is that provision enforced or waived or—

MR. BERNAY. In 1976, which we haven't revised our constitution and bylaws yet, at our international convention in Minneapolis in August that requirement was taken out.

MR. DORSEY. That is now out, officially?

MR. BERNAY. Out completely.

MR. DORSEY. Okay. Also, a review of the same document, and I noticed that there is also a provision which suggests that an applicant for membership shall be required to pass a satisfactory examination as to his competency and qualifications. I ask you if that is still a current requirement?

MR. BERNAY. As far as Hollywood is concerned, the roster system is the one, and the employer is the qualifier; we are not the qualifier.

MR. DORSEY. So that particular requirement as to the alliance is not one which you enforce?

MR. BERNAY. Not here. Other individual locals may set that up in certain areas in the country. You see, we have 1,000 locals in the United States and Canada.

MR. DORSEY. But in the movie industry in Los Angeles that is not applied?

MR. BERNAY. Not at all.

MR. DORSEY. In terms of alliance itself, we have had testimony from the association that they have had a policy regarding nondiscrimination and a policy regarding affirmative action which dates back for some time, and I wonder if there is a formal policy or program of affirmative action within the international?

MR. BERNAY. We have in our contract. We, not being the employer, even if we wanted to implement one, we couldn't. For that matter, I will—if I may, I will explain a little situation that happened in 1973. In our contracts we had the existence or potential existence of training programs in all of those areas. For that matter there was a man from the Justice Department, after we signed that contract, to come in and talk about the training program that was told to you by our predecessors. The unions very willingly signed the paper, following Executive Order 11246. Management, or the producers' association, signed that same paper. Government did not sign that. All we asked was them to give us the work that the Government does, which is more than all the producers in the United States put together, and we would have opened wide open and accept everybody they would give us. We would love to have the work and have people come in, open doors. The Government didn't sign it. We did.

MR. DORSEY. Do you have any other policies or maintain any other positions formally as regards affirmative action?

MR. BERNAY. We are willing to do anything in the world. I, myself, actively try to recruit minorities.

MR. DORSEY. Could you—you mentioned that to me earlier, and I wonder if you could briefly summarize for the Commissioners those activities which you personally engage in in an attempt to recruit minorities and/or women?

MR. BERNAY. Part of my duties—I am the one that signs the independent producers to a contract with us when they want to employ our expertise. And we try to tell them that when they hire their crew on the roster to try to get a balanced crew. We also, me and the locals that I am involved in, will go to all the minorities that we have and ask them if they know of anybody that is capable or knowledgeable who wants to enter to go down, sign with the off-roster hiring system. For that matter, anybody who calls our local, we read them, over the phone, or if they come there, we give them a letter, and it states, "Anyone seeking work in this area contact all producers and go down and register with Bob Rivers, director of human resources, Contract Services Administration Trust Fund, 8480 Beverly Boulevard, Monday through Thursday from 9 to 4 p.m."

MR. DORSEY. I just have one—

MR. BERNAY. And that is run by the association, not by the unions.

MR. DORSEY. I just have one other question. We have also had testimony today by certain studio representatives that it is their impression that an attempt to negotiate on the issue of rostering, which would be in line with opening the roster to minorities and women, would be received with a considerable amount of resistance on the part of union members, primarily because of the vested interest in seniority that unions justifiably may have, and I wonder if you would care to comment on that at this time?

MR. BERNAY. Well, we cannot tell a local or an individual local whether they want to open up or do what you are saying. The policy of the international is no discrimination, sex, race, or creed, and it is in our constitution and bylaws. And we do not advocate a policy of that kind and never did.

MR. DORSEY. I have no further questions at this time.

CHAIRMAN FLEMMING. Could I ask this question. It has been raised—well, I want to go back to the roster, and the way people get on the roster. Some of the employers have indicated that the way in which the roster operates stands in the way of their carrying forward an effective affirmative action program. Then some have indicated that the rules governing entry on the roster and the operation of the roster are the outgrowth of collective-bargaining agreements. Now, as I have listened to your testimony, particularly in reference to your two unions, two local unions, I gather that the rules relative to entry on the rosters are not of major concern, if any concern, to you; is that a correct inference?

MR. BERNAY. We have no—I have no concern whatever, no.

CHAIRMAN FLEMMING. In other words, when you negotiate with the owners, whatever they propose relative to entry on the roster, you are inclined to go along with, or not take issue with it, I will put it that way.

MR. BERNAY. I think that Mrs. Commissioner—I don't see the name, excuse me.

CHAIRMAN FLEMMING. Commissioner Freeman.

MR. BERNAY. Mrs. Freeman mentioned a list of names of locals that want training and apprentice programs. And you will find that the story analysts and set designers who I represent are listed on there. We want them. The trouble is the work is so inconsistent. We represent 16,172 members in the motion picture industry. Fifteen percent work 50 weeks, 10 percent work 40 weeks, 12.5 percent work 30 weeks, and the rest, 62.5 percent, work 26 weeks a year and less. The former major studios of yesteryear are gone. The independents make more pictures than the producers. If you noticed, Warner Brothers said 14 pictures. They used to make 80. MGM made 100; they made 6 last year.

The opportunity for work, for employment, has become very, very difficult. We have one local, the laboratory technicians, which Mrs. Freeman mentioned, 3 years ago, there were 3,600 members on the

roster and members of the local. There is now only 2,260. The work opportunities are going downhill instead of uphill. Again, that is why I say, why won't the Government subsidize motion pictures in the United States? We are the only country in the world that doesn't have a subsidy in motion pictures. And if we try to implement something here of any significance with an independent producer all he does is go to Arizona, don't hire our people, we don't get the work, and they don't have to follow any system, whether it is a minority system or any type. They escape us; all they do today, they hire a cinemobile, which is a fully equipped mobile unit, put it into a C-54, and go to the Philippines, like Francis Ford Coppola, is right now making the *Apocalypse*, and that is our problem. Our industry is one of the most viable industries and movable industries in the world. It would be different if it was a factory-type situation. There would be more potential control of the work force and implementation of any type of system.

CHAIRMAN FLEMMING. If I may come back, as far as you and your unions are concerned, you do not get involved in the issue of what the requirements should be for entry on the roster. Is that a fairly typical attitude on the part of, let's say, the unions, within the group that you head?

MR. BERNAY. Let—in the right context, all of the locals that we represent—now I am talking as an international representative—when the roster is exhausted, the producer has the prerogative of hiring whoever he wants, from wherever he wants, whenever he wants. The only prerequisite we have is, if you work 30 days with one employer or 90 days with various employers, you become a member of ours.

CHAIRMAN FLEMMING. That is membership in the union?

MR. BERNAY. That is right, on the roster; we don't set up any criteria, they do, although it is part of the collective-bargaining agreement—30 days with one employer, 90 days with various employers. Then, what they do, and we are not party to, the qualifications committee that the producer sets up, they give him a physical examination at the producer's expense, send him in front of the qualifications committee, and then they qualify him. One of our—the locals I represent, the illustrators and matte artists have no qualifications at all in their contract. All you have to do is be hired by the producer, work 30 days as an illustrator or matte artist, and you are automatically group one on our roster as far as we are concerned.

CHAIRMAN FLEMMING. Do you have any feel as to the way in which the qualifications committees operate? We did receive testimony to the effect that some of them have been abolished, effective March 1, but I gather that there are some that still operate?

MR. BERNAY. Well, we have no input to them, only management.

CHAIRMAN FLEMMING. So—let's see if I can sum it up. Eligibility for entry on the roster, it is a part of the collective-bargaining agreement, but to the best of your knowledge the requirements for entry on the roster are advanced by the employers and labor is willing to have that

a part of the collective-bargaining agreement, but does not negotiate on the question of what the eligibility shall be for entry on the roster?

MR. BERNAY. Correct.

CHAIRMAN FLEMMING. Okay. Commissioner Freeman?

COMMISSIONER FREEMAN. Mr. Bernay, when you referred to the 80 story analysts in the union, will you state how many of them are female, how many of them are black, how many of them are other minorities?

MR. BERNAY. I had hoped you would ask me that question. After the 1971 settlement agreement, the Government asked us to send a card out to all of the people that are members of the local and were on the rosters, asking them to put down exactly the question you are asking, whether they are female, whether they are black, whether they are Indian, Mexican American, and so forth, and the 10 or 15 cards each local sent in said, "None of your business," "astronaut," and "go you know where," "jump in the lake."

We don't—we get a very small percentage of people coming to our meetings. We really don't know—there are some people that I have never met in the 11 years that I represent them in certain areas. I don't know who they are. But, I will say this. Offhand, in the story analysts, out of the 80, I would say 55 are women.

COMMISSIONER FREEMAN. Fifty-five are female?

MR. BERNAY. Yes. And three that I know of are black.

COMMISSIONER FREEMAN. Three black.

MR. BERNAY. There was one—

COMMISSIONER FREEMAN. How many other minorities?

MR. BERNAY. There was one American Indian that I recall, that I know of myself personally, and I believe there were three Mexican Americans.

COMMISSIONER FREEMAN. About 3 percent were black of the 80?

MR. BERNAY. I don't know about the percentage, I said there were three blacks.

COMMISSIONER FREEMAN. Yes. Well, of these 80, you have 3 blacks. Well, in other words, there would be a very small percentage; is that correct?

MR. BERNAY. That is correct.

COMMISSIONER FREEMAN. Now, does your union have in its membership art directors?

MR. BERNAY. My individual locals—

COMMISSIONER FREEMAN. Yes.

MR. BERNAY. —or are you talking about the international?

COMMISSIONER FREEMAN. Either.

MR. BERNAY. Well, the international, we represent the art directors, although it is a separate local, Local 876.

COMMISSIONER FREEMAN. How many are black?

MR. BERNAY. We would have no idea. Those are individual local autonomies; for that matter, Mrs. Commissioner, we are being sued right

now in court by one of the locals saying we are usurping their autonomy when we ask questions.

COMMISSIONER FREEMAN. Have you seen any black art directors?

MR. BERNAY. I wouldn't know where to—do you mean on stages?

COMMISSIONER FREEMAN. Do you know, in other words—

MR. BERNAY. I don't go to their meetings.

COMMISSIONER FREEMAN. You don't know what a black—in other words, when I say, have you seen anybody that you think is black—

MR. BERNAY. Well, I see many black Americans in the motion picture industry, if that is what you mean, but I wouldn't know whether they are an art director, whether they are a set designer. I know set designers, the ones that I represent, I know the ones that I have seen, yes, but not in the other crafts, no.

COMMISSIONER FREEMAN. All right. Let's take the set designers.

MR. BERNAY. Yes.

COMMISSIONER FREEMAN. How many set designers are members of the union?

MR. BERNAY. How many—there is 87 active members.

COMMISSIONER FREEMAN. How many are black?

MR. BERNAY. I believe there is one left.

COMMISSIONER FREEMAN. One left?

MR. BERNAY. Yes. One left. In 19—

COMMISSIONER FREEMAN. How many females?

MR. BERNAY. Eight.

COMMISSIONER FREEMAN. Does your union represent the special effects persons?

MR. BERNAY. You didn't ask me if there were any Indians or others, Commissioner.

COMMISSIONER FREEMAN. Other minorities. All of the questions—

MR. BERNAY. But, when you say blacks, it means black.

COMMISSIONER FREEMAN. Black, other minorities, women, as to each one of these categories.

MR. BERNAY. There are—in the set designers, I believe I have 11 other minorities, outside of the women.

COMMISSIONER FREEMAN. And eight female, you said?

MR. BERNAY. I am sorry; I didn't get that.

COMMISSIONER FREEMAN. Eight female?

MR. BERNAY. Eight female, yes.

COMMISSIONER FREEMAN. And did I ask you about the senior editors?

MR. BERNAY. I don't have anything to do with them.

COMMISSIONER FREEMAN. You have nothing to do with them? Do you have the script supervisors in your union?

MR. BERNAY. We have them in the international, Mrs. Commissioner, but what I am saying is that they have local autonomy. We have no idea their membership or their makeup of their membership whatsoever.

COMMISSIONER FREEMAN. Have you ever been to any one of their local meetings?

MR. BERNAY. No, ma'am.

COMMISSIONER FREEMAN. So you have not seen any?

MR. BERNAY. When I was working on the set as a property master, I saw a script supervisor because there is one assigned to each show, but I don't—I have very little time to visit the motion picture studios. I am out trying to get the work.

COMMISSIONER FREEMAN. Are any—going back to what you—what do you see or perceive as your responsibility as an officer in the union—

MR. BERNAY. Well—

COMMISSIONER FREEMAN. —in terms of equal opportunity? Do you perceive that you have any responsibility?

MR. BERNAY. Not only do we have a responsibility, I was the author of those two paragraphs I told you about on Executive Order 11246 asking the Government to please open it wide and give us the work. So, I think that I have gone way beyond exactly what you are asking.

COMMISSIONER FREEMAN. What we are concerned about, Mr. Bernay, what you do with the work that you have.

MR. BERNAY. We are subject to the employment by the producers that we have under signature. And as was explained to you before, the major companies of today, they are small and they do so little work, 14 pictures, like we talked about, Warner Brothers, 14, 20 people in the crew, 25 on a crew, how many people are involved. And all these individual crafts, whatever we can do is all hoping that we get more work so that they have to take people off the rosters that are not on there, and that, as far as we are concerned, anyone that comes in from now on in can be a minority or a female. We have no control over it anyhow.

COMMISSIONER FREEMAN. Thank you.

CHAIRMAN FLEMMING. Thank you very, very much. We appreciate it. Counsel will call the next witness.

MS. GERE BENICS. William Diskin, Arthur Feichtmayer, and Patrick Bray.

CHAIRMAN FLEMMING. If you would remain standing, please and raise your right hands.

[Messrs. William P. Diskin, Arthur Feichtmayer, and Patrick M. Bray were sworn.]

TESTIMONY OF WILLIAM P. DISKIN, INTERNATIONAL BROTHERHOOD OF TEAMSTERS; ARTHUR FEICHTMAYER, OPERATING PLASTERERS AND CEMENT MASONS; AND PATRICK M. BRAY, LABORERS INTERNATIONAL UNION

CHAIRMAN FLEMMING. Thank you, we appreciate your being here.

MS. GERE BENICS. Starting with you, Mr. Bray, would you all please state your name and affiliation, for the record, and position with your organization?

MR. BRAY. Patrick Michael Bray, B-r-a-y is the last name. I am the business manager, Local 724, Laborers International Union of North America.

MR. DISKIN. William P. Diskin, secretary-treasurer, Local 399, International Brotherhood of Teamsters.

MR. FEICHTMAYER. Arthur Feichtmayer, financial secretary-treasurer, business representative, Local 755 of the Operating Plasterers and Cement Masons of the United States and Canada.

MS. GERE BENICS. Thank you. Mr. Bray, how large is your union, and do you have a racial-ethnic breakdown?

MR. BRAY. Our union is about—presently, about 750 people—do you mean just in the movie industry or in our whole union because we have other areas?

MS. GERE BENICS. Do you have the statistics for both?

MR. BRAY. No, I have for the movie industry.

MS. GERE BENICS. That is fine.

MR. BRAY. Our breakdown is probably around 23 percent of minorities.

MS. GERE BENICS. And women?

MR. BRAY. Women? Including women.

MS. GERE BENICS. Okay. How are members recruited into your union?

MR. BRAY. Through word of mouth, by—when we run out of roster people, by the studios requesting certain people.

MS. GERE BENICS. Do you maintain any list of casual workers?

MR. BRAY. Yes, we do.

MS. GERE BENICS. Off-roster people?

MR. BRAY. Yes.

MS. GERE BENICS. And what are the sources of that list?

MR. BRAY. Our membership and we are kind of like the training area for the whole studio business. Our people move up—we are the lowest paid in the industry—and our people move up into the other crafts.

MS. GERE BENICS. Do you maintain any programs within your—training programs within your union?

MR. BRAY. No.

MS. GERE BENICS. How does the mobility work from your union? How do you get the skills to advance into another union?

MR. BRAY. By working along with—we service some of the other crafts. By working along with the, say, with the carpenters, or the painters, cleaning up after them, or maybe working with the electricians, digging a ditch, or working with the plumbers, digging a ditch. By associating with these other people, servicing them, they pick out—if they see a good laborer, they try and give him a chance to move up within the company.

MS. GERE BENICS. Do you have anything to say about referrals, referring people into specific jobs, or—

MR. BRAY. No.

MS. GERE BENICS. Do you have any—do you negotiate affirmative action clauses into your contracts?

