

LEGISLATIVE HISTORY OF R.S. 10:5-1 thru 10:5-28,  
10:1-1 et seq., 10:2-1 et seq., 10:3-1

(Civil Rights; Law against discrimination)

Laws 1884 Chapter 219, Senate 1, The First Civil Rights Bill was introduced by Mr. Stainsby. The bill appears in three different forms but was finally passed as introduced. The history of its passage is as follows:

- Jan. 8, Introduced.
- Jan. 29, Passed in Senate 19-0.
- Jan. 29, Introduced in Assembly, referred to Revision of Laws Committee.
- Feb. 28, Reported by committee. The majority report favored an amendment. This report was adopted 28-24. This amended bill appears as "Reprinted with amendments." The first and second section of the original bill are substantially changed and broadened. In the last section the fine is reduced from \$5,000 to \$50.

The minority bill headed "Amendments by Mr. Keasby" is the same as the original with the exception of the fine in the last paragraph which is reduced to \$1,000.

- Mar. 19, Second reading. Recommitted to Committee on Corporations.
- Apr. 15, Reported without recommendations. Third reading passed 42-5. Bill reported back to Senate without amendment.

(copy of original bill and amendments enclosed)

L. 1898, Chapter 235 (Crimes - Revision of 1898).

Laws 1917, Chapter 106, Assembly 103; Mr. Glover. The bill with statement is enclosed, also Amendment by Mr. Richards, Amendment by Mr. Stevens, and Second Official Copy Reprint. The history of its passage is as follows:

- Jan. 29, Introduced.
- Feb. 20, Passed in Assembly.
- Mar. 13, Amendment Mr. Richards.
- Mar. 21, Amendment withdrawn. Passed on third reading without amendment.
- Mar. 22, Bill reconsidered.
- Mar. 23, Amendment Mr. Stevens. This amendment changes the second paragraph of the law by making the offender liable not to the person wronged but to the municipality. Passed in Senate in third reading with amendment. Passed in Assembly.

No further material was found on the 1917 law.

DEPOSITORY COPY  
Do Not Remove from Library

Laws 1921, Chapter 174, A89, Alexander. The bill with a short statement is enclosed. The OCR embodies Assembly amendment. Section 2 is completely rewritten and a new paragraph is added giving the aggrieved party the right to sue in the name of the State of New Jersey. The first Senate amendment is enclosed. The second Senate amendment only added "public" on page 2, line 39 before the word "kindergarten" and "primary". The history of its passage is as follows:

Jan. 24, Introduced.  
Feb. 22, Assembly Amendment.  
Mar. 1, Passed amended.  
Mar. 22, Senate Amendment.  
Apr. 4, 2 Senate amendment. Passed.  
Apr. 5, Senate amendments passed in Assembly.

This is all we found on this bill.

L. 1921, Chapter 299 - A212

Extends to women electors equal privilege in holding all offices or employment in the State .

Feb. 7 - Introduced by Laird.  
Mar. 1 - Passed in Assembly.  
Apr. 6 - Passed in Senate.  
Apr. 12 - Approved, Chapter 299.  
Not amended during passage.  
Statement:

This bill is to provide that disabilities may be removed respecting office holding or employment in this State by women.

L. 1933, Chapter 277 - A478

Prohibits discrimination on account of race, creed or color in employment on public works.

Apr. 10 - Introduced by Burrell.  
May 22 - Passed in Assembly.  
June 19 - Passed in Senate, amended.  
June 19 - Senate amendment passed in Assembly.  
June 21 - Approved, Chapter 277.  
Amendment corrected typographical error.  
No statement.

L. 1935, Chapter 247 - A325

Fixes schedule of attorneys' fees allowable as part of costs in actions under 1884 Civil Rights Law.

Jan. 28 - Introduced by Burrell.  
Mar. 19 - Passed in Assembly.  
May 20 - Passed in Senate, amended (cop. encl.)  
June 3 - Senate amendment passed in Assembly.  
June 8 - Approved, Chapter 247.  
Bill had statement (copy. enc.).

L. 1938, Chapter 295 - A445

Forbids State, counties or municipalities to discriminate against applicants by reason of age.

Feb. 28 - Introduced by Pyne.  
Mar. 29 - Amended in Assembly (cop. enc.).  
May 2 - Passed in Assembly, amended (copy enc.)  
May 24 - Passed in Senate.  
June 4 - Approved, Chapter 295.  
No statement.

L. 1938, JR11 (AJR14)

This bill created the Good Will Commission, a predecessor of the Division against Discrimination. The original bill and committee substitute are enclosed.

This is all we were able to locate on this bill. The reports of this Commission are listed below.

974.90 N.J. State Good-will Commission.  
C5815 [Report of formation of commission  
1938 authorized by] Assembly Joint Resolution No.  
11, 1938.

974.90 N.J. State Goodwill Commission.  
C5815 Goodwill Commission, State of New Jersey:  
1939 its purpose and operation. 1939.

974.90 N.J. State Good-will Commission.  
C5815 Good-will Commission, State of New Jersey.  
1940 1940.

974.90 N.J. State Good-will Commission.  
C5815 Procedure for county committees.  
1942a

L. 1941, Chapter 192 - A184

Creates commission to recommend measures to improve economic, cultural, health and living conditions of urban colored population; appropriates \$16,000.

Feb. 17 - Introduced by Hargrave.

Mar. 24 - Passed in Assembly.

Apr. 30 - Passed in Senate.

May 19 - Vetoed by the Governor. (1941 Assy. Min. p. 851 et seq., cop. enc.).

June 3 - Repassed in Assembly.

June 9 - Repassed in Senate.

June 10 - Filed, Chapter 192.

Not amended during passage.

The statement on the bill reads:

The purpose of this bill is expressed in its title.

New Jersey Commission on the Urban Colored Population. Reports of this commission are listed below:

974.90 N.J. Commission on the urban colored population.  
C5815 ... Report from the Welfare commission on the  
1942 condition of the urban colored population in re  
investigation into violation of civil liberties of  
certain residents of Hudson county.

974.90 N.J. Commission on the urban colored population.  
C5815 Fourth annual report... 1946.  
1946

L. 1941, Chapter 247 - A214

Permits citizens to hold office or employment regardless of sex or marital status; forbids discrimination in compensation, promotion or dismissal based on sex or marital status.

Feb. 17 - Introduced by Doremus.

Mar. 24 - Passed in Assembly.

June 23 - Passed in Senate.

June 30 - Approved, Chapter 247.

Not amended during passage.

No statement.

L. 1942, Chapter 114 - A194

Forbids discrimination by reason of race, color or creed in employment on public works or defense contracts.

Mar. 9 - Introduced by Stackhouse.  
Apr. 20 - Passed in Assembly.  
Apr. 27 - Passed in Senate.  
May 4 - Approved, Chapter 114.  
Not amended during passage.  
Bill had statement (cop. enc.)

1945 ENACTMENTS

Chapters 168 to 174 of 1945 created the Division Against Discrimination and broadened all Civil Rights Laws to include "creed, national origin, or ancestry."

1945, Chapter 168 - A184

Forbids discrimination in public places.

Introduced March 12 by Hill.  
Not amended during passage.  
No statement.  
April 16 - Approved.

1945, Chapter 169 - A321

Created Division Against Discrimination; forbids discrimination in employment.

Introduced March 12 by Hill.  
April 6 - Amended in Senate (concerns commissioner of Education).  
April 16 - Approved.  
No statement.

1945, Chapter 170 - A320

Abolishes Good Will Commission.

Introduced March 12 by Hill.  
Not amended during passage.  
April 16 - Approved.  
Statement:

This bill is a companion bill to the anti-discrimination bill. It will result in increasing the appropriation of \$44,350 contained in the anti-discrimination bill to \$50,000.00 by the addition of the \$5,650.00 appropriation for the Good Will Commission, contained in the 1945-46 general appropriation bill.

1945, Chapter 171 - A371

Forbids discrimination in public contracts.

Introduced March 12 by Hill.  
Not amended during passage.  
April 16 - Approved.  
No statement.

1945, Chapter 172 - A372

Forbids discrimination in schools.

Introduced March 12 by Hill.  
Not amended during passage.  
April 16 - Approved.  
No statement.

1945, Chapter 173 - A373

Forbids discrimination in hospitals.

Introduced March 12 by Hill  
Not amended during passage.  
April 16 - Approved.  
No statement.

1945, Chapter 174 - A374

Forbids discrimination in war industries.

Introduced March 12 by Hill  
No statement.  
Not amended during passage.  
April 16 - Approved.

See:

974.90      N.J. Commission on the urban colored population.  
C5815  
1946              Fourth annual report ... 1946.

974.90      N.J. Committee on Civil Liberties.  
C5815  
1947              Sub-Committee memoranda. 1947.

---

L. 1947, Chapter 155 - A436

Provides new procedures for appointing officers and employees of Anti-Discrimination Division in State Dept. of Education.

Mar. 24 - Introduced by Hill.

Mar. 31 - Passed in Assembly.

Apr. 8 - Passed in Senate, amended.

Apr. 15 - Senate amendment passed in Assembly.

May 13 - Approved, Chapter 155.

No statement.

Amendment during passage by Senate:

"Page 1, section 1, line 12, after the word  
"council" insert "and the Governor".

In 1948, the first of the Freeman Bills, Assembly 512, a bill to amend the Discrimination Act of 1945 and to enlarge its scope was introduced. It had the following statement.

#### Statement

This bill is intended to combine in one law the substantive provisions of the existing Civil Rights Law, R.S. 10:1-2 to 10:1-7, and the existing Law against Discrimination, R.S. 18:25-1 to 18:25-28.

It consolidates and unifies procedure and places administration under an existing single administrative agency.

This bill has the approval of the Division against Discrimination. This bill is supported by:

Legislative Committee, N.J. State Conference of NAACP Branches  
N.J. State Council, American Veterans' Committee  
Americans for Democratic Action  
League of Women Voters of N.J.  
N.J. State CIO Council  
The N.J. Education Association  
American Jewish Congress  
Committee on Intergroup Action, Central Atlantic Area, YMCA  
Urban League of N.J.  
N.J. Independent Citizens' League  
League of Women Shoppers  
Jewish War Veterans  
United Electrical Workers, District 4, CIO  
Greater Newark CIO Council  
North Jersey Council B'nai B'rith, Women  
North Jersey Civil Liberties League  
Guyton Callahan Post 152, American Legion  
Newark Teachers' Union  
Legislative Committee, N.J. State Federation of Teachers, AFL  
National Council of Jewish Women, Northern and Southern  
Sections, N.J.  
District 4, Gas, Coke and Chemical Workers, CIO  
Essex County Intergroup Council.

(This bill (A512) died in Senate committee after passing in the Assembly).

The hearings and reports on A512 (1948) are as follows:

- 974.90 N.J. Committee on Civil Liberties.  
C5815 Civil liberties in New Jersey. 1948.  
1948
- 974.90 N.J. Committee on Civil Liberties.  
C5815 Proceedings of a public hearing ... 1948.  
1948a
- 974.90 N.J. Legislature. Assembly.  
C5815 Public hearing on Assembly bill no. 512  
1948b [to eliminate the practice of discrimination ...]
- J323.4 Joint Council for Civil Rights.  
J74m Memorandum ... before the committee on  
Judiciary of the House of Assembly ... 1948.
- J323.4 Joint Council for Civil Rights.  
J74p A proposed civil rights bill for  
New Jersey 1948.

L. 1949, Chapter 11, Assembly 65. This was the second Freeman bill substantially similar to the 1948 bill. We are enclosing the original bill with statement and the amendments. The history of the bill is as follows:

Jan. 17, Introduced.

Feb. 7, Passed Assembly with following amendments:  
Assembly committee amendment to Assembly Bill No. 65:

On page 3, section 3, line 41, after the word "Library", insert the word "any".

On page 3, section 3, line 43, delete the words "the regents of the State of New Jersey, or".

On page 8, section 8, line 3, delete the brackets before and after the words "to be aggrieved by".

On page 10, section 11, line 22, after the word "act", insert the words "or within such additional period as may, for good cause shows, be granted by the commission,::

On page 10, section 11, line 2, after the words "Superior Court" delete the words ", unless the Superior Court shall, for good cause shown, extend the time of the Commissioner".

Mar. 14, Amended in Senate and passed.

Mar. 16, Senate amendments passed in Assembly.



1949, Assembly 215. A bill forbidding discrimination based on place of residence in wage scales appointment or promotion of teachers in schools and colleges supported by public funds.  
Did not pass.

L. 1950, Chapters 105 to 112. Senate 178 to 185 by Senator Clapp. These bills prohibit discrimination in housing. All bills have the identical statement as follows:

Statement

The purpose of this bill is to prohibit discrimination by reason of race, creed, color, national origin or ancestry in housing built with public funds or public assistance. The language of section one is taken from and follows the language of section twenty-one of the veterans' housing act; P.L. 1946, Second Sp. Sess. c. 323, p. 1361, 21.

This bill is sponsored by the Joint Council for Civil Rights and the following:

Americans for Democratic Action, New Jersey Council.  
American Jewish Committee, Trenton and Essex County Chapters.  
American Jewish Congress, New Jersey State Region.  
American Legion, Guyton-Callahan Post, No. 152.  
American Veterans Committee, New Jersey State Council.  
B'nai B'rith Councils of New Jersey.  
Burlington County Council for Civil Rights.  
Camden County Council for Civil Rights.  
Essex County Intergroup Council.  
Essex County Republican Council, Inc.  
Gloucester County Civil Liberties Council.  
Jewish Community Council of Essex County.  
Lambda Kappa Mu, Delta and Epsilon Chapters.  
Morris County Committee for Civil Rights.  
National Conference of Christians and Jews.  
National Council of Jewish Women, N.J. Conference.  
New Jersey State C.I.O. Council.  
New Jersey State Conference of N.A.A.C.P. Branches.  
New Jersey State Federation of Colored Women's Clubs, Inc.  
New Jersey State Federation of Labor, A.F.L.  
New Jersey State Federation of Teachers.  
Newark Teachers Union.  
North Jersey Civil Liberties League.  
Trenton Council on Human Relations.  
Union County Council for Civil Rights.  
Urban League of Essex County.  
Urban League Guild of New Jersey.

They were all amended to eliminate the word "creed" and insert instead "religious principles".

*Amended 1954 Chapter 198 C 78 - Statement "The purpose of this bill is to give to the Division of Civil Rights the authority to enforce the laws against discrimination in public or quasipublic housing. Under existing law there is some doubt as to*

L. 1951, Chapter 64 - All

Prohibits discrimination by employers or labor organizations against members of the National Guard, Naval Militia and reserve and those subject to draft.

Feb. 5 - Introduced by Cavinato and Shepard.  
Mar. 7 - Passed in Assembly.  
Apr. 2 - Passed in Senate, amended (cop. enc.).  
Apr. 23 - Senate amendment passed in Assembly.  
May 8 - Approved, Chapter 64.  
Bill had statement (cop. enc.).

L. 1953, Chapter 10 - S7

Technical amendments to Civil Rights title.

Jan. 13 - Introduced by Clapp.  
Jan. 26 - Passed in Senate.  
Feb. 9 - Passed in Assembly.  
Mar. 19 - Approved, Chapter 10.  
Not amended during passage.  
No statement.

1953 CG. 18 - S. 15

Between 1951 and 1958, 15 bills were introduced to amend the Antidiscrimination law to include discrimination in employment because of age. They were not passed:

1954, Assembly 167, Ritter. A bill concerning discrimination in leasing apartments because of children.  
Did not pass.

1954 S 78 CG. 198

Laws 1955, Chapter 106 and 107, A424, 425, Bowser. Two bills prohibiting discrimination in granting mortgage loans were passed. The bills are enclosed. (A424 was amended in Assembly. Both had statements).

1955 Report:

974.90 N.J. Governor's Conference on Civil Rights, 1955.  
C5815 Report.  
1955

Laws 1957, Chapter 66, Assembly 8. Nine bills had been introduced since 1954 to prohibit discrimination in housing. The above bill was passed in 1957. It was not amended during passage. It had the following statement:

Statement

The purpose of this bill is to prohibit discrimination in obtaining the accommodations, advantages, facilities and privileges in any publicly assisted housing accommodation because of race, creed, color, national origin or ancestry; and further, to define a publicly assisted housing accommodation.

L. 1960, Chapter 59 - A474

Creates Civil Rights Division.

Feb. 15 - Introduced by Williams & others.

Apr. 11 - Passed in Assembly.

May 23 - Passed in Senate under emergency resolution.

June 21 - Approved, Chapter 59.

Not amended during passage.

No statement.

For hearings and reports, 1961-1969, see bibliography at end of this history.

L. 1961, Chapter 106 - A12

Prohibits discrimination in housing.

Jan. 16 - Introduced by D'Aloia & others.

Feb. 6 - Passed in Assembly.

June 2 - Passed Senate, under emergency resolution, amended (cop. enc.).

Aug. 28 - Senate amendment passed in Assembly.

Sept. 13 - Approved, Chapter 106.

Bill had statement (cop. enc.).

New Jersey created a Division on Aging in 1959 (L. 1959, Chap. 143). Beginning in 1955, hearings were held and reports issued on the subject of the aged. The two reports most pertinent to the act which prohibits discrimination because of age are:

974.90 N.J. Old Age Study Commission.  
044 A positive policy toward aging.  
1957 February 1957.

974.90 N.J. Dept. of State. Div. of Aging.  
044 Discrimination in employment because  
1959a of age. November 1959. (Study directed  
by ?CR 5, January 27, 1958).

Bills to eliminate discrimination in employment because of age were introduced as early as 1954. From 1954 through 1961, 26 bills were introduced.

L. 1962, Chapter 37 - A601

Prohibits discrimination on basis of age.  
April 2 - Introduced by Lynch and others.  
April 9 - Passed Assembly under emergency resolution.  
April 30 - Passed in Senate.  
May 7 - Approved, Chapter 37.  
Not amended during passage.  
No statement.

L. 1962, Chapter 175 - A515

Prohibits discrimination by employers against applicant for training or apprentice program.

Mar. 19 - Introduced by Gross and others.

May 7 - Passed in Assembly.

June 4 - Passed Senate under emergency resolution.

Nov. 19 - Amended as recommended, re-enacted under emergency resolution in both houses.

Dec. 3 - Approved, Chapter 175.

Amended by Governor's recommendation (cop. enc.).

L. 1962, Chapter 213 - A366

Prohibits discrimination by any contractor or supplier doing any construction, alteration or repair of any public building or public work.

Feb. 5 - Introduced by Matthews & others.

Feb. 19 - Passed Assembly under emergency resolution.

Nov. 19 - Passed in Senate.

Jan. 8 - Approve, Chapter 213.

Not amended during passage.

Statement:

This bill implements administration recommendations that legislation be enacted tightening New Jersey laws governing discrimination by persons contracting with public agencies.

L. 1963, Chapter 40 - S78

Transfers Division on Civil Rights from Department of Education to Department of Law and Public Safety.

Jan. 14 - Introduced by Stamler and Waddington.

Apr. 29 - Passed in Senate.

May 6 - Passed in Assembly under emergency resolution, amended. (copy enclosed)

May 13 - Assembly amendment passed in Senate.

May 21 - Approved, Chapter 40.

No statement.

L. 1966, Chapter 17 - A164

Amends the definition of " a place of public accommodation" in the Law Against Discrimination (P.L. 1945, c. 169); prohibits discrimination in the selling or leasing of real property except the rental of an apartment in a 2-family dwelling where the other apartment is maintained by the owner as the household of his family and the rental of rooms by the owner or occupant of a 1-family accommodation.

Jan. 24 - Introduced by Policastro and others.

Feb. 7 - Passed in Assembly.

Mar. 14 - Passed in Senate.

Apr. 7 - Approved, Chapter 17.

Not amended during passage.

No statement.

Governor made statement on signing (cop. enc.).

L. 1966, Chapter 254 - A474

Includes an employer with fewer than 6 persons in his employ in the "Law Against Discrimination".

March 7 - Introduced by A. Brown and others.

May 25 - Passed in Assembly.

June 13 - Passed in Senate.

Aug. 26 - Approved, Chapter 254.

Not amended during passage.

No statement.

L. 1966, Chapter 165 - A564

Provides that complaints of violation of the statutes governing civil rights shall be made to the Attorney-General instead of the Commissioner of Labor.

Mar. 16 - Introduced by Policastro & 3 others.

May 16 - Passed in Assembly.

May 31 - Passed in Senate.

June 18 - Approved, Chapter 165.

Not amended during passage.

No statement.

In 1968, Title 18 was revised, becoming Title 18A. Chapter 25 of 18 was reallocated to Chapter 5 of Title 10. Disposition of 18 is given in the table following.

CIVIL RIGHTS

10:5-1

TABLE

Showing where subject matter enacted by L.1945, c. 169,  
formerly found in former title 18, is now allocated to title  
10.

Former Section	Present Section	Former Section	Present Section
18:25-1	10:5-1	18:25-14	10:5-14
18:25-2	10:5-2	18:25-14.1	10:5-14.1
18:25-2.1	10:5-2.1	18:25-15	10:5-15
18:25-3	10:5-3	18:25-16	10:5-16
18:25-4	10:5-4	18:25-17	10:5-17
18:25-5	10:5-5	18:25-18	10:5-18
18:25-5.1	10:5-5.1	18:25-19	10:5-19
18:25-6	10:5-6	18:25-20	Repealed
18:25-7	10:5-7	18:25-21	10:5-21
18:25-8	10:5-8	18:25-22	Repealed
18:25-9	Repealed	18:25-23	Repealed
18:25-9.1	10:5-9.1	18:25-24	10:5-24
18:25-10	10:5-10	18:25-25	10:5-25
18:25-11	10:5-11	18:25-26	10:5-26
18:25-12	10:5-12	18:25-27	10:5-27
18:25-13	10:5-13	18:25-28	10:5-28

1970 ACT ON SEX DISCRIMINATION

Title VII of Federal Civil Rights Act of 1964 prohibited discrimination because of sex.

Related bills introduced:

1969 - A469 (Died in Committee).

1970 - A820

1970 - A925

1970 - S173

1970 - S748

1970 - S767

L. 1970, Chapter 80 - A403

Pre-filed by Fenwick, Dennis, Parker and others.

Apr. 27 - Senate amendments adopted (cop. enc.)

May 4 - Passed Senate, amended.

May 7 - Senate amendment passed Assembly.

No statement.

Newspaper clippings (V.F.--N.J.--Civil Rights (1970) )

Pipe-smoker battles sex bias. 3/23/70 PI

Civil rights law revised to include 'weaker sex'. 3/2/4/70 PI

Women's rights bill passed by Assembly. 3/24/70 TET

No more sex bias - it's the law. 6/3/70 R

(copies enclosed).

For background see:

974.90 N.J. Governor's Commission on the

W872 Status of Women.

1967 Report ... Feb. 28, 1967.

"Women's lib" laws [editorial] Marital status and sex were added to area of illegal discrimination.

93 NJLJ 636, Sept. 3, 1970.



LAWS AGAINST DISCRIMINATION

Hearings and reports, 1961 thru 1969.

- 974.90 N.J. Dept. of Education. Div. on Civil Rights.  
C5815 Proceedings of the fifteenth anniversary  
1961 conference. Civil rights in New Jersey:  
taking stock after fifteen years.
- 974.90 N.J. Civil War Centennial Commission.  
C5815 Resolution [adopted] Mar. 9, 1961  
1961a [re New Jersey's delegation withdrawing from  
the 4th National Assembly of National Civil  
War Centennial Commission because of race  
discrimination at the conference site,  
Charleston, S.C.]
- 974.90 N.J. Dept. of Law & Public Safety. Division  
C5815 on Civil Rights.  
1963 These are your rights; a guide to New  
Jersey's law against discrimination.
- 974.90 N.J. Governor's Emancipation Proclamation Committe.  
C5815 New Jersey's civil rights centennial program:  
1963b a reaffirmation.
- 974.90 N.J. Dept. of Law and Public Safety. Division  
C5815 on Civil Rights.  
1963c Purposes and scopt.
- 974.90 N.J. Dept. of Law & Public Safety. Division  
C5815 on Civil Rights.  
1964 Outline guide for a municipal commission  
on civil rights.
- 974.90 N.J. Dept. of Law and Public Safety. Division  
C5815 on Civil Rights.  
1964b New Jersey's stake in the Federal Civil  
Rights Bill, by George S. Pfaus, Director.
- 974.90 N.J. Commission on Civil Rights.  
C5815 Report ... on matters relating to the work  
1964c of the Division on Civil Rights.
- 974.90 N.J. Dept. of Law and Public Safety. Division  
C5815 on Civil Rights.  
1964e Civil rights in New Jersey.
- 974.90 N.J. Dept. of Law and Public Safety. Division  
C5815 on Civil Rights.  
1965 The costs of discrimination.
- 974.90 N.J. Dept. of Law and Public Safety. Division  
C5815 on Civil Rights.  
1965a Outline guide for voluntary local human  
relations councils.

974.90 N.J. Dept. of Law and Public Safety. Division  
C5815 on Civil Rights.  
1965b Civil rights manual for police officers.

974.90 N.J. Dept. of Law and Public Safety. Division  
C5815 on Civil Rights.  
1965c Employer guide to the New Jersey anti-  
discrimination law.

974.90 N.J. Commission on Civil Rights.  
C5815 Report on second annual spring conference  
1966a on civil rights, April 23, 1966.

\* Governor's Select Commission on Civil Disorder.  
Records closed to general public. Permission  
to use them must be obtained from the Governor  
and the Attorney General. May be opened to public  
at some time in the future. At present (June, 1970),  
these records are in Archives.

974.90 N.J. Governor's Select Commission on Civil  
C5815 Disorder.  
1968a Report for action.

974.90 N.J. Governor's Select Commission on Civil  
C5815 Disorder.  
1968b Negro and white attitudes toward problems  
and progress in race relations: a study among  
residents of Newark and adjacent communities.

974.90 N.J. Dept. of Law and Public Safety. Division  
C5815 on Civil Rights.  
1968f Civil rights organizations in the northern  
counties of New Jersey.

974.90 N.J. Dept. of Law and Public Safety. Division  
C5815 on Civil Rights.  
1968g Civil rights organizations in the southern  
counties of New Jersey.

974.90 N.J. Dept. of Law and Public Safety. Division  
C5815 on Civil Rights.  
1968h Summary report of recommendations and  
suggestions made at "An open critique" held  
at Labor Education Center, Rutgers ...

974.90 N.J. Legislature. Select Committee on Civil  
C5815 Disorders and Urban Problems.  
1969 Direction for urban progress: an interim  
report, Feb. 3, 1969.

974.90 Engs, Robert F  
C5815 The study of society and self: the teaching  
1969b of Black history.

974.90 California. Fair Employment Practice Commission.  
C5815 Fair employment practices equal good  
1969c employment practices: guidelines for testing  
and selecting minority job applicants.

PC

STATE OF NEW JERSEY.

INTRODUCED JANUARY 8th. 1884.

By Mr. STAINSBY.

AN ACT to protect all citizens in their civil and legal rights.

1 1. BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey*, That all persons within the jurisdiction of the state of New Jersey shall  
3 be entitled to the full and equal enjoyment of the accommodations, advantages,  
4 facilities and privileges of inns, public conveyances on land or water, theatres  
5 and other places of public amusement; subject only to the conditions and  
6 limitations established by law, and applicable alike to citizens of every race  
7 and color, regardless of any previous condition of servitude.

1 2. *And be it enacted*, That any person who shall violate the foregoing sec-  
2 tion by denying to any citizen, except for reasons by law applicable to  
3 citizens of every race and color, and regardless of any previous condition  
4 of servitude, the full enjoyment of any of the accommodations, advantages,  
5 facilities or privileges in said section enumerated, or by aiding or inciting  
6 such denial, shall, for every such offense, forfeit and pay the sum of five  
7 hundred dollars to the person aggrieved thereby, to be recovered in an action  
8 of debt, with full costs, and shall also, for every such offense, be deemed  
9 guilty of a misdemeanor, and upon conviction thereof shall be fined not less  
10 than five hundred nor more than one thousand dollars, or shall be imprisoned  
11 not less than thirty days nor more than one year.

1 3. *And be it enacted*, That no citizen possessing all other qualifications

2 which are or may be prescribed by law shall be disqualified for service as  
3 grand or petit juror in any court of this state, on account of race, color or  
4 previous condition of servitude, and any officer or other person charged  
5 with any duty in the selection or summoning of jurors who shall exclude or  
6 fail to summon any citizen for the cause aforesaid shall, on conviction thereof,  
7 be deemed guilty of a misdemeanor, and be fined not more than five thou-  
8 sand dollars.

1 4. *And be it enacted*, That this act shall take effect immediately.

## AMENDMENTS

### By Mr. Keasbey to Senate No. 1,

#### AS AMENDED.

---

1 1. BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey*, That all persons within the jurisdiction of the state of New Jersey shall  
3 be entitled to the full and equal enjoyment of the accommodations, advantages,  
4 facilities and privileges of inns, public conveyances on land or water, theatres  
5 and other places of public amusement; subject only to the conditions and  
6 limitations established by law, and applicable alike to citizens of every race  
7 and color, regardless of any previous condition of servitude.

1 2. *And be it enacted*, That any person who shall violate the foregoing sec-  
2 tion by denying to any citizen, except for reasons by law applicable to citizens  
3 of every race and color, and regardless of any previous condition of servi-  
4 tude, the full enjoyment of any of the accommodations, advantages, facilities  
5 or privileges in said section enumerated, or by aiding or inciting such denial,  
6 shall, for every such offence, forfeit and pay the sum of five hundred dollars  
7 to the person aggrieved thereby, to be recovered in an action of debt, with  
8 full costs, and shall also, for every such offence, be deemed guilty of a mis-  
9 demeanor, and upon conviction thereof shall be fined not less than five  
10 hundred nor more than one thousand dollars, or shall be imprisoned not less  
11 than thirty days nor more than one year.

1 3. *And be it enacted*, That no citizen possessing all other qualifications  
2 which are or may be prescribed by law shall be disqualified for service as  
3 grand or petit juror in any court of this state, on account of race, color or  
4 previous condition of servitude, and any officer or other person charged with  
5 any duty in the selection or summoning of jurors who shall exclude or fail to  
6 summon any citizen for the cause aforesaid shall, on conviction thereof, be  
7 deemed guilty of a misdemeanor, and be fined not more than one thousand  
8 dollars.

[RE-PRINTED WITH AMENDMENTS.]

SENATE, No. 1.

# STATE OF NEW JERSEY.

INTRODUCED JANUARY 8th, 1884,

By Mr. STAINSBY.

AN ACT to protect all citizens in their civil and legal rights.

- 1 1. BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey.* That all persons within the jurisdiction of the state of New Jersey  
3 shall be entitled to the full and equal enjoyment of all civil and political  
5 rights and privileges, subject only to the conditions and limitations estab-  
5 lished by law, and applicable alike to citizens of every race and color,  
6 regardless of any previous conditions of servitude.
- 1 2. *And be it enacted,* That any person who shall violate the foregoing sec-  
2 tion by denying to any citizen, except for reasons by law applicable to  
3 citizens of every race and color, and regardless of any previous condition  
4 of servitude, the full enjoyment of said rights and privileges in said section,  
5 or by aiding or inciting such denial shall, for every such offense, be deemed  
6 guilty of a misdemeanor, and upon conviction thereof shall be fined not less  
7 than twenty-five nor more than fifty dollars.
- 1 3. *And be it enacted,* That no citizen possessing all other qualifications  
2 which are or may be prescribed by law shall be disqualified for service as  
3 grand or petit juror in any court of this state, on account of race, color or  
4 previous condition of servitude, and any officer or other person charged  
5 with any duty in the selection or summoning of jurors who shall exclude or  
6 fail to summon any citizen for the cause aforesaid shall, on conviction thereof,  
7 be deemed guilty of a misdemeanor, and be fined not more than fifty dollars.
- 1 4. *And be it enacted,* That this act shall take effect immediately.

# ASSEMBLY, No. 103

(Compiled Statutes, vol. 1, p. 1442; Laws of 1884, p. 339.)

## STATE OF NEW JERSEY

INTRODUCED JANUARY 29, 1917.

By Mr. GLOVER.

Referred to Committee on Judiciary.

AN ACT to amend an act entitled "An act to protect all citizens in their civil and legal rights," approved May tenth, one thousand eight hundred and eighty-four.

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

I. Section one of the act entitled "An act to protect all citizens in their civil and legal rights," approved May tenth, one thousand eight hundred and eighty-four, be amended so as to read as follows:

1. All persons within the jurisdiction of the State of New Jersey shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities and privileges of [inns, public conveyances on land or water, theatres and other places of public amusement] any place of public accommodation, resort or amusement, subject only to the conditions and limitations established by law and applicable alike to citizens of every race and color, regardless of any previous condition of servitude. A place of public accommodation, resort or amusement, within the meaning of this act, shall be deemed to include inn, tavern or hotel, whether conducted for the entertainment of transient guests, or for the accommodation of those seeking health, recreation or rest, any restaurant, eating-house, public conveyance on land or water, public bathhouse, public boardwalk, public seashore accommodation, theatre or other place of public amusement, music hall and any public place maintained for the sale of soda water or ice cream.



SENATE COMMITTEE AMENDMENT TO  
ASSEMBLY, No. 103

---

STATE OF NEW JERSEY

---

By Mr. RICHARDS.

1     Insert after the word "theatre," in paragraph one, line fifteen, a comma, and  
2     the words "moving picture theatre".

[OFFICIAL COPY REPRINT.]  
SENATE AMENDMENTS TO  
**ASSEMBLY, No. 103**

---

**STATE OF NEW JERSEY**

---

By Mr. STEVENS.

1 Amend same by adding a new section to be known as section two, as follows:

2 2. Section two of the said act be and the same is hereby amended to read as  
3 follows:

4 2. That any person who shall violate the foregoing section by denying to any  
5 citizen, except for reasons by law applicable to citizens of every race and color, and  
6 regardless of any previous condition of servitude, the full enjoyment of any of the  
7 accommodations, advantages, facilities or privileges in said section enumerated, or by  
8 aiding or inciting such denial, shall, for every such offense, forfeit and pay the sum of  
9 five hundred dollars to the overseer of the poor for the use of the poor in the mu-  
10 nicipality in which the offense is committed, to be recovered in an action of debt,  
11 with full costs, and shall also, for every such offense, be deemed guilty of a mis-  
12 demeanor, and upon conviction thereof shall be fined not less than five hundred dol-  
13 lars, and not more than one thousand dollars, or shall be imprisoned not less than  
14 thirty days nor more than one year.

[OFFICIAL COPY REPRINT.]  
SENATE COMMITTEE AMENDMENT TO  
**ASSEMBLY, No. 103**

---

**STATE OF NEW JERSEY**

---

By Mr. RICHARDS.

- 1 Insert after the word "theatre," in paragraph one, line fifteen, a comma, and
- 2 the words "moving picture theatre".

Ch. 15

[SECOND OFFICIAL COPY REPRINT.]

WITH SENATE AMENDMENT

**ASSEMBLY, No. 103**

(Compiled Statutes, vol. 1, p. 1442; Laws of 1884, p. 339.)

---

**STATE OF NEW JERSEY**

---

INTRODUCED JANUARY 29, 1917.

By Mr. GLOVER.

Referred to Committee on Judiciary.

AN ACT to amend an act entitled "An act to protect all citizens in their civil and legal rights," approved May tenth, one thousand eight hundred and eighty-four.

