

Phyllis W. Cheng is the current Director of the Department of Fair Employment and Housing. She was formerly Vice Chair of the Fair Employment and Housing Commission, where she served for two terms.



## FEHA History-Makers

*You must be the change you wish to see in the world.*  
— Mahatma Gandhi

By Phyllis W. Cheng

On this 50th anniversary of the Fair Employment and Housing Act (Cal. Gov't Code §§ 12900–12996) (FEHA), it is fitting to take a look back on the history-makers who spearheaded and developed our nation's most expansive state civil rights law.<sup>1</sup>

### THE EARLY PIONEERS

#### Threatened March on Washington

In 1941, civil rights leaders A. Philip Randolph and Bayard Rustin began to organize a 100,000 person March on Washington to protest against discrimination in the defense industries. Californian Cottrell Laurence “C. L.” Dellums, a leader of the Brotherhood of Sleeping Car Porters, was one of the organizers.

#### Executive Order 8802

That same year, to call off the March on Washington, President Franklin D. Roosevelt issued Executive Order 8802,<sup>2</sup> to establish a national Fair Employment Practices (FEP) Commission to handle complaints of race, creed, color, or national origin discrimination.

In 1945, with little power to handle complaints, the national Commission disbanded.



President Franklin D. Roosevelt



National Fair Employment Practices Commission

Thereafter, fair employment practices legislation was introduced in five states: California, New York, Pennsylvania, Massachusetts, and New Jersey. All adopted laws except California.

#### Cal Committee and March on Sacramento

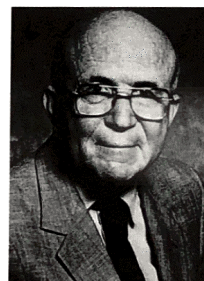
In 1945, 1949, 1951 and 1953, California's FEP bills, sponsored by Assembly members Augustus Hawkins and Byron Rumford, were rejected. In 1946, Californians rejected Proposition 11 to adopt a FEP measure.

In 1953, the California Committee for Fair Employment Practices (Cal Committee)<sup>3</sup> mounted a March on Sacramento with hundreds to point out the need for FEP legislation. Even though the march appeared to turn the tide on public opinion, legislative efforts continued to be unsuccessful. Despite repeated defeats, the Cal Committee continued to press for FEP legislation from 1953 to 1959.



Cal Committee Forum with C.L. Dellums at Podium

These early pioneers included Assembly members Augustus Hawkins and Byron Rumford, and labor leader C.L. Dellums.



Assembly member Augustus Hawkins



Assembly member Byron Rumford



Labor leader C.L. Dellums

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**THE FAIR EMPLOYMENT PRACTICES ACT**

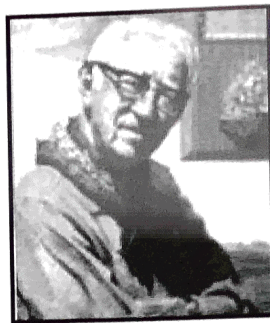
On April 16, 1959, Governor Pat Brown signed into law California's Fair Employment Practices Act (FEPA), which took effect September 18, 1959.



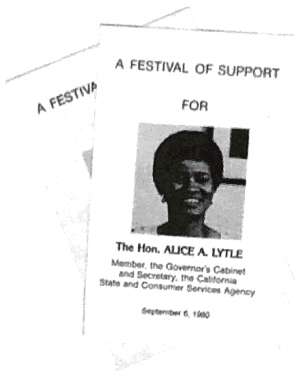
*Governor Pat Brown signs the Fair Employment Practices Act into law on April 16, 1959. Joining the ceremony (left to right) are: William Becker, Jewish Labor Committee; Senator Richard Richards (D-LA County); Neil Haggerty, California Labor Federation; Senator George Miller (D-Contra Costa County); Nathan Colley, NAACP; Assembly member Byron Rumford (D-Berkeley and Oakland); C.L. Dellums, Sleeping Car Porters and NAACP; Max Mont, Jewish Labor Committee; Assembly member Augustus Hawkins (D-LA); and Franklin Williams, NAACP.*

The FEPA prohibited discrimination in employment on the basis of race, religious creed, color, national origin, and ancestry. The Act's jurisdiction included employers of five or more persons, labor organizations, employment agencies, and any person aiding or abetting the forbidden actions.