MR. BRAY. Only what is in there. We have never had any problems with the Local 724 as far as affirmative action is concerned. Our international has never had any problems and we have never had any problem.

MS. GERE BENICS. I see. Mr. Diskin, what is the size of your organization and the minority breakdown?

MR. DISKIN. We have about 2,000 members. I don't have a hard and fast breakdown. I would have to—I would have to guess at the breakdown. I would say probably 25 percent minority, including women and all forms of minorities.

MS. GERE BENICS. And what are the major sources for your labor pool?

MR. DISKIN. Well, we are one of the unions that have the one, two, and three grouping system. Now, every June, we open our books to registrations for new hires. The only requirement we put on anyone coming to register to work in the motion picture industry is that they must have a current class 1 or 2 California driver's license, and a physical, a doctor's physical card that goes with those two licenses.

We, last year, before we opened registrations, we contacted Mr. Rivers and asked him if he would help us in our registration to ensure minority people being aware of it. We contacted Ivy Shepard at Warner Brothers. We contacted Universal and Paramount, and we also ran an ad for 1 week in the two largest minority newspapers in Los Angeles. We had approximately 400 registrations. The only ones that we did not register were ones that did not have the current class 1 or 2 license, with the physical, and we told them that if they would go get that license then we would register them.

MS. GERE BENICS. And was your effort at recruiting minorities through your ads, was that at all successful? Did you notice any change from—

MR. DISKIN. It wasn't as successful as we hoped.

MS. GERE BENICS. Does your organization maintain an off-roster list?

MR. DISKIN. Yes.

MS. GERE BENICS. And how many of those people a year? Could you briefly explain how that works and how people are referred from that list?

MR. DISKIN. Well, our union has a referral hall which is open from 8:00 in the morning until 8:30 at night. It is staffed by—was by two girls, but now it is by a boy and a girl. And they call every studio, every evening, ask them what locations they are going to have out the next day and how many people they will require. Whatever numbers that they give us as to how many people they want, then we refer those people that evening.

MS. GEREBENICS. And how do you refer those people? Is it on a first-come, first-served basis?

MR. DISKIN. We refer them—no, in all groups, in the motion picture industry, group ones, group twos, group threes, or nongroup people, the producer has freedom of choice in that group, and we naturally refer the group ones first and then the group twos and then the group threes, and then we refer people off of the casual list, which we have probably 400 people on right now. And we just read the names and then if they see, hear somebody that they want, they take him; if they don't, they say, just send us 10 bodies, and we just send them 10 people.

MS. GEREBENICS. And how would you choose those 10?

MR. DISKIN. Just take them right off of the list.

MS. GEREBENICS. The first 10 names?

MR. DISKIN. Well, generally, we start off the top of the list. But, we dispatch between 6:00 and 8:30 at night; and, you know, if one of the studios wants 10 people, we probably will have to call 25 people to get ahold of 10.

MS. GEREBENICS. In your referral lists, do you make any attempt to implement affirmative action policies?

MR. DISKIN. No. The girls have no way of knowing—outside of man/woman—whether, who the people are because the only contact they ever have with any of the people is by telephone, and they don't know one member from another.

MS. GEREBENICS. And do you have any training programs?

MR. DISKIN. No.

MS. GEREBENICS. Mr. Feichtmayer, what is the size of your union and the breakdown?

MR. FEICHTMAYER. Well, it is running right at about 260 members now, and I would say—and this is off the top of my head, I haven't made a count on it—between 35 and 45 percent minority.

MS. GEREBENICS. I see. And how does one attain entry into your union?

MR. FEICHTMAYER. Well, we have a skilled craft and most of our people are trained in the outside construction industry and then transfer into our locals because of the fact that there isn't enough work actually in our industry to maintain any type of training program completely. We have no way that we can guarantee any apprentice 6 months' work, let alone a year, or the 4 years it takes to learn our trade.

MS. GEREBENICS. So you are maintaining no training programs now?

MR. FEICHTMAYER. We have no way of maintaining it if we can't keep the men hired.

MS. GEREBENICS. Who classifies the skills of the members of your organization?

MR. FEICHTMAYER. Who classifies them?

MS. GEREBENICS. Right.

MR. FEICHTMAYER. Well, it is usually a group of, or a group picked into—let me qualify that. When you say qualifying these skills, the plasterers and cement masons, as I said before come into our industry from the outside unions, our sister locals. I say outside unions, I mean outside construction, outside the motion picture industry.

Shop hands, we start them out as casters, in a lot of cases we get them from Pat's local or from referrals, from people that our department heads or members of our local working in places will recommend that they know would be interested. We start them out as casters and give them a chance to practically, you might say, steal our trade because we are starting them at just below a mechanic's wages. These men get a chance to work on the bench everytime there is any possibility of it; when our work is plentiful and there isn't men to do it in the shop, we put casters up with the modelmakers and mold-makers to learn their part of the craft. When these men are qualified, or feel qualified enough, we will take them to another shop, not the shop they have been working in, pick five members of our local to give them a test and qualify them in that way.

MS. GERE BENICS. I see. The test is developed by your organization?

MR. FEICHTMAYER. It is a test of literally doing the work, physically doing the work.

MS. GERE BENICS. I see. I have only one final question for each of you. Do all of your organizations submit EEO-3s to the Equal Employment Opportunity Commission?

MR. FEICHTMAYER. Yes.

MS. GERE BENICS. Mr. Diskin?

MR. DISKIN. Yes.

MS. GERE BENICS. Mr. Bray?

MR. BRAY. I am not sure. I imagine we do, but the secretary-treasurer handles all of the reports and everything, so I couldn't tell you at this time. I believe we do, but I just couldn't tell you exactly.

MR. FEICHTMAYER. If I may, discussing it with his secretary-treasurer, I know they have—

MS. GERE BENICS. I have no further questions.

MR. FEICHTMAYER. —because every year we all discuss it when it comes up.

CHAIRMAN FLEMMING. Commissioner Freeman?

COMMISSIONER FREEMAN. Gentlemen, I noted that when you were referring to all of the crafts, you said "he." I would like to know if you will indicate if all of the craft unions exclude females?

MR. FEICHTMAYER. No.

MR. BRAY. No.

MR. FEICHTMAYER. No, definitely not.

MR. DISKIN. No, we don't. We have a lot of girls.

MR. BRAY. We don't have too many.

COMMISSIONER FREEMAN. How many—

MR. FEICHTMAYER. We say "he" from habit, ma'am, believe me.

COMMISSIONER FREEMAN. How many plasterers are female?

MR. FEICHTMAYER. We have about seven of them in our local.

COMMISSIONER FREEMAN. Electricians?

MR. FEICHTMAYER. We don't have electricians as such. We have them in the basic crafts, but I have no idea what the electricians are.

COMMISSIONER FREEMAN. Plumbers?

MR. FEICHTMAYER. The same.

COMMISSIONER FREEMAN. Painters?

MR. FEICHTMAYER. Painters are in the IA, so we wouldn't have any idea. We are basic crafts.

COMMISSIONER FREEMAN. Can—well, I mean, the question is not limited to you, Mr. Feichtmayer, if any of you are—I was just interested, since all of you were referring solely to males, if—

MR. DISKIN. No—

COMMISSIONER FREEMAN. —how many, I am not going to ask you about the janitors, but do you have anything you want to, unless you have something you want to volunteer, but I am—the crafts ordinarily are the higher-paid positions, is that correct?

MR. FEICHTMAYER. Right.

COMMISSIONER FREEMAN. Now, generally, would these crafts unions be predominantly male?

MR. FEICHTMAYER. From—if I may answer that, from prior usage of the crafts unions, and the fact that women are not—or we don't expect women to go out and pick up 100, 150, 200 pounds at a time like men do—they have been that way. As it is going now, we are training the girls that feel that they have the nerve to come in and do that type of work.

COMMISSIONER FREEMAN. How many men have to go out pick up 200 pounds?

MR. FEICHTMAYER. Our members do it all of the time, ma'am. Our materials come in sacks of 100 pounds apiece to start with.

COMMISSIONER FREEMAN. Well, have you seen some women who were very strong?

MR. FEICHTMAYER. Yes, sir—ma'am, I have.

COMMISSIONER FREEMAN. And you have seen some women who can carry two or three children on their shoulders?

MR. FEICHTMAYER. I have never seen them carry three, ma'am, no, but I have seen some strong women.

COMMISSIONER FREEMAN. Well, may I suggest to you that, if a woman can carry a lot of laundry and usually do all of the housework, that she also could do all of the things that the crafts unions provides and requires?

MR. FEICHTMAYER. That is the statement I made just now, that we are finding women that are willing to do it and want to do it, and we are trying to train them now.

COMMISSIONER FREEMAN. Well, then with respect to females and also the black and other minorities, it is apparent that they are underutilized in this industry. I would like to ask if each one of you would com-

ment as to what you feel that you, your union, can do to change and improve the situation?

MR. BRAY. Well, I don't feel that they are underutilized in my union.

COMMISSIONER FREEMAN. Which union is that?

MR. BRAY. Local 724, Laborers.

COMMISSIONER FREEMAN. The Laborers?

MR. BRAY. Yes.

COMMISSIONER FREEMAN. They are not underutilized in the Laborers?

MR. BRAY. No, I don't believe so, we have got full—except the possibility of maybe women, and—

COMMISSIONER FREEMAN. Well, that is what—females are women, I mean—that is what I said, females and blacks and other minorities.

MR. BRAY. Right, with the exception of maybe women, right—

COMMISSIONER FREEMAN. Well, then, with respect to women—

MR. BRAY. —because most of them don't want the job. They don't want to dig ditches, and they don't want to run jackhammers and they don't want to pick up the manure—

COMMISSIONER FREEMAN. Well, could you then consider an announcement that all women who want to dig ditches are welcome to come?

MR. BRAY. Sure.

COMMISSIONER FREEMAN. Have you ever made such an announcement?

MR. BRAY. I always tell them when they come up and sign up with us or when the studios send them out to work that we are glad to have them aboard.

COMMISSIONER FREEMAN. But they are there, then, but what I am talking about is how do you get those that are out there to know that you are welcoming women?

MR. BRAY. Through our members sending in their girlfriends or their wives, or people just coming down and signing up with us.

COMMISSIONER FREEMAN. It would have to be a girlfriend or a wife?

MR. BRAY. No, no. You are asking me how we get some of the people—

COMMISSIONER FREEMAN. Yes, in other words—

MR. BRAY. —and that is how we get them.

COMMISSIONER FREEMAN. —what we have heard—this is not the first time during the day that we have heard this system about the word of mouth. In other words, you sort of rely on the buddy system, is that it, to get the information across?

MR. BRAY. Well, as I say, I am a business manager for a small union, and we don't have a heck of a lot of people running our union. It is just two of us, and I really don't have too much time to go out and recruit people. I have the outdoor advertising; I have janitors on the tour; I have about four or five different people that I have to represent.

COMMISSIONER FREEMAN. Outdoor advertising meaning the billboards?

MR. BRAY. Right.

COMMISSIONER FREEMAN. Well, then that would be an excellent source wouldn't it? Have a big billboard, "This is an equal opportunity union."

MR. BRAY. Well, we are an equal opportunity union.

MR. DISKIN. If I might say something. We do actively recruit minorities. We did last year; we recruited through every source that we could think of to recruit them. But one complaint I had about our recruiting, they said, "Why did you put your ads in the minority newspapers? Why didn't you put them in the *Los Angeles Times*." And we felt that by putting them in minority newspapers they would reach more minorities.

COMMISSIONER FREEMAN. How many did you reach?

MR. DISKIN. We probably picked up probably 40 or 50.

COMMISSIONER FREEMAN. How many females?

MR. DISKIN. Probably 40 to 50 females, too. We don't—we have a lot of girls because in the motion picture industry it doesn't hurt any young lady to go out and drive a station wagon or Cadillac limousine or something like that. And most gentlemen don't object to having a nice looking young lady chauffeuring them around. So we have a lot of girl chauffeurs.

COMMISSIONER FREEMAN. May I suggest to you, sir, that that was just a sexist remark?

MR. DISKIN. Pardon?

COMMISSIONER FREEMAN. You just made a sexist remark. Do you have anything else to add, Mr. Feichtmayer?

MR. FEICHTMAYER. No, I really don't. I think you can see from my report of how many minorities we have in our local that it is—we don't even have to go out and make any concerted effort to get minorities, we have them already. And we are continually getting them and by word of mouth; it seems that the minorities are the people that come wanting to learn our trade.

COMMISSIONER FREEMAN. I have no further questions, Mr. Chairman.

CHAIRMAN FLEMMING. May I ask, do each one of your locals negotiate a collective-bargaining agreement with the Association of Motion Picture and Television Producers?

MR. BRAY. Yes, sir.

MR. DISKIN. Yes, sir.

MR. FEICHTMAYER. Yes, sir.

CHAIRMAN FLEMMING. All three. When you are negotiating a collective-bargaining agreement with the association, is one of the items the establishment and maintenance and operation of the rosters?

MR. DISKIN. Yes, sir.

MR. FEICHTMAYER. No.

CHAIRMAN FLEMMING. That is not—

MR. FEICHTMAYER. Not on mine.

CHAIRMAN FLEMMING. All right. Could I ask you, then, to explain to me your answer?

MR. FEICHTMAYER. We have only a seniority roster, by studios, with the men that have worked long enough in one studio, which is very few. It is very much in a minority in my union to have seniority in any of the studios today because of the lack of work. Practically all of my members have been taken off the seniority rosters because the studios didn't have enough work to keep them busy long enough each year to keep them on.

CHAIRMAN FLEMMING. So, as far as your agreement is concerned, there is no reference to the maintenance of the rosters?

MR. FEICHTMAYER. No, sir. As I stated before, we are a skilled craft. We can't walk out on the curb and pick up a cement mason, a plasterer, or a shop hand. I have—the difference between us and the basic crafts and the IA, I have sister unions all over this town, all over greater Los Angeles, and I go to San Francisco or Washington, D.C., if necessary to get people, and we transfer them in from our other locals, that are skilled.

CHAIRMAN FLEMMING. So you play the—well, put it this way. You perform for the association—

MR. FEICHTMAYER. That is right.

CHAIRMAN FLEMMING. —the function that is normally performed by the rosters—

MR. FEICHTMAYER. That is right, yes.

CHAIRMAN FLEMMING. You are a referral union, and you handle all of that for the association?

MR. FEICHTMAYER. Yes, sir.

CHAIRMAN FLEMMING. Okay. Mr. Diskin, in your case, you do enter into—part of your collective-bargaining agreement deals with the establishment and operation of the roster?

MR. DISKIN. Yes, sir.

CHAIRMAN FLEMMING. And the same thing is true with you, Mr. Bray?

MR. BRAY. Yes, sir.

CHAIRMAN FLEMMING. All right. When this item is reached in connection with the collective bargaining, do you enter into the discussion as to what the requirements should be for entry on the roster or do you, in effect, accept the suggestions that are made by the association?

MR. BRAY. Well, they have been in there for so many years that, since I have been in there, I haven't had any discussion on it. It has more or less been in the contract for so many years that—

CHAIRMAN FLEMMING. It has just been in there, that when you reach it, no one makes any suggestions for changes, so you just go on to the next item on the table?

MR. BRAY. Not that I am aware of.

CHAIRMAN FLEMMING. All right. Mr. Diskin?

MR. DISKIN. The only thing we have changed since I have been secretary-treasurer for Local 399, as far as the roster, is doing away with the qualifications committee. The State of California says that if you have a class 1 license, you can drive any vehicle, period.

CHAIRMAN FLEMMING. Did you take the initiative on that in asking to have the qualifications committee eliminated in your particular instance?

MR. DISKIN. No, I think it was jointly, so really, outside of, you know, the State of California says this man is capable of driving any vehicle running on the highways of California, then who else could qualify that person? The State of California has already qualified him by giving him a license. The only other thing that is done as far as our people are concerned is to run a DMV make on their license to make sure their license is current and it hasn't been revoked or anything like that.

CHAIRMAN FLEMMING. Well, when the roster system is operating as it does in the case of two of the unions, no one gets on the roster unless they have got a record of previous work experience within the industry, correct?

MR. DISKIN. Well, in our case, when we open registrations in June, everybody we register has absolutely no experience in the motion picture industry. They have never been connected with the motion picture industry in any way, and we supply those people when we exhaust our groups, we supply those people to the association and that is how they get their 30 days.

CHAIRMAN FLEMMING. But that is after the rosters have been—

MR. DISKIN. Exhausted, yes, sir.

CHAIRMAN FLEMMING. —exhausted. But, if you are going to get on a roster, if a member of your union is going to get on the roster, he is going to have to show some prior work experience in the industry, correct?

