

CALIFORNIA ADVISORY COMMITTEE
TO THE
UNITED STATES COMMISSION ON CIVIL RIGHTS

Open Hearing

OPPORTUNITIES FOR MINORITIES AND WOMEN
IN MOTION PICTURES AND TELEVISION

October 21 and 22, 1976

Los Angeles, California

VOLUME I

BOULEY, SCHLESINGER, PROFITT and DICURTI

Official Court Reporters

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I N D E X
VOLUME I

<u>ITNESS</u>	<u>PAGE</u>
Mr. Art Torres	8
Mr. Bernie Casey	10
Ms. Norma Connally	23
Ms. Stella Montoya	35
Mr. Marvin Walters	49
Mr. Al Tafoya	67
Mr. Paul Bullock	80
Ms. Dorothy Davis	106
Mr. Tony Cortez	120
Mr. Kenneth M. Sieling	127
Mr. Gareth Hughes	173
Mr. Edward Prelock	197

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3 UNITED STATES COMMISSION ON CIVIL RIGHTS

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8 IN MOTION PICTURES AND TELEVISION
9

10 (The following were present during the course of
11 the hearing)

12
13 COMMITTEE MEMBERS:

14 Mr. Herman Sillas Ms. Nadine Hata
15 Ms. Blanche Gomez Mr. William Rogers
16 Ms. Helen Bernstein
17 Ms. Frankie Jacobs Gillette

18 STAFF MEMBERS:

19 Ms. Roberta Booker Jones Mr. Joseph Brooks
20 Mr. Thomas Pilla Ms. Sally James
21 Mr. Lawrence Glick, Chief Counsel
22

23 THE ABOVE ENTITLED hearing was held at the Ambassador
24 Hotel, Los Angeles, California, commencing at the hour of
25 9:00 a.m. on October 21, 1976.

PROCEEDINGS

(The following was chaired by Mr. Herman Sillas)

THE CHAIR: I believe now we will commence these hearings.

The California Advisory Committee open meeting on equal opportunity for minorities and women in the motion picture and television industry in Los Angeles is the subject matter of this hearing.

I am Herman Sillas, Chairperson of the California Advisory Committee to the United States Commission on Civil Rights. The state advisory committee advises and makes recommendations to the United States Commission on Civil Rights upon matters which the committee or any of its subcommittees have studied.

The other members of the advisory committee who will act as the hearing body and present ~~hereby~~ this morning are Blanche Gomez, Nadine Hata, Helen Bernstein, Willian Rogers, Frankie Jacobs Gillette and myself.

Also with us from the Western Regional Office of the Commission on Civil Rights, are Philip Montez, Joseph Brooks, Sally James, Roberta Jones Booker, Thomas Pilla, Grace Diaz and Irene Garcia.

Also with us from the commission's office of general

1 counsel in Washington, D.C., is Lawrence Glick, our
2 Court Reporter for this open meeting is James Bouley.

3 This open meeting is being held pursuant to rules
4 applicable to state advisory committees and requirements
5 promulgated by the United States Commission on Civil
6 Rights.

7 The Commission on Civil Rights is an independent
8 agency of the United States Government, established by
9 Congress in 1957 and authorized by the Civil Rights Act
10 of 1957, 1960, '64, and '73, to do the following: First
11 to investigate complaints alleging that citizens are being
12 deprived of the right to vote by reason of their age,
13 color, religion, national origin or sex. Second, to
14 study and collect information concerning legal developments
15 which constitute a denial of equal protection of the laws
16 under the Constitution. Three, appraise the federal laws
17 and policies with respect to equal protection of the laws.
18 Four, serve as a national clearing house for civil
19 rights information. And five, investigate allegations of
20 voter fraud.

21 I would like to emphasize at this time that this
22 is an open meeting and not an adversary type of proceeding.
23 Individuals have been invited to come and share with the
24 committee information relating to the subject of today's
25 inquiry. Each person who will participate has voluntarily

1 agreed to meet with the committee. Every effort has been
2 made to invite persons who are knowledgeable about the
3 problems and progress in the areas to be dealt with
4 here today.

5 In our attempt to get a well balanced picture of
6 equal opportunity for minorities and women in the motion
7 picture and television industry in Los Angeles, we have
8 invited general managers of three Los Angeles networks and
9 owned and operated stations, KNXT, KNBC and KABC, studio and
10 union representatives, community groups and officials from
11 the U.S. General Services Administration, Equal Employment
12 Opportunity Commission, Federal Communications Commission
13 and the California Fair Employment Practice Commission.

14 Since this is an open meeting, the press, radio,
15 television stations as well as individuals are welcome.
16 Any person discussing a matter with the committee, however,
17 may specifically request that they not be televised.inIn
18 this case it will be necessary for me to comply with their
19 wishes.

20 We are very concerned that we get all of the informa-
21 tion relating to the matter under investigation. We are,
22 however, concerned that no individual be the victim of
23 slander or libelous statements.

24 As a precaution against such a happening, persons
25 making a statement here or answering questions have been

1 interviewed prior to this meeting. However, in the un-
2 likely event that such a situation should develop, it will
3 be necessary for me to call this to the attention of the
4 person making the statement and request that they desist in
5 their action.

6 If the testimony a person is offering, however, is
7 sufficiently important that may be necessary for the
8 committee to hear the information at a closed session. The
9 person against whom the allegations are being made will have
10 ample opportunity to make a statement in closed session
11 before the committee, if he so desires.

12 In any event, prior to the time that the committee
13 submits its report to the commission, every effort will be
14 extended to get a complete picture of the situation as it
15 exists. We are concerned that no individual be the victim
16 of retaliation for any statements made at this open meeting.
17 Witnesses are protected by the provisions of the U.S.
18 Civil Code Section 1505, which provides as follows: Whoever
19 by threats or force or by any threatening letter or communi-
20 cation endeavors to intimidate, influence or impede any
21 witness in any proceeding pending before any department or
22 agency of the United States or in connection with any
23 inquiry or investigation being held by either house or who-
24 ever injures any party or witness in his person or property
25 on account of his attending or having attended such proceedings,

1 inquiry or investigation, or on account of his testifying
2 or having testified to any matter pending therein, shall
3 be fined not more than \$5,000.00 or imprisoned not more
4 than five years or both.

5 In the event that any person testifying before
6 this committee considers any adverse action taken against
7 him to be the result of having testified, he or she should
8 immediately contact the Western Regional Office of the
9 United States Commission on Civil Rights.

10 This hearing will focus on the problems and progress
11 that have been incurred in southern -- that have occurred
12 in southern California motion picture and television
13 industry since the Equal Employment Opportunity Commission
14 conducted public hearings in 1969.

15 In 1969 hearings generated agreements between
16 select industry unions and studios to provide opportunities
17 for minorities to enter the business. At that time persons
18 who contributed information included five major studios,
19 the International Alliance of the Theatrical and Stage
20 Employees, the Association of Motion Picture and Television
21 Producers, and representatives of three television networks.

22 We have invited local representatives of these
23 same groups to discuss the current status and effectiveness
24 of those agreements as well as other civil rights concerns.

25 However, the advisory committee is not limiting its

1 investigation to these groups. Other industry representatives
2 such as Metro-Goldwyn-Mayer, Columbia, additional unions
3 and guilds and other interested groups and individuals
4 will be contacted during the course of this study.

5 At the conclusion of the scheduled meeting, should
6 anyone else wish to appear in open session before the
7 committee, they should notify Western Regional Office staff
8 before the end of today's session.

9 It's my understanding that Assemblyman Art Torres
10 is here and will offer some welcoming remarks.

11 Good morning.

12
13 MR. ART TORRES

14 A (By Mr. Torres) Good morning, Mr. Chairperson and
15 members of this committee.

16 On behalf of the California Legislature I'd like to
17 welcome you to Los Angeles, to a hearing which I feel, in
18 the opinion of many people that I've spoken to within the
19 legislature, is long overdue.

20 As you well know in 1969 the EEOC conducted hearings
21 that related to the issues of discrimination and the lack
22 of hiring of minorities and women within the television and
23 motion picture industry. Part of the problem I think, in
24 terms of that issue, is that in my particular district,
25 which I represent the entire part of downtown Los Angeles, I

1 have the most mixture of cultures and minority groups
2 of any other district in the State of California. And it
3 is clear if we examine the progress between 1969 and
4 today, in 1976, the networks and the television stations
5 and radio stations and motion picture industry in this city
6 and especially in this state, has not become more colorful
7 since 1969, in terms of hiring more minorities and women.

8 Especially in the Spanish-speaking community but
9 I also represent the Asian community as well as the Black
10 community. In the same area we have found that there has been
11 a lack of cooperation, a lack of effort to bring especially
12 Spanish-speaking people within the purview of the media
13 and within the purview of the television and motion picture
14 industry as well as within the radio industry here in Los
15 Angeles and in other parts of the State of California.

16 And I think that one example that we have to be
17 aware of and I think that you may be hearing testimony to
18 that effect later on during the day, of your hearing is that
19 in many cases it is the Spanish-speaking woman who is
20 particularly burdened with the issue of discrimination
21 within the industry whereas, especially when efforts
22 are being made to hire minority applicants and women, it
23 is the Chicana, it is the Mexican-American women who never
24 fits in that particular slot but it's overridden by other
25 women who are placed in those slots at the same time in

1 certain instances and in certain circumstances are overlooked
2 even in respect in the advantage of minority males within
3 that particular slot, so there are other issues which I
4 think you will be raising but I just wanted to make sure
5 that we, on the part of the legislature, are firmly com-
6 mitted to the tremendous work that you've done in other
7 areas and we hope that, and we're confident and trust
8 that these hearings which you will be conducting today will
9 add another dimension to the issue of discrimination within
10 this state and within the City of Los Angeles.

11 Thank you very much.

12 THE CHAIR: Thank you, Mr. Torres.

13 Our first scheduled witness, Mr. Bernie Casey, come
14 forward, please.

15
16 MR. BERNIE CASEY

17
18 Q (By the Chair) For the record, would you state your
19 name and occupation, please?

20 A (By Mr. Casey) My name is Bernie Casey and I'm an
21 actor.

22 Q You may, if you'd like, make a brief statement. If
23 you don't desire to then Mr. Bill Rogers has some questions
24 that he'd like to pose to you.

25 A I would like to be having questions.

1 THE CHAIR: All right, Mr. Rogers.

2 Q (By Mr. Rogers) Yes, Mr. Casey, could you tell us
3 what is the composition of the minority committee?

4 A The minorities committee of the Screen Actors Guild
5 steering committee, which has done most of the leg work, is
6 made up of three Black men, one Black woman, two Chicano men,
7 one Chicano woman, two Asian women, two American Indian
8 men and one American Indian woman.

9 Q Have you met with studios and producers to discuss
10 the committee's concerns and goals?

11 A We have met with some of the studios, we have met
12 with Universal and we have met with the groups at Burbank
13 Studios which involves Columbia and Screen Gems and Warner
14 Brothers. And we have met with the networks and we have
15 met with the AMPTP.

16 We're currently trying to secure meetings with 20th
17 Century Fox and CBS in the valley.

18 Q What, generally, has been the format of these meetings?

19 A Primarily we meet to discuss the problems that we
20 encounter as minority actors, it is an effort to try to
21 raise the consciousness of persons in decision-making
22 capacities to employ us, and we, a person from each minority
23 group will speak, not for that group particularly, because
24 I can not speak for all Black actors, but I can speak from
25 I have, or the problems of Black actors, therefore an Asian

1 will speak on behalf of Asians and Native Americans for
2 Native Americans and Spanish surnamed actors for Spanish
3 surnamed actors.

4 Q Have you submitted any kind of data to -- at these
5 particular meetings, have you submitted any kind of data
6 to the producers?

7 A Yes, we have. We have talked about some of the
8 results of surveys taken some years ago that included
9 minorities and women, and the material that we have is not
10 up to date. We have not made a study of recent months
11 but we have some statistics, yes.

12 Q Okay, you say you haven't made -- you haven't updated
13 your statistics. How long ago was that that you had
14 statistics to present to them?

15 A Nineteen-seventy-two.

16 Q What has been the response of the producers when
17 you submitted that data to them?

18 A Generally it's been very positive, we've come to
19 these meetings with very positive attitude, we refuse to
20 believe that they want to be woefully ignorant about the
21 plight of minority actors and they have always exhibited
22 a certain amount of enthusiasm in erradicating the problems.

23 We have had very good discussions, they are primarily
24 conscious-raising discussions, and what seems to happen is
25 they will leave those particular meetings with goodness in

1 their hearts, but the apathy of the bureaucracy of where
2 they work sometimes destroys that and then there is not
3 as much done as we'd like to see done.

4 Q Have you, at any time, presented any particular
5 guidelines to AMPTP?

6 A Yes, as a matter of fact, I have a --

7 Q What are some of the items you've included in the
8 guidelines?

9 A We had a very good meeting just yesterday with the
10 AMPTP, they also have been very helpful in extending them-
11 selves and trying to erradicate the problems, as you know
12 they represent about 70 companies.

13 The guidelines that was worked out in concert with
14 the SAG minorities committee in the AMPTP is not short so
15 I won't read every detail, I have a copy here for the
16 committee.

17 THE CHAIR: Yes, we would like to, at the close of
18 your testimony, if you could submit a copy of that we'll
19 make it a part of the record. You might want to mention
20 the highlights.

21 A Yes, the primary thrust is that you see one of the
22 things that we contend minority actors is that we don't
23 feel we get fair opportunity to compete for roles that
24 don't have specific racial origin. In other words, if
25 there is a show that is about a Chicano family, then

1 obviously other -- we don't expect other minority actors
2 to be a part of that family, but we do expect that the
3 roles within that story that don't have specific racial
4 origin we should be able to compete for those roles.

5 We're not saying they should give them to us, but
6 we wish the opportunity to compete for them. Which we
7 never seem to get.

8 It seems that unless it is specified in a script
9 that this person is Black or this person is Indian or this
10 person is Asian, then we don't get the call, the casting
11 call to compete for that role. And we have always felt
12 that anyone can play a judge or a barber or a waiter,
13 whatever it is.

14 But because it is primarily a White male-run business,
15 they always -- usually cast a White unless it is -- we
16 have a progressive thinking producer or someone who --
17 whose consciousness has been raised.

18 And one of the problems we have in this fight is
19 to try to raise the consciousness, and that's more or less
20 a very difficult thing, so that these shows reflect a
21 cross section of society.

22 It is not uncommon to see shows shot about any
23 metropolis in America, Chicago or New York or Los Angeles,
24 and specifically certain places where we know there are
25 minorities, a show about a hospital, well, there are lot of

1 minorities employed in hospitals but yet you'll see very
2 few in the show.

3 It's almost impossible to walk down any street in
4 any large city and not see minority people. But yet there
5 are instances on television where that happens, you don't
6 see minority people.

7 We would like to have a more real reflection of what
8 society is.

9 Q (By Mr. Rogers) I notice that you are, from your
10 committee, it is a committee of the Screen Actors Guild.
11 What is the Screen Actors Guild's response to your committee?

12 A The guild has been very helpful. The committee
13 was formed in 1971, and they have been very helpful in any
14 way they can in supporting us, the board has always been
15 supportive of the things we want to present to the various
16 producers. So I would say it's very positive.

17 Q What was the mission to develop a minority committee?

18 A Because there -- we feel there has not been enough
19 opportunity for minority actors to get work and to compete
20 for work. And since the guild is the -- is the actors'
21 strength, we went to the guild.

22 Q Just what is the minority committee recommending
23 to alleviate the predominance of stereotyped roles for
24 minorities?

25 A There again it's primarily the point of raising one's

1 consciousness. You see, for a large segment of America,
2 the society, minority persons don't exist. And many times
3 it is not because, as I said before, someone is wilfully
4 ignorant, minority persons are just not a part of America's
5 consciousness, therefore the motion picture industry is
6 only a microcosm of America, therefore that same racist
7 ignorance prevails here too. But I must say that in a lot
8 of cases where we have confronted certain companies and
9 talked about the lack of opportunity, they have made
10 certain strides to try to erradiate that.

11 Q In your opinion, are off-camera minorities facing
12 similar problems? And if so, do you have any examples?

13 A Well, obviously if you begin to work, you become
14 very cognizant of the fact that you don't see many minority
15 persons behind the camera. And that's -- we just -- it
16 becomes a very obvious thing.

17 If you are working on a show and there's a crew of
18 30 people, whatever, and you see almost no minorities,
19 that's a very good sign that they aren't being employed.

20 MR. ROGERS: Thank you very much.

21 Q (By the Chair) Mr. Casey, you've used the term
22 raising the conscience of the industry. What specifically
23 do you -- do you do to raise the consciousness? What are
24 you -- what method are you using to do that?

25 A Well, we have to, in our instance primarily appeal to,

1 hopefully to the moral fiber of the persons you're talking
2 to, to their sense of fairness, because there is not a lot
3 we can do, legally, the affirmative action programs and
4 the fair employment act, etcetra, many times the bureauc-
5 racy of that can take a long time. If we had a class action
6 suit it could take years before it's ever brought to
7 fruition. So we try to get much more quick results, and
8 many times we find that in these meetings if you do state
9 your case clearly, that they will respond to you in a
10 positive way.

11 The problem is to continue to appear at a meeting,
12 because they will have that sense of fairness as a very
13 usable thing, and then they go back to the persons that they
14 work with and then it sort of dissipates, and you must
15 continue again.

16 So the problem is to continue to have meetings and
17 combinations to talk about that.

18 Q Who are you meeting with, are you meeting with the
19 person that's making the call to the actor or are you
20 meeting with his boss or that person's boss?

21 A We try to meet with the persons who are in decision-
22 making capacities, therefore we hope to meet with the
23 right top people. We had a meeting at the guild with the
24 three top men from the networks, we would like to meet with
25 them again but it's very difficult to get those men and all

1 of them at one time because they're very busy and also CBS
2 had a turnover and one of the persons who was there left,
3 and things like that simply delay the processes. But we
4 try to talk with producers and those persons who really
5 make the decisions.

6 Q The basis of your testimony is that the lack of
7 minorities' visibility is due to a lack of awareness as
8 opposed to perhaps intentional exclusion?

9 A I think that there is some intentional exclusion,
10 but not always.

11 Q (By Ms. Gillette) Do these guidelines that you
12 spoke of address themselves to that?

13 A Yes.

14 Q Would you elaborate a little bit on that?

15 A I'm sorry.

16 Q Could you elaborate a little bit on the guidelines?

17 A Well, we have -- I'll read some of them. For instance
18 number one, there shall be no discrimination in the employ-
19 ment of any person on the basis of sex, race, color, creed,
20 national origin or age. In accordance with the state and
21 federal legislation every effort shall be made when casting
22 performers in motion pictures and television films portraying
23 American scenes, to cast them realistically so that all
24 Americans in all groups will be accurately portrayed as
25 they appear in American life.

1 Q (By Ms. Gillette) Mr. Casey, let me interrupt you here,
2 what kinds of roles are you called for? Are there certain
3 stereotypical roles, for example the designation for a
4 bellboy may not be clear and you find bellboy listed in
5 your casting sheet, do they always or tend to cast a Black
6 as a bellboy and the Japanese as a gardener? When they
7 specify gardener without any other additional specifics?

8 A Well, I don't think they will specify in those kind
9 of roles, like a Japanese gardener or --

10 Q No, but if they say gardener, would they tend to
11 think a Japanese or they say bellboy or maybe would they
12 go for minority persons in that position and refuse to cast
13 a minority person, for example, as a doctor or an airline
14 pilot?

15 (By Ms. Gillette) Or are you implying when you
16 mention realistically and the lack of awareness of the
17 White majority to what's happening, that they would cast
18 the bellboy, the gardener and so forth as other White people
19 and forget about minorities all together?

20 A Yes, many times. Yes. There is that exclusion,
21 because we are not a part of their consciousness. We
22 don't exist, you see, unless we continue to make sounds and
23 noises that make them attentive to us.

24 But there is that problem, casting -- we find that
25 for instance in some of the shows where they're casting

1 Black people, one of the cries from the Black community
2 is that we are not that opposed to being cast as street
3 people, pimps and prostitutes, and hookers and things
4 like that and hustlers, but we are opposed to that being
5 the only image we get to portray.

6 The Black community is not opposed to Sanford and Son,
7 the Jeffersons and shows like that, what we are opposed to
8 is the fact that that's all we get to portray. You see,
9 one thing with the White actors and White shows, you have
10 a show where a person is a buffoon but you also have a show
11 where a person is a scientist so they counteract that, and
12 they take neither role to be any more part of the truth
13 than the other but if all we, as Black actors, get to do is
14 to make a lot of jokes and laugh while we're on welfare,
15 we resent that.

16 There is quite a bit of controversy about a show
17 called Mr. T and Tina. The producer said that he would only
18 cast Japanese for Japanese roles. Well, that excludes all
19 other Asian actors. The stance of the minorities committee
20 has been that for Asian roles they should see Asian actors,
21 because a Filipino will wait a long time to get a role be-
22 cause there are not many roles that call for Filipino actors,
23 etcetera, and just common sense things, Asians resent the
24 fact that they still cast White actors and tape their eyes
25 to make them look like Asians, as Peter Sellers did in Murder

1 by Death. I mean that's offensive to Asians when you have
2 Asian actors who can't get work or to cast actors who are
3 not of Latin extraction in Latin roles when there are
4 Spanish surnamed actors who can't get work. And the fact
5 is that the minority -- ideally an actor is an actor and
6 he can play any part, but we're a long way from the ideal,
7 because there is never an instance where the minority actor
8 will play a White man. So in that instance we resent White
9 actors playing minority people.

10 THE CHAIR: Any other questions?

11 Yes, Helen?

12 Q (By Ms. Bernstein) I have two questions. You keep
13 referring to meeting with the top men when you're talking
14 about, did you ever meet with any top women ~~or are there any?~~

15 A Well, we would love to but you see, there are not many
16 top women. It's not a fact that we say we want to meet
17 with the men not the women, we'd like to meet with the top
18 persons but we've found that when those top persons gather
19 it is almost always all White males.

20 Q Also are there any minority people who are casting
21 directors?

22 A Yes, Rubin Cannon at Universal.

23 Q Does it make any difference?

24 A Well, not a lot, because the decisions come from
25 over Rubin. Or any other casting director, I mean that's

1 why we said we want to talk with the persons in decision-
2 making capacities because a great many of those roles are
3 cast not by the casting director but by the producers who
4 will say they want such and such, and then many times
5 a director has no say, so by the time he gets to the show
6 the top three or four leads are cast already.

7 Q (By Ms. Hata) One more question, Mr. Casey. How
8 many members are there in the Screen Actors Guild?

9 A In the guild? About 35,000.

10 Q And of that what percentage or how many are minority
11 actors?

12 A I don't know. At one time there was a certain amount
13 of statistics about that, but they have stopped keeping
14 them, we don't know.

15 Q And you haven't kept any statistics, have you?

16 A No.

17 THE CHAIR: Any further questions?

18 Mr. Casey, I want to thank you for your appearance
19 here this morning.

20 A Thank you.

21 THE CHAIR: Our next scheduled witness is Norma
22 Connally from the women's committee of the Screen Actors
23 Guild.

24 MS. CONNALLY: Good morning.

25 THE CHAIR: Good morning. I wonder if you'd state

1 for the record, your name and occupation?

2

3

MS. NORMA CONNALLY

4

5 A (By Ms. Connally) Norma Connally, actress, co-
6 chair of the women's conference committee of Screen Actors
7 Guild.

8 THE CHAIR: Okay, if you'd like we'll give you the
9 opportunity to make a brief statement. If not, we can go
10 directly into the questions.

11 A I think we can go directly into the questioning
12 and probably cover it.

13 THE CHAIR: Ms. Hata?

14 Q (By Ms. Hata) Ms. Connally, will you please
15 summarize for us this morning the major findings of the
16 women's committee regarding both employment and image?

17 A Yes. Women in Screen Actors Guild represent slightly
18 under 40% of the membership, roughly 38-point-something. Of
19 work and jobs, in a three-year study women have 23% of
20 the jobs on the screen and 19% of the days worked.

21 I think that I should explain to you days worked
22 because that's the bottom line figure and important one.

23 Actors work by weeks and days. We're paid that way.
24 So it's 19% of the days worked of the whole membership for
25 three years.