1 BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1 I. Section one of the act entitled "An act to protect all citizens in their civil and  
2 legal rights," approved May tenth, one thousand eight hundred and eighty-four,  
3 be amended so as to read as follows:

4 I. All persons within the jurisdiction of the State of New Jersey shall be  
5 entitled to the full and equal enjoyment of the accommodations, advantages, facil-  
6-7 ities and privileges of any place of public accommodation, resort or  
8 amusement, subject only to the conditions and limitations established by law and  
9 applicable alike to citizens of every race and color, regardless of any previous condi-  
10 tion of servitude. A place of public accommodation, resort or amusement, within  
11 the meaning of this act, shall be deemed to include inn, tavern or hotel, whether  
12 conducted for the entertainment of transient guests, or for the accommodation of  
13 those seeking health, recreation or rest, any restaurant, eating-house, public con-  
14 veyance on land or water, public bathhouse, public boardwalk, public seashore  
15 accommodation, theatre or other place of public amusement, music hall and any  
16 public place maintained for the sale of soda water or ice cream.

2       2. Section two of the said act be and the same is hereby amended to read as  
3 follows:

4       2. That any person who shall violate the foregoing section by denying to any  
5 citizen, except for reasons by law applicable to citizens of every race and color, and  
6 regardless of any previous condition of servitude, the full enjoyment of any of the  
7 accommodations, advantages, facilities or privileges in said section enumerated, or by  
8 aiding or inciting such denial, shall, for every such offense, forfeit and pay the sum of  
9 five hundred dollars to the overseer of the poor for the use of the poor in the mu-  
10 nicipality in which the offense is committed, to be recovered in an action of debt,  
11 with full costs, and shall also, for every such offense, be deemed guilty of a mis-  
12 demeanor, and upon conviction thereof shall be fined not less than five hundred dol-  
13 lars, and not more than one thousand dollars, or shall be imprisoned not less than  
14 thirty days nor more than one year.

# ASSEMBLY, No. 89

(Gen. Statutes, Vol. 1, page 1442.)

## STATE OF NEW JERSEY

INTRODUCED JANUARY 24, 1921.

By Mr. ALEXANDER.

Referred to Committee on Revision of Laws.

AN ACT to amend "An act to amend an act entitled 'An act to protect all citizens in their civil and legal rights,' approved May tenth, one thousand eight hundred and eighty-four," which amendment was approved March twenty-third, one thousand nine hundred and seventeen.

1 BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

2 I. Section one of "An act to amend an act entitled 'An act to protect all citi-  
3 zens in their civil and legal rights,' approved May tenth, one thousand eight hun-  
4 dred and eighty-four," which amendment was approved March twenty-third, one  
5 thousand nine hundred and seventeen, be and the same is hereby amended so as to  
6 read as follows:

7 I. All persons within the jurisdiction of the State of New Jersey shall be enti-  
8 tled to the full and equal [enjoyment of the] accommodations, advantages, facili-  
9 ties and privileges of any [place of public accommodation] places of public ac-  
10 commodations, resort or amusement, subject only to the conditions and limitations  
11 established by law and applicable alike to [citizens of every race and color, regard-  
12 less of any previous condition of servitude.] all persons. No person, being the  
owner, lessee, proprietor, manager, superintendent, agent or employee of any such

13 place shall directly or indirectly refuse, withhold from or deny to any person any  
14 of the accommodations, advantages, facilities or privileges thereof, or directly or in-  
15 directly publish, circulate, issue, display, post, or mail any written or printed com-  
16 munication, notice or advertisement to the effect that any of the accommodations,  
17 advantages, facilities and privileges of any such place shall be refused, withheld from  
18 or denied to any person on account of race, creed or color, or that the patronage or  
19 custom thereat, of any person belonging to or purporting to be of any particular  
20 race, creed or color is unwelcome, objectionable or not acceptable, desired or solici-  
21 ited. The production of any such written or printed communication, notice or ad-  
22 vertisement, purporting to relate to any such place and to be made by any person  
23 being the owner, lessee, proprietor, superintendent or manager thereof, shall be pre-  
24 sumptive evidence in any civil or criminal action that the same was authorized by  
25 such person. A place of public accommodation, resort or amusement within the  
26 meaning of this act shall be deemed to include inn, tavern, road house or hotel,  
27 whether conducted for the entertainment of transient guests or for the accommo-  
28 modation of those seeking health, recreation or rest, any restaurant, eating house, or  
29 any place where food is sold for consumption on the premises; any place maintained  
30 for the sale of ice cream, ice and fruit preparations or their derivatives, soda water  
31 or confections, or where beverages of any kind are retailed for consumption on the  
32 premises; [public conveyance on land or water] garage, and all public conveyances  
33 operated on land and water, as well as the stations and terminals thereof; public  
34 bathhouse, public boardwalk, public seashore accommodation; theatre, or other place  
35 of public amusement, [music hall and any public place maintained for the sale of  
36 soda water or ice cream.] motion picture house, airdrome, music hall, roof garden,  
37 skating rink, amusement and recreation park, fair, bowling alley, gymnasium, shoot-  
38 ing gallery, billiard and pool parlor; barber shop, dispensary, clinic, hospital, pub-  
39 lic library, kindergarten, primary and secondary school, high school, academy, col-  
40 lege and university, or any educational institution under the supervision of the re-  
41 gents of the State of New Jersey. Nothing herein contained shall be construed to

42 include any institution, club, or place of accommodation which is in its nature dis-  
43 tinctly private, or to prohibit the mailing of a private communication in writing sent  
44 in response to a specific written inquiry.

1 2. Section two of the said act of which this act is amendatory be and the same  
2 is amended so as to read as follows:

3 2. **[That]** Any person who shall violate **[the foregoing section]** any of the  
4 provisions of the foregoing section as amended, [by denying to any citizen, except  
5 for reasons by law applicable to citizens of every race and color, regardless of any  
6 previous condition of servitude, the full enjoyment of any of the accommodations,  
7 advantages, facilities or privileges in said act enumerated, or by aiding or inciting  
8 such denial] or who shall aid or incite the violation of any of the said provisions  
9 shall, for [every such offense] each and every violation thereof forfeit and pay the  
10 sum of [five hundred dollars] not less than one hundred dollars nor more than five  
11 hundred dollars [to the overseer of the poor for the use of the poor in the munici-  
12 pality in which the offense was committed] to the person aggrieved thereby, to be  
13 recovered in an action of debt, with full costs, and shall also, for every such [of-  
14 fense] violation be deemed guilty of a misdemeanor, and upon conviction thereof  
15 shall be fined not less than [five hundred dollars and not more than one thousand  
16 dollars] one hundred dollars, nor more than five hundred dollars, or shall be im-  
17 prisoned not less than thirty days nor more than [one year] ninety days, or both  
18 such fine and imprisonment.

1 2. All acts and parts of acts inconsistent herewith are hereby repealed, and this  
2 act shall take effect immediately.

---

STATEMENT.

The purpose of this amendment is to broaden the scope of the law and to increase its enforcement.



SENATE AMENDMENTS TO  
ASSEMBLY, No. 89

---

STATE OF NEW JERSEY

---

1 Amend by striking out in section 1, line 38, after the semicolon, the words  
2 "barber shop".

3 Amend section 2, line 13, by striking out the words "be fined not less than  
4 one hundred dollars, nor" and substitute the following: "be subject to a fine of not".

5 Amend section 2, line 14, by striking out the words "shall be imprisoned not  
6 less than thirty days nor" and substitute the following: "be subject to imprison-  
7 ment of not".

[OFFICIAL COPY REPRINT.]

## ASSEMBLY, No. 89

(*Gen. Statutes, Vol. 1, page 1442.*)

# STATE OF NEW JERSEY

INTRODUCED JANUARY 24, 1921.

By Mr. ALEXANDER.

Referred to Committee on Revision of Laws.

AN ACT to amend "An act to amend an act entitled 'An act to protect all citizens in their civil and legal rights,' approved May tenth, one thousand eight hundred and eighty-four," which amendment was approved March twenty-third, one thousand nine hundred and seventeen.

1 BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1 1. Section one of "An act to amend an act entitled 'An act to protect all citi-  
2 zens in their civil and legal rights,' approved May tenth, one thousand eight hun-  
3 dred and eighty-four," which amendment was approved March twenty-third, one  
4 thousand nine hundred and seventeen, be and the same is hereby amended so as to  
5 read as follows:

6 1. All persons within the jurisdiction of the State of New Jersey  
7 shall be entitled to the full and equal accommodations, advantages, fa-  
8 cilities and privileges of any places of public accommodations, resort  
8 or amusement, subject only to the conditions and limitations established  
9-11 by law and applicable alike to all persons. No person, being the owner,  
12 lessee, proprietor, manager, superintendent, agent or employee of any such  
13 place shall directly or indirectly refuse, withhold from or deny to any person any  
14 of the accommodations, advantages, facilities or privileges thereof, or directly or in-  
15 directly publish, circulate, issue, display, post, or mail any written or printed com-  
16 munication, notice or advertisement to the effect that any of the accommodations,

17 advantages, facilities and privileges of any such place shall be refused, withheld from  
18 or denied to any person on account of race, creed or color, or that the patronage or  
19 custom thereat of any person belonging to or purporting to be of any particular  
20 race, creed or color is unwelcome, objectionable or not acceptable, desired or solic-  
21 ited. The production of any such written or printed communication, notice or ad-  
22 vertisement, purporting to relate to any such place and to be made by any person  
23 being the owner, lessee, proprietor, superintendent or manager thereof, shall be pre-  
24 sumptive evidence in any civil or criminal action that the same was authorized by  
25 such person. A place of public accommodation, resort or amusement within the  
26 meaning of this act shall be deemed to include inn, tavern, road house or hotel,  
27 whether conducted for the entertainment of transient guests or for the accommo-  
28 dation of those seeking health, recreation or rest, any restaurant, eating house, or  
29 any place where food is sold for consumption on the premises; any place maintained  
30 for the sale of ice cream, ice and fruit preparations or their derivatives, soda water  
31 or confections, or where beverages of any kind are retailed for consumption on the  
32 premises; garage, and all public conveyances operated on land and water,  
33 as well as the stations and terminals thereof; public bathhouse, pub-  
34 lic boardwalk, public seashore accommodation; theatre, or other place  
35-36 of public amusement, motion picture house, airdrome, music hall, roof garden,  
37 skating rink, amusement and recreation park, fair, bowling alley, gymnasium, shoot-  
38 ing gallery, billiard and pool parlor; barber shop, dispensary, clinic, hospital, pub-  
39 lic library, kindergarten, primary and secondary school, high school, academy, col-  
40 lege and university, or any educational institution under the supervision of the re-  
41 gents of the State of New Jersey. Nothing herein contained shall be construed to  
42 include any institution, club, or place of accommodation which is in its nature dis-  
43 tinctly private, or to prohibit the mailing of a private communication in writing sent  
44 in response to a specific written inquiry.

1 . 2. Section two of the said act of which this act is amendatory be and the same  
2 is amended so as to read as follows:

3 2. Any person who shall violate any of the provisions of the foregoing section  
4 as amended by denying to any citizen, except for reasons applicable alike to all citi-

5 zens of every race, creed and color, and regardless of race, creed or color, or of  
6 previous condition of servitude, the full enjoyment of any of the accommodations,  
7 advantages, facilities or privileges in said act enumerated, or by aiding or inciting  
8 such denial, or who shall aid or incite the violation of any of the said provisions  
9 shall, for each and every violation thereof, forfeit and pay the sum of not less than  
10 one hundred dollars nor more than five hundred dollars, to the State of New Jersey,  
11 to be recovered in an action of debt, with full costs, and shall also, for every such  
12 violation be deemed guilty of a misdemeanor, and upon conviction thereof, shall  
13 be fined not less than one hundred dollars, nor more than five hundred dollars,  
14 or shall be imprisoned not less than thirty days nor more than ninety days, or both  
15 such fine and imprisonment.

16 The aggrieved party or parties in any such action or actions is authorized by  
17 this act to institute said action or actions in the name of the State of New Jersey,  
18 and in case judgment is awarded in favor of the plaintiff, the aggrieved party shall  
19 be entitled to be paid out of the judgment so recovered, the costs incurred in  
20 bringing said action and also attorney's fees not to exceed fifty dollars.

1 3. All acts and parts of acts inconsistent herewith are hereby repealed, and this  
2 act shall take effect immediately.

ASSEMBLY, No. 325

STATE OF NEW JERSEY

INTRODUCED JANUARY 28, 1935

By Mr. BURRELL

Referred to Committee on Judiciary

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to protect all citizens in their civil and legal rights," approved May tenth, eighteen hundred and eighty-four,' which amendment was approved April seventh, one thousand nine hundred and twenty-one."

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. Section two of the said act of which this act is amendatory be and  
2 the same is amended so as to read as follows:

3 2. Any person who shall violate any of the provisions of the foregoing  
4 section as amended by denying to any citizen, except for reasons applicable  
5 alike to all citizens of every race, creed and color, and regardless of race,  
6 creed or color, or of previous condition of servitude, the full enjoyment of  
7 any of the accommodations, advantages, facilities or privileges in said act  
8 enumerated, or by aiding or inciting such denial, or who shall aid or incite  
9 the violation of any of the said provisions shall, for each and every violation  
10 thereof, forfeit and pay the sum of not less than one hundred dollars nor  
11 more than five hundred dollars, to the State of New Jersey, to be recovered  
12 in an action of debt, with full costs, and shall also, for every such violation  
13 be deemed guilty of a misdemeanor, and upon conviction thereof, shall be sub-  
14 ject to a fine of not more than five hundred dollars, or be subject to impris-  
15 onment of not more than ninety days, or both such fine and imprisonment.

1        2. The aggrieved party or parties in any such action or actions is au-  
2 thorized by this act to institute said action or actions in the name of the  
3 State of New Jersey, and in case judgment is awarded in favor of the plain-  
4 tiff, the aggrieved party shall be entitled to be paid out of the judgment so  
5 recovered, the costs incurred in bringing said action according to a bill of  
6 costs to be taxed by the clerk of a district court if said action is brought in  
7 any district court of the State, and by the justice of the peace holding any  
8 small cause court where such action is brought, such costs to be taxed as  
9 in civil action for tort within the jurisdiction of either of said courts, and  
10 also attorney's fees [not to exceed fifty dollars.] of not less than twenty-  
11 five dollars, and not more than one hundred dollars, to be determined and  
12 fixed by an order of the judge of said district court or justice of the peace  
13 holding such small cause court at the time of entry of said judgment.

1        3. All acts and parts of acts inconsistent herewith are hereby repealed,  
2 and this act shall take effect immediately.

---

#### STATEMENT

The purpose of this act is to clarify the section of the present act conferring upon the aggrieved party as a relator, the right to collect costs out of any judgment entered in name of the State of New Jersey. And it further intends to place a reasonable minimum and maximum amount of attorney's fees to be allowed by the court on entry of any judgment.

Under the present act, the aggrieved party has in some instances, been compelled to pay attorney fees to make up for the inadequate amount allowed by the courts where no minimum had been specified. In many cases the amount of work involved is such that fifty dollars could by no stretch of imagination be regarded as adequate compensation for the attorney. It was obviously the intention in the original act to reimburse the aggrieved party for his expenses in connection with bringing the action, and to insure payment of his attorney.

[OFFICIAL COPY REPRINT]  
SENATE AMENDMENTS TO  
ASSEMBLY, No. 325

---

STATE OF NEW JERSEY

---

ADOPTED MAY 13, 1935

On page 2, section 2, line 4, strike out the words "entitled to be".

In line 5, strike out the word "bringing" and substitute in lieu thereof the word "prosecuting".

In lines 7 and 8, strike out the words, "and by the justice of the peace holding any small cause court where such action is brought," and substitute in lieu thereof the following, "or by the clerk of the court of common pleas if said action is brought in any county where there is no district court",

In line 10, strike out the words, "twenty-five" and substitute in lieu thereof the word "twenty".

In line 12, strike out the words "justice of the peace holding such small cause", and substitute in lieu thereof the following, "judge of the court of common pleas".

In line 10, after the word "court", and before the word "at" insert the following, "where such action is brought",

[OFFICIAL COPY REPRINT]  
SENATE AMENDMENTS TO  
ASSEMBLY, No. 325

---

STATE OF NEW JERSEY

---

ADOPTED MAY 20, 1935

Paragraph 5, line 2, after word "cause" insert the word "court".

Paragraph 6, line 1, strike out numeral "10" and insert in lieu thereof the numeral "12".



[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 325

---

# STATE OF NEW JERSEY

---

INTRODUCED JANUARY 28, 1935

By Mr. BURRELL

Referred to Committee on Judiciary

AN ACT to amend an act entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to protect all citizens in their civil and legal rights," approved May tenth, eighteen hundred and eighty-four,' which amendment was approved April seventh, one thousand nine hundred and twenty-one."

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. Section two of the said act of which this act is amendatory be and  
2 the same is amended so as to read as follows:

3 2. Any person who shall violate any of the provisions of the foregoing  
4 section as amended by denying to any citizen, except for reasons applicable  
5 alike to all citizens of every race, creed and color, and regardless of race,  
6 creed or color, or of previous condition of servitude, the full enjoyment of  
7 any of the accommodations, advantages, facilities or privileges in said act  
8 enumerated, or by aiding or inciting such denial, or who shall aid or incite  
9 the violation of any of the said provisions shall, for each and every violation  
10 thereof, forfeit and pay the sum of not less than one hundred dollars nor  
11 more than five hundred dollars, to the State of New Jersey, to be recovered  
12 in an action of debt, with full costs, and shall also, for every such violation  
13 be deemed guilty of a misdemeanor, and upon conviction thereof, shall be sub-  
14 ject to a fine of not more than five hundred dollars, or be subject to impris-  
15 onment of not more than ninety days, or both such fine and imprisonment.

1     2. The aggrieved party or parties in any such action or actions is au-  
2 thorized by this act to institute said action or actions in the name of the  
3 State of New Jersey, and in case judgment is awarded in favor of the plain-  
4 tiff, the aggrieved party shall be paid out of the judgment so recovered, the  
5 costs incurred in prosecuting said action according to a bill of costs to be  
6 taxed by the clerk of a district court if said action is brought in any district  
7 court of the State, or by the clerk of the court of common pleas if said  
8 action is brought in any county where there is no district court, such costs  
9 to be taxed as in civil action for tort within the jurisdiction of either of said  
10 courts, and also attorney's fees of not less than twenty dollars, and not more  
11 than one hundred dollars, to be determined and fixed by an order of the  
12 judge of said district court or judge of the court of common pleas where  
13 such action is brought at the time of entry of said judgment.

1     3. All acts and parts of acts inconsistent herewith are hereby repealed,  
2 and this act shall take effect immediately.

Salandra, Sanford, Schroeder, Shepard, Sholl, Smith, M. M., Stokes, Szadkowski, Vasbinder, Vogel, Ward, Wickham, Wilensky, Williamson, Wilson, Young, Zink—50.

In the negative—None.

Ordered, that the Speaker sign the said bill, and that the Clerk carry it to the Senate and inform the Senate that the House of Assembly has passed the same, and requests its concurrence therein.

Mr. Pyne asked for the record on Assembly Bill No. 445, which was furnished by the Clerk.

Mr. Pyne asked unanimous consent of the House to amend Assembly Bill No. 445 on third reading.

There being no objection, consent was granted.

Mr. Pyne offered the following amendment to Assembly Bill No. 445, which was read by the Clerk:

Proposed amendment to Assembly Bill No. 445:

Strike out the period after the word "ployment" in line 5 of section 1 and insert a comma and add the following words: "*provided*, that this act shall not apply to appointments to police and fire departments".

Mr. Pyne move the adoption of the amendment.

Which motion was adopted.

Mr. Pyne moved that Assembly Bill No. 445, as amended, lie over.

Which motion was adopted.

Mr. Kerner asked for the record on Assembly Bill No. 501, which was furnished by the Clerk.

Mr. Kerner asked unanimous consent of the House to amend Assembly Bill No. 501 on third reading.

There being no objection, consent was granted.

the calendar year next preceding the date of such assessment and filed with the Department of Banking and Insurance of the State of New Jersey, after deducting from such total of capital and surplus the amount of all tax assessments against any and all real estate, title to which stands in the name of such company."

Mr. Eber moved the adoption of the amendment to Assembly Bill No. 51.

Which motion was adopted.

The Speaker announced that Assembly Bill No. 51, as amended, would lie over.

Mr. Pyne asked for the record on Assembly Bill No. 445, which was furnished by the Clerk.

Mr. Pyne asked unanimous consent of the House to amend Assembly Bill No. 445 on third reading.

There being no objection consent was granted.

Mr. Pyne offered the following amendment to Assembly Bill No. 445, which was read by the Clerk:

Amendment proposed to Assembly Bill No. 445:

Amend line six, by striking out the period following the word "departments" and inserting after the word "departments" the following: "[.] or to the positions of court attendant, process server, and prison or reformatory officer or guard in houses of detention, jails, county farms, and penal institutions."

Mr. Pyne moved the adoption of the amendment to Assembly Bill No. 445.

Which motion was adopted.

The Speaker announced that Assembly Bill No. 445, as amended, would lie over.

Assembly Bill No. 445, entitled "An act concerning employment in the service of the State or in any county or municipality thereof,"

As amended;

Was taken up, was read a third time by its title, and passed by the following vote:

ASSEMBLY JOINT RESOLUTION No. 14

STATE OF NEW JERSEY

INTRODUCED MARCH 21, 1938

By Mr. PESIN

Referred to Committee on Social Welfare

JOINT RESOLUTION providing for a commission to foster racial and religious understanding and good will and for the designation of a good-will or brotherhood day.

1 WHEREAS, the State of New Jersey is a great industrial and agricultural  
2 State composed of various racial and religious groups;

3 WHEREAS, one of the first requisites of a harmonious, contented and prosperous  
4 State or nation depends upon racial and religious tolerance and un-  
5 derstanding; and

6 WHEREAS, the world is rent asunder by strife and wars, and great injustice  
7 is being perpetrated upon minority peoples because of race, religion or  
8 creed; and

9 WHEREAS, the State of New Jersey was among the first to enact laws for the  
10 punishment of the incitation to harm a resident thereof because of his  
11 race or religion; and

12 WHEREAS, it is clear that prevention through education and enlightenment is  
13 essential to thwart evil acts, and hence it is better to prevent than  
14 punish same; and

15 WHEREAS, the State of New Jersey has ever gloried in the great traditional  
16 and constitutional guarantees of the bill of rights; now therefore,

1 BE IT RESOLVED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. The Governor of the State of New Jersey is hereby directed to ap-  
2 point a commission of not more than fifteen residents of the State of New  
3 Jersey, composed, as far as practicable, of representatives of different  
4 racial and religious groups, to act as a permanent committee to foster racial  
5 and religious amity and understanding.

1 2. The commission shall be known as the Good-Will Commission of the  
2 State of New Jersey; its members shall serve without pay; the chairman of  
3 the commission shall be selected by the members thereof.

1 3. The Governor shall, with the advice of the commission, establish by  
2 proclamation each year a certain day upon which the residents of the State  
3 of New Jersey shall be requested to join in public or private function, the  
4 celebration of said day, which shall be designated as brotherhood and good-  
5 will day.

---

STATEMENT

The object of this Joint Resolution is expressed in its title.

[OFFICIAL COPY REPRINT]

COMMITTEE SUBSTITUTE FOR

ASSEMBLY JOINT RESOLUTION No. 14

---

# STATE OF NEW JERSEY

---

ADOPTED MARCH 29, 1938

AN ACT creating a commission to foster racial and religious understanding and good will and for the designation of a good-will or brotherhood holiday.

1 WHEREAS, the State of New Jersey is a great industrial and agricultural State  
2 composed of various racial and religious groups; and

3 WHEREAS, one of the first requisites of a harmonious, contented and pros-  
4 perous State or nation depends upon racial and religious tolerance and  
5 understanding; and

6 WHEREAS, the world is rent asunder by strife and wars and great injustice is  
7 being perpetrated upon minority peoples because of race, religion or  
8 creed; and

9 WHEREAS, the State of New Jersey was among the first to enact laws for the  
10 punishment of the incitation to harm a resident thereof because of his  
11 race or religion; and

12 WHEREAS, it is clear that prevention through education and enlightenment is  
13 essential to thwart evil acts, and hence it is better to prevent than pun-  
14 ish same; and

15 WHEREAS, the State of New Jersey has ever gloried in the great traditional  
16 and constitutional guarantees of the bill of rights; now therefore,

1 BE IT RESOLVED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. The Governor of this State is hereby authorized to appoint a com-  
2 mission of not more than fifteen residents of the State of New Jersey, com-

3 posed as far as practicable to act as representatives of different racial and  
4 religious groups, to act as a permanent committee to foster racial and relig-  
5 ious amity and understanding. The members of such commission shall hold  
6 office for terms of three years each and until their successors shall be ap-  
7 pointed by the Governor.

8 The commission shall be known as the Good-Will Commission of the  
9 State of New Jersey. It shall organize by the selection of a chairman and  
10 secretary from among its members and all of the members of the commis-  
11 sion shall serve without compensation. The commission is empowered to  
12 adopt rules and regulations for its administration.

13 The Governor shall, upon the request of the commission, establish each  
14 year by proclamation a certain day on which the residents of the State of  
15 New Jersey shall be requested to join in private and public functions for  
16 the celebration of such day, which shall be designated as Brotherhood and  
17 Good-Will Day.

1 2. This act shall take effect immediately.



Mr. Howell asked for the record on Committee Substitute for Senate Bill No. 396, which was furnished by the Clerk.

Mr. Howell moved that the rules be suspended and that Committee Substitute for Senate Bill No. 396 be advanced to second reading, without reference.

Which motion was adopted.

Committee Substitute for Senate Bill No. 396, entitled "An act making appropriations for the support of the State government and regulating the disbursement thereof,"

Was taken up under suspension of the rules, and read a second time.

Mr. Howell moved that the rules be suspended and that Committee Substitute for Senate Bill No. 396 be taken up on third reading and final passage.

Which motion was adopted.

Mr. Howell moved that Committee Substitute for Senate Bill No. 396 lie over.

Which motion was adopted.

Mr. Hargrave asked for the record on Assembly Bill No. 184, which was furnished by the Clerk.

The Governor's Veto Message upon Assembly Bill No. 184 was read by the Clerk.

A message was received from the Governor by the hands of his secretary as follows—and was read by the Clerk:

STATE OF NEW JERSEY,  
EXECUTIVE DEPARTMENT, }  
*To the House of Assembly:*                      May 19, 1941. }

I am returning herewith, without my approval, Assembly Bill No. 184, for the following reasons:

I am keenly aware of the many problems which exist in connection with the welfare of the Negroes of our State. In recent years, two commissions were created, one in 1938 and the other in 1939, which have exhaustively investigated the problems of the Negro race in New Jersey. Both of these commissions were at this work several months and

each rendered a comprehensive report in which they arrived at practically the same conclusions and made the same recommendations covering Employment, Employment Barriers, Housing, Health, Insurance and Education, and several other problems of the Negro race.

These commissions spent a total of \$30,000 in accumulating an abundance of statistical data and in completing their work. Prominent Negro men and women and associations have urged me to veto this bill because full use has not been made of the material now available in the two previous commissions' reports.

I am familiar with the contents of these reports and feel, too, that they have not been fully used and that the interests of the Negro race would be better advanced by the adoption of some of the recommendations contained therein, rather than by the creation of a new commission with an appropriation of \$16,000, which would do again the same job which has already been done twice.

Respectfully submitted,

CHARLES EDISON,  
*Governor.*

Attest:

HARRY GILROY,  
*Secretary to the Governor.*

Assembly Bill No. 184, entitled "An act creating a commission to examine, enforce and recommend measures to improve the economic, cultural, health and living conditions of the urban colored population of the State and making an appropriation therefor,"

Was taken up, and Mr. Hargrave moved that the same do pass, the objections of the Governor to the contrary notwithstanding.

Which motion, the ayes and nays being called, was carried by the following vote:

In the affirmative were—

Messrs. Amlicke, Beers, Bertoni, Boswell, Caviechia, Doremus, Freund, Glickenhans, Hand, Haneman, Hanna, Hargrave, Herbert, Hess, Howell, Huntington, Kerner, Lance, Leonard, Littell, Mahr, McClave (Speaker), McDermott, Myers, Orben, Pascoe, Platts, Sanford, Savage, Shepard, Sholl, Towe, Volpe, Wegrocki—34.

In the negative were—

Messrs. Artaserse, Beronio, Cowgill, Crawford, DeVoe, Friedland, Kennedy, Littauer, McCurrie, Mudrak, Rubacky, Vogel, Wagner, Wilson, Young—15.

The Clerk was directed by the Speaker to carry said bill to the Senate and inform that body that the House of Assembly has passed the same, and requests its concurrence therein, notwithstanding the Governor's objections thereto.

Mrs. Sanford asked for the record on Assembly Bill No. 233, as amended, which was furnished by the Clerk.

Mrs. Sanford moved that the motion to reconsider the vote by which Assembly Bill No. 233, as amended, was lost be lifted from the table.

Which motion was adopted.

Mrs. Sanford moved that the vote by which Assembly Bill No. 233, as amended, was lost be reconsidered.

Which motion, upon a viva voce vote, with the ayes and nays being called, was declared adopted by the following vote:

In the affirmative were—

Messrs. Amlicke, Artaserse, Beers, Beronio, Bertoni, Boswell, Cavicchia, Cowgill, Crawford, DeVoe, Doremus, Ferster, Freund, Friedland, Glickenhäus, Hand, Haneman, Hanna, Hargrave, Herbert, Hess, Howell, Huntington, Hutchins, Kennedy, Kerner, Lance, Leonard, Littauer, Littell, Mahr, McClave (Speaker), McCurrie, McDermott, Mudrak, Myers, Orben, Pascoe, Platts, Rubacky, Sanford, Savage, Shepard, Sholl, Stackhouse, Towe, Vogel, Volpe, Wagner, Wegrocki, Williamson, Wilson, Young—53.

In the negative—None.

Assembly Bill No. 233, entitled "An act to permit any taxing district to gradually reduce and finally repeal taxes on improvements and personal property,"

As amended,

Was taken up, was read a third time by its title, and passed by the following vote:

2. Any employer or person who

2 (1) Excludes a citizen by reason of race, color or creed, or previous  
3 condition of servitude, from any public employment, or employment in  
4 any capacity, in industries engaged on defense contracts, or

5 (2) Denies, or aids or incites another to deny, to any person, be-  
6 cause of race, color or creed, public employment or employment in any  
7 capacity, in industries engaged on defense contracts,

8 shall be guilty of a misdemeanor and punishable by a fine of not less  
9 than one hundred dollars (\$100.00), nor more than five hundred dollars  
10 (\$500.00), or imprisonment for not more than six months, or both.

1 3. (a) "Employer" includes any individual, partnership, association,  
2 corporation, business trust, legal representative or any organized group of  
3 persons acting directly or indirectly in the interest of an employer in its re-  
4 lations to employees.

5 (b) "Industry" refers to any trade, business, industry or branch  
6 thereof, or group of industries, in which individuals are employed.

1 4. This act shall take effect immediately.

---

STATEMENT

The purpose of this act is to end the discrimination by industries engaged in public works or on defense contracts, in the employment of persons, by reason of race, color or creed. In too many instances in this State, employers have refused to engage persons, notwithstanding their ability, because of their race, color or creed.

[SECOND OFFICIAL COPY REPRINT]

ASSEMBLY, No. 321

STATE OF NEW JERSEY

INTRODUCED MARCH 12, 1945

By Mr. HILL

Referred to Committee on Judiciary

AN ACT to prevent and eliminate practices of discrimination in employment and otherwise against persons because of race, creed, color, national origin or ancestry; to create a division in the Department of Education to effect such prevention and elimination; and making an appropriation therefor.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. This act shall be known as "Law Against Discrimination."

1 2. The enactment hereof shall be deemed an exercise of the police power  
2 of the State for the protection of the public safety, health and morals and  
3 to promote the general welfare and in fulfillment of the provisions of the Con-  
4 stitution of this State guaranteeing civil rights.

1 3. The Legislature finds and declares that practices of discrimination  
2 against any of its inhabitants, because of race, creed, color, national origin or  
3 ancestry, are a matter of concern to the government of the State, and that  
4 such discrimination threatens not only the rights and proper privileges of the  
5 inhabitants of the State but menaces the institutions and foundation of a  
6 free democratic State.

1 4. The opportunity to obtain employment without discrimination because  
2 of race, creed, color, national origin or ancestry is recognized as and de-  
3 clared to be a civil right.

1 5. As used in this act, unless a different meaning clearly appears from the  
2 context:

3 a. "Person" includes one or more individuals, partnerships, asso-  
4 ciations, corporations, legal representatives, trustees, trustees in bank-  
5 ruptcy or receivers.

6 b. "Employment agency" includes any person undertaking to pro-  
7 cure employees or opportunities to work.

8 c. "Labor organization" includes any organization which exists and  
9 is constituted for the purpose, in whole or in part, of collective bargain-  
10 ing or of dealing with employers concerning grievances, terms or condi-  
11 tions of employment, or of other mutual aid or protection in connection  
11½ with employment.

12 d. "Unlawful employment practice" includes only those unlawful  
13 practices specified in section eleven of this act.

14 e. "Employer" does not include a club exclusively social or a fra-  
15 ternal, charitable, educational or religious association or corporation, if  
16 such club, association or corporation is not organized for private profit  
17 nor does it include any employer with fewer than six persons in his em-  
18 ploy.

19 f. "Employee" does not include any individual employed by his  
20 parents, spouse or child, or in the domestic service of any person.

21 g. "Division" means the State "Division against Discrimination"  
21½ created by this act.

22 h. "Commissioner" means the State Commissioner of Education.

1 6. There is created in the State Department of Education a division to  
2 be known as "The Division against Discrimination" with power to prevent  
3 and eliminate discrimination in employment against persons because of race,  
4 creed, color, national origin or ancestry by employers, labor organizations,  
5 employment agencies or other persons and to take other actions against dis-  
6 crimination because of race, creed, color, national origin or ancestry, as here-  
7 in provided; and the division created hereunder is given general jurisdiction  
8 and authority for such purposes.

1       7. The said division shall consist of the Commissioner of Education and  
2 a council. The council shall consist of seven members; each member shall be  
3 appointed by the Governor, with the advice and consent of the Senate, for a  
4 term of five years and until his successor is appointed and qualified, except  
5 that of those first appointed, one shall be appointed for a term of one year, one  
6 for a term of two years, one for a term of three years and two for a term of  
7 four years. Vacancies caused other than by expiration of term shall be filled  
8 in the same manner but for the unexpired term only. Members of the  
9 council shall serve without compensation but shall be reimbursed for neces-  
10 sary expenses incurred in the performance of their duties. The first chair-  
11 man of the council shall be designated by the Governor and thereafter, the  
12 chairman shall be elected by the members, annually.

1       8. The commissioner shall

2           a. Exercise all powers of the division not vested in the council.

3           b. Administer the work of the division.

4           c. Prescribe the organization of the division and the duties of his  
5 subordinates and assistants.

6-10          d. Subject to the approval of the council and the Governor, appoint  
11 such other officers, employees and agents, and fix their compensation  
12 within the limits of available appropriations, except as may be other-  
13 wise provided by law.

14          e. Maintain liaison with local, State and Federal officials and agen-  
15 cies concerned with matters related to the work of the division.

16          f. Subject to the approval of the council, adopt, promulgate, amend,  
17 and rescind suitable rules and regulations to carry out the provisions of  
18 this act.

19          g. Receive, investigate and pass upon complaints alleging discrim-  
20 ination in employment against persons because of race, creed, color,  
21 national origin or ancestry.

22          h. Hold hearings, subpoena witnesses, compel their attendance, ad-  
23 minister oaths, take the testimony of any person, under oath, and in

24 connection therewith, to require the production for examination of any  
25 books or papers relating to any matter under investigation or in ques-  
26 tion before the commissioner. The commissioner may make rules as  
27 to the issuance of subpoenas by the assistant commissioner.

28 i. Issue such publications and such results of investigations and  
29 research tending to promote good will and to minimize or eliminate dis-  
30 crimination because of race, creed, color, national origin or ancestry,  
31 as the council shall direct.

32 j. Render each year to the Governor and Legislature a full writ-  
33 ten report of all the activities of the division.