MR. DISKIN. Yes, he has to work 30 days for one producer and 90 days in the industry.

CHAIRMAN FLEMMING. Do you feel, then, that in light of the fact that in the past there hasn't been the positive affirmative efforts made to recruit minorities, that the way the roster system operates makes it very difficult to open up places on the roster to members of minority groups?

MR. DISKIN. Well—

CHAIRMAN FLEMMING. Again, I recognize that, when the roster is exhausted, then we become dependent on what your policy has been to recruit minorities, and I have noted your testimony as to the efforts that you have made along that line; but I am thinking of the situation where the roster is not exhausted, where the industry gets its referrals from the roster, entrance on the roster depends on a previous work history in the industry. If there has been a previous—previous practices of certainly not encouraging, and in many instances, apparently

discouraging minorities from coming in, then it is going to be very, very difficult, obviously, for a minority member to establish a work history in the industry, right?

MR. DISKIN. Well, I have been in the industry since 1945. I don't think my predecessors ever actively went out and solicited for minorities, but we have always had a goodly sprinkling of minorities since 1945. They have never been barred from coming into our local, and we have people who have—minorities who have retired under the pension plan from our local. We have a lot of minorities who have seniority at different studios from our local. The girls are probably the latest group that we have been dealing with because up to about 3 or 4 years ago, we very seldom had an application from a woman to join our union.

CHAIRMAN FLEMMING. But, as you indicated, up until recently or up until the time that you took over a position of leadership, there was just a sprinkling of minorities within the union. Now, what thing I am interested in, whether there is a sprinkling or more, your union members were—or the ability of your union members to get on the roster was determined by the willingness on the part of the industry to employ your members and, if they did not employ minorities who were members of your union, then those minorities would never establish an eligibility for the roster; am I correct?

MR. DISKIN. That would be correct if I felt that the producers discriminated against or refused to take minorities. But I will give you a little illustration. Ivy Shepard from Warner Brothers handles their minority problems, and she sent, I think, she did her own recruiting, and she asked me if we would register anybody she recruited, and we told her we would. She recruited, I think, about 20 blacks, and on opening day of registration she sent them to us. I would say most of her 20 blacks have seniority at some other studio right now because the studios face the minority problem also and, if we recruit a black or a minority of any description, and he goes to a studio, ordinarily if, the person being capable of doing the work, they hang onto them because that makes their minority count better. So, we have had full cooperation all of the studios as far as minorities.

CHAIRMAN FLEMMING. Okay. Do you have anything further? Thank you very much. We appreciate your coming here and being with us.

Counsel will call the next witnesses.

MR. DORSEY. Frank Quinn, Francisco Cancino, Lorenzo Traylor, Jim Southard.

CHAIRMAN FLEMMING. I would appreciate it very much if the witnesses would stand and raise their right hands.

[Messrs. James P. Southard, Irving M. Miller, Lorenzo Traylor, and Frank Quinn were sworn.]

TESTIMONY OF JAMES P. SOUTHARD, GENERAL SERVICES ADMINISTRATION, SAN FRANCISCO; IRVING M. MILLER AND LORENZO TRAYLOR, EEOC, SAN FRANCISCO; AND FRANK QUINN, EEOC, REGIONS VIII, IX, AND X

CHAIRMAN FLEMMING. Thank you. We appreciate your being with us. Counsel will proceed with the questioning.

MR. DORSEY. Starting with Mr. Southard, would you please state your full name and spell your last name and state your position and title for the record?

MR. SOUTHARD. I am James P. Southard, S-o-u-t-h-a-r-d, I am the Field Director, Contract Compliance, Office of the General Counsel, General Services Administration, Region IX, San Francisco.

MR. MILLER. I am Irving M. Miller, M-i-l-l-e-r, I am a senior trial attorney from the San Francisco Regional Litigation Center for EEOC.

MR. DORSEY. Could you state for the record why you are appearing instead of Mr. Cancino, please?

MR. MILLER. Mr. Cancino sustained an injury over the weekend and sent me in his stead.

MR. DORSEY. Thank you. Mr. Traylor.

MR. TRAYLOR. I am Lorenzo Traylor, District Director for the Los Angeles District Office of EEOC.

MR. QUINN. I am Frank A. Quinn, Q-u-i-n-n, Regional Director for the Equal Employment Opportunity Commission in Regions VIII, IX, and X.

MR. DORSEY. Thank you. Starting with Mr. Southard, I am sorry, starting with Mr. Quinn, I wonder if could please describe your jurisdiction and the functions of your office?

MR. QUINN. Regions VIII, IX, and X have 14 Western States. I have five district offices. I am the top administrator for the Equal Employment Opportunity Commission. The district offices, of which Mr. Traylor is the Los Angeles director, receive charges of discrimination under Title VII of the 1972 Equal Employment Act and process them through investigations, conciliation, recommend them for litigation to the—when we find cause—to the General Counsel's office or to the private bar.

MR. DORSEY. In respect to the district operation, what is the relationship of the regional office and your specific responsibilities?

MR. QUINN. I have administrative supervision over the district offices. It is my responsibility to see that the district offices comply to the standards of the Federal Government and to the Equal Employment Opportunity Commission in the two major functions of, one, housekeeping-administration, and, two, the compliance operation which I just briefly described.

MR. DORSEY. Does the regional office staff, on its own, do any investigations or initiate any compliance reviews?

MR. QUINN. As a rule, no. We have done it on an extremely limited basis. We do have what is called a voluntary programs unit of two people in my region, but we have not initiated our own processing of

charges. I have been involved with a program, a consent decree in the northern California cannery industry, which I would like to speak to later, where I have been the person directly involved in monitoring that decree, and, occasionally, members of my staff in the district office such as Los Angeles in larger conciliation agreements.

MR. DORSEY. Does your office establish policy or determine areas of emphasis for the district offices or establish the areas of concentration that the staff will be concerned with in the various district offices?

MR. QUINN. It is my management style to do this in joint fashion with the district directors. We do it together. I don't decide what should be done in these offices, because they have the local knowledge. For instance, the size of an industry, whether it is expanding in employment or not, its impact upon the community, whether it is a leader, an industry, a company, or a union, or a State and local government, whether our taking on that particular respondent would have a ripple effect through the rest of the industry, that sort of thing. We sit down and discuss together.

MR. DORSEY. It is my understanding, however, that as to matters of policy, your view would be determinate?

MR. QUINN. Yes.

MR. DORSEY. Mr. Traylor, as I understand it from our previous conversations, your experience extends at least as far back as the 1970 agreements and you have information as to the basis of those agreements and ongoing kinds of reviews in the industry; is that correct?

MR. TRAYLOR. Yes.

MR. DORSEY. In terms of that, it is also our understanding that the agreement has since terminated. Could you state the date of termination and the circumstances which led to that?

MR. TRAYLOR. Yes. The agreement between the industry, which included both producing companies, and some 10 unions was initiated on April 1, 1970, and some parts of that expired in 2 years and other parts, a year after. So, we go through probably 1973, shortly into 1974.

MR. DORSEY. What was this district's responsibility, your office's responsibility, in conjunction with that agreement?

MR. TRAYLOR. We had the responsibility for monitoring a part of that agreement.

MR. DORSEY. As a result of that monitoring, do you have a view as to the rate of progress in the industry during the period of your observations? Your district's observations?

MR. TRAYLOR. I have some impression of what happened. I am not sure I have a clear impression as to the rate of progress. I do know that the agreement which began in April 1970 did not really get moving until about 6 or 7 months later. And on into 1972 and '73, it was noticeable that based on the jobs behind the camera that most of the companies were deemed to be in compliance with the agreement in terms of the number of personhours that had been allocated for

minority-group persons—not all but, I said, most of the companies. The Justice Department deemed that compliance was anywhere from 16 to 22 or 23 percent of the total number of days and/or hours of employment in the industry at that time.

MR. DORSEY. Can you state what caused the termination of compliance monitoring? As I understand it, the district did, in fact, conduct monitoring after the formal termination of that agreement?

MR. TRAYLOR. Well, actually, at the time the agreement formally ended, we had a monitor in there, we had a person in there; and we chose at that time to keep the person there 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, even though they had made some progress there. So we kept the person there as long as we could.

MR. DORSEY. And at what point was a decision made and on what basis was it made to discontinue that monitoring?

MR. TRAYLOR. That was a combination of things, and I think one was that we began to realize that we really had no authority to be there. We had been there for probably about a year after the agreement had terminated; and, secondly, there was a matter of the availability of resources to continue a person in there.

MR. DORSEY. As I understand it, some as has already been indicated, some of your policy determinations emanate from the regional office; however, as I understand it, some also originate at the office headquarters in Washington. In regard to this particular issue, we have been supplied with a letter from the Equal Employment Opportunity Commission, dated June 3, 1976, over the signature of Ethel Bent Walsh, designated vice chairman, which indicates several bases for the decision to cease monitoring of the 1969 settlement agreement. I would, at this time, Mr. Chairman, ask that this document be formally accepted into the record and for permission to just read the one appropriate paragraph relating to the decision to discontinue monitoring. At this time—

CHAIRMAN FLEMMING. Without objection, it will be entered in the record at this point. You may proceed.

[The document referred to was received in evidence.]

MR. DORSEY. "The EEOC headquarters decision to cease monitoring the 1969 settlement agreement between the Department of Justice and the motion picture and television industry was based on several factors: the economic state of the industry, the lack of progress of women and minorities despite the agreements, and the most efficient use of EEOC personnel in the Commission's Los Angeles district office."

I would ask you, at this time, Mr. Traylor, if there is any current consideration of renewing the monitoring or reconsideration of the district's role in the movie industry?

MR. TRAYLOR. We have no authority or any plans to continue monitoring because there is nothing to monitor as such, in terms of an agreement. However, we do have charges against companies in the industry. I was just checking recently, and we have about 168 charges from companies in the industry. This office will be investigating those charges. I don't know how soon, but we will be getting to some of those. We will not be investigating all of those charges under the normal process all at one time, because they are not against the same companies; and, as you know, there must be some 75 to 100 producing companies in the Los Angeles area.

MR. DORSEY. Does your district have authority within EEOC guidelines and policies to initiate system-wide investigations or to initiate a request for Commission charges to initiate system-wide investigations?

MR. TRAYLOR. Yes, we do.

MR. DORSEY. Okay. Is your district at this time contemplating initiating such action as regards the motion picture industry?

MR. TRAYLOR. Not in the immediate future because at the present time we have our limited resources deployed elsewhere. As you will note, during the life of the agreement, we had two people assigned for a while fulltime, and then that was cut back to one, and eventually that person was eliminated. At the present time, we have staff assigned to other areas where there are multiple charges from various respondents, and with the staff that we have, about 19 or 20 investigators, and with a backlog in Los Angeles of about 8,000 charges, we have to deploy our staff at various points at a given time. So, as of this moment, we have no plans to concentrate any large number of people in that industry.

MR. DORSEY. Thank you. Mr. Southard, it is our understanding that your agency has the specific responsibility over monitoring in the motion picture industry; could you briefly describe the basis of that jurisdiction and the specific responsibilities that you have?

MR. SOUTHARD. The responsibility that we have comes out of Executive Order 11246, which goes back to 1965, places within the responsibilities of the Secretary of Labor the requirement for monitoring equal opportunity and contract compliance, as a part of contract relationships with the Government.

The Secretary of Labor was also authorized to delegate his authority for enforcement monitoring through each of the several agencies engaged in contract compliance. This is currently being done by Labor Department's Order 1, which delegates compliance enforcement responsibility to, I think, now 10 Government agencies, on the basis of standard industrial classification; that is, the industry numerical designation that is established by the Bureau of the Budget. GSA has the entertainment industry, which includes motion pictures.

MR. DORSEY. In regard to that responsibility, has your office conducted any recent compliance reviews of the motion picture industry in Los Angeles?

MR. SOUTHARD. We have recently—I say recently, it took us the better part of a year—we have recently completed a review of Universal Studios and we now have the ongoing reviews of about six or seven of the other major studios.

MR. DORSEY. How does your function tie, if at all, to the functions of the Equal Employment Opportunity Commission?

MR. SOUTHARD. The Equal Employment Opportunity Commission is a complaint-oriented agency. We are a compliance-review-oriented agency, with our activities tied to Government contracts or equal opportunities as a condition of doing business with the Government.

MR. DORSEY. The data which you develop and the observations which you make as a result of statistical review and onsite review, is that routinely or systematically transmitted to EEOC where appropriate?

MR. SOUTHARD. We are working, I think, very closely and extremely satisfactorily, with the Equal Opportunity Commission local people. We make—we check with them and review the issues involved and the charges that they have on file before we get into our review. Now, we are not routinely furnishing them the information that we develop. It is, however, available to them if they indicate any need therefor, and have, from time to time our—I—with respect to this moment, using some of the information that we have developed, not necessarily in the motion picture industry.

MR. DORSEY. Is there anything about the data which you have so far developed as relates to the motion picture industry which might suggest or otherwise influence a decision on the part of EEOC to develop or to initiate a system-wide review in the motion picture industry in this area?

MR. SOUTHARD. There is almost nothing that has come to our attention and our review so far that would dispute any of the, I think, testimony that has been brought out here today. I don't know how to answer that otherwise.

MR. DORSEY. Mr. Miller, I wonder if you could state how long you have been with the General Counsel's office in San Francisco?

MR. MILLER. About 2 months.

MR. DORSEY. Do you have prior experience with the Commission in terms of its structure?

MR. MILLER. Yes, I do.

MR. DORSEY. Could you—are you in a position to give testimony on the structure of the Commission and how the General Counsel's office fits into its operation in regards to initiating charges and conducting compliance reviews of various industries?

MR. MILLER. The litigation branch of the Commission does not generally initiate charges. We act on charges that emanate from the district offices, and have failed conciliation. It is at that time we suggest to the Office of General Counsel that suits be brought against particular industries. Pursuant to the amendments of the 1964 act, which

occurred in 1972, the Office of General Counsel then became capable of initiating legal suits on its own. Pursuant to that power, we are capable, at this time, of suggesting to the Office of General Counsel, and the Office of General Counsel thereby suggesting to the Commissioners in Washington, that pattern and practice suits be brought against particular industries. That is the only way we can actually initiate a suit against an industry.

MR. DORSEY. How is the information necessary to make a determination of that kind—that is, to initiate a suit in a given industry for pattern and practice—developed by your office?

MR. MILLER. We generally accept testimony either orally or through documents from people who are engaged in the industry who have grievances against it. If we find that an industry is blatantly disregarding the 1964 Civil Rights Act, we will make a recommendation, generally based upon the number of complaints we get from that industry and the relative impact of our suit upon that industry—i.e., we would not bring a pattern and practice suit normally against an employer that employed less than, let's say, 100 employees. We found an industry that employed from maybe 100 to 50,000 employees, we would be more accepting of suggesting that that industry be litigated against.

MR. DORSEY. Okay. Let me clarify the real basis of my question. As I understand it, your office would ordinarily act on a case that had already been developed and negotiated and negotiations failed to produce the desired result; as I further understand it, since 1972, your office now has the authority to initiate a charge on its own. Now, what I am trying to get at is whether—how you get the necessary background information to lead you to a conclusion that a charge should, in patterns and practices, be initiated against a given employer or agency?

MR. MILLER. Generally by people who have specific grievances against the industry coming to our office, indicating to us that there is a problem in the industry. I have not worked with the 707 or pattern and practice segment of our office at this time; but it is my understanding that we would, at that time, run a preliminary investigation. That means we would talk to other people in the industry, employees, people who might have grievances, and based on their information we would make a recommendation to the Office of General Counsel that a pattern and practice suit be brought pursuant to a Commissioner's charge.

MR. DORSEY. Would that necessarily hinge on whether or not a given district brought information to you, or do you review documents or files periodically within your area of responsibility to determine gross violations?

MR. MILLER. Yes.

MR. DORSEY. In regard to that, my understanding is that there are documents which are distributed or available for distribution from cen-

tral research in Washington, which can be used to give an idea, an overview, of the industry of your area and indicate gross disparities in employment statistics; is that correct?

MR. MILLER. Yes, there is.

MR. DORSEY. Okay. Is that sort of information available to General Counsels' offices in the various regions?

MR. MILLER. I would assume that it is.

MR. DORSEY. Do you know if that is periodically reviewed by specific persons within the office for possible action under patterns and practices?

MR. MILLER. No, I do not know that.

MR. DORSEY. I would ask if either Mr. Quinn or Mr. Traylor have personal information in that regard as to the use of that various data from research in keying into the areas of great disparity within a given industry?