I will continue to give you the same

1 Q I understand you've changed the wording, it used to
2 be called man days, it's days worked now?

3 A Those -- oh, I see what you mean. Yes, thank you.

4 Q Has the committee included off-camera jobs in its
5 findings?

6 A Only in, where it relates to actors. We deal only
7 with performing artists, so off-camera would be what we
8 call voice-over, which happens in commercials when you're
9 in the supermarket you hear a male voice saying at the end,
10 and buy whatever it is, very rarely a female voice.

11 In fact, 93% of the voice-overs are male.

12 Q Okay, that's the statistic I was looking for. What
13 efforts has the committee made to disseminate these findings
14 and with what kinds of results?

15 A The MEC called me about a month ago for their after-
16 noon show for our figures, Arnett (P) was doing an annual piece
17 for Playboy Magazine on film and television and he suddenly
18 thought where have all the ladies gone? He couldn't find
19 them. And he called Screen Actors Guild and they directed
20 him to me. So I think in the December issue of Playboy
21 our figures will be disseminated.

22 Q Were these figures made available? ~~Table?~~

23 A Yes.

24 Q When were they available?

25 A We had a press conference a year ago last March.

1 Q And you've only been contacted a month ago re-
2 garding, from these organizations?

3 A Yes, there isn't a terrible interest in it. We have
4 to create the interest.

5 Q Okay. What is the position of the Screen Actors
6 Guild regarding a women's committee's efforts?

7 A I found it extremely supportive. I'm on the board
8 of directors, anytime that I have asked or requested per-
9 mission to go to the studios or to the executives I had
10 unanimous approval to continue.

11 Q Why has there been a need for women's committee
12 in the Screen Actors Guild?

13 A Well, as Bernie said, the strength is our union.
14 Also we seem to function with the problems within our union
15 by having separate committees study each individual thing
16 and that way we get an enormous input on one subject and
17 then the chair of that committee brings it to the large
18 board of directors, the particular issues and needs of
19 the particular group of actors in that committee.

20 Q How many women serve in decision-making capacities
21 in the Screen Actors Guild?

22 A Oh, our president, Kathleen Noland, we have two
23 vice presidents who are women, our secretary-treasurer is
24 a woman, on the board of directors I think we have ten, is
25 it, Bernie?

1 MR. CASEY: About that.

2 A About ten women. We're quite well represented.

3 Q What are the major barriers for a woman achieving
4 full opportunities?

5 A That's a long, complex question. It's an area
6 I want to address myself to and I'm very deeply concerned
7 about it personally and also through the union, which is
8 a threat of federal censorship. Arts can not be legislated,
9 it's creative, it's wrong. We studied the affirmative
10 action in terms of women, you can't legislate a television
11 show and say you must use 50% women. It will not work.

12 We call it now equal access. The stereotypes of
13 casting are ludicrous. Women represent 51.3% of the popu-
14 lation, 49% of the labor force, where do you see that in
15 that box? Where do you see mature women my age speaking
16 as I'm speaking now? I'm in the region, somebody says
17 what do you play? I say at my age I play over the hill
18 hooker, bad money and executive secretary and that's it.

19 You do not see women in authoritative positions,
20 I think that can be broken down in casting as it is with
21 minorities. There's no earthly reason a judge is a he,
22 except we have to raise the consciousness of casting to
23 think of women in terms of authority and women its educators and
24 leaders of the business community.

25 Q You just spoke about raising consciousness, what

1 efforts has the committee taken in that respect?

2 A We took a meeting at Universal Studios last month
3 and I found them extremely supportive. We met with Lou
4 Wasserman and Shineberg, who are both heads of studios, we
5 presented our statistics, also I didn't mention to you that
6 men earn four to one and three to one in the Screen Actors
7 Guild as against women in an overall three years average.
8 They were stunned. They knew it was bad.

9 Immediately they offered us and what they have in a
10 script is a cast sheet on the top, which is a breakdown
11 of roles. They offered us to have a breakdown of roles
12 without any sex designated so it would say bus driver,
13 judge, law clerk, they offered to set up for us meetings
14 with all their executive producers and producers, with
15 themselves in attendance to give, Mr. Shineberg and Mr.
16 Wasserman, to give it more clout.

17 Discussed oncoming programs because it has to start
18 conceptually. By the time it's on the air, fait accompli
19 is done, Kojak is there, there are no women in Preder (Phonetic),
20 there's not a thought of a woman present. I think more
21 cars work than women.

22 Q Have you received concrete assurances that these
23 meetings will continue? Started having them within the
24 last month.

25 A Well, actually, we had to stop for a month because

1 our executive secretary, Sid Gluckman (P) and Tom Talman (Phonetic)
2 had an international conference in Europe. We now are
3 requesting meetings with the heads of network Ben Silverman,
4 Herb Schlosser et al.

5 In the drawing board stage it's all with the networks,
6 the studios fill a product, they make a product that the
7 network has bought.

8 Q What action might the federal government, particularly
9 the FCC, take to help eliminate these barriers that we've
10 been talking about?

11 A Well, I'll be very blunt, they could start with much
12 better appointments. We have deplored the past appointments
13 in the FCC and we have written, we have wired, we have
14 appeared in Washington, they seem to be given as political
15 favors to people who have no knowledge of our industry,
16 no equipment for it, and they're seven-year tenure.

17 I mean whether one liked Newton Minnow or not or
18 agreed with him, he was a man of superb equipment, with
19 some understanding of what that box represents, its power.
20 And a capacity to take it to the public. The public is
21 in a rage. I've got here in front of me a report from
22 J. Walter Thompson, did a survey 25% of the American public
23 would like to see federal censorship of television. Well,
24 that scares me to death. And I think it's formidable.

25 I see in the Harry Reems (Phonetic) case, another

1 threat of censorship. It's very serious.

2 I must explain to you Harry Reems, which is the
3 pornographic star who's being sued, ~~didn't~~ come under
4 union contract, pornographic films are made without any
5 union contract, the actors are paid next to nothing. We
6 have no jurisdiction over them, no control. But we do have
7 a moral stance in this, it affects every actor.

8 If I'm flying over Memphis, Tennessee, and somebody
9 didn't like my last movie, I'm in trouble. And so, therefore,
10 we have not officially been supporting the Harry Reems
11 case but we've been discussing it, helped to fundraise it.

12 I see on the Dinah Shore case, it's, there's too
13 many signs in the wind of censorship. I think there's a
14 direct conflict of the first amendment.

15 I feel in front of the camera it's directly first
16 amendment, which is why I feel it can not be legislated
17 and should not be legislated. Certainly changed and im-
18 proved but by ~~ans~~.

19 Q (By the Chair) Let me ask a couple questions.

20 Were you in the guild in 1969?

21 A Yes.

22 Q And you saw the industry at that time, I mean you
23 were familiar and aware of the employment practices?

24 A Yes, I was a working actress at that time, I was not
25 a board of directors of Screen Actors Guild or on the women's

1 committee, so therefore my review of the situation would
2 be as an individual actress.

3 Q In 1976, seven years later, do you have an opinion
4 as to whether the employment practices or opportunities
5 for minorities and women has improved or not?

6 A Not a whit. I haven't got any figures for this
7 year, my figures I'm dealing with are '72, '73, '74 and '5,
8 my intuition tells me that work is down for women this
9 year. Until I get the hard figures in to back it up, I
10 can't prove it. Which I will have in about three months.

11 Q (By Ms. Gillette) Do you have any reasons why you
12 think the work is down for women?

13 A Well, it's all commercial, utterly commercial. I
14 keep saying to my committee as we all give up hope, we've
15 got to get there before we can improve the image. Awful
16 as Charlie's Angels is, and that's my opinion, ~~it's~~ ^{it's} ~~three~~
17 young women work instead of three young men, that's a change
18 from last year. Hopefully, if we appear in larger numbers
19 we can upgrade the image of it.

20 I also think the hue and cry of the public on the
21 misuse of sex and violence is genuine, I think the employ-
22 ment of women just by the very nature of it in that medium
23 would begin to alter it. If we're successful I feel we're
24 about a societal change on that television box, that reflects
25 some reality of the society, the numbers of women and the roles

1 they play.

2 It seems to me that television and film have not
3 reflected anything to do with the women's movement of the
4 past few years. Film is even worse than television. I can
5 only think of two women's roles in the past five years
6 starring in films, Evelyn Bernstein in Alice Doesn't Live
7 Here Anymore and Gina Rowlands in A Woman Under The Influence
8 that have anything to do with women as they are or cer-
9 tainly over 35.

10 We can not find this.

11 Q (By Mr. Rogers) Mr. Chairman, I have one question.

12 You indicated that you would be -- someone is accumu-
13 lating some data, you said you would have this data in
14 approximately three months. Who is doing this?

15 A My committee, we have an on-going, once a year
16 we monitor prime time television for a period of six weeks,
17 and then we get the production sheets, the studios keep
18 production sheets of the employment of actors, that includes
19 the days worked, the salaries, the size of the role, and
20 we correlate what we watch on television with the pro-
21 duction sheets of employment and that way we get an exact
22 figure on the amount of women employed, the amount of
23 days employed, the amount of money earned.

24 Q Okay, are other committees of the Screen Actors Guild
25 and speaking now specifically to Mr. Casey and the minority

1 committee, are other committees doing similar kinds of
2 things like accumulating that kind of data?

3 I'm thinking now specifically about the breakdown
4 of minorities and the hiring practices, that kind of thing?

5 A Well, I think, and Bernie can correct me, we don't
6 designate our actors by minority origins so it would be
7 very hard, I would think, to get an exact figure. We have
8 a name, it says Norma Connally or it says Bernie Casey,
9 it doesn't say WASP or Black actor.

10 Q (By Ms. Gillette) So on your figures for women you
11 don't have any figures as to minority women?

12 A None at all.

13 Q Would there be some advantage in doing that?

14 A Yes, it would certainly be useful but it would be
15 very difficult because we've found it discriminating in and
16 of itself to categorize people as they come in in member-
17 ship, so therefore our sheets don't have that.

18 Q I was speaking of your monitoring program?

19 A On monitoring we do do that, yes, and we're able to
20 get an amount of roles that portray minority women, but
21 I think Bernie's committee is much more on top of that,
22 because they deal exclusively with that whereas we deal
23 with the broad spectrum, which surely includes minority
24 women.

25 Q Do you have any figures with you on the minority

1 women's participation?

2 A No. No, I'd have to go back, I've a large book which
3 I think I gave to Ms. James.

4 Q (By Ms. Gomez) You spoke in generalities about
5 censorship. Could you give us a couple of specifics?

6 A It's a personal stance of mine, no matter how much
7 I may deplore either pornography or violence, I do not
8 wish it legislated. I feel it is one of the most serious
9 things that could happen in America is to have the arts
10 regulated in that form. I think we must regulate ourselves
11 within the industry and certainly the audience as a
12 consumer, but it certainly is his or her prerogative to see
13 that nonsense. It certainly isn't a government one.

14 THE CHAIR: Mr. Glick?

15 Q (By Mr. Glick) Ms. Connally, one of the reasons
16 that you indicated for the disparity in the days worked by
17 women in the industry and their percentage of membership,
18 is because they're not utilized in what are essentially
19 sex neutral roles.

20 A That's part of it, and you're dealing with action
21 and violence predominantly on the air waves in which women
22 play a small part, so hence, -- for instance, I did a Charlie's
23 Angels, I played the mother of the dead girl, that's one
24 scene that means one day's work. It doesn't matter whether
25 you have star billing or costar billing, you are paid your fee

1 whatever it is for the amount of time you work.

2 The nature of melodrama precludes the use of much
3 of women, either it's a chick that there's one scene with
4 or it's bad money or over the hill hooker but it's a brief
5 part in melodrama so hence that's the number of days worked.

6 My male counterpart as actor where his career is
7 let's say it's similar, will earn three to four times what
8 I do and work four or five days to my one day, because he's
9 got a gun in his hand and he's running down the alley after
10 the guy and that goes on for several days.

11 Q I'd also like to ask whether, and our commission has
12 jurisdiction in this area, whether there is also discrimina-
13 tion against actors on the basis of age, because of age-
14 neutral roles being given to younger people?

15 A Oh, there's no question about that. I don't know
16 if any of you are familiar with Felina's (Phonetic) film
17 Eight and a Half, but all the women over 30 had to go up-
18 stairs and it was his fantasy but it's a reality in tele-
19 vision, all the women over 40 disappear, there are no older
20 women in our entertainment field, either on the small
21 screen or the large screen.

22 We -- Mr. Wasserman asked us that, we can't even
23 find a statistics on what we call the mature actress from
24 45 on, by and large she's had to leave her own profession
25 to earn a living, and the numbers of women working, earning

1 minimal income is very small.

2 MR. GLICK: Thank you.

3 THE CHAIR: Any further questions?

4 Ms. Connally, I want to thank you again for
5 appearing this morning and when those statistics are
6 available if you would file them with the committee
7 we'll make that part of the report.

8 A I'll be delighted.

9 THE CHAIR: Thank you.

10 Next scheduled witness is Stella Montoya from the
11 First American Media Experience.

12 Ms. Montoya, I wonder if you would, for the record,
13 state your name and occupation, please?

14 Yes, my name is Stella Montoya.

15

16 MS. STELLA MONTOYA

17 A (By Ms. Montoya) Yes, my name is Stella Montoya,
18 I am the media program associate for the First American
19 Media Experience, which is a media program sponsored by
20 the American Friends Service Committee.

21 May I give a brief description of my program?

22 THE CHAIR: Certainly.

23 A This program evolved out of the need to, one, change
24 the discriminatory stereotype image of the Native Americans;
25 two, assure balance and unbiased news coverage of Indian

1 affairs; and three, help promote job placement of Native
2 American talent in the motion picture and television in-
3 dustry.

4 If the motion picture and television industry would
5 have presented fair balance portrayal in employment, this
6 job wouldn't have been -- program wouldn't have been neces-
7 sary to begin. What we begin in our program is we started
8 monitoring the programs on local and net, and we are keeping
9 record of what is being seen and shown.

10 THE CHAIR: All right, does anyone have any questions?
11 Helen?

12 Q (By Ms. Bernstein) Have you been monitoring Indian
13 parts in movies this last year?

14 A Definitely, we look for the special programs that may
15 have an Indian part of Indian movies, programs or whatever,
16 Yes, we do.

17 Q What were your findings and how were they disseminated?

18 A Generally most of the movies show the Indian in a
19 very defamatory image. The movies are offensive, biased
20 and discriminate.

21 THE CHAIR: Excuse me, for the record, movies you're
22 referring to these are recent movies? As opposed to movies
23 that may have been --

24 A Both, I'm sorry, it's both movies. Movies that were
25 made in the '50's are usually shown on the Channel 9, 11 and

1 13 and 5, and the more recent movies are generally shown on
2 the network programs. But they both discriminate very much.

3 Q (By the Chair) You don't find a change of the role
4 of the Indian between the earlier movies and more recent
5 movies?

6 A No, they all discriminate except for one movie which
7 came on ABC which was I Shall Fight No More Forever, which
8 was the beginning of a balanced portrayal movie but other
9 than that, they have all discriminated, and the statement
10 has been made that there's some slight improvement in por-
11 traying Native Americans. And when there is still in the
12 same movie they show discrimination, so that it sort of,
13 it just -- it is not balanced.

14 Q (By Ms. Bernstein) When you gather your data what
15 have you done with it or how have you let other people know
16 about your information?

17 A Well, we started a newsletter called First American
18 Media Experience which we call FAME, and we have included
19 information about what we have seen and our opinions and we
20 get responses from Indian community groups, and we mention
21 news coverage of specific Indian issues that were very
22 major issues in the Indian communities throughout the
23 country and yet are not covered in the news.

24 And we cite specific issues that may be -- may have
25 been covered and were rather biased and we ask for monitors

1 so we mail the newsletter out to every single station,
2 general manager, Indian groups, individuals and all people
3 or groups we felt were in the media.

4 Q What has been the studios' or the television stations'
5 reaction to the newsletter?

6 A Well, I only received one reaction, and the reaction
7 came from KNBC, first of all they said I made a mistake
8 in -- when I explained about news, prime time news I was
9 complaining in two to two and a half hours of news coverage,
10 very rarely would we see Indian news coverage, and the
11 complaint was that KNBC provided more news coverage than
12 any other station, and so I had put a half-hour more than
13 the news coverage and they were unhappy and I said I was
14 sorry that in the next issue I would apologize.

15 Also, I, it was my belief that the major network
16 bought the western movies and then sold them to the local
17 stations, so I stated that the local channels that were
18 showing these racist movies, that the networks were no
19 less guilty because they sold these movies to the local.
20 And KNBC said, we do not sell those movies to the local
21 stations. So I said again I will clarify that and then I
22 would address my position to the distributors. That dis-
23 tribute those movies to the stations.

24 Q Has your organization ever been successful in putting
25 pressure on either a studio or television station to change

1 a part that was written or an image that was to be pro-
2 jected?

3 A Yes. Several years ago we had very good cooperation
4 with KNBC, the community found out there was a producer
5 was going to make an Indian documentary, a White man was
6 going to make an Indian documentary, and we wanted to make
7 sure that there was enough Indian input in this documentary
8 and we met with KNBC and we read the treatment and the
9 title and we already could see it was a stereotyping.

10 And they said they would hire an Indian as a con-
11 sultant. We wanted someone as a coproducer in a decision-
12 making position. And the producer said he would have not have.

13 He was very important man and did not need to co-
14 produce with an Indian. They hired a consultant and then
15 later she realized she was being used and really had no
16 say and so she dropped out.

17 So KNBC dropped the whole project. Then asked us
18 if we knew any Indian producers, which we did, and as a
19 result, they hired an Indian producer to produce the
20 knowledge series which was about a year and a half ago.

21 And in that way we were successful. But that's the
22 only one.

23 Q Are there any other recommendations that you have
24 to change the image that's projected about the American
25 Indian?

1 A Well, definitely, all stations should have Indian
2 employment. They depend on their broadcast standards to
3 take out offensive statements or images, but they have
4 failed. Because they continue to be seen on television.
5 And we feel that they should definitely hire Indians in
6 a decision-making position so that they can have a say in
7 what is viewed on television and help them with programming
8 in the creative area.

9 Q Programs that deal with Native Americans right now
10 are there any Indian consultants on any of those programs?

11 A As far as I know, no. Especially on one pilot, Quest,
12 which is aired on NBC, it was almost -- it was obvious
13 that they had no Indian consultants but I thought that we
14 should check before I made any strong statements and I
15 did. I checked with the publicity of the David Gerber
16 productions on Quest, and they -- I asked them who were
17 their Indian consultants, they said they had two people,
18 one was a professor in linguistics who was teaching the
19 Cheyenne language and was not an Indian and an historian
20 who was not Indian also. And I mentioned that, well, you
21 must realize that this Quest, even though the person is
22 supposed to reflect an Indian culture which was really a
23 White man raised with the Indian, that the Indian community
24 would not be happy with this movie and the reply was we
25 understand that. But they were still going to go on with it.

1 Q When you heard from KNBC did they mention any groups
2 that you were going to contact?

3 A Well, yes, I wrote to them and told them about our
4 monitoring program and about basically what our program
5 was about, and wanted to meet with them, particularly on
6 Quest and another pilot. I received a letter and they
7 said that they had met with five other Indian groups, and
8 didn't find it necessary to have to meet with us. Those
9 five Indian groups, the American Indian Movement is one of
10 them and I met with them and they said they met with KNBC
11 regarding employment but not programming or any discrimina-
12 tions and they would be happy to meet with me and with
13 NBCC.

14 The National Committee for the Advancement of Red
15 America, we still haven't been able to find who those
16 people are. The United Native Americans, I was the co-
17 founder of United Native Americans six years ago until it
18 terminated several years ago. There is a small chapter
19 at Cal. State University, Northridge, which I'm trying to
20 locate, who was the person that met with KNBC, the Bay Area
21 Native American Council is in San Francisco, and the National
22 American Indian Council is probably the American Indian,
23 United American Indian Council, and also they have agreed
24 to meet with me if we get a meeting with NBC.

25 And so we're getting a letter out, letting them know

1 that we plan to bring these people in and the other ones
2 we would like to know who they were and when they met them.

3 Q Other than programming what other concerns does your
4 group have?

5 A The employment of -- we have spoken to several, quite
6 a few Indians who are in film making, UCLA has an Indian
7 culture program and quite a few Indians went into film making.

8 I know three people, one of them graduated in film
9 making and applied to all the stations for a job and she
10 never heard anything. She was unemployed and then decided
11 to go back to school for a master's.

12 The other two I understand are still unemployed.
13 Another young man was working at KNBC for, I believe it
14 was approximately six months, and then he received a notice
15 that he was going to be terminated. And he thought that
16 was very unfair because the charge that they used against
17 him he felt that they had never given him any warning. I
18 think it was he had -- he was charged with leaving an area
19 that was sort of like a videoteteletype or something, but he
20 says they never told him and he was working alone that night,
21 and --

22 Q (By Ms. Gillette) Ms. Montoya, could I ask you,
23 since you're speaking of employment and you're saying
24 that Indians are not hired as consultants on Indian affairs
25 and Indians are not hired as film makers, do you have any

1 figures to show whether Indians are hired to play the
2 role of Indians in the films?

3 A I didn't understand that question.

4 Q Earlier in the movies or films that have to do
5 with Indians where you spoke of discriminatory and derroga-
6 tory references, are Indians hired to play the roles of
7 Indians?

8 A Oh, in Indian movies? Well, in the past, no, they
9 were not Indians, they usually played riding on a horse or
10 leaning against a building and the major roles were not
11 Indians. Painted.

12 Now, in more recent years they are beginning to cast
13 Indian roles. I began to write an article on problems
14 Indians face, Indian actors face, in casting, and the
15 response from several women is that generally they cast
16 them for a role in being raped. One Indian girl in ten
17 out of -- roles that she's cast about eight or nine are in
18 the role to be raped, and she has to reject them. And the
19 male are usually, are going to be the bad Indian or -- and
20 probably kill the wife or the White man and those are
21 generally -- have been the roles that they've been cast for.

22 Q But there are Indians available to play the parts of
23 Indians?

24 A Yes, there are, and there will be more once the
25 production companies start looking for Indians, there will

1 be more.

2 Q (By Ms. Bernstein) In terms of categorizing some-
3 body's ethnicity, how is it determined that someone is a
4 Native American or whatever?

5 A By the stations? I've raised the question with
6 three stations on employment of American Indians, and they
7 generally say they can not ask someone if they are an
8 American Indian. And so therefore, that's a disadvantage
9 to them. Another is that they can not find qualified
10 Indians. And one station mentioned that when they think of
11 Indians they generally think of them in a backward way
12 in the old times, they can't think of Indians in contemporary
13 position or role.

14 And I told them that was the fault of education and
15 the movie and television industry.

16 Q We understand that you contacted a local station
17 about programming for Indian awareness week, what kind of
18 reaction did you have?

19 A Native American Awareness Week was October 10th
20 through the 16th, and ten Indian groups got together
21 and asked us if we could coordinate media coverage for that
22 week. We did, we got a letter out to all the stations
23 announcing that it was Native American Awareness week and
24 we would be the coordinators and sent a list of topics
25 that they may cover. All the stations responded except KABC.

1 Q Do you plan to complain to the station?

2 A Yes, we sent a letter to Mr. Severino and we're
3 waiting for a response.

4 Q Have any stations offered any advice or any way in
5 which you could have more access to news programming, things
6 like that?

7 A Yes, KNXT has come to the community, they held a
8 workshop at the Indian Center, which was very, very helpful
9 and to inform Indians how they could get public spot
10 announcements and editorials and news coverage, it was a
11 very good workshop, we really appreciate that.

12 THE CHAIR: Any other questions from any -- yes?

13 Q (By Ms. Hata) One quick question, Ms. Montoya,
14 do you have any contact with Mr. Casey's group, the minority
15 committee of the Screen Actors Guild?

16 A No, we don't. Probably the Indian actors workshop
17 does, though, I'll contact them to see if they do and
18 we'll try to set up a meeting.

19 Q (By the Chair) Ms. Montoya, just as a final ques-
20 tion, the -- your testimony is that first there's a lack
21 of employment on the part of the studios of Indian American,
22 Native American actors and actresses. And two, when there
23 is an employment, it is in a stereotype role?