1 8A. An assistant commissioner of education, who shall be appointed by  
2 the Governor with the advice and consent of the Senate, shall be assigned to  
3 the division against discrimination. Such assistant commissioner shall act  
4 for the commissioner, in his place and with his power; he shall receive an  
5 annual salary of seven thousand dollars (\$7,000.00); he shall hold office for  
6 five years and until his successor has qualified.

1 9. The council shall

2 a. Consult with and advise the commissioner with respect to the  
3 work of the division.

4 b. Approve or disapprove the appointment of officers, employees  
5 and agents, and the fixing of their compensation by the commissioner.

6 c. Survey and study the operations of the division.

7 d. Report to the Governor and the Legislature with respect to such  
8 matters relating to the work of the division and at such times as it may  
9 deem in the public interest.

10 e. Create such advisory agencies and conciliation councils, local,  
11 regional or State-wide, as in its judgment will aid in effectuating the  
12 purposes of this act, and the council may empower them to study the  
13 problems of discrimination in all or specific fields of human relation-  
14 ships or in specific instances of discrimination because of race, creed,  
15 color, national origin or ancestry and to foster through community effort  
16 or otherwise good will, co-operation and conciliation among the groups



17 and elements of the population of the State, and make recommenda-  
18 tions to the council for the development of policies and procedures in  
19 general and in specific instances and for programs of formal and infor-  
20 mal education which the council may recommend to the appropriate  
21 State agency. Such advisory agencies and conciliation councils shall be  
22 composed of representative citizens, serving without pay, but with reim-  
23 bursement for actual and necessary traveling expenses; and the coun-  
24 cil may make provision for technical and clerical assistance to such  
25 agencies and councils and for the expenses of such assistance.

1 10. No person shall be excused from attending and testifying or from  
2 producing records, correspondence, documents or other evidence in obedience  
3 to the subpoena of the commissioner or assistant commissioner, on the ground  
4 that the testimony or evidence required of him may tend to incriminate him  
5 or subject him to a penalty or forfeiture, but no person shall be prosecuted  
6 or subjected to any penalty or forfeiture for or on account of any transac-  
7 tion, matter or thing concerning which he is compelled, after having claimed  
8 his privilege against self-incrimination, to testify or produce evidence, except  
9 that such person so testifying shall not be exempt from prosecution and pun-  
10 ishment for perjury committed in so testifying. The immunity herein pro-  
11 vided shall extend only to natural persons so compelled to testify.

1 11. It shall be an unlawful employment practice:

2 a. For an employer, because of the race, creed, color, national origin  
3 or ancestry of any individual, to refuse to hire or employ or to bar or  
4 to discharge from employment such individual or to discriminate against  
5 such individual in compensation or in terms, conditions or privileges of  
6 employment.

7 b. For a labor organization, because of the race, creed, color, na-  
8 tional origin or ancestry of any individual, to exclude or to expel from  
9 its membership such individual or to discriminate in any way against  
10 any of its members or against any employer or any individual employed  
11 by an employer.

12 c. For any employer or employment agency to print or circulate or  
13 cause to be printed or circulated any statement, advertisement or publi-  
14 cation, or to use any form of application for employment, or to make any  
15 inquiry in connection with prospective employment, which expresses, di-  
16 rectly or indirectly any limitation, specification or discrimination as to  
17 race, creed, color, national origin or ancestry or any intent to make any  
18 such limitation, specification or discrimination, unless based upon a bona  
19 fide occupational qualification.

20 d. For any employer, labor organization or employment agency to  
21 discharge, expel or otherwise discriminate against any person because  
22 he has opposed any practices forbidden under this act or because he has  
23 filed a complaint, testified or assisted in any proceeding under this act.

24 e. For any person, whether an employer or an employee or not, to  
25 aid, abet, incite, compel or coerce the doing of any of the acts forbidden  
26 under this act, or to attempt to do so.

1 12. Any person claiming to be aggrieved by an alleged unlawful employ-  
2 ment practice may, by himself or his attorney-at-law, make, sign and file  
3 with the commissioner a verified complaint in writing which shall state the  
4 name and address of the person, employer, labor organization or employ-  
5 ment agency alleged to have committed the unlawful employment practice  
6 complained of and which shall set forth the particulars thereof and contain  
7 such other information as may be required by the commissioner. The Com-  
8 missioner of Labor or Attorney-General may, in like manner, make, sign and  
9 file such complaint. Any employer whose employees, or some of them, re-  
10 fuse or threaten to refuse to co-operate with the provisions of this act, may  
11 file with the commissioner a verified complaint asking for assistance by con-  
12 ciliation or other remedial action.

1 13. After the filing of any complaint, the commissioner shall cause prompt  
2 investigation to be made in connection therewith; and if the commissioner  
3 shall determine after such investigation that probable cause exists for credit-  
4 ing the allegations of the complaint, he shall immediately endeavor to elim-

5 inate the unlawful employment practice complained of by conference, concili-  
6 ation and persuasion. Neither the commissioner nor any officer or employee  
7 of the division shall disclose what has transpired in the course of such en-  
8 deavors.

1 14. In case of failure so to eliminate such practice, or in advance thereof  
2 if in his judgment circumstances so warrant, he shall cause to be issued and  
3 served in the name of the division, a written notice, together with a copy of  
4 such complaint, as the same may have been amended, requiring the person,  
5 employer, labor organization or employment agency named in such complaint,  
6 hereinafter referred to as respondent, to answer the charges of such com-  
7 plaint at a hearing before the commissioner at a time and place to be speci-  
8 fied in such notice. The place of any such hearing shall be the office of the  
9 commissioner or such other place as may be designated by him.

1 15. The case in support of the complaint shall be presented before the  
2 commissioner by the attorney for the division and evidence concerning at-  
3 tempted conciliation shall not be received. The respondent may file a written  
4 verified answer to the complaint and appear at such hearing in person or  
5 representative, with or without counsel, and submit testimony. In the dis-  
6 cretion of the commissioner, the complainant may be allowed to intervene and  
7 present testimony in person or by counsel. The commissioner or the com-  
8 plainant shall have the power reasonably and fairly to amend any complaint,  
9 and the respondent shall have like power to amend his answer. The com-  
10 missioner shall not be bound by the strict rules of evidence prevailing in  
11 courts of law or equity. The testimony taken at the hearing shall be under  
12 oath and be transcribed.

1 16. If, upon all the evidence at the hearing the commissioner shall find  
2 that the respondent has engaged in any unlawful employment practice as de-  
3 fined in this act, the commissioner shall state his findings of fact and shall  
4 issue and cause to be served on such respondent an order requiring such  
5 respondent to cease and desist from such unlawful employment practice and  
6 to take such affirmative action, including, but not limited to, hiring, reinsta-

7 ment or upgrading of employees, with or without back pay, or restoration to  
8 membership in any respondent labor organization, as, in the judgment of the  
9 commissioner, will effectuate the purposes of this act, and including a require-  
10 ment for report of the manner of compliance. If, upon all the evidence, the  
11 commissioner shall find that the respondent has not engaged in any such un-  
12 lawful employment practice, the commissioner shall state his findings of fact  
13 and shall issue and cause to be served on the complainant an order dismissing  
14 the said complaint as to such respondent.

1 17. The commissioner shall establish rules of practice to govern, expedite  
2 and effectuate the foregoing procedure and his own actions thereunder. Any  
3 complaint filed pursuant to this section must be so filed within ninety days  
4 after the alleged act of discrimination.

1 18. Observance of the orders of the commissioner may be enforced by  
2 mandamus or injunction in appropriate cases, or by suit in equity to compel  
3 the specific performance of the order or of the duties imposed by law upon  
4 the respondent named in the order. Any order made by the commissioner  
5 may be reviewed upon certiorari by the Supreme Court. No certiorari shall  
6 be allowed unless application therefor be made within thirty days from the  
7 date of service of the order upon respondent nor unless notice in writing of  
8 the application shall have been given to the commissioner with a copy of the  
9 affidavits or proof upon which the application is based. The notice shall be  
10 served upon the commissioner either personally or by leaving it at the office  
11 of the commissioner in Trenton. The evidence presented to the commissioner,  
12 together with his findings and the order issued thereon, shall be certified by  
13 the commissioner to the Supreme Court as his return.

1 19. The allowance of a writ of certiorari to review any order of the  
2 commissioner shall not supersede or stay such order unless the Supreme  
3 Court or a justice thereof shall so direct.

1 20. The Supreme Court is given jurisdiction to review any order of the  
2 commissioner and to set aside such order in whole or in part when it clearly  
3 appears that there was no evidence before the commissioner to support the

4 same reasonably or that the same was without the jurisdiction of the com-  
5 missioner.

1 21. No order of the commissioner shall be set aside in whole or in  
2 part for any irregularity or informality in the proceedings of the commis-  
3 sioner unless the irregularity or informality tends to defeat or impair  
4 the substantial right or interest of the prosecutor in certiorari.

1 22. Upon such review, the Supreme Court may affirm, reverse or modify  
2 any such order or may make such other order as shall appear equitable  
3 and just.

1 23. The commissioner's copy of the testimony shall be available at all  
2 reasonable times to all parties for examination without cost and for pro-  
3 duction upon an application for a writ of certiorari. The review upon cer-  
4 tiorari shall be on the record without requirement of printing.

1 24. The Attorney-General shall be the attorney for the division.

1 25. Any person, employer, labor organization or employment agency,  
2 who or which shall willfully resist, prevent, impede or interfere with the  
3 commissioner or any representatives of the division in the performance of  
4 duty under this act, or shall willfully violate an order of the commissioner,  
5 shall be guilty of a misdemeanor and be punishable by imprisonment for  
6 not more than one year, or by a fine of not more than five hundred dollars  
7 (\$500.00), or by both; but procedure for the review of the order shall not  
8 be deemed to be such willful conduct.

1 26. The provisions of this act shall be construed liberally for the ac-  
2 complishment of the purposes thereof. Nothing contained in this act shall  
3 be deemed to repeal any of the provisions of the civil rights law or of any  
4 other law of this State relating to discrimination because of race, creed,  
5 color, national origin or ancestry; but, as to acts declared unlawful by sec-  
6 tion eleven of this act, the procedure herein provided shall, while pending,  
7 be exclusive; and the final determination therein shall exclude any other  
8 action, civil or criminal, based on the same grievance of the individual con-  
9 cerned. If such individual institutes an action based on such grievance

10 without resorting to the procedure provided in this act, he may not subse-  
11 quently resort to the procedure herein.

1     27. If any clause, sentence, paragraph, or part of this act or the appli-  
2 cation thereof to any person or circumstances, shall, for any reason, be  
3 adjudged by a court of competent jurisdiction to be invalid, such judgment  
4 shall not affect, impair, or invalidate the remainder of this act.

1     28. There is appropriated to the Commissioner of Education the sum  
2 of forty-four thousand, three hundred fifty dollars (\$44,350.00) for the fiscal  
3 year ending June thirtieth, one thousand nine hundred and forty-six, to carry  
4 out the purposes of this act.

1     29. This act shall take effect immediately.

APR 5 1949

[SECOND OFFICIAL COPY REPRINT]

## ASSEMBLY, No. 65

## STATE OF NEW JERSEY

INTRODUCED JANUARY 17, 1949

By Miss FREEMAN

Referred to Committee on Judiciary

AN Act to amend the title of "An act to prevent and eliminate practices of discrimination in employment and otherwise against persons because of race, creed, color, national origin or ancestry; to create a division in the Department of Education to effect such prevention and elimination; and making an appropriation therefor," approved April sixteenth, one thousand nine hundred and forty-five (P. L. 1945, c. 169), so that the same shall read "An act to protect all persons in their civil rights; to prevent and eliminate practices of discrimination against persons because of race, creed, color, national origin or ancestry; to create a division in the Department of Education to effect such prevention and elimination; and making an appropriation therefor," and to amend the body of said act.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. The title of "An act to prevent and eliminate practices of discrimina-  
2 tion in employment and otherwise against persons because of race, creed,  
3 color, national origin or ancestry; to create a division in the Department of  
4 Education to effect such prevention and elimination; and making an appro-  
5 priation therefor," approved April sixteenth, one thousand nine hundred and  
6 forty-five, is amended to read "An act to protect all persons in their civil  
7 rights; to prevent and eliminate practices of discrimination against persons

8 because of race, creed, color, national origin or ancestry; to create a division  
9 in the Department of Education to effect such prevention and elimination,  
10 and making an appropriation therefor."

1     2. Section four of the act of which this act is amendatory is amended to  
2 read as follows:

3     4. All persons shall have the opportunity to obtain employment and  
4 to obtain all the accommodations, advantages, facilities, and privileges  
5 of any place of public accommodation, without discrimination because of  
6 race, creed, color, national origin or ancestry, subject only to conditions and  
7 limitations applicable alike to all persons. This opportunity is recognized as  
8 and declared to be a civil right.

1     3. Section five of the act of which this act is amendatory is amended to  
2 read as follows:

3     5. As used in this act, unless a different meaning clearly appears from the  
4 context:

5     a. "Person" includes one or more individuals, partnerships, associa-  
6 tions, labor organizations, corporations, legal representatives, trustees,  
7 trustees in bankruptcy, receivers, and fiduciaries.

8     b. "Employment agency" includes any person undertaking to procure  
9 employees or opportunities for others to work.

10     c. "Labor organization" includes any organization which exists and is  
11 constituted for the purpose, in whole or in part, of collective bargaining or  
12 of dealing with employers concerning grievances, terms or conditions of  
13 employment, or of other mutual aid or protection in connection with employ-  
14 ment.

15     d. "Unlawful employment practice" and "unlawful discrimination"  
16 includes only those unlawful practices and acts specified in section eleven  
17 of this act.

18     e. "Employer" does not include a club exclusively social or a fraternal,  
19 charitable, educational or religious association or corporation, if such club,



20 association or corporation is not organized and operated for private profit  
21 nor does it include any employer with fewer than six persons in his employ.

22 f. "Employee" does not include any individual employed by his parents,  
23 spouse or child, or in the domestic service of any person.

24 g. "Division" means the State "Division against Discrimination"  
25 created by this act.

25½ h. "Commissioner" means the State Commissioner of Education.

26 i. "Commission" means the Commission on Civil Rights created by  
26½ this act.

27 j. "A place of public accommodation" shall include any tavern,  
28 roadhouse, or hotel, whether for entertainment of transient guests or accom-  
29 modation of those seeking health, recreation or rest; any retail shop or store;  
30 any restaurant, eating house, or place where food is sold for consumption on  
31 the premises; any place maintained for the sale of ice cream, ice and fruit  
32 preparations or their derivatives, soda water or confections, or where any  
33 beverages of any kind are retailed for consumption on the premises; any  
34 garage, any public conveyance operated on land or water, or in the air, and  
35 stations and terminals thereof; any public bathhouse, public boardwalk, public  
36 seashore accommodation; any auditorium, meeting place, or public hall; any  
37 theatre, or other place of public amusement, motion-picture house, music  
38 hall, roof garden, skating rink, swimming pool, amusement and recreation  
39 park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool  
40 parlor; any comfort station; any dispensary, clinic or hospital; and any  
41 public library, any kindergarten, primary and secondary school, trade or  
42 business school, high school, academy, college and university, or any  
43 educational institution under the supervision of the State Board of  
44 Education, or the Commissioner of Education of the State of New  
45 Jersey. Nothing herein contained shall be construed to include, or  
46 to apply to, any institution, bona fide club, or place of accommoda-  
47 tion, which is in its nature distinctly private; nor shall anything herein  
48 contained apply to any educational facility operated or maintained by a

49 bona fide religious or sectarian institution, and the right of a natural  
 50 parent or one in loco parentis to direct the education and upbringing of a  
 51 child under his control is hereby affirmed; nor shall anything herein con-  
 52 tained be construed to bar any private secondary or post-secondary school  
 53 from using in good faith criteria other than race, creed, color, national  
 54 origin or ancestry, in the admission of students.

1 4. Section seven of the act of which this act is amendatory is amended  
 2 to read as follows:

3 7. The said division shall consist of the Commissioner of Education and  
 4 the commission. The commission shall consist of seven members; each mem-  
 5 ber shall be appointed by the Governor, with the advice and consent of the  
 6 Senate, for a term of five years and until his successor is appointed and  
 7 qualified, except that of those first appointed, one shall be appointed for a  
 8 term of one year, one for a term of two years, one for a term of three years  
 9 and two for a term of four years. Vacancies caused other than by expiration  
 10 of term shall be filled in the same manner but for the unexpired term only.  
 11 Members of the commission shall serve without compensation but shall be re-  
 12 imbursed for necessary expenses incurred in the performance of their duties.  
 13 The first chairman of the commission shall be designated by the Governor  
 14 and thereafter, the chairman shall be elected by the members, annually.

1 5. Section eight of the act of which this act is amendatory is amended  
 2 to read as follows:

3 8. The commissioner shall

- 4-5 a. Exercise all powers of the division not vested in the commission.
- 6 b. Administer the work of the division.
- 7 c. Organize the division into two sections, one of which shall receive,  
 8 investigate, and act upon complaints alleging discrimination in employment  
 9 against persons because of race, creed, color, national origin or ancestry,  
 10 and the other of which shall receive, investigate, and act upon complaints  
 11 alleging other unlawful acts of discrimination against persons because of  
 12 race, creed, color, national origin or ancestry; prescribe the organization of  
 13 said sections and the duties of his subordinates and assistants.

14-15 d. Subject to the approval of the commission and the Governor,  
16 appoint an assistant Commissioner of Education, who shall act for the  
17 commissioner, in his place and with his powers, and such other directors,  
18 field representatives and assistants as may be necessary for the proper ad-  
19 ministration of the division and fix their compensation within the limits of  
20 available appropriations. The assistant commissioner, directors, field repre-  
21 sentatives, and assistants shall not be subject to the civil service act and shall  
22 be removable by the commissioner at will.

23 e. Appoint such clerical force and employes as he may deem necessary  
24 and fix their duties, all of whom shall be subject to the civil service act.

25 f. Maintain liaison with local and State officials and agencies  
26 concerned with matters related to the work of the division.

27 g. Subject to the approval of the commission adopt, promulgate,  
28 amend, and rescind suitable rules and regulations to carry out the pro-  
29 visions of this act.

30-31 h. Receive, investigate, and pass upon complaints alleging acts in viola-  
32 tion of the provisions of this act.

33 i. Hold hearings, subpoena witnesses, compel their attendance, admin-  
34 ister oaths, take the testimony of any person, under oath, and, in con-  
35 nection therewith, require the production for examination of any books or  
36 papers relating to any subject matter under investigation or in question  
37 before the commissioner. The commissioner may make rules as to the issu-  
38 ance of subpoenas by the assistant commissioner.

39 j. Issue such publications and such results of investigations and re-  
40 search tending to promote good will and to minimize or eliminate dis-  
41 crimination because of race, creed, color, national origin or ancestry, as the  
42 commission shall direct.

43 k. Render each year to the Governor and Legislature a full written re-  
44 port of all the activities of the division.

1 6. Section nine of the act of which this act is amendatory is amended to  
2 read as follows:

3 9. The commission shall

4 a. Consult with and advise the commissioner with respect to the work of  
5 the division.

6 b. Approve or disapprove the appointment of officers, employees and  
7 agents, and the fixing of their compensation by the commissioner.

8 c. Survey and study the operations of the division.

9 d. Report to the Governor and the Legislature with respect to such mat-  
10 ters relating to the work of the division and at such times as it may deem in  
11 the public interest.

12 The mayors or chief executive officers of the municipalities in the State  
13 may appoint local commissions on civil rights to aid in effectuating the pur-  
14 poses of this act. Such local commissions shall be composed of representa-  
15 tive citizens serving without compensation. Such commissions shall attempt  
16 to foster through community effort or otherwise good will, co-operation and  
17 conciliation among the groups and elements of the inhabitants of the com-  
18 munity, and they may be empowered by the local governing bodies to make  
19 recommendations to them for the development of policies and procedures in  
20 general and for programs of formal and informal education that will aid in  
21 eliminating all types of discrimination based on race, creed, color, national  
22 origin, or ancestry. The State commission may make provision for technical  
23 and clerical assistance to municipal officials to aid in organizing such com-  
24 missions in all of the municipalities in this State.

1 7. Section eleven of the act of which this act is amendatory is amended  
1½ to read as follows:

2 11. It shall be an unlawful employment practice, or, as the case may be,  
2½ an unlawful discrimination:

3 a. For an employer, because of the race, creed, color, national origin or  
4 ancestry of any individual, to refuse to hire or employ or to bar or to dis-  
5 charge from employment such individual or to discriminate against such indi-

6 vidual in compensation or in terms, conditions or privileges of employment.

7 b. For a labor organization, because of the race, creed, color, national  
8 origin or ancestry of any individual, to exclude or to expel from its member-  
9 ship such individual or to discriminate in any way against any of its members  
10 or against any employer or any individual employed by an employer.

11 c. For any employer or employment agency to print or circulate or cause  
12 to be printed or circulated any statement, advertisement or publication, or  
13 to use any form of application for employment, or to make any inquiry in con-  
14 nection with prospective employment, which expresses, directly or indirectly,  
15 any limitation, specification or discrimination as to race, creed, color, national  
16 origin or ancestry or any intent to make any such limitation, specification or  
17 discrimination, unless based upon a bona fide occupational qualification.

18 d. For any employer, labor organization or employment agency to dis-  
19 charge, expel or otherwise discriminate against any person because he has  
20 opposed any practices or acts forbidden under this act or because he has filed  
21 a complaint, testified or assisted in any proceeding under this act.

22 e. For any person, whether an employer or an employee or not, to aid,  
23 abet, incite, compel or coerce the doing of any of the acts forbidden under  
24 this act, or to attempt to do so.

25 f. For any owner, lessee, proprietor, manager, superintendent, agent, or  
26 employee of any place of public accommodation directly or indirectly to re-  
27 fuse, withhold from or deny to any person any of the accommodations, advan-  
28 tages, facilities or privileges thereof, or to discriminate against any person  
29 in the furnishing thereof, or directly or indirectly to publish, circulate, issue,  
30 display, post or mail any written or printed communication, notice, or  
31 advertisement to the effect that any of the accommodations, advantages,  
32 facilities, or privileges of any such place will be refused, withheld from, or  
33 denied to any person on account of the race, creed, color, national origin, or  
34 ancestry of such person, or that the patronage or custom thereof of any per-  
35 son of any particular race, creed, color, national origin or ancestry is unwel-  
36 come, objectionable or not acceptable, desired or solicited, and the production

37 of any such written or printed communication, notice or advertisement, pur-  
38 porting to relate to any such place and to be made by any owner, lessee,  
39 proprietor, superintendent, or manager thereof, shall be presumptive evi-  
40 dence in any action that the same was authorized by such person.

1 8. Section twelve of the act of which this act is amendatory is amended  
2 to read as follows:

3 12. Any person claiming to be aggrieved by an unlawful employment  
4 practice or an unlawful discrimination may, by himself, or his attorney-  
5 at-law, make, sign and file with the commissioner a verified complaint  
6 in writing which shall state the name and address of the person, em-  
7 ployer, labor organization, employment agency, owner, lessee, proprietor,  
8 manager, superintendent, or agent alleged to have committed the un-  
9 lawful employment practice or unlawful discrimination complained of and  
10 which shall set forth the particulars thereof and shall contain such other  
11 information as may be required by the commissioner. The Commissioner of  
12 Labor or Attorney-General may, in like manner, make, sign and file such  
13 complaint. Any employer whose employees, or some of them, refuse or  
14 threaten to refuse to co-operate with the provisions of this act, may file with  
15 the commissioner a verified complaint asking for assistance by conciliation  
16 or other remedial action.

1 9. Section thirteen of the act of which this act is amendatory is amended  
2 to read as follows:

3 13. After the filing of any complaint, the commissioner shall cause  
4 prompt investigation to be made in connection therewith; and if the com-  
5 missioner shall determine after such investigation that probable cause exists  
6 for crediting the allegations of the complaint, he shall immediately en-  
7 deavor to eliminate the unlawful employment practice or the unlawful dis-  
8 crimination complained of by conference, conciliation and persuasion. Neither  
9 the commissioner nor any officer or employee of the division shall disclose  
10 what has transpired in the course of such endeavors.

1 10. Section fourteen of the act of which this act is amendatory is  
2 amended to read as follows:

3 14. In case of failure so to eliminate such practice or discrimination,  
4 or in advance thereof if in his judgment circumstances so warrant, the  
5 commissioner shall cause to be issued and served in the name of the divi-  
6 sion, a written notice, together with a copy of such complaint, as the same  
7 may have been amended, requiring the person, employer, labor organiza-  
8 tion, employment agency, owner, lessee, proprietor, manager, superin-  
9 tendent, or agent named in such complaint, hereinafter referred to as re-  
10 spondent, to answer the charges of such complaint at a hearing before the  
11 commissioner at a time and place to be specified in such notice. The place  
12 of any such hearing shall be the office of the commissioner or such other  
13 place as may be designated by him.

1 11. Section sixteen of the act of which this act is amendatory is  
2 amended to read as follows:

3 16. If, upon all the evidence at the hearing the commissioner shall find  
4 that the respondent has engaged in any unlawful employment practice or  
5 unlawful discrimination as defined in this act, the commissioner shall state  
6 his findings of fact and shall issue and cause to be served on such respond-  
7 ent an order requiring such respondent to cease and desist from such  
8 unlawful employment practice or unlawful discrimination and to take such  
9 affirmative action, including, but not limited to, hiring, reinstatement or up-  
10 grading of employees, with or without back pay, or restoration to member-  
11 ship in any respondent labor organization, or extending full and equal  
12 accommodations, advantages, facilities, and privileges to all persons, as, in  
13 the judgment of the commissioner, will effectuate the purpose of this act, and  
14 including a requirement for report of the manner of compliance. If, upon all  
15 the evidence, the commissioner shall find that the respondent has not engaged  
16 in any such unlawful employment practice or unlawful discrimination, the  
17 commissioner shall state his findings of fact and shall issue and cause to be  
18 served on the complainant an order dismissing the said complaint as to such

19 respondent. The failure of the commissioner to file his findings of fact and  
20 to issue and serve an order as in this section provided, within ninety days  
21 after the filing of the verified complaint with him in the manner provided  
22 by section twelve of this act, or within such additional period as may, for  
23 good cause shown, be granted by the commission, may, at the election of the  
24 complainant, be deemed to be the equivalent of an order of the commissioner  
25 dismissing the complaint, from which an appeal shall lie as hereinafter pro-  
26 vided.

1 12. Section eighteen of the act of which this act is amendatory is  
2 amended to read as follows:

3 18. Observance of an order of the commissioner may be enforced by  
4 proceedings in the County Court to compel the specific performance of the  
5 order or of the duties imposed by law upon the respondent named in the  
6 order. Such proceedings shall be brought in the County Court to which an  
7 appeal from the order would lie as hereinafter provided.

1 13. Section nineteen of the act of which this act is amendatory is  
2 amended to read as follows:

3 19. An appeal from any order of the commissioner shall not supersede  
4 or stay such order unless the County Court to which such appeal is taken  
5 shall so direct.

1 14. Section twenty of the act of which this act is amendatory is  
2 amended to read as follows:

3 20. Any person aggrieved by a final order of the commissioner may take  
4 an appeal therefrom to the County Court of the county in which the alleged  
5 unlawful employment practice or unlawful discrimination took place; *pro-*  
6 *vided*, that notice of such appeal be filed in such County Court within thirty  
7 days after the making of such order, together with an affidavit or an ac-  
8 knowledgment of service of copies of the notice of appeal upon the commis-  
9 sioner and all other parties to the proceeding or their attorneys. Within  
10 twenty days after the service of such notice of appeal, the commissioner shall  
11 file in the County Court the original or a certified copy of the record of the



12 proceedings under review, including such testimony as shall have been taken  
 13 stenographically, and shall serve notice of the filing of such record upon the  
 14 appellant. By order of the County Court or upon stipulation of the parties,  
 15 the record may be shortened by eliminating any portion thereof, or by the  
 16 submission of an agreed statement of facts. Within twenty days after serv-  
 17 ice of the notice by the commissioner that the record has been filed in the  
 18 County Court, the appellant shall move the appeal to the County Court in  
 19 the manner provided by law and the rules of court in respect to the making  
 20 of motions in the County Court, and thereafter the matter shall proceed in  
 21 the same manner as in other motions in the County Court.

1 15. Section twenty-one of the act of which this act is amendatory is  
 2 amended to read as follows:

3 21. No order of the commissioner shall be set aside upon appeal in whole  
 4 or in part for any irregularity or informality in the proceedings of the com-  
 5 missioner unless the irregularity or informality tends to defeat or impair the  
 6 substantial right or interest of the appellant.

1 16. Section twenty-two of the act of which this act is amendatory is  
 2 amended to read as follows:

3 22. Upon appeal, the County Court may affirm, reverse or modify any  
 4 such order or may make such other order as shall appear equitable and  
 5 just. Any final order or judgment of the County Court shall be subject to  
 6 appeal by the commissioner or by any party as in other causes in such court.

1 17. Section twenty-three of the act of which this act is amendatory is  
 2 amended to read as follows:

3 23. The commissioner's copy of the testimony shall be available at all  
 4 reasonable times to all parties for examination without cost.

1 18. Section twenty-five of the act of which this act is amendatory is  
 2 amended to read as follows:

3 25. Any person who shall willfully resist, prevent, impede or interfere  
 4 with the commissioner or any representative of the division in the perform-  
 5-6 ance of duty under this act, or shall willfully violate an order of the commis-

7 sioner, shall be guilty of a misdemeanor and shall be punishable by im-  
8 prisonment for not more than one year, or by a fine of not more than five  
9 hundred dollars, or by both; but procedure for the review of the order shall  
10 not be deemed to be such willful conduct.

1 19. Section twenty-six of the act of which this act is amendatory is  
2 amended to read as follows:

3 26. The provisions of this act shall be construed fairly and justly with  
4 due regard to the interests of all parties. Nothing contained in this act shall  
5 be deemed to repeal any of the provisions of the civil rights law or of any  
6 other law of this State relating to discrimination because of race, creed,  
7 color, national origin or ancestry; except that, as to practices and  
8 acts declared unlawful by section eleven of this act, the procedure herein  
9 provided shall, while pending, be exclusive; and the final determination  
10 therein shall exclude any other action, civil or criminal, based on the same  
11 grievance of the individual concerned. Nothing herein contained shall bar,  
12 exclude, or otherwise affect any right or action, civil or criminal, which may  
13 exist independently of any right to redress against or specific relief from an  
14 unlawful employment practice or unlawful discrimination.

1 20. This act shall take effect immediately.

ASSEMBLY, No. 65

STATE OF NEW JERSEY

INTRODUCED JANUARY 17, 1949

By Miss FREEMAN

Referred to Committee on Judiciary

AN ACT to amend the title of "An act to prevent and eliminate practices of discrimination in employment and otherwise against persons because of race, creed, color, national origin or ancestry; to create a division in the Department of Education to effect such prevention and elimination; and making an appropriation therefor," approved April sixteenth, one thousand nine hundred and forty-five (P. L. 1945, c. 169), so that the same shall read "An act to protect all persons in their civil rights; to prevent and eliminate practices of discrimination against persons because of race, creed, color, national origin or ancestry; to create a division in the Department of Education to effect such prevention and elimination; and making an appropriation therefor," and to amend the body of said act.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. The title of "An act to prevent and eliminate practices of discrimina-  
2 tion in employment and otherwise against persons because of race, creed,  
3 color, national origin or ancestry; to create a division in the Department of  
4 Education to effect such prevention and elimination; and making an appro-  
5 priation therefor," approved April sixteenth, one thousand nine hundred and  
6 forty-five, is amended to read "An act to protect all persons in their civil  
7 rights; to prevent and eliminate practices of discrimination against persons

8 because of race, creed, color, national origin or ancestry; to create a division  
9 in the Department of Education to effect such prevention and elimination,  
10 and making an appropriation therefor.”

1 2. Section four of the act of which this act is amendatory is amended to  
2 read as follows:

3 4. All persons shall have the [The] opportunity to obtain employment  
4 and to obtain all the accommodations, advantages, facilities, and privileges  
5 of any place of public accommodation, without discrimination because of  
6 race, creed, color, national origin or ancestry, subject only to conditions and  
7 limitations applicable alike to all persons. This opportunity is recognized as  
8 and declared to be a civil right.

1 3. Section five of the act of which this act is amendatory is amended to  
2 read as follows:

3 5. As used in this act, unless a different meaning clearly appears from the  
4 context:

5 a. “Person” includes one or more individuals, partnerships, associa-  
6 tions, labor organizations, corporations, legal representatives, trustees,  
7 trustees in bankruptcy, [or] receivers[.], and fiduciaries.

8 b. “Employment agency” includes any person undertaking to procure  
9 employees or opportunities for others to work.

10 c. “Labor organization” includes any organization which exists and is  
11 constituted for the purpose, in whole or in part, of collective bargaining or  
12 of dealing with employers concerning grievances, terms or conditions of  
13 employment, or of other mutual aid or protection in connection with employ-  
14 ment.

15 d. “Unlawful employment practice” and “unlawful discrimination”  
16 include[s] only those unlawful practices and acts specified in section eleven  
17 of this act.

18 e. “Employer” does not include a club exclusively social or a fraternal,  
19 charitable, educational or religious association or corporation, if such club,

20 association or corporation is not organized and operated for private profit  
21 nor does it include any employer with fewer than six persons in his employ.

22 f. "Employee" does not include any individual employed by his parents,  
23 spouse or child, or in the domestic service of any person.

24 g. "Division" means the State "Division against Discrimination"  
25 created by this act.

25½ h. "Commissioner" means the State Commissioner of Education.

26 i. "Commission" means the Commission on Civil Rights created by  
26½ this act.

27 j. "A place of public accommodation" shall include any tavern,  
28 roadhouse, or hotel, whether for entertainment of transient guests or accom-  
29 modation of those seeking health, recreation or rest; any retail shop or store;  
30 any restaurant, eating house, or place where food is sold for consumption on  
31 the premises; any place maintained for the sale of ice cream, ice and fruit  
32 preparations or their derivatives, soda water or confections, or where any  
33 beverages of any kind are retailed for consumption on the premises; any  
34 garage, any public conveyance operated on land or water, or in the air, and  
35 stations and terminals thereof; any public bathhouse, public boardwalk, public  
36 seashore accommodation; any auditorium, meeting place, or public hall; any  
37 theatre, or other place of public amusement, motion-picture house, music  
38 hall, roof garden, skating rink, swimming pool, amusement and recreation  
39 park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool  
40 parlor; any comfort station; any dispensary, clinic or hospital; and any pub-  
41 lic library, kindergarten, primary and secondary school, trade or business  
42 school, high school, academy, college and university, or any educational in-  
43 stitution under the supervision of the regents of the State of New Jersey,  
44 or the State Board of Education, or the Commissioner of Education of the  
45 State of New Jersey. Nothing herein contained shall be construed to in-  
46 clude, or to apply to, any institution, bona fide club, or place of accommoda-

47 tion, which is in its nature distinctly private; nor shall anything herein  
 48 contained apply to any educational facility operated or maintained by a  
 49 bona fide religious or sectarian institution, and the right of a natural  
 50 parent or one in loco parentis to direct the education and upbringing of a  
 51 child under his control is hereby affirmed; nor shall anything herein con-  
 52 tained be construed to bar any private secondary or post-secondary school  
 53 from using in good faith criteria other than race, creed, color, national  
 54 origin or ancestry, in the admission of students.

1 4. Section seven of the act of which this act is amendatory is amended  
 2 to read as follows:

3 7. The said division shall consist of the Commissioner of Education and  
 4 the commission [a council]. The commission [council] shall consist of  
 5 seven members; each member shall be appointed by the Governor, with the ad-  
 6 vice and consent of the Senate, for a term of five years and until his suc-  
 7 cessor is appointed and qualified, except that of those first appointed, one  
 8 shall be appointed for a term of one year, one for a term of two years, one  
 9 for a term of three years and two for a term of four years. Vacancies  
 10 caused other than by expiration of term shall be filled in the same manner  
 11 but for the unexpired term only. Members of the commission [council]  
 12 shall serve without compensation but shall be reimbursed for necessary ex-  
 13 penses incurred in the performance of their duties. The first chairman of  
 14 the commission [council] shall be designated by the Governor and thereafter,  
 15 the chairman shall be elected by the members, annually.

