

*file  
Crown  
Zellerbach*

D. Robert Owen  
First Assistant

July 24, 1967

John Dear  
Assistant Attorney General  
Civil Rights Division

JUL 25 1967

Attached is a memo on Crown Zellerbach suit.  
If the facts are as bad on testing as alleged, I  
wonder why we didn't file a suit. Certainly we  
have spent enough man hours on bargaining. Will  
you review our file and see whether anything  
constructive can be learned.

cc: Norman  
Turner  
Viss ✓  
Kirby

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Note to Editors: This story is being released simultaneously in New York and New Orleans, Louisiana.

Note to Editors: Your coverage of the trial, upon its resumption Monday, July 24, in New Orleans is invited.

Press Release

For immediate release

CROWN ZELLERBACH CHARGED WITH RACIAL DISCRIMINATION

Federal Court Hears Allegations of Employment Bias  
in Louisiana Plants

New York and New Orleans, July 21:

The trial of the most significant employment discrimination case yet before the courts under the Civil Rights Act of 1964 will resume in the U.S. District Court in New Orleans next Monday (July 24).

One of the leading business corporations in the country, Crown Zellerbach, stands accused of racial bias in the hiring and promotion of its employees at Crown's manufacturing complex in Louisiana. The plaintiff is Robert Hicks, a Negro employee in the corrugator department of Crown's cardboard box plant

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in Bogalusa, La., who has been the leader of the civil rights forces in that eastern Louisiana town during the period of its greatest turbulence in 1965 and 1966.

The outcome of the trial will have major implications for industry generally on the problems of personnel psychological testing and on employment discrimination, whether engaged in intentionally and openly or tolerated and supported by customary hiring and promotion practices.

Richard B. Sobol, Louisiana staff counsel of the Lawyers Constitutional Defense Committee, a civil rights lawyers group, represents Mr. Hicks. Associated with Mr. Sobol in the trial of the case is George Cooper, a New York law professor. The New Orleans law firm of Jones, Walker, Waechter, Pointevent, Carrere & Denegre are attorneys for Crown Zellerbach. James E. Youngdahl of Little Rock, Arkansas, represents the International Brotherhood of Pulp, Sulphite and Paper Mill Workers and both its all-white and all-Negro locals in Bogalusa, which are co-defendants with Crown Zellerbach.

Most of the issues in the trial have never before been brought before a federal court for adjudication. The issues in the trial arise under the equal employment opportunity section --- Title VII -- of the 1964 Civil Rights Act. They involve:

-- The use of psychological personnel testing in hiring and promotion of employees;

-- more --

-- "lines of progression" (i.e. promotion possibilities in closely related work) arranged to effectively deny promotion opportunity to Negroes;

-- seniority arrangements wherein Negro employees lose seniority rights by entering a formerly all-white line of progression; and

-- requirements whereby Negro employees who wish to qualify for a superior job that was formerly reserved for whites have to take a reduction in pay.

The trial was recessed on June 30, after a week's testimony on the use of psychological testing. The remaining issues will be tried beginning next Monday before Judge Frederick J.R. Heebe in the U.S. District Court for the Eastern District of Louisiana.

Mr. Hicks' complaint was originally filed over a year ago, on June 16, 1966, after the federal Equal Employment Opportunity Commission failed in its efforts to have Mr. Hicks' charges resolved by conciliation. A great deal of evidence has been gathered in the interim by both sides in depositions and relevant documents. A number of nationally known experts on psychological testing appeared in the first stage of the trial last month.

In the fall of 1963, Crown management in Bogalusa began requiring personnel testing for job applicants. Since March 1964, when Crown removed the formal racial restrictions that had categorized every plant-job as either Negro or white, Crown has required employees to take these tests if they wanted to transfer



to jobs formerly reserved for whites. No employment tests are required for white employees already in these jobs, either to keep the jobs or to secure higher paying jobs in the same line of progression. No transfer tests are required in any similar plant operated by Crown Zellerbach elsewhere in this country. The suit alleges that the personnel tests do not actually measure skills required for the jobs involved and that the tests are in effect biased against Negroes. Expert witnesses have supported this allegation.

The Equal Employment Opportunity Commission has promulgated official guidelines for psychological personnel testing as it relates to racial discrimination in employment. These guidelines require that the tests must be shown in actual practice to relate to the job-skills required. The lawsuit against Crown Zellerbach in effect submits these guidelines to the federal courts. Section 703(h) of the Civil Rights Act of 1964 (the so-called "Tower Amendment") permits psychological employee testing if the tests are "professionally developed" and are not used to discriminate against Negroes. Mr. Hicks alleges that Crown's tests were not developed for the use to which Crown puts them and that they have actually been used to reject four times as many Negroes as whites among job applicants.

Crown Zellerbach employs about 2,500 persons in Bogalusa. Until the spring of 1964, all jobs at the Crown plants in Bogalusa were classified as either Negro or white, the Negro jobs being confined to the lower categories. The end of formal racial restrictions on jobs brought about only minor changes in the Negro

and white lines of progression and promotion practices. In effect, Negro employees continue to be denied access to higher jobs from which they are no longer officially barred. What is demanded in the lawsuit is a merger of the Negro and white lines of progression, to give Negroes equal access to promotion.

For example: In most departments in the plant, the top of the Negro line of progression ranks below the lowest paid job in the white line. In the Bogalusa plant, a Negro who now enters into the white line of progression loses his seniority, irrespective of the number of years he has worked in the same department. He must compete with every employee in the plant and, in addition, pass the written personnel test, which was not required of the white employees now in that line of progression.

In rare instances, the highest paid "Negro job" ranks above the lowest paid "white job" (which, however, has greater advancement possibilities). Here, if the Negro employee wants to get a job with a greater future, from which he was previously barred on racial grounds alone, he will now have to take a pay cut. The lawsuit requests that his pay remain the same in such a case and that his seniority in the plant as a whole determine his advancement.

The Lawyers Constitutional Defense Committee of the American Civil Liberties Union is a civil rights lawyers organization, headquartered in New York. It maintains civil rights law offices in Mississippi, Louisiana, and Alabama. Its Chairman is Howard M. Metzenbaum of Cleveland, Ohio; its President is Carl Rachlin, Legal Director of the Scholarship, Education and Defense Fund for Racial Equality. LCDC's Executive Director is Henry Schwarzschild. The national office of the LCDC is at 156 Fifth Avenue, New York City.

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For further information, please contact:

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cc  
Memo to Bob, Don, Tim, Sam, John

Attached is a memo on Am. Radio, Inc. IFTs. The facts are  
as Bobm Testing is alleged, I wonder why we didn't get it  
first file a suit. Certainly we have spent enough  
money in ~~costs~~ carrying. Will you review  
the case file & see if ~~from time~~ whether any  
construction can be learned