24 A Yes.

25 Q It is portrayed as you mentioned, the young girl

1 being raped or --

2 A Yes. Exactly.

3 Q In your discussions with the studios, what have you
4 recommended or suggested to them to change that? Let's
5 take the -- let's take the first part, about the employment.
6 What suggestions have you made to the studios in terms of
7 employing, increasing their employment of Native Americans?

8 A Okay. Can I mention what each station said?

9 Q Certainly.

10 A KNXT said that it's difficult to find qualified
11 Indians. But now that they know that we're available, that
12 we could probably get Indians to turn in applications to
13 KNXT. Also they mentioned that the people who applied must
14 understand that if they are not qualified they would have
15 to start at the bottom and they mentioned one of their top
16 persons was -- started at the bottom and was at the top and
17 I asked how long did it take that person to reach the top.
18 And they said 20 years. I said we may not even be around
19 that long.

20 KNBC mentioned that they had done more for Indians
21 than any other station, which was true at the time and
22 which was more than a year and a half ago. And I asked
23 what about now, present, we met them in March and they said
24 they had one Indian person who they were working with and
25 asking her to turn in scripts, and that was -- that was

1 their answer to employment.

2 And that very same girl I spoke with said that I
3 can't live on one script every other month or so. And I
4 need a full time job and she's done production work.

5 CBS was rather vague in their answer, mainly saying
6 they didn't really know where to find qualified Indians and
7 I told all three stations that we definitely need Indian
8 employment in a decision-making, policy, so that the
9 stereotype image could be changed.

10 Q Now, in the area of the stereotype, what recommenda-
11 tions did you make to them in terms of changing the
12 stereotype?

13 A Well, generally we would state that usually the
14 Indian is the bad guy, and we wanted that image changed.
15 And that's basically what it is in westerns.

16 Q Let me ask you this, the stereotype creates in the
17 minds of the viewer an identification that the person
18 being portrayed is an Indian. If a -- if an actor is, an
19 Indian actor is given a role of the police officer in
20 modern times, the viewer would not have any way of knowing
21 that that is an Indian actor because of the stereotyping
22 that has occurred. Am I correct in that?

23 A Yes. There are -- there are a lot of Indians that
24 we would say are recognizable Indians, Indian, what we
25 would say general Indian features. Then it is -- it is

1 noticeable, but if the -- if they do not have strong Indian
2 features then they would not be recognized as an Indian
3 person.

4 Q In the casting for an Indian role, if the script
5 designates Native American, is there then an attempt to get
6 a person that has the characteristics of an Indian as you've
7 mentioned, as opposed to someone that, wearing street
8 clothes, would not be identified as an Indian?

9 A In the most recent pictures I notice, yes, they do
10 try to look for Indians that are identifiably -- identified as
11 Indians. So that the people can see, yes, we are using
12 Indians and they can be proud to have leading roles and
13 be identified as Indians.

14 THE CHAIR: Any further questions.

15 Q (By Ms. Bernstein) Do Native Americans ever get
16 hired for roles other than Indians in Indian and cowboy
17 movies?

18 A I only know of one role where one Indian was used
19 as a comedy gangster, and most of the actors wouldn't mind
20 playing other than an Indian role.

21 THE CHAIR: Okay, thank you very much, Ms. Montoya,
22 for your testimony this morning.

23 Your next scheduled witness is Marvin Walters, Coali-
24 tion of Black Stuntmen and Women.

25 May the record reflect now that Helen Davis McCullough

1 of the advisory committee is now on the panel.

2 Mr. Walters, I wonder if you would, for the record,
3 state your name and occupation, please?

4

5

MR. MARVIN WALTERS

6

7 A (By Mr. Walters) Marvin Walters, stuntman, and an
8 affirmative action consultant for MGM.

9

10 Q (By the Chair) Do you have a brief statement you'd
like to make or go right into questioning?

11

A No, let's go right into the questioning.

12

13 Q Would you briefly describe the bills and functions
of the Coalition of Black Stuntmen and Women?

14

15 A The Coalition of Black Stuntmen and Women are basically
16 concerned with all minorities plus stuntmen. We formed
17 that coalition because we as Black stuntmen were not getting
18 any ND work. ND work is when, say for instance a person
19 is going across the street and he almost gets hit by a
20 car, that's what you call a ND work, or person walking down
a street.

21

22 And we were not getting that kind of work, and that
23 is approximately 65, 70% of the stunt work in this business
today.

24

Q What kind of work were you getting?

25

A Well, if Bernie Casey was doing a show and he needed

1 a stuntman, to double him, that's the kind of work we were
2 getting.

3 Q How long has the coalition been formed?

4 A We formed in 1965, March of 1965.

5 Q And since your formation have you -- do you sense
6 an increase in the type of jobs available now to minority
7 stuntmen?

8 A Well, let me say this. We started with, when our
9 coalition started we had 30 members in our group, three of
10 which were females. Seven of our members dropped out be-
11 cause they were told -- I'm sorry, nine of our members
12 dropped out because pressure was put on them by different
13 stuntpeople and by different groups, they told them if they
14 were associated with Marvin Walters they were not going to
15 work. They also told them that if they wanted to work, they
16 would have to quit the Coalition of Black Stuntmen and Women.

17 Q (By Ms. Gillette) So that was really blacklisting?

18 A Yes, Ma'am, and as of today they are -- they are be-
19 ginning -- they have -- they are taking in new members off
20 of the streets so to speak, say guys that were working as
21 extras last year, rather than use the members that are in
22 our coalition, and we have facts to substantiate this, that
23 the coalition of Black stuntmen are not working except
24 for maybe five members. But all of the members that have
25 quit are working.

1 Q (By the Chair) Your feeling is, then, that the,
2 being a member of the Black Stuntmen is a detriment in
3 terms of employment?

4 A Yes, it is.

5 Q Have you been able to determine differential pay
6 between Black and White stuntmen?

7 A Yes, I have, I have a record right here, if I may
8 I'll read it.

9 Q Certainly.

10 A Stunts Unlimited, which has listed on here 27
11 members made a total of one million, three hundred fifty-
12 seven thousand, nine hundred thirty-two dollars in 1965.
13 Stuntmen's Association, which has listed --

14 MS. JAMES: Sixty-five or '75?

15 THE CHAIR: I'm sorry?

16 A Stunts Unlimited?

17 MS. JAMES: Yes, for the year 1975?

18 A Nineteen-seventy-five. I'm sorry.

19 And Stuntmen's Association, which is 123 members
20 listed had an earnings of two million, four hundred fifty-
21 eight thousand, two hundred twenty-five dollars.

22 The Stuntwomen, which has 20 members listed, made
23 \$232,364.00. The Black Stuntmen made 301,000 -- I'm sorry,
24 \$301,533.00, which is 25 members listed.

25 But I would like to add to that, one member on the

1 Black Stuntmen's roster, who is a member of Stunts Un-
2 limited, made \$97,000.00 by himself, so if you would
3 take that off of our roster, you would see what we made
4 as stuntmen, as Black stuntmen.

5 Q (By the Chair) Are any of the members of the other
6 organizations that you mentioned there are, are any of
7 them minorities?

8 A They are all minorities. I mean -- I'm sorry, of
9 the other groups?

10 Q Yes.

11 A The Stuntmen's Association has five Black members,
12 and since this minority thing has started they -- a lot
13 of the members that were Caucasian have now become Indians
14 and Mexicans and other minorities. Stunts Unlimited has
15 three Blacks in their group, and they just took in two
16 females.

17 Q The statistics you gave us in terms of earnings,
18 you don't have a breakdown of the number or the amount
19 that was earned by those individual minorities in those
20 organizations?

21 A No, we don't. What they did, we got this, this
22 came from the Screen Actors Guild when we met with the
23 AMPTP and asked for their earnings so what they did was
24 listed the people by numbers rather than names, because
25 they didn't want to be in violation of mentioning their names.

1 Q (By Ms. Gillette) So could you get an average figure
2 from that?

3 A Yes, the average figure is for the Black Stuntmen,
4 if we -- what I did with these figures was eliminated the
5 top four figures in each group. And the Black Stuntmen
6 eliminating the top figures, made a grand total, I mean
7 averaged \$12,061.00, the Stuntwomen's Association averaged
8 \$11,613.00, the Stuntmen's Association averaged \$19,985.00,
9 and Stunts Unlimited averaged \$49,604.00.

10 Q Stunts Unlimited, does that use women also?

11 A They just added two women.

12 Q That's the one added two?

13 A Right, and if I could elaborate on that, the reason
14 they added two women is because the Stuntwomen had started
15 complaining to the different studios along with the Black
16 stuntmen, and they have decided that they are not going
17 to use any of the stuntwomen from the Stuntwomen's Association,
18 so they are now taking in their own members, they are now
19 taking members off the streets, so to speak, to make stuntmen
20 out of and they are telling them they're going to make
21 stuntmen out of them in two years.

22 When I got into the business they said hey, it's
23 going to take you nine years to become a stuntman. I've
24 been in the business nine years, last year since I've been
25 involved in this thing my salary has dropped from \$19,000.00

1 to 92,000.00 (sic) ~~casual~~ stuntman.

2 Q In the figures you've just listed, do those
3 figures include for both double work and non-script?

4 A Yes, it does.

5 Q Have you met with the studios to discuss the coali-
6 tion's concerns?

7 A Right. We met with Universal Studios in March of
8 1975, we met with Sid Shineberg, Gary Hughes, and Rubin
9 Estrada. At that meeting we were told that the people up-
10 stairs really don't care who worked for them downstairs.
11 So the problem, as far as we're concerned, doesn't lie up-
12 stairs. It's -- they'll issue an order upstairs when it
13 gets down to the unit manager, then the first assistant,
14 this is when the whole problem changes and then the
15 stuntmen begin to hire who they want to hire.

16 Q Who makes the decision, in other words, a decision
17 as to which stuntman is going to be used is at that lower
18 level?

19 A Right. That's where the decision is.

20 Q And are you meeting with that group?

21 A We have met with that group, we have had talks with
22 that group, we have went out to the studios and tried to
23 find jobs and we are being told, well, we don't have any
24 jobs available.

25 There was one incident at Universal Studios where I

1 approached the stuntman named Paul Benchly (Phonetic), and
2 asked him if he had any work and Paul said no.

3 John Shirad, who was another stuntman, approached
4 him just as I did and asked him if he had anything, and
5 he said no. And at that time John Shirad was a member of
6 the coalition. John Shirad and myself were standing outside,
7 Paul Benchly walked up and there was another stuntman stand-
8 ing with us who wasn't with the coalition and he asked him
9 he said, hey, are you working tomorrow? I got a job for you.

10 So this is the things that are happening. So, in
11 other words, what they're doing now they are beginning
12 to hire stuntmen that were not stuntmen in order to spank the
13 coalition, so we were asked by different studios how can
14 we prove this and the only way we can prove it is by our
15 past earnings as stunt people compared to the people that
16 they are using now.

17 Q Do you have, because of that experience, do you have
18 any suggestions for the committee in terms of how the im-
19 proving or the hiring practices might be improved?

20 A The hiring practices of stuntmen? Well, we have
21 a document here that our attorney drew up for us when we
22 met with the AMPTP, and since then we haven't heard from
23 the AMPTP, so we don't really know what their intentions
24 are. And it's really -- it's too lengthy to read but I'd
25 be glad to leave it for the commission so that they can read it.

1 THE CHAIR: All right. We'll be glad to receive that
2 as part of our record and part of your testimony.

3 Let me see if I can just summarize what you've
4 stated here, that the -- in your efforts to obtain the
5 employment of Black stuntmen, you find yourself and your
6 association in a position of not getting work --

7 A Yes.

8 Q -- and other Blacks that are not identified with your
9 association may be getting work as a result of your
10 pressure?

11 A They are working, they are working very regularly.
12 And I'd like to add this, Universal Studios has 16 stuntmen
13 coordinators, these are the guys that run the shows. Out
14 of the 16 stunt coordinators they have one Black. This
15 was a result of our meetings with Sid Shineberg that we had.
16 Sid told his industrial relations man to hire two Black
17 unit managers and that he wanted two Black stuntmen on the
18 lot, and told him to look in the possibility of hiring a
19 monitor.

20 So instead we got one Black stuntman and he was put
21 on a show called the Bionic Woman where he can't work on it
22 himself. The reason that we wanted a Black stuntman is to
23 run it, to be the stunt coordinator on an action show, this
24 way he can hire White stuntmen so they can get a chance to
25 know the Black stuntmen. Because this is the excuse they

1 always tell us is hey, we don't know these guys, we don't
2 know their qualifications. But we'll get going right now,
3 it's just what they said, were telling us was wrong.

4 Now they are using guys that don't know anything
5 about at all.

6 Q (By the Chair) And you definitely attribute this
7 to the fact that they're Black?

8 A Yes.

9 THE CHAIR: Any questions from the panel?

10 Q (By Ms. Gillette) Yes, if I could ask Mr. Walters
11 if he could elaborate a little bit as to why you feel that
12 the stuntmen in your organization are being discriminated
13 against?

14 A Well, we've been discriminated against because the
15 White stuntmen were getting all the ND... work, which is
16 a lot of money, you know, as the lady, I can't think of her
17 name, the actress that testified said, you go on a show
18 and you work one day, you know, now a stuntman go on a show
19 as an ND... and he'll be on the show for maybe five days
20 so they were getting all the work, and by the Blacks coming
21 in asking for ND work and getting ND work, they cut them
22 out of money.

23 Q So then your assumption is, then, that the Blacks
24 who are being given jobs this is a temporary thing and once
25 your organization is broken what will happen?

1 A Well, if our organization is broken, which I don't
2 think is going to happen, it's going to -- I, basically, will
3 probably be the only one that's really hurt out of the whole
4 thing because if we win the suit or not I probably won't
5 work anyway. Except for my job that I have at MGM. And
6 they are definitely trying to break it, in fact, they broke
7 it and they took like I said, three of their members came
8 to us and said our group told us that we could not belong
9 to Stunts Unlimited and to your coalition. And we explained
10 to them that our coalition is not really a group, because
11 we have three members from Stunts Unlimited, we had five
12 members from Stuntmen's Association, we had three females,
13 one which was from the Stuntwomen's Association, and the
14 rest of the guys were independent stuntmen.

15 Now, the five members that were with the Stuntmen's
16 Association are still members of the coalition. But the
17 three members that are with Unlimited quit our group.

18 Q Mr. Walters, could you tell us something about your
19 job as an affirmative action consultant?

20 A Oh, I love to talk about that. In fact, I have some
21 figures here if I could read them.

22 As far as actors and actresses are concerned,
23 appearing before the camera, the monitoring of a typical
24 month of prime time TV in 1975 on all three networks in the
25 Los Angeles, revealed that 71.8% of the television roles were

1 for men, 28.2% were for women, although male were prime
2 time by a ratio of about three to one on CBS. Minorities
3 were represented at 12.7% of the roles on all three networks
4 with Blacks accounting for 5%; Asian Americans, 1.6%;
5 Indian, 0.29%.

6 I feel personally that monitoring by an independent
7 contractor is a must if minority actors, stuntmen, actresses,
8 are going to get a fair chance at employment in this in-
9 dustry. I must say from my experience at MGM that an EEO
10 officer can not do this job because of the other areas that
11 he must cover.

12 And I have some facts here from MGM that relates
13 to the time I got at MGM, the extras were down to 7%,
14 we were doing three shows and each show the extras were
15 at 7% on those shows.

16 When I closed it out in January, one of our shows
17 were up to 21.5%, one was up to 28% and the other was up
18 to 26%. That was due to monitoring because the monitor,
19 his function is only to deal with actors, actresses,
20 minorities, in front of the camera as well as behind the
21 camera. And I think this is a very effective thing, I
22 really think it works. It has worked for MGM.

23 Q You were hired by MGM?

24 A No, I'm not hired by MGM. In fact, they just offered
25 to renew my contract and they asked me if I would work with

1 MGM and I told them no, because working for MGM the job
2 wouldn't work, it would have to be an independent contractor
3 that knows the complexities of the business and how it works.
4 If you work for MGM you become a part of the establishment
5 and you're not going to step on people's toes.

6 THE CHAIR: Any other questions on the part of the
7 committee?

8 Q (By Ms. Gillette) Yes, because I want to know what
9 MGM then does with this information?

10 A What has MGM done with this information? MGM has
11 issued, let me see. I got so much stuff here I hope I
12 can find it.

13 MGM has issued a policy that -- well, let me say
14 this. At one time MGM, when I first got to MGM we had
15 53 stuntmen were used, in a three-month period, 41 were
16 from Stunts Unlimited, three were Black minority males and
17 six were females.

18 As a result of that meeting, and I mean as a result
19 of that I talked to the president, Frank Rosenfeld, and to
20 Harris Cattleman (Phonetic), who's in charge of production,
21 TV production and they said that would never happen again.
22 Any stuntman, regardless of which group he is from, that
23 works for MGM, will have to hire members of all groups
24 and that includes females. We were also able to hire two
25 Black film editors, one which was a female, I mean assistant

1 film editors, one was a female, we were able to hire four
2 transportation drivers, one of which was a female, a Black
3 financialist, we have two Black costars on TV shows and
4 that was all due to the efforts of monitoring the program.

5 So I definitely feel that that's one of the recom-
6 mendations that this committee should make to the studios,
7 that they do have monitors.

8 Now, Universal has said that they are not going to
9 hire a monitor, because it would in fact interfere with
10 their unit managers. Well, I know from experience that it
11 doesn't interfere with unit managers because you don't come
12 in contact with the unit managers.

13 If the minorities aren't being hired you go to the
14 monitor and say, hey, you're not doing your job, you don't
15 have to go to the unit manager, so I think it's a copout.

16 Q (By the Chair) Let me just pursue your role and
17 say that you work at MGM but you're not hired by MGM. Who
18 hires you?

19 A I am under contract to MGM. It's a contract.

20 Q (By Ms. Gillette) As a private consultant?

21 A Right, an independent contractor, yes.

22 Q (By the Chair) In your statistics that you gave
23 for '75, did that include off-camera also or -- that in-
24 cluded all personnel, that's not just the actors?

25 A No, that was just actors and actresses that were used

1 on-camera.

2 Q What about off-camera, what's the situation off-
3 camera?

4 A Okay, I can only speak for MGM off-camera.

5 Q Yes.

6 A When I got there we had hardly anybody off-camera.
7 But we have began to hire off-camera people, we have a
8 roster now, we have an off-roster that's handled by AMPTP,
9 we have been suggesting people to that, to the people at
10 AMPTP, and from them we have received two people from their
11 off-roster, from the off-roster that they do have.

12 Q Is your contract, then, on a yearly basis, is that --

13 A Well, it was on a yearly basis when I first accepted
14 it, they offered it to me on a yearly basis this time but
15 I told them I was going to take it on a week to week basis
16 because I really didn't want to get into -- I really don't
17 know what's going to happen at MGM. MGM right now is, we
18 only have two shows going and I don't want to be locked
19 in there if a producing job comes up because there is a
20 chance that I would produce a movie.

21 There is a chance I will produce one for MGM also,
22 but whichever one comes first is the one I'm going to take.
23 Therefore I took it on a week to week basis.

24 ~~And I have~~ another item I'd like to read, if it's okay.

25 Q Surely.

1 A Minorities have found themselves locked into stereo-
2 type roles which have acted to exclude their full participa-
3 tion in the mainstream of the motion picture industry. Atti-
4 tudes toward them have prevented them from realizing their
5 full potential and achieving equality in this field. We must,
6 therefore, strive aggressively to insure the entry and growth
7 of minorities in the motion picture industry in front of as well
8 as behind the camera and other areas pursuant to the
9 Equal Opportunities Act of 1964, Title VII, Executive Order
10 11246 and in accordance with the announced policy of the --
11 of MGM Studio.

12 This is what I wrote and sent to Dan Belfore (Phonetic)
13 and they have accepted this.

14 While there have been civil rights laws passed in the
15 past ten years to insure such equality, many producers
16 and individuals have been negligent in meeting the require-
17 ments of these laws, to the extent that the equal employment
18 for minorities in the motion picture industry in fact is
19 not a reality.

20 And this is the way I feel from my experience at
21 MGM, and my nine years in the business. We just don't get
22 any breaks.

23 Q Let me just ask a final question. Your contract as
24 a consultant, when was that generated, when did you first
25 enter into a relationship?

A That happened by -- last year MGM did a movie called

1 Logan's Run, that was specifically call issued to central
2 casting that hires the extras and that calls that no
3 Blacks. And when we heard about that we went over to
4 MGM and we talked to Mr. Dan Melnick (Phonetic), who was
5 the executive in charge of motion pictures worldwide,
6 Frank Rosenfeld and to their industrial relations man, and
7 they really, according to them they knew nothing about it
8 because normally they don't, this comes from the producers,
9 unit managers or first assistants. So Dan Melnick says
10 where did I go wrong? What's happening out here? What
11 do we need? So we told them that we would like to have a
12 coordinator to act as a go-between between the bottom
13 line and the top line, because when Blacks find out about
14 shows they are already gone, they've already been cast or
15 sometimes they're even finished.

16 So, by monitoring the program I am able to read
17 scripts, go and talk to the producers and submit ideas
18 to him as to minorities to be used, and so far this has
19 been working pretty good at MGM. In fact, we have another
20 letter from Marvin Walters to Lee Vance who's the pro-
21 ducer, I would like to congratulate you for your efforts
22 in allowing Blacks and other minorities the opportunity to
23 read for the same parts. I am sure that Mr. Cattleman will
24 be pleased to learn of your endeavor.

25 So what's happening is we are now casting for -- there

1 is a bit part, not a major part, instead of -- if it says
2 a Black judge as Casey said, that's all you're going to get
3 is a Black judge. So we are now casting what we call
4 casting for a bit part if it happens to be a lady that
5 lives next door, we are calling in all different minorities
6 and races rather than just one person or one Black person.

7 Q I see, so Mr. Casey talks about raising consciousness,
8 you, in effect, have become the conscience at MGM?

9 A Yes, I think one of the things that would help this
10 business tremendously, if they would take the word Black,
11 Chicano or anything else out of the scripts and have open
12 readings, this is my person opinion.

13 By holding open readings you have different people
14 coming in, you have all minorities, Whites and everything
15 else coming in to read for these parts, the way it is now,
16 if there is a Black part to be cast, they have a casting
17 sheet and each agent has this casting sheet that handle
18 Black agents, and they'll say hey, there's a Black part
19 at MGM or Universal or whatever, and this is all they're
20 going to send is Blacks over there for that part. And
21 I don't think that's fair.

22 MR. ROGERS: Mr. Chairman, just one question.

23 Q (By Mr. Rogers) I'm now concerned about this moni-
24 toring function now, of affirmative action programs within
25 the major studio. Did you state earlier that this, your

1 concern about hiring practices has been referred to EEOC
2 or did you? If not, why haven't you referred your concerns
3 to EEOC?

4 A EEOC? Yes, we have all filed charges with EEOC,
5 we filed one charge against MGM, we filed one against MGM
6 Paramount and we filed one, in fact our attorney filed
7 one listing at least ten or 15 other companies for a class
8 action suit, because there's definitely discrimination
9 out there.

10 Q There is a class action suit in litigation at
11 the present time?

12 A Well, EEOC said they can not process the suit until
13 after January for some reason, we filed it in July, they
14 can't process it until after January. I called Ms. Dorothy
15 Davis at FEPCP, Fair Employment Practices Commission and
16 they said they don't handle class action suits, so they
17 kicked it back to the EEOC, so so far the EEOC, their
18 backlog is so far behind or whatever, that they can't catch
19 up with it but what they don't seem to realize is this
20 isn't just one person filing a claim, like every time we
21 go into a studio we have got jobs for unit managers, we
22 have gotten jobs for people behind the cameras, when I say
23 we I mean the coalition, we have gotten jobs for people
24 behind the camera as well as in front of the camera. We
25 have gotten Black unit managers, and this claim, this charge

1 that we filed with the EEOC means jobs for thousands of
2 people, minorities, it really means a lot of jobs if they
3 ever process the claim and get to it.

4 We have written to Congressmen Justice Hawkins twice,
5 went so far as to send a copy to President Ford, we've sent
6 a copy to everybody because we wanted them to know what's
7 going on in this industry.