1 5. Section eight of the act of which this act is amendatory is amended  
 2 to read as follows:

- 3 8. The commissioner shall
- 4 a. Exercise all powers of the division not vested in the commission
  - 5 [council].
  - 6 b. Administer the work of the division.
  - 7 c. Organize the division into two sections, one of which shall receive,
  - 8 investigate, and act upon complaints alleging discrimination in employment

9 against persons because of race, creed, color, national origin or ancestry,  
10 and the other of which shall receive, investigate, and act upon complaints  
11 alleging other unlawful acts of discrimination against persons because of  
12 race, creed, color, national origin or ancestry; prescribe the organization of  
13 [the division] said sections and the duties of his subordinates and as-  
14 sistants.

15 d. Subject to the approval of the commission **[council]** and the Gov-  
16 ernor, appoint an assistant Commissioner of Education, who shall act for  
17 the commissioner, in his place and with his powers, and such other directors,  
18 field representatives and assistants as may be necessary for the proper ad-  
19 ministration of the division and fix their compensation within the limits of  
20 available appropriations. The assistant commissioner, directors, field repre-  
21 sentatives, and assistants shall not be subject to the civil service act and shall  
22 be removable by the commissioner at will.

23 e. Appoint such clerical force and employees as he may deem necessary  
24 and fix their duties, all of whom shall be subject to the civil service act.

25 f. Maintain liaison with local, State and Federal officials and agencies  
26 concerned with matters related to the work of the division.

27 g. Subject to the approval of the commission **[council]** adopt, promul-  
28 gate, amend, and rescind suitable rules and regulations to carry out the pro-  
29 visions of this act.

30 h. Receive, investigate, and pass upon complaints alleging **[discrimina-**  
31 **tion in employment]** violations of the provisions of this act. **[against persons**  
32 **because of race, creed, color, national origin or ancestry.]**

33 i. Hold hearings, subpoena witnesses, compel their attendance, admin-  
34 ister oaths, take the testimony of any person, under oath, and, in connection  
35 therewith, **[to]** require the production for examination of any books or  
36 papers relating to any matter under investigation or in question before the  
37 commissioner. The commissioner may make rules as to the issuance of  
38 subpoenas by the assistant commissioner.

39 j. Issue such publications and such results of investigations and re-  
40 search tending to promote good will and to minimize or eliminate dis-  
41 crimination because of race, creed, color, national origin or ancestry, as the  
42 commission [council] shall direct.

43 k. Render each year to the Governor and Legislature a full written re-  
44 port of all the activities of the division.

1 6. Section nine of the act of which this act is amendatory is amended to  
2 read as follows:

3 9. The commission [council] shall

4 a. Consult with and advise the commissioner with respect to the work of  
5 the division.

6 b. Approve or disapprove the appointment of officers, employees and  
7 agents, and the fixing of their compensation by the commissioner.

8 c. Survey and study the operations of the division.

9 d. Report to the Governor and the Legislature with respect to such mat-  
10 ters relating to the work of the division and at such times as it may deem in  
11 the public interest.

12 e. Create such advisory agencies and conciliation councils, local,  
13 regional or State-wide, as in its judgment will aid in effectuating the pur-  
14 poses of this act, and the commission [council] may empower them to  
15 study the problems of discrimination in all or specific fields of human rela-  
16 tionships or in specific instances of discrimination because of race, creed,  
17 color, national origin or ancestry and to foster through community effort  
18 or otherwise good will, co-operation and conciliation among the groups and  
19 elements of the population of the State, and make recommendations to the  
20 commission [council] for the development of policies and procedures in  
21 general and in specific instances and for programs of formal and informal  
22 education which the commission [council] may recommend to the appro-  
23 priate State agency. Such advisory agencies and conciliation councils shall  
24 be composed of representative citizens, serving without pay, but with re-  
25 imbursement for actual and necessary traveling expenses; and the commis-



26 sion [council] may make provision for technical and clerical assistance to  
27 such agencies and councils and for the expenses of such assistance.

1 7. Section eleven of the act of which this act is amendatory is amended  
1½ to read as follows:

2 11. It shall be an unlawful employment practice[:], or, as the case  
2½ may be, an unlawful discrimination:

3 a. For an employer, because of the race, creed, color, national origin or  
4 ancestry of any individual, to refuse to hire or employ or to bar or to dis-  
5 charge from employment such individual or to discriminate against such indi-  
6 vidual in compensation or in terms, conditions or privileges of employment.

7 b. For a labor organization, because of the race, creed, color, national  
8 origin or ancestry of any individual, to exclude or to expel from its member-  
9 ship such individual or to discriminate in any way against any of its members  
10 or against any employer or any individual employed by an employer.

11 c. For any employer or employment agency to print or circulate or cause  
12 to be printed or circulated any statement, advertisement or publication, or  
13 to use any form of application for employment, or to make any inquiry in con-  
14 nection with prospective employment, which expresses, directly or indirectly,  
15 any limitation, specification or discrimination as to race, creed, color, national  
16 origin or ancestry or any intent to make any such limitation, specification or  
17 discrimination, unless based upon a bona fide occupational qualification.

18 d. For any employer, labor organization or employment agency to dis-  
19 charge, expel or otherwise discriminate against any person because he has  
20 opposed any practices or acts forbidden under this act or because he has filed  
21 a complaint, testified or assisted in any proceeding under this act.

22 e. For any person, whether an employer or an employee or not, to aid,  
23 abet, incite, compel or coerce the doing of any of the acts forbidden under  
24 this act, or to attempt to do so.

25 f. For any owner, lessee, proprietor, manager, superintendent, agent, or  
26 employee of any place of public accommodation directly or indirectly to re-

27 fuse, withhold from or deny to any person any of the accommodations, advan-  
28 tages, facilities or privileges thereof, or to discriminate against any person  
29 in the furnishing thereof, or directly or indirectly to publish, circulate, issue,  
30 display, post or mail any written or printed communication, notice, or  
31 advertisement to the effect that any of the accommodations, advantages,  
32 facilities, or privileges of any such place will be refused, withheld from, or  
33 denied to any person on account of the race, creed, color, national origin, or  
34 ancestry of such person, or that the patronage or custom thereof of any per-  
35 son of any particular race, creed, color, national origin or ancestry is unwel-  
36 come, objectionable or not acceptable, desired or solicited, and the production  
37 of any such written or printed communication, notice or advertisement, pur-  
38 porting to relate to any such place and to be made by any owner, lessee,  
39 proprietor, superintendent, or manager thereof, shall be presumptive evi-  
40 dence in any action that the same was authorized by such person.

1       8. Section twelve of the act of which this act is amendatory is amended  
2 to read as follows:

3       12. Any person claiming [to be aggrieved by] an [alleged] unlawful  
4 employment practice or an unlawful discrimination may, by himself, or his  
5 attorney-at-law, make, sign and file with the commissioner a verified com-  
6 plaint in writing which shall state the name and address of the person, em-  
7 ployer, labor organization, [or] employment agency, owner, lessee, pro-  
8 prietor, manager, superintendent, or agent alleged to have committed the  
9 unlawful employment practice or unlawful discrimination complained of and  
10 which shall set forth the particulars thereof and shall contain such other  
11 information as may be required by the commissioner. The Commissioner of  
12 Labor or Attorney-General may, in like manner, make, sign and file such  
13 complaint. Any employer whose employees, or some of them, refuse or  
14 threaten to refuse to co-operate with the provisions of this act, may file with  
15 the commissioner a verified complaint asking for assistance by conciliation  
16 or other remedial action.

1 9. Section thirteen of the act of which this act is amendatory is amended  
2 to read as follows:

3 13. After the filing of any complaint, the commissioner shall cause  
4 prompt investigation to be made in connection therewith; and if the com-  
5 missioner shall determine after such investigation that probable cause exists  
6 for crediting the allegations of the complaint, he shall immediately en-  
7 deavor to eliminate the unlawful employment practice or the unlawful dis-  
8 crimination complained of by conference, conciliation and persuasion. Neither  
9 the commissioner nor any officer or employee of the division shall disclose  
10 what has transpired in the course of such endeavors.

1 10. Section fourteen of the act of which this act is amendatory is  
2 amended to read as follows:

3 14. In case of failure so to eliminate such practice or discrimination,  
4 or in advance thereof if in his judgment circumstances so warrant, [he]  
5 the commissioner shall cause to be issued and served in the name of the divi-  
6 sion, a written notice, together with a copy of such complaint, as the same  
7 may have been amended, requiring the person, employer, labor organiza-  
8 tion, [or] employment agency, owner, lessee, proprietor, manager, superin-  
9 tendent, or agent named in such complaint, hereinafter referred to as re-  
10 spondent, to answer the charges of such complaint at a hearing before the  
11 commissioner at a time and place to be specified in such notice. The place  
12 of any such hearing shall be the office of the commissioner or such other  
13 place as may be designated by him.

1 11. Section sixteen of the act of which this act is amendatory is  
2 amended to read as follows:

3 16. If, upon all the evidence at the hearing the commissioner shall find  
4 that the respondent has engaged in any unlawful employment practice or  
5 unlawful discrimination as defined in this act, the commissioner shall state  
6 his findings of fact and shall issue and cause to be served on such respond-  
7 ent an order requiring such respondent to cease and desist from such

8 unlawful employment practice or unlawful discrimination and to take such  
9 affirmative action, including, but not limited to, hiring, reinstatement or up-  
10 grading of employees, with or without back pay, or restoration to member-  
11 ship in any respondent labor organization, or extending full and equal  
12 accommodations, advantages, facilities, and privileges to all persons, as, in  
13 the judgment of the commissioner, will effectuate the purpose of this act, and  
14 including a requirement for report of the manner of compliance. If, upon all  
15 the evidence, the commissioner shall find that the respondent has not engaged  
16 in any such unlawful employment practice or unlawful discrimination, the  
17 commissioner shall state his findings of fact and shall issue and cause to be  
18 served on the complainant an order dismissing the said complaint as to such  
19 respondent. The failure of the commissioner to file his findings of fact and  
20 to issue and serve an order as in this section provided, within sixty days  
21 after the filing of the verified complaint with him in the manner provided  
22 by section twelve of this act, may, at the election of the complainant, be  
23 deemed to be the equivalent of an order of the commissioner dismissing the  
24 complaint, which shall be subject to review, hearing, and relief in the Su-  
25 perior Court, unless the Superior Court shall, for good cause shown, extend  
26 the time of the commissioner.

1 12. Section eighteen of the act of which this act is amendatory is  
2 amended to read as follows:

3 18. Observance of the orders of the commissioner may be enforced by  
4 [mandamus or injunction in appropriate cases, or by suit in equity] ap-  
5 propriate proceedings in the Superior Court to compel the specific perform-  
6 ance of the order or of the duties imposed by law upon the respondent  
7 named in the order. Any order made by the commissioner [may be re-  
8 viewed upon certiorari by the Supreme Court] shall be subject to review,  
9 hearing, and relief in the Superior Court; provided, [No certiorari shall be  
10 allowed unless] application therefore be made within thirty days from the  
11 date of service of the order upon respondent; [nor unless] and provided,

12 further, that notice in writing of the application shall have been given to  
 13 the commissioner with a copy of the affidavits or proof upon which the ap-  
 14 plication is based. The notice shall be served upon the commissioner either  
 15 personally or by leaving it at the office of the commissioner in Trenton. The  
 16 evidence presented to the commissioner, together with his findings and the  
 17 order issued thereon, shall be certified by the commissioner, to the Supreme  
 18 Court as his return and shall be evidence in the Superior Court.

1 13. Section nineteen of the act of which this act is amendatory is  
 2 amended to read as follows:

3 19. 【The allowance of a writ of certiorari to review】 An application to  
 4 the Superior Court, pursuant to section eighteen of this act, for review,  
 5 hearing and relief of, upon, and from any order of the commissioner shall  
 6 not supersede or stay such order unless the 【Supreme Court】 Superior  
 7 Court 【or a justice thereof】 shall so direct.

1 14. Section twenty of the act of which this act is amendatory is  
 2 amended to read as follows:

3 20. The 【Supreme Court】 Superior Court 【is given】 shall have juris-  
 4 isdiction to review any order of the commissioner, and to set aside such order  
 5 in whole or in part, when it clearly appears that there was no evidence  
 6 before the commissioner to support the same reasonably, or that the same  
 7 was without the jurisdiction of the commissioner.

1 15. Section twenty-one of the act of which this act is amendatory is  
 2 amended to read as follows:

3 21. No order of the commissioner shall be set aside in whole or in part  
 4 for any irregularity or informality in the proceedings of the commissioner  
 5 unless the irregularity or informality tends to defeat or impair the sub-  
 6 stantial right or interest of the 【prosecutor in certiorari】 person applying  
 7 to the Superior Court for review, hearing and relief.

1 16. Section twenty-two of the act of which this act is amendatory is  
2 amended to read as follows:

3 22. Upon such review, the ~~Supreme Court~~ Superior Court may affirm,  
4 reverse or modify any such order or may make such other order as shall  
5 appear equitable and just.

1 17. Section twenty-three of the act of which this act is amendatory is  
2 amended to read as follows:

3 23. The commissioner's copy of the testimony shall be available at all  
4 reasonable times to all parties for examination without cost and for produc-  
5 tion upon an application ~~for a writ of certiorari~~ to the Superior Court  
6 for review, hearing and relief. ~~The review upon certiorari~~ Such pro-  
7 ceedings in the Superior Court shall be on the record without requirement  
8 of printing.

1 18. Section twenty-five of the act of which this act is amendatory is  
2 amended to read as follows:

3 25. Any person ~~[, employer, labor organization or employment agency,]~~  
4 who ~~or which~~ shall willfully resist, prevent, impede or interfere with the  
5 commissioner of any representative ~~s~~ of the division in the performance  
6 of duty under this act, or shall willfully violate an order of the commis-  
7 sioner, shall be guilty of a misdemeanor and shall be punishable by im-  
8 prisonment for not more than one year, or by a fine of not more than five  
9 hundred dollars ~~[\$500.00]~~, or by both; but procedure for the review of the  
10 order shall not be deemed to be such willful conduct.

1 19. Section twenty-six of the act of which this act is amendatory is  
2 amended to read as follows:

3 26. The provisions of this act shall be construed liberally for the ac-  
4 complishment of the purposes thereof. Nothing contained in this act shall  
5 be deemed to repeal any of the provisions of the civil rights law or of any  
6 other law of this State relating to discrimination because of race, creed,  
7 color, national origin or ancestry; except that ~~but~~, as to practices and

A65  
(1949)

8 acts declared unlawful by section eleven of this act, the procedure herein  
9 provided shall, while pending, be exclusive; and the final determination  
10 therein shall exclude any other action, civil or criminal, based on the same  
11 grievance of the individual concerned. [If such individual institutes an ac-  
12 tion based on such grievance without resorting to the procedure provided in  
13 this act, he may not subsequently resort to the procedure herein.] Nothing  
14 herein contained shall bar, exclude, or otherwise affect any right or action,  
15 civil or criminal, which may exist independently of any right to redress  
16 against or specific relief from an unlawful employment practice or unlawful  
17 discrimination.

1 20. This act shall take effect immediately.

---

#### STATEMENT

This bill is intended to combine in one law the substantive provisions of the existing Civil Rights Law, Revised Statutes, sections 10:1-2 to 10:1-7, and the existing law against discrimination, Revised Statutes, sections 18:25-1 to 18:25-28.

It consolidates and unifies procedure and places administration under an existing single administrative agency.

This bill follows the recommendations of Governor Driscoll's Committee on Civil Liberties, as outlined in its report dated April 22, 1948 (pages 19 and 20) in substantially all respects, renaming the State Council of the Division Against Discrimination as The Commission on Civil Rights (see section 3 of the bill, amending section 5 of the 1945 act; new subparagraph "i"), and separating the division into two sections, one charged solely with the administration of the law against discrimination in employment, and the other with the administration of the law against other unlawful discrimination in the field of civil rights (see section 5 of the bill, amending section 8, subparagraph "c," of the act). This bill has the approval of the State Council of the Division Against Discrimination and is supported by the following organizations:

Afro-American Baptist State Convention of New Jersey  
A.M.E. Zion Church, Council of New Jersey  
Americans for Democratic Action, New Jersey Council  
American Jewish Committee, Trenton and Essex County Chapters  
American Jewish Congress, New Jersey State Region  
American Legion, Guyton-Callahan Post No. 152  
American Veterans Committee, New Jersey State Council  
B'nai B'rith Councils of New Jersey  
Burlington County Council for Civil Rights  
Camden Council of Churches  
Camden County Council for Civil Rights  
Committee on Intergroup Action, Central Atlantic Area, Y. M. C. A.  
Elizabeth Jewish Council  
Englewood Urban League  
Essex County Intergroup Council  
Essex County Republican Council, Inc.  
Federation of Jewish Women's Organizations of Essex County  
Gas, Coke and Chemical Workers, C.I.O., District 4  
Gloucester County Civil Liberties Council  
Good Will Associates  
Greater Newark C.I.O. Council  
Hudson County Council for A-512  
Jewish Community Council of Essex County  
Jewish War Veterans of the United States, Department of New Jersey  
Lambda Kappa Mu, Epsilon Chapter  
League of Women Shoppers of New Jersey  
League of Women Voters of New Jersey  
Morris County Committee for Civil Rights  
National Conference of Christians and Jews  
National Council of Jewish Women, New Jersey Conference  
National Council of Negro Women, New Jersey Metropolitan Branch



New Jersey Council of Churches  
New Jersey Education Association  
New Jersey Independent Citizens' League  
New Jersey State C.I.O. Council  
New Jersey State Conference of N.A.A.C.P. Branches  
New Jersey State Council, Division Against Discrimination  
New Jersey State Federation of Colored Women's Clubs, Inc.  
New Jersey State Federation of Labor  
New Jersey State Federation of Teachers  
New Jersey Welfare Council  
Newark Teachers Union  
North Hudson Jewish Community Council  
North Jersey Civil Liberties League  
Trenton Council on Human Relations  
Union County Council for Civil Rights  
United Electrical Workers, District 4, C.I.O.  
United Office and Professional Workers, C.I.O.  
Urban League Guild of New Jersey  
Urban League of New Jersey  
Women's League of the United Synagogue of America, New Jersey Branch

[OFFICIAL COPY REPRINT]

ASSEMBLY, No. 65

---

STATE OF NEW JERSEY

---

INTRODUCED JANUARY 17, 1949

By Miss FREEMAN

Referred to Committee on Judiciary

AN ACT to amend the title of "An act to prevent and eliminate practices of discrimination in employment and otherwise against persons because of race, creed, color, national origin or ancestry; to create a division in the Department of Education to effect such prevention and elimination; and making an appropriation therefor," approved April sixteenth, one thousand nine hundred and forty-five (P. L. 1945, c. 169), so that the same shall read "An act to protect all persons in their civil rights; to prevent and eliminate practices of discrimination against persons because of race, creed, color, national origin or ancestry; to create a division in the Department of Education to effect such prevention and elimination; and making an appropriation therefor," and to amend the body of said act.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. The title of "An act to prevent and eliminate practices of discrimina-  
2 tion in employment and otherwise against persons because of race, creed,  
3 color, national origin or ancestry; to create a division in the Department of  
4 Education to effect such prevention and elimination; and making an appro-  
5 priation therefor," approved April sixteenth, one thousand nine hundred and  
6 forty-five, is amended to read "An act to protect all persons in their civil  
7 rights; to prevent and eliminate practices of discrimination against persons

8 because of race, creed, color, national origin or ancestry; to create a division  
9 in the Department of Education to effect such prevention and elimination,  
10 and making an appropriation therefor.”

1 2. Section four of the act of which this act is amendatory is amended to  
2 read as follows:

3 4. All persons shall have the opportunity to obtain employment and  
4 to obtain all the accommodations, advantages, facilities, and privileges  
5 of any place of public accommodation, without discrimination because of  
6 race, creed, color, national origin or ancestry, subject only to conditions and  
7 limitations applicable alike to all persons. This opportunity is recognized as  
8 and declared to be a civil right.

1 3. Section five of the act of which this act is amendatory is amended to  
2 read as follows:

3 5. As used in this act, unless a different meaning clearly appears from the  
4 context:

5 a. “Person” includes one or more individuals, partnerships, associa-  
6 tions, labor organizations, corporations, legal representatives, trustees,  
7 trustees in bankruptcy, receivers, and fiduciaries.

8 b. “Employment agency” includes any person undertaking to procure  
9 employees or opportunities for others to work.

10 c. “Labor organization” includes any organization which exists and is  
11 constituted for the purpose, in whole or in part, of collective bargaining or  
12 of dealing with employers concerning grievances, terms or conditions of  
13 employment, or of other mutual aid or protection in connection with employ-  
14 ment.

15 d. “Unlawful employment practice” and “unlawful discrimination”  
16 includes only those unlawful practices and acts specified in section eleven  
17 of this act.

18 e. “Employer” does not include a club exclusively social or a fraternal,  
19 charitable, educational or religious association or corporation, if such club,

20 association or corporation is not organized and operated for private profit  
21 nor does it include any employer with fewer than six persons in his employ.

22 f. "Employee" does not include any individual employed by his parents,  
23 spouse or child, or in the domestic service of any person.

24 g. "Division" means the State "Division against Discrimination"  
25 created by this act.

25½ h. "Commissioner" means the State Commissioner of Education.

26 i. "Commission" means the Commission on Civil Rights created by  
26½ this act.

27 j. "A place of public accommodation" shall include any tavern,  
28 roadhouse, or hotel, whether for entertainment of transient guests or accom-  
29 modation of those seeking health, recreation or rest; any retail shop or store;  
30 any restaurant, eating house, or place where food is sold for consumption on  
31 the premises; any place maintained for the sale of ice cream, ice and fruit  
32 preparations or their derivatives, soda water or confections, or where any  
33 beverages of any kind are retailed for consumption on the premises; any  
34 garage, any public conveyance operated on land or water, or in the air, and  
35 stations and terminals thereof; any public bathhouse, public boardwalk, public  
36 seashore accommodation; any auditorium, meeting place, or public hall; any  
37 theatre, or other place of public amusement, motion-picture house, music  
38 hall, roof garden, skating rink, swimming pool, amusement and recreation  
39 park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool  
40 parlor; any comfort station; any dispensary, clinic or hospital; and any  
41 public library, any kindergarten, primary and secondary school, trade or  
42 business school, high school, academy, college and university, or any  
43 educational institution under the supervision of the State Board of  
44 Education, or the Commissioner of Education of the State of New  
45 Jersey. Nothing herein contained shall be construed to include, or  
46 to apply to, any institution, bona fide club, or place of accommoda-

47 tion, which is in its nature distinctly private; nor shall anything herein  
48 contained apply to any educational facility operated or maintained by a  
49 bona fide religious or sectarian institution, and the right of a natural  
50 parent or one in loco parentis to direct the education and upbringing of a  
51 child under his control is hereby affirmed; nor shall anything herein con-  
52 tained be construed to bar any private secondary or post-secondary school  
53 from using in good faith criteria other than race, creed, color, national  
54 origin or ancestry, in the admission of students.

1 4. Section seven of the act of which this act is amendatory is amended  
2 to read as follows:

3 7. The said division shall consist of the Commissioner of Education and  
4 the commission. The commission shall consist of seven members; each mem-  
5 ber shall be appointed by the Governor, with the advice and consent of the  
6 Senate, for a term of five years and until his successor is appointed and  
7 qualified, except that of those first appointed, one shall be appointed for a  
8 term of one year, one for a term of two years, one for a term of three years  
9 and two for a term of four years. Vacancies caused other than by expiration  
10 of term shall be filled in the same manner but for the unexpired term only.  
11 Members of the commission shall serve without compensation but shall be re-  
12 imbursed for necessary expenses incurred in the performance of their duties.  
13 The first chairman of the commission shall be designated by the Governor  
14 and thereafter, the chairman shall be elected by the members, annually.

1 5. Section eight of the act of which this act is amendatory is amended  
2 to read as follows:

3 8. The commissioner shall  
4-5 a. Exercise all powers of the division not vested in the commission.  
6 b. Administer the work of the division.  
7 c. Organize the division into two sections, one of which shall receive,  
8 investigate, and act upon complaints alleging discrimination in employment  
9 against persons because of race, creed, color, national origin or ancestry,  
10 and the other of which shall receive, investigate, and act upon complaints

11 alleging other unlawful acts of discrimination against persons because of  
12 race, creed, color, national origin or ancestry; prescribe the organization of  
13 said sections and the duties of his subordinates and assistants.

14-15 d. Subject to the approval of the commission and the Governor,  
16 appoint an assistant Commissioner of Education, who shall act for the  
17 commissioner, in his place and with his powers, and such other directors,  
18 field representatives and assistants as may be necessary for the proper ad-  
19 ministration of the division and fix their compensation within the limits of  
20 available appropriations. The assistant commissioner, directors, field repre-  
21 sentatives, and assistants shall not be subject to the civil service act and shall  
22 be removable by the commissioner at will.

23 e. Appoint such clerical force and employees as he may deem necessary  
24 and fix their duties, all of whom shall be subject to the civil service act.

25 f. Maintain liaison with local, State and Federal officials and agencies  
26 concerned with matters related to the work of the division.

27 g. Subject to the approval of the commission adopt, promulgate,  
28 amend, and rescind suitable rules and regulations to carry out the pro-  
29 visions of this act.

30-31 h. Receive, investigate, and pass upon complaints alleging violations of  
32 the provisions of this act.

33 i. Hold hearings, subpoena witnesses, compel their attendance, admin-  
34 ister oaths, take the testimony of any person, under oath, and, in con-  
35 nection therewith, require the production for examination of any books or  
36 papers relating to any matter under investigation or in question before the  
37 commissioner. The commissioner may make rules as to the issuance of  
38 subpoenas by the assistant commissioner.

39 j. Issue such publications and such results of investigations and re-  
40 search tending to promote good will and to minimize or eliminate dis-  
41 crimination because of race, creed, color, national origin or ancestry, as the  
42 commission shall direct.

43 k. Render each year to the Governor and Legislature a full written re-  
44 port of all the activities of the division.

1 6. Section nine of the act of which this act is amendatory is amended to  
2 read as follows:

3 9. The commission shall

4 a. Consult with and advise the commissioner with respect to the work of  
5 the division.

6 b. Approve or disapprove the appointment of officers, employees and  
7 agents, and the fixing of their compensation by the commissioner.

8 c. Survey and study the operations of the division.

9 d. Report to the Governor and the Legislature with respect to such mat-  
10 ters relating to the work of the division and at such times as it may deem in  
11 the public interest.

12 e. Create such advisory agencies and conciliation councils, local,  
13 regional or State-wide, as in its judgment will aid in effectuating the pur-  
14 poses of this act, and the commission may empower them to study the  
15 problems of discrimination in all or specific fields of human relationships or  
16 in specific instances of discrimination because of race, creed, color, national  
17 origin or ancestry and to foster through community effort or otherwise good  
18 will, co-operation and conciliation among the groups and elements of the  
19 population of the State, and make recommendations to the commission for  
20 the development of policies and procedures in general and in specific instances  
21 and for programs of formal and informal education which the commission  
22 may recommend to the appropriate State agency. Such advisory agencies  
23 and conciliation councils shall be composed of representative citizens, serv-  
24 ing without pay, but with reimbursement for actual and necessary traveling  
25 expenses; and the commission may make provision for technical and clerical  
26 assistance to such agencies and councils and for the expenses of such assist-  
27 ance.

1       7. Section eleven of the act of which this act is amendatory is amended  
1½ to read as follows:

2       11. It shall be an unlawful employment practice, or, as the case may be,  
2½ an unlawful discrimination:

3       a. For an employer, because of the race, creed, color, national origin or  
4 ancestry of any individual, to refuse to hire or employ or to bar or to dis-  
5 charge from employment such individual or to discriminate against such indi-  
6 vidual in compensation or in terms, conditions or privileges of employment.

7       b. For a labor organization, because of the race, creed, color, national  
8 origin or ancestry of any individual, to exclude or to expel from its member-  
9 ship such individual or to discriminate in any way against any of its members  
10 or against any employer or any individual employed by an employer.

11       c. For any employer or employment agency to print or circulate or cause  
12 to be printed or circulated any statement, advertisement or publication, or  
13 to use any form of application for employment, or to make any inquiry in con-  
14 nection with prospective employment, which expresses, directly or indirectly,  
15 any limitation, specification or discrimination as to race, creed, color, national  
16 origin or ancestry or any intent to make any such limitation, specification or  
17 discrimination, unless based upon a bona fide occupational qualification.

18       d. For any employer, labor organization or employment agency to dis-  
19 charge, expel or otherwise discriminate against any person because he has  
20 opposed any practices or acts forbidden under this act or because he has filed  
21 a complaint, testified or assisted in any proceeding under this act.

22       e. For any person, whether an employer or an employee or not, to aid,  
23 abet, incite, compel or coerce the doing of any of the acts forbidden under  
24 this act, or to attempt to do so.

25       f. For any owner, lessee, proprietor, manager, superintendent, agent, or  
26 employee of any place of public accommodation directly or indirectly to re-  
27 fuse, withhold from or deny to any person any of the accommodations, advan-  
28 tages, facilities or privileges thereof, or to discriminate against any person  
29 in the furnishing thereof, or directly or indirectly to publish, circulate, issue,



30 display, post or mail any written or printed communication, notice, or  
31 advertisement to the effect that any of the accommodations, advantages,  
32 facilities, or privileges of any such place will be refused, withheld from, or  
33 denied to any person on account of the race, creed, color, national origin, or  
34 ancestry of such person, or that the patronage or custom thereof of any per-  
35 son of any particular race, creed, color, national origin or ancestry is unwel-  
36 come, objectionable or not acceptable, desired or solicited, and the production  
37 of any such written or printed communication, notice or advertisement, pur-  
38 porting to relate to any such place and to be made by any owner, lessee,  
39 proprietor, superintendent, or manager thereof, shall be presumptive evi-  
40 dence in any action that the same was authorized by such person.

1 8. Section twelve of the act of which this act is amendatory is amended  
2 to read as follows:

3 12. Any person claiming to be aggrieved by an unlawful employment  
4 practice or an unlawful discrimination may, by himself, or his attorney-  
5 at-law, make, sign and file with the commissioner a verified complaint  
6 in writing which shall state the name and address of the person, em-  
7 ployer, labor organization, employment agency, owner, lessee, proprietor,  
8 manager, superintendent, or agent alleged to have committed the un-  
9 lawful employment practice or unlawful discrimination complained of and  
10 which shall set forth the particulars thereof and shall contain such other  
11 information as may be required by the commissioner. The Commissioner of  
12 Labor or Attorney-General may, in like manner, make, sign and file such  
13 complaint. Any employer whose employees, or some of them, refuse or  
14 threaten to refuse to co-operate with the provisions of this act, may file with  
15 the commissioner a verified complaint asking for assistance by conciliation  
16 or other remedial action.

1 9. Section thirteen of the act of which this act is amendatory is amended  
2 to read as follows:

3 13. After the filing of any complaint, the commissioner shall cause  
4 prompt investigation to be made in connection therewith; and if the com-

5 missioner shall determine after such investigation that probable cause exists  
6 for crediting the allegations of the complaint, he shall immediately en-  
7 deavor to eliminate the unlawful employment practice or the unlawful dis-  
8 crimination complained of by conference, conciliation and persuasion. Neither  
9 the commissioner nor any officer or employee of the division shall disclose  
10 what has transpired in the course of such endeavors.

1 10. Section fourteen of the act of which this act is amendatory is  
2 amended to read as follows:

3 14. In case of failure so to eliminate such practice or discrimination,  
4 or in advance thereof if in his judgment circumstances so warrant, the  
5 commissioner shall cause to be issued and served in the name of the divi-  
6 sion, a written notice, together with a copy of such complaint, as the same  
7 may have been amended, requiring the person, employer, labor organiza-  
8 tion, employment agency, owner, lessee, proprietor, manager, superin-  
9 tendent, or agent named in such complaint, hereinafter referred to as re-  
10 spondent, to answer the charges of such complaint at a hearing before the  
11 commissioner at a time and place to be specified in such notice. The place  
12 of any such hearing shall be the office of the commissioner or such other  
13 place as may be designated by him.

1 11. Section sixteen of the act of which this act is amendatory is  
2 amended to read as follows:

3 16. If, upon all the evidence at the hearing the commissioner shall find  
4 that the respondent has engaged in any unlawful employment practice or  
5 unlawful discrimination as defined in this act, the commissioner shall state  
6 his findings of fact and shall issue and cause to be served on such respond-  
7 ent an order requiring such respondent to cease and desist from such  
8 unlawful employment practice or unlawful discrimination and to take such  
9 affirmative action, including, but not limited to, hiring, reinstatement or up-  
10 grading of employees, with or without back pay, or restoration to member-  
11 ship in any respondent labor organization, or extending full and equal  
12 accommodations, advantages, facilities, and privileges to all persons, as, in

13 the judgment of the commissioner, will effectuate the purpose of this act, and  
14 including a requirement for report of the manner of compliance. If, upon all  
15 the evidence, the commissioner shall find that the respondent has not engaged  
16 in any such unlawful employment practice or unlawful discrimination, the  
17 commissioner shall state his findings of fact and shall issue and cause to be  
18 served on the complainant an order dismissing the said complaint as to such  
19 respondent. The failure of the commissioner to file his findings of fact and  
20 to issue and serve an order as in this section provided, within ninety days  
21 after the filing of the verified complaint with him in the manner provided  
22 by section twelve of this act, or within such additional period as may, for  
23 good cause shown, be granted by the commission, may, at the election of the  
24 complainant, be deemed to be the equivalent of an order of the commissioner  
25 dismissing the complaint, which shall be subject to review, hearing, and  
26 relief in the Superior Court.

1 12. Section eighteen of the act of which this act is amendatory is  
2 amended to read as follows:

3 18. Observance of the orders of the commissioner may be enforced by  
4-5 appropriate proceedings in the Superior Court to compel the specific perform-  
6 ance of the order or of the duties imposed by law upon the respondent  
7 named in the order. Any order made by the commissioner shall be subject to  
8 review, hearing, and relief in the Superior Court; *provided*, application there-  
9 fore be made within thirty days from the date of service of the order upon  
10 respondent; *and provided, further*, that notice in writing of the application  
11 shall have been given to the commissioner with a copy of the affidavits or  
12 proof upon which the application is based. The notice shall be served upon  
13 the commissioner either personally or by leaving it at the office of the com-  
14 missioner in Trenton. The evidence presented to the commissioner, together  
15 with his findings and the order issued thereon, shall be certified by the com-  
16 missioner, and shall be evidence in the Superior Court.

1 13. Section nineteen of the act of which this act is amendatory is  
2 amended to read as follows:

3 19. An application to the Superior Court, pursuant to section eighteen  
4 of this act, for review, hearing and relief of, upon, and from any order of the  
5 commissioner shall not supersede or stay such order unless the Superior  
6 Court shall so direct.

1 14. Section twenty of the act of which this act is amendatory is  
2 amended to read as follows:

3 20. The Superior Court shall have jurisdiction to review any order of the  
4 commissioner, and to set aside such order in whole or in part, when it clearly  
5 appears that there was no evidence before the commissioner to support the  
6 same reasonably, or that the same was without the jurisdiction of the com-  
7 missioner.

1 15. Section twenty-one of the act of which this act is amendatory is  
2 amended to read as follows:

3 21. No order of the commissioner shall be set aside in whole or in part  
4 for any irregularity or informality in the proceedings of the commissioner  
5 unless the irregularity or informality tends to defeat or impair the sub-  
6 stantial right or interest of the person applying to the Superior Court for  
7 review, hearing and relief.