The new law established a five-member Fair Employment and Practices Commission (FEPC)<sup>4</sup> appointed by the Governor, and an administrative agency, the Division of Fair Employment and Practices,<sup>5</sup> housed in the Department of Industrial Relations, to carry out the policies of the Commission.



*John Anson Ford  
First FEPC Chairperson*



*Alice Lytle, Former Chief, Division of Fair Employment Practices*

**THE RUMFORD FAIR HOUSING ACT**

The 1963 Rumford Fair Housing Act barred discrimination on the bases of race, color, religion, national origin, and ancestry in the sale and rental of housing accommodations.

Massive resistance to passage of the Rumford Fair Housing Act led to voter passage of Proposition 14, a constitutional amendment prohibiting limits on a landlord's absolute discretion to refuse to sell or lease real property. Following the 1964 election, the federal government cut off all housing funds to California. Finally, in 1967, the United States Supreme Court declared Proposition 14 unconstitutional in *Reitman v. Mulkey*, 387 U.S. 369 (1967). Thereafter, the Rumford Act was restored.

**THE FAIR EMPLOYMENT AND HOUSING ACT**

In 1980, Governor Jerry Brown and the Legislature reorganized civil rights enforcement. The FEPA and the Rumford Act were combined and renamed as the Fair Employment and Housing Act (FEHA) to protect Californians from both employment and housing discrimination.



*Governor Jerry Brown*

Under the FEHA, the Department of Fair Employment and Housing (DFEH)<sup>6</sup> investigates, conciliates, and prosecutes discrimination complaints, and the Fair Employment and Housing Commission (FEHC)<sup>7</sup> adjudicates these claims and promulgates regulations.

Hundreds of thousands of FEHA cases have been investigated, conciliated, and prosecuted by the DFEH to date. Many of these cases resulted in California Supreme Court and United States Supreme Court decisions.



*Lydia I. Beebe, former FEHC Chairperson, Headed the Commission for two terms, ruled on more than 100 decisions and promulgated four sets of administrative regulations, including the California Family Rights Act.*



*In California Federal Savings and Loan Ass'n v. Guerra, 479 U.S. 272 (1987), then-Supervising Deputy Attorney General Marian Johnston successfully argued before the United States Supreme Court that pregnancy disability leave under the FEHA was not preempted by Title VII.*





*Steven C. Owyang served as the Executive and Legal Affairs Secretary for the FEHC for 20 years. During this time, Steve worked with Commissioners appointed by four Governors; led the FEHC to conduct its own administrative hearings with knowledgeable administrative law judges; assisted the Commission in issuing numerous precedential decisions that expanded the FEHA; and was instrumental in the promulgation of regulations on the California Family Rights Act, sexual harassment, pregnancy disability, physical disability, and administrative procedures.*



*Nancy C. Gutierrez was Director of the DFEH from 1991-1999. During the eight years she served in this capacity, Nancy filed hundreds of FEHA accusations before the FEHC and numerous civil complaints, modernized the Department, established its Communications Center and TTY lines, computerized its case processing system, formulated timelines and processes for the investigation of complaints, and improved customer service.*

The FEHA's half-century of achievements was made possible by the work of these valiant pioneers and many other champions of the law. The fiftieth anniversary of the Act promises to launch a challenging new chapter for civil rights in California. ☞