8 Q One other question and then I'll drop it.

9 What about FEPC, what kinds of involvement have they
10 had in your -- with your concerns?

11 A Well, the reason we haven't had any dealings with
12 the FEPC because all of our claims have been class action,
13 see, and they don't handle class action claims.

14 THE CHAIR: Mr. Walters, thanks so much. We
15 appreciate your being here.

16 Our next scheduled witness is Al Tafoya, former
17 president of Nosotros.

18 Mr. Tafoya?

19 Good morning. I wonder if you might, for the
20 record, state your name and occupation?

21

22 MR. AL TAFOYA

23

24 A (By Mr. Tafoya) My name is Alfonso Tafoya, my name
25 is Alfonso Tafoya and I'm a staff announcer for KABC tele-

1 vision.

2 THE CHAIR: All right, would you care to make a
3 statement or do you want to go right into the questions?

4 A Mr. Sillas, I don't have a prepared statement to
5 make but if I might read one letter, I think it will
6 describe what the business of Nosotros has been and con-
7 tinues to be.

8 THE CHAIR: Okay, fine.

9 A With your permission.

10 THE CHAIR: Certainly.

11 A This is a letter addressed to one of the studios,
12 this is a copy of a letter to one of the motion picture
13 studios here in Los Angeles. And copies like this were
14 sent to various studios throughout the industry. Chicano
15 community has expressed its concern over the lack of
16 the Chicano share of job opportunities within the motion
17 picture and television industry. And for this reason Nosotros
18 is now actively expanding its efforts to insure immediate
19 improvement of job opportunities within the industry.

20 As we have discussed in our numerous meetings,
21 we'd like to meet with you to discuss these important
22 issues. In this meeting we'd like to focus in on the
23 following items: The conspicuous absence of Chicanos
24 in major roles for features and television programming
25 that results in a disproportionate representation of the

1 Chicano community. The lack of Chicanos in jobs in the
2 production areas, the writing areas, production assistants,
3 production coordinators and casting directors and the makeup
4 people. The lack of Chicanos in administrative positions
5 throughout the corporate entity. The lack of castings and
6 Chicanos as professionals, white collar, blue collar workers
7 and other type of roles that more appropriately Chicanos
8 can identify with and want to be identified with.

9 And this other point, providing the opportunities
10 for Chicanos to read for all types of roles to prevent
11 stereotyping. And immediate emphasis for the casting of
12 Chicanos in starring, costarring and recurring roles in
13 television series, television features and features for
14 distribution.

15 In the meeting we are asking for and requesting,
16 hopefully we will all come away with a better understanding
17 of the Chicano community's feelings and anxieties regarding
18 equal employment opportunity within the motion picture
19 and television industry.

20 We are taking these types of affirmative steps in
21 securing equal opportunity for the Chicano community
22 because governmental ~~enforcement~~ agencies have not done the
23 job in their monitoring of equal opportunity and as a result
24 the Chicano has been excluded.

25 Q (By the Chair) Can you give me the date for the

1 record, of that letter?

2 A This we sent out on December 5, 1974.

3 THE CHAIR: Okay, Ms. Gomez?

4 Q (By Ms. Gomez) Mr. Tafoya, how long has Nosotros
5 been in existence and how many members are there?

6 A Ma'am, it was founded in 1969, founder was Ricardo
7 Montalban.

8 Q And how many members are there?

9 A Ma'am, I've been away from Nosotros now since my
10 term expired, I couldn't give you figures on the present
11 membership.

12 Q Since 1973, can you tell me how many times Nosotros
13 has met with producers, writers, directors?

14 A Since when, Ma'am?

15 Q Nineteen-seventy-three?

16 A Since 1973, too many times to count.

17 Q Did you meet with any major directors or --

18 A Yes, Ms. Gomez, we've met with all of the majors
19 here in Los Angeles.

20 Q What were the results of the meeting?

21 A Well, the results of the meeting have been minimal.
22 As others before me this morning have stated, percentages,
23 statistics show that the Chicano, all minorities, Black, the
24 Asian, the Chicano, the Latino, have been almost forgotten.

25 Q Those times that you met --

1 A Statistics show that.

2 Q -- were there any specific commitments made?

3 A The commitments were promises only to do more. And
4 the few studios that have affirmative action programs always
5 promise to abide by those rules and laws. But most of the
6 studios don't have affirmative action programs. And most
7 of the producers don't have an affirmative action program.

8 When you deal with Universal you're dealing with many
9 producers, when you deal with 20th Century Fox you're
10 dealing with many independent producers, they do not have
11 affirmative action programs.

12 Q Have the unions assisted?

13 A Pardon?

14 Q Have the unions assisted you --

15 A The unions --

16 Q Yes.

17 A No, Ma'am, no union has assisted us. In fact, the
18 union I've always considered one of our opponents, it's
19 almost impossible to -- it is impossible to become a member
20 of a union unless you have employment. And finding that
21 employment without a union card is next to impossible.

22 Q Do you have any specific examples where exclusion
23 from the union has occurred?

24 A Well, I can not tell you about the trade, I can't
25 be very specific about the trades unions. The actors unions,

1 Screen Actors Guild, no difficulty getting into Screen
2 Actors Guild if you have work guaranteed, if a casting
3 director has liked you and chosen you, and you are going
4 to work immediately, then you're eligible for membership
5 in SAG.

6 Q Do you know if there are any Latinos in the manage-
7 ment area, top management areas?

8 A I don't know of a single decision-making executive
9 or -- yes, super executive, no, I don't know of one, I
10 don't know of one Latino in the entire industry, not one.

11 Q What has been the major role of the Latino --

12 A I'm sorry.

13 Q What has been the major roles available to Latinos?

14 A Two-liners, three-liners, four-liners, one day's
15 work, and for the most part, a very insignificant role,
16 what they call walk-ons, you're in, you're out, the roles,
17 the types have been mostly playing the bad guy, the gangster,
18 the dope peddler, the dirty one, the uneducated one. The
19 heavy accented one.

20 Q Does Nosotros have any specific goals or any
21 specific programs, anything that you're going to do in the
22 immediate future that can help this? What do you recommend?
23 What do you strongly recommend?

24 A All we can do is just continue the fight, that is in
25 motion today. We're still wanting to meet with the executives

1 at the studios, we still want, we still want the guild,
2 the Screen Actors Guild, to get involved in our problem,
3 my personal feelings are, and I'm a member of the Screen
4 Actors Guild, minority committee and a member of their
5 steering committee, I see the Screen Actors Guild as very
6 lax when it comes to pushing, to protecting, to representing
7 the minorities.

8 Yes, they do have a minority committee and that
9 makes it look pretty good on paper, but we have no coopera-
10 tion, we have no -- we have no backing from the top, from
11 the top directors. They haven't helped us at all.

12 I called -- when I became involved with Nosotros
13 John Gavin was the president of the Screen Actors Guild.
14 That man never returned my call. I called him as -- when
15 I was the first vice president of Nosotros. When I was
16 elected president, Dennis Weaver was elected president of
17 the Screen Actors Guild, Dennis Weaver never once returned
18 a Nosotros card, letter or telephone call.

19 Q Why do you think they didn't, do you think -- do you
20 suppose they thought you were --

21 A I don't know, I certainly wouldn't want to answer for
22 them. I wish you would ask them. I really do. We pay
23 our -- we pay our dues, you don't pay your dues, you don't
24 work, as little as we work. But no, I've never seen them
25 really cooperate with us or give us any type of backing.

1 Q Do you think it would help if more Latino actors
2 were more vocal or why are they afraid to be more vocal?

3 A I'm sure a lot of them fear what they call blackballing.
4 Many of them don't feel like they want to rock the boat or
5 get involved. And disassociate themselves from organiza-
6 tions or groups that they might consider as agitators or
7 groups for pressure.

8 Q You say that many of the networks in the industry
9 do not have an affirmative action program. Are you aware
10 that they should have some type of affirmative action pro-
11 gram since they do get government money?

12 A Yes, we are aware of that. We are aware of that.
13 But we haven't been able to force them to write an affirma-
14 tive program or to even hire the people that do have an
15 affirmative action outline or program. We haven't been
16 able to force them to do it either. We might have filed
17 for a class action suit of types at different times, but
18 we were really discouraged from doing so.

19 For example, EEOC, as the young gentleman stated
20 right before I came on, we were told it would be years
21 before there might even be a hearing, it was considered
22 for a hearing and then if it was, if it was chosen, it
23 might be another two or three years. Well, we've been
24 waiting since 1969 for the studios to work by the agreement
25 that we thought was established in 1969, when the congressional

1 committee was here but we also know that we haven't had
2 a good monitoring service by any office of the government.
3 So instead of going that route, we -- we've used this other
4 approach, what many people have described as guerrilla-type
5 pressure, the telephones, the calling on them, the writing
6 to them, the making appointments with them, and just trying
7 to wear them out.

8 And of course, they're hoping that we will be worn
9 out and we won't be back again. But it's been that kind
10 of a system.

11 THE CHAIR: Any other questions from any members of
12 the committee?

13 MR. ROGERS: I have one.

14 THE CHAIR: Yes.

15 Q (By Mr. Rogers) Is there any kind of formalized
16 grievance procedure that's built in -- as far as the
17 studios are concerned? In other words, if you have a
18 complaint about affirmative action or hiring practices, is
19 there some kind of formalized grievance mechanism presently?

20 A Sir, Mr. Rogers, it's been this type of business
21 in that regards with the studios. For example, at Columbia
22 Studios, they had a young gentleman by the name of Henry
23 Aros (Phonetic), Henry Aros, who worked in their office of
24 personnel, and Universal Studios has, for example, Rubin
25 Estrada, who is, I think the personnel manager for, I think

1 that is his title at Universal, that may not be his
2 correct title.

3 We've established these kind of contacts within the
4 studio, people we could go to because, you know, it's
5 impossible to get a hold of John Mitchell at Columbia and
6 it's impossible to get a hold of Lou Wasserman and so we've
7 established our own contacts within their organizations,
8 people we might talk to, convey our messages, set up
9 appointments for us, set up meetings for us, express our
10 grievances to, and in many cases many times we've seen
11 results.

12 Q What I meant was I don't mean a haphazard type approach,
13 I mean a regular systematic procedural --

14 A I don't know whether they have anything like that.
15 I don't know that they have anything like that.

16 Q Well, do you think something like that should be --

17 A If they had something like that we would have met
18 with them but no, they don't have anything like that.

19 Q I say do you think something like that would be good
20 to have?

21 A Yes, indeed.

22 MR. ROGERS: Thank you.

23 Q (By Ms. McCullough) I have one question. You men-
24 tioned earlier that the Screen Actors Guild had not been in
25 support of Latinos. Have you had meetingsessions with the

1 Screen Actors Guild?

2 A I've been trying to, I've tried many times, like
3 I said, to talk with Dennis Weaver, past president. I tried
4 before him to talk to John Gavin, I didn't have any
5 success. We've never had any success. We have talked
6 with Kathleen Nolan, the present president of the Screen
7 Actors Guild. She seems sympathetic to our problems.
8 Chances are that she will move the guild behind the minority
9 movement. I am certainly hoping so. But to give you an
10 example, to give you an example, one of the things that
11 I've always asked the Screen Actors Guild to do is if we
12 can't elect a Chicano, a Latino, a Latina, to the board of
13 directors, that they, when a vacancy occurs, that they please
14 appoint an active Chicano actor or actress to serve on
15 their board.

16 I have -- I have been requesting this since 1970.
17 They do have one, they do have one Latina, who was elected.
18 I don't know if she was elected or appointed but there is
19 one on the board and she has been for years. But we've
20 been talking about one who would be active and really have
21 a feeling for our problem, the problems of minorities, be-
22 cause they're all very similar. They're all very similar.

23 Now, I've just received this in the mail October the
24 14th, it's the annual election ballot, and this is the --
25 and the names and pictures of all candidates and incumbents

1 are here. There is one, there is one Latina, one Chicana
2 running, her name is Lina Germonte (Phonetic). Lina always
3 runs. And I hope -- I hope this year she will be elected.
4 But the guild has not ever voted in favor of our -- of
5 our candidates.

6 As many as we are, we are still a minority within
7 that organization. Within the guild. So I've been asking
8 for a naming to the board in case of someone relinquishes
9 his position, it has never happened, but I do notice in
10 the ballot they have one, two, three, four, five, five
11 people that they have appointed to the board, and not one,
12 not one is a Chicano or a Chicana. Not a one.

13 Q One other question, does the guild have an affirmative
14 action policy statement?

15 A Not that I know of, not that I know of, because I
16 think they would be more sensitive to the problem. I met
17 with a group, with the steering committee, the minorities
18 steering committee, at the MPTPA, Motion Picture, Television
19 Producers Association, and along with the minority steering
20 committee was Chet McDen (Phonetic), the executive secretary
21 for the Screen Actors Guild.

22 This meeting was approximately four and a half, five
23 months ago. At that time the Motion Picture and Television
24 Producers board of directors came to this decision: That
25 they would accept a letter, a program, an outline as to what

1 minorities were going to be looking for and expecting from
2 the producers locally. And Chet McDen, the executive
3 secretary of Screen Actors Guild, was supposed to front
4 this committee, be the guiding force behind the writing
5 of the guidelines, along with two or three members of the
6 steering committee, and I have been calling and calling and
7 calling, and the secretaries at Screen Actors Guild hate
8 me and I don't blame them. And we still haven't gotten
9 together and we still haven't written that letter and the
10 association still has not heard from us.

11 Q (By Ms. Hata) Mr. Tafoya, you're saying the minority
12 committee, then, in the Screen Actors Guild is impotent,
13 you have no --

14 A Yes, it is. Yes, it is. We've been to -- we've been
15 to different studios, we've been to Universal, we've been
16 to the Burbank Studios, we've met with Warner Brothers,
17 they met with the networks, zero, zero has resulted.

18 Q It also sounds as if you are impotent within your
19 own organization --

20 A Yes.

21 Q -- that the leadership --

22 A Yes, yes, it's true.

23 Q So the professional organization with a minority
24 committee such as this is still not adequately representing
25 the interests of minority members?

1 A I don't think any organization out here is doing
2 the job that they want to do, Ma'am. It's very hard to
3 fight these giant organizations. It's very difficult.
4 They can wear you out. We don't have the money they do,
5 we don't have the attorneys they do, we don't have the
6 money for hiring attorneys they can hire, we don't have
7 the time, they know we have to go out and scuffle to make
8 a living. We know we can't come back every time -- any
9 time that they might want to see us, we have to arrange
10 our time, we have to arrange our schedules.

11 THE CHAIR: Thank you very much, Mr. Tafoya, for
12 your testimony here this morning. Appreciate your being
13 here.

14 Like to now move on with our schedule of witnesses,
15 Mr. Paul Bullock, the research economist from UCLA.

16 Paul, I wonder if you might, for the record, state
17 your name and your occupation, please?

18
19
20 MR. PAUL BULLOCK

21
22 A (By Mr. Bullock) My name is Paul Bullock, I'm a
23 research economist with the Institute of Industrial Re-
24 lations at UCLA.

25 THE CHAIR: All right. Do you care to make a brief

1 statement or do you care to respond to questions?

2 A I would like to make a brief statement then go on
3 to the questions.

4 THE CHAIR: Fine.

5 A For about the last ten years or so I've been in-
6 volved in studies of the, particularly the aptitudes,
7 interests and aspirations of minority youngsters in the
8 Los Angeles area. And one of the factors that I have dis-
9 covered, just on the basis of personal observation, in that
10 study, is the vast degree of creative talent that exists
11 in the Black and Chicano communities of Los Angeles, which
12 is never taken advantage of, never developed by the school
13 systems and by the other formal institutions of our society.

14 And so a couple of years ago I undertook a study
15 to determine how, by affirmative action programs, by
16 career counseling, by job development and so on, it might
17 be possible for industries like motion picture and the live
18 drama and neighborhood artist programs, in the field of
19 music and radio and television, to serve as channels whereby
20 minority youngsters and older people too, with talents in
21 that direction, can find some opportunities.

22 And this has led me to this current study in which
23 I have looked at the available figures, and all of the
24 information I could gather from interviews and other ways,
25 from people in the industry, from people in community

1 organizations, on what are the problems, what are the
2 opportunities in terms of developing jobs, careers,
3 training opportunities, motivational opportunities, for young
4 people.

5 And to make a long story short, this led me into a
6 consideration of some of the available data as well as the
7 more subjective facts relating to how the motion picture
8 industry and radio and television and broadcasting in
9 addition, have done in relation to their announced goals.

10 Now, we start from the premise which I'm sure has been
11 pointed out to you before and of which you are aware and
12 that is that in 1970, the motion picture industry, including
13 both management and labor, made a specific and definite
14 commitment to institute and carry through, a program of
15 bringing in more minorities into the crafts in particular,
16 but into all phases of the industry.

17 This agreement was entered into voluntarily, in a
18 sense, but the background of course the pressure from the
19 Department of Justice and the EEOC and particular community
20 groups at that time, which pointed out that the opportunities
21 were in fact very, very limited.

22 And so you had this very detailed program which was
23 put in, but unfortunately, from my viewpoint perhaps, was
24 put in as an informal, voluntary settlement, which meant
25 that there was no official court monitoring, there was no

1 established enforcement procedure, other than the procedures
2 that the industry would accept and agree to under that plan.

3 And so again to make a long story short, for a
4 period of time there was a public effort at least to in-
5 crease the total of both Blacks and Chicanos in particular,
6 in employment, in the crafts, in Hollywood and the agree-
7 ment, although it was informal, was very detailed. And
8 in a period of two years time the basic goal was to raise
9 the percentage of minority employment in the industry to
10 perhaps 20% or so.

11 Well, I have, in the course of my studies, formally
12 and informally developed some information on that which I
13 would like to suggest to you.

14 First of all, before I get to that point, I might
15 say it's been very difficult, until recently, to get any
16 information at all that's specific and concrete. Until
17 the Freedom of Information Act was passed, and until we
18 learned to play the game in that, it was absolutely im-
19 possible to get any useful information from EEOC, from the
20 industry itself, from the unions, from FEPC, or anyone
21 involved.

22 Even though this agreement had been entered into by
23 almost all, certainly the major employing parts of the in-
24 dustry, but the figures, even in a broad summary basis,
25 simply were not available. Now, under the Freedom of

1 Information Act, now you can get summary statements, and not
2 identifying firms or crafts, and I, for one, up to this
3 point, have not been interested so much in that as to
4 see what the industry as a whole has experienced over the
5 period of time between 1970 and 1975.

6 The most recent figures were available. Let me
7 just indicate to you what I found on the basis of the figures
8 that came out of the EEOC in Washington. And this covers
9 motion picture production and all of the services that are
10 directly related to motion picture production, it doesn't
11 include the theaters, the exhibition part of the industry
12 and so on.

13 Well, between 1970 and 1975, the percentage of women
14 in the industry as based on EEOC reports, dropped from
15 36.7% in 1970 to 31.4% in 1975. Dropped 36.7% to 31.4%.
16 And it's interesting that when you look further into the
17 statistics, in both of those years, 1970 and 1975, over
18 two-thirds, 57, 68% of all the women employed in the
19 industry were in the office and clerical categories, small
20 percentages in the professional and tactical and even
21 smaller in the managerial ranks. And I have the figures
22 here, but I won't bother you with the details now, this
23 is the conclusion.

24 Now, going to the employment of minorities in the
25 industry and again I'm talking about 1970 to '75 period,

1 1970 was the time when this affirmative action program
2 was put into effect. 1975 was the last period for which
3 we get full figures out of these reports. In that period
4 for the total, total employment in the industry, the per-
5 centage of Blacks dropped from 9.3% in 1970 to 6.6% in 1975.
6 It dropped. The percentages for Chicanos, Asians and American
7 Indians rose slightly, but very slightly, and to insigni-
8 ficant levels. In 1975, for example, Chicanos constituted
9 5.8% of total industry employment. Asians constituted
10 1.7%, American Indians, .5%. One half of one percent of
11 employment in the industry.

12 Now, when you go for -- into selected occupations,
13 you find that there are patterns that emerge in both of
14 the years I'm talking about, '70 and '75. Blacks stayed
15 under 4% in the crafts, that is the CO trades in the in-
16 dustry, off-camera. They dropped from 7% to 3.7%, from
17 7% to 3.7% in the technical occupations.

18 Rose very slightly from 4.8% to 5.6% in the pro-
19 fessional categories. 5.6% in 1975, and dropped from
20 47.6% to 23.6% in the service categories.

21 Now this, of course, has mixed implications because
22 as you can see from those figures, where almost half of all
23 Blacks in 1970 -- well, I'll backtrack on that because
24 we're talking about different statistics all along.

25 But very, very high percentage of Blacks in the

1 industry in 1970, were concentrated in the so-called service
2 categories, which are relatively low level kinds of jobs.

3 Q (By Ms. Hata) Mr. Bullock, excuse me, would you
4 define professional, technical and service in terms of what
5 kinds of jobs you're specifically talking about?

6 A Yes. And that's -- what I'll do quickly is to --
7 is to read the instructions that ~~not all the instructions~~
8 but to give you an idea.

9 Professional, occupations requiring either college
10 graduation or experience of some kind, that amount ~~as to~~
11 provide a comparable background. Accountants and auditors,
12 so on, most of the, for example, in motion picture industry
13 the actors and actresses, the directors, the producers would
14 be in the professional category.

15 Technicians, occupations requiring a combination of
16 basic scientific knowledge and manual skill which can be
17 obtained through about two years of post high school
18 education. And computer programmers and operators, ~~photograo~~
19 photographers, radio operators, so on.

20 Service workers, workers in both protective and non-
21 protective service occupations, hospital attendants, barbers,
22 counter and fountain workers, culinary workers in general,
23 elevator operators, firemen, fire protection, guards,
24 stewards, janitors, and so on.

25 I see I have missed one category.

1 Q Clerical services don't fall into that category?
2 They're a separate category of their own? Clerical services?

3 A No, clerical services are different category.

4 Q Different category?

5 A Right, right. Now, as I say, in the -- in the other
6 categories, if you look at the figures there were slight
7 increases for Chicanos, very slight, for Asians, and for
8 American Indians.

9 Q (By the Chair) Excuse me, you gave us the 1975
10 statistic but the 1970 you didn't mention, are they almost
11 the same, is that what you're saying, for the Chicanos and
12 Asian and Native American, you gave us the percentage in
13 1975 --

14 A Okay. Okay. In 1975 Chicanos represented 3.5% in
15 professional, 4.9% in technical, 5.6% in craft and 9% in
16 service. For the other categories, again in 1975, pro-
17 fessional, Orientals or Asians, they changed the terminology
18 there between 1970 and 1975, I think the definition would
19 be the same, 2% of all professional workers were Oriental
20 and .5% were American Indian.

21 In technical, 2.1% were Oriental and .5% were
22 American Indian. In craft, 1.1% were Oriental, .5% again
23 were Indians.

24 In the service, 18% were Oriental, and .2% were Indian.
25 This are -- these are all 1975 figures.

1 Now, before I go on, I do want to introduce some
2 warnings to you or some advice as to the limitations of
3 these data. They don't necessarily refer, and in fact do
4 not refer to exactly the same groups of employers in each
5 of the years. There is a fair amount of turnover in the
6 industry and so between 1970 and 1975, some employers who
7 reported in 1970 dropped out and some others came back in.
8 So what we are comparing are figures for two years for all
9 the firms in those years that were required to file EEO-1
10 reports. And we're not exactly comparing the same number of
11 employers.

12 But this does reflect, what we have available on
13 total industry employment regardless of the number of
14 employers.

15 Now, as I indicated or made -- maybe I didn't
16 indicate it specifically, but when I read you these
17 definitions, this is from the guideline, and the employers
18 or whoever is making the report, then decides which employees
19 fall on which category here.

20 Now, while I presume that in many cases it's fairly
21 clear, in other cases you can have some variations there.
22 However, if you look at the whole spectrum of figures across
23 the board, it doesn't make any difference where a particular
24 employer classified, it's still a very dismal picture so
25 I'm not sure how important that is when you get right down

1 to it.