1 16. Section twenty-two of the act of which this act is amendatory is  
2 amended to read as follows:

3 22. Upon such review, the Superior Court may affirm, reverse or modify  
4 any such order or may make such other order as shall appear equitable and  
5 just.

1 17. Section twenty-three of the act of which this act is amendatory is  
2 amended to read as follows:

3 23. The commissioner's copy of the testimony shall be available at all  
4 reasonable times to all parties for examination without cost and for produc-  
5 tion upon an application to the Superior Court for review, hearing and relief.

6 Such proceedings in the Superior Court shall be on the record without re-  
7 quirement of printing.

1 18. Section twenty-five of the act of which this act is amendatory is  
2 amended to read as follows:

3 25. Any person who shall willfully resist, prevent, impede or interfere  
4 with the commissioner of any representative of the division in the perform-  
5-6 ance of duty under this act, or shall willfully violate an order of the commis-  
7 sioner, shall be guilty of a misdemeanor and shall be punishable by im-  
8 prisonment for not more than one year, or by a fine of not more than five  
9 hundred dollars, or by both; but procedure for the review of the order shall  
10 not be deemed to be such willful conduct.

1 19. Section twenty-six of the act of which this act is amendatory is  
2 amended to read as follows:

3 26. The provisions of this act shall be construed liberally for the ac-  
4 complishment of the purposes thereof. Nothing contained in this act shall  
5 be deemed to repeal any of the provisions of the civil rights law or of any  
6 other law of this State relating to discrimination because of race, creed,  
7 color, national origin or ancestry; except that, as to practices and  
8 acts declared unlawful by section eleven of this act, the procedure herein  
9 provided shall, while pending, be exclusive; and the final determination  
10 therein shall exclude any other action, civil or criminal, based on the same  
11 grievance of the individual concerned. Nothing herein contained shall bar,  
12 exclude, or otherwise affect any right or action, civil or criminal, which may  
13 exist independently of any right to redress against or specific relief from an  
14 unlawful employment practice or unlawful discrimination.

1 20. This act shall take effect immediately.

[OFFICIAL COPY REPRINT]  
SENATE AMENDMENTS TO  
ASSEMBLY, No. 65

STATE OF NEW JERSEY

ADOPTED MARCH 10, 1949

Amend page 5, section 5, line 25, eliminate “, State and Federal” and substitute “and State”.

Amend page 5, section 5, line 30, eliminate “violations” and substitute “acts in violation”.

Amend page 5, section 5, line 36, after “any” insert “subject”.

Amend page 6, section 6, lines 12-27, omit entire lines and substitute the following: “The mayors or chief executive officers of the municipalities in the State may appoint local commissions on civil rights to aid in effectuating the purposes of this act. Such local commissions shall be composed of representative citizens serving without compensation. Such commissions shall attempt to foster through community effort or otherwise good will, co-operation, and conciliation among the groups and elements of the inhabitants of the community, and they may be empowered by the local governing bodies to make recommendations to them for the development of policies and procedures in general and for programs of formal and informal education that will aid in eliminating all types of discrimination based on race, creed, color, national origin, or ancestry. The State commission may make provision for technical and clerical assistance to municipal officials to aid in organizing such commissions in all of the municipalities in the State.”

Amend page 10, section 11, line 25, delete “which shall be subject to review, hearing, and” and substitute “from which an appeal shall lie as hereinafter provided.”

Amend page 10, section 11, line 26, delete line.

Amend page 10, section 12, lines 3-16, omit entire lines and substitute the following: "Observance of an order of the commissioner may be enforced by proceedings in the County Court to compel the specific performance of the order or of the duties imposed by law upon the respondent named in the order. Such proceedings shall be brought in the County Court to which an appeal from the order would lie as hereinafter provided."

Amend page 11, section 13, line 3, delete "application to the Superior Court, pursuant to section eighteen" and substitute "appeal".

Amend page 11, section 13, line 4, delete "of this act, for review, hearing and relief of, upon, and".

Amend page 11, section 13, line 5, delete "Superior" and substitute "County".

Amend page 11, section 13, line 6, after "court" insert "to which such appeal is taken".

Amend page 11, section 14, lines 3-7, omit entire lines and substitute the following: "Any person aggrieved by a final order of the commissioner may take an appeal therefrom to the County Court of the county in which the alleged unlawful employment practice or unlawful discrimination took place; *provided*, that notice of such appeal be filed in such County Court within thirty days after the making of such order, together with an affidavit or an acknowledgment of service of copies of the notice of appeal upon the commissioner and all other parties to the proceeding or their attorneys. Within twenty days after the service of such notice of appeal, the commissioner shall file in the County Court the original or a certified copy of the record of the proceedings under review, including such testimony as shall have been taken stenographically, and shall serve notice of the filing of such record upon the appellant. By order of the County Court or upon stipulation of the parties, the record may be shortened by eliminating any portion thereof, or by the submission of an agreed statement of facts. Within twenty days after service of the notice by the commissioner that the record has been filed in the County Court, the appel-

lant shall move the appeal to the County Court in the manner provided by law and the rules of court in respect to the making of motions in the County Court, and thereafter the matter shall proceed in the same manner as in other motions in the County Court."

Amend page 11, section 15, line 3, after "aside" insert "upon appeal".

Amend page 11, section 15, line 6, delete "person applying to the Superior Court for" and substitute "appellant".

Amend page 11, section 15, line 7, delete line.

Amend page 11, section 16, line 3, delete "such review" and substitute "appeal"; delete "Superior" and substitute "County".

Amend page 11, section 16, line 5, add "Any final order or judgment of the County Court shall be subject to appeal by the commissioner or by any party as in other causes in such court."

Amend page 11, section 17, line 4, insert a period after "cost"; delete remainder of line.

Amend page 11, section 17, line 5, delete line.

Amend page 12, section 17, lines 6-7, delete lines.

Amend page 12, section 19, line 4, delete "of" after commissioner and insert "or".

Amend page 12, section 19, lines 3-4, omit "liberally for the accomplishment of the purposes thereof" and substitute therefor "fairly and justly with due regard to the interests of all parties."



ASSEMBLY, No. 11

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1951

By Messrs. CAVINATO and SHEPARD

Referred to Committee on Judiciary

AN ACT to amend the title of "An act to protect all persons in their civil rights; to prevent and eliminate practices of discrimination against persons because of race, creed, color, national origin or ancestry; to create a division in the Department of Education to effect such prevention and elimination; and making an appropriation therefor," approved April sixteenth, one thousand nine hundred and forty-five (P. L. 1945, c. 169), as said title was amended by chapter eleven of the laws of one thousand nine hundred and forty-nine, so that the same shall read "An act to protect all persons in their civil rights; to prevent and eliminate practices of discrimination against persons because of race, creed, color, national origin or ancestry or because of their liability for service in the armed forces of the United States; to create a division in the Department of Education to effect such prevention and elimination; and making an appropriation therefor," and to amend the body of said act.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. The title of "An act to protect all persons in their civil rights; to  
2 prevent and eliminate practices of discrimination against persons because of  
3 race, creed, color, national origin or ancestry; to create a division in the  
4 Department of Education to effect such prevention and elimination; and mak-  
5 ing an appropriation therefor," approved April sixteenth, one thousand nine

6 hundred and forty-five (P. L. 1945, c. 169), as said title was amended by  
7 chapter eleven of the laws of one thousand nine hundred and forty-nine, is  
8 amended to read "An act to protect all persons in their civil rights; to  
9 prevent and eliminate practices of discrimination against persons because of  
10 race, creed, color, national origin or ancestry or because of their liability for  
11 service in the armed forces of the United States; to create a division in the  
12 Department of Education to effect such prevention and elimination; and mak-  
13 ing an appropriation therefor."

1       2. Section three of the act of which this act is amendatory is amended to  
2 read as follows:

3       3. The Legislature finds and declares that practices of discrimination  
4 against any of its inhabitants, because of race, creed, color, national origin or  
5 ancestry or because of their liability for service in the armed forces of the  
6 United States, are a matter of concern to the government of the State, and  
7 that such discrimination threatens not only the rights and proper privileges  
8 of the inhabitants of the State but menaces the institutions and foundation of  
9 a free democratic State.

1       3. Section five of the act of which this act is amendatory is amended to  
2 to read as follows:

3       5. As used in this act, unless a different meaning clearly appears from  
4 the context:

5       a. "Person" includes one or more individuals, partnerships, associations,  
6 labor organizations, corporations, legal representatives, trustees, trustees in  
7 bankruptcy, receivers, and fiduciaries.

8       b. "Employment agency" includes any person undertaking to procure  
9 employees or opportunities for others to work.

10       c. "Labor organization" includes any organization which exists and is  
11 constituted for the purpose, in whole or in part, of collective bargaining or  
12 of dealing with employers concerning grievances, terms or conditions of em-  
13 ployment, or of other mutual aid or protection in connection with employ-  
14 ment.

15 d. "Unlawful employment practice" and "unlawful discrimination" in-  
16 cludes only those unlawful practices and acts specified in section eleven of  
17 this act.

18 e. "Employer" does not include a club exclusively social or a fraternal,  
19 charitable, educational or religious association or corporation, if such club,  
20 association or corporation is not organized and operated for private profit,  
21 nor does it include any employer with fewer than six persons in his employ.

22 f. "Employee" does not include any individual employed by his parents,  
23 spouse or child, or in the domestic service of any person.

24 ff. "Liability for service in the armed forces of the United States"  
25 means subject to being ordered, as an individual, or member of an organized  
26 unit, into active service in the armed forces of the United States by reason  
27 of membership in the National Guard, naval militia or a reserve component  
28 of the armed forces of the United States or subject to being inducted into  
29 such armed forces through a system of national selective service.

30 g. "Division" means the State "Division Against Discrimination"  
31 created by this act.

32 h. "Commissioner" means the State Commissioner of Education.

33 i. "Commission" means the Commission on Civil Rights created by this  
34 act.

35 j. "A place of public accommodation" shall include any tavern, road-  
36 house, or hotel, whether for entertainment of transient guests or accommoda-  
37 tion of those seeking health, recreation or rest; any retail shop or store; any  
38 restaurant, eating house, or place where food is sold for consumption on the  
39 premises; any place maintained for the sale of ice cream, ice and fruit  
40 preparations or their derivatives, soda water or confections, or where any  
41 beverages of any kind are retailed for consumption on the premises; any  
42 garage, any public conveyance operated on land or water, or in the air, and  
43 stations and terminals thereof; any public bathhouse, public boardwalk, pub-

44 lie seashore accommodation; any auditorium, meeting place, or public hall;  
45 any theatre, or other place of public amusement, motion-picture house, music  
46 hall, roof garden, skating rink, swimming pool, amusement and recreation  
47 park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool  
48 parlor; any comfort station; any dispensary, clinic or hospital; and any  
49 public library, any kindergarten, primary and secondary school, trade or  
50 business school, high school, academy, college and university, or any educa-  
51 tional institution under the supervision of the State Board of Education, or  
52 the Commissioner of Education of the State of New Jersey. Nothing herein  
53 contained shall be construed to include, or to apply to, any institution, bona  
54 fide club, or place of accommodation, which is in its nature distinctly pri-  
55 vate; nor shall anything herein contained apply to any educational facility  
56 operated or maintained by a bona fide religious or sectarian institution, and  
57 the right of a natural parent or one in loco parentis to direct the education  
58 and upbringing of a child under his control is hereby affirmed; nor shall  
59 anything herein contained be construed to bar any private secondary or post-  
60 secondary school from using in good faith criteria other than race, creed,  
61 color, national origin or ancestry, in the admission of students.

1 4. Section six of the act of which this act is amendatory is amended to  
2 read as follows:

3 6. There is created in the State Department of Education a division to  
4 be known as "The Division Against Discrimination" with power to prevent  
5 and eliminate discrimination in employment against persons because of race,  
6 creed, color, national origin or ancestry or because of their liability for  
7 service in the armed forces of the United States, by employers, labor organi-  
8 zations, employment agencies or other persons and to take other actions  
9 against discrimination because of race, creed, color, national origin or ances-  
10 try or because of their liability for service in the armed forces of the United  
11 States, as herein provided; and the division created hereunder is given general  
12 jurisdiction and authority for such purposes.

1 5. Section eight of the act of which this act is amendatory is amended to  
2 read as follows:

3 8. The commissioner shall

4 a. Exercise all powers of the division not vested in the commission.

5 b. Administer the work of the division.

6 c. Organize the division into two sections, one of which shall receive,  
7 investigate, and act upon complaints alleging discrimination in employment  
8 against persons because of race, creed, color, national origin or ancestry or  
9 because of their liability for service in the armed forces of the United States,  
10 and the other of which shall receive, investigate, and act upon complaints  
11 alleging other unlawful acts of discrimination against persons because of  
12 race, creed, color, national origin or ancestry; prescribe the organization of  
13 said sections and the duties of his subordinates and assistants.

14 d. Subject to the approval of the commission and the Governor, appoint  
15 an assistant Commissioner of Education, who shall act for the commissioner,  
16 in his place and with his powers, and such other directors, field representa-  
17 tives and assistants as may be necessary for the proper administration of the  
18 division and fix their compensation within the limits of available appropria-  
19 tions. The assistant commissioner, directors, field representatives, and  
20 assistants shall not be subject to the civil service act and shall be removable  
21 by the commissioner at will.

22 e. Appoint such clerical force and employees as he may deem necessary  
23 and fix their duties, all of whom shall be subject to the civil service act.

24 f. Maintain liaison with local and State officials and agencies concerned  
25 with matters related to the work of the division.

26 g. Subject to the approval of the commission adopt, promulgate, amend,  
27 and rescind suitable rules and regulations to carry out the provisions of  
28 this act.

29 h. Receive, investigate, and pass upon complaints alleging acts in viola-  
30 tion of the provisions of this act.

31 i. Hold hearings, subpoena witnesses, compel their attendance, administer  
 32 oaths, take the testimony of any person, under oath, and, in connection there-  
 33 with, require the production for examination of any books or papers relating  
 34 to any subject matter under investigation or in question before the com-  
 35 missioner. The commissioner may make rules as to the issuance of subpoenas  
 36 by the assistant commissioner.

37 j. Issue such publications and such results of investigations and research  
 38 tending to promote good will and to minimize or eliminate discrimination  
 39 because of race, creed, color, national origin or ancestry, as the commission  
 40 shall direct.

41 k. Render each year to the Governor and Legislature a full written report  
 42 of all the activities of the division.

1 6. Section eleven of the act of which this act is amendatory is amended to  
 2 read as follows:

2A 11. It shall be an unlawful employment practice, or, as the case may be,  
 2B an unlawful discrimination:

5 a. For an employer, because of the race, creed, color, national origin or  
 6 ancestry, of any individual, or because of the liability for service in the armed  
 7 forces of the United States, of any individual, to refuse to hire or employ or  
 8 to bar or to discharge from employment such individual or to discriminate  
 9 against such individual in compensation or in terms, conditions or privileges  
 10 of employment.

11 b. For a labor organization, because of the race, creed, color, national  
 12 origin or ancestry, of any individual, or because of the liability for service  
 13 in the armed forces of the United States, of any individual, to exclude or  
 14 expel from its membership such individual or to discriminate in any way  
 15 against any of its members or against any employer or any individual em-  
 16 ployed by an employer.

17 c. For any employer or employment agency to print or circulate  
 18 cause to be printed or circulated any statement, advertisement or publication

to use any form of application for employment, or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to race, creed, color, national origin or ancestry or liability of any applicant for employment for service in the armed forces of the United States, or any intent to make any such limitation, specification or discrimination, unless based upon a bona fide occupational qualification.

d. For any employer, labor organization or employment agency to discharge, expel or otherwise discriminate against any person because he has opposed any practices or acts forbidden under this act or because he has filed a complaint, testified or assisted in any proceeding under this act.

e. For any person, whether an employer or an employee or not, to aid, abet, incite, compel or coerce the doing of any of the acts forbidden under this act, or to attempt to do so.

f. For any owner, lessee, proprietor, manager, superintendent, agent, or employee of any place of public accommodation directly or indirectly to refuse, withhold from or deny to any person any of the accommodations, advantages, facilities or privileges thereof, or to discriminate against any person in the furnishing thereof, or directly or indirectly to publish, circulate, issue, display, post or mail any written or printed communication, notice, or advertisement to the effect that any of the accommodations, advantages, facilities, or privileges of any such place will be refused, withheld from, or denied to any person on account of the race, creed, color, national origin, or ancestry of such person, or that the patronage or custom thereof of any person of any particular race, creed, color, national origin or ancestry is unwelcome, objectionable or not acceptable, desired or solicited, and the production of any such written or printed communication, notice or advertisement, purporting to relate to any such place and to be made by any owner, lessee, proprietor, superintendent, or manager thereof, shall be presumptive evidence in any action that the same was authorized by such person.

A 11 (1951)

8

1       7. Section twenty-six of the act of which this act is amendatory is  
2 amended to read as follows:

3       26. The provisions of this act shall be construed fairly and justly with  
4 due regard to the interests of all parties. Nothing contained in this act  
5 shall be deemed to repeal any of the provisions of the civil rights law or of  
6 any other law of this State relating to discrimination because of race, creed,  
7 color, national origin or ancestry or liability for service in the armed forces  
8 of the United States; except that, as to practices and acts declared unlawful  
9 by section eleven of this act, the procedure herein provided shall, while pend-  
10 ing, be exclusive; and the final determination therein shall exclude any other  
11 action, civil or criminal, based on the same grievance of the individual con-  
12 cerned. Nothing herein contained shall bar, exclude, or otherwise affect any  
13 right or action, civil or criminal, which may exist independently of any right  
14 to redress against or specific relief from an unlawful employment practice or  
15 unlawful discrimination.

1       8. This act shall take effect immediately.

---

#### STATEMENT

This bill amends the Law Against Discrimination to prohibit discrimination in employment against our citizen members of the National Guard, naval militia and reserve and those subject to draft.

It is the historic and fundamental obligation of all able-bodied citizens of the Republic to bear arms in defense of the State and nation. No right of any employer should be permitted to interfere or discriminate against a citizen in his exercise of the right to be ready to so serve his country by training with the National Guard, naval militia or reserve, nor should the exercise of the right of any employer to employ whom he may desire be permitted to discriminate against an individual because of his liability to induction into the armed forces. Youth must be given the opportunity of employment and the exercise of inherent civil rights, without discrimination, pending call into the armed forces in time of national emergency.



[OFFICIAL COPY REPRINT]  
SENATE AMENDMENT TO  
ASSEMBLY, No. 11  
[OFFICIAL COPY REPRINT]

---

STATE OF NEW JERSEY

---

ADOPTED MARCH 26, 1951

Amend page 6, section 6, line 10 after "employment" insert ", however, it shall not be an unlawful employment practice to refuse to accept for employment an applicant who has received a notice of induction or orders to report for active duty in the armed forces".

ASSEMBLY, No. 424

STATE OF NEW JERSEY

INTRODUCED MARCH 21, 1955

By Mr. BOWSER

Referred to Committee on Business Affairs

AN ACT to amend the "Savings and Loan Act," approved April 4, 1946  
(P. L. 1946, c. 56).

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. Section 78 of the act of which this act is amendatory is amended to  
2 read as follows:

3 Investments in loans may be made as follows:

4 (1) Mortgage loans. In direct reduction, sinking fund, and straight  
5 mortgage loans. Each such loan shall be evidenced by an obligation and  
6 secured by a mortgage which shall be a first lien on real estate in the State,  
7 or outside of the State if located within 50 miles of the principal office of  
8 the association. A mortgage shall be deemed a first lien notwithstanding the  
9 existence of a prior mortgage or mortgages held by the association, or liens  
10 of taxes or assessments which are not delinquent, building restrictions or  
11 other restrictive covenants or conditions, leases or tenancies whereby rents  
12 or profits are reserved to the owner, joint driveways, sewer rights, rights  
13 in walls, rights-of-way or other easements, or encroachments which the  
14 appraisers signing the appraisal provided for in section 81, report in their  
15 opinion do not materially affect the security for the mortgage loan. Such  
16 loans shall be on real estate used or to be used wholly or partially for

17 dwelling purposes. *The granting of such loans shall be without regard to*  
18 *race, creed, color, national origin or ancestry. The granting of such loans*  
19 *shall be without discrimination of any nature including, but not limited to,*  
20 *interest rates, terms and duration, because of race, creed, color, national*  
21 *origin or ancestry.* If the proceeds of any such loan are used in whole or  
22 in part to improve the mortgaged real estate, they may be advanced in in-  
23 stallments as the construction of a building or the making of other improve-  
24 ments thereon progresses and the value of the contemplated improvement  
25 may be included in arriving at the appraised value of the property.

26 Each direct reduction loan shall require periodical payments sufficient  
27 to pay the principal and interest of the loan in full in a period of 20 years  
28 or less. Any association may by agreement with the borrowing member  
29 reduce the amount of periodical payments, but the amount of the periodi-  
30 cal payments thereafter required shall be sufficient to pay the balance of the  
31 loan and interest thereon within a period of 20 years or less from the time  
32 of making such agreement. Each sinking fund loan shall require periodical  
33 payments, at least monthly, on an account pledged as collateral security for  
34 such loan which shall be sufficient to pay such loan in a period of 20 years  
35 or less. Any association may by agreement with the borrowing member pro-  
36 vide for the application of such account to the principal of the loan and  
37 for a reduction in the periodical payments required on an account there-  
38 after; provided, however, that such periodical payments thereafter required  
39 shall be sufficient to retire the loan in a period of 20 years or less from the  
40 time of the making of such agreement. The amount of any direct reduction  
41 loan or sinking fund loan, less the withdrawal value of any account which  
42 may be pledged as collateral security therefor, shall not exceed 80% of the  
43 value of such real estate as found by appraisal at the time when the loan  
43a is granted.

44 A straight mortgage loan having a term of 1 year or less, the proceeds  
45 of which are used or are to be used in pursuance of a plan to improve the  
46 mortgaged real estate, may be made in an amount not to exceed 80% of the

47 value of such real estate as found by appraisal at the time the loan is  
48 granted. Otherwise the term of any straight mortgage loan shall not ex-  
49 ceed 3 years and the amount of any such straight mortgage loan shall not  
50 exceed 50% of the value of the property as found by appraisal at the time  
51 the loan is granted. An association may renew any straight mortgage loan  
52 held by it for a period not exceeding 3 years and for amounts not in excess  
53 of 50% of the value of the real estate as found by appraisal at the time of  
54 such renewal. The total amount invested in straight mortgage loans by any  
55 association shall not exceed 10% of its assets at the time any such investment  
56 is made.

57 (2) Improvement or repair loans. In addition to loans to members for  
58 repairs, alterations, or improvements already made or to be made, of real  
59 estate owned by such members, upon which the lending association already  
60 holds a mortgage lien, or to pay the cost of insurance upon the life of such  
61 member which policy of insurance may also include health, accident or dis-  
62 ability features, the proceeds of such policy to be applied in accordance with  
63 its terms and conditions; provided, however, the amount of such life insur-  
64 ance shall not exceed the amount loaned on the mortgage lien held by the  
65 association. If the mortgage already held by the lending association secures  
66 payment of a direct reduction loan, such additional loan shall not exceed  
67 the sum of \$2,500.00 or the amount which has been repaid in reduction of the  
68 principal of such mortgage loan, whichever is less. If the mortgage already  
69 held by the lending association secures payment of a sinking fund loan,  
70 such additional loan shall not exceed the sum of \$2,500.00 or the withdrawal  
71 value of the installment account which is pledged as collateral security for  
72 the payment of such sinking fund loan, whichever is less. Each such addi-  
73 tional loan shall be evidenced by an obligation which shall state the terms on  
74 which such loan is made, and the amount thereof shall be added to the  
75 amount due on the association's mortgage against such real estate, and pay-  
76 ment thereof shall be secured thereby. All persons who acquire any rights  
77 in, or liens upon, the mortgaged real estate subsequent to the recording of

79 any association's mortgage shall hold such rights and liens subject to the  
80 association's right to make such additional loans. For the purpose of such  
81 additional loans, no search or examination of the title to the mortgaged real  
82 estate shall be required. The power to make such additional loans is in ad-  
83 dition to, and not to the exclusion of, the power to make any other lawful  
84 loan or any other lawful additional loan, or to make advances for any pur-  
85 pose expressly or impliedly reserved or provided for in any bond, mortgage  
86 or other obligation held by or hereafter acquired by any such association.

87 (3) Camp meeting leaseholds. In any obligation secured by first mort-  
88 gage on any leasehold estate of real estate in this State of any camp meeting  
89 association, to the extent authorized by, and subject to, the limitations and  
90 restrictions contained in section 17:2-1 of the Revised Statutes.

91 (4) Purchase of loans. In the purchase of any loan which an association  
92 is authorized to make.

93 (5) Account loans. In loans secured by a pledge of a member's account.  
94 No such loan shall exceed the withdrawal value of the pledged account,  
95 less interest thereon for a period of 6 months.

96 (6) Guaranteed loans. In loans guaranteed or insured in whole or in  
97 part by the United States of America or the State of New Jersey, any in-  
98 strumentality or agency of either of them, or for which a commitment to so  
99 guarantee or insure has been made. Such loans shall not be subject to the  
100 provisions of section 27, subdivision (13), section 78, subdivision (1), section  
101 81 and section 82 of this act. Such loans may be made in accordance with  
102 the terms and conditions permitted by the agency guaranteeing or insuring  
103 such loans, notwithstanding any other provisions of law limiting interest or  
104 other charges or prescribing terms and conditions. Such loans shall include  
105 only those which are made for the purchase or improvement of real estate,  
106 or for the construction, alteration, repair, or improvement of buildings  
107 erected thereon, used or to be used, wholly or partially for dwelling pur-  
108 poses, in which case they may or may not be secured by mortgages; or those

109 which may be made for any other purpose provided they be secured by a  
110 mortgage on real estate used or to be used wholly or partially for dwelling  
111 purposes. The real estate in connection with which any such loan is made  
112 shall be located in this State, or outside of the State if located within 50  
113 miles of the principal office of the association.

1      2. This act shall take effect July 1, 1955.

---

#### STATEMENT

The purpose of this bill is to prevent discrimination because of race, creed, color, national origin or ancestry, by savings and loan associations and building and loan associations, in granting mortgage loans.

ASSEMBLY AMENDMENTS TO  
ASSEMBLY, No. 424

---

STATE OF NEW JERSEY

---

ADOPTED MAY 9, 1955

Amend page 2, line 27, strike out the numeral "20" and insert in lieu thereof the numeral "25".

Amend page 5, on lines 111, 112 and 113, strike out the words "The real estate in connection with which any such loan is made shall be located in this State, or outside of the State if located within 50 miles of the principal office of the association."

STATE OF NEW JERSEY

INTRODUCED MARCH 21, 1955

By Mr. BOWSER

Referred to Committee on Business Affairs

AN ACT to amend "The Banking Act of 1948," approved April 29, 1948 (P. L. 1948, c. 67).

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

1. Section 69 of the act of which this act is amendatory is amended to read as follows:

69. Limitations on mortgage loans.

A. No bank shall make a mortgage loan when the total cost of acquisition by the bank of all real property owned by it, other than real property held for the purposes specified in subparagraph (a) of paragraph (5) of section 24, and the total of all principal balances owing to the bank on mortgage loans, less all write-offs and reserves with respect to such real property and mortgage loans, together exceed, or by the making of such loan will exceed, 60% of the time deposits of the bank or 100% of the aggregate of its unimpaired capital stock and its surplus, whichever is the greater. For the purposes of this subsection, principal balances owing to the bank on mortgage loans subject to the provisions of subsection A of section 68 shall only to the extent of  $66\frac{2}{3}\%$  of such balances owing to the bank, be included in the total of all principal balances owing to the bank on mortgage loans. This subsection shall not, however, prevent the renewal or extension of the time for payment of a mortgage loan for the amount due thereon at the time of such renewal or extension.



19 B. Except as in this article otherwise provided, no bank shall, as sole  
20 lender or as a co-lender, make a loan secured by mortgage on real property  
21 or by mortgage on a lease of the fee of real property, nor shall any bank  
22 purchase the entire interest or a part interest in any such mortgage, if the  
23 making of such loan or the purchase of such interest would cause the total  
24 of all unpaid balances secured by a mortgage or mortgages held by the bank  
25 as sole owner or as co-owner upon such real property or such leasehold, to  
26 exceed the limitations imposed by this article upon the amount of a mort-  
27 gage loan which may be made upon the security of such real property or  
28 such leasehold.

29 C. *The granting of mortgage loans to any person shall be without re-*  
30 *gard to race, creed, color, national origin or ancestry. The granting of such*  
31 *loans shall be without discrimination of any nature including, but not lim-*  
32 *ited to, interest rates, terms and duration, because of race, creed, color, na-*  
33 *tional origin or ancestry.*

1 2. This act shall take effect July 1, 1955.

**STATEMENT**

The purpose of this bill is to prevent discrimination because of race, creed, color, national origin or ancestry, by banks, in granting mortgage loans.

ASSEMBLY, No. 12

STATE OF NEW JERSEY

INTRODUCED JANUARY 16, 1961

By Assemblymen D'ALOIA, MELONI, FARRINGTON, STAMLER, KRAUT,  
TATE, LAMORTE, Assemblywoman STILES, Assemblymen  
EVERETT, SARCONI, LINDEMAN, BATE

Referred to Committee on Institutions, Public Health and Welfare

AN ACT to amend and supplement the "Law Against Discrimination," approved  
April 16, 1945 (P. L. 1945, c. 169) and chapter 198 of the laws of 1954 which  
is supplemental thereof.

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. Section 4 of the act of which this act is amendatory is amended to read  
2 as follows:

3 4. All persons shall have the opportunity to obtain employment, *and to*  
4 *obtain all the accommodations, advantages, facilities, and privileges of any*  
5 *place of public accommodation, [and] publicly assisted housing accommo-*  
6 *dation, and other real property without discrimination because of race,*  
7 *creed, color, national origin or ancestry, subject only to conditions and limi-*  
8 *tations applicable alike to all persons. This opportunity is recognized as and*  
9 *declared to be a civil right.*

1 2. Section 5 of the act of which this act is amendatory is amended to read  
2 as follows:

3 5. As used in this act, unless a different meaning clearly appears from  
4 the context:

**EXPLANATION**—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted  
and is intended to be omitted in the law.

5 a. "Person" includes 1 or more individuals, partnerships, associations,  
6 labor organizations, corporations, legal representatives, trustees, trustees in  
7 bankruptcy, receivers, and fiduciaries.

8 b. "Employment agency" includes any person undertaking to procure  
9 employees or opportunities for others to work.

10 c. "Labor organization" includes any organization which exists and is  
11 constituted for the purpose, in whole or in part, of collective bargaining or of  
12 dealing with employers concerning grievances, terms or conditions of employ-  
13 ment or of other mutual aid or protection in connection with employment.

14 d. "Unlawful employment practice" and "unlawful discrimination" in-  
15 cludes only those unlawful practices and acts specified in section 11 of this  
16 act.

17 e. "Employer" does not include a club exclusively social or a fraternal,  
18 charitable, educational or religious association or corporation, if such club,  
19 association or corporation is not organized and operated for private profit,  
20 nor does it include any employer with fewer than 6 persons in his employ.

21 f. "Employee" does not include any individual employed by his parents,  
22 spouse or child, or in the domestic service of any person.

23 ff. "Liability for service in the Armed Forces of the United States"  
24 means subject to being ordered as an individual or member of an organized  
25 unit, into active service in the Armed Forces of the United States by reason  
26 of membership in the National Guard, naval militia or a reserve component  
27 of the Armed Forces of the United States or subject to being inducted into  
28 such armed forces through a system of national selective service.

29 g. "Division" means the [State] "Division of Civil Rights [Against  
30 Discrimination"] created by this act.

31 h. "Commissioner" means the State Commissioner of Education.

32 i. "Commission" means the Commission on Civil Rights created by this  
33 act.

34 j. "A place of public accommodation" shall include any tavern, road-  
35 house, or hotel, whether for entertainment of transient guests or accommo-

36 dation of those seeking health, recreation or rest; any retail shop or store;  
37 any restaurant, eating house, or place where food is sold for consumption on  
38 the premises; any place maintained for the sale of ice cream, ice and fruit  
39 preparations or their derivatives, soda water or confections, or where any  
40 beverages of any kind are retailed for consumption on the premises; any  
41 garage, any public conveyance operated on land or water, or in the air, and  
42 stations and terminals thereof; any public bathhouse, public boardwalk, public  
43 seashore accommodation; any auditorium, meeting place, or public hall; any  
44 theatre, or other place of public amusement, motion-picture house, music hall,  
45 roof garden, skating rink, swimming pool, amusement and recreation park,  
46 fair, bowling alley, gymnasium, shooting gallery, billiard and pool parlor;  
47 any comfort station; any dispensary, clinic or hospital; and any public  
48 library, any kindergarten, primary and secondary school, trade or business  
49 school, high school, academy, college and university, or any educational in-  
50 stitution under the supervision of the State Board of Education, or the Com-  
51 missioner of Education of the State of New Jersey. Nothing herein con-  
52 tained shall be construed to include or to apply to, any institution, bona  
53 fide club, or place of accommodation, which is in its nature distinctly pri-  
54 vate; nor shall anything herein contained apply to any educational facility  
55 operated or maintained by a bona fide religious or sectarian institution, and  
56 the right of a natural parent or one in loco parentis to direct the education  
57 and upbringing of a child under his control is hereby affirmed; nor shall any-  
58 thing herein contained be construed to bar any<sup>4</sup>private secondary or post-  
59 secondary school from using in good faith criteria other than race, creed,  
60 color, national origin or ancestry, in the admission of students.

61 k. "A publicly assisted housing accommodation" shall include all hous-  
62 ing built with public funds or public assistance pursuant to chapter 300 of  
63 the laws of 1949, chapter 213 of the laws of 1941, chapter 169 of the laws of  
64 1944, chapter 303 of the laws of 1949, chapter 19 of the laws of 1938, chapter  
65 20 of the laws of 1938, chapter 52 of the laws of 1946, and chapter 184 of the  
66 laws of 1949, and all housing financed in whole or in part by a loan, whether

67 or not secured by a mortgage, the repayment of which is guaranteed or in-  
68 sured by the Federal Government or any agency thereof.

69 1. The term "real property" includes real estate, lands, tenements and  
70 hereditaments, corporeal and incorporeal, provided however that, except  
71 as to publicly assisted housing accommodations, the provisions of this  
72 act shall not apply (1) to the rental of a portion of a dwelling con-  
73 taining accommodations for 2 and only 2 families, 1 of which is main-  
73A tained by the owner as the household of his family, or; (2) to the rental, by  
74 the owner or occupant of a 1-family accommodation in which he or members  
75 of his family reside, of a room or rooms in such accommodation to another  
76 person or persons. Nothing herein contained shall be construed to bar any  
77 religious or denominational institution or organization, or any organization  
78 operated for charitable or educational purposes, which is operated, supervised  
79 or controlled by or in connection with a religious organization, in the sale,  
80 lease or rental of real property, from limiting admission to or giving prefer-  
81 ence to persons of the same religion or denomination or from making such se-  
82 lection as is calculated by such organization to promote the religious prin-  
83 ciples for which it is established or maintained.

84 m. "Real estate broker" includes a person, firm or corporation who, for a  
85 fee, commission or other valuable consideration, or by reason of a promise  
86 or reasonable expectation thereof, lists for sale, sells, exchanges, buys or  
87 rents, or offers or attempts to negotiate a sale, exchange, purchase or rental  
88 of real estate or an interest therein, or collects or offers or attempts to collect  
89 rent for the use of real estate or solicits for prospective purchasers or as-  
90 sists or directs in the procuring of prospects or the negotiation or closing of  
91 any transaction which does or is contemplated to result in the sale, exchange,  
92 leasing, renting or auctioning of any real estate or negotiates, or offers or  
93 attempts or agrees to negotiate a loan secured or to be secured by mortgage or  
94 other encumbrance upon or transfer of any real estate for others, or any person  
95 who, for pecuniary gain or expectation of pecuniary gain conducts a public or  
96 private competitive sale of lands or any interest in lands. In the sale of lots, the

97 term "real estate broker" shall also include any person, partnership,  
98 association or corporation employed by or on behalf of the owner or owners of  
99 lots or other parcels of real estate, at a stated salary, or upon a commission,  
100 or upon a salary and commission, or otherwise, to sell such real estate, or  
101 any parts thereof, in lots or other parcels, and who shall sell or exchange, or  
102 offer or attempt or agree to negotiate the sale or exchange, of any such lot or  
103-104 parcel of real estate.

105 n. "Real estate salesman" includes any person who, for compensation,  
106 valuable consideration or commission, or other thing of value, or by reason of  
107 a promise or reasonable expectation thereof, is employed by and operates  
108 under the supervision of a licensed real estate broker to sell or offer to sell,  
109 buy or offer to buy or negotiate the purchase, sale or exchange of real estate,  
110 or offers or attempts to negotiate a loan secured or to be secured by a mort-  
111 gage or other encumbrance upon or transfer of real estate, or to lease or rent,  
112 or offer to lease or rent any real estate for others, or to collect rents for the  
113 use of real estate, or to solicit for prospective purchasers or lessees of real  
114 estate, or who is employed by a licensed real estate broker to sell or offer to  
115 sell lots or other parcels of real estate, at a stated salary, or upon a com-  
116 mission, or upon a salary and commission, or otherwise to sell real estate, or  
117 any parts thereof, in lots or other parcels.

1 3. Section 6 of the act of which this act is amendatory is amended to read  
2 as follows:

3 6. There is created in the [State] Department of Education a division  
4 to be known as "The Division [Against Discrimination]" of Civil Rights  
5 with power to prevent and eliminate discrimination in employment against  
6 persons because of race, creed, color, national origin or ancestry or because  
7 of their liability for service in the Armed Forces of the United States, by  
8 employers, labor organizations, employment agencies or other persons and to  
9 take other actions against discrimination because of race, creed, color, na-  
10 tional origin or ancestry or because of their liability for service in the Armed  
11 Forces of the United States, as herein provided; and the division created  
12 hereunder is given general jurisdiction and authority for such purposes.

1 4. Section 11 of the act of which this act is amendatory is amended to 3  
2 read as follows: 3

3 11. It shall be an unlawful employment practice, or, as the case may be, 3  
4 an unlawful discrimination: 3

5 a. For an employer, because of the race, creed, color, national origin or 30  
6 ancestry, of any individual, or because of the liability for service in the 31  
7 Armed Forces of the United States, of any individual, to refuse to hire or 38  
8 employ or to bar or to discharge from employment such individual or to dis- 39  
9 criminate against such individual in compensation or in terms, conditions or 40  
10 privileges of employment, however, it shall not be an unlawful employment 41  
11 practice to refuse to accept for employment an applicant who has received 42  
12 a notice of induction or orders to report for active duty in the armed forces. 43

13 b. For a labor organization, because of the race, creed, color, national 44  
14 origin or ancestry, of any individual, or because of the liability for service 45  
15 in the Armed Forces of the United States, of any individual, to exclude or to 46  
16 expel from its membership such individual or to discriminate in any way 47  
17 against any of its members or against any employer or any individual em- 48  
18 ployed by an employer. 49

19 c. For any employer or employment agency to print or circulate or cause 50  
20 to be printed or circulated any statement, advertisement or publication, or 51  
21 to use any form of application for employment, or to make any inquiry in 52  
22 connection with prospective employment, which expresses, directly or indi- 53  
23 rectly, any limitation, specification or discrimination as to race, creed, color, 54  
24 national origin or ancestry or liability of any applicant for employment for 55  
25 service in the Armed Forces of the United States, or any intent to make any 56  
26 such limitation, specification or discrimination, unless based upon a bona fide 57  
27 occupational qualification. 58

28 d. For any employer, labor organization or employment agency to dis- 59  
29 charge, expel or otherwise discriminate against any person because he has 60  
30 opposed any practices or acts forbidden under this act or because he has filed 61  
31 a complaint, testified or assisted in any proceeding under this act. 62  
63

32 e. For any person, whether an employer or an employee or not, to aid,  
33 abet, incite, compel or coerce the doing of any of the acts forbidden under  
34 this act, or to attempt to do so.

35 f. For any owner, lessee, proprietor, manager, superintendent, agent, or  
36 employee of any place of public accommodation directly or indirectly to re-  
37 fuse, withhold from or deny to any person any of the accommodations, ad-  
38 vantages, facilities or privileges thereof, or to discriminate against any per-  
39 son in the furnishing thereof, or directly or indirectly to publish, circulate,  
40 issue, display, post or mail any written or printed communication, notice, or  
41 advertisement to the effect that any of the accommodations, advantages, fa-  
42 cilities, or privileges of any such place will be refused, withheld from, or  
43 denied to any person on account of the race, creed, color, national origin, or  
44 ancestry of such person, or that the patronage or custom thereof of any person  
45 of any particular race, creed, color, national origin or ancestry is unwelcome,  
46 objectionable or not acceptable, desired or solicited, and the production of  
47 any such written or printed communication, notice or advertisement, pur-  
48 porting to relate to any such place and to be made by any owner, lessee, pro-  
49 prietor, superintendent, or manager thereof, shall be presumptive evidence in  
50 any action that the same was authorized by such person.

51 g. *For the owner, lessee, sublessee, assignee or managing agent of, or*  
52 *other person having the right of ownership or possession of or the right to*  
53 *sell, rent, lease, assign, or sublease any real property or part or portion*  
54 *thereof, or any agent or employee of any of these:*

55 (1) *To refuse to sell, rent, lease, assign, or sublease or otherwise to deny*  
56 *to or withhold from any person or group of persons any real property or part*  
57 *or portion thereof because of the race, creed, color, national origin or an-*  
58 *cestry of such person or group of persons;*

59 (2) *To discriminate against any person or group of persons because of*  
60 *the race, creed, color or national origin of such person or group of persons*  
61 *in the terms, conditions or privileges of the sale, rental or lease of any real*  
62 *property or part or portion thereof or in the furnishing of facilities or serv-*  
63 *ices in connection therewith; or*



64 (3) To print, publish, circulate, issue, display, post or mail, or cause to be  
65 printed, published, circulated, issued, displayed, posted or mailed any state-  
66 ment, advertisement, publication or sign, or to use any form of application for  
67 the purchase, rental, lease, assignment or sublease of any real property or  
68 part or portion thereof, or to make any record or inquiry in connection with  
69 the prospective purchase, rental, lease, assignment, or sublease of any real  
70 property, or part or portion thereof which expresses, directly or indirectly,  
71 any limitation, specification or discrimination as to race, creed, color, national  
72 origin or ancestry, or any intent to make any such limitation, specification or  
73 discrimination, and the production of any such statement, advertisement, pub-  
74 licity, sign, form of application, record, or inquiry purporting to be made by  
75 any such person shall be presumptive evidence in any action that the same  
76 was authorized by such person.

77 h. For any real estate broker, real estate salesman or employee or agent  
78 thereof:

79 (1) To refuse to sell, rent, assign, lease or sublease, or offer for sale,  
80 rental, lease, assignment, or sublease any real property or part or portion  
81 thereof to any person or group of persons or to refuse to negotiate for the  
82 sale, rental, lease, assignment, or sublease of any real property or part or  
83 portion thereof to any person or group of persons because of the race, creed,  
84 color, national origin or ancestry of such person or group of persons, or to  
85 represent that any real property or part or portion thereof is not available for  
86 inspection, sale, rental, lease, assignment, or sublease when in fact it is so  
87 available, or otherwise to deny or withhold any real property or any part or  
88 portion or facilities thereof to or from any person or group of persons be-  
89 cause of the race, creed, color, national origin or ancestry of such person or  
90 group of persons;

91 (2) To discriminate against any person because of his race, creed, color,  
92 national origin or ancestry in the terms, conditions or privileges of the sale,  
93 rental, lease, assignment or sublease of any real property or part or portion  
94 thereof or in the furnishing of facilities or services in connection therewith;  
95 or

96 (3) To print, publish, circulate, issue, display, post, or mail, or cause to be  
97 printed, published, circulated, issued, displayed, posted or mailed, any state-  
98 ment, advertisement, publication or sign, or to use any form of application  
99 for the purchase, rental, lease, assignment, or sublease of any real property or  
100 part or portion thereof or to make any record or inquiry in connection with the  
101 prospective purchase, rental, lease, assignment, or sublease of any real prop-  
102 erty or part or portion thereof which expresses, directly or indirectly, any  
103 limitation, specification or discrimination as to race, creed, color, national  
104 origin or ancestry or any intent to make any such limitation, specification or  
105 discrimination, and the production of any such statement, advertisement,  
106 publicity, sign, form of application, record, or inquiry purporting to be made by  
107 any such person shall be presumptive evidence in any action that the same  
108 was authorized by such person.

108A i. For any person, bank, banking organization, mortgage company, in-  
109 surance company or other financial institution or lender to whom application  
110 is made for financial assistance for the purchase, acquisition, construction,  
111 rehabilitation, repair or maintenance of any real property or part or portion  
112 thereof or any agent or employee thereof:

113 (1) To discriminate against any person or group of persons because of  
114 the race, creed, color, national origin or ancestry of such person or group of  
115 persons or of the prospective occupants or tenants of such real property or  
116 part or portion thereof, in the granting, withholding, extending, modifying or  
117 renewing, or in the fixing of the rates, terms, conditions or provisions of any  
118 such financial assistance or in the extension of services in connection there-  
119 with; or

120 (2) To use any form of application for such financial assistance or to  
121 make any record or inquiry in connection with applications for such financial  
122 assistance which expresses, directly or indirectly, any limitation, specification  
123 or discrimination as to race, creed, color, national origin or ancestry, or any  
124 intent to make any such limitation, specification or discrimination.

1 5. The Superior Court shall have power, on application by the commis-  
2 sioner at any time after a complaint has been filed with it pursuant to section  
3 13 of the act hereby supplemented, to grant temporary injunctive relief pend-  
4 ing final adjudication of the matter by the commission so as to preserve the  
5 status quo or otherwise to ensure that the commission's order, when issued,  
6 will be effective to halt and remedy such unlawful employment practice or un-  
7 lawful discrimination as may have occurred.

1 6. Section 1 of chapter 198 of the laws of 1954 is amended to read as  
2 follows:

3 1. The Division [Against Discrimination] *on Civil Rights* in the [State]  
4 Department of Education shall enforce the laws of this State against dis-  
5 crimination in housing built with public funds or public assistance, pursuant  
6 to any law, *and in real property, as defined in the law hereby supplemented,*  
7 because of race, religious principles, color, national origin or ancestry. The  
8 said laws shall be so enforced in the manner prescribed in the act to which  
9 this act is a supplement.

1 7. This act shall take effect July 1, 1961.

---

#### STATEMENT

The proposed bill amends the law against discrimination by bringing within its framework discrimination because of race, creed, color, national origin, or ancestry in the sale and rental of all real property, whether or not publicly assisted. Two exceptions are provided: (1) the rental of an apartment in a 2-family dwelling where the other apartment is maintained by the owner as the household of his family; (2) the rental of rooms by the owner or occupant of a 1-family accommodation. The bill also provides that it shall not be construed to bar religious organizations from limiting admission or giving preference to persons of their own denomination in the sale or rental of their real property when calculated to promote the religious principles of the organization.

The bill covers acts of discrimination by owners and lessees and their agents, real estate brokers and salesmen and their agents, and lenders and prohibits both acts of discrimination and the advertising of such discrimination.

The bill further amends the law against discrimination by giving the Superior Court power to grant temporary injunctive relief pending action by the Division of Civil Rights in order to preserve the status quo or otherwise ensure that any future order will be effective.

Similar laws have been enacted in Colorado, Connecticut, Massachusetts and Oregon.

This bill is sponsored by the New Jersey Committee Against Discrimination in Housing and the following member organizations:

Amalgamated Metal Machine and Novelty Workers Union, CIO-AFL  
Local 422

American Civil Liberties Union of New Jersey

American Jewish Committee, Essex County Chapter

Americans for Democratic Action, Middlesex County Chapter

Americans for Democratic Action, New Jersey Council

Anti-Defamation League of B'nai B'rith

Bergen Ethical Society

Civil Rights Committee, Local 447

Commonwealth of Puerto Rico, Department of Labor, Migration Division

Elizabeth Good Neighbor Council

Human Relations Council of Nutley

International Union Electrical Radio and Machine Workers, District 4

Jewish Labor Committee

Mayor's Commission on Group Relations, Newark

National Alliance of Postal Employees, Newark Branch

National Association of College Women, North Jersey Branch

National Council of Jewish Women, New Jersey Regional

National Association for the Advancement of Colored People, Burlington  
County Chapter

National Association for the Advancement of Colored People, Newark  
Branch

National Association for the Advancement of Colored People, New Jersey  
State Conference

New Jersey Council of Churches

New Jersey State CIO Council

New Jersey State Federation of Colored Women's Clubs

Paterson Human Relations Commission

Richip Realty Company

Unitarian Fellowship for Social Justice, Plainfield Chapter

Urban League, New Brunswick Chapter

Urban League, Englewood Chapter

Urban League of Essex County

United Steelworkers of America

United Steelworkers of America, District 7

Women's International League for Peace and Freedom, New Jersey State  
Branch.

SENATE COMMITTEE AMENDMENTS TO

ASSEMBLY, No. 12

STATE OF NEW JERSEY

ADOPTED JUNE 2, 1961

Amend page 1, Title, line 1, delete "and supplement".

Amend page 4, section 2, line 72, before "rental" insert "sale or"; after "rental" omit "of a portion".

Amend page 4, section 2, line 72, after "dwelling" insert ", or of a portion thereof,".

Amend page 4, section 2, line 73, omit "2 and only 2" insert "not more than 3".

Amend page 4, section 2, line 73A, after "owner" insert "at the time of sale or rental".

Amend page 4, section 2, line 73A, after "(2)" insert "to the sale or rental of a dwelling, or a portion thereof, containing accommodations for not more than 2 families, except, however, such dwellings shall be included within the term "real property" when they are part of a group of 10 or more dwelling houses constructed or to be constructed on land that is contiguous (exclusive of public streets) and are offered for sale or rental by a person who owns or has owned or otherwise controls or has controlled the sale or rental of such group of dwelling houses, or; (3)".

Amend page 10, section 5, delete lines 1 to 7, inclusive.

Amend page 10, section 6, line 1, delete "6." insert "5.".

Amend page 10, section 7, line 1, delete "7." insert "6.".

Revised by Gov.  
with amendments

ASSEMBLY, No. 515

STATE OF NEW JERSEY

INTRODUCED MARCH 19, 1962

By Assemblyman GROSS

Referred to Committee on Labor and Industrial Relations

AN ACT to amend the "Law Against Discrimination," approved April 16, 1945

(P. L. 1945, c. 169).

1 BE IT ENACTED by the Senate and General Assembly of the State of New  
2 Jersey:

1 1. Section 11 of the act of which this act is amendatory is amended to  
2 read as follows:

3 11. It shall be an unlawful employment practice, or, as the case may be,  
4 an unlawful discrimination:

5 a. For an employer, because of the race, creed, color, national origin or  
6 ancestry, of any individual, or because of the liability for service in the  
7 Armed Forces of the United States, of any individual, to refuse to hire or  
8 employ or to bar or to discharge from employment such individual or to  
9 discriminate against such individual in compensation or in terms, conditions  
10 or privileges of employment, however, it shall not be an unlawful employ-  
11 ment practice to refuse to accept for employment an applicant who has re-  
12 ceived a notice of induction or orders to report for active duty in the armed  
13 forces.

14 b. For a labor organization, because of the race, creed, color, national  
15 origin or ancestry, of any individual, or because of the liability for service in  
16 the Armed Forces of the United States, of any individual, to exclude or to  
17 expel from its membership such individual or to discriminate in any way  
18 against any of its members, against any applicant for, or individual in-

19 *cluded in, any apprentice or other training program* or against any employer  
20 or any individual employed by an employer.

21 c. For any employer or employment agency to print or circulate or cause  
22 to be printed or circulated any statement, advertisement or publication, or  
23 to use any form of application for employment, or to make any inquiry in  
24 connection with prospective employment, which expresses, directly or in-  
25 directly, any limitation, specification or discrimination as to race, creed,  
26 color, national origin or ancestry or liability of any applicant for employ-  
27 ment for service in the Armed Forces of the United States, or any intent to  
28 make any such limitation, specification or discrimination, unless based upon  
29 a bona fide occupational qualification.

30 d. For any employer, labor organization or employment agency to dis-  
31 charge, expel or otherwise discriminate against any person because he has  
32 opposed any practices or acts forbidden under this act or because he has  
33 filed a complaint, testified or assisted in any proceeding under this act.

34 e. For any person, whether an employer or an employee or not, to aid,  
35 abet, incite, compel or coerce the doing of any of the acts forbidden under  
36 this act, or to attempt to do so.

37 f. For any owner, lessee, proprietor, manager, superintendent, agent, or  
38 employee of any place of public accommodation directly or indirectly to re-  
39 fuse, withhold from or deny to any person any of the accommodations, advan-  
40 tages, facilities or privileges thereof, or to discriminate against any person in  
41 the furnishing thereof, or directly or indirectly to publish, circulate, issue,  
42 display, post or mail any written or printed communication, notice, or adver-  
43 tisement to the effect that any of the accommodations, advantages, facilities,  
44 or privileges of any such place will be refused, withheld from, or denied to  
45 any person on account of the race, creed, color, national origin, or ancestry  
46 of such person, or that the patronage or custom thereof of any person of any  
47 particular race, creed, color, national origin or ancestry is unwelcome,  
48 objectionable or not acceptable, desired or solicited, and the production of  
49 any such written or printed communication, notice or advertisement, purport-



50 ing to relate to any such place and to be made by any owner, lessee, proprie-  
51 tor, superintendent, or manager thereof, shall be presumptive evidence in  
52 any action that the same was authorized by such person.

53 g. For the owner, lessee, sublessee, assignee or managing agent of, or  
54 other person having the right of ownership or possession of or the right to  
55 sell, rent, lease, assign, or sublease any real property or part or portion  
56 thereof, or any agent or employee of any of these:

57 (1) To refuse to sell, rent, lease, assign, or sublease or otherwise to deny  
58 to or withhold from any person or group of persons any real property or  
59 part or portion thereof because of the race, creed, color, national origin or  
60 ancestry of such person or group of persons;

61 (2) To discriminate against any person or group of persons because of  
62 the race, creed, color or national origin of such person or group of persons  
63 in the terms, conditions or privileges of the sale, rental or lease of any real  
64 property or part or portion thereof or in the furnishing of facilities or  
65 services in connection therewith; or

66 (3) To print, publish, circulate, issue, display, post or mail, or cause to be  
67 printed, published, circulated, issued, displayed, posted or mailed any state-  
68 ment, advertisement, publication or sign, or to use any form of application for  
69 the purchase, rental, lease, assignment or sublease of any real property or  
70 part or portion thereof, or to make any record or inquiry in connection with  
71 the prospective purchase, rental, lease, assignment, or sublease of any real  
72 property, or part or portion thereof which expresses, directly or indirectly,  
73 any limitation, specification or discrimination as to race, creed, color, na-  
74 tional origin or ancestry, or any intent to make any such limitation, specifica-  
75 tion or discrimination, and the production of any such statement, advertise-  
76 ment, publicity, sign, form of application, record, or inquiry purporting to  
77 be made by any such person shall be presumptive evidence in any action  
78 that the same was authorized by such person.

79 h. For any real estate broker, real estate salesman or employee or agent  
80 thereof:

81 (1) to refuse to sell, rent, assign, lease or sublease, or offer for sale,  
82 rental, lease, assignment, or sublease any real property or part or portion  
83 thereof to any person or group of persons or to refuse to negotiate for the  
84 sale, rental, lease, assignment, or sublease of any real property or part or  
85 portion thereof to any person or group of persons because of the race,  
86 creed, color, national origin or ancestry of such person or group of persons,  
87 or to represent that any real property or part or portion thereof is not avail-  
88 able for inspection, sale, rental, lease, assignment, or sublease when in fact  
89 it is so available, or otherwise to deny or withhold any real property or any  
90 part or portion or facilities thereof to or from any person or group of per-  
91 sons because of the race, creed, color, national origin or ancestry of such  
92 person or group of persons;

93 (2) To discriminate against any person because of his race, creed, color,  
94 national origin or ancestry in the terms, conditions or privileges of the sale,  
95 rental, lease, assignment or sublease of any real property or part or portion  
96 thereof or in the furnishing of facilities or services in connection therewith;  
97 or

98 (3) To print, publish, circulate, issue, display, post, or mail, or cause  
99 to be printed, published, circulated, issued, displayed, posted or mailed, any  
100 statement, advertisement, publication or sign, or to use any form of applica-  
101 tion for the purchase, rental, lease, assignment, or sublease of any real prop-  
102 erty or part or portion thereof or to make any record or inquiry in con-  
103 nection with the prospective purchase, rental, lease, assignment, or sublease  
104 of any real property or part or portion thereof which expresses, directly or  
105 indirectly, any limitation, specification or discrimination as to race, creed,  
106 color, national origin or ancestry or any intent to make any such limita-  
107 tion, specification or discrimination, and the production of any such state-  
108 ment, advertisement, publicity, sign, form of application, record, or inquiry  
109 purporting to be made by any such person shall be presumptive evidence in  
110 any action that the same was authorized by such person.

111 i. For any person, bank, banking organization, mortgage company, insur-  
112 ance company or other financial institution or lender to whom application is  
113 made for financial assistance for the purchase, acquisition, construction, re-  
114 habilitation, repair or maintenance of any real property or part or portion  
115 thereof or any agent or employee thereof:

116 (1) To discriminate against any person or group of persons because of  
117 the race, creed, color, national origin or ancestry of such person or group of  
118 persons or of the prospective occupants or tenants of such real property or  
119 part or portion thereof, in the granting, withholding, extending, modifying  
120 or renewing, or in the fixing of the rates, terms, conditions or provisions of  
121 any such financial assistance or in the extension of services in connection  
122 therewith; or

123 (2) To use any form of application for such financial assistance or to  
124 make any record or inquiry in connection with applications for such finan-  
125 cial assistance which expresses, directly or indirectly, any limitation, speci-  
126 fication or discrimination as to race, creed, color, national origin or ancestry,  
127 or any intent to make any such limitation, specification or discrimination.

1 2. This act shall take effect immediately.

ASSEMBLY AMENDMENTS TO  
ASSEMBLY, No. 515

**STATE OF NEW JERSEY**

ADOPTED NOVEMBER 19, 1962

Amend page 1, section 1, line 5, delete "or" and insert in lieu thereof a comma.

Amend page 1, section 1, line 6, after "ancestry," insert "or age".

Amend page 1, section 1, line 15, after "origin" delete "or" and insert in lieu thereof a comma; after "ancestry," insert "or age".

Amend page 2, section 1, line 26, after "origin" delete "or" and insert in lieu thereof a comma; after "ancestry" insert ", or age".

STATE OF NEW JERSEY  
EXECUTIVE DEPARTMENT

November 19, 1962

ASSEMBLY BILL NO. 515

To the General Assembly:

Pursuant to Article V, Section I, paragraph 14(b) of the Constitution, I herewith return Assembly Bill No. 515, with my objections, for reconsideration.

Assembly Bill No. 515 amends Section 11 of the Law Against Discrimination to provide that it shall be an unlawful discrimination for a labor organization to discriminate against any applicant for, or individual included in, any apprentice or other training program because of his race, creed, color, or national origin.

This is commendable legislation and I strongly support its enactment. Unfortunately, should I sign this bill in its present form, my action could be construed as invalidating the pioneering law against discrimination in employment because of age which was enacted earlier this year. That law, as set forth in Assembly Bill No. 601, also amended Section 11 of the Law Against Discrimination. Since these two bills were processed simultaneously, neither of the bills incorporated the amendatory language provided by the other. Approval of Assembly No. 515, therefore, would establish the text of Section 11 of the Law Against Discrimination in a form not containing the amendatory language enacted in Assembly No. 601. In order to avoid any possible legal question, I am recommending that the Legislature reenact this measure setting forth the language which has already been placed in the statutes by the enactment of Assembly No. 601.

Accordingly, I am returning Assembly Bill No. 515 for reconsideration, with the recommendation that the bill be amended as follows:

On page 1, section 1, line 5, delete "or" and insert in lieu thereof a comma.

On page 1, section 1, line 6, after "ancestry," insert "or age".

On page 1, section 1, line 15, after "origin" delete "or" and insert in lieu thereof a comma; after "ancestry," insert "or age".

On page 2, section 1, line 26, after "origin" delete "or" and insert in lieu thereof a comma; after "ancestry" insert ", or age".

Respectfully,

RICHARD J. HUGHES

GOVERNOR

[SEAL]

Attest:

LAWRENCE BILDER

Acting Secretary to the Governor

# STATE OF NEW JERSEY

INTRODUCED JANUARY 14, 1963

By Senators STAMLER and WADDINGTON

Referred to Committee on Revision and Amendment of Laws

An Act to amend the "Law Against Discrimination," approved April 16, 1945 (P. L. 1945, c. 169) and "A supplement to the 'Law Against Discrimination,' approved April 16, 1945 (P. L. 1945, c. 169)," approved July 28, 1954 (P. L. 1954, c. 198).

1 **BE IT ENACTED by the Senate and General Assembly of the State of New**  
2 **Jersey:**

1 1. Section 5 of chapter 169 of the laws of 1945 is amended to read as  
2 follows:

3 5. As used in this act, unless a different meaning clearly appears from the  
4 context:

5 a. "Person" includes one or more individuals, partnerships, associations,  
6 labor organizations, corporations, legal representatives, trustees, trustees in  
7 bankruptcy, receivers, and fiduciaries.

8 b. "Employment agency" includes any persons undertaking to procure  
9 employees or opportunities for others to work.

10 c. "Labor organization" includes any organization which exists and is  
11 constituted for the purpose, in whole or in part, of collective bargaining, or  
12 of dealing with employers concerning grievances, terms or conditions of  
13 employment, or of other mutual aid or protection in connection with employ-  
14 ment.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

AN ACT TO AMEND THE "LAW AGAINST DISCRIMINATION," APPROVED APRIL 16, 1945 (P. L. 1945, C. 169) AND "A SUPPLEMENT TO THE 'LAW AGAINST DISCRIMINATION,' APPROVED APRIL 16, 1945 (P. L. 1945, C. 169)," APPROVED JULY 28, 1954 (P. L. 1954, C. 198).

15 d. "Unlawful employment practice" and "unlawful discrimination" in-  
16 cludes only those unlawful practices and acts specified in section 11 of this act.

17 e. "Employer" does not include a club exclusively social or fraternal,  
18 charitable, educational or religious association or corporation, if such club,  
19 association or corporation is not organized and operated for private profit,  
20 nor does it include any employer with fewer than 6 persons in his employ.

21 f. "Employee" does not include any individual employed by his parents,  
22 spouse or child, or in the domestic service of any person.

23 [ff.] g. "Liability for service in the Armed Forces of the United States"  
24 means subject to being ordered as an individual or member of an organized  
25 unit, into active service in the Armed Forces of the United States by reason  
26 of membership in the National Guard, naval militia or a reserve component  
27 of the Armed Forces of the United States or subject to being inducted into  
28 such armed forces through a system of national selective service.

29 [g.] h. "Division" means the "Division [of] on Civil Rights" created  
30 by this act.

31 [h.] i. ["Commissioner" means the State Commissioner of Education.]

32 "Attorney General" means the Attorney General of the State of New Jersey  
33A or his representative or designee.

33 [i.] j. "Commission" means the Commission on Civil Rights created by  
34 this act.

35 k. "Director" means the Director of the Division on Civil Rights.

36 [j.] l. "A place of public accommodation" shall include any tavern,  
37 roadhouse, or hotel, whether for entertainment of transient guests or accom-  
38 modation of those seeking health, recreation or rest; any retail shop or store;  
39 any restaurant, eating house, or place where food is sold for consumption on  
40 the premises; any place maintained for the sale of ice cream, ice and fruit  
41 preparations or their derivatives, soda water or confections, or where any  
42 beverages of any kind are retailed for consumption on the premises; any  
43 garage, any public conveyance operated on land or water, or in the air, and  
44 stations and terminals thereof; any public bathhouse, public boardwalk, public  
45 seashore accommodation; any auditorium, meeting place, or public hall; any

46 theatre, or other place of public amusement, motion-picture house, music hall,  
47 roof garden, skating rink, swimming pool, amusement and recreation park,  
48 fair, bowling alley, gymnasium, shooting gallery, billiard and pool parlor;  
49 any comfort station; any dispensary, clinic or hospital; and any public  
50 library, any kindergarten, primary and secondary school, trade or business  
51 school, high school, academy, college and university, or any educational  
52 institution under the supervision of the State Board of Education, or the  
53 Commissioner of Education of the State of New Jersey. Nothing herein  
54 contained shall be construed to include or to apply to, any institution, bona  
55 fide club, or place of accommodation, which is in its nature distinctly private;  
56 nor shall anything herein contained apply to any educational facility operated  
57 or maintained by a bona fide religious or sectarian institution, and the right  
58 of a natural parent or one in loco parentis to direct the education and  
59 upbringing of a child under his control is hereby affirmed; nor shall anything  
60 herein contained be construed to bar any private secondary or post-  
61 secondary school from using in good faith criteria other than race, creed, color,  
62 national origin or ancestry, in the admission of students.

63 [k.] m. "A publicly assisted housing accommodation" shall include all  
64 housing built with public funds or public assistance pursuant to chapter 300  
65 of the laws of 1949, chapter 213 of the laws of 1941, chapter 169 of the laws  
66 of 1944, chapter 303 of the laws of 1949, chapter 19 of the laws of 1938, chapter  
67 20 of the laws of 1938, chapter 52 of the laws of 1946, and chapter 184 of the  
68 laws of 1949, and all housing financed in whole or in part by a loan, whether  
69 or not secured by a mortgage, the repayment of which is guaranteed or  
70 insured by the Federal Government or any agency thereof.

71 [l.] n. The term "real property" includes real estate, lands, tenements  
72 and hereditaments, corporeal and incorporeal, provided however that, except  
73 as to publicly assisted housing accommodations, the provisions of this act  
74 shall not apply (1) to the sale or rental of a dwelling, or of a portion thereof,  
75 containing accommodations for not more than 3 families, one of which is  
76 maintained by the owner at the time of sale or rental as the household of



77 his family, or; (2) to the sale or rental of a dwelling, or a portion thereof,  
78 containing accommodations for not more than 2 families, except, however,  
79 such dwellings shall be included within the term "real property" when they  
80 are part of a group of 10 or more dwelling houses constructed or to be con-  
81 structed on land that is contiguous (exclusive of public streets) and are  
82 offered for sale or rental by a person who owns or has owned or otherwise  
83 controls or has controlled the sale or rental of such group of dwelling houses,  
84 or; (3) to the rental, by the owner or occupant of a one-family accommoda-  
85 tion in which he or members of his family reside, of a room or rooms in such  
86 accommodation to another person or persons. Nothing herein contained shall  
87 be construed to bar any religious or denominational institution or organiza-  
88 tion, or any organization operated for charitable or educational purposes,  
89 which is operated, supervised or controlled by or in connection with a religious  
90 organization, in the sale, lease or rental of real property, from limiting  
91 admission to or giving preference to persons of the same religion or denomina-  
92 tion or from making such selection as is calculated by such organization to  
93 promote the religious principles for which it is established or maintained.

94 [m.] c. "Real estate broker" includes a person, firm or corporation who,  
95 for a fee, commission or other valuable consideration, or by reason of promise  
96 or reasonable expectation thereof, lists for sale, sells, exchanges, buys or  
97 rents, or offers or attempts to negotiate a sale, exchange, purchase or rental  
98 or real estate or an interest therein, or collects or offers or attempts to collect  
99 rent for the use of real estate or solicits for prospective purchasers or assists  
100 or directs in the procuring of prospects or the negotiation or closing of any  
101 transaction which does or is contemplated to result in the sale, exchange,  
102 leasing, renting or auctioning of any real estate or negotiates, or offers or  
103 attempts or agrees to negotiate a loan secured or to be secured by mortgage  
104 or other encumbrance upon or transfer of any real estate for others, or any  
105 person who, for pecuniary gain or expectation of pecuniary gain conducts a  
106 public or private competitive sale of lands or any interest in lands. In the  
107 sale of lots, the term "real estate broker" shall also include any person,

108 partnership, association or corporation employed by or on behalf of the owner  
 109 or owners of lots or other parcels of real estate, at a stated salary, or upon  
 110 a commission, or upon a salary and commission, or otherwise, to sell such real  
 111 estate, or any parts thereof, in lots or other parcels, and who shall sell or  
 112 exchange, or offer or attempt or agree to negotiate the sale or exchange, of  
 113 any such lot or parcel of real estate.

114 [n.] p. "Real estate salesman" includes any person who, for compensa-  
 115 tion, valuable consideration or commission, or other thing of value, or by  
 116 reason of a promise or reasonable expectation thereof, is employed by and  
 117 operates under the supervision of a licensed real estate broker to sell or offer  
 118 to sell, buy or offer to buy or negotiate the purchase, sale or exchange of real  
 119 estate, or offers or attempts to negotiate a loan secured or to be secured by a  
 120 mortgage or other encumbrance upon or transfer of real estate, or to lease  
 121 or rent, or offer to lease or rent any real estate for others, or to collect rents  
 122 for the use of real estate, or to solicit for prospective purchasers or lessees  
 123 of real estate, or who is employed by a licensed real estate broker to sell or  
 124 offer to sell lots or other parcels of real estate, at a stated salary, or upon a  
 125 commission, or upon a salary and commission, or otherwise to sell real estate,  
 126 or any parts thereof, in lots or other parcels.

- 1 2. Section 6 of chapter 169, laws of 1945 is amended to read as follows:
- 2 6. There is created in the Department of [Education] *Law and Public*  
 3 *Safety* a division [to be] known as "The Division [of] *on Civil Rights*" with  
 4 power to prevent and eliminate discrimination [in employment] *in the man-*  
 5 *ner prohibited by this act* against persons because of race, creed, color, na-  
 6 tional origin or ancestry or because of their liability for service in the  
 7 Armed Forces of the United States, by employers, labor organizations, em-  
 8 ployment agencies or other persons and to take other actions against discrim-  
 9 ination because of race, creed, color, national origin or ancestry or because  
 10 of their liability for service in the Armed Forces of the United States, as  
 11 herein provided; and the division created hereunder is given general juris-  
 12 diction and authority for such purposes.

1 3. Section 7 of chapter 169 of the laws of 1945 is amended to read as  
2 follows:

3 7. The said division shall consist of the [Commissioner of Education]  
4 *Attorney General* and the commission. The commission shall consist of 7  
5 members; each member shall be appointed by the Governor, with the advice  
6 and consent of the Senate, for a term of 5 years and until his successor is ap-  
7 pointed and qualified, except that of those first appointed, one shall be ap-  
8 pointed for a term of 1 year, one for a term of 2 years, one for a term of 3  
9 years and 2 for a term of 4 years. Vacancies caused other than by expiration  
10 of term shall be filled in the same manner but for the unexpired term only.  
11 Members of the commission shall serve without compensation but shall be re-  
12 imbursed for necessary expenses incurred in the performance of their duties.  
13 The first chairman of the commission shall be designated by the Governor and  
14 thereafter, the chairman shall be elected by the members, annually.

1 4. Section 8 of chapter 169 of the laws of 1945 is amended to read as  
2 follows:

3 8. The [commissioner] *Attorney General* shall:

- 4 a. Exercise all powers of the division not vested in the commission.
- 5 b. Administer the work of the division.
- 6 c. Organize the division into [2] sections, [one of] *which shall include*  
7 *but not be limited to a section which shall receive, investigate, and act upon*  
8 *complaints alleging discrimination [in employment] against persons because*  
9 *of race, creed, color, national origin or ancestry or because of their liability*  
10 *for service in the Armed Forces of the United States [, and the other of which*  
11 *shall receive, investigate, and act upon complaints alleging other unlawful acts*  
12 *of discrimination against persons because of race, creed, color, national origin*  
13 *or ancestry]; and another which shall, in order to eliminate prejudice and to*  
14 *further good will among the various racial and religious and nationality*  
15 *groups in this State, study, recommend, prepare and implement, in co-opera-*  
16 *tion with such other departments of State Government or any other agencies,*  
17 *groups or entity both public and private, such educational and human rela-*

18 tions programs as are consonant with the objectives of this act; and prescribe  
 19 the organization of said sections and the duties of his subordinates and assis-  
 20 tants.

21 d. [Subject to the approval of the commission and the Governor, appoint]  
 22 *Appoint* [an assistant Commissioner of Education,] *a Director of the Di-*  
 23 *vision on Civil Rights*, who shall act for the [commissioner] *Attorney Gen-*  
 24 *eral*, in his place and with his powers, *which appointment shall be subject to*  
 25 *the approval of the commission and the Governor, a deputy director* and such  
 26 [other] *assistant* directors, field representatives and assistants as may be  
 27 necessary for the proper administration of the division and fix their compen-  
 28 sation within the limits of available appropriations. The [assistant com-  
 29 missioner, directors,] *director, deputy director, assistant directors*, field rep-  
 30 resentatives and assistants shall not be subject to the Civil Service Act and  
 30A shall be removable by the [commissioner] *Attorney General* at will.

31 e. Appoint such clerical force and employees as he may deem necessary  
 32 and fix their duties, all of whom shall be subject to the Civil Service Act.

33 f. Maintain liaison with local and State officials and agencies concerned  
 34 with matters related to the work of the division.

35 g. [Subject to the approval of the commission adopt] *Adopt*, promulgate,  
 36 amend, and rescind suitable rules and regulations to carry out the provisions  
 37 of this act.

38 h. *Conduct investigations*, receive [, investigate, and pass upon com-  
 39 plaints alleging acts in violation of] *complaints and conduct hearings thereon*  
 40 *other than those complaints received and hearings held pursuant to the*  
 40A *provisions of sections 12 to 16 inclusive of this act.*

40B i. [Hold hearings] *In connection with any hearing held pursuant to the*  
 40C *provisions of this act*, subpoena witnesses, compel their attendance, administer  
 41 oaths, take the testimony of any person, under oath, and, in connection there-  
 42 with, require the production for examination of any books or papers relating  
 43 to any subject matter under investigation or in question before the [commis-  
 44 sioner] *Attorney General*. The [commissioner] *Attorney General* may make

45 rules as to the issuance of subpoenas by the [assistant commissioner]  
46 director.

47 j. Issue such publications and such results of investigations and research  
48 tending to promote good will and to minimize or eliminate discrimination be-  
49 cause of race, creed, color, national origin or ancestry, as the commission shall  
50 direct, *subject to available appropriations.*

51 k. Render each year to the Governor and Legislature a full written re-  
52 port of all the activities of the division.

53 [l. Appoint, subject to the approval of the commission, a panel of not  
54 more than 5 hearing examiners, each to serve for a term of 1 year and until  
55 his successor is appointed, any one of whom the commissioner may designate  
56 in his place to conduct any hearing and recommend findings of fact and con-  
57 clusions of law. The hearing examiners shall receive such compensation as  
58 may be determined by the commissioner, subject to available appropriations.]

59 l. *Appoint, subject to the approval of the commission, a panel of not more*  
60 *than 5 hearing examiners, each of whom shall be duly licensed to practice*  
61 *law in this State for a period of at least 5 years, and each to serve for a*  
62 *term of one year and until his successor is appointed, any one of whom the*  
63 *director may designate in his place to conduct any hearing and recommend*  
64 *findings of fact and conclusions of law. The hearing examiners shall receive*  
65 *such compensation as may be determined by the Attorney General, subject to*  
66 *available appropriations.*

1 5. Section 9 of chapter 169 of the laws of 1945 is amended to read as  
2 follows:

3 9. The commission shall:

4 a. Consult with and advise the [commissioner] Attorney General with  
5 respect to the work of the division.

6 [b. Approve or disapprove the appointment of officers, employees and  
7 agents, and the fixing of their compensation by the commissioner]

8 [c.] b. Survey and study the operations of the division.

9 [d.] c. Report to the Governor and the Legislature with respect to such  
10 matters relating to the work of the division and at such times as it may deem  
11 in the public interest.

12 The mayors or chief executive officers of the municipalities in the State  
13 may appoint local commissions on civil rights to aid in effectuating the pur-  
14 poses of this act. Such local commissions shall be composed of representative  
15 citizens serving without compensation. Such commissions shall attempt to  
16 foster through community effort or otherwise, good will, co-operation and  
17 conciliation among the groups and elements of the inhabitants of the com-  
18 munity, and they may be empowered by the local governing bodies to make  
19 recommendations to them for the development of policies and procedures in  
20 general and for programs of formal and informal education that will aid in  
21 eliminating all types of discrimination based on race, creed, color, national  
22 origin, or ancestry. [The State commission may make provision for techni-  
23 cal and clerical assistance to municipal officials to aid in organizing such  
24 commissions in all of the municipalities in this State.]

1 6. Section 10 of chapter 169 of the laws of 1945 is amended to read as  
2 follows:

3 10. No person shall be excused from attending and testifying or from  
4 producing records, correspondence, documents or other evidence in obedience  
5 to the subpoena of the [commissioner or assistant commissioner] *Attorney*  
6 *General, director, or hearing examiner* on the ground that the testimony or  
7 evidence required of him may tend to incriminate him or subject him to a  
8 penalty or forfeiture, but no person shall be prosecuted or subjected to any  
9 penalty or forfeiture for or on account of any transaction, matter or thing  
10 concerning which he is compelled, after having claimed his privilege against  
11 self-incrimination, to testify or produce evidence, except that such person so  
12 testifying shall not be exempt from prosecution and punishment for perjury  
13 committed in so testifying. The immunity herein provided shall extend only  
14 to natural persons so compelled to testify.

1 7. Section 12 of chapter 169 of the laws of 1945 is amended to read as  
2 follows:

3 12. Any person claiming to be aggrieved by an unlawful employment  
4 practice or an unlawful discrimination may, by himself, or his attorney-at-  
5 law, make, sign and file with the [commissioner] *Attorney General* a verified  
6 complaint in writing which shall state the name and address of the person,  
7 employer, labor organization, employment agency, owner, lessee, proprietor,  
8 manager, superintendent, or agent alleged to have committed the unlawful  
9 employment practice or unlawful discrimination complained of and which  
10 shall set forth the particulars thereof and shall contain such other informa-  
11 tion as may be required by the [commissioner] *Attorney General*. The Com-  
12 missioner of Labor and Industry, the Attorney General, or the Commissioner  
13 of Education may, in like manner, make, sign and file such complaint. Any  
14 employer whose employees, or some of them, refuse or threaten to refuse  
15 to co-operate with the provisions of this act, may file with the [commissioner]  
16 *Attorney General* a verified complaint asking for assistance by conciliation  
17 or other remedial action.

1 8. Section 13 of chapter 169 of the laws of 1945 is amended to read as  
2 follows:

3 13. After the filing of any complaint, the [commissioner] *Attorney Gen-  
4 eral* shall cause prompt investigation to be made in connection therewith;  
5 and if the [commissioner] *Attorney General* shall determine after such  
6 investigation that probable cause exists for crediting the allegations of the  
7 complaint, he shall immediately endeavor to eliminate the unlawful employ-  
8 ment practice or the unlawful discrimination complained of by [conference,  
9 conciliation and persuasion] a *conciliation conference*. Neither the [commis-  
10 sioner] *Attorney General* nor any officer or employee of the division shall  
11 disclose [what has transpired in the course of such endeavors] *any conver-  
12 sation between the Attorney General or his representative and the respond-  
13 ent or his representative at such conference*.

1 9. Section 14 of chapter 169 of the laws of 1945 is amended to read as  
2 follows:

3 14. In case of failure so to eliminate such practice or discrimination, or  
4 in advance thereof if in his judgment circumstances so warrant, the [com-  
5 missioner] *Attorney General* shall cause to be issued and served in the name  
6 of the division, a written notice, together with a copy of such complaint, as  
7 the same may have been amended, requiring the person, employer, labor or-  
8 ganization, employment agency, owner, lessee, proprietor, manager, superin-  
9 tendent, or agent named in such complaint, hereinafter referred to as  
10 respondent, to answer the charges of such complaint at a hearing before  
11 [the commissioner] *the director* at a time and place to be specified in such  
12 notice. The place of any such hearing shall be the office of the [commis-  
13 sioner], *Attorney General* or such other place as may be designated by him.

1 10. Section 15 of chapter 169 of the laws of 1945 is amended to read as  
2 follows:

3 15. The case in support of the complaint shall be presented before the  
4 [commissioner] *director* by the attorney for the division and evidence con-  
5 cerning attempted conciliation shall not be received. The respondent may file  
6 a written verified answer to the complaint and appear at such hearing in  
7 person or *by* representative, with or without counsel, and submit testimony.  
8 In the discretion of the [commissioner] *director*, the complainant may be al-  
9 lowed to intervene and present testimony in person [or by counsel] *and may*  
10 *be represented by counsel*. The [commissioner] *director* or the complainant  
11 shall have the power reasonably and fairly to amend any complaint, and the  
12 respondent shall have like power to amend his answer. The [commissioner]  
13 *director* shall not be bound by the strict rules of evidence prevailing in  
14 [courts of law or equity] *civil actions in courts of competent jurisdiction of*  
15 *this State*. The testimony taken at the hearing shall be under oath and be  
16 transcribed.



1 11. Section 16 of chapter 169 of the laws of 1945 is amended to read as  
2 follows:

3 16. If, upon all evidence at the hearing the [commissioner] *director*  
4 shall find that the respondent has engaged in any unlawful employment prac-  
5 tice or unlawful discrimination as defined in this act, the [commissioner] *di-*  
6 *rector* shall state his findings of fact *and conclusions of law* and shall issue  
7 and cause to be served on such respondent an order requiring such respon-  
8 dent to cease and desist from such unlawful employment practice or unlaw-  
9 ful discrimination and to take such affirmative action, including, but not lim-  
10 ited to, hiring, reinstatement or upgrading of employees, with or without  
11 back pay, or restoration to membership in any respondent labor organization,  
12 or extending full and equal accommodations, advantages, facilities, and priv-  
13 ileges to all persons, as, in the judgment of the [commissioner] *director*,  
14 will effectuate the purpose of this act, and including a requirement for re-  
15 port of the manner of compliance. If, upon all the evidence, the [commis-  
16 sioner] *director* shall find that the respondent has not engaged in any such  
17 unlawful employment practice or unlawful discrimination, the [commis-  
18 sioner] *director* shall state his findings of fact *and conclusions of law* and  
19 shall issue and cause to be served on the complainant an order dismissing the  
20 said complaint as to such respondent. [The failure of the commissioner to  
21 file his findings of fact and to issue and serve an order as in this section pro-  
22 vided, within 90 days after the filing of the verified complaint with him in the  
23 manner provided by section 12 of this act, or within such additional period as  
24 may, for good cause shown, be granted by the commission, may, at the election  
25 of the complainant, be deemed to be the equivalent of an order of the commis-  
26 sioner dismissing the complaint, from which an appeal shall lie as hereafter  
27 provided.]

1 12. Section 17 of chapter 169 of the laws of 1945 is amended to read as  
2 follows:

3 17. The [commissioner] *Attorney General* shall establish rules of prac-  
4 tice to govern, expedite and effectuate the foregoing procedure and his own

5 actions thereunder. Any complaint filed pursuant to this section must be so  
6 filed within [90] 180 days after the alleged act of discrimination.

1 13. Section 18 of chapter 169 of the laws of 1945 is amended to read as  
2 follows:

3 18. Observance of an order of the [commissioner] *director issued pursu-*  
4 *ant to the provisions of this act* may be enforced by a civil action *brought by*  
5 *the director* in the [County] Superior Court [to compel the specific perform-  
6 ance of the order or of the duties imposed by law upon the respondent  
7 named in the order. Such action shall be brought in the County Court to  
8 which an appeal from the order would lie as hereinafter provided] *to ob-*  
9 *tain such relief as may be necessary to effectuate the terms of said order.*

1 14. Section 20 of chapter 169 of the laws of 1945 is amended to read as  
2 follows:

3 20. Any person aggrieved by a final order of the [commissioner] *direc-*  
4 *tor* may take an appeal therefrom to the [County Court of the county in  
5 which the alleged unlawful employment practice or unlawful discrimination  
6 took place. A notice of appeal shall be served upon the commissioner and all  
7 other parties to the proceeding or their attorneys, and filed with the court,  
8 within 30 days after the making of the order. Within 20 days after the serv-  
9 ice of such notice, the commissioner shall file in the County Court the original  
10 or a certified copy of the record of the proceedings under review, including  
11 such testimony as shall have been taken stenographically, and shall serve no-  
12 tice of the filing of such record upon the appellant] *Superior Court, Appel-*  
13 *late Division as an appeal from a State administrative agency.*

1 15. Section 23 of chapter 169 of the laws of 1945 is amended to read as  
2 follows:

3 23. [The commissioner's] *A copy of [the testimony] the transcript of*  
4 *the hearing shall be available at all reasonable times to all parties for exam-*  
5 *ination without cost.*

1 16. Section 24 of chapter 169 of the laws of 1945 is amended to read as  
2 follows:

3 24. The Attorney General shall [be] *appoint or assign* the attorney for  
4 the division *who may be a deputy attorney general. If said attorney is not a*  
5 *deputy attorney general he shall receive such compensation as may be*  
6 *determined by the Attorney General subject to available appropriations.*

1 17. Section 25 of chapter 169 of the laws of 1945 is amended to read as  
2 follows:

3 25. Any person who shall willfully resist, prevent, impede or interfere  
4 with the [commissioner] *Attorney General* or any representative of the divi-  
5 sion in the performance of duty under this act, or shall willfully violate an  
6 order of the [commissioner] *Attorney General, or the director*, shall be guilty  
7 of a misdemeanor and shall be punishable by imprisonment for not more than  
8 one year, or by a fine of not more than \$500.00, or by both; but procedure for  
9 the review of the order shall not be deemed to be such willful conduct.

1 18. Section 1 of chapter 198 of the laws of 1954 is amended to read as  
2 follows:

3 1. The Division on Civil Rights in the Department of [Education] *Law*  
4 *and Public Safety* shall enforce the laws of this State against discrimination  
5 in housing built with public funds or public assistance, pursuant to any law,  
6 and in real property, as defined in the law hereby supplemented, because of  
7 race, religious principles, color, national origin or ancestry. The said laws  
8 shall be so enforced in the manner prescribed in the act to which this act is  
9 a supplement.

1 19. This act shall take effect immediately.

ASSEMBLY COMMITTEE AMENDMENTS TO

**SENATE, No. 78**

**STATE OF NEW JERSEY**

ADOPTED MAY 6, 1963

Amend page 1, Title, line 4, immediately following "(P. L. 1954, c. 198)" insert the following: "and repealing section 22 of the 'Law Against Discrimination' approved April 16, 1945 (P. L. 1945, c. 169)".

Amend page 2, section 1, line 17, immediately following the word "or" insert "a".

Amend page 5, section 2, line 6, immediately following the word "origin", delete the word "or" and insert in lieu thereof ",".

Amend page 5, section 2, line 6, immediately following the word "ancestry" insert the words "or age".

Amend page 5, section 2, line 9, immediately following the word "origin" delete the word "or" and insert in lieu thereof ",".

Amend page 5, section 2, line 9, immediately following the word "ancestry" insert the words "or age".

Amend page 6, section 4, line 9, immediately following the word "origin" delete "or" and insert in lieu thereof ",".

Amend page 6, section 4, line 9, immediately following the word "ancestry" insert the words "or age".

Amend page 8, section 4, line 49, immediately following the word "origin", delete the word "or" and insert in lieu thereof ",".

Amend page 8, section 4, line 49, immediately following the word "ancestry" insert the words "or age".

ASSEMBLY, No. 164

STATE OF NEW JERSEY

INTRODUCED JANUARY 24, 1966

By Assemblymen POLICASTRO, ADDONIZIO, VOHDIN, WOODSON,  
BIANCARDI, OWENS, McLEON, MARAZITI and A. E. BROWN

Referred to Committee on State Government

AN ACT to amend and supplement the "Law Against Discrimination," ap-  
proved April 16, 1945 (P. L. 1945, c. 169).

1 BE IT ENACTED *by the Senate and General Assembly of the State of New*  
2 *Jersey:*

1 1. Section 5 of chapter 169 of the laws of 1945 is amended to read as  
2 follows:

3 5. As used in this act, unless a different meaning clearly appears from  
4 the context:

5 a. "Person" includes one or more individuals, partnerships, associa-  
6 tions, *organizations*, labor organizations, corporations, legal representatives,  
7 trustees, trustees in bankruptcy, receivers, and fiduciaries.

8 b. "Employment agency" includes any person undertaking to procure  
9 employees or opportunities for others to work.

10 c. "Labor organization" includes any organization which exists and is  
11 constituted for the purpose, in whole or in part, of collective bargaining,  
12 or of dealing with employers concerning grievances, terms or conditions of  
13 employment, or of other mutual aid or protection in connection with em-  
14 ployment.

15 d. "Unlawful employment practice" and "unlawful discrimination" in-  
16 cludes only those unlawful practices and acts specified in section 11 of this  
17 act.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted  
and is intended to be omitted in the law.**

18 e. "Employer" does not include a club exclusively social or a fraternal,  
19 charitable, educational or religious association or corporation, if such club,  
20 association or corporation is not organized and operated for private profit,  
21 nor does it include any employer with fewer than 6 persons in his employ.

22 f. "Employee" does not include any individual employed by his parents,  
23 spouse or child, or in the domestic service of any person.

24 g. "Liability for service in the Armed Forces of the United States"  
25 means subject to being ordered as an individual or member of an organized  
26 unit[,] into active service in the Armed Forces of the United States by rea-  
27 son of membership in the National Guard, naval militia or a reserve com-  
28 ponent of the Armed Forces of the United States, or subject to being inducted  
29 into such armed forces through a system of national selective service.

30 h. "Division" means the "Division on Civil Rights" created by this act.

31 i. "Attorney General" means the Attorney General of the State of New  
32 Jersey or his representative or designee.

33 j. "Commission" means the Commission on Civil Rights created by this  
34 act.

35 k. "Director" means the Director of the Division on Civil Rights.

36 l. "A place of public accommodation" shall include, *but not be limited*  
37 *to:* any tavern, roadhouse, [or] hotel, *motel, trailer camp, summer camp,*  
38 *day camp, or resort camp,* whether for entertainment of transient guests or  
39 accommodation of those seeking health, recreation or rest; any *producer,*  
40 *manufacturer, wholesaler, distributor,* retail shop [or], store [;], *estab-*  
41 *lishment, or concession dealing with goods or services of any kind;* any res-  
42 taurant, eating house, or place where food is sold for consumption on the  
43 premises; any place maintained for the sale of ice cream, ice and fruit prep-  
44 arations or their derivatives, soda water or confections, or where any bever-  
45 ages of any kind are retailed for consumption on the premises; any garage,  
46 any public conveyance operated on land or water, or in the air, any stations  
47 and terminals thereof; any [public] bathhouse, [public] boardwalk, [public]  
48 *or seashore accommodation;* any auditorium, meeting place, or [public] hall;

49 any theatre, [or other place of public amusement,] motion-picture house, mu-  
50 sic hall, roof garden, skating rink, swimming pool, amusement and recrea-  
51 tion park, fair, bowling alley, gymnasium, shooting gallery, billiard and pool  
52 parlor[;], or other place of amusement; any comfort station; any dispen-  
53 sary, clinic or hospital; [and] any public library[.]; any kindergarten, pri-  
54 mary and secondary school, trade or business school, high school, academy,  
55 college and university, or any educational institution under the supervision  
56 of the State Board of Education, or the Commissioner of Education of the  
57 State of New Jersey. Nothing herein contained shall be construed to include  
58 or to apply to[.] any institution, bona fide club, or place of accommodation,  
59 which is in its nature distinctly private; nor shall anything herein contained  
60 apply to any educational facility operated or maintained by a bona fide re-  
61 ligious or sectarian institution, and the right of a natural parent or one in  
62 loco parentis to direct the education and upbringing of a child under his con-  
63 trol is hereby affirmed; nor shall anything herein contained be construed to  
64 bar any private secondary or post-secondary school from using in good faith  
65 criteria other than race, creed, color, national origin or ancestry, in the ad-  
66 mission of students.

67 m. "A publicly assisted housing accommodation" shall include all hous-  
68 ing built with public funds or public assistance pursuant to chapter 300 of  
69 the laws of 1949, chapter 213 of the laws of 1941, chapter 169 of the laws of  
70 1944, chapter 303 of the laws of 1949, chapter 19 of the laws of 1938, chapter  
71 20 of the laws of 1938, chapter 52 of the laws of 1946, and chapter  
72 184 of the laws of 1949, and all housing financed in whole or in part by a loan,  
73 whether or not secured by a mortgage, the repayment of which is guaranteed  
74 or insured by the Federal Government or any agency thereof.

75 n. The term "real property" includes real estate, lands, tenements and  
76 hereditaments, corporeal and incorporeal, and leaseholds, provided however  
77 that, except as to publicly assisted housing accommodations, the provisions  
78 of this act shall not apply [(1)] to the [sale or] rental: (1) of a single  
79 apartment or flat in a 2-family dwelling, the other occupancy unit of which is

80 *occupied by the owner as his residence or the household of his family at the*  
81 *time of such rental; or (2) of a room or rooms to another person or persons*  
82 *by the owner or occupant of a one-family dwelling occupied by him as his*  
83 *residence or the household of his family at the time of such rental. [of a*  
84 *dwelling, or of a portion thereof, containing accommodations for not more*  
85 *than 3 families, one of which is maintained by the owner at the time of sale*  
86 *or rental as the household of his family, or; (2) to the sale or rental of a*  
87 *dwelling, or a portion thereof, containing accommodations for not more than*  
88 *2 families, except, however, such dwellings shall be included within the term*  
89 *“real property” when they are part of a group of 10 or more dwelling houses*  
90 *constructed or to be constructed on land that is contiguous (exclusive of*  
91 *public streets) and are offered for sale or rental by a person who owns or*  
92 *has owned or otherwise controls or has controlled the sale or rental of such*  
93 *group of dwelling houses, or ; (3) to the rental, by the owner or occupant of*  
94 *a one-family accommodation in which he or members of his family reside, of*  
95 *a room or rooms in such accommodation to another person or persons.] Noth-*  
96 *ing herein contained shall be construed to bar any religious or denomina-*  
97 *tional institution or organization, or any organization operated for charita-*  
98 *ble or educational purposes, which is operated, supervised or controlled by*  
99 *or in connection with a religious organization, in the sale, lease or rental of*  
100 *real property, from limiting admission to or giving preference to persons of*  
101 *the same religion or denomination or from making such selection as is cal-*  
102 *culated by such organization to promote the religious principles for which*  
103 *it is established or maintained.*

104 o. “Real estate broker” includes a person, firm or corporation who, for  
105 a fee, commission or other valuable consideration, or by reason of promise  
106 or reasonable expectation thereof, lists for sale, sells, exchanges, buys or  
107 rents, or offers or attempts to negotiate a sale, exchange, purchase, or rental  
108 [or] of real estate or an interest therein, or collects or offers or attempts to  
109 collect rent for the use of real estate, or solicits for prospective purchasers or  
110 assists or directs in the procuring of prospects or the negotiation or closing



111 of any transaction which does or is contemplated to result in the sale, ex-  
112 change, leasing, renting or auctioning of any real estate, or negotiates, or  
113 offers or attempts or agrees to negotiate a loan secured or to be secured by  
114 mortgage or other encumbrance upon or transfer of any real estate for  
115 others[.]; or any person who, for pecuniary gain or expectation of pecuni-  
116 ary gain conducts a public or private competitive sale of lands or any interest  
117 in lands. In the sale of lots, the term "real estate broker" shall also include  
118 any person, partnership, association or corporation employed by or on behalf  
119 of the owner or owners of lots or other parcels of real estate, at a stated sal-  
120 ary, or upon a commission, or upon a salary and commission, or otherwise,  
121 to sell such real estate, or any parts thereof, in lots or other parcels, and  
122 who shall sell or exchange, or offer or attempt or agree to negotiate the  
123 sale or exchange, of any such lot or parcel of real estate.

124 p. "Real estate salesman" includes any person who, for compensation,  
125 valuable consideration or commission, or other thing of value, or by reason  
126 of a promise or reasonable expectation thereof, is employed by and operates  
127 under the supervision of a licensed real estate broker to sell or offer to sell,  
128 buy or offer to buy or negotiate the purchase, sale or exchange of real es-  
129 tate, or offers or attempts to negotiate a loan secured or to be secured by a  
130 mortgage or other encumbrance upon or transfer of real estate, or to lease  
131 or rent, or offer to lease or rent any real estate for others, or to collect rents  
132 for the use of real estate, or to solicit for prospective purchasers or lessees  
133 of real estate, or who is employed by a licensed real estate broker to sell or  
134 offer to sell lots or other parcels of real estate, at a stated salary, or upon  
135 a commission, or upon a salary and commission, or otherwise to sell real  
136 estate, or any parts thereof, in lots or other parcels.

1 2. Section 8 of chapter 169 of the laws of 1945 is amended to read as  
2 follows:

3 8. The Attorney General shall:

4 a. Exercise all powers of the division not vested in the commission.

5 b. Administer the work of the division.

6 c. Organize the division into sections, which shall include but not be  
7 limited to a section which shall receive, investigate, and act upon complaints  
8 alleging discrimination against persons because of race, creed, color, national  
9 origin, ancestry or age or because of their liability for service in the Armed  
10 Forces of the United States; and another which shall, in order to eliminate  
11 prejudice and to further good will among the various racial and religious  
12 and nationality groups in this State, study, recommend, prepare and imple-  
13 ment, in co-operation with such other departments of State Government or  
14 any other agencies, groups or entity both public and private, such educa-  
15 tional and human relations programs as are consonant with the objectives  
16 of this act; and prescribe the organization of said sections and the duties of  
17 his subordinates and assistants.

18 d. Appoint a Director of the Division on Civil Rights, who shall act for  
19 the Attorney General, in his place and with his powers, which appointment  
20 shall be subject to the approval of the commission and the Governor, a  
21 deputy director and such assistant directors, field representatives and as-  
22 sistants as may be necessary for the proper administration of the division  
23 and fix their compensation within the limits of available appropriations. The  
24 director, deputy director, assistant directors, field representatives and as-  
25 sistants shall not be subject to the Civil Service Act and shall be removable  
26 by the Attorney General at will.

27 e. Appoint such clerical force and employees as he may deem necessary  
28 and fix their duties, all of whom shall be subject to the Civil Service Act.

29 f. Maintain liaison with local and State officials and agencies concerned  
30 with matters related to the work of the division.

31 g. Adopt, promulgate, amend, and rescind suitable rules and regulations  
32 to carry out the provisions of this act.

33 h. Conduct investigations, receive complaints and conduct hearings  
34 thereon other than those complaints received and hearings held pursuant  
35 to the provisions [of sections 12 to 16 inclusive] of this act.

36 i. In connection with any *investigation or* hearing held pursuant to the  
37 provisions of this act, subpoena witnesses, compel their attendance, adminis-

38 ter oaths, take the testimony of any person, under oath, and, in connection  
 39 therewith, require the production for examination of any books or papers  
 40 relating to any subject matter under investigation or in question [before the  
 41 Attorney General] *by the division and conduct such discovery procedures*  
 42 *which may include the taking of interrogatories and oral depositions as shall*  
 43 *be deemed necessary by the Attorney General in any investigation.* The  
 44 Attorney General may make rules as to the issuance of subpoenas by the  
 45 director. *The failure of any witness when duly subpoenaed to attend, give*  
 46 *testimony, or produce evidence shall be punishable by the Superior Court of*  
 47 *New Jersey in the same manner as such failure is punishable by such court in*  
 48 *a case therein pending.*

49 j. Issue such publications and such results of investigations and research  
 50 tending to promote good will and to minimize or eliminate discrimination  
 51 because of race, creed, color, national origin, ancestry or age, as the com-  
 52 mission shall direct, subject to available appropriations.

53 k. Render each year to the Governor and Legislature a full written re-  
 54 port of all the activities of the division.

55 l. Appoint, subject to the approval of the commission, a panel of not  
 56 more than 5 hearing examiners, each of whom shall be duly licensed to prac-  
 57 tice law in this State for a period of at least 5 years, and each to serve for a  
 58 term of 1 year and until his successor is appointed, any one of whom the  
 59 director may designate in his place to conduct any hearing and recommend  
 60 findings of fact and conclusions of law. The hearing examiners shall receive  
 61 such compensation as may be determined by the Attorney General, subject  
 62 to available appropriations.

1 3. Section 10 of chapter 169 of the laws of 1945 is amended to read as  
 2 follows:

3 10. No person shall be excused from attending and testifying or from  
 4 producing records, correspondence, documents or other evidence in obedience  
 5 to the subpoena of the Attorney General, director, or hearing examiner on  
 6 the ground that the testimony or evidence required of him may tend to in-

7 criminate him or subject him to a penalty or forfeiture, but no person shall  
8 be prosecuted or subjected to any penalty or forfeiture for or on account of  
9 any transaction, matter or thing concerning which he is compelled, after hav-  
10 ing claimed his privilege against self-incrimination, to testify or produce  
11 evidence[**],** except that such person so testifying shall not be exempt from  
12 prosecution and punishment for perjury committed in so testifying**].** *But he*  
13 *may nevertheless be prosecuted or subjected to penalty or forfeiture for any*  
14 *perjury or contempt committed in answering, or failing to answer, or in pro-*  
15 *ducing or failing to produce evidence in accordance with the subpoena, and*  
16 *any such testimony given or evidence produced shall be admissible against*  
17 *him in any proceeding concerning such perjury or contempt.* The immunity  
18 herein provided shall extend only to natural persons so compelled to testify.

1       4. Section 11 of chapter 169 of the laws of 1945 is amended to read as  
2 follows:

3       11. It shall be an unlawful employment practice, or, as the case may be,  
4 an unlawful discrimination:

5       a. For an employer, because of the race, creed, color, national origin,  
6 ancestry, or age of any individual, or because of the liability for service in  
7 the Armed Forces of the United States, of any individual, to refuse to hire  
8 or employ or to bar or to discharge from employment such individual or to  
9 discriminate against such individual in compensation or in terms, conditions  
10 or privileges of employment, however, it shall not be an unlawful employment  
11 practice to refuse to accept for employment an applicant who has received  
12 a notice of induction or orders to report for active duty in the armed forces.

13       b. For a labor organization, because of the race, creed, color, national  
14 origin, ancestry, or age of any individual, or because of the liability for serv-  
15 ice in the Armed Forces of the United States, of any individual, to exclude or  
16 to expel from its membership such individual or to discriminate in any way  
17 against any of its members, against any applicant for, or individual included  
18 in, any apprentice or other training program or against any employer or any  
19 individual employed by an employer.

20 c. For any employer or employment agency to print or circulate or cause  
21 to be printed or circulated any statement, advertisement or publication, or to  
22 use any form of application for employment, or to make any inquiry in con-  
23 nection with prospective employment, which expresses, directly or indirectly,  
24 any limitation, specification or discrimination as to race, creed, color, national  
25 origin, ancestry, or age or liability of any applicant for employment for serv-  
26 ice in the Armed Forces of the United States, or any intent to make any such  
27 limitation, specification or discrimination, unless based upon a bona fide occu-  
28 pational qualification.

29 d. For any [employer, labor organization or employment agency to dis-  
30 charge, expel or otherwise discriminate] *person to take reprisals* against any  
31 person because he has opposed any practices or acts forbidden under this act  
32 or because he has filed a complaint, testified or assisted in any proceeding  
33 under this act.

34 e. For any person, whether an employer or an employee or not, to aid,  
35 abet, incite, compel or coerce the doing of any of the acts forbidden under this  
36 act, or to attempt to do so.

37 f. For any owner, lessee, proprietor, manager, superintendent, agent, or  
38 employee of any place of public accommodation directly or indirectly to re-  
39 fuse, withhold from or deny to any person any of the accommodations,  
40 advantages, facilities or privileges thereof, or to discriminate against any  
41 person in the furnishing thereof, or directly or indirectly to publish, circu-  
42 late, issue, display, post or mail any written or printed communication,  
43 notice, or advertisement to the effect that any of the accommodations, advan-  
44 tages, facilities, or privileges of any such place will be refused, withheld  
45 from, or denied to any person on account of the race, creed, color, national  
46 origin, or ancestry of such person, or that the patronage or custom thereat  
47 of any person of any particular race, creed, color, national origin or ancestry  
48 is unwelcome, objectionable or not acceptable, desired or solicited, and the  
49 production of any such written or printed communication, notice or adver-  
50 tisement, purporting to relate to any such place and to be made by any

51 owner, lessee, proprietor, superintendent, or manager thereof, shall be pre-  
52 sumptive evidence in any action that the same was authorized by such person.

53 g. For the owner, lessee, sublessee, assignee or managing agent of, or  
54 other person having the right of ownership or possession of or the right to  
55 sell, rent, lease, assign, or sublease any real property or part or portion  
56 thereof, or any agent or employee of any of these:

57 (1) To refuse to sell, rent, lease, assign, or sublease or otherwise to  
58 deny to or withhold from any person or group of persons any real property  
59 or part or portion thereof because of the race, creed, color, national origin  
60 or ancestry of such person or group of persons;

61 (2) To discriminate against any person or group of persons because of  
62 the race, creed, color or national origin of such person or group of persons  
63 in the terms, conditions or privileges of the sale, rental or lease of any real  
64 property or part or portion thereof or in the furnishing of facilities or serv-  
65 ices in connection therewith; or

66 (3) To print, publish, circulate, issue, display, post or mail, or cause to  
67 be printed, published, circulated, issued, displayed, posted or mailed any  
68 statement, advertisement, publication or sign, or to use any form of applica-  
69 tion for the purchase, rental, lease, assignment or sublease of any real prop-  
70 erty or part or portion thereof, or to make any record or inquiry in connec-  
71 tion with the prospective purchase, rental, lease, assignment, or sublease of  
72 any real property, or part or portion thereof which expresses, directly or in-  
73 directly, any limitation, specification or discrimination as to race, creed,  
74 color, national origin or ancestry, or any intent to make any such limitation,  
75 specification or discrimination, and the production of any such statement,  
76 advertisement, publicity, sign, form of application, record, or inquiry pur-  
77 porting to be made by any such person shall be presumptive evidence in any  
78 action that the same was authorized by such person.

79 h. For any real estate broker, real estate salesman or employee or agent  
80 thereof:

81 (1) to refuse to sell, rent, assign, lease or sublease, or offer for sale,  
82 rental, lease, assignment, or sublease any real property or part or portion

83 thereof to any person or group of persons or to refuse to negotiate for the  
84 sale, rental, lease, assignment, or sublease of any real property or part or  
85 portion thereof to any person or group of persons because of the race, creed,  
86 color, national origin or ancestry of such person or group of persons, or to  
87 represent that any real property or portion thereof is not available for in-  
88 spection, sale, rental, lease, assignment, or sublease when in fact it is so avail-  
89 able, or otherwise to deny or withhold any real property or any part or por-  
90 tion or facilities thereof to or from any person or group of persons because of  
91 the race, creed, color, national origin or ancestry of such person or group of  
92 persons;

93 (2) To discriminate against any person because of his race, creed, color,  
94 national origin or ancestry in the terms, conditions or privileges of the sale,  
95 rental, lease, assignment or sublease of any real property or part or por-  
96 tion thereof or in the furnishing of facilities or services in connection there-  
97 with; or

98 (3) To print, publish, circulate, issue, display, post, or mail, or cause to  
99 be printed, published, circulated, issued, displayed, posted or mailed, any  
100 statement, advertisement, publication or sign, or to use any form of applica-  
101 tion for the purchase, rental, lease, assignment, or sublease of any real prop-  
102 erty or part or portion thereof or to make any record or inquiry in connec-  
103 tion with the prospective purchase, rental, lease, assignment, or sublease of  
104 any real property or part or portion thereof which expresses, directly or in-  
105 directly, any limitation, specification or discrimination as to race, creed, color,  
106 national origin or ancestry or any intent to make any such limitation, spec-  
107 ification or discrimination, and the production of any such statement, adver-  
108 tisement, publicity, sign, form of application, record, or inquiry purporting  
109 to be made by any such person shall be presumptive evidence in any action  
110 that the same was authorized by such person.

111 i. For any person, bank, banking organization, mortgage company, in-  
112 surance company or other financial institution or lender to whom application  
113 is made for financial assistance for the purchase, acquisition, construction,

114 rehabilitation, repair or maintenance of any real property or part or portion  
115 thereof or any agent or employee thereof:

116 (1) To discriminate against any person or group of persons because of  
117 the race, creed, color, national origin or ancestry of such person or group of  
118 persons or of the prospective occupants or tenants of such real property or  
119 part or portion thereof, in the granting, withholding, extending, modifying  
120 or renewing, or in the fixing of the rates, terms, conditions or provisions of  
121 any such financial assistance or in the extension of services in connection  
122 therewith; or

123 (2) To use any form of application for such financial assistance or to  
124 make any record or inquiry in connection with applications for such financial  
125 assistance which expresses, directly or indirectly, any limitation, specification  
126 or discrimination as to race, creed, color, national origin or ancestry, or any  
127 intent to make any such limitation, specification or discrimination.

128 *j. For any person whose activities are included within the scope of this*  
129 *act to refuse to post or display such notices concerning the rights or respon-*  
130 *sibilities of persons affected by this act as the Attorney General may by regu-*  
131 *lation require.*

1 5. Section 13 of chapter 169 of the laws of 1945 is amended to read as  
2 follows:

3 13. After the filing of any complaint, the Attorney General shall cause  
4 prompt investigation to be made in connection therewith *and advise the com-*  
5 *plainant of the results thereof* [; and] if the Attorney General shall deter-  
6 mine after such investigation that probable cause exists for crediting the  
7 allegations of the complaint, he shall immediately endeavor to eliminate the  
8 unlawful employment practice or the unlawful discrimination complained of  
9 by [a conciliation] conference, *conciliation and persuasion during a period*  
10 *terminating not later than 45 days from the date of the finding of probable*  
11 *cause.* Neither the Attorney General nor any officer or employee of the  
12 division shall disclose any conversation between the Attorney General or his  
13 representative and the respondent or his representative at such conference.



1       6. At any time after the filing of any complaint, the Attorney General  
2 may proceed against any person in a summary manner in the Superior Court  
3 of New Jersey to compel compliance with any of the provisions of this act,  
4 or to prevent violations or attempts to violate any such provisions, or attempts  
5 to interfere with or impede the enforcement of any such provisions or the ex-  
6 ercise or performance of any power or duty thereunder.

1       7. Section 16 of chapter 169 of the laws of 1945 is amended to read as  
2 follows:

3       16. If, upon all evidence at the hearing the director shall find that the  
4 respondent has engaged in any unlawful employment practice or unlawful  
5 discrimination as defined in this act, the director shall state his findings of  
6 fact and conclusions of law and shall issue and cause to be served on such  
7 respondent an order requiring such respondent to cease and desist from such  
8 unlawful employment practice or unlawful discrimination and to take such  
9 affirmative action, including, but not limited to, hiring, reinstatement or up-  
10 grading of employees, with or without back pay, or restoration to member-  
11 ship, in any respondent labor organization, or extending full and equal accom-  
12 modations, advantages, facilities, and privileges to all persons, as, in the  
13 judgment of the director, will effectuate the purpose of this act, and including  
14 a requirement for report of the manner of compliance. *The director shall*  
15 *have the power to use reasonably certain bases, including but not limited to*  
16 *list, catalogue or market prices or values, or contract or advertised terms and*  
17 *conditions, in order to determine particulars or performance in giving appro-*  
18 *priate remedy.* If, upon all the evidence, the director shall find that the re-  
19 spondent has not engaged in any such unlawful employment practice or  
20 unlawful discrimination, the director shall state his findings of fact and con-  
21 clusions of law and shall issue and cause to be served on the complainant  
22 an order dismissing the said complaint as to such respondent.

1       8. This act shall take effect immediately.

FROM: OFFICE OF THE GOVERNOR

FOR RELEASE: P.M.'s THURSDAY, April 7

REMARKS OF GOVERNOR RICHARD J. HUGHES  
ON THE SIGNING OF A164 - AMENDMENTS TO THE LAW AGAINST DISCRIMINATION

It is appropriate, when signing into law an act of such significance as the expanded fair housing act, to announce that we are witnessing a momentous event in the history of our State. That is especially true today and we should be proud that all those concerned have done their duty.

There are many who will see great accomplishments in this act - as they should. They worked hard and long to develop the bi-partisan proposal which today becomes law.

But I would venture that we have not accomplished anything great by this act alone. We have only given ourselves a new opportunity to accomplish great things. We have only reaffirmed a right which every American accepts as fundamental. We have only removed one more impediment - in a long unfortunate list - to the full flowering of democracy in this State. True accomplishments lie ahead in what we, as individuals and groups, do - not just in housing, but in education, employment, government and in the feeling of the heart which must accompany and sustain all human rights advancement. For although the law serves as a model, democracy is really made in the heart.

For a number of years this bill was the subject of emotional debate by those who thought - mistakenly, I believe - it might work against their immediate social and economic interest. But the fact that it was adopted almost unanimously by both houses of the Legislature, with almost no controversy, bodes well for the future. We should be proud of that sense of harmony which supported this measure, for reason soon demonstrates that any act which adds a new dimension to freedom cannot really work against the interests of anyone. As we look about the State and the country, we can already observe the positive social and economic effects of earlier civil rights legislation where voluntary compliance has played a major role - and that is encouraging.

Three years ago at the First Governor's Fair Housing Conference held in this very building, I said we were fast approaching the day when any man - regardless of race or religion or ancestry - could live where his heart desires and his means permit. We are now a step closer to that day.

So, let us leave here with a renewed sense that much has been accomplished, but much more remains to be done. For, in John F. Kennedy's words, "This nation, for all its

(con.)

- 2 -

boasts and all its hopes - will not be free until all its citizens are free."

Another chapter has been added to freedom in our great Garden State this morning.

###

ASSEMBLY, No. 403

STATE OF NEW JERSEY

PRE-FILED FOR INTRODUCTION IN THE 1970 SESSION

By Assemblyman FENWICK

AN ACT concerning civil rights, and amending sections 10:1-3, 10:1-6, 10:1-8, 10:1-9 and 10:2-1 of the Revised Statutes, and amending chapter 114 of the laws of 1942, chapter 169 of the laws of 1945 and chapter 198 of the laws of 1954.

1 BE IT ENACTED *by the Senate and General Assembly of the State*  
2 *of New Jersey:*

1 1. Section 10:1-3 of the Revised Statutes is amended to read  
2 as follows:

3 10:1-3. No owner, lessee, proprietor, manager, superintendent,  
4 agent or employee of any such place shall directly or indirectly  
5 refuse, withhold from, or deny to, any person any of the accom-  
6 modations, advantages, facilities or privileges thereof, or directly  
7 or indirectly publish, circulate, issue, display, post, or mail any  
8 written or printed communication, notice or advertisement to the  
9 effect that any of the accommodations, advantages, facilities and  
10 privileges of any such place shall be refused, withheld from, or  
11 denied to, any person on account of race, creed, color, national  
12 origin, **[or]** ancestry, *or sex*, or that the patronage or custom  
13 thereat of any person belonging to or purporting to be of any  
14 particular race, creed, color, national origin, **[or]** ancestry, *or sex*,  
15 is unwelcome, objectionable or not acceptable, desired or solicited.

1 2. Section 10:1-6 of the Revised Statutes is amended to read  
2 as follows:

3 10:1-6. Any person who shall violate any of the provisions of  
4 sections 10:1-2 to 10:1-5 of this Title by denying to any citizen,  
5 except for reasons applicable alike to all citizens of every race,  
6 creed, color, national origin, **[or]** ancestry, *or sex* and regardless  
7 of race, creed, color, national origin, **[or]** ancestry, *or sex*, the  
8 full enjoyment of any of the accommodations, advantages, facili-

EXPLANATION—Matter enclosed in bold-faced brackets **[thus]** in the above bill  
is not enacted and is intended to be omitted in the law.

9 ties or privileges in said sections enumerated, or by aiding or in-  
 10 citing such denial, or who shall aid or incite the violation of any  
 11 of the said provisions shall, for each and every violation thereof,  
 12 forfeit and pay the sum of not less than \$100.00 nor more than  
 13 \$500.00, to the State, to be recovered in a civil action, with costs,  
 14 and shall also, for every such violation, be deemed guilty of a  
 15 misdemeanor, and upon conviction thereof, shall be subject to a  
 16 fine of not more than \$500.00, or by imprisonment of not more  
 17 than 90 days, or both.

1 3. Section 10:1-8 of the Revised Statutes is amended to read  
 2 as follows:

3 10:1-8. No citizen possessing all other qualifications prescribed  
 4 by law shall be disqualified for service as a grand or petit juror  
 5 in any court on account of race, color, creed, national origin, **[or]**  
 6 ancestry, *or sex*, and any officer or other person charged with any  
 7 duty in the selection or summoning of jurors who shall exclude or  
 8 fail to summon any citizen for the cause aforesaid shall, on con-  
 9 viction thereof, be deemed guilty of a misdemeanor, and be fined  
 10 not more than \$5,000.00.

1 4. Section 10:1-9 of the Revised Statutes is amended to read  
 2 as follows:

3 10:1-9. No cemetery corporation, association or company, or-  
 4 ganized under any law of this State, owning or having control of  
 5 any cemetery or place for the burial of the dead, shall refuse to  
 6 permit the burial of any deceased person therein because of the  
 7 color *or sex* of such deceased person, and any cemetery corpora-  
 8 tion, association or company offending against this section shall  
 9 be guilty of a misdemeanor.

1 5. Section 1 of chapter 114 of the laws of 1942 (C. 10:1-10) is  
 2 amended to read as follows:

3 1. It shall be unlawful for any employer engaged to any extent  
 4 whatsoever in the production, manufacture or distribution of mili-  
 5 tary or naval material, equipment or supplies for the State of New  
 6 Jersey, or for the Federal Government, or for any subsidiary or  
 7 agency of either the State or Federal Government, or who is en-  
 8 gaged on any defense contract whatsoever, to refuse to employ  
 9 any person in any capacity on account of the race, color, creed,  
 10 national origin, **[or]** ancestry, *or sex* of such person.

1 6. Section 2 of chapter 114 of the laws of 1942 (C. 10:1-11) is  
 2 amended to read as follows:

3 2. Any employer or person who

4 (1) Excludes a citizen by reason of race, color, creed, na-  
 5 tional origin, **[or]** ancestry, *or sex*, from any public employ-  
 6 ment, or employment in any capacity, in industries engaged on  
 7 defense contracts, or

8 (2) Denies, or aids or incites another to deny, to any person,  
 9 because of race, color, creed, national origin, **[or]** ancestry,  
 10 *or sex*, public employment or employment in any capacity, in  
 11 industries engaged on defense contracts,

12 shall be guilty of a misdemeanor and punishable by a fine of not  
 13 less than \$100.00, nor more than \$500.00, or imprisonment for not  
 14 more than 6 months or both.

1 7. Section 10:2-1 of the Revised Statutes is amended to read  
 2 as follows:

3 10:2-1. Every contract for or on behalf of the State or any  
 4 county or municipality or other political subdivision of the State,  
 5 or any agency of or authority created by any of the foregoing,  
 6 for the construction, alteration or repair of any public building  
 7 or public work or for the acquisition of materials, equipment, sup-  
 8 plies or services shall contain provisions by which the contractor  
 9 agrees that:

10 a. In the hiring of persons for the performance of work under  
 11 this contract or any subcontract hereunder, or for the procurement,  
 12 manufacture, assembling or furnishing of any such materials,  
 13 equipment, supplies or services to be acquired under this contract,  
 14 no contractor, nor any person acting on behalf of such contractor  
 15 or subcontractor, shall, by reason of race, creed, color, national  
 16 origin, **[or]** ancestry, *or sex*, discriminate against any person who  
 17 is qualified and available to perform the work to which the em-  
 18 ployment relates;

19 b. No contractor, subcontractor, nor any person on his behalf  
 20 shall, in any manner, discriminate against or intimidate any em-  
 21 ployee engaged in the performance of work under this contract or  
 22 any subcontract hereunder, or engaged in the procurement, manu-  
 23 facture, assembling or furnishing of any such materials, equipment,  
 24 supplies or services to be acquired under such contract, on account  
 25 of race, creed, color, national origin, **[or]** ancestry, *or sex*;

26 c. There may be deducted from the amount payable to the con-  
 27 tractor by the contracting public agency, under this contract, a  
 28 penalty of \$50.00 for each person for each calendar day during  
 29 which such person is discriminated against or intimidated in vio-  
 30 lation of the provisions of the contract; and

31 d. This contract may be canceled or terminated by the contract-  
 32 ing public agency, and all money due or to become due hereunder  
 33 may be forfeited, for any violation of this section of the contract  
 34 occurring after notice to the contractor from the contracting public  
 35 agency of any prior violation of this section of the contract.

1 8. Section 3 of chapter 169 of the laws of 1945 (C. 10:5-3) is  
 2 amended to read as follows:

3 3. The Legislature finds and declares that practices of dis-  
 4 crimination against any of its inhabitants, because of race, creed,  
 5 color, national origin, ancestry, age, *sex* or because of their liability  
 6 for service in the Armed Forces of the United States, are a matter  
 7 of concern to the government of the State, and that such discrimina-  
 8 tion threatens not only the rights and proper privileges of the  
 9 inhabitants of the State but menaces the institutions and founda-  
 10 tion of a free democratic State.

1 9. Section 4 of chapter 169 of the laws of 1945 (C. 10:5-4) is  
 2 amended to read as follows:

3 4. All persons shall have the opportunity to obtain employment,  
 4 and to obtain all the accommodations, advantages, facilities, and  
 5 privileges of any place of public accommodation, publicly assisted  
 6 housing accommodation, and other real property without dis-  
 7 crimination because of race, creed, color, national origin, ancestry  
 8 **[or age,]** *age or sex*, subject only to conditions and limitations  
 9 applicable alike to all persons. This opportunity is recognized as  
 10 and declared to be a civil right.

1 10. Section 6 of chapter 169 of the laws of 1945 (C. 10:5-6) is  
 2 amended to read as follows:

3 6. There is created in the Department of Law and Public Safety  
 4 a division known as "The Division on Civil Rights" with power  
 5 to prevent and eliminate discrimination in the manner prohibited  
 6 by this act against persons because of race, creed, color, national  
 7 origin, ancestry **[or age,]** *age or sex* or because of their liability  
 8 for service in the Armed Forces of the United States, by employers,  
 9 labor organizations, employment agencies or other persons and  
 10 to take other actions against discrimination because of race, creed,  
 11 color, national origin, ancestry or age or because of their liability  
 12 for service in the Armed Forces of the United States, as herein  
 13 provided; and the division created hereunder is given general  
 14 jurisdiction and authority for such purposes.

1 11. Section 8 of chapter 169 of the laws of 1945 (C. 10:5-8) is  
 2 amended to read as follows:

3 8. The Attorney General shall:

---

- 4 a. Exercise all powers of the division not vested in the com-  
5 mission.
- 6 b. Administer the work of the division.
- 7 c. Organize the division into sections, which shall include but  
8 not be limited to a section which shall receive, investigate, and act  
9 upon complaints alleging discrimination against persons because  
10 of race, creed, color, national origin, ancestry **[or age]**, *age or sex*  
11 or because of their liability for service in the Armed Forces of the  
12 United States; and another which shall, in order to eliminate  
13 prejudice and to further good will among the various racial and  
14 religious and nationality groups in this State, study, recommend,  
15 prepare and implement, in cooperation with such other departments  
16 of the State Government or any other agencies, groups or entity  
17 both public and private, such educational and human relations  
18 programs as are consonant with the objectives of this act; and  
19 prescribe the organization of said sections and the duties of his  
20 subordinates and assistants.
- 21 d. Appoint a Director of the Division on Civil Rights, who shall  
22 act for the Attorney General, in his place and with his powers,  
23 which appointment shall be subject to the approval of the com-  
24 mission and the Governor, a deputy director and such assistant  
25 directors, field representatives and assistants as may be necessary  
26 for the proper administration of the division and fix their compensa-  
27 tion within the limits of available appropriations. The director,  
28 deputy director, assistant directors, field representatives and  
29 assistants shall not be subject to the Civil Service Act and shall  
30 be removable by the Attorney General at will.
- 31 e. Appoint such clerical force and employees as he may deem  
32 necessary and fix their duties, all of whom shall be subject to the  
33 Civil Service Act.
- 34 f. Maintain liaison with local and State officials and agencies  
35 concerned with matters related to the work of the division.
- 36 g. Adopt, promulgate, amend, and rescind suitable rules and  
37 regulations to carry out the provisions of this act.
- 38 h. Conduct investigations, receive complaints and conduct hear-  
39 ings thereon other than those complaints received and hearings held  
40 pursuant to the provisions of this act.
- 41 i. In connection with any investigation or hearing held pursuant  
42 to the provisions of this act, subpoena witnesses, compel their  
43 attendance, administer oaths, take the testimony of any person,  
44 under oath, and, in connection therewith, require the production  
45 for examination of any books or papers relating to any subject  
46 matter under investigation or in question by the division and



47 conduct such discovery procedures which may include the taking  
 48 of interrogatories and oral depositions as shall be deemed necessary  
 49 by the Attorney General in any investigation. The Attorney  
 50 General may make rules as to the issuance of subpoenas by the  
 51 director. The failure of any witness when duly subpoenaed to  
 52 attend, give testimony, or produce evidence shall be punishable  
 53 by the Superior Court of New Jersey in the same manner as such  
 54 failure is punishable by such court in a case therein pending.

55 j. Issue such publications and such results of investigations and  
 56 research tending to promote good will and to minimize or eliminate  
 57 discrimination because of race, creed, color, national origin,  
 58 ancestry [or age,], *age or sex*, as the commission shall direct,  
 59 subject to available appropriations.

60 k. Render each year to the Governor and Legislature a full  
 61 written report of all the activities of the division.

62 l. Appoint, subject to the approval of the commission, a panel  
 63 of not more than five hearing examiners, each of whom shall be duly  
 64 licensed to practice law in this State for a period of at least 5  
 65 years, and each to serve for a term of 1 year and until his successor  
 66 is appointed, any one of whom the director may designate in his  
 67 place to conduct any hearing and recommend findings of fact and  
 68 conclusions of law. The hearing examiners shall receive such  
 69 compensation as may be determined by the Attorney General,  
 70 subject to available appropriations.

1 12. Section 1 of chapter 198 of the laws of 1954 (C. 10:5-9.1) is  
 2 amended to read as follows:

3 1. The Division on Civil Rights in the Department of Law and  
 4 Public Safety shall enforce the laws of this State against discrimi-  
 5 nation in housing built with public funds or public assistance, pur-  
 6 suant to any law, and in real property, as defined in the law hereby  
 7 supplemented, because of race, religious principles, color, national  
 8 origin [or], ancestry *or sex*. The said laws shall be so enforced in  
 9 the manner prescribed in the act to which this act is a supplement.

1 13. Section 9 of chapter 169 of the laws of 1945 (C. 10:5-10) is  
 2 amended to read as follows:

3 9. The commission shall:

4 a. Consult with and advise the Attorney General with respect to  
 5 the work of the division.

5a b. Survey and study the operations of the division.

6 c. Report to the Governor and the Legislature with respect to  
 7 such matters relating to the work of the division and at such times  
 8 as it may deem in the public interest.

9 The mayors or chief executive officers of the municipalities in the  
10 State may appoint local commissions on civil rights to aid in effec-  
11 tuating the purposes of this act. Such local commissions shall be  
12 composed of representative citizens serving without compensation.  
13 Such commissions shall attempt to foster through community effort  
14 or otherwise, good will, cooperation and conciliation among the  
15 groups and elements of the inhabitants of the community, and they  
16 may be empowered by the local governing bodies to make recom-  
17 mendations to them for the development of policies and procedures  
18 in general and for programs of formal and informal education that  
19 will aid in eliminating all types of discrimination based on race,  
20 cred, color, national origin, ancestry **[or age]**, *age or sex*.

1 14. Section 11 of chapter 169 of the laws of 1945 (C. 10:5-12) is  
2 amended to read as follows:

3 11. It shall be an unlawful employment practice, or, as the case  
4 may be, an unlawful discrimination:

5 a. For an employer, because of the race, creed, color, national  
6 origin, ancestry, **[or]** age, *or sex* of any individual, or because of  
7 the liability for service in the Armed Forces of the United States,  
8 of any individual, to refuse to hire or employ or to bar or to dis-  
9 charge from employment such individual or to discriminate against  
10 such individual in compensation or in terms, conditions or privileges  
11 of employment, however, it shall not be an unlawful employment  
12 practice to refuse to accept for employment an applicant who has  
13 received a notice of induction or orders to report for active duty  
14 in the armed forces.

15 b. For a labor organization, because of the race, creed, color,  
16 national origin, ancestry, **[or]** age, *or sex* of any individual, or  
17 because of the liability for service in the Armed Forces of the  
18 United States, of any individual, to exclude or to expel from its  
19 membership such individual or to discriminate in any way against  
20 any of its members, against any applicant for, or individual in-  
21 cluded in, any apprentice or other training program or against any  
22 employer or any individual employed by an employer.

23 c. For any employer or employment agency to print or circulate  
24 or cause to be printed or circulated any statement, advertisement  
25 or publication, or to use any form of application for employment,  
26 or to make an inquiry in connection with prospective employment,  
27 which expresses, directly or indirectly, any limitation, specification  
28 or discrimination as to race, creed, color, national origin, ancestry,  
29 **[or]** age, *or sex* or liability of any applicant for employment for  
30 service in the Armed Forces of the United States, or any intent

---

31 to make any such limitation, specification or discrimination, unless  
32 based upon a bona fide occupational qualification.

33 d. For any person to take reprisals against any person because  
34 he has opposed any practices or acts forbidden under this act or  
35 because he has filed a complaint, testified or assisted in any proceed-  
36 ing under this act.

37 e. For any person, whether an employer or an employee or not,  
38 to aid, abet, incite, compel or coerce the doing of any of the acts  
39 forbidden under this act, or to attempt to do so.

40 f. For any owner, lessee, proprietor, manager, superintendent,  
41 agent, or employee of any place of public accommodation directly  
42 or indirectly to refuse, withhold from or deny to any person any of  
43 the accommodations, advantages, facilities or privileges thereof,  
44 or to discriminate against any person in the furnishing thereof,  
45 or directly or indirectly to publish, circulate, issue, display, post  
46 or mail any written or printed communication, notice, or advertise-  
47 ment to the effect that any of the accommodations, advantages,  
48 facilities, or privileges of any such place will be refused, withheld  
49 from, or denied to any person on account of the race, creed, color,  
50 national origin, [or] ancestry, *or sex* of such person, or that the  
51 patronage or custom thereof of any person of any particular race,  
52 creed, color, national origin, [or] ancestry, *or sex* is unwelcome,  
53 objectionable or not acceptable, desired or solicited, and the pro-  
54 duction of any such written or printed communication, notice or  
55 advertisement, purporting to relate to any such place and to be  
56 made by any owner, lessee, proprietor, superintendent, or man-  
57 ager thereof, shall be presumptive evidence in any action that the  
58 same was authorized by such person.

59 g. For the owner, lessee, sublessee, assignee or managing agent  
60 of, or other person having the right of ownership or possession of  
61 or the right to sell, rent, lease, assign, or sublease any real property  
62 or part or portion thereof, or any agent or employee of any of these:

63 (1) To refuse to sell, rent, lease, assign, or sublease or otherwise  
64 to deny to or withhold from any person or group of persons any  
65 real property or part or portion thereof because of the race, creed,  
66 color, national origin [or ancestry], *ancestry or sex* of such person  
67 or group of persons;

68 (2) To discriminate against any person or group of persons be-  
69 cause of the race, creed, color [or], national origin *or sex* of such  
70 person or group of persons in the terms, conditions or privileges of  
71 the sale, rental or lease of any real property or part or portion  
72 thereof or in the furnishing of facilities or services in connection  
73 therewith; or

74 (3) To print, publish, circulate, issue, display, post or mail, or  
 75 cause to be printed, published, circulated, issued, displayed, posted  
 76 or mailed any statement, advertisement, publication or sign, or to  
 77 use any form of application for the purchase, rental, lease, assign-  
 78 ment or sublease of any real property or part or portion thereof,  
 79 or to make any record or inquiry in connection with the prospective  
 80 purchase, rental, lease, assignment, or sublease of any real prop-  
 81 erty, or part or portion thereof which expresses, directly or in-  
 82 directly, any limitation, specification or discrimination as to race,  
 83 creed, color, national origin **【or ancestry,】** *ancestry or sex* or any  
 84 intent to make any such limitation, specification or discrimination,  
 85 and the production of any such statement, advertisement, publicity,  
 86 sign, form of application, record, or inquiry purporting to be made  
 87 by any such person shall be presumptive evidence in any action  
 88 that the same was authorized by such person.

89 h. For any real estate broker, real estate salesman or employee  
 90 or agent thereof:

91 (1) to refuse to sell, rent, assign, lease or sublease, or offer for  
 92 sale, rental, lease, assignment, or sublease any real property or part  
 93 or portion thereof to any person or group of persons or to refuse  
 94 to negotiate for the sale, rental, lease, assignment, or sublease of  
 95 any real property or part or portion thereof to any person or group  
 96 of persons because of the race, creed, color, national origin **【or**  
 97 **ancestry,】** *ancestry or sex* of such person or group of persons, or to  
 98 represent that any real property or portion thereof is not available  
 99 for inspection, sale, rental, lease, assignment, or sublease when in  
 100 fact it is so available, or otherwise to deny or withhold any real  
 101 property or any part or portion or facilities thereof to or from any  
 102 person or group of persons because of the race, creed, color,  
 103 national origin **【or ancestry,】** *ancestry or sex* of such person or  
 104 group of persons;

105 (2) To discriminate against any person because of his race,  
 106 creed, color, national origin **【or ancestry,】** *ancestry or sex* in the  
 107 terms, conditions or privileges of the sale, rental, lease, assignment  
 108 or sublease of any real property or part or portion thereof or in the  
 109 furnishing of facilities or services in connection therewith; or

110 (3) To print, publish, circulate, issue, display, post, or mail, or  
 111 cause to be printed, published, circulated, issued, displayed, posted  
 112 or mailed, any statement, advertisement, publication or sign, or  
 113 to use any form of application for the purchase, rental, lease, as-  
 114 signment, or sublease of any real property or part or portion  
 115 thereof or to make any record or inquiry in connection with the pro-

116 spective purchase, rental, lease, assignment, or sublease of any real  
 117 property or part or portion thereof which expresses, directly  
 118 or indirectly, any limitation, specification or discrimination as to  
 119 race, creed, color, national origin **[or ancestry]**, *ancestry or sex* or  
 120 any intent to make any such limitation, specification or discrimina-  
 121 tion, and the production of any such statement, advertisement,  
 122 publicity, sign, form of application, record, or inquiry purporting to  
 123 be made by any such person shall be presumptive evidence in any  
 124 action that the same was authorized by such person.

125 i. For any person, bank, banking organization, mortgage com-  
 126 pany, insurance company or other financial institution or lender to  
 127 whom application is made for financial assistance for the purchase,  
 128 acquisition, construction, rehabilitation, repair or maintenance of  
 129 any real property or part or portion thereof or any agent or em-  
 130 ployee thereof:

131 (1) To discriminate against any person or group of persons  
 132 because of the race, creed, color, national origin **[or ancestry]**,  
 133 *ancestry or sex* of such person or group of persons or of the pro-  
 134 spective occupants or tenants of such real property or part or por-  
 135 tion thereof, in the granting, withholding, extending, modifying or  
 136 renewing, or in the fixing of the rates, terms, conditions or provi-  
 137 sions of any such financial assistance or in the extension of services  
 138 in connection therewith; or

139 (2) To use any form of application for such financial assistance  
 140 or to make any record or inquiry in connection with applications for  
 141 such financial assistance which expresses, directly or indirectly, any  
 142 limitation, specification or discrimination as to race, creed, color,  
 143 national origin **[or ancestry,]**, *ancestry or sex* or any intent to make  
 144 any such limitation, specification or discrimination.

145 j. For any person whose activities are included within the scope  
 146 of this act to refuse to post or display such notices concerning the  
 147 rights or responsibilities of persons affected by this act as the  
 148 Attorney General may by regulation require.

1 15. Section 26 of chapter 169 of the laws of 1945 (C. 10:5-27)  
 2 is amended to read as follows:

3 26. The provisions of this act shall be construed fairly and justly  
 4 with due regard to the interests of all parties. Nothing contained  
 5 in this act shall be deemed to repeal any of the provisions of the  
 6 Civil Rights Law or of any other law of this State relating to  
 7 discrimination because of race, creed, color, national origin **[or**  
 8 *ancestry]*, *ancestry or sex* or liability for service in the Armed  
 9 Forces of the United States; except that, as to practices and acts

10 declared unlawful by section 11 of this act, the procedure herein  
11 provided shall, while pending, be exclusive; and the final determi-  
12 nation therein shall exclude any other action, civil or criminal,  
13 based on the same grievance of the individual concerned. Nothing  
14 herein contained shall bar, exclude, or otherwise affect any right  
15 or action, civil or criminal, which may exist independently of any  
16 right to redress against or specific relief from an unlawful employ-  
17 ment practice or unlawful discrimination.

1 16. This act shall take effect immediately.

SENATE AMENDMENTS TO  
**ASSEMBLY, No. 403**

---

**STATE OF NEW JERSEY**

---

ADOPTED APRIL 27, 1970

Amend page 1, section 1, line 12, after "ancestry," insert "marital status".

Amend page 1, section 1, line 14, after "ancestry," insert "marital status".

Amend page 1, section 1, line 15, after "solicited", insert "; provided, however, that nothing herein contained shall be construed to bar any place of public accommodation which is in its nature reasonably restricted exclusively to individuals of one sex, and which shall include but not limited to any summer camp, day camp or resort camp, bathhouse, dressing room, swimming pool, gymnasium, comfort station, dispensary, clinic or hospital, or school or educational institution which is restricted exclusively to individuals of one sex, from refusing, withholding from or denying to any individual of the opposite sex any of the accommodations, advantages, facilities or privileges thereof on the basis of sex; provided further, that the foregoing limitation shall not apply to any restaurant as defined in R. S. 33:1-1 or place where alcoholic beverages are served".

Amend page 1, section 2, line 6, after "ancestry," insert "marital status".

Amend page 1, section 2, line 7, after "ancestry," insert "marital status".

Amend page 2, section 3, line 6, after "ancestry," insert "marital status".

Amend page 2, section 5, line 10, after "ancestry," insert "marital status".

Amend page 2, section 5, line 10, after "person", insert "; provided, however, that nothing herein contained shall be construed to bar an employer from refusing to accept for employment any person on the basis of sex in those certain circumstances where sex is a bona fide

occupational qualification reasonably necessary to the normal operation of the particular business or enterprise”.

Amend page 3, section 6, line 5, after “ancestry,” insert “marital status”.

Amend page 3, section 6, line 9, after “ancestry,” insert “marital status”.

Amend page 3, section 7, line 16, after “ancestry,” insert “marital status”.

Amend page 3, section 7, line 25, after “ancestry,” insert “marital status”.

Amend page 4, section 8, line 5, after “sex,” insert “, marital status”.

Amend page 4, section 9, line 8, after “age,” insert “, marital status”.

Amend page 4, section 10, line 7, after “age,” insert “, marital status”.

Amend page 5, section 11, line 10, after “age,” insert “, marital status”.

Amend page 6, section 11, line 58, after “age,” insert “, marital status”.

Amend page 6, section 12, line 8, after “ancestry,” insert “marital status”.

Amend page 7, section 13, line 20, after “age,” insert “, marital status”.

Amend page 7, section 14, line 6, after “age,” insert “marital status”.

Amend page 7, section 14, line 11, after “of employment,” insert “; provided,”.

Amend page 7, section 14, line 14, after “forces,” insert “; provided further that nothing herein contained shall be construed to bar an employer from refusing to accept for employment any person on the basis of sex in those certain circumstances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of the particular business or enterprise”.

Amend page 7, section 14, line 16, after “age,” insert “marital status”.

Amend page 7, section 14, line 22, after “an employer,” insert “; provided, however, that nothing herein contained shall be construed to bar a labor organization from excluding from its apprentice or other training programs any person on the basis of sex in those certain circumstances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of the particular apprentice or other training program”.

Amend page 7, section 14, line 29, after “age,” insert “marital status”.



Amend page 8, section 14, line 50, after “ancestry,” insert “marital status”.

Amend page 8, section 14, line 52, after “ancestry,” insert “marital status”.

Amend page 8, section 14, line 58, after “person,” insert “; provided, however, that nothing contained herein shall be construed to bar any place of public accommodation which is in its nature reasonably restricted exclusively to individuals of one sex, and which shall include but not be limited to any summer camp, day camp or resort camp, bathhouse, dressing room, swimming pool, gymnasium, comfort station, dispensary, clinic or hospital, or school or educational institution which is restricted exclusively to individuals of one sex, from refusing, withholding from or denying to any individual of the opposite sex any of the accommodations, advantages, facilities or privileges thereof on the basis of sex; provided further, that the foregoing limitation shall not apply to any restaurant as defined in R. S. 33:1-1 or place where alcoholic beverages are served”.

Amend page 8, section 14, line 66, after “ancestry,” insert “, marital status”.

Amend page 8, section 14, line 69, after “origin,” insert “, marital status”.

Amend page 9, section 14, line 83, after “ancestry,” insert “, marital status”.

Amend page 9, section 14, line 88, after “person,” omit “.”, insert “;”, insert following this line “provided, however, that nothing contained in this subsection shall be construed to bar any person from refusing to sell, rent, lease, assign or sublease or from advertising or recording a qualification as to sex for any room, apartment, flat in a dwelling or residential facility which is planned exclusively for and occupied exclusively opposite sex on the basis of sex.”.

Amend page 9, section 14, line 97, after “ancestry,” insert “, marital status”.

Amend page 9, section 14, line 103, after “ancestry,” insert “, marital status”.

Amend page 9, section 14, line 106, after “ancestry,” insert “, marital status”.

Amend page 10, section 14, line 119, after “ancestry,” insert “, marital status”.

Amend page 10, section 14, line 124, after “person,” omit “.”, insert “;”; insert following this line “provided, however, that nothing contained in this subsection h., shall be construed to bar any person from refusing to sell, rent, lease, assign or sublease or from advertising or recording a qualification as to sex for any room, apartment, flat in a

dwelling or residential facility which is planned exclusively for and occupied exclusively by individuals of one sex to any individual of the opposite sex on the basis of sex.”

Amend page 10, section 14, line 133, after “ancestry”, insert “, marital status”.

Amend page 10, section 14, line 143, after “ancestry,”, insert “, marital status”.

Amend page 10, section 15, line 8, after “ancestry”, insert “, marital status”.