

Harold
What you say is correct, but I don't think we need to make it so involved. Wedded talk about this. As I understand it we are agreed that we will accept informal complaints, as we always have done, if the person will give us sufficient facts to cause us to look into a situation

February 13, 1957

Memorandum

To: John P. Willigen
From: Har. W. Lett
Subject: Division Initiated Complaints

I have had an exchange of correspondence and a long telephone conversation with Arthur Chapin in the course of discussing with him the processing of an informal complaint against a manufacturing firm in the state. Mr. Chapin merely reported that his union people have charged this complaint with racial discriminatory practices, asking us to enter into an investigation of the plant.

JPM
2/15/57

I expressed some reluctance in entering into an investigation of the particular plant under these circumstances, pointing out the rather futile gesture that it suggested unless we have an aggrieved person upon whom we can base an actual test of operation of the personnel policy. Mr. Chapin countered with a report of an understanding he apparently had with you to the effect that we could accept such informal complaints and process them through the Attorney General or the Commissioner of Labor if our preliminary investigation showed probable cause. Something along these lines that you said only recently at a time that was impossible for us to enter into long discussion, makes me feel that here is an area of some misunderstanding that does need clarification.

I pointed out to Art that theoretically what he said is true and possible to us in the Division; namely, that a general complaint might be entered on the informal level and then if we find sufficient cause that the labor commissioner or attorney general could be asked to file a formal complaint. I pointed out to him, however, that from a practical day to day kind of operation, it means that our staff would find itself bogged down almost completely by fishing expeditions coming out of the suspicions or fears of people that such and such plants or business concerns were indulging in discriminatory operation. I said to him that if we had unlimited staff that was sitting around fiddling thumbs for want of something to do, we then could afford to go into these fishing expeditions. Situated as we are, however, it is much better, much more practicable, and certainly in the long run much more productive of good results if we use the shorter cut of finding persons who can come to us as the aggrieved individuals enabling us then to enter immediately into the formal operation. I can see where if we followed out this theory of informal investigation and appeal ultimately to one of the state officials that we would have them in the embarrassing position of going to bat in innumerable situations where aggrieved persons themselves should be the complainant or plaintiff in the matter. In other words, I tried to make clear to Chapin that to accept this kind of intangible thing from him meant ultimately the pyramiding of heavens knows how many from the other voluntary organizations, who are operating upon nothing other than their zeal and their suspicions, but causing us in the state to meet day to day problems of considerable embarrassment that ultimately could lead to very critical reactions on the part of the legislature and the business public.

I do not see this in conflict with the other position of wishing to have from the legislature the right to initiate complaints on our own. This right, written into the statutes, would give us all of the authority essential including the right of subpoena and all of the drastic steps short of public hearing. We also could enter into public hearing if we had the right to initiate complaints without resorting to placing the attorney general or the labor commissioner in the position of plaintiff in matters of this sort. I believe that the right to involve the commissioner of labor and the attorney general should be reserved for those situations that we know to be flagrant and persistent violations of the law. In other words, I think this should be used sparingly, rather than on the plane that would develop were we to accustom Chapin, Sam Brown, Jim Pawley and all of the executives of civic organizations to take the very easy course of writing their suspicions as a means of initiating complaints. If the State Commission has this kind of understanding, I strongly believe that we should confer on the matter in order to arrive at a very practical and mutually acceptable plan of operation.

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