2 Now, the other caveat for you is that all of these
3 figures are national, they are not limited to California.

4 Now, in the case of motion picture production par-
5 ticularly, you can make a pretty reasonable inference that,
6 by far the greater part of that production is located here
7 in California. When we come to other categories, and I do
8 have some figures of radio and TV here, which I may or may
9 not give to you, depending upon whether you want to deal
10 with that today.

11 Q (By the Chair) Let me just interrupt here, regarding,
12 you mentioned national figures that would be true also
13 for the 1970 figures?

14 A Oh, this is true in both cases, yes, we're not
15 comparing apples and pears here, the same, the same com-
16 parison in both periods.

17 Now, let me just turn very quickly to, I'm talking
18 about the crafts mainly, although the performing categories
19 would be in that professional category that I talked about
20 before. But specifically in the performing parts of the
21 industry, it's not possible to be too precise and too
22 quantitative in this, but I've been going through this for
23 a period of two or three years now and I've talked to many
24 people in the industry, I've observed it and it's consonant
25 with the figures that we do get to the extent that we can

1 get them. And here is my general impression.

2 Between 1970 and 1975, the employment of Blacks in
3 particular, and I'll just stick to Blacks now, temporarily,
4 in performing roles, has undoubtedly expanded. Now, that
5 probably has very little if anything to do with affirmative
6 action. It has a lot to do with the fact that there is
7 a market now which Hollywood has discovered in the Black
8 population, and the number of feature films that are Black-
9 oriented has increased significantly in that period and
10 of course, that calls for more Black performers.

11 However, if you look behind the camera, if you look
12 into the areas of writing, directing and producing, there
13 is still obviously a significant underrepresentation of
14 Blacks, even in the production, directing and writing of
15 those films or shows which are directed to Black audiences.

16 One study showed that there were 24 Black-oriented
17 films made in 1975. Only a third of those pictures had a
18 Black, either Black producer, writer or director, only a
19 third. And if you go back, certainly over the period of the
20 last three or four years, and there's been a considerable
21 production of Black-oriented features, the proportion of
22 Blacks off-camera in the professional and technical roles
23 has been quite small.

24 I think there's no disagreement on that.

25 On that point. Some will say that we're making an

1 effort and we're making progress and so on. But the
2 simple fact is that there is an underrepresentation. And
3 there is inadequacy of training programs in the industry.
4 There are very few training programs. Well.

5 When the 1970 agreement was first entered into, the
6 pledge was to institute a lot of training programs directed
7 to the minority community and there were a fair number,
8 and I say that 1970 to 1973 period or so. But when the
9 pressure went off, the industry in large measure has re-
10 turned to its old ways, and the number of training programs
11 is very, very small. I have a listing of them here, I won't
12 go into that now.

13 Well, maybe that summarizes pretty much where I
14 stand and what I have discovered on this, so any questions --

15 THE CHAIR: Okay. Helen?

16 Q (By Ms. Bernstein) You stated that there was a
17 change approximately 1973, can you go into that a little
18 bit more in terms of the figures?

19 A Well, I wish I could go into it more, some of the
20 data that I hoped to have for you here today, I simply ~~do~~
21 could not get. And to be more specific, I mislaid it. But
22 -- so my judgment here has to rest not so much on provable
23 figures that I can give you, but on many, many interviews
24 that I conducted with people all through the industry, in
25 which the statement was made, just to summarize, that -- and

1 you see in that agreement there were, there were commitments
2 even though they were not legally enforceable commitments, to
3 institute training programs, to create a special minority pool
4 which lasted about two years. And so that was a factor, I
5 think a major factor.

6 But when the two-year period ended, and the pressure
7 was off, then unfortunately much of the industry returned
8 to old practices which -- have involved everything from
9 personal favoritism to nepotism to -- it's a very, obviously
10 a very personal industry in terms of who gets hired and
11 who gets fired.

12 It was that way before the agreement, it was modified
13 slightly during the period when the agreement was really
14 in effect, and to a considerable degree now, it has re-
15 turned to that old personal kind of hiring policy.

16 Q (By Ms. Gillette) That's completely throughout the
17 industry?

18 A Pardon?

19 Q That's completely throughout the industry, not
20 just --

21 A Well, I -- in a way, hate to say so and so has done
22 a better job and so and so has not. Let me give you my --
23 the feeling that has come to me in interviews.

24 Universal MCA, has, I think, gone farther by and
25 large than the other parts of the industry in developing

1 minority employment programs and as a matter of fact,
2 there's a recent program that was partly instituted by
3 Universal MCA, for the training of Blacks and other
4 minorities in entrepreneurial skills to get into the in-
5 dustries, and there are other indications of this.

6 And I'm not suggesting that Universal MCA, for
7 example, has gone all the way or accomplished everything that
8 needs to be accomplished. There are some differences
9 between the industry and probably some differences within
10 the crafts, and that's one thing that I would want to
11 suggest and recommend to you, and that is to the fullest
12 extent possible you get breakdowns by craft within the
13 industry to show where progress has been made and where
14 progress has not been made. But that's a general conclusion.

15 Q (By Ms. McCullough) Mr. Bullock, you mentioned that
16 between 1970 and '73, there were Blacks who were trained,
17 there were training programs. Do you have any data or any
18 information to reflect what happened to these people once
19 they were trained?

20 A That is, unfortunately, an impossible thing to --
21 impossible question to answer right now.

22 Q Do you know why --

23 A Well, let me just add this, that even in the
24 agreement itself, if you go back to 1970, you'll find
25 that the agreement said, and mentioned by name, minority

1 individuals by name, who were to be admitted into union
2 locals, who were to be given jobs, and to my knowledge,
3 that was carried out, by and large.

4 Now, when you're talking about persons who simply
5 got onto what's called a minority roster, which is supposed
6 to be merged with the general industry roster after a
7 period of time, and what has happened individually with
8 them, I can not answer, it would be interesting and
9 instructive to know.

10 Let me just say in closing, that what happens here
11 as the entire industry is that the last hired, first fired
12 policy always applies. And as the industry has declined
13 in employment and if you look at the figures you'll find,
14 if you take the reporting, those who have reported, the
15 amount of total industry employment has declined over
16 that period, even though the industry as a whole in 1974
17 and '75, in terms of box office receipts, has done very
18 well.

19 But if you simply take the employment figures aside
20 from the fact that the percentages and the numbers of minorities
21 has declined, you can't really, with the available data,
22 look behind those figures with any degree to say that these
23 individuals have been retained and these others have not.

24 But this would be an interesting area for investi-
25 gation.

1 Q (By Ms. Hata) Mr. Bullock, you stated you've done
2 some research in radio and TV industry as well, could you
3 provide those statistics to our staff, please?

4 A I beg your pardon?

5 Q The results of your studies, would you provide
6 those statistics to our staff?

7 A Yes. Well, I --

8 Q Not necessarily this morning but --

9 A No, I don't know what I have yet, but I have them
10 here and I will provide them.

11 Q Secondly, a point of information, you say your
12 statistics are based on EEOC figures, correct?

13 A Yes, they are.

14 Q Now, these figures have been submitted to the EEOC
15 by the industry?

16 A That is correct.

17 Q Have you verified these figures in any of your
18 research?

19 A Always.

20 Q Are you satisfied as to the accuracy of these figures?

21 A Well, that's a good question, it's -- it's hard to
22 say. In general, among those who report on official forms
23 to EEOC, I think, probably it represents a reasonable
24 production.

25 Q We are really saying that we are trusting the industry

1 to have accurately reported the statistics, we have no
2 monitoring device to make sure these statistics are accurate?

3 A All right, that is an excellent point and that leads
4 me back, I guess, to a point that I mentioned --

5 Q Is that yes or no first, before we go on to your --

6 A Well, it depends, and this -- well, this is true
7 of all EEOC reports. And that it depends on the figures.

8 Q Well, we're dealing with your study --

9 A It depends on the figures that are given by the in-
10 dustry itself, there's no question about that, it's true.
11 So on your question, yes, it depends on the accuracy and
12 the acceptability of the figures that are provided by
13 the industry.

14 Q And you have not, in any way, even in a brief spot-
15 check, gone out to verify the accuracy of any of these
16 statistics?

17 A Oh, it's impossible for a private researcher to do
18 it. Which is why I would suggest to you that there ought
19 to be a permanent monitoring mechanism that's set up. With-
20 out casting aspersions on particular staff, it is just
21 hell getting answers to specific questions, getting any
22 sort of additional data out of the various governmental
23 agencies that are supposed to be examining and monitoring.
24 You can't get them. I've tried for three or four years, and
25 most of the time I'm referred back to somebody in Washington,

1 and the only thing that I can get out of Washington are
2 these printed form and statistics, you don't get any explana-
3 tions, you don't get any doublechecking whatsoever.

4 Q (By Mr. Rogers) Excuse me, but didn't EEOC at one
5 time have responsibility for monitoring and looking at and
6 evaluating what was really happening in the industry and
7 gathering data?

8 A Well, my understanding from the 1970 agreement
9 is this: That for a period of roughly two years, the
10 industry was to make regular, detailed reports which would
11 go to the Department of Justice with copies to the EEOC.
12 And that would be a period, I guess 1970, maybe going up to
13 1973. And that was part of the agreement. But all those
14 figures were kept secret. I guess it's before the Freedom
15 of Information Act came into effect.

16 And you simply could not get any figures, even on
17 a -- even on a summary basis.

18 Let me just read you what's still printed on the
19 title -- these are summaries, they don't even identify
20 particular firms. Here's what it says.

21 Sensitive information, unauthorized disclosure pro-
22 hibited. Which means that those of you who are interested
23 in finding out what was going on which might even be good
24 in some cases, could not even get summary statements until
25 recently, and the way you get them now is to invoke that

1 magic phrase, Freedom of Information Act.

2 Q One other question, Mr. Bullock. Who had responsi-
3 bility for enforcement of the agreements?

4 A Well --

5 Q Or was anyone actually assigned that responsibility?

6 A I see what you're saying, and the agreement was
7 entered into initially in order to head off a truly en-
8 forceable agreement, because if it had gone, and I'm not
9 a lawyer but I've read enough about this to, I guess to
10 know the generalities of it, if it had gone into a real,
11 what they call consent decree, where the court would order
12 a, you know, regular monitoring of reports back to the
13 court and so on, then you would have something that was
14 legally enforceable and in some cases maybe even criminally
15 enforceable in -- if there were -- if there were violations
16 shown against parties involved.

17 But because the settlement was an informal one, the
18 only enforcement provisions that were included in it were
19 those that were agreed to by the parties. Which in effect
20 said that for a period of two or at the most three years,
21 we will submit reports to the Justice Department.

22 Now, what was done with those reports? I don't know.
23 Nobody seems to know. And when I've tried to get concrete
24 answers even to fairly simply questions, it's very hard to
25 get.

1 Q (By the Chair) Mr. Bullock, you indicated that as
2 far as minority employment was concerned, Blacks in par-
3 ticular have suffered within the past five years by a
4 strong reduction. Do you care to give us any interpretation
5 as to why this particular group was affected in this way?

6 A That's a toughy. I suppose in part, and this is
7 just inferring from some of the things in the statistics,
8 and it's rather ironical, as I stated earlier, the percen-
9 tage of Blacks that were concentrated in service at the
10 lower level occupations in 1970 was very, very high. Now,
11 what has happened in the meantime, is first of all a general
12 reduction in the employment that's reported, with a sharp
13 percentage reduction in the number of Blacks who are in the
14 service categories.

15 And so when you're talking about the overall situation,
16 what may have happened is this. That partly for the
17 general economic reasons but partly because having so many
18 Blacks in the service categories looked so bad, the -- as
19 cutbacks have occurred, particularly in the service cate-
20 gories, the Blacks have lost jobs in almost disproportionate
21 numbers in those categories. But have not picked up jobs
22 in the other parts, the better parts of the industry pro-
23 portionately to make up for those losses in the lower cate-
24 gories, and so you get a kind of anomalous situation, where
25 you can say well, we've improved the situation because we

1 don't have as many Blacks in service categories. But what
2 has also happened has been that apparently a lot of the
3 Blacks were formerly employed in those categories have simply
4 been laid off without being picked up in the professional
5 and technical, by and large.

6 Q (By Ms. Gillette) They've been laid off but they've
7 been replaced where replacements were made according to your
8 statistics by White persons, is --

9 A Well, yes, yes. Obviously by non-Black persons
10 anyway.

11 Q No, by White people if the other minorities essentially
12 in the same difficulty in the service category?

13 A Well, now the figures in the --

14 Q If the percentage in the service category is
15 approximately 30 for minorities, whereas in 1970 it was
16 approximately 59% or 60% --

17 A Well, what happened in that period in the service
18 category was that the percentage of Blacks went way down,
19 I'm talking about percentages now.

20 Q Yes.

21 A The percentage of Chicanos went down to a certain
22 degree, the percentages Orientals and Indians went up but
23 by small --

24 Q So small it's --

25 A So small it doesn't make all that much difference.

1 Q But there still is, from 60% to 30% minorities, so
2 somebody has got to take up the other 40 to 70%?

3 A Yes, it may well be where Whites are being employed
4 in that category proportionately, there's no question
5 about it.

6 THE CHAIR: Okay, Helen, do you have any questions?

7 Q (By Ms. Bernstein) Yes.

8 In your opinion, were the figures that were agreed
9 to in the 1970 settlement, were they adequate to begin
10 with?

11 A In 1970?

12 Q Well, the first agreement, your study begins in
13 1970.

14 A Yes, that was when the first agreement took place.

15 Q Were those, whatever they agreed to, whatever per-
16 centage it was, was that adequate to begin with? I mean
17 things have dropped radically since then, but --

18 A Well, in my opinion that was, if you look at the
19 agreement I think it was a very good agreement. The
20 overall goal was to increase the percentage of minority
21 employment to, I think it was 20% of the total employment
22 in the industry, and of course, that particularly applied
23 to the crafts. Skilled crafts. And it's very detailed,
24 you can't fault that agreement. It's a good agreement. It
25 just was, it became a dead letter after a period of time.

1 Q Also the figures that you have when you break them
2 down into technical, craft and professional, they're not
3 broken down by women and -- female and male, is that
4 correct?

5 A All of those are broken down, I can't, you know,
6 just toss off the figures now but I'll get them to you.

7 Q (By Ms. Gillette) Do you have some recommendations
8 as to how this might be changed?

9 A Yes. It just so happens that I do. First of all
10 there should be another full scale Civil Rights Commission
11 inquiry into the industry with requests, whatever legal
12 force behind them is necessary, to get the figures by
13 individual craft, by company even, I don't know that it's
14 even necessary to reveal the names of companies, but
15 certainly that information should be in the background there.

16 Secondly, there should be a vast increase in the
17 number and quality of training programs in the industry,
18 the training programs in the beginning when the agreement
19 was still really in effect, were good as far as they went
20 and then they kind of slipped won the drain.

21 There are a few left, they are small in number,
22 they are open only to -- at certain times of the year,
23 as of right now if I had to refer some of my young creative
24 friends to the industry, it would be a matter of waiting
25 in most cases for a year, at least for six months or so

1 before an opening would take place.

2 The average age of the crafts, and you can't get
3 concrete figures but I've talked to enough people on this
4 to know, the average age is quite high. And it should be
5 time now to begin looking at training, apprenticeship pro-
6 grams to fill the need as people leave the labor force
7 in Hollywood or job openings occur.

8 But we have that only on a very limited scale now.
9 Now, let me just add quickly, that I understand some of the
10 reasons for resistance to this. And that is that especially
11 in some of the crafts and some of the guilds, the unemploy-
12 ment rate is still very high. And when you have Screen
13 Actors Guild says about, on the average about 80% of their
14 members are unemployed, and in those cases you have under-
15 standable resistance to adding programs to get new people
16 into the industry and to compete with the people who are
17 already there.

18 But if we really mean what we say about, particularly
19 about affirmative action, particularly about getting to the
20 creative youngsters, there has to be some extension or ex-
21 pansion of training programs, on the job training in the
22 industry.

23 And let's see what else here?

24 Well, one general point I might add that my study
25 covers what I call the neighborhood arts programs, which I

1 think are terrifically important to make use of all that
2 talent that's out there on the streets, in music and art
3 and drama. It's unstructured, undisciplined so often that
4 it's there, and we ought to take advantage of it so there
5 ought to be a linkage between these affirmative action
6 programs and other programs in the creative fields generally,
7 Hollywood, TV and so on, and what's going on in the state
8 arts commission, in the whole field of neighborhood arts.
9 So that as you identify and develop more and more people
10 in the communities who have some real aptitude here, at
11 the same time over here you have a concrete program for
12 training, for internship, for apprenticeships, motion
13 picture and radio and TV to be able to bring them in.

14 But we don't have that kind of linkage now, and that's
15 maybe the third point that I would like to suggest.

16 THE CHAIR: All right, Mr. Bullock, I want to thank
17 you for your testimony this morning. Also that document
18 you misplaced, if you find it, if you will file it with the
19 staff.

20 At this time also I'd like to, for the record,
21 acknowledge the presence of Lt. Governor Mervyn Dymally
22 as a member of the panel and also acknowledge the presence
23 of Commissioner Manuel Ruiz of the U.S. Civil Rights
24 Commission, who's in the audience.

25 Our next scheduled witness is Dorothy Davis, from the

1 Fair Employment Practice Commission.

2 I think at this time -- at this time we'll take
3 a luncheon break and return at 1:30.

4

5 (Noon recess)

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1 AFTERNOON SESSION

2 1:30 p.m.

3
4 MS. HATA: Our Chairman has been delayed for a few
5 minutes so in the interest of time and those of you who
6 have been waiting, I'd like to convene this afternoon's
7 open meeting of the California State Advisory Committee
8 to the United States Commission on Civil Rights.

9 The next witness we have scheduled to testify is
10 Ms. Dorothy Davis.

11 Ms. Davis?

12 Thank you for waiting. For the record, would you
13 please state your name and occupation?

14
15
16 DOROTHY DAVIS

17
18 A (By Ms. Davis) My name is Dorothy Davis, and I'm
19 a consultant with the State of California Fair Employment
20 Practice Commission.

21 Q (By Ms. Hata) Do you have a brief statement you'd
22 like to make before we start questioning?

23 A No.

24 MS. HATA: Mr. Rogers?

25 Q (By Mr. Rogers) Ms. Davis, what exactly is the FEPC

1 jurisdiction with regards to employment discrimination in
2 motion pictures and television?

3 A The commission is designated as the state compliance
4 agency in California designed to prevent and eliminate
5 practices of discrimination in employment.

6 MS. HATA: Excuse me, Ms. Davis, would you move the
7 microphone closer to you, please?

8 A As an agent of the commission, I am and have been
9 conducting an investigation as a result of two complaints
10 of discrimination filed against the local union for sound
11 technicians, as well as one of the signatory production
12 companies.

13 Because of the relationship between the union and
14 all producers in the association, my investigation has
15 included several major producers and, in fact, many of my
16 findings are a reflection of signatory producers in relation
17 to hiring practices.

18 Q (By Mr. Rogers) What exactly is the ethnic break-
19 down of the unions? The craft union?

20 A The union reports a total of 1,136 members as
21 of September 30, 1976. 28, or 2.4% Black active members
22 have been identified. Interestingly enough, as of
23 December, 1974, there were a total of 1,009 members, 39,
24 or 3.8% of whom were Black.

25 The union membership has increased during the last

1 couple of years. However, the number of Black members have
2 decreased substantially.

3 During the course of my investigation, ten females
4 have been identified as union members. Again it's interesting
5 to note that as of December, 1974, there were a total of
6 11 female members. Thus we see that for both Blacks and
7 females, the situation has gone from bad to worse during
8 the last couple of years.

9 Q What about the other ethnic categories, I'm thinking
10 now specifically about Chicanos, Asians, other minorities
11 in other words?

12 A I do have that information available but it's not
13 here, I can get it.

14 Q Would you please make it available to our staff?

15 A Certainly.

16 Q What were some of the major findings of your inves-
17 tigation into the union?

18 A The industry maintains an industry experience roster,
19 grouping union members into three seniority groups.

20 According to union contract, producers are obligated
21 to hire union members in the order of their seniority.
22 When the roster is depleted of all available members,
23 producers are able to hire from any source. In order to
24 become a union member it is necessary according to contract
25 to work for a signatory producer. Membership is required after

1 30 days of employment with one signatory producer. It is
2 important to note that there is evidence of nonunion members
3 being hired by producers when the roster was in fact not
4 depleted.

5 In some of these instances, the individuals hired
6 were related to someone in the industry. There is also
7 evidence of nonunion members being hired with absolutely no
8 record whatsoever of the producer involved contacting the
9 union to determine if the roster was exhausted.

10 I might point out that there is extensive evidence
11 of many, many family ties within the industry and the union
12 itself.

13 During 1975 and 1976, the producer against whom there
14 is a complaint hired a total of 50 sound technicians. During
15 1975, no Blacks were hired. During 1976, no Blacks were
16 hired up until the latter part of August, at which time
17 two Black sound technicians were hired. One of these
18 individuals is still employed.

19 I might add that both Blacks were hired only after
20 the FEPC investigation started.

21 The one individual who was hired by this producer
22 during 1975 and 1976 who was a nonunion member was per-
23 sonally known by the person who did the hiring.

24 I can not emphasize enough that this particular
25 producer states that he automatically destroys all resumes

1 that are received.

2 During 1975 and 1976, a total of 43 new members
3 involved with motion pictures have been admitted to the
4 union. There were only two Black sound technicians in this
5 group. They were employed in August and September of this
6 year. Again, these two Blacks became members only after
7 the commencement of our FEPC investigation. This, I might
8 repeat, is for a two-year period, two Blacks became members
9 only.

10 I would like to point out that many of these new
11 members had absolutely no related experience prior to
12 that first job leading to membership in the industry.

13 Further, neither the union or the producers have
14 specific requirements for qualifying for sound technician.
15 Union membership seemingly is the only critical factor.

16 Regrettably, there is evidence of Black sound tech-
17 nicians who were employed for special location assignments
18 in instances where non-Blacks would not be accepted in a
19 special or particular area, and these people were discharged
20 and replaced by non-Blacks when it became expedient.

21 For example, when a producer was shooting scenes in
22 the Bahamas, Blacks were in demand, Black employees were
23 therefore hired.

24 However, after leaving the location, these Blacks
25 were quickly replaced, even though the particular assignment

1 had not been completed. Despite the numerous problems
2 within this industry, neither the union or any producers
3 investigated to date have been able to produce an affirmative
4 action program. The union admittedly has no affirmative
5 action plan. Some of the producers have no plan whatsoever,
6 and other producers indicate that there is a plan, however
7 these plans or the specifics of these plans, were not
8 available at the time requested.

9 Within the industry, there is presently an off-
10 roster project whereby qualified or qualifiable persons are
11 recruited, screened and referred to producers upon request
12 when a job or jobs are available, and the union is unable
13 to provide available members.

14 This program has been in operation since August,
15 1976. It is not for minorities only, nor is it mandatory that
16 producers utilize this service. From its inception through
17 October 12, 1976, there were a total of 62 applicants for
18 the jobs included in the sound technicians union, including
19 19 Blacks, three Spanish surnamed, two Orientals, and two
20 Native Americans.

21 During this time period, there have been no job
22 referrals for this particular group.

23 Q (By Ms. Hata) Excuse me, Ms. Davis, there have been
24 job referrals, but none for this group?

25 A None from the group of 62 for the sound technicians.

1 I might add that during this same period, the sound
2 technicians union brought in 14 new members. So the jobs
3 did exist. The entire off-roster project which includes
4 16 different unions in addition to the sound technicians
5 union, representing various crafts for the period August
6 6, 1976, through October 12, 1976, has registered a total
7 of 2,249 applicants, including 347 Blacks. During this
8 period, a total of 49 referrals to producers were made,
9 including 17 Blacks.

10 In this group of 49 referrals, one individual has
11 worked long enough to be added to the roster and to be
12 eligible for union membership.

13 Q (By Mr. Rogers) In light of all these practices,
14 have you been able to identify some solutions to correct
15 these practices?

16 A I must emphasize that my investigation has not been
17 completed, and therefore the preliminary recommendations
18 that I'm about to go into are in the infancy stage, and
19 will be developed further.