## ENDNOTES

1. *See generally*, The Annual Symposium, California's Golden Years: Preserving Civil Rights—The Work, The Joy, The Pain, 40th Anniversary Celebratory Luncheon, Fair Employment and Housing Act 1959-1999 (hereafter, FEHA 40th Anniversary Brochure.)
  2. See the text of Executive Order 8802 in the FDR Library at: <http://www.fdrlibrary.marist.edu/od8802t.html>. An image of the signed Executive Order may be viewed at [http://www.ourdocuments.gov/doc\\_large\\_image.php?flash=true&doc=72](http://www.ourdocuments.gov/doc_large_image.php?flash=true&doc=72).
  3. The Cal Committee pioneers included: Susan D. Adams, Frank Barnes, Helen Biales, Harry Block, Wesley Brazier, Dr. H.H. Brookins, Assembly member Philip Burton, Rev. E. Dean Canady, Rev. H.B. Charles, Cesar Chavez, Frank Chuman, Susie Clifton, Controller Alan Cranston, Rev. Maurice A. Dawkins, John Despol, Rev. John N. Doggett, Jr., Rev. St. Paul Epps, Harry Finks, John Anson Ford, Nathan Gierowitz, Robert Giesick, Jack Goldberger, Charleton B. Goodlet, M.D., Gwen Green, Albin J. Gruhn, George Hardy, John F. Henning, Dr. Claude B. Johnson, Rev. Wilbur R. Johnson, Dr. Julian J. Keiser, Hideo Kodani, Rev. C. Travis Kendall, Rev. N. Robert Kesler, Hon. Stanley Mosk, Thomas Neusom, Hon. Isaac Pacht, Pearl Paull, Sam Paull, Rev. Ernest Pipes, Terea Hall Pittman, Rev. Earl A. Pleasant, William Pollard, Alfred K. Quinn, Sven Reher, Senator Richard Richards, Anthony Rios, J.J. (Rod) Rodriguez, Joseph Roos, Los Angeles City Councilmember Edward R. Roybal, Dr. Carl W. Segerhammer, Paul Schrade, Dr. Otto Schim, Fred Schreiber, Harvey Seifert, Leslie Shaw, Dr. Carroll L. Shuster, William Sidell, Rev. John G. Simmons, Rabbi Matthew Simon, Lionel Steinberg, Isadora Sensor, George L. Thomas, Hon. Matthew Turbine, Rev. D. Dewitt Tourneau, Jr., Herbert Ward, Carmen Warschaw, Rev. Kenneth Watson, Rev. Saul E. White, Franklin H. Williams, Joseph Wyatt, Jr., and David Ziskind. (FEHA 40th Anniversary Brochure.)
  4. The original FEPC Commissioners included: John Anson Ford, Chair; Elton Brombacher; C.L. Dellums; Carmen Warschaw; and Dwight Zook. (FEHA 40th Anniversary Brochure.)
  5. The Chiefs of the Division of Fair Employment Practices included: Edward Howden, Peter Johnson, JoAnne A. Lewis (last), Hon. Alice Lytle, Paul Meaney, Roger Taylor, and Charles Wilson. (FEHA 40th Anniversary Brochure.)
  6. The Directors of the DFEH include: Suzanne Ambrose, Phyllis W. Cheng (current); Mark Guerra, Nancy C. Gutierrez, Hon. Dennis W. Hayashi, Dorinda V. Henderson, Hon. Talmadge Jones, and JoAnne Lewis (first). (FEHA 40th Anniversary Brochure and updated DFEH records.)
  7. FEPC and FEHC Chairpersons include: Lydia I. Beebe, C.L. Dellums, John Anson Ford, Clive Graham, Pier Gherini, Osias Goren, Betty Lim Guimares, John A. Martin, Jr., Cruz Sandoval, Carmen Warschaw, and George Woolverton (current). (FEHA 40th Anniversary Brochure and updated DFEH records.)
- FEPC and FEHC Commissioners include: Patrick Adams, Paul Bannai, Omar Barbosa, George Bond, Carlos Bustamante, Dave Carothers (current), Phyllis W. Cheng, Euiwon Chough, Donald Diers, Lisa Duarte, Carol Freeman (current), Louis Garcia, Lois Graham, Mark Guerra, Catherine F. Hallinan, Tamiza Hockenhull, Thomas Hom, Harvey Horikawa, T. Warren Jackson, Hon. Michael Johnson, Theron Johnson, Joseph Julian, Stuart Leviton (current), Ronald Lucas, Art Madrid, Helen R. Mars, Georgia Megue, Catherine Montgomery, Mauricio Munoz, Linda Ng (current), Patricia Perez (current), Charles Poochigian, Anna Ramirez, Ann Ronce, Henry Rodriguez, Joseph Roos, Herschel Rosenthal, Stella Sandoval, Virginia Sanchez, Elsa Saxod, Hon. Milan Smith, Joan Sparks, Brenda St. Hilaire, Audrey Sterling, J.M. Stuchen, Michael Vader, Ann-Marie Villicana, Susan Weiner, Naomi Young. (FEHA 40th Anniversary Brochure and updated DFEH records.)
- FEPC Executive and Legal Affairs Secretaries include: David A. Garcia, Ann M. Noel (current), and Steven C. Owyang. (FEHA 40th Anniversary Brochure and updated DFEH records.)