MR. QUINN. One piece of data that you are talking about is the multiple-year employment patterns that come, where they compare, for instance, the employment of a company in 1970 to the employment in 1975, where minorities and women are utilized. Those are reviewed, Mr. Dorsey. And Mr. Dorsey, this agency, the Equal Employment Opportunity Commission, has put a great deal of stress in the last few years upon the resolution of individual charges; and I think that we should bring that out, that the agency has said that we were to have had 30 percent of our field resources devoted to systemic charges, but the agency has not followed that practice, Mr. Dorsey. Sometime, I hope you would like to know what Mr. Traylor and I thought of that agreement which Justice negotiated or the monitoring program which we were allowed to carry on.

MR. DORSEY. Do speak to that now if you will.

MR. QUINN. We thought it was a weak agreement. One, it was not done in the context of a consent decree. Two, the number of hours, the goals and timetables we thought were quite low. Mr. Traylor can speak to what I thought at the time was a very good program for monitoring that agreement which he was not allowed to carry out. It would have involved six or seven professionals spending fulltime working in that industry with all of the major companies and the major unions, learning the ropes—to coin a, to take a phrase from this particular industry—finding out who the players are, what the games are, how does that industry operate? This is the only way to really monitor a program, to get people in there all the time, people whom charging parties and potential charging parties know and can come to and can tip off to what is going on behind the scenes.

This was not allowed of the Los Angeles office. At that time this was, headquarters was involved in determining how many of our resources would go to this particular program, and he was allowed only two professionals and then only one. And that one person, Lugene Clark, now deceased, did an excellent job along those lines; but

we never were—at least I speak for myself, and I will ask Mr. Traylor to speak for himself—never were happy with that particular agreement or with the monitoring program allowed.

MR. DORSEY. In regard to that agreement, Mr. Traylor, I wonder if you would give an indication of whether or not, in your opinion, based on the data that your monitor supplied to you, whether it is your opinion that the industry did in fact meet the requirements of the settlement agreement?

MR. TRAYLOR. In part, they met some of the requirements, not all. As I mentioned before, most of them 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 really in terms of the total number of permanent jobs, and these were jobs that would last for more than 2 weeks, out of the same unions. Those were the, I guess, the choice jobs, and minorities got few of those. In fact, the percentage of those was quite a bit less than the ones that were on a day-to-day basis. On white-collar jobs, the companies made some progress, but not as much as you would have hoped they would have. And I think there is one thing we need to recognize and that is that there is still a lot of discrimination on the part of officials in these companies.

One example that I might give is this. On one occasion, one company was employing a black lawyer, and they offered the black lawyer \$25,000, as if that was a great amount of money; and we discovered, at least our monitor found out, that the lowest-paid lawyer in that company, in the same unit, made in the thirties, in the mid-thirties and high thirties, in terms of dollars; and we had to have a real hassle with the company in terms of why are you starting this man at this kind of salary when you don't do this with other people.

We have some complaints now against one of the major companies in which the charging parties are alleging that, even though they are experienced in one of these crafts, that they are not being given any choice assignments. In fact, one person there has in the past had choice assignments. He is getting few of these kinds of assignments and, in other words, he feels he has gone backwards in the last 2 or 3 years; and we have some other complaints similar to that.

Also, 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, and many of them were not about to request people from the minority labor pool, or to use people in meaningful assignments.

Then, over and above that, if you look at the overall salary figures, during the first year, as I can recall, we had some 600 people employed in white-collar jobs; but, when we looked at the average salary, the average salaries ranged somewhere between \$8,000 and \$10,000. So, it means you had a lot of people in there who were brought into the entry-level jobs; so, you had these kinds of things operating.

I want to comment for a moment on the matter of monitoring. At the point where we were requested to monitor this program, I took a look at what needed to be done, and we prepared a proposal to monitor this program and it was one to cover all, I believe some 77, producing companies and it required seven people and this was—in other words, giving the monitor the benefit of the doubt, where we would expect to put say, like, 4,000 or 5,000 hours, and the total amount of staff, not counting vacation and sick leave, would come to somewhere around 4,000, 3,000, and we were expecting people to work more than 40 hours.

The Commission said that they could not afford to give us or to allow us to have seven people, and so the initial staff was cut to three; that is, two professional and one clerical. After about 6 months that was cut—I am sorry, after about a year that was cut from the three people to one. We were lucky that we had a person, that one person who was left who really enjoyed the job and wanted to do a job, so he worked out there some 50 or 60 or 70 hours a week. In fact, he passed in 1975, and I think a part of his problem was the fact he over-worked himself.

But, even the presence of that one person, we couldn't do everything, but we did a lot of good because during that period of time the number of charges in that industry came down, came down quite a bit, in fact; we had, I would guess, less than 50 or 60 charges in about a 2-year period, when you would have expected to have more than probably 1,000.

MR. DORSEY. Let me—just—let me just ask a followup question to that. Could the failure of the industry to comply with that agreement, could that, itself, have been the basis for a Commissioner charge?

MR. TRAYLOR. Well, at that moment, the failure to comply would have to be reported to the Justice Department because, you see, we had referred the matter to the Justice Department in 1969, after the white-collar hearings held here in Los Angeles. And Justice had indicated they were going to seek a consent decree, and the industry said, "Well, let's agree to something before you go that far." So, under the monitoring, we had to report everything to the Justice Department, and any action beyond that they had to take.

MR. DORSEY. I have no further question of this witness.

CHAIRMAN FLEMMING. I would like to pick up right where Mr. Dorsey has left off for a few moments. I used to appear before the late Senator Morris from time to time and every now and then he would say: "Look, this isn't a hearing," he said, "and I would like to run a seminar to see if we can move things forward in a particular area." After listening to the testimony today, I just have the feeling that there is a serious situation in this industry in relation to the Constitution and the laws that Congress has passed, and that by and large Government has not stepped in and provided vigorous leadership in an effort to deal with this situation in a fundamental manner. First of all, after the

hearings in the sixties, did the Justice Department—well, you referred it. I mean, the EEOC referred it to the Justice Department. At that time you did not have the authority you now have. With the authority you now have, would you have referred it to the Justice Department? I mean—

MR. TRAYLER. Well, it is my impression that with the authority we have now, we would have referred it to our General Counsel.

CHAIRMAN FLEMMING. That is what I thought. All right, now, in the hearing that the Commission held in the sixties, the Commission identified the experience roster system, developed jointly by the industry and the unions, as perhaps the major barrier to equal opportunity, and I am going to stop there. That still comes through, at least to me, as one member of the Commission, as the major barrier. Now, you, in—well, first of all, let me ask, in the agreement that was worked out, did you have authority to deal with the particular issue?

MR. TRAYLER. Only in terms of how it would operate out of a separate pool. The agreement established what was called a minority labor pool, and Justice required the jobs to be allocated from that pool and the general pool, with somewhere between 20 and 25 percent of the jobs coming out of the minority labor pool. In that sense, that is the way it was dealt with.

CHAIRMAN FLEMMING. Well, let me just back up again. You stressed the fact that after 4 years you really didn't have any authority to be there because there was a limit on the agreement. Would, under the authority that you then had, would it have been possible for EEOC to step in and take the initiative in endeavoring to develop either an extension of that agreement or a new agreement, just from the standpoint of your legal authority? I appreciate the policy issues that are involved, but do you think you could have done that?

MR. TRAYLER. I am sure that the Commission could have—

CHAIRMAN FLEMMING. All right.

MR. TRAYLER. —could have stepped in, but I am not sure about that particular agreement. They probably could have stepped in and taken some other kind of action along the same lines.

CHAIRMAN FLEMMING. Yes, in other words, they could have come out with the same result with an agreement; but, again, you would still have the responsibility for monitoring. There might have been a different agreement; hopefully it would have been a different agreement.

MR. TRAYLER. It may have required some additional investigation.

CHAIRMAN FLEMMING. Yes, okay. But, I mean the authority was there to move in that particular direction. Let me just make this observation. 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 and that a number of you 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 even

though that role left something to be desired. Now, I notice that you now have 168 charges, roughly, involving the industry, and I assume that, if you put all of those charges together, that it would be pretty clear that you are dealing with a system-wide or industry-wide type of situation.

MR. TRAYLOR. Yes, I am sure of that, plus the fact we still have information that came out of the activity of the monitor and—

CHAIRMAN FLEMMING. Right, in other words, those charges just by themselves might very well lead to a—or constitute a basis for a pattern and practice type of approach?

MR. TRAYLOR. That is correct.

CHAIRMAN FLEMMING. The thing that haunts me is that back in the sixties this roster system was identified as certainly being one of the roadblocks. We have testimony now from both the industry and from labor to the effect that the way it operated certainly, as a minimum, gets in the way of a positive aggressive action program designed to eliminate discrimination or certainly to introduce an honest to goodness affirmative action program. Isn't there any authority in Government anyplace to step in and move against that roster system, you know, in an effort to just get rid of it, at least as it operates at the present time, on the ground that it is a system that results in a violation of the Constitution, a violation of the laws passed by the Congress under the Constitution? Isn't there some way of getting at that?

MR. TRAYLOR. I am sure that there—if there is legal action taken, and if the courts would so order, it could be modified, changed, or eliminated. But I am not sure that just getting rid of the roster system would clear up the problem, because a part of the problem is the tradition, the traditions in the industry, of not really wanting minority-group people and women in certain jobs; and, even if you eliminated the roster system, if you did that alone and not require a commitment on the part of industry and labor that a certain percentage of the available work in the industry is to go to minorities, then you still have the same problem.

CHAIRMAN FLEMMING. Well, I would certainly agree with you on that. I mean, that comes through very, very clearly, but we have testimony to the effect, yes, we want to pursue an affirmative action program vigorously, but we are not in control of the situation, and then one of the reasons assigned for not being in control of the situation is the roster system, and that is only one.

MR. TRAYLOR. I listened to that testimony too, and it occurred to us as we monitored this program that that is not entirely true. The industry can carry on training programs and can employ people without regard to the unions to a certain degree, and the unions can do the same thing. There was just not a full commitment on either side.

CHAIRMAN FLEMMING. Right. Well, I gathered that from the testimony that your training programs, for example, could be operated in such a way as to kind of, partially anyhow, get out from under the

roster system; and yet, it seems to me, with the record of underutilization of minorities that goes back over a considerable period of time, that as long as the roster system operates the way it does, it is going to get in the way of a fair number of minorities, of today's minority persons, really getting into the industry in meaningful positions.

MR. TRAYLOR. Yes, that is possible.

CHAIRMAN FLEMMING. But I gather that you feel that, under existing law, that possibly the most direct approach would be a pattern and practice proceeding against the industry. Now, I would like to have Mr. Southard, looking at it from the point of view of the Department of Labor and the Executive order, indicate what his views are as to the way out of this situation. The thing that haunts me is that if the case has been before the Government, before the country, for an indefinite period of time, you have a little progress here and there, I mean, and in '76 for the first time as far as some of the industries are concerned, an affirmative action program, but an affirmative action program dealing only with their own employees and apparently very little interest or effort in the direction of getting producers and other organizations they contract with to get an affirmative action program underway. I would like to have your comment on that particular issue just before—I am asking Mr. Southard for his views on the overall situation that confronts us, but just prior to that, I am recognizing Commissioner Freeman.

COMMISSIONER FREEMAN. Yes, Mr. Southard, before you give your philosophy, I would like for you to answer specifically the question as to whether the three companies that appeared before us today have Government contracts? Paramount, does Paramount Studios have Government contracts?

MR. SOUTHARD. To the best of our knowledge, and this is something that we have to search out, it is not provided to us, but to the best of our information, all three do have.

COMMISSIONER FREEMAN. All three have Government contracts?

MR. SOUTHARD. The Government contracts.

COMMISSIONER FREEMAN. And you have the responsibility for monitoring the affirmative action provisions of those contracts, is that correct?

MR. SOUTHARD. Yes, ma'am.

COMMISSIONER FREEMAN. So then, your office, then, would have a copy of every one of those contracts; is that correct?

MR. SOUTHARD. No, ma'am. No, it doesn't work that way. Every—we are the monitoring and compliance agency. We monitor irrespective of whatever Government agency that contract is in. One of the challenges and the responsibilities of our office is to determine, insofar as we are able, what companies have Government contracts. And this is not always the easiest thing in the world to do.

COMMISSIONER FREEMAN. Wait just a minute. You are saying that your office has the responsibility for monitoring Government contracts,

but your office does not have information as to what companies the Government has contracts with?

MR. SOUTHARD. We do not have information as to—in a sense, yes; we have information as to companies that have Government contracts, but it is left to us to develop that information. It is not furnished to us as a systematic thing.

COMMISSIONER FREEMAN. Well, then you were programmed to failure from the beginning, is that not correct? How can perform your functions if you do not know who has a Government contract?

MR. SOUTHARD. For some time, we have, of course, from the very beginning, we have made the same argument. We called upon the Department of Labor from—to the other Government agencies to compel Government agencies to notify the compliance agencies when you award a contract. This has never been done.

COMMISSIONER FREEMAN. Mr. Chairman, I would like suggest that this is a real, a very serious problem because in this area it seems that the governmental agencies that sign these contracts are themselves a part of the problem.

VOICE. Right.

VOICE. Right.

COMMISSIONER FREEMAN. And now you may answer the Chairman's question.

CHAIRMAN FLEMMING. I will ask Mr. Buggs: I assume that the issue that you have just identified is an issue that was examined in connection with our enforcement report in this particular area, and we should have that brought back to our attention to see what recommendation we made and what has happened to that recommendation. Okay.

MR. SOUTHARD. I recall that it has been the subject of perhaps the last three or four of the Commission's reports.

CHAIRMAN FLEMMING. I think it should be brought out in all fairness that the General Services Administration is simply acting as an agent of the Department of Labor and the General Services Administration does not have responsibility for the establishment of a policy of this kind. This would be established by the Department of Labor as the agency with overall responsibility. Okay.

MR. SOUTHARD. GSA has historically not actively monitored the motion picture industry. Back in the period when we started staffing up to contract compliance in the early seventies, the agreement was, in effect, was being monitored by three people in the Equal Employment Opportunity Commission; it was a balancing of resources. We saw that as an industry that, for whatever accomplishment was being gained in that, that was being monitored. We at one point in time began some reviews of motion picture companies and had the difficulty of establishing Government contracts, had a number of other difficulties, difficulties of going and learning the intricacies of the operation, most especially the problem that confronts the industry. You have a permanent work force which is identified with a particular company and

then you have a casual floating work force which is not identified with a particular company, so the approach of contract compliance with the nucleus company is not really effective as regards that casual labor force, those people who come back and forth off the roster. They may come back and forth to the same company, and they may go to other companies, and the industry operates in an ebb-and-flow type of thing, and when they are at their high point everybody is working. When they are at their low point, nobody is working, so that it is a—it was a very difficult situation which did not lend itself readily to solution through contract compliance, through the application of the Executive order, or the matter of equal opportunity as a condition of doing business with the Government.

Another point, the—

CHAIRMAN FLEMMING. Have you, has the General Services Administration, as the agent of the Department of Labor, ever taken any action against any company within the industry with the end of view of cutting them off from Government contracts?

MR. SOUTHARD. No, sir.

CHAIRMAN FLEMMING. Have you—has GSA ever come close to considering such action?

MR. SOUTHARD. We reached agreement with the—prior to our reentering in, about a year ago—we reached agreement with MGM only after an extensive period of negotiations in which we were very close to recommending sanction actions.

CHAIRMAN FLEMMING. But that action was not taken?

MR. SOUTHARD. That action was not taken, but as a matter of fact—

CHAIRMAN FLEMMING. Did you get any corrective action and is that why you didn't take the action?

MR. SOUTHARD. We got corrective action; we got a commitment because, essentially, we are dealing in commitments. We got a plan of action, which, at the time, we felt would resolve the—

CHAIRMAN FLEMMING. Do you feel that the commitment has been carried out?

MR. SOUTHARD. We are just now going back to take another look at that company and subsequent—when we had reached our agreement and sent it forward to the Office of Federal Contract Compliance, that is the only company, the only instance that I recall, that they came back and said, "We don't agree." The office exercised their option not to accept our, or not to ratify, our acceptance letter.

CHAIRMAN FLEMMING. Let me ask all of the members—any member of the panel or all of you—if we could combine in one law the authority that has been vested in EEOC and the authority that has been incorporated in the Executive order relative to Government contractors, and if we could put the administration of that under one agency of Government, do you think that we would have a better chance of being able to move into a situation of this kind and get action, let's say, within 6 months instead of 6 years?

MR. QUINN. From my personal opinion, and I know there are members of my Commission that disagree with this, the answer would be yes, particularly if you added to that law that where a respondent company or union or State and local government is found in violation of Title VII that that respondent union would pay for the staff that would monitor any agreement that would come out of it and would also pay for the investigation.

I don't see why the Federal Government should be putting these heavy resources in to do the job that these companies and unions should be doing themselves. You heard somebody here say today that if the Government helps us we will do it. And I think, as we have done in the cannery, the cannery workers pay 3 cents—the companies and the workers—3 cents for every hour worked into a fund, and that fund hired the staff which I oversee, along with the trust of cannery workers and the company. That staff helps those companies come in conformance with Title VII, helps process charges, presents the results to my district office in San Francisco. It is doing a good job, and it is being paid for by that industry and I hope that principle would get into that law you were talking about, Mr. Chairman.

MR. MILLER. Mr. Chairman—

CHAIRMAN FLEMMING. That recommendation—

MR. MILLER. Mr. Chairman, I think rather than suggesting a merger between the EEOC and Labor Department or GSA, from the standpoint of being a lawyer, I think a very strong Federal injunction would probably rectify the situation. Unfortunately, this agreement that we have been struggling with all day is just an agreement; it is not court enforceable. The duration of that document was only for 2 years. We stayed in it 2 years over the period which we were authorized to stay in it. In fact, the EEOC was not and has never been a signatory to that document.

CHAIRMAN FLEMMING. I get your point. I think my reaction to your point would be—I am thinking in both/and terms, not necessarily either/or—but the thought has occurred to me during the day, I have wondered why someone, Government agency or persons in the private sector, haven't gone into court on a couple of these basic issues, including the roster issue.

I am going to suspend the hearing for just a couple of minutes while we change the tape here.

CHAIRMAN FLEMMING. Okay, counsel has one question that he would like to address.

MR. DORSEY. I just want to clear the record on one thing. Under—

CHAIRMAN FLEMMING. I will have to ask the hearing to be in order, please. If you need to carry on conversation, it should be in the corridor. Go ahead.

MR. DORSEY. I just wanted to clarify one issue, and that has to do with reporting requirements under EEO reporting requirements. Is there any way that you have to know that all companies who are required to report have reported?

MR. MILLER. By not getting their report.

MR. DORSEY. Do you have a checkoff to know that a company has not reported?

MR. TRAYLOR. At the district office level we do not.

MR. QUINN. The EEO reporting extends not only to companies, but to certain unions, State and local government, institutions of higher education. The only way is by checking, and, as far as I have been told, the joint reporting committee has not made systematic checks.

MR. DORSEY. So that—

MR. QUINN. But they are dealing with hundreds of thousands of reports.

MR. DORSEY. So that in the case of this particular industry and the unions that service it, the EEO reporting system, you do not now know whether or not the industries involved and the unions involved in the industry are meeting their obligations under law for reporting EEO-1 data and, consequent to that, do not have all of the necessary data to make an evaluation as to their compliance?

MR. TRAYLOR. As of this moment, we do not; but once we initiate the investigation into a company, one of the first things we ask for is the copy of the EEO-1. If they do not have a copy at that point, then we urge them to report and then we also notify the joint reporting committee that they are not reporting.

MR. DORSEY. There is a provision for exemption under the act. Has this district exempted any industry or union in this area from reporting under EEO guidelines?

CHAIRMAN FLEMMING. Would you identify, for the purpose of the record, the joint reporting committee to which you referred?

MR. QUINN. Yes, Mr. Chairman. That is a committee of representatives serving the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance, which is within the Department of Labor. We receive the same report, and these go somewhere back in—to our headquarters and the district office; and the regional office does not see the original report; we only see breakouts, such as I indicated earlier, summarizing certain data. I understand the gist of Mr. Dorsey's question. I would point out the great job it would require to check all companies, all unions, State and local governments to see if they were in conformance. We believe, because of the extensive publicity given to this, that most are in, but every so often we find one that isn't and that is a violation of the law on the face.

CHAIRMAN FLEMMING. I would like to make a statement, and I know Mrs. Freeman also feels this way. I am going back now to the agreement and I am going back to the years of activity on the part of two or three career servants to monitor that agreement. I recognize the

validity of the comment that it wasn't a strong agreement. Just reading it leads one to that conclusion. I also recognize the validity of the comment that we would have undoubtedly have been better off if there had been an injunction issued by the court, in other words, if the court action had been pursued through to a logical conclusion. But I simply want to pay tribute to those who took the agreement as it was, lived with it, and did their very, very best to monitor in such a way that it would mean something in the lives of some minorities, and I am sure it did. I mean, although we are unhappy in terms of the overall results, I am sure that there are some members of minority groups who are indebted to those who were willing to make that contribution. And I'm thinking particularly of the member of your staff that you indicated would put in 60 to 70 hours a week in order to try to keep on top of something that it would be humanly impossible for any one person to keep on top of. That is the type of career civil servant that means a great deal to this country and we don't often lift them up or turn a spotlight on them to the extent that we should.

And at the same time, I just want to express regret over the fact that with that much momentum, even though we would have liked to have had a great deal more, it was brought to kind of a grinding halt because I feel that, if it had been continued, we could have built it, and undoubtedly the agreement could have been strengthened; undoubtedly, it might have seemed desirable at some point to move into court. Now there has been this gap and, to some degree, I am sure we have lost the benefit of some of the momentum that was generated. We certainly will be making, I am sure, some recommendation or recommendations to the Equal Employment Opportunity Commission, to the Department of Labor, and to the Department of Justice on the basis of some of the facts that have been brought out in this hearing today.

COMMISSIONER FREEMAN. And to the President and the Congress.

CHAIRMAN FLEMMING. Yes, that is right, we always—our recommendations always go, as you know, to the President and to the Congress.

We appreciate your being here with us and we appreciate your helping us to develop a better understanding of the facts that confront us as far as this industry is concerned. Thank you very, very much.

MR. QUINN. Thank you.

MR. TAYLOR. Thank you.

MR. SOUTHARD. Thank you.

MR. MILLER. Thank you.

CHAIRMAN FLEMMING. This completes the list of witnesses who have been subpoenaed to testify in this hearing. As I indicated at the beginning of the hearing, we will follow our customary practice and recognize persons who have listed their names with our staff because of their desire to address some comments to the Commission and grant them 5 minutes to present their comments. At the same time, we are very willing to have them file a statement, and we will make the state-

ment a part of the record. This part of our proceeding will, at least in terms of applying the rules of the game, will be handled by members of the staff of the General Counsel's office. We will call people in the order in which their names have been listed. A member of the staff of the General Counsel's office will keep time, and we will adhere rigidly to the 5 minutes in fairness to all who are going to make presentations because, if we permitted people to go beyond that, we just wouldn't have the time to stay to listen to those who have expressed a desire to be heard. Mr. Dorsey, if you are going to handle this, if you would call the name of the first person.

MR. DORSEY. Harry. R. Espinoza. Harry R. Espinoza. Mr. Chairman, he had earlier indicated to me that he might wish to withdraw, so I assume that that is the case.

CHAIRMAN FLEMMING. All right.

MR. DORSEY. David—

CHAIRMAN FLEMMING. Will you, incidentally, call the names of three persons at once, and we will ask the three persons to come to the witness table and then I can swear all three at the same time.

MR. DORSEY. David Skeens.

MR. WALKS EAGLE. That is Walks Eagle.

MR. DORSEY. My apology. Richard Bryant, Donald Alves.

CHAIRMAN FLEMMING. If you would raise your right hands.

[Messrs. David Skeens Walks Eagle, Richard Bryant, and Donald Alves were sworn.]

CHAIRMAN FLEMMING. Thank you. We are delighted to have you here with us.

MR. DORSEY. As the Chairman has indicated, each of you will be given 5 minutes in which to speak. At the end of 3 minutes, you will be notified that that time has expired by a signal, and when 1 minute is remaining, you will get the second signal. At the end of the 5 minutes, it will be necessary to end the submission of testimony. I also advise you, as I am sure you have already been advised, that if you have a formal written statement which you would like to submit for the record, you may do so at this time. Would you please proceed? Would you state your full name and spell your last name for the record, please?

STATEMENT OF DAVID SKEENS WALKS EAGLE

MR. WALKS EAGLE. Okay. My name is David Skeens Walks Eagle. I am a Cherokee Indian from the Haliwa Reservation in North Carolina. I am a member of the American Indian Movement, a member of the Indian Actors Workshop, and a member of the Indian Awareness Cultural Program, which is a federally, locally—federally-funded program for Indian high school students to keep them in school.

The first part that I would like to—the first part of my statement would be a case which happened last September the 30th, in which two members of the Indian Actors Workshop who were seeking employment within the industry as grips or stagehands, went to the Local 133 office of the International Alliance of Theatrical Stage Employees and filled out an application, which on the paper that they give you is good for 90 days. Approximately December the 19th, one of the persons who filed an application was called by the head of production at CBS and asked if he wanted to come to work for CBS, which the person replied in the affirmative. That person was told to call the union at 4:00 p.m. and the union would give him all of the details and they would go from there.

This person called the union at 4:00 that afternoon. The union told him that they had no record of his application. After confirming the date that he filled the application out, it was still reiterated to him that there was no record of his application. Consequently, because they open applications on Thursday mornings from 9:00 to 11:00—this was like on a Thursday evening that this all happened. So, the person had to wait a week and go back down to the office to refile an application. Upon entering the office one of the gentlemen within the union hall turned around and looked and asked him, "Hey, weren't you here before?" Which the person replied, "Yes," and then explained the circumstances.

Between the time that he—that had evolved between the original conversation with the union and this time of—at a reappearance, the position at CBS was filled, had to be filled. They were looking for someone.

The telephone conversation reiterated the union's policy that the individual was told that, "No one tells us who we have to hire or anything of that matter. We decide that." The people that had filed the application originally had made notice at the union office that they would like to have the application put into a "minority pool," if there was such a thing. It was said that there was and that would be taken of.

But the point of the matter is that it is a big Catch-22. If you—you can register with the union everyday; you cannot call the union for work. They have to make the initial call to you. If their rosters—again we get back to the rosters—if the rosters are employed, then they will take people on the off roster and employ them. So, obviously, the roster has never been completely employed to this point of day.

The second part of my statement is—this is the first type of Commission hearing like this that I have ever attended and being a Native American, I am, I kind of question one thing. I look at your staff and I see members of minorities—the blacks, whites, Spanish surnames—I see no Asian and no Native Americans, and I wonder why. And I would like to allude back to the fact of the television special of "Roots." When Kunta Kinte stepped off the boat in this country and

he looked at the crowd of people standing on the dock, within that dock was one North American man, an Indian. We have always been here, and I think that within our culture, we have a lot to say to the population of this country. Our images are a lot different than coming out of the hills on horses. We have a lot more to us than that. Thank you.

CHAIRMAN FLEMMING. Thank you very much.

[Applause.]

MR. DORSEY. Richard Bryant.

STATEMENT OF RICHARD BRYANT

MR. BRYANT. Yes, sir. My name is Richard Bryant, spelled B-r-y-a-n-t, and I currently employed at ABC television and I am a member of Local 33, IATSE, stagehand employees.

The purpose of my statement is two-fold, primarily to place on record a situation as it exists today in the hiring practices and treatment of minorities by the television industry at both the management and union levels as pertains to stage technicians, and to call official Government attention to the continuing trauma that exists for black Americans in the television community. And secondly, to stress inner light on the campaign that is currently being waged against blacks who are now employed as stage technicians by IATSE Local 33.

There are several items I would like to bring to light, but I would like to preface the items with this statement. I think the situation exists that warrants immediate Government attention beyond the sphere of this Commission; an ongoing investigation into the hiring practices and firing practices of Local 33 is in order.

Item: A state of nepotism and favoritism exists in Local 33, IATSE. Traditionally, this local has been a father-and-son local, with job security on a hand-me-down basis from father to son to father to son.

Item: Blacks who are fortunate or unfortunate, depending on how you view it, being employed by Local 33 are allocated the most undesirable jobs and work situations. The choice of more lucrative situations are reserved for bluebloods; i.e., fathers and/or sons.

Item: There are cases where applied pressures against blacks forcing them into quitting by means of call-in referral system that is currently based on favoritism and not job experience and capabilities. Upon calling in, black members are told that no work is available and to call back the following day, and the process is repeated until through economic frustration the blacks quit. If by chance they are given a job assignment, it most often means, 90 percent of the time, in a nonstage capacity, in the form of a strike and dragout situation, which is physically hard work, and most undesirable by other members of the union. A weekly payroll ceiling is maintained by call stewards of blacks, thus denying him the same economic opportunity afforded to to other members of Local 33.

Item: Black stagehands have been denied promotional consideration at all of the major television studios. The black journeyman ratio among IA members is not consistent with the black ratio to the union population, which is in itself is subpar to Government specifications.

Item: A systematic phaseout of black individuals is currently being waged against them by Local 33 by means of unwarranted suspensions for the most minor offenses, with the purposes being to compile a case against blacks by branding them as incompetent, undesirable. These suspensions are handed down without the benefit of a formal hearing before an executive board.

MR. DORSEY. Three minutes.

MR. BRYANT. Okay. Blacks have been conveniently overlooked for job promotions with charges of not being qualified for these positions, yet these same situations would be given to general minority people—majority people, excuse me—who are out of high school with absolutely no experience whatsoever, their only qualification being that they are sons of journeymen; thus, blatant nepotism.

Item: A black member of Local 33 for 7 years was involved in a hit-and-run car accident while returning home from work at NBC television. The man has been hospitalized for 10 months without receiving any medical benefits from the union or inquiries into his condition. While being confined to a wheelchair, perhaps indefinitely, he has sent in the necessary papers which are required in order to receive benefits he is entitled to, but he has received absolutely no response from Local 33, not even a get-well card.

At ABC television, only one black—

MR. DORSEY. One minute.

MR. BRYANT. —has assumed the position of a stage technician in the history of that communication facility. The fault lies collectively with Local 33 and the television networks in the fact that few blacks are sent out from the local headquarters with job position, when job positions become available. If anyone has been fortunate enough to be sent on an interview, the person is often overlooked by the officer not being in his office at the time.

The only way this appalling situation can be alleviated is by the direct U.S. Government intervention in the form of an ongoing investigation to probe beyond the surface and look into the discrepancies that exist in all levels of the television industry's hiring practices as it relates to minorities and especially black Americans.

CHAIRMAN FLEMMING. Thank you very much.

MR. DORSEY. Thank you. Donald Alves.

STATEMENT OF DONALD ALVES

MR. ALVES. Yes. Donald Alves, A-I-v-e-s.

I worked 6-1/2 years out of Local IATSE 33. I worked 4-1/2, 4 years at ABC-TV in special effects on a permanent callback basis, and

I was never on staff. The moment that I left, they put—staffed up everybody else. They did staff a person from an Indian—he was an Indian. The only other person who was there that was put on staff at that time; there was one person from Argentina and one other guy, he was from a Caucasian race, and the way he got staffed, because I told him in a jocular manner that probably if he wanted to get on staff that he should buy himself a natural wig and paint his face black, which he did the next day. So, the remark was made to him that, “If you can make that permanent you can get a job.” Well, I made the remark that mine was permanent and I wasn’t offered a job. A week later, he did get a job on staff.

About a year and a half I left and I started bouncing. At that time my pay went down and down. And I received no consideration for benefits—health-medical, welfare—or anything like that for the time I was there; and recently I was given 2 weeks off for what they call being drunk on the job, and actually what it was, that I had worked 17 days in a row on all eight plus calls, the last five of which were 17-1/2 hour calls, right in consecutive order, without a day off, and I was really physically and mentally exhausted and I stumbled and they branded me as being drunk, sent me off the stage, threatened to throw me in jail, called the police. I was given 2 weeks off with no pay, without a formal hearing, before the “E” board [phonetic]. Then I was threatened with being—one more time of being late or missing a call that I would be fired. Which happened about a week later that I made a mistake to the call stewards and—I thought they told me to go KTTV and they in fact told me to go to NBC, and I did go to KTTV at the specific time that I thought I was supposed to be there, but I just happened to be at the wrong place. I called in the next day and they told me I was fired.

So, I was fired 2 weeks ago. I had missed three calls in almost 7 years and I was fired. I know for a fact that there are other members—sons, nephews, and daughters and such, like that—they have missed calls continuously and they are covered for with no recourse at all. So, I filed a complaint with the labor commission and Equal Opportunity. And I think Mr. Bryant here has summed all of my—most of my grievances in his statement, so there is no sense of me taking up all of that time. He has just about summed up the whole situation as it exists for blacks, not only blacks but other minorities, in the television industry. And I really think something should be looked into. It wasn’t covered here today at all, the TV industry, but it is in the Stone Ages as far as I am concerned. It is even farther behind than the motion picture industry. It is just really awful. Thank you very much.

MR. DORSEY. Thank you very much.

CHAIRMAN FLEMMING. Thank you very much; we appreciate it. I would suggest that counsel call the next four together—thank you very, very much.

MR. DORSEY. Wendell Green, Rubin Watt, Wendall Franklin, James Tennison. Wendell Green, Wendall Franklin, Rubin Watt, James Tennison.

CHAIRMAN FLEMMING. I gather Wendell Green did not respond; is that correct?

MR. GREEN. I am here, yes.

CHAIRMAN FLEMMING. Oh, you are here. Who didn't respond?

MR. GREEN. Ruebin Watt. He went outside for a minute.

CHAIRMAN FLEMMING. All right. I will assume that he is not in the room then. If you would all stand so that I can administer the oath.

[Messrs. Wendell Green, Wendall Franklin, and James Tennison were sworn.]

CHAIRMAN FLEMMING. Thank you. We are happy to have you with us.

MR. DORSEY. Wendell Green, please state your full name and spell your last name for the record.

STATEMENT OF WENDALL GREEN

MR. GREEN. My name is Wendall Green, W-e-n-d-e-l-l, G-r-e-e-n. At this hearing of the United States Commission on Civil Rights concerning employment discrimination in the motion picture industry, I represent the Southern Christian Leadership Conference, western region, a civic and civil rights organization founded by Dr. Martin Luther King, Jr.

First, let me give you a little personal history of my involvement in this concern of yours during this hearing today to point up the problem that we now have. In 1937 I had a class at Los Angeles Junior College, and the alphabetical seating placed me next to a young white woman student from a very small town in North Dakota. After the semester was over, this young lady walked up to me and told that me that her total information about Negroes has been gained from the Saturday night movies in her home town. She thought that all black people were either illiterate, stupid, clowns, or criminals. I went home and began to think about the enormous implications of what the student had told me.

The characterizations of black people by Hollywood was so much more than a personal embarrassment to me in a crowded downtown theatre. Hollywood was brainwashing the whole world with this racist stereotyping of black Americans on the screen. I then began watching motion pictures with a new perspective and found no black Americans in crowd scenes, such as athletic contests, not even walking down the street as plain, private citizens. All black actors addressed all whites as "Mr." or "Boss" and was always called by their first name, regardless of the age of the white addressing him. The only integrated scenes were in the prisons and to make sure that Americans of African ancestry were shown as criminals in the South, they even integrated chain gang scenes, another enormous fiction.

When I began to work on the Los Angeles *Sentinel* in 1942 as a reporter, I discussed my concerns with the paper's publisher, Leon H. Washington, Jr. He told me that jobs in the industry were as important to all of the community in Los Angeles as the image projected by the screen. Jobs in all of the support forces that helped to produce motion pictures—painters, carpenters, grips, electricians, photographers, extras, etc. However, the problem was how to attack such a giant as the motion picture industry because in those days the motion picture industry and the Southern California Railroad ran California.

Soon, in 1942, *Cabin in the Sky* was released, containing the same old stereotypes. We decided to mount a picket line protesting Paul Wilson's appearance in the picture, hoping to get the kind of national exposure that we needed for our project. We picketed Loew's State Theatre at 7th and Broadway. Freda Washington, a talented actress who was the theatrical editor of Adam Clayton Powell's *PV* newspaper in New York heard about the protest and picketed the showing in New York. Paul Wilson joined the picket line, saying that he had been tricked into signing a contract for the picture [At this point in the proceedings, at the request of counsel, the Chairman struck from the record some of Mr. Green's testimony.] without reading the script.

MR. DORSEY. Excuse me, at this time, I have to interject to do two things. This won't count on your time. To remind all of the witnesses that our statute prohibits defame and degrade, and that means that any statement that specifically criticizes an individual, we are not permitted to hear in open session until it has been reviewed in closed session. Now, the only reason I interject here is to tell you that last statement referring specifically to an individual I will ask the Chairman for permission to have it stricken from the record and allow you to proceed, but let you know that we cannot entertain that kind of testimony on the record in open session until it has been cleared in executive session.

MR. GREEN. Well, I think they are all dead. Can you defame dead persons?

MR. DORSEY. Yes.

CHAIRMAN FLEMMING. The counsel is simply stating the law that we operate under and I will acquiesce.

MR. GREEN. We followed the picket line with frontpage editorials denouncing Hollywood's stereotyping of black Americans, and eventually received an invitation to meet with Arthur Freed [phonetic], head of the Motion Picture Producers Association. He listened to our concerns politely and told us about the problems with the unions on the job issue and that, if they changed the concept for black characters, they couldn't sell pictures in the South. I suppose I will have to leave some of this out.

Shortly after that I left the newspaper to fight, die, and bleed for my country, and the NAACP got into the act, and also some charlatans. I recounted all of this to tell this august body that, in the 35

years since we mounted that picket line, not much has changed. Of course, there has been some tokenism, dictated more by world conditions than a change of heart in Hollywood. Our demand to Mr. Freed in 1942 was for 10 percent of the jobs in Hollywood across the board. Hollywood is still a virtually lily-white industry. The denigration of black Americans on the screen has taken a more subtle form—

MR. DORSEY. One minute.

MR. GREEN. The bugaboo of unions is still held as a bar to employment despite national and the State law outlawing discrimination. The Southern Christian Leadership Conference, western region, has the same concerns as the *Sentinel* had in 1942, except we have expanded it to 15 percent of the jobs in the motion picture industry as a feasible goal. We have also suggested that not only in the crafts, but the professional and middle-management categories, the decision and policymaking positions—lawyers, accountants, writers, along with technicians. We are not suggesting that the motion picture industry engage in wholesale hiring or firing to meet our goals. We do think that through attrition and Hollywood's comeback—because of its new goldmine, pictures for television—is a reasonable goal, and we urge that all the laws and governmental agencies concerned with the problem of racism and discrimination in employment be utilized to drag the motion picture industry into the 20th century. Thank you.

CHAIRMAN FLEMMING. Thank you very much.

MR. DORSEY. Wendall Franklin.

STATEMENT OF WENDALL FRANKLIN

MR. FRANKLIN. My name is Wendall Franklin. I am a credited member of the film industry for the 17 years, member of the Directors Guild, and also on the labor-industry committee of the Beverly Hills-Hollywood NAACP.

The first place I would like to clear up for your information; there is a minority director of photography. You have asked all day; there is one. He was by accident. It took another minority who was doing a major picture to threaten the studio to hire this man. When they did hire the man, they put a Caucasian as a standby and paid him full salary for that time. The gentleman, or director of photography, hasn't worked until all of a sudden—for 4 years—until "Roots" came along. He did the last four segments. I want to say, in the glorification of "Roots," that nine and nine-tenths of the staff behind this great black epic had no blacks.

May I go further? When we speak of what is happening and what is the obstacles of our work, the obstacle is the relationship of the producer and the director. The major producers and the major directors have not hired blacks, period, on any picture. Fortunately, we do our work as directors and assistant directors. We have made friends like you have to in this industry, somebody to love you, to hire

you. Now, the availability list that goes out every month is not a roster with my guild. We are just listed, and the man goes down and says, "Well, there is old Joe Blow; I will hire him." And that is the name of the game.

The minority pool I have worked with with the Motion Picture Producers Association, as the president of the NAACP, when Mr. Charlie Barnes was the head—

MR. GREEN. No names.

MR. FRANKLIN. I am sorry—we were sent to the NAACP monthly work statuses of all minorities in Hollywood and salaries. That has stopped under the new administration. The one time we knew what was going on, and I want to say this, that at one time we worked all-white films. When black became beautiful, they put us on all-black films, and as soon as the economy got bad we were even taken off of the black films, period.

So the point, as I say this, I say in conclusion, I think that a lot of people forget where they get their money from to produce motion pictures, from the lending firms and banks of America, also the people who go to the box office who pay for these films. I think sometimes we forget in this industry where our money and jobs come from.

CHAIRMAN FLEMMING. Thank you very much.

[Applause.]

MR. DORSEY. Mr. Chairman, Ruebin Watt came in late. I wonder if you might swear him in at this time.

CHAIRMAN FLEMMING. Would you mind standing and just raise your right hand.

[Mr. Ruebin Watt was sworn.]

CHAIRMAN FLEMMING. Thank you.

MR. DORSEY. Okay, I think you might have missed: At the end of 3 minutes, you will be signaled, and when there is 1 minute remaining you will be signaled again, and at the conclusion of the 5 minutes we will be forced to cut you off.

STATEMENT OF RUBIN WATT

MR. WATT. Mine will be short and snappy. I, Reubin Watt, a member also of the Directors Guild of America, one of the first blacks into the Directors Guild, also, the first black to take the examination for apprenticeship.

It was beautiful then, being the first black going, I was like the mummy with a bobhorn tail. I was quite a sight. One studio sitting here today, I was the first black on that studio in any capacity, except the shoeshine boy in the barber shop. On my set as assistant director it was very difficult to handle a company because a black is only limited to go just so far, as far as authority is concerned; and, without studios backing you, you have a pretty tough way to go producer-wise.

We have no black producers. At that time we had no black unit managers; so, therefore, the assistant director, and especially in our area, the first assistant director, your sole responsibility is controlling something like \$6, \$5, \$6 million per episode. So, therefore, you are controlling about 40, 50 people. I heard the expression made, 20 people. A normal TV company carries about—a half an hour picture carries about, oh, 20, 25 crew, not counting your cast. As an assistant director, you have complete control over that with your director.

If your director does not want you, you have a pretty well load to carry and your picture is going to come in normally under budget, and you are in problems because the word is passed on you are a bad risk. This goes over shooting days, and he falls below the budget.

I am moving out of this meeting—I heard, once before, 10 years or approximately 10 years ago when the labor pool was set up, that there would be some topnotch blacks, minorities, all of that. I used the word “minorities” out of that pool. But after the first couple of years, why, it seemed to have faded, so the black is the last hired and the first fired. When the NAACP or some organization puts the heat to a company, they immediately go out and hire one and put him up in the window. His authorities are limited; they do very little.

So, moving from this meeting, if this committee come up with something, some foundation towards some teeth, recognize that we blacks, qualified blacks, qualified minorities—I don’t mean just hire minorities to hire minorities, I mean qualified persons, and there are some, we are just as good to run a company as others. Now, I hope that this will open the eyes of black money men; until they put their money up into this industry, we will go a lot farther. Thank you.

CHAIRMAN FLEMMING. Thank you very much.

MR. DORSEY. James Tennison.

STATEMENT OF JAMES TENNISON

MR. TENNISON. My name is James Tennison. I am a member of Local 33, non-card-carrying member, I must say. I have been with 33 partly 7 years of that—almost 8 years. I have been turned down for promotions as far as reaching my journeyman status over a year now. I don’t know of any other black—yes, I know some that come up for their journeyman status, but they have been turned down also. So it doesn’t hold true to the average black getting his journeyman status.

And within 33, I might say, unless you have a journeyman status you are nothing. Since the beginning of the first of the year, I must say, I must have been on approximately 25—20 to 25 warehouse and stock control calls. I had charges brought against the local about 4 years ago with the National Labor Board, also went and filed charges against, with EEOC approximately 4 months ago, which, as yet I haven’t heard. They said they would appoint someone to hear it.

But, I go back to say that I started in the business in 1970 with eight kids, and I took \$100 a week under a Government training program to pursue a career in television and that is pretty hard. But, yet after I finished, instead of me going up, I am going down, and I see kids with—that—we have a seniority system now that just came out last September, group one, group two, group three, group four to five. Now, the journeyman status, which holds group one, they feels like they are entitled to number one jobs, which is no disagreement with me. I think they are entitled; they have been there longer.

But, yet, as a group two, I have been there for almost 8 years. As group two, I should be getting the next best jobs from 8 years. The report came back from the labor board stating, when I got turned down for my status, I am experienced in all the areas of television because I went through that phase with the training program from the Government, but we have a two-third majority vote when you come up for your card, and it only takes one individual that you might have had a word with and you are turned down, period.

Now, no one here, other than the three here has, as I heard, stated anything about the television network today, as far as Local 33 is concerned, but, your Honor, it really needs to be investigated because there is a lot of things going in there; even when the actors was on strike, we were still having problems. And being a man, whether you are 5 or whether you are 95, you do not have a leg to stand on. That is their policy. You have no voice, whether it is denying your equal rights or whatever it may be, and I am hoping that something be done about that.

CHAIRMAN FLEMMING. Thank you very much. I thank all of you for being with us. Counsel has one additional witness to call.

MR. DORSEY. Jim Cato.

CHAIRMAN FLEMMING. If you would stand and raise your right hand, please.

[Mr. Jim Cato was sworn.]

CHAIRMAN FLEMMING. Thank you very much.

STATEMENT OF JIM CATO

MR. DORSEY. State your full name and spell your last name for the record and, if you will, also state your title.

MR. CATO. Jim Cato, C-a-t-o. I assume that you know how to spell Jim.

May I just take this opportunity and I hope it won't count on my time. I have waited 6 years for such a testimony, and I thank you very much for allowing me a chance to testify. My whole concern here today is not only with the movies and not only with the television industry. But my fight also is with the people that tax blacks and other minorities, and that is our unions. I don't think anyone has said anything about the unscrupulous mannerisms that our unions are conducting their duties as representatives of ours.

[At the request of counsel, the Chairman struck from the record some of Mr. Cato's testimony.]

MR. DORSEY. Okay. Let me advise you, as I have the previous witnesses, that your testimony must be limited in this open session to areas which do not specifically name individuals or organizations and allege violations which hold them to public ridicule and scorn. That is a requirement under our statute that we are compelled to follow, and in that vein I again have to request of the Chair that just the last reference be stricken from the record.

CHAIRMAN FLEMMING. As counsel has said, this is the law under which we operate and his explanation of the law will not count against your time.

MR. CATO. I understand what he said, sir. That is not on my time, is it?

MR. DORSEY. No.

MR. CATO. All right. I just gave just simply my word that I would tell the truth in its entirety. It is impossible for me to tell the truth without naming names as they are. If you want to delete it from my testimony, it is your right to do so. But, I am not going refrain from calling anything that I see as it is. This is America which I am proud to be a part of and a citizen of, and in America you speak what you say. I think that is the way our Government goes; isn't it?

MR. DORSEY. Yes. But, I have to ask you at this time whether or not, in line with your telling the whole truth as you understand it, it will be necessary for you to make statements about specific individuals and companies, which statements tend to hold them in ridicule or scorn. Now, if that is true—

MR. CATO. Fine, I understand what you are saying.

MR. DORSEY. If that is true, then the Commission is not authorized to hear that in open session, okay?

MR. CATO. Mr. General Counsel, would you please stop me. I would like to read something that depicts the attitudes, this position of radio, television, and movie personnel. This is a letter that was written to a columnist Lynn Hilborne, of the Los Angeles *Sentinel* in 1975, July 10, 1975. It was written by the me after an incident that occurred that certainly will have a bearing on this case.

Dear Lynn:

Recently, I was elected to the AFTRA, American Federation of Television and Radio Artists national convention. I was elected by several thousand votes.

The convention will be held in Hollywood, Florida, in July. After the election results were released, the AFTRA board of directors decided only three AFTRA delegates will be permitted to attend the convention with full compensation. All other delegates will have to attend the convention at their own expense.

There is nothing in the AFTRA constitution that gives the board of directors the authority to hand choose which delegates are to attend the convention.

I became a candidate because of a lack of representation of AFTRA's black members. The board of directors is aware of my position on the issue of discrimination, particularly in employment. There are less than two percent of blacks in television. This includes in front of the cameras and behind. There aren't any blacks in decisionmaking positions. I don't know of any black executive producers, and only a handful of producers. Many of the black producers are on community shows. There are only two black makeup persons, there aren't black talent coordinators on top rated shows, a very few black writers. Most of the writers of the black comedy shows are white. It is just as ridiculous for a white writer to write for a black comedy show as it would be for black writers to write for HeeHaw.

There aren't any black doctors, lawyers, politicians, inventors, pioneers, the cowboy shows, that depict the important part the black played in the growth of America. Most of all, there aren't any black soldier shows. In times of war is the only time blacks are first. Blacks are first to be drafted.

Black comics are not allowed on variety shows unless they do Uncle Tom material. I wish Tom would go to heaven. As a matter of fact, the only person I like with the name of Tom is Mayor Bradley.

The one sure way for black comics to get over in the television industry is to degrade our black ladies. This, I refuse to do. As an example of how variety shows discriminate, Slappy White, comedian, at one time was seen on the Johnny Carson show pretty often. Until one night he mentioned—

MR. DORSEY. Three minutes; you have got 2 minutes left.

MR. CATO. Oh, I will finish in plenty of time.

MR. DORSEY. Okay.

[At the request of counsel, the Chairman struck from the record some of Mr. Cato's comments.]

MR. CATO.

How often do we see all-white shows, or all-Jewish shows, on the Johnny Carson show? The television industry is the most biased industry in America. I accuse the sponsors, top television personnel, program directors, executive producers, producers, talent coordinators of practicing bigotry and discrimination. I also accuse AFTRA of being cohorts in this practice.

At a recent AFTRA meeting, I asked what was—

One minute?

MR. DORSEY. Yes.

MR. CATO. I better speed up.

—what was AFTRA's position on fair employment practices. I was told by the chairman of the delegation at the convention, Frank Nelson, AFTRA can do nothing about discrimination in television. I also asked Carl Edward Keyes, the executive secretary, what has AFTRA ever done to enhance employment and opportunities for blacks in television, which he answered, "Well, we are giving a small donation to the Watts Workshop." This is how light the executive secretary thinks of fair employment practice. Why should black entertainers be forced to join a union that refuses to represent them? This constitutes taxation without representation. Everyone knows that is what caused the Revolutionary War. The tragedy is everyone does not know that black woman was the first to die in that war because true history is not taught in our schools.

It is against the law to discriminate in employment. I do not intend to allow anyone or anything to deny me what my heritage guarantees. This is my country; I demand all that my country promises and that includes fair employment opportunity. Whatever method is necessary to ensure that I have fair opportunity to seek gainful employment, I shall employ. When I was but a small boy, my grandfather used to sing a song to me, and I quote, please allow me this, "Didn't I build that cabin, didn't I plant that corn, didn't my folks before me fight for this country before I was born? I gather my loved ones around me and I gaze at each face that I adore, and I said, dammit, I heard a voice within me, this is worth fighting for." Thank you.

[Applause.]

MR. DORSEY. Mr. Chairman, I have no further witnesses listed.

CHAIRMAN FLEMMING. There being no further witnesses, the hearing is adjourned.

EMPLOYMENT STATISTICS

U. S. Civil Rights Commission

March 16, 1977

1. Roster Statistics
2. Training Programs Statistics
3. Training Programs Criteria

YEAR 1976

ROSTER STATISTICS

LOCAL -- UNION	TOTAL APPLIED FOR ROSTER		CAUCASIAN		HISPANIC		BLACK		OTHER		TOTAL PLACED ON ROSTER		CAUCASIAN		HISPANIC		BLACK		OTHER	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Lamp Operators, 728	89	6	77	4	6	1	6	1	—	—	36	2	32	2	1		3			
Make-Up Artists, 706	11	12	7	9	1	—	3	1	—	2	2	—	2	—	—	—	—	—	—	—
Projectionists, 165	7	—	6	—	—	—	1	—	—	—	5	—	5	—	—	—	—	—	—	—
Cinetechnicians, 789	31	1	23	1	2	—	4	—	2	—	12	—	10	—	1	—	1	—	—	—
Teamsters, 399	127	9	115	7	10	1	1	1	—	—	93	8	84	6	7	1	1	1	1	—
Camera, 659	87	4	83	3	4	1	—	—	—	—	60	1	59	1	1	—	—	—	—	—
Prop, 44	541	14	472	13	38	1	25	—	6	—	166	2	154	1	10	2	—	—	—	—
Film Technicians, 683	10	3	8	2	—	—	1	1	1	—	3	—	—	—	—	—	—	—	—	—
Script Supervisors, 871	1	4	1	3	—	—	—	1	—	—	—	2	—	2	—	—	—	—	—	—
First Aid, 707	3	7	3	7	—	—	—	—	—	—	3	2	3	2	—	—	—	—	—	—
Grips, 80	41	—	33	—	3	—	3	—	2	—	20	—	19	—	—	—	—	—	1	—
Story Analysts, 854	8	5	7	5	1	—	—	—	—	—	4	2	4	2	—	—	—	—	—	—
Set Designers, 847	22	4	20	4	—	—	2	—	—	—	16	3	15	3	—	—	1	—	—	—
TOTALS:	978	68	855	58	65	4	46	5	12	2	420	21	387	19	20	3	6	1	2	

YEAR 1975

ROSTER STATISTICS

LOCAL -- UNION	TOTAL APPLIED FOR ROSTER		CAUCASIAN		HISPANIC		BLACK		OTHER		TOTAL PLACED ON ROSTER		CAUCASIAN		HISPANIC		BLACK		OTHER	
	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F	M	F
Lamp Operators, 728	47	5	43	4	2	-	1	1	1	-	32	4	30	4	-	-	1	-	1	-
Make-Up Artists, 706	7	2	7	2	-	-	-	-	-	-	3	1	3	1	-	-	-	-	-	-
Projectionists, 165	8	-	6	-	2	-	-	-	-	-	4	-	2	-	2	-	-	-	-	-
Cinematographers, 789	2	1	2	1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Teamsters, 399	206	16	179	16	18	-	5	-	4	-	172	16	152	16	11	-	5	-	4	-
Camera, 659	61	1	59	1	1	-	1	-	-	-	37	-	36	-	1	-	-	-	-	-
Prop, 44	332	10	292	10	25	-	10	-	5	-	201	9	180	9	15	-	4	-	2	-
Film Technicians, 683	36	11	29	9	2	-	3	2	2	-	36	11	29	9	2	-	3	2	2	-
Script Supervisors, 871	2	10	1	10	1	-	-	-	-	-	1	7	1	7	-	-	-	-	-	-
First Aid, 767	4	4	4	4	-	-	-	-	-	-	4	2	4	2	-	-	-	-	-	-
Grips, 80	28	-	26	-	1	-	-	-	1	-	21	-	19	-	1	-	-	-	1	-
Story Analysts, 854	6	9	6	9	-	-	-	-	-	-	4	9	4	9	-	-	-	-	-	-
Set Designers, 847	11	3	11	3	-	-	-	-	-	-	10	2	10	2	-	-	-	-	-	-
TOTALS:	750	72	665	69	52	0	20	3	13	0	525	61	470	59	32	0	13	2	10	0

#6 CRITERIA FOR SELECTION
FOR TRAINING PROGRAMS

[Portions of this exhibit are on
file at the Western Regional
Office of the U.S. Commission on
Civil Rights, Los Angeles.]

ASSISTANT DIRECTORS TRAINING PROGRAM

G APTITUDE TEST

Applicants who meet the requirements (as outlined above) will be required to take an aptitude test administered by the Testing Bureau of the University of Southern California. It is contemplated that only a limited number of applicants who take the test will become eligible for a personal interview. The aptitude test is scheduled on Saturday, March 19, 1977 at the University of Southern California. The test takes approximately 8 hours of your time. It is important to note that this is the only day on which the test will be given. Applicants who are eligible to take the test will be notified during the first week in March as to the exact time and place of reporting.

The aptitude test has not been designed to test the applicant's knowledge of the motion picture industry. The examination is made up of a battery of tests that assess certain specific well-defined appropriate aptitudes in addition to the more general tests of verbal and reasoning aptitude.

H THE PERSONAL INTERVIEW

The Screenings Committee for the Assistant Directors Training Program will interview those applicants who achieve the highest scores on the aptitude test. It takes approximately six weeks to score the examination. Applicants will be informed by mail if they are selected for an interview. The interviews are held in the evening during the month of May. The purpose of the interview is to acquaint the Committee with the applicant's background and general suitability for the training program. The final selection of

trainees shall be based upon: (1) the aptitude test grading (2) per interview, and (3) an evaluation of the educational background and job experience of the applicant. The results of the interviews are mailed to each applicant as soon as all interviews have been completed.

I SELECTION AND PLACEMENT OF TRAINEES

Each year the Assistant Directors Training Program Board of Trustees accepts a limited number of applicants into the training program. That number depends to some extent upon the employment outlook for the coming year in the motion picture industry. Once the trainees have been selected, they are eligible for employment beginning in June. Trainees will be dispatched in the order in which they were selected by the Screenings Committee.

J FILING DATES AND DEADLINES

The following dates must be observed in order to be eligible for the training program for 1977:

FEBRUARY 1, 1977. Applications must be received by the Administrator or postmarked on or before February 1, 1977.

MARCH 1, 1977. The final date of acceptance for all supporting documents such as transcripts, etc. except those applicants who are still attending college or university will be given until July 9, 1977 to submit their proof of graduation. Documents must be received by the Administrator or postmarked on or before March 1, 1977.

MARCH 19, 1977. Aptitude test, University of Southern California.

MAY, 1977. Personal interviews will be scheduled during the month of May.

JUNE, 1977. Announcement of selection of trainees for 1977.

Assistant

Directors

Training

Program



1977

EXPIRES JULY 9, 1977

receive an application, mail to:

ASSISTANT DIRECTORS
TRAINING PROGRAM

8480 Beverly Blvd., Hollywood, CA 90048

and

address

city

State

Zip Code

DESCRIPT

A program to offer training for the position of second assistant director in the Motion Picture Industry was established in 1965 as a joint venture between the Directors Guild of America and the Association of Motion Picture and Television Producers. The training period consists of 400 actual work (training) days. Upon satisfactory completion of the program, the trainee's name will be placed on the Industry Experience Roster thereby making him eligible for employment as a second assistant director. Applicants should be aware that this program is designed to emphasize the administrative and managerial functions characteristic of assistant directors and unit production managers in the production of Motion Picture and Television films.

It is designed to familiarize the trainees with the detailed paper work and proper maintenance of records, including the preparation of call sheets, production reports and requisitions; to acquaint them with the working conditions of the collective bargaining agreements of some twenty-odd guilds and unions; and to give them a basic knowledge of the administrative procedures in motion picture production, including some pre-production, production and some post production operations.

During their training they will have the opportunity to improve skills in handling of people, learn the procedure of calling actors, extras and other personnel, how to assist in the staging of background action and the giving of cues to actors, how to determine compensation adjustments for extras and stunts, how to make arrangements for facilities and rental equipment, how to break down scripts, and how to schedule and budget pictures. They will be able to acquire some knowledge of louping, recording wild lines, characteristics of camera lenses and matching of angles for editing.

The program will include both on-the-job training and off-the-job training. On-the-job training consists of four (4) periods. The duration of each will be one hundred (100) cumulative days. Employment will be subject to all applicable collective bargaining agreements and studio or producer rules and regulations.

B RATES OF PAY

The wage scale of trainees will be at the rate of:

1st 100 days of work . . .	\$160.00 per week
2nd 100 days of work . . .	\$175.00 per week
3rd 100 days of work . . .	\$190.00 per week
4th 100 days of work . . .	\$205.00 per week

C SEMINARS

To supplement their on-the-job training, trainees are required to participate in a weekly seminar program which begins in October and concludes during the month of April of the following year. The seminars are held one evening each week and cover a wide variety of subject matter that is pertinent to the position of assistant director. The seminars are not compensable.

D LAY-OFF PERIODS

Acceptance into the program does not represent a guarantee of continuous employment. All trainees should be prepared to cope with periods of unemployment. Trainee employment is dependent upon the general employment and production status of the entire industry, and is contingent on the cooperation of Producers who are the trainee's employers.

E ENTRANCE REQUIREMENTS

To be eligible to apply to the Assistant Directors Training Program for the year 1977, an applicant must meet both of the following basic minimum qualifications:

- 1) Either:
 - (a) Graduation from an accredited four-year college or university. This must be evidenced by an official transcript of all college or university educational records, together with a copy of proof of college or university degree; or in lieu thereof,
 - (b) Evidence of suitable equivalent which can include college credits and/or experience derived from employment in the motion picture industry subsequent to the applicant's eighteenth birthday. Such evidence must include confirmations of employment by your employer(s) indicating the

occupational, and showing dates for each job so that the exact number of days, weeks or months that you were employed in any one occupation in the motion picture industry can be clearly determined. Special forms to be used for submitting such confirmation(s) of employment for each employer are to be secured by request at the Assistant Directors Training Program office. Work equivalency as defined herein is confined to experience derived from employment in the motion picture industry. Work experience in theatre, live television or any other allied art will not be acceptable. If you intend to file an application under the work equivalency clause using any college credits as a portion, you must file transcripts in addition to the work equivalency forms.

- 2) United States citizenship or permanent resident status in the United States evidenced by documentary proof in the form of a copy of one of the following:

- 1) Birth certificate
- 2) Selective Service Registration Card,
- 3) DD 214

Failure to submit any of the documents or proofs required by the foregoing by March 1, 1977 will result in your ineligibility to take the aptitude test. The only exception will be in the case of students applying under 1) (a) who have not yet received their college degree but who will graduate no later than June 30, 1977. Such students must, prior to March 1, 1977, submit a transcript of their college courses completed to date or a letter from the Registrar's office indicating the probability of graduation by June 30, 1977 and the proof of their citizenship or permanent resident status. Such students will then have until July 9, 1977 to submit proof of graduation.

F HOW TO APPLY

If you meet the foregoing qualifications and desire to be considered as a candidate for the training program, please request an application by writing to the address on the reverse side of this brochure.

Criteria Used For Interviewing

ASSISTANT DIRECTORS TRAINING PROGRAM

The screening process utilizes the services of the six members of the Screenings and Admissions Committee who are also members of the Board of Trustees of the Training Program. The Committee has been very consistent for the past few years with four of the same members serving for at least 7 years.

Each applicant is given a 20 minute interview. The opening questions are always given by the same Committee member, Mr. Marshall Green. He asks the applicant to inform the Committee of his background, why he (or she) would like to become part of the program etc. From that point on, the questions relate to the specific information that is given the Committee by the applicant. Toward the conclusion of the interview, one of two Committee members asks a hypothetical question to test the reaction from the applicant. The question is usually a complex one with several correct answers, but it does relate to problem solving, a subject which any good assistant director should be able to handle with ease. At the conclusion of the interview, each applicant is rated on the evaluation sheet. The task of the Committee is literally to rank all the candidates, with the one receiving the highest score being on the top of the list. These results are then combined with the Aptitude Test results and a final combined score is achieved. The Committee then recommends a specific number of candidates to the Board of Trustees. The Board either accepts that number or changes it.

CAMERA ASSISTANT TRAINING PROGRAM

CONTRACT SERVICES ADMINISTRATION TRUST FUND
8460 BEVERLY BOULEVARD
HOLLYWOOD, CALIFORNIA 90048
653-2200

A program to offer training for the position of Assistant Cameraman in the Motion Picture Industry has been established under an agreement between the I.A.T.S.E. and its Local 659 and the Association of Motion Picture & Television Producers. The training period consists of 200 actual work (training) days within a period of approximately one year. Upon satisfactory completion of the program, the trainee's name will be placed on the Industry Experience Roster in Group I as an Assistant Cameraman.

The Assistant Cameraman is responsible for assisting the 1st Assistant Cameraman in the use of all Motion Picture photographic equipment such as making all hand tests, placemarks, running tapes, preparing photographic logs and reports, handling the slates or clapsticks, reloading all magazines, and also is responsible for setting up, dismantling and moving all motion picture photographic equipment.

Trainees will be paid at the rate of \$150.00 for a forty hour work week. It is contemplated that a total of 10 applicants will be selected to begin training as Assistant Cameramen on or about August 1, 1975.

To supplement the on-the-job training, a seminar program will be conducted during the approximate 1-year training period. The seminars will cover a wide variety of subject matter pertinent to the position of Assistant Cameraman. Seminars are non-compensable.

To be eligible to apply to the Assistant Cameramen Training Program for the year 1975, an applicant must meet all of the following requirements:

1. Possess a High School Diploma or General Education Development equivalency (G.E.D.)
2. Have U.S. Citizenship or permanent residence status.
3. Be at least 18 years of age.
4. Possess the physical ability to perform the duties of the job.

-2-

If you meet such requirements for the training program, you may request an application form by writing to the Assistant Cameramen Training Program, 8480 Beverly Boulevard, Hollywood, California 90048. You may also request an application by telephoning 653-2200, ext. 227.

All applicants applying to the program must submit proof of graduation or G.E.D. equivalent by sending in a copy of their diploma along with the application form. Applicants who are finally selected as trainees for the program will be required to submit proof of U.S. Citizenship or permanent residence status with a copy of one of the following: a birth certificate, D.D. 214, or Selective Service Registration Card.

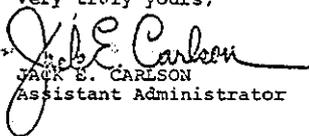
The final date for receiving and accepting the application will be Friday May 23, 1975. APPLICATIONS NOT SUBMITTED TOGETHER WITH HIGH SCHOOL DIPLOMA OR GENERAL EDUCATION DEVELOPMENT (G.E.D. equivalent) BY MAY 23, 1975 WILL NOT BE CONSIDERED.

All applicants who meet the requirements will be required to take a Screening Test administered by the Testing Bureau of the University of Southern California for which a \$10.00 fee, to defray administration of the test, will be charged to each applicant at the time of taking the test. The Screening Test is scheduled for Saturday, June 14, 1975. It is important to note that this is the only date and place in which the test will be given. Applicants who are eligible to take the test will be notified in writing as to the exact time and place of reporting. It is contemplated that only a limited number of applicants who take the test will be selected for a personal interview.

Applicants will be notified by mail if they are selected for an interview. The purpose of the interview is to acquaint the Committee with the applicants' background and general suitability for the training program. The final selection of trainees will be based upon the Screening Test rating and the personal interview which will include consideration of the applicants' basic photographic knowledge and/or experience. The results of the interview will be mailed to each applicant subsequent to the conclusion of the interview process. All ten applicants selected for the program will be required to take and pass a physical examination which will be administered by a CSATF physician..

REMEMBER: FRIDAY, MAY 23RD IS THE FINAL DATE FOR RECEIPT AND ACCEPTANCE OF APPLICATIONS.

Very truly yours,


JACK E. CARLSON
Assistant Administrator

Criteria Used For Interviewing (Page 2)

CAMERA ASSISTANT TRAINING PROGRAM

The interviewing and selection of applicants for the Camera Assistant Training Program is accomplished by the members of the Training Committee. The operation is very similar to that used by the Assistant Directors Training Program. Each applicant is given a 10 minute interview. The Chairman of the Committee, Mr. Ron Bruno, begins the questioning by asking the applicant to tell the Committee about his (or her) background. Mr. Bruno usually follows with a few more questions concerning the applicant's experience, why he wants into the program, what are his goals etc. Then one of several committee members is chosen to ask the applicant 10 technical questions which are chosen from the list that is attached. Each applicant is rated on the score sheet, then the scores are combined with the scores on the Aptitude Test and Mr. Bob Jones produces a final composite list. The Committee then selects the top 10 candidates for the program.

LOCAL #44 - AMPTP JOINT APPRENTICESHIP PROGRAM
(PROPERTY CRAFTSMEN)

AN EQUAL OPPORTUNITY EMPLOYER

JOINT APPRENTICESHIP COMMITTEE
MOTION PICTURE EMPLOYERS AND
AFFILIATED PROPERTY CRAFTSMEN LOCAL NO. 44 - I.A.T.S.E. & M.P.M.O.
8160 BEVERLY BOULEVARD • HOLLYWOOD, CALIFORNIA 90048

NOTICE OF APPRENTICESHIP OPPORTUNITY
Motion Picture Employers-Local #44 Affiliated
Property Craftsmen, I.A.T.S.E. & M.P.M.O.

Applications for the Propmakers Apprenticeship Program, jointly established by Motion Picture Employers and Local #44 Affiliated Property Craftsmen, will be distributed from October 18, 1971 through December 2, 1971. APPLICATIONS WILL NOT BE FURNISHED ON TELEPHONE REQUEST OR SENT OUT BY MAIL.

In order to obtain an Application, you must apply in person, during the above stated period, only, to I.A.T.S.E. Affiliated Property Craftsmen Local #44, at 7429 Sunset Boulevard, Hollywood, California. Hours: 10:00 a.m. to 12 Noon, and 2:00 p.m. to 4:00 p.m., Monday through Friday.

PLEASE NOTE THAT FILING AN APPLICATION DOES NOT CONSTITUTE A BONA FIDE OFFER OF EMPLOYMENT. THE PURPOSE OF SOLICITING APPLICATIONS AT THIS TIME IS SOLELY FOR THE PURPOSE OF ESTABLISHING A LIST OF ELIGIBLE SELECTEEES FOR ASSIGNMENT AS THE NEED ARISES.

BEFORE YOU REQUEST, OR RETURN, THE OFFICIAL APPLICATION FORM, IT IS IMPORTANT THAT YOU MAKE A PERSONAL EVALUATION OF YOUR OWN QUALIFICATIONS IN ORDER TO DETERMINE THAT YOU MEET THE BASIC MINIMUM REQUIREMENTS WHICH ARE AS FOLLOWS:

- 1) An applicant must have attained his 18th birthday and not yet have attained his 26th birthday as of December 2, 1971. However, extra time up to a period not exceeding four (4) years shall be allowed beyond such 26th birthday to compensate for any time during which applicant has been in active full-time duty in the regular Armed Forces of the United States.

- 2) Successful completion of a minimum number of twelve (12) school semesters in subjects as indicated below:

GROUP I	Woodworking)	2 Semesters or more required
	Cabinet Making)	From this Group.
	Carpentry)	
GROUP II	Basic Math)	
	Basic Shop Math)	2 Semesters or more required
	Algebra)	From this Group.
	Geometry)	
	Physics)	
GROUP III	Crafts)	
	Plastics)	The balance to complete 12
	Leather)	Semesters may come from this
	Woodcarving)	Group.
	Mechanical Drawing)	
	Machine Shop)	
	Auto Shop)	
	Electricity Shop)	
	Sheet Metal)	
	Welding)	
	Elec. Welding)	
	Acetylene Welding)	
	Weldarc)	
	Print Shop (Gr. Arts))	
	Architectural Drawing)	

(OVER)

To become eligible for a personal interview with and final selection by the Joint Apprenticeship Committee, applicants must provide the following:

- 1) Completed, signed Application Form.
- 2) Authentic proof of age. (See attached "Instructions Concerning Proofs of Age").
- 3) High School Diploma or G.E.D. Equivalent.
- 4) Official transcript(s) of Junior High School, Senior High School and of any Post-High School Educational Records and Grades. "Student" copies of transcripts are not acceptable. Transcripts of credits obtained while in military service are not acceptable.
- 5) Copy of United States Military Service and Discharge (DD214), if any--required if requesting consideration for time spent in U.S. military service, if over age limit.

Applicants selected by the Joint Apprenticeship Committee will be required to pass a medical examination, including a Color Perception Test, arranged and provided by the Committee at no cost to applicant.

* * * * *

HOURLY RATES OF PAY FOR APPRENTICES

7305 Apprentice Prod Maker

1st 1000 hours worked	\$3.22
2nd 1000 hours worked	3.325
3rd 1000 hours worked	3.58
4th 1000 hours worked	3.84
5th 1000 hours worked	4.09
6th 1000 hours worked	4.295
7th 1000 hours worked	4.55
8th 1000 hours worked	4.81

* * * * *

JOB DESCRIPTION

LOCAL #44 AFFILIATED PROPERTY CRAFTSMEN I.A.T.S.E.

The Propmaker fabricates, repairs, sets up, maintains, removes and stores props, miniatures and sets for motion pictures from wood, cardboard, plastic, rubber, cloth, metal, clay, and glass; uses hand tools and power tools; sets up and operates various machines such as saws, jointer, mortiser, molder, shaper shears, brake and drill press, soldering and arc or acetylene welding equipment. Does all types of rigging and construction using ropes, cables, chains and lines of all kinds. Installs and operates all such supplies of power as gasoline, diesel, air, water, electrical, manual and all accessories required on a rigging job.

Interested applicants should be strong and active to do strenuous lifting of various materials and equipment; should be able to work from high ladders and scaffolding and possess manual dexterity to be able to work with hand and power tools.

APPLICATIONS AVAILABLE FROM:

I.A.T.S.E. Local #44
7429 Sunset Boulevard
Hollywood, California 90046

(MUST APPLY IN PERSON)

HOURS: 10:00 a.m. to 12 Noon, and 2:00 p.m. to 4:00 p.m., Monday through Friday -- October 18 through December 2, 1971, only.

PUBLICISTS TRAINING PROGRAM

1976--1977
PUBLICISTS TRAINING PROGRAM

I. Selection for Interview

- A. Applications will be mailed out to all who request one.
- B. Applicants will be required to include with their application a sample of their writing abilities written around any situation. Phraseology, spelling and punctuation would also be points of consideration.
- C. The selection committee would then be charged with the task of reading each literary piece submitted.
- D. After narrowing down of applicants is made from the works submitted, the balance would then be called in to the CSATF office (sans committee) to read a script and determine an appropriate publicity/advertising campaign. (Guidelines are to how to proceed, examples, etc. would be given in advance). The Committee then reads each campaign submitted.

STEP 1

STEP 2

II. Interview

After the initial selection processes, interviews would be held by the committee. Each interview would include:

- A. Questions by the Committee regarding how the applicant became interested in publicity and why;
- B. Questions by the Committee regarding the description of any writing assignment performed by the applicant;
- C. A verbal description by the applicant of how he would handle a specific stressful situation. (Publicity persons must have a flexible personality combined with good common sense.)

STEP 3

The final step would be for the Committee to meet and each committee member to choose his/her particular trainee(s).

LOCAL #40 - AMPTP JOINT APPRENTICESHIP PROGRAM
(WIREMEN AND AIR CONDITIONING)

AN EQUAL OPPORTUNITY EMPLOYER

JOINT APPRENTICESHIP COMMITTEE
 MOTION PICTURE EMPLOYERS AND
 INTERNATIONAL BROTHERHOOD ELECTRICAL WORKERS LOCAL NO. 40
 6480 Beverly Boulevard • HOLLYWOOD, CALIFORNIA 90048

January 2, 1976

NOTICE OF APPRENTICESHIP OPPORTUNITY
 1. APPRENTICE WIREMAN (ELECTRICIAN)
 2. APPRENTICE AIR CONDITIONING MECHANIC
 Motion Picture Employers-Local #40

International Brotherhood of Electrical Workers, AFL-CIO

Applications for the Apprenticeship Program, jointly established by Motion Picture Employers and Local #40 International Brotherhood of Electrical Workers, will be distributed from January 12 through January 23, 1976. APPLICATIONS WILL NOT BE FURNISHED ON TELEPHONE REQUEST NOR SENT OUT BY MAIL.

In order to obtain an Application, you must apply in person, during the above-stated period, only, to I.B.E.W. Local #40, 3353 Sarham Boulevard, Hollywood, California 90068. Hours: 7:00 p.m. to 1:00 p.m., Monday thru Friday.

PLEASE NOTE THAT FILING AN APPLICATION DOES NOT CONSTITUTE A BONA FIDE OFFER OF EMPLOYMENT. THE SOLICITING OF APPLICATIONS AT THIS TIME IS FOR THE PURPOSE OF ESTABLISHING A LIST OF ELIGIBLE SELECTEES FOR ASSIGNMENT AS THE NEED EXISTS. IT IS EXPECTED THAT APPROXIMATELY 25 APPLICANTS WILL BE PLACED DURING THE NEXT TWO YEARS.

BEFORE YOU REQUEST, OR RETURN, THE OFFICIAL APPLICATION FORM, IT IS IMPORTANT THAT YOU MAKE A PERSONAL EVALUATION OF YOUR OWN QUALIFICATIONS IN ORDER TO DETERMINE THAT YOU MEET THE BASIC MINIMUM REQUIREMENTS WHICH ARE AS FOLLOWS:

- 1) AGE: Applicants must have attained a minimum of 18 years of age and not have attained their 32nd birthday as of January 23, 1976. However, extra time up to a period not exceeding four (4) years shall be allowed beyond such 32nd birthday to compensate for the time during which applicants have been in active full-time duty in the regular Armed Forces of the United States.
- 2) SUPPORTING DOCUMENTS: To become eligible for a personal interview with, and final selection by, the Joint Apprenticeship Committee, applicants must provide the following documents:
 1. Completed, signed Application Form.
 2. Authentic proof of age. (See attached "Instructions Concerning Submission of Proofs of Age").
 3. Copy of High School Diploma or G.E.D. Equivalent.
 4. Successful completion (passing grades) of a minimum of two (2) semesters in ALGEBRA, evidenced by official school transcripts.
 5. If over age limit, a copy of United States Military Service and Discharge (DD- 214) is required.

Applicants selected by the Joint Apprenticeship Committee will be required to pass a medical examination, including a Color Perception Test, arranged and provided by the Committee, at no cost to applicant.

In order to become eligible for such personal interview with, and final selection by, the Joint Apprenticeship Committee, applicants for the Wireman's Program must successfully complete and pass an Aptitude Test arranged by the Committee. At present, an Aptitude Test for the Air Conditioning Program is not available.

(OVER)

JOB DESCRIPTIONS

1. WIREMAN (Electrician) APPRENTICE: General studio electrical work consisting of: electrical construction of power and lighting; installation, maintenance, testing and repairing of various electrical systems and equipment, including motors and generators. Installs, maintains and repairs intercommunication, public address, electric eye and signal systems. Prepares sketches showing location of all wiring and equipment. Follows diagrams or blueprints. Writes requisitions for electrical parts; keeps simple records such as a daily log.

2. AIR CONDITIONING APPRENTICE: Maintenance, handling and repair of various refrigeration systems and heating units, permanent and portable: refrigerators, ice-making machines and swamp coolers; ventilation motors and fans; pump motors, water seals and electrical controls on permanent and portable boiler units.

(Interested applicants for either Program should be strong and active enough to do strenuous lifting of heavy equipment, material and tools. They must be able to work in areas of drafts and temperature changes and have the ability to work from high ladders and scaffolding. Both of these jobs require stamina for constant physical activity and alertness to work on one's feet for the entire shift).

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COMMENCING HOURLY RATES OF PAY FOR APPRENTICES

1. Wireman (Electrician): 4-year Program
* \$4.786 per hour
effective February 1, 1976
2. Air Conditioning Mechanic: 3-year Program
* \$4.723 per hour
effective February 1, 1976

* With increases after each 1,000 hours of satisfactory completion until Journeyman status is attained.

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APPLICATIONS AVAILABLE ONLY FROM:

I.B.E.W. Local #40
3353 Barham Boulevard
Hollywood, California 90068

MUST APPLY IN PERSON

HOURS: 2:00 p.m. to 3:00 p.m., Monday through Friday
January 12 through January 21, 1976, only.

NOTE: DO NOT RETURN APPLICATION FORM OR ANY DOCUMENTS TO LOCAL #40'S ADDRESS. THESE MUST BE SUBMITTED EITHER IN PERSON OR BY MAIL TO: LOCAL #40, I.B.E.W., JOINT APPRENTICESHIP COMMITTEE, 8480 BEVERLY BOULEVARD, HOLLYWOOD, CALIFORNIA 90048. ATTN: MR. L. K. BROWN.

APPLICANTS ARE RESPONSIBLE FOR SATISFACTORY AND TIMELY SUBMISSION OF ALL REQUIRED DOCUMENTS, WHICH MUST BE POSTMARKED OR RECEIVED BY THE COMMITTEE AT ITS BEVERLY BOULEVARD ADDRESS NOT LATER THAN FEBRUARY 16, 1976.

CRITERIA FOR INTERVIEWING

ALL APPLICANTS WHO MEET THE MINIMUM QUALIFICATIONS,
(SEE INFORMATION LETTER) ARE GIVEN AN APTITUDE TEST BY
THE STATE OF CALIFORNIA, EMPLOYMENT DEVELOPMENT DEPARTMENT,
1525 SOUTH BROADWAY, LOS ANGELES, 90015. IT IS DESIGNATED
AS TEST BATTERY S-72, OAP 24 ELECTRICIAN, CODE #824.281.
THE APTITUDE TEST IS ONLY ADMINISTERED TO CANDIDATES FOR
THE ELECTRICAL PROGRAM, NOT FOR MAINTENENCE AIR CONDITIONING.

JOINT APPRENTICESHIP COMMITTEE
MOTION PICTURE EMPLOYERS - ELECTRICAL WORKERS LOCAL 40, I.B.E.W.

APPRENTICE APPLICANT EVALUATION - ORAL INTERVIEW

Applicant _____ Evaluator's Initials _____

Interview - Date: _____ Time: IN _____ OUT _____

	<u>Maximum</u>	<u>Score</u>
A. ATTITUDE	20	A. _____
B. CONFIDENCE	20	B. _____
C. ORAL RESPONSE	20	C. _____
D. STABILITY	20	D. _____
E. MOTIVATION	20	F. _____

TOTAL SCORE