20 Seemingly, one thing that is very badly needed is
21 an apprenticeship program for sound technicians with
22 successful completion leading to eligibility for union
23 membership, roster status, and most important of all,
24 employment. Although this program would not be restricted
25 to minorities, certainly there should be a specific minority

1 ratio required. For employment purposes, there should be
2 a required ratio of apprentices to journeymen hired during
3 any given period of time.

4 In some of the less sophisticated classifications
5 an on the job training program provided by producers should
6 be implemented. Again, specific minority ratios should be
7 required. It should be mandatory that the union and all
8 signatory producers have an affirmative action program with
9 specific goals and timetables. The off-roster project could
10 be utilized more effectively. Rather than just a service,
11 this should be a mandatory step in obtaining employees with
12 the required minority ratio for job referrals.

13 As I mentioned earlier, it is necessary to be employed
14 by a signatory producer in order to become a union member.
15 Also keep in mind that evidence has shown that many new union
16 members have had no previous related experience prior to
17 that first job with a signatory producer.

18 In light of this, I question the validity of the
19 stringent requirements for getting into this industry.
20 One of the recommendations is to establish a policy whereby
21 experience with a nonsignatory producer is recognized
22 by the union as fulfilling the experience requirement.

23 And last, but definitely not least, there should be
24 a requirement for more precise record-keeping by both the
25 union and all signatory producers.

1 In closing, it's obvious that the traditional self-
2 perpetuating practices of the industry are worse than
3 discriminatory. Rather, these practices have resulted in
4 total exclusion for many, many persons. Without inter-
5 vention, we can expect absolutely no meaningful change.
6 I feel that with motivation and diligent efforts of the
7 compliance agencies, along with the commitment and the
8 integrity of everybody in the industry, there can very
9 definitely be effective negotiations leading to equal
10 employment opportunities for all in this industry, rather
11 than equal employment opportunity for those few individuals
12 who are fortunate enough to know someone in the industry.

13 Q (By Mr. Rogers) Would you again reiterate just who
14 exactly these compliance agencies should be? Who should
15 have responsibility for enforcement of these various pro-
16 visions that you're recommending?

17 A Primarily FEPC and EEOC. With the apprenticeship
18 programs, or program that I mentioned, there would be
19 other involved agencies, such as apprenticeship standards,
20 for example.

21 Q Would you answer one other question, why hasn't
22 EEOC and FEPC been enforcing this up until this present time?
23 Why haven't you been involved before now?

24 A I can't really answer for EEOC. However with FEPC,
25 as I mentioned earlier, the investigation has not been com-

1 pleted yet, that's involved.

2 I expect once the investigation is completed, that
3 a remedy will be affected and there will be monitoring and
4 whatever agreement is reached, that agreement will be
5 binding.

6 Q What is the total number of complaints that your
7 agency has received regarding this matter? Do you have
8 any idea?

9 A No.

10 Q You have no idea?

11 A No. Personally I have two complaints.

12 Q Just two complaints?

13 A Yes, but we probably have more in the agency.

14 MR. ROGERS: Thank you.

15 Q (By Ms. Gillette) We heard some testimony earlier
16 about the slowness in getting complaints processed, and
17 completed. Could you speak to that, please?

18 A If I remember correctly, that was specifically re-
19 lating to EEOC. The charges involved were with EEOC.

20 Q How about with your agency?

21 A In terms of how long it takes to process a complaint?
22 It can be anywhere from one month to a year, I would say
23 that the average length of time is about nine months.

24 MS. GILLETTE: Thank you.

25 MS. HATA: Are there any other questions?

1 Thank you very much, Ms. Davis.

2 MS. JAMES: Excuse me, Madame Chairman, I have one
3 question.

4 Q (By Ms. James) You mentioned the problem of record-
5 keeping, were you able to identify whether the union or the
6 local we're looking at keeping records of their membership
7 by race and ethnicity? Do they keep that?

8 A Precise records seemingly are not kept by the union.
9 There were several areas where records were kept and ethnic
10 backgrounds could be identified.

11 Q But there's no formal methodology for keeping such
12 records that you could identify?

13 A Not with the union. However the roster, which directly
14 relates to the union membership, includes those records.

15 Q It does include, the roster that's kept not by the
16 union but by the association?

17 A It's administered by the association.

18 Q And they do identify union members by race and sex?

19 A Yes, there is a coding system.

20 Q One other question, you mentioned there were no
21 specific qualifying requirements of the union or of manage-
22 ment in terms of sound technicians?

23 A Right.

24 Q Were you able to identify or was there anybody that
25 can tell you approximately how long it would take for a sound

1 technician to be able to be fair to middling competent in
2 that job, not expert, but capable of doing the job?

3 A No. There was absolutely no indication of there
4 being any kind of method of even detecting competence at
5 some given point along the way in terms of, you know, when
6 a person was hired as opposed to when that person's able
7 to perform independent of anybody else.

8 Q You suggest possibly that somebody could be hired
9 who had never been a sound technician before and would
10 learn on the job? Would that be a possibility?

11 A Very definitely, particularly in that there were
12 individuals who were hired with no vocational or educational
13 experience, and they were hired as sound technicians.

14 MS. JAMES: Thank you.

15 Q (By Ms. Hata). Ms. Davis, are you saying that there
16 is no job description?

17 A Exactly.

18 Q One final question, when you complete your investi-
19 gation will you be listing those stringent policies that
20 you talked about which you feel like are discriminatory,
21 policies for getting involved or getting into the unions?

22 A Would you repeat that question?

23 Q When you get through with your investigation, will
24 your agency list those policies which you consider dis-
25 criminatory or perhaps exclusive, stopping people from

1 getting into the unions?

2 You talked about the fact that in order to become
3 a union member you had to have a contract with a signatory
4 producer. Will your agency be listing other specific
5 provisions?

6 A Very definitely they will be identified.

7 Q And will you give us a copy of that as well, when
8 you're done?

9 A Yes, I will check with the commission and I'm
10 almost certain we can give you a copy, once a case is closed
11 it is public information, however.

12 Q (By Ms. Bernstein) Why should the unions change?
13 Why should they let more people in, why should they do
14 anything different? Why should they listen to your
15 recommendations?

16 A Because one -- well, if we do prove discrimination, I
17 feel that from the findings so far it's evident that there
18 has been a selfperpetuating kind of discrimination, there
19 will have to be a change in terms of trying to comply with
20 the law.

21 Q Well, what will happen to them if they don't? That's
22 what I'm asking?

23 A Our agency has enforcement powers, in terms of
24 procedure depending on where or when the union and the industry
25 in general wants to comply, it can be stopped at any level,

1 I mean an agreement can be reached without going all the
2 way which would include a public hearing. It can be a
3 situation whereby an agreement is reached in a conciliation
4 conference. However, as I said, if the -- if it's
5 necessary to proceed to a public hearing, we will do that.

6 MS. HATA: Mr. Rogers?

7 Q (By Mr. Rogers) There's just one other question.
8 Does the union have a formalized grievance procedure?
9 Is there some method by which they can exhaust administrative
10 remedy and handle complaints?

11 A Yes, the union does have a formal grievance procedure,
12 it's questionable, however, whether or not the procedure
13 they want is able to address itself to discrimination.

14 Q Will you expound on that a little more? Why shouldn't
15 it be able to?

16 A From my investigation to date, most of the complaints
17 or grievances that have gone through the union seemingly,
18 even if there was a matter that related to a minority, the
19 issues that were really reviewed were things such as
20 whether or not this individual has received some kind of
21 unjust treatment. For example, working X number of hours
22 without a lunch break or the required lunch break, that kind
23 of thing.

24 MR. ROGERS: I see. Thank you.

25 MS. HATA: Okay, thank you very much, Ms. Davis.

1 A You're quite welcome.

2 MS. HATA: We're going to deviate from our printed
3 agenda and backtrack a little bit. We inadvertently forgot
4 to call upon the second half of the Nosotros team so I'd
5 like to see Mr. Tony Cortez, who is first vice president of
6 Nosotros.

7

8

9

MR. TONY CORTEZ

10

11 A (By Mr. Cortez) Good afternoon, everybody.

12

13 MS. HATA: Thank you, Mr. Cortez, I understand one
14 of our staff persons has some questions to address to you.

15

16 A Well, I would like to be asked questions and I would
17 like to ask questions, if I may. First of all I would like
18 to point out to you, I believe that you found a directory
19 of Nosotros on your seats, so that we don't waste any time
20 and you might read the first page, which is an endorsement
21 and a very nice one at that, of Ms. Kathleen Noland, who
22 is the president of the Screen Actors Guild, and has been
23 rather cooperative with us, very nice.

24

And I believe they've taken notice of us very much.

25

MS. HATA: While we're doing that, will you please
identify yourself for the record, your name and the organi-
zation you represent?

1 A The organization is an organization called Nosotros,
2 we are six years old, Mr. Montalban started it originally,
3 we have -- we function as an educational, nonprofit organi-
4 zation. We train actors and actresses, children, teenagers,
5 and also we're all trying very hard to keep the dignity of
6 the Mexican-American and the Latino actor today.

7 Q And you serve as first vice president?

8 A I am the first vice president. In fact, our president
9 could not be here today because she happened to be working,
10 we never work but today she was working.

11 And I was supposed to read a very long letter which
12 I'm going to leave with you as I leave here, that she sent
13 out.

14 MS. HATA: Thank you.

15 A I -- before I forget, I would like very much to ask
16 this question of you. When all these things are -- all
17 these investigations and all these statements that you get
18 from us are over, what happens when you take them to
19 Washington and to be heard, from you?

20 MS. HATA: Well, perhaps our staff can best answer
21 that, Sally?

22 MS. JAMES: Well, certainly the commission's responsi-
23 bility is to report to the Congress, the status of civil
24 rights enforcement within the State of California, through
25 the state committee, so the advisory committee will be

1 reporting to the commission on its findings, and we're
2 particularly interested in how, what progress has been
3 made and what still needs to be done.

4 We have been in contact with various congressional
5 committees that are concerned about this issue and are
6 interested in our findings.

7 That would be one correction, we go --

8 A The reason that I'm asking this is because of the
9 fact that it would be very nice for all of us people that
10 are working in the manner in which we're working today,
11 it would be very nice if you could possibly, if it is
12 orthodox, for us to have copies of the results and the
13 opinions of these people that you will be talking to
14 as well as the producers and the studios. It would help us --

15 MS. HATA: If you give our staff your name and
16 address, I'm sure you'll get a copy.

17 A Fine. After today you will have it forever, believe
18 me.

19 MS. JAMES: There will be a report and it will be
20 available to the public.

21 A All right. And now, I personally would very much
22 like to stress the point of the responsibility and the ---
23 responsibility as a whole of the air waves or FCC, of the
24 motion pictures, of the television channels for the community,
25 or communities for that matter, for all of us.

1 As we all know, minorities are made or recreated by
2 prejudice, if there wasn't prejudice, there wouldn't be
3 any minorities. Unfortunately there is. But I am
4 stressing this point because of the fact that I have
5 talked to several of our youngsters on the east side and
6 they just lay their arms down on the ground and say what's
7 the use?

8 The information that goes all over the world through
9 the air waves, and I personally, myself, have seen them in
10 Tokyo. I've seen them in Mexico City and Italy, all over
11 the series and I know what they mean, the information that
12 goes out to the rest of the world about the American of
13 Mexican descent and the Latin or Latino as we're known, or
14 Chicano, whichever way you wish to, as long as you do
15 all right by us we'll take -- adopt any name you like.

16 But anyway, as you watch this all over the world,
17 these kids say what is the point? What's the use of
18 going for an education? What for? All over the world we're
19 known as bandits, prostitutes, dope pushers, addicts,
20 servants, in other words, to this industry, and I think the
21 FCC should be very much aware of the fact that I think if
22 they help build citizens, their industry and all of us
23 would be much better off.

24 To these industries there is no fact that there
25 are people that are doctors or politicians or lawyers or

1 art connoisseurs, somehow they manage constantly, it's
2 really a perversity to depict nothing but the worst forever,
3 we're never -- and you've heard this a 1,000 times, but
4 here you are, every one of you from one end to the other,
5 from different background, different minorities, I gather.

6 None of us, none of you, would like to see your
7 people in the same light or the same spot that the Mexican-
8 Americans or the Latinos have been put into for years and
9 years and years and there seems to be no end to this.

10 Even the adverse publicity that we get in the
11 newspapers is creating an awful lot of trouble amongst
12 our youth. They are disappointed, they are frustrated, and
13 I believe that the air waves, that the networks, the FCC,
14 is much responsible for these things that are happening.
15 And that should be taken in account, and seriously, be
16 very careful as to who or to whom are these permits given
17 if they're not going to help the communities?.

18 And I don't mean any specific communities, there
19 are rich communities, there are poor communities, but we're
20 all citizens of this country and I believe that as long
21 as we can keep their spirits up and have those people to
22 look up and to the screen and to the movies, someone to
23 relate to. *in*

24 I've been saying for years that the Mexican-American,
25 the Latino, the Chicano needs new idols. We haven't got any.

1 We really don't.

2 MS. HATA: Okay, I think there's some specific
3 questions then.

4 MS. JAMES: I have a couple.

5 One, what is the current membership of Nosotros?

6 A The current membership in Nosotros is about 200.

7 Q And out of the what, 35,000 Screen Actors Guild
8 membership, about how many of those are Mexican-Americans?

9 A That is a very, very great question, because I have
10 felt all along, there's 35,000 members of Screen Actors
11 Guild, I believe approximately there must be about 300
12 professional actors in Screen Actors Guild, which truly,
13 if they wanted to, we could work every day of the year.

14 But it ain't so. In other words, you figure that with
15 35,000 members, you know, if 10% of them are working, but
16 there's only about 300 of us in the Screen Actors Guild,
17 our people are getting ready, are getting prepared, and I
18 think it's a rather tragic thing. I don't know whether the
19 union has anything to do with it, Ms. Noland has been very
20 nice to us, she's been working with us recently. I believe
21 that it is high time that not only the television, but
22 motion pictures would take in account the fact that the
23 Mexican-American, the Latinos are natives of America, and
24 that not only are we entitled, here we have Texas, Cali-
25 fornia and New Mexico, Arizona, parts of Utah and Colorado,

1 that has brought millions upon millions to everybody in
2 this country. And yet look at our status of the Mexican-
3 American here, or the Latino.

4 I think that's a great tragedy. And I think the
5 FCC should take in account all these things.

6 I'm going to cite --

7 MS. HATA: I hate to cut you off, Mr. Cortez, but
8 we do have some questions that we want to ask specifically.

9 MS. JAMES: That's what I had in mind.

10 MS. HATA: Does anyone else have any questions?

11 All right, Tony, thanks again for your appearance
12 and your testimony.

13 A Thank you, I'm sorry I couldn't tell you more
14 because I had a lot of things, next time I'll be here early.

15 MS. HATA: Let me suggest to you that for any
16 additional information that you want to provide the com-
17 mittee with, if you will submit it to us in writing, that
18 will be made a part of the record as all the statistics
19 and other reports will be. And will be considered before
20 our final report is issued.

21 A Thank you very much, and do keep an up to date
22 information in your association or your group because of
23 the fact that you were way behind, you didn't know who
24 was the president of Nosotros and it would be nice if next
25 time you did know. Thank you so much.

1 MS. HATA: Thank you.

2 Next?

3 Next scheduled witness is the representative from
4 Walt Disney Studios, the person present?

5

6

7

MR. KENNETH SIELING

8

9 A (By Mr. Sieling) My name is Kenneth Sieling, S-i-
10 e-l-i-n-g, I'm accompanied by Leonard S. Janofsky, of Paul,
11 Hastings and Janofsky, who are counsel for our company.

12 I'm supposed to tell you I'm personnel director,
13 I'm supposed to mention that.

14 I'd like to make a brief statement and then answer
15 questions.

16 MS. HATA: Very fine.

17 A We first want to thank you for your invitation to
18 appear. We're most appreciative of both the opportunity
19 to appear and the -- we're appreciative for the opportunity
20 to appear and the ends toward which your committee are
21 working and goals which I think we feel we share with you.

22 Upon receipt of your invitation to appear, we've
23 reviewed the progress which has occurred in employment of
24 minorities and females at Walt Disney Productions since
25 1969 to date.

1 This review has been hasty because, as you know,
2 we didn't have too much notice of the meeting. However,
3 we have prepared this brief statement and I hope it will
4 be of some help to you.

5 During the period of time since the 1969 EEOC
6 hearings, we feel that we have achieved some significant
7 results, some of which I'll highlight for you.

8 Our belief that we've achieved significant results
9 should not and must not be interpreted by you as ~~satisfaction~~
10 on our part. We are never satisfied.

11 I would like to first turn to the area of employment
12 of minorities. Initially I'd like to describe what we have
13 done on our own part where we have sole responsibility for
14 employment, which is to say in the areas of our work force
15 which are divorced from the industry roster system.

16 Other witnesses have and will describe the working
17 of that system. Specifically, I would like to discuss what
18 we've done in the area of minorities since 1969 with
19 respect to the studio's entire administrative and clerical
20 staff.

21 In 1969, in this area of administrative and clerical
22 comprised -- minorities comprised 5.6% of the total work
23 force in that group. Today, despite a relatively constant
24 level of employment, a rise of 100 employees in the seven
25 years, we have virtually tripled the percentage of minority.

1 employees which is now 16%.

2 And this progress has not been limited to mere
3 numbers. And let me give you some examples of some of the
4 components of this progress.

5 During this seven-year period, the total number of
6 minority employees and officials and managers, professionals
7 and technicians categories, has more than doubled in
8 numbers. The increase is from 31 to 69. In percentage
9 terms, the increase is from five to 10% of the total work
10 force of the people in those categories.

11 During the 1969 EEOC hearings, we were questioned
12 at length regarding the absence of Blacks in the categories
13 of officials and managers, professional and technicians.
14 At that time, although we had a substantial representation
15 of Spanish surnamed Americans in these categories at the
16 studio work force, with 25 such persons in these categories,
17 we had an almost total absence of Blacks. Today we have
18 21 Blacks in these three categories, including six Black
19 officials and managers, seven Black professionals and eight
20 Black technicians.

21 On the other side of the coin, in 1969 we had a
22 heavy overconcentration of Blacks in lower paying service
23 jobs which included categories such as janitor. 77% of
24 our Black employees in 1969 were in the service worker
25 category. As of today, our Black employees are distributed

1 in a much better fashion throughout the organization and
2 only 32% of the -- are in the service worker category.

3 Q (By Ms. Gillette) Three point two did you say?

4 A Three-two, three-two, yes.

5 Incidentally, I'll give you a copy of this when we
6 get through here.

7 With respect to women, there has been an upward
8 mobility. At the time of the 1969 hearings, there were 133
9 women in officials and managers, professionals and tech-
10 nician categories representing 21% of the total complement
11 of people in this area. With practically no turnover in
12 these employment categories, and with only a modest increase
13 in the total employee complement, we have increased the
14 composition of females in these categories with females
15 now holding 178 jobs in such area which represents one-
16 fourth of such jobs.

17 MS. JAMES: I'm sorry, would you repeat that figure?

18 A Yes, we now have 178 women in the official and manager,
19 professional and technical category and that represents
20 one-fourth of the complement of the work force in that area.

21 All of the above figures indicate that there has
22 been progress in hiring and promoting minority and female
23 employees in all areas.

24 However, we're the first to admit that we are never
25 satisfied and we hope to do better. A number of actions have

1 been taken and some are being formulated which we sincerely
2 hope will improve our results.

3 The overall corporate responsibility for affirmative
4 action has been assigned to Bob Billingslea, B-i-l-l-i-n-g-
5 s-l-e-a, Bob got this position through merit and achievement.
6 He has been with our organization over seven years, working
7 full time in the EEOC area during this period of time.

8 Bob headed our EEO department at Walt Disney World
9 operation in Florida, which operation currently employs
10 over 11,000 full time employees. Demonstrating what can be
11 done with advantages of a dedicated and capable person and
12 a new operation starting from ground floor, Bob and his
13 coworkers have achieved population parity with respect to
14 minority representation in the Disney World work force.

15 We all recognize that it is a lot more difficult
16 to achieve such results when you have relatively low turn-
17 over and consequently less flexibility. But we're hoping
18 that Bob can at least approach his Disney World results
19 with respect to our studio operations.

20 The staff under Bob will include four EEO people in
21 Florida, and five in California. The head of our EEO
22 operation has direct access to our president and the chair-
23 man of the board, and as a matter of course makes periodic
24 personal reports to our executive committee, which includes
25 both the president and the chairman of the board.

1 I'd like to turn to the programs we have and those
2 which we are implementing in the areas of affirmative action,
3 equal opportunity and encouragement of minority business
4 enterprise. Since 1969 we have conducted management aware-
5 ness seminars for all of our salaried staff. The purpose
6 of this program is to make our management team aware of our
7 commitment to equal opportunity. It is our intention to
8 repeat this program again at the studio in 1977.

9 This is an eight-hour program and includes matters
10 such as legal analysis of laws that affect us, sensitivity
11 training to enable our supervisors to recognize forms of
12 discrimination which might be unique to Blacks, Spanish
13 surnames and women. These programs include films, role
14 playing and exposure to Black and Spanish-American history,
15 heritage and culture.

16 Also, in an attempt to help alleviate some of the
17 economic burdens facing many minorities, we have made
18 time certificate deposits in three financial -- in three
19 minority financial institutions. The Bank of Finance and
20 the Broadway Federal Savings and Loan, both in Los Angeles
21 and the Washington Shores Savings and Loan Association in
22 Orlando, Florida. Also we have requested the Prudential
23 Insurance Company of America to cedé 15 million dollars
24 of our employee group life insurance to the Golden State
25 Mutual Life Insurance Company in Los Angeles, the North

1 Carolina Mutual Life Insurance Company in Durham, and the
2 Supreme Life Insurance Company of America in Chicago.

3 We've had some limited success with target marketing
4 recruiting in which we've sent a team, which Bob is
5 a member, a team to specific areas for the purpose of
6 recruiting managerial, professional and technical employees.
7 They are looking for employees for any of our locations.
8 A part of this recruiting has been the development of a
9 coop. program where we have recruited minority students.

10 To date, the program has been most successful in
11 Florida, with limited success at Disneyland and some
12 success at one of our subsidiaries in Glendale.

13 We have recently transferred a manager of professional
14 staffing from Florida to California and we are hoping
15 that he will aid in our coop. hiring program in this area.

16 We have recently established procedures for a
17 minority construction program. The purpose of this pro-
18 gram is to direct new construction work to minority con-
19 struction firms and vendors. It's too early to evaluate
20 the effectiveness of this program at this date.

21 We have an educational reimbursement program which
22 pays between 75% and 100% of tuition expenses. Our minority
23 and female employees have made good use of this program.

24 In 1970, Walt Disney Productions began with the
25 cooperation of the motion picture screen cartoon skill,

1 a talent development program to train talented young per-
2 sons to become animators, which is the highest profession
3 in the field of animation.

4 The purpose of this program was to infuse into our
5 company talented young persons who would become the
6 creative leaders of our company and continue the fine traits
7 of the talented animators brought into our organization by
8 Walt Disney himself.

9 Thirty-three percent of all persons hired for this
10 program have been minorities or females. And 33% of the
11 people currently in the program are minorities or females.
12 Disney also participates in the training and apprenticeship
13 programs of the contract administrations trust fund and the
14 contract services administration trust fund off-roster
15 hiring program.

16 A number of recent Disney pictures have had as
17 leading characters minority actors. At the present time
18 Disney has in release, Treasure of Matacumbi (P), in which two
19 of the costars are minorities.

20 In The World's Greatest Athlete, the lead was a Black
21 who portrayed the role of a college coach. In addition,
22 there was another minority costar.

23 In Biscuit Eater there were three minority costars.
24 The Bears and I focused on the problems of an Indian tribe
25 with encroachment of so-called civilization.

1 In a meeting on May 19, 1976, with the Coalition of
2 Black Stuntmen, the point was made that science fiction
3 movies set in the future do not usually portray minorities.
4 Disney is currently working on a film project titled Space
5 Probe, set some 200 years in the future in which minorities
6 will be portrayed.

7 In the original Mickey Mouse Club television show,
8 there were no minority Mouseketeers. In January of 1977,
9 on national television, a new Mickey Mouse Club will
10 appear and the Mouseketeers include two Blacks, one Spanish-
11 American and one Oriental or one-third of the total number
12 of Mouseketeers.

13 I would like to close as I've begun. We think that
14 information we've provided demonstrates that significant
15 results in the employment of minorities and females have
16 been achieved in -- since the 1969 EEO hearings. This is
17 not to say that more should not and will not be done. It
18 should and will.

19 However, we think we are on the right course and that
20 we will achieve the goals and aspirations which your
21 committee and our organization share.

22 Thank you for the opportunity to appear before you,
23 and I'll be happy to answer any questions you might have.

24 MS. HATA: Thank you, Mr. Sieling.

25 Q (By Ms. Gillette) Mr. Sieling, I'm glad to hear your

1 statistics and to show, to learn that since 1969 --

2 A They show improvement.

3 Q -- there has been some improvement. What was the
4 first year of this improvement actually?

5 A We started keeping these statistics in '69, and let
6 me give you an example. And I mentioned our administrative
7 and clerical went from 5.6 to 16%, the figures that I have,
8 just to give you a feel, 1969, 5.6; 1970, 9.2; 1971, 11.2;
9 1972, 12.2; 1973, 14; 1974, 15; 1975, 15.5; 1976, that was
10 only through July of this year that was the last figure
11 I had, 16. So it's -- it's not --

12 Q So there is some gradual improvement?

13 A There is movement. Now, we won't say that it's
14 great, but we just say we're headed the right direction.

15 Q Does this mean, then, that your agency has an affirma-
16 tive action plan?

17 A We have an affirmative action, a voluntary affirmative
18 action plan, yes.

19 Q Do you have that in writing so that you could give
20 a copy to our committee?

21 A I'll have to -- I do not have one here, our affirmative
22 action plan is a voluntary one and encompasses our whole
23 organization, not just the studio. I mean that's our
24 problem, I have to talk for the portion you're interested
25 in and yet we're interested in our overall corporate organization.

1 Q Well, that raises another question, because earlier
2 you were speaking of Disney World and giving some figures --

3 A Yes.

4 Q -- now, was that for the entire --

5 A That was for Walt Disney World Complex, which is
6 11,000 permanent employees, we have established parity.

7 What we decided before we went into Walt Disney World
8 that we were going to establish parity, we had no employees,
9 we had no great big business that we had to correct and from
10 day one we started working at it and it proves that if you
11 start from scratch you have a better chance than if you
12 start to catch up and that's the difference between one
13 part of our organization and the other.

14 We have a catchup program at the studio that we're
15 working on.

16 Q So the studio figures were not in the --

17 A No, that quote was only for Walt Disney World, the
18 studio figures, I think the only figure I gave you at the
19 studio related to the, really the portion over which my
20 office has serious control of hiring, that would be adminis-
21 trative and clerical and that's where we've gone up but
22 we're talking about a lot of employees, we're talking about
23 maybe half of our employees is where our figures have gone
24 from 5.6 to 16.

25 Q So that 50% of your employees would be in adminis-

1 trative and clerical --

2 A Not quite 50.

3 Q -- approximately, yes.

4 A Yes.

5 Q And about 16% are minorities?

6 A Of the administrative and clerical, yes. I'm not
7 going to stay here and say that we're -- we're really great,
8 I'm just saying we're moving, that's all I'm trying to say.
9 We're moving, I think, and --

10 Q I understand what you say and we're glad to see some
11 movement.

12 A We've turned it around.

13 MS. McCULLOUGH: I have a question.

14 Q (By Ms. McCullough) Mr. Sieling, speaking of adminis-
15 trative and clerical, there's a great difference in salary
16 and responsibility and decision making. Could you give us
17 specific statistics in terms of the ethnic and sex proportion-
18 ment of administrators and then of clerical?

19 A I'll try to. In the first place do you know what
20 I mean by administrative and clerical? I mean all of our
21 nonunion, exempt people or nonexempt people, all of our
22 office people. You first want the breakdown of the 16%?

23 Q Yes, I'd like the breakdown, ethnic and sex break-
24 down of your administrative category and then the same for
25 the clericals?

1 A Let me give you something that might be of interest
2 to you. Now, these are taken from our last EEO report,
3 my 16% that I quoted are figures as of July 1st of this
4 year, which is more recent. Let me give you just a feel
5 for this.

6 In officials and managers, in 1968, we had 2.9%
7 minority and in 1976, we had 10.1%. In professionals, we
8 had, in 1968, we had 7.4% minority and in 1976, we had 8.5%.

9 In technicians in 1968, we had 4.5%, and in 1976
10 we had 11.4%. In office and clerical, I guess it's
11 reasonably close to what I said except the administrative
12 was thrown in the other figure. In office and clerical we
13 had 7% in our minorities and -- in 1968, and in 1976, we
14 had 16%.

15 Now, is that what you asked about?

16 MS. McCULLOUGH: Yes, thank you.

17 Q (By Ms. Gillette) Mr. Sieling, you mentioned that
18 gradually each year you have had an improvement in your
19 minority figures. In your affirmative action plan, do you
20 have some annual goals or timetables?

21 A Our plan is a voluntary plan, and per se, there are
22 not goals in the plan. We have found it necessary, it
23 wasn't adequate, and we have found it necessary at Disney
24 World and Disneyland to establish better utilization figures
25 and we are in the process of doing that in the studio be-

1 cause we find that is the only way you can grasp at this
2 thing is to have goals and underutilization figures and
3 we are working on that now and that's -- but I can't say
4 it's been done in the past.

5 This has been done without -- this has been, in
6 other words, up to now all we can say we have results,
7 we don't have fancy ways to get there.

8 Q You mentioned two or three times that yours is a
9 voluntary plan, would you elaborate on what you mean by
10 voluntary?

11 A Yes. Only that we have not considered that we have
12 under government contracts and we haven't tried to conform
13 with, what's it, GSA, whereas I guess some other companies
14 have more government contracts. In other words, they have
15 a different type of plan. But we decided we wanted a
16 plan in January, 1974, Card Walker, our president, signed
17 a statement of policy and we disseminated it in all our
18 employee periodicals and our bulletin boards and whathaveyou.

19 Q In that voluntary plan that was enacted in 1974,
20 do you have any incentives for supervisors or managers in
21 terms of hiring minorities or promoting them?

22 A You know, I hate to say this, we -- we've got, we
23 got our finger on it at Disney World and Disneyland. We
24 do not have our finger on it at the studio but we will have.
25 And I'm not just saying this because I'm sitting here, because

1 you're sitting there, had we not had this meeting we will
2 have, because we have found that it's working. And we have
3 found in our other areas that we can pinpoint where our
4 underutilization isn't improving during a 12-month period.

5 Q (By Ms. Gomez) Do you have a breakdown, an ethnic
6 breakdown on your minority categories? What do you mean by
7 minority? Are you hiring all Orientals, all Blacks or
8 what?

9 A Yes, the only -- when I refer to minority I'm
10 referring to the categories under the EEOC naturally. Now,
11 let me see --

12 Q You don't have a breakdown, for example, of the
13 Blacks, the Latinos, the Orientals?

14 A I may have it.

15 Q I'm interested in the Disney World?

16 A On the administrative and clerical, now I hate to
17 keep harping on that but that's something over which I
18 really have some control, we had, on this report that I
19 used, which was July 1st, we had 667 employees in those
20 categories. Of those, we had 107 minorities. Of those,
21 that represents 16%. Of those, we had 36 Blacks, which is
22 5.4%, we have 28 Oriental, which is 4%, we had three
23 American Indian, which is .4, four-tenths of a percent,
24 and we had 41 Spanish-American, which is 6.6%, and fortunately
25 that adds up to 16.

1 Q (By Ms. Gillette) But you don't have any piece of
2 paper that says in 1966, instead of three American Indians
3 we're going to have ten American Indians?

4 A Let me see. In -- I have a piece of paper that
5 says in 1969 out of, we only had 32 minority employees in
6 administrative and clerical, and --

7 Q No, I mean in 1979 what are you going to have?

8 A Oh, I do not have that piece of paper. We will
9 have -- no -- yes, we will have because it will be a
10 five-year program is what we're pointing toward.

11 Q That's what you're developing now?

12 A Yes, yes.

13 Q (By Ms. Hata) Mr. Sieling, all of the minorities
14 and women that you have listed under officials and managers,
15 how many fall into the category of officials? I take it
16 your officials are company officers, is that correct?

17 A Not necessarily. They're -- we have among officers,
18 and I don't really know how many officers we have, we have
19 one -- one officer who's a female, is that what you're
20 referring to or are you referring to minority?

21 Q Right. I was wondering how many minority women had
22 executive washroom keys, for instance?

23 A Okay, let me see if I can find that, hold on, let
24 me look a while.

25 Q And while you're looking you can answer this question,

1 talk about management --

2 A I can't look and think. I don't think I really have
3 the information you're after.

4 Q Perhaps our staff can contact you later?

5 A That will be fine, we'll get it for you.

6 Q You talked about management awareness seminars and
7 you mentioned that you had these seminars dealing with
8 Blacks and Spanish surnamed Americans and women as well as,
9 you conveniently left out Asian Americans and American
10 Indian?

11 A Well, that was a -- that was -- wasn't on purpose,
12 no.

13 Q They are included in your management sensitivity
14 sessions?

15 A That's right, and we've found, our problem is you
16 have to do this every so often. We found it helped and it
17 helped me, helped everybody, but we're developing a brand
18 new program and we're just going to start all over again.

19 Now we have a lot of new supervision since then
20 and some of our old supervision need to have it over again.

21 Q I was also a little interested about Bob Billingslea
22 whom you mentioned?

23 A Yes.

24 Q He is the EEO officer, if my notes are correct?

25 A Yes.

1 Q Now, you said that his staff will include so many
2 clerical positions?

3 A No, I didn't say that, I said his staff will include
4 so many, I didn't -- if I said clerical that was not right.

5 Q Well, the question is, why is it will include, is
6 he set up now, how long has he been in operation?

7 A Let me tell you we're going through a transitional
8 period, we're in -- says this we'll get barraged -- we're
9 interviewing right now for an EEOC manager for the studio.

10 We should shut the mic off to answer these questions.

11 We're in the process of moving a well-trained EEOC
12 representative to a more responsible EEOC job at Disneyland
13 so we're in a flux so that means we have to replace this
14 fellow going to Disneyland and we're looking for a fellow
15 here. We have had two in the field at the studio, we've
16 had two or three at different times in the field at Disney-
17 land --

18 Q (By Ms. Gillette) Now, to whom is the EEOC person
19 responsible?

20 A Several ways. There's a vice president of, like in
21 Bob's case, Bob's stayed in Florida, there's a vice
22 president of employer relations in Florida. And -- but
23 Bob has full access to Card and Don and -- who are our
24 president and chairman of the board, and Card and Don insist
25 on periodic reports where the whole staff from all companies

1 come together and show what progress they have made
2 during the last year.

3 Q Now, is there an EEOC person in your office or
4 Walt Disney Studios?

5 A The person, we have had a person, I didn't want to
6 really get into this, we have had a person at the studio
7 who is not now there and I'd just as soon, if you don't
8 mind, I'd rather not get into personalities, you know, why
9 do it? We are in the process of getting another person.

10 Q And that person would work closely with you or
11 where would he be?

12 A That person will work closely with us and we hope
13 will be of help to us.

14 Q (By Ms. Hata) Would you be able to provide us with
15 the job descriptions for the position that had been opened
16 earlier and the job description for Mr. Billingslea's
17 position, to see --

18 A I can provide it if I wrote one up.

19 Q You don't have --

20 A We don't have any job descriptions. I think in the
21 motion picture business you're going to have trouble
22 generally finding job descriptions.

23 I can speak for Disney's but I think you're going to
24 find if you're talking to somebody else you're going to have
25 trouble finding --

1 Q (By the Chair) Let me ask --

2 A Yes, Mr. Sillas.

3 Q -- your company shows a progress, and one of the
4 things that you hear in testimony of this type or hearings
5 of this type is the inability of employers to first, find
6 qualified people --

7 A That's a problem.

8 Q -- I wondered how, if you might explain to the
9 committee, how you proceeded to find people to fill these
10 positions and to show this increase? What approach --

11 A I'll show you some of our sources. One of them
12 we heard, we used to use the -- we still do but we use
13 the Los Angeles Urban League considerably and Nancy Debois
14 (Phonetic) but we just hired Nancy Debois three weeks ago
15 so she's not going to be doing our hiring, but prior to
16 that we used the Los Angeles Urban League.

17 We have had good luck with the Pasadena Urban League
18 and we've worked with their job fairs, and we've hired
19 some people from there.

20 We advertise in the minority newspapers but I
21 can't say we get great response, but it's -- we do adver-
22 tise in minority newspapers.

23 I happen to know this one thing, this will interest
24 your panel, because I understand you're judging what's
25 happened from '69 to date. And '69 I would say that less than

1 5% of our applicants were minority, and the reason I can
2 say that is the Justice Department attorney was out looking
3 through our records and we developed that information
4 because I had made the point that we did not have a great
5 number of applicants. I would say now, and I don't have
6 exact figures to back this up. I would say now that the
7 number of minority applicants is over 20%. And that,
8 what does that mean? That means that somehow the word is
9 getting out in the community that there are jobs in the
10 motion picture industry.

11 Q (By Ms. Gillette) Now, what percent of that 20%
12 might get hired?

13 A Well, depending, I need a job and they have to be
14 qualified. That is part of where we're picking up, you
15 know, I hire like mad and pick up about one person a year
16 but I mean that's -- so I would say no, that some of the
17 applicants that hit us are not qualified applicants, and
18 I've made more mistakes hiring nonqualified applicants.
19 You know, I mean that's another problem so they've got to do
20 a job.

21 Q If there are no job descriptions how do the employees
22 know what their job is and what they're supposed to do and
23 how can you determine whether they are qualified to do
24 the job?

25 A We don't have such turn -- we don't have such changes

1 in our organization that there -- we have lots of
2 brand new jobs and brand new desks. Normally we have an
3 accounting department and we have certain functions, and
4 maybe not too many people quit us, our turnover are
5 babies or retirement or something, I mean they don't go
6 across the street to get another job but we have certain
7 expansion and we know what this -- what this work has been
8 done for years. It's not new work. So we generally know
9 what level we have and you can overhire a person as well
10 as underhire a person, so it's important to get him -- the
11 right person on the right level job.

12 We have no trouble doing that without the formalized
13 job descriptions.

14 Q Does that then mean, Mr. Sieling, that since Disney-
15 land sounds -- Disney World sounds like a good place to
16 work, the people stay there, that when they get --

17 A I was making reference to the studio --

18 Q To the studio, that's really what I meant, Disney
19 Studios, that when they get ready to leave, then they tell
20 their friends and relatives about the job and kind of
21 tell them what's --

22 A We do get -- we get, I would say that we probably
23 get our best referrals from employees.

24 Q (By the Chair) So the more minority employees you
25 have --

1 A That's right, it's just one of those things that
2 it just took us a while to get going, but it --

3 Q (By Ms. Gillette) So you may not ever advertise
4 with the urban league or all of those because you've already
5 got somebody?

6 A No, no, we do it all, but if someone who works for
7 us says that they can recommend someone, I'm interested in
8 that. Because they're not going to recommend them unless
9 they think they're all right for us. And we -- but we do
10 get a number of employees just by referral and the bigger
11 the group of minorities the more referrals you're going
12 to get.

13 Q (By Ms. McCullough) Mr. Sieling, do you have a
14 discrimination complaint processed for those applicants
15 or employees who might have problems or feel they've been
16 discriminated against?

17 A We have a position in our company that's EEOC
18 manager that we're now replacing and his prime job is not
19 labor relations, his prime job is directing his attention
20 to this and being available for complaints.

21 Now, I don't think anyone hesitates to come to me,
22 but in addition to my being there, there is a spot where
23 -- where that person can go for guidance, counsel, com-
24 plaints, whatever he wants.

25 Q Is this knowledge made available to all your employees?

1 A I think so.

2 Q That you have this policy?

3 A I think so. We're not that big a studio, you know,
4 we're just a little thing there, we don't have very many
5 secrets. Good or bad we don't have any secrets.

6 Q One other point, you mentioned that you have EEOC
7 type training, do you employ minorities as trainers?

8 A We make our EEOC manager give the program. And so
9 it's not -- it's not an outside -- it's not an outsider
10 person.

11 Q Then I can ask, are your EEOC managers or manager
12 of a minority --

13 A Yes.

14 Q -- group?

15 A Predominantly Black.

16 Q One other question then, do you feel that Blacks
17 can properly represent the cultures and concerns of all
18 minorities?

19 A Well, who knows? I'm not going to fall into that.
20 I don't know whether -- it depends on the individual. I
21 mean I can represent the minority, if -- if -- you know,
22 under the right conditions if persons come to me I can help
23 the minorities and I'm White. But -- and I think probably
24 the proper Black person can help a Spanish-American, an
25 Indian and an Oriental if his attitude's right and if he's

1 knowledgeable and does his job right. I don't think -- I
2 don't think race has anything to do with that, you're
3 either capable or you're not capable, you either do your
4 job or you don't do your job.

5 Q (By Ms. Hata) Mr. Sieling, I haven't been to a
6 Walt Disney movie since I've been a kid, you've mentioned
7 several movies in which minorities have played some leading
8 roles, could you very briefly run through what kinds of
9 roles these were?

10 You mentioned the Treasure of Matacumbi?

11 A Let me tell you something, I'm the personnel
12 director. I don't have a darned thing to do with casting,
13 you know --

14 THE CHAIR: What he's saying is he hasn't seen them
15 either.

16 A Let's see if you want a list or something I'll get
17 you a list, but don't embarrass me by trying to remember.

18 Q (By Ms. Gillette) You don't have anything to do
19 with casting?

20 A I am kind of proud of those Mickey Mouse figures,
21 you know.

22 Q Well, who does handle the casting?

23 A We have a casting director who I was hoping would
24 come down, but he's been sick for three weeks, he didn't
25 even know about your hearing. And we have a full casting

1 department, I don't have anything to do with that.

2 THE CHAIR: Helen?

3 Q (By Ms. Bernstein) I've a couple questions.

4 Have you ever had or considered or would consider,
5 an outside monitor to come in and monitor your affirmative
6 action program to see if the studio --

7 A I think this, if the party were authorized government
8 agency, naturally, you know, we just -- everyone would
9 like to volunteer and come in and audit us and this
10 economist this morning who was talking about having trouble
11 getting figures. He doesn't know how many selfappointed
12 people want to have figures.

13 But naturally we're subject to audit anytime. But
14 I'm saying that we're not going to go out and ask a lot
15 of volunteers to come in and audit us, we want bonafide,
16 authorized -- my attorney, am I getting in trouble?

17 MR. JANOFKY: Not at all, you're doing very well,
18 I think.

19 Q (By Ms. Gillette) Just a brief question, how many
20 attorneys does Disney Studio have?

21 A Pardon?

22 Q How many attorneys does Disney Studio have?

23 A They have quite a few but he's one -- Leonard's
24 an old friend of mine.

25 Q He looks like an excellent attorney but you know what

1 my next question is going to be, how many minority attorneys?

2 A We have one -- we have -- if I wouldn't say anything
3 I'd be better.

4 We have one Black who is an excellent --

5 Q Naturally.

6 A -- an excellent attorney who wouldn't have a thing
7 to do with our EE -- in other words, he does not want to
8 be associated with, as being an EEOC monitor or adminis-
9 trator or whathaveyou. He wants to be Disney's best
10 attorney and he -- and someday he will be.

11 Q (By the Chair) Let me get back onto my question.

12 Some of the problems you may have faced as you im-
13 plement this program, I gather from what you're saying
14 there's apparently been some form of commitment from the
15 top part of management --

16 A Believe me.

17 Q -- that's been able to filter down to the -- through
18 all the levels so that the hiring practices take place.

19 What have you encountered in terms of problems as
20 a result of that? For example, do you find a charge of
21 reverse discrimination on the part of, say the White male?

22 A If I hire competent minorities, I won't have any
23 problem of reverse discrimination charges, where I get
24 in trouble and I have gotten in trouble and I got in
25 trouble long before the EEOC in 1969, is where I go out of

1 my way and hire a nonqualified minority, then I'm in
2 trouble. So it's -- our problem is attracting, the secret
3 to everything is attracting qualified people, because
4 once you get them on the payroll they've got to do a job.

5 Q Your EEOC officer handles complaints from all
6 parties?

7 A That's right.

8 Q I think it might be of interest --

9 A Except labor, if someone -- if it were

10 Q But on the basis of discrimination --

11 A That's right.

12 Q -- I don't suspect you have the data here but I would
13 appreciate if you could leave with the staff the number of
14 complaints that you had received specifically in terms of
15 the break then, whether or not those complaints have been
16 of White, of Black, Chicanos?

17 A I happen to know that in, to my knowledge, we've
18 had two charges, you're talking about charges?

19 Q Yes.

20 A We've had two charges which we haven't resolved yet
21 because of change in the position. One of these charges
22 was a young girl who was an office worker, who, during her
23 probationary period, and incidentally in -- we're unionized
24 in our office force, we have control of our hiring, but
25 we're unionized.

1 Under our contract, if a person stays beyond the
2 probationary period you just have one terrible time getting
3 -- terminating them. I mean that's just the business.

4 During the probationary period, and incidentally
5 I didn't know this -- this girl turned out to be an Indian
6 girl, I didn't know it and we would have taken credit, be-
7 lieve me we'd like to but we did not know that.

8 We had her classified as a Caucasian.

9 During the probationary period the manager came to
10 me and says she does not have enough technical work --
11 knowledge for the job. I said get rid of her before the
12 probationary period.

13 Not knowing she's a minority. And we did. And about
14 a month later, we got a charge of maybe, or maybe two or
15 three weeks later we get a charge saying we fired her
16 because of racial discrimination and she was an Indian.
17 I need Indians, particularly, and she wasn't that bad,
18 she just was not qualified for that job. And had I known
19 that I could have moved her to a less demanding job. I
20 picked up the phone and I called her. And I said, you
21 know I don't have a darned thing to do with your charge,
22 that's another office. But I would like to entertain
23 your coming back to the studio if you would like to.
24 And she said, well, Mr. Sieling, she said, I have a job
25 offer, I don't think I'm going to take it, I think I'd like

1 to be considered. I said fine. So I turned to our employ-
2 ment supervisor and I said don't you have something that this
3 girl can do? Other than the fact that the spot we put her
4 in was over her head. We asked her to come in to offer
5 her a job, she didn't show up, and the supervisor said she
6 didn't show up. I -- I'm practicing my speech before the
7 charge, because we have --

8 Q I'm more interested in the statistics.

9 A Anyway, she never showed up and she'd taken another
10 job.

11 One other thing was equally, in my opinion, of course
12 I'm not saying not having charges means you're -- you
13 know, anyone can make a charge, it might be a valid charge
14 or nonvalid charge.

15 Q I was only interested in, I mean one of the things
16 that you deal with when you deal in this area is the charge,
17 both of discrimination and then, in turn, reverse discrimina-
18 tion and what the panel is interested in is how you would
19 proceed as a matter of method to continue to show advancement
20 and yet somehow keep everybody in order?

21 A I'm saying is if we -- I still go right back to the
22 answer if we can attract and hire qualified minorities,
23 we will have no problem. If we -- if we put minorities
24 on a job that are not qualified, the people around them are
25 going to say why? You know, how come, how come, you know?

1 I can't get away with that. So that's the answer,
2 and I don't think there's any other answer. And --

3 Q (By Ms. Gomez) Mr. Sieling, I would like to under-
4 stand your voluntary affirmative action plan, but you say
5 it's voluntary. Is it because you don't get any federal
6 funds at all or the amount --

7 A That's right.

8 Q -- in your estimation is minimal?

9 A That's right, at the time we did this we did not
10 have -- we did not qualify for GSA, whatever it is, you
11 know, at Walt Disney Productions.

12 Q And you don't now?

13 A We may, we may not, I don't know, but all I'm
14 saying is that in January of 1974, when we did this, I have
15 to say it was a voluntary thing.

16 Q I thought you meant that you didn't have to, didn't
17 have to have it because you didn't get any money, you
18 know, you --

19 A Well, that's true, we didn't, in our opinion at that
20 time we didn't have to. Our management is seriously
21 interested in the field, there's no one -- there's no one,
22 you people can't get on me half as much as our chairman of
23 the board and our president, believe me.

24 Q (By Ms. Gillette) Glad to hear that.

25 A They are seriously interested and this is not lip

1 service, this is a feeling, so that's where our thrust is
2 coming from.

3 Q Well, let me ask you in terms of this, your commit-
4 ment again, you mentioned the unions and that your adminis-
5 trative people are unionized.

6 A Our clerical people are unionized but I have control
7 of hiring. I do not have -- you know, I just hire, I hire
8 the best qualified people I can find.

9 Q In the contract that you have with the union, is
10 there anything about equal employment opportunity written
11 into that?

12 A Oh, I'm sure there's the normal clause saying there
13 will be no discrimination for race, you know, I --

14 Q But that's the extent of it?

15 A I've never seen a contract lately that doesn't have
16 that clause in it and I'm sure ours does.

17 Q But there's nothing in there about affirmative hiring?

18 A No.

19 Q Or upgrading of mobility or anything?

20 A No, and our office workers' union is going right along
21 with what we're doing completely, we have no problem.

22 Q (By Ms. Bernstein) At the studios do they have any
23 kind of a job training program so that you can find these
24 qualified minorities?

25 A We do not have, the only on the job training we're

1 involved in is to the -- through the trust fund, and one
2 thing that might be of interest to you, we've had four
3 IBEW apprentice electricians and three of those happen to
4 be Spanish-American and one's now foreman of the -- one of
5 the first ones that went through is now foreman of the group.

6 Q (By Ms. Gomez) What is IBEW?

7 A International Brotherhood of Electrical Workers,
8 it's one of the -- it's heavy electricity rather than lamp
9 operators who are setting the stage, that type of thing.

10 Q (By Ms. Bernstein) But in the studio it doesn't
11 sponsor any kind of --

12 A No, we don't have -- well, oh, the only -- the only
13 thing that we really do, which is a good portion of the
14 heart of our business, is this -- this animation development
15 program. And we're not looking for journeymen, we -- this
16 will interest you if you want to give me one more minute.

17 We are looking for extreme talent, we are -- our
18 top animators came to the studio with Walt and you know
19 the quality of our work versus -- versus someone else and
20 that's because we have certain extreme talent. We have
21 been looking for that otherwise we're -- we're going to have
22 a void and it's going to affect the position of everyone
23 else so we're not looking for someone who can just draw
24 the line, that type of bit, what's really interesting to me
25 and I didn't really know this until I did some preparation

1 for this meeting, is that we knew we had the program, I
2 didn't know what our ratios were in that program, you say
3 well, why not, Ken? Well, why not is because we're
4 looking for such extreme talents and we're sending repre-
5 sentatives to art schools all over the United States that
6 it's not really a type of thing that I can really get in on
7 too early and say now do this and this and this.

8 Secondly, there are two or three screenings before
9 our committee, and our committee happens to be the eight or
10 nine or ten top creative people in our business in animation,
11 there are two or three screenings before they know whether
12 this applicant is a male or a female or a Black or White.

13 This selection process is almost through. This I
14 think is quite interesting, the selection process is almost
15 through before they have access to meeting the person.
16 And with that, and just plain on merit hiring we've ended
17 up with those percentages I quoted earlier.

18 Q (By Ms. McCullough) I have one last question. You
19 mentioned earlier that you do not have job descriptions
20 written, therefore I'd like to ask, how can a minority
21 person determine whether or not he or she is qualified to
22 apply for the various positions that you do have?

23 A If you have a qualified man you send him to us, we'll
24 find --

25 Q My question is how is one to know?

1 A Normally, when we put the word out in the community
2 and we do, we're either looking for secretary, which requires
3 certain skills, which we identify, we're looking for a
4 clerk-typist that requires a typing skill which we identify,
5 or we're looking for an accountant, we have a number of
6 minorities in accounting, we're looking for accountant that
7 either requires a degree or doesn't require a degree. It's
8 not that hard and we can -- and we can put -- we can just
9 put a few words out and get reasonably close --

10 Q So you're saying that all of your positions that you
11 would employ someone, have understood descriptions?

12 A We know what our jobs are, that's all I'm saying,
13 we know our business, we may not have it written down but
14 we know our business.

15 Q One last thing. I understand that you know my
16 question has to do in terms of the public, in terms of
17 preparing to apply for various positions that you might
18 have available. How can -- how can you communicate to them
19 what the qualifications are?

20 A As I say, normally what we do is we call -- we call
21 the agencies, the minority agencies and tell them what
22 we're after and they know whether they have someone in that
23 area, and they send them to us.

24 We place ads in the Los Angeles Times, we place ads
25 in the minority newspapers, and that describes generally

1 what we're after. But really, until you come in, fill out
2 an application and talk with them, they don't know, we don't
3 know.

4 Q (By Ms. Hata) Mr. Sieling, are these ads placed in
5 minority communities and with minority agencies or agencies
6 that have minority applicants for hire, are these jobs
7 simply the clerical staff?

8 A Not necessarily, I think we have a policy now that
9 we notify -- we notify these people of every job that we
10 have open in our office.

11 Q From clerical staff all the way up to a managerial?

12 A It might be assistant, now I don't hire the president,
13 you know that, but in the area in which realistic, it might
14 be a systems analyst, it might be a graduate accountant,
15 it might be -- and we don't try and divide whether the source
16 is there, we let them know of any job we have.

17 Q Any job and every job you just don't beat tom-toms
18 in the community for secretary and by word of mouth that the --

19 A No, any job in which we're hiring.

20 THE CHAIR: One final question.

21 Q (By Ms. James) Yes, a couple real short, just
22 specific clarification.

23 You mentioned that you have minority construction
24 program that was recently --

25 A Just about to, yes.

1 Q When? Just when?

2 A I would say within the last six months, and it's
3 written up and we've had one application so far, we're not
4 over -- we don't know whether -- we don't know to what
5 degree it's going to work but it's written up and it's
6 given to our procurement man as a directive that we're
7 interested in.

8 Q You mentioned you participate in the off-roster
9 program, do you -- how many people have you asked from the
10 off-roster program since it began?

11 A You know, to need -- to need to go to the off-
12 roster program, one, you need jobs. Two, you call the
13 unions and see if there's anyone on the roster. Then you
14 go to the off-roster. We are not going to be in that
15 position until February of 1977. Disney is 100%
16 committed to using the industry off-roster office, that
17 stems down from our top management. How have we done? We
18 haven't done it but we will when we get in the business
19 to need it.

20 Q Is it because you're not in production now, is that --

21 A We're not -- we're phasing out. We're not employing
22 now. We're not building any more sets. Sure we have a
23 picture or two shooting but no more sets are being built,
24 you know, it's just going down and will be quiet until
25 February.

1 Q Do you keep any kind of tabulations on the number
2 of on-camera, non-described --

3 A I don't know that.

4 Q What about --

5 A When you talk to -- when we talked to you we got
6 the feel, at least, that the thrust was something within
7 my area, occasionally you get something, I just don't know.
8 I don't know that.

9 Q What about, would it be in your area at all or maybe
10 I can check back with your office later, on the use of
11 stuntmen?

12 A I understand that we have improved and I supposed
13 if you talk to -- you're referring to the Black stuntmen?

14 Q Well, minority stunt people?

15 A Yes, I understand that, and I don't -- I haven't,
16 that's not within my jurisdiction but I understand that we
17 are making movement in that direction.

18 Q Who should I talk to?

19 A I think probably for consistency you ought to come
20 to me and then we'll direct you after you get there. I
21 had something, let me see.

22 Q Just one more question, I promise, Mr. Sillas.

23 You mentioned in your statement that you were develop-
24 ing a five-year program. When will you complete the
25 development of that program?

1 A I'll answer that, it won't be that difficult be-
2 cause we have it at Disneyland, we have it at Disney World,
3 we have the mechanics, we have the principles, the big
4 problem is applying our figures into their program and
5 then getting with -- from top management right on down
6 and going over it with them, you know.

7 So when you say all through, I would say the program
8 won't be all through until we have thrown figures in there,
9 we've thrown goals in there and have actually discussed
10 it right down to the lowest level of supervision, that
11 may -- what did I say? I won't say. We're working on it.
12 But we're not working on it in the future we're working
13 on it right now.

14 THE CHAIR: Okay, I want to thank you and Mr. Janofsky
15 for your attendance this afternoon.

16 MR. JANOFSKY: Thank you, Mr. Sillas, I appreciate
17 very much your courtesy as Chairman and the courtesy of the
18 other members of the commission in directing their questions
19 to Mr. Sieling.

20 THE CHAIR: Do we have now a representative from the
21 Paramount Studios?

22 I'd like the record now to reflect a letter received
23 or dated October 20, 1976, addressed to myself as Chairperson
24 of the U.S. Commission on Civil Rights, Dear Mr. Sillas,
25 we have received your letter of October 8th inviting us to

1 discuss our affirmative action efforts with the California
2 State Advisory Committee on October 21st. We are troubled
3 by the vagueness of the committee's areas of inquiry and
4 the brief period allowed to prepare for meaningful dialogue
5 on a highly complex subject.

6 Further, and without regard to the foregoing, we
7 feel that our mutual concern for equal employment oppor-
8 tunities could best be advanced by a meeting between the
9 parties.

10 If you wish us to supply specific information per-
11 taining to our progress in the field of affirmative action,
12 please feel free to contact us in order that a mutually
13 convenient time may be arranged.

14 Let me ask Ms. James, there was, was there not, a
15 specific contact made with Paramount Pictures Corporation?

16 MS. JAMES: Yes, I met, well, we first sent them a
17 letter on August 27th, informing them of the study, and
18 the first week in October we sent a letter about the hearing.
19 I met with Paramount personnel people last week, to dis-
20 cuss the areas that we were going to cover in the hearing
21 today, I believe it was last Thursday, Thursday or Friday,
22 and at that time they had suggested to me that it seemed
23 to me that they were going to send Mr. Proctor at that time.

24 THE CHAIR: I'm sorry, who were they going to send?

25 MS. JAMES: Mr. Proctor, Robert Proctor.

1 THE CHAIR: This letter is signed by David V. Picker,
2 P-i-c-k-e-r.

3 MS. JAMES: I believe that's the president.

4 THE CHAIR: Did they just -- did they indicate any
5 vagueness at the time about what we were inquiring about?

6 MS. JAMES: Well, I shared with them the areas that
7 we wanted to cover and I was available to answer questions
8 if it was unclear what kinds of questions we would be
9 asking.

10 THE CHAIR: But your last contact with them was that
11 they were planning on being here?

12 MS. JAMES: Yes, sir, I said I'll see you next
13 Thursday and they said see you next Thursday.

14 THE CHAIR: All right. Is a representative from
15 20th Century Fox present?

16 I'd like the record to reflect I received two
17 letters from 20th Century Fox, one dated -- both dated
18 October 20th -- I'm sorry, I have one letter, dated
19 October 20th, addressed to myself. Dear Mr. Sillas, this
20 will acknowledge receipt of your letter of October 8, 1976,
21 received by us on or about October 11, 1976, inviting us
22 to attend a public hearing on the employment of minorities
23 and women in the motion picture and television industry,
24 to be held on October 21, 1976.

25 We must respectfully decline your invitation to appear,

1 not only is the notice of the hearing too short to allow a
2 thorough preparation of the relevant facts, but of greater
3 importance we feel that the cause of equal employment
4 opportunity a cause to which our organization, like your
5 commission, is fully devoted, is best furthered by an
6 exchange of information and suggestions at a meeting
7 directly between the concerned parties.

8 If representatives of your committee would like to
9 meet with us, receive information and offer suggestions on
10 how we could improve our efforts to achieve equal employment
11 opportunity, please contact us so that a date and time can
12 be mutually agreed upon.

13 This is signed by Dennis C. Stanfield.

14 Let me ask again, Ms. James, the date that the con-
15 tact was made here in both of these letters, both from
16 Paramount and from 20th Century, is that the same time you
17 also contacted Disney?

18 MS. JAMES: Yes, right, it is.

19 THE CHAIR: Were you in contact with 20th Century
20 Fox?

21 MS. JAMES: Yes, I met with Mr. Al Meyer this last
22 Monday for the same reason, to inform him of the areas of
23 questioning, at that time he told me that someone would be
24 here from 20th Century. He was not sure he himself would
25 be since he was going to be in meetings this morning. But

1 that somebody would be here.

2 THE CHAIR: And there was dialogue between him and
3 yourself in terms of --

4 MS. JAMES: The areas of the questioning, right?

5 THE CHAIR: And there was indication at that time
6 that they would appear?

7 MS. JAMES: Yes.

8 THE CHAIR: I have a letter dated October 20th
9 from Warner Brothers. Dear Mr. Sillas, this is in response
10 to your letter to Frank Wells of October 18th, 1976, and
11 reflective of our company's subsequent conversations with
12 Sally James of your office.

13 Warner Brothers, Inc., would be pleased to provide
14 information to the California State Advisory Committee
15 on the progress and problems involved in the employment
16 of minorities and women in the motion picture industry and
17 specifically in our company.

18 However, doing so at the intended general public
19 meeting will not, in our view, be the most productive
20 and efficient manner in which to proceed.

21 The questions and answers in public forum approach,
22 can not, in our view, promote the quality, reasoned, in-
23 depth review and exploration of matters as complex as those
24 with which we are dealing.

25 Furthermore, since many of the questions must necessarily

1 relate to different problem areas it would unquestionably
2 take more than one of our executives, well-versed in the
3 various areas to adequately answer the question that would
4 be posed.

5 Therefore, the opportunity to review our specific
6 questions and to research and discuss them internally with
7 the various departments involved, would, we believe, result
8 in the end in more accurate and thorough answers and explana-
9 tions.

10 Based on the foregoing, we must respectfully decline
11 the invitation to appear at the public hearing, but do
12 welcome and indeed encourage your further communication
13 with us.

14 Our company remains committed to the ideals of fair
15 and equal employment opportunities for all and continues,
16 unabated, its efforts to achieve this goal.

17 And this is signed by Jack E. Friedman.

18 Ms. James, did you have contact with Warner Brothers?

19 MS. JAMES: Yes, they received the same communications
20 as the others, however there was somewhat of a difference.
21 I did meet with Mr. Friedman and members of Warner Brothers
22 on October 15th, last Friday, and at that time they indicated
23 they were not sure that they would want to participate in
24 a public forum, that after I discussed with them the areas
25 of questioning and the format for the meeting, they would

1 discuss amongst themselves, Mr. Friedman called me yesterday
2 to indicate that they had decided that they would prefer
3 not to participate and he apologized for calling at such
4 a late date.

5 THE CHAIR: All right, and again, for the record,
6 my understanding is that your contact with these studios
7 and Disney's was at the same time?

8 MS. JAMES: Yes, sir.

9 THE CHAIR: All right.

10 I'm going to meet with, ask the panel to meet shortly,
11 perhaps at one of our recesses, I'm seriously considering
12 having, inviting the U.S. Civil Rights Commission and its
13 full board to appear, and exercise its subpoena powers for
14 the presence of the parties here.

15
16 (Applause)

17
18 THE CHAIR: I would now like to move on to the other
19 party.

20 And I should clarify for those here at this open
21 meeting, that the department or this panel is an advisory
22 committee, its function is to be a fact-finder, and persons
23 are invited to testify. And it seems a little disturbing
24 and I think raises some serious questions of commitment on the
25 part of studios who refuse to appear to display whatever

1 their commitment is in terms of this particular area in
2 an open meeting.

3 And I -- as I indicated, we will, I think, take some
4 definite action that will clarify that matter very quickly.

5 We'll take a ten-minute break.

6
7 (Short recess)

8
9 THE CHAIR: All right, if we come back into session
10 now.

11 Let the record reflect that all committee members
12 are back with the exception of Helen Bernstein.

13 MS. HATA: Mr. Chairman --

14 THE CHAIR: Yes, I wanted to make an announcement at
15 this time. I have conferred with the members of the
16 advisory committee and it is their unanimous decision that
17 I instruct and ask the Western Regional Office staff to
18 prepare a letter requesting and inviting the Civil Rights
19 Commission to conduct a hearing on the question of the
20 employment of minorities in the film industry. And to
21 exercise in that hearing their subpoena powers on any and
22 all witnesses.

23 And I would ask that that letter be sent either
24 today or tomorrow at the latest.

25 All right, we'll now proceed with the next scheduled

1 witness, and is there a representative from Universal
2 Studios?

3 Would you state your name for the record, please?
4

5
6 MR. GARETH HUGHES

7 A (By Mr. Hughes) Yes, Gareth Hughes. Representing
8 Universal Studios and we have no prepared statement, however
9 we would be pleased to answer any questions that you may
10 wish to ask and we'll be pleased to provide you with any
11 detail that we're unable to do so today at any future
12 meeting that you may request.

13 THE CHAIR: Very fine.

14 Okay, Helen?

15 Q (By Ms. McCullough) Mr. Deesen, since the 1969
16 EEOC hearings --

17 A Mr. Hughes, Hughes.

18 Q Mr. Hughes, I'm sorry. Has your studio developed
19 a written affirmative action plan?

20 A Yes, we have.

21 Q Could you give us some information regarding that
22 plan, please?

23 A Well, the plan itself, the affirmative action program
24 which was developed in 1971 and has been recently updated
25 in 1976, provides basic concepts dealing with the goal of

1 improvement of minority employment for minorities and women.

2 Q Does it include an analysis of the work force? And
3 if so, what is that analysis?

4 A The recently updated program has with it a goals
5 and timetables program, a very broad, far-reaching program.
6 That program is presently under submission for approval
7 with an agency of the United States Government, and during
8 the pendency of that submission, we would be reluctant to
9 discuss it in detail until such time as an approval has
10 been sought and filed.

11 Q And as I understand correctly, you have a written
12 plan but it has not been put into effect, is that right?

13 A In so far as the goals and timetables aspect of it,
14 the specific goals and timetables, that's correct.

15 Q I see. Are you able to provide us with any kind
16 of work force analysis?

17 A Well, obviously we, as all other employers in this
18 community, have EEO-1 reports, copies of which I believe you
19 have and if you don't we would be pleased to make them
20 available to you at subsequent times.

21 The most recent of which indicates a minority
22 employment of some 16.4% which was measured in about the
23 middle of February, I believe, which is the traditional
24 measurement date for the motion picture industry.

25 Q Could you tell us what the percentage of minority,

1 of employed in 1969 were as opposed to 1976?

2 A The amended form, which I believe the commission does
3 have, indicated some 13.5%. It's difficult in the motion
4 picture industry, particularly in view of the nature of the
5 employment, which to a great extent is daily, there's a
6 tremendous degree of portability in the industry, an
7 employee may be working one day at Fox on Monday, perhaps
8 Tuesday at Universal and Wednesday at Disney, so you're
9 not always totally sure of what that work force is going
10 to be. And the Snapshot, which indeed is what it was in
11 1969, indicated 13.5%. The Snapshot in 1976, indicated
12 16.4%.

13 We, from time to time, wondering is it just a snapshot,
14 is it accurate, or are there other figures that might be
15 more accurate or less accurate as the case may be? Have
16 taken measurements at other times and have found that there
17 can be a swing of as much as 4%, depending upon the time
18 of the year and depending upon the nature of the work force.

19 Q Could you tell us something about the staff you have
20 employed? I assume that if you have a written affirmative
21 action plan that you also have an EEOC staff?

22 A Well, we view the EEOC responsibility as an integral
23 part of the industrial relations responsibility for which
24 I am responsible.

25 Within that confine, we have several people who spend

1 a significant amount of their time on EEO-related matters.

2 Q That means that you have the responsibility for the
3 EEOC program, is that right?

4 A The executive responsibility.

5 Q And who do you report to in terms of the organizational
6 structure?

7 A The president and the chairman of the board.

8 Q Is there a discrimination complaint process for
9 employees or potential employees if they have a complaint
10 of discrimination?

11 A There is a procedure which is followed with some
12 regularity where, again, remembering that in our view the
13 EEOC responsibility is an integral part of industrial
14 relations' responsibility, where we encourage those employees
15 who feel that there is a problem that needs attention from
16 management, to visit the industrial relations department
17 and they do so on a fairly regular basis.

18 Q Are equal employment opportunity concerns negotiated
19 in contracts with the unions?

20 A There are some, approximately 40 collective bargaining
21 agreements covering both unions and guilds in the motion
22 picture industry, which in itself is almost unmanageable,
23 and I believe that, in fact, I'm sure there is a non-
24 discrimination clause in each and every one of those contracts.
25 It would be fairly standard.

1 Q Does your company have a clearly stated policy re-
2 garding the EEOC, and is that known to unions and employees?

3 A The EEOC, commission itself or just the subject
4 matter?

5 Q Does your company have a clear policy regarding
6 employment of minorities and women and is that known to the
7 unions and to all employees?

8 A Indeed we have submitted it to the significant
9 employees in our company, and by that I mean the people
10 who are -- who have the ability to influence employment
11 itself. Letters from the president and the chairman of
12 the board indicating renewal of our feelings and conviction
13 in this area.

14 And we'd be pleased to provide you with whatever
15 letters there may be.

16 Q Would you summarize for us what problem areas you've
17 been able to identify in the development of an affirmative
18 action plan? And what the resolutions might be for those
19 problems?

20 A The biggest single problem, and I certainly share
21 the view that Mr. Sieling mentioned earlier about simply
22 qualified people are clearly the best way to achieve further
23 progress, but also along with that is thinking, thinking.
24 And by that I mean the people who are presently there and
25 have the opportunity to influence employment think. It

1 almost may sound corney, they say think Black, think Chicano,
2 think Oriental, think Indian, think female, but think.

3 The -- particularly in the film industry and even
4 more particularly in television part of the film industry,
5 the exigencies of production are at times so incredible
6 that it's truly a miracle that some of the programming
7 gets on the air.

8 Whether you agree it should be on the air or not,
9 I suppose is a separate question, but nevertheless, so much
10 time is spent trying to rush, rush, rush, rush, to get
11 this product into the marketplace, that it is so easy to
12 forget.

13 In meetings we've had from time to time, in fact
14 with a great deal of frequency with representatives of
15 certain -- certain groups, one of the things that they've
16 stated that they run into so frequently is when they bring
17 a matter to the attention of management, any particular
18 management, they'll say gosh, we forgot, we'll catch you
19 next week.

20 The we forget is probably one of the major problems,
21 and that's where the conviction of management has to come
22 in. With a constant renewal and a constant reminder, and
23 not simply a reminder in the form of memorandum which are
24 read, hopefully remembered, perhaps forgotten, but a constant
25 personal reminder as well. And we try to, in the industrial

1 relations area, our organization, to visit with these people
2 who influence the employment as regularly as seems
3 appropriate, in order to accomplish this goal of think,
4 think, think before you act.

5 Yes, you have to get that show on location at
6 Ventura and Lancashire, preferably when the camera truck
7 shows up it has camera in it, which happened one day, it
8 didn't. The good news, the trucks rolled up. The bad
9 news was there was no camera. Think. And that probably
10 is the singlemost difficult problem.

11 And it's solved by constant renewal and constant
12 reminder, by virtue of the fact that these hearings are
13 taking place, by virtue of the publicity that's been
14 generated in the trade papers and presumably in the L.A.
15 Times also, I haven't seen that. And awareness is probably
16 the name of the game, awareness.

17 Q (By Ms. McCullough) I'd like to get back a little
18 bit to your written affirmative action plan, the EEOC
19 hearings were in 1969, this being 1976, I understand you to
20 say that your plan has been developed, however not imple-
21 mented, could you tell us why the delay in time, why five
22 or six years of that plan?

23 A Implementation perhaps is a misnomer. The program
24 or the actual affirmative action plan itself was designed
25 initially in 1971. An additional program, together with

1 update of the plan, was developed in conjunction with dis-
2 cussions with particular agencies of the United States
3 Government and it's presently under submission with them,
4 so the plan itself has been in effect, dealing with concepts
5 and thoughts and principles, the details of a, quote, goals
6 and timetable plan, separate from an affirmative action
7 plan but an integral part. Those details are, as I say,
8 under submission right now.

9 MS. McCULLOUGH: Thank you.

10 THE CHAIR: Any questions from members of the panel?

11 Q (By Ms. Gomez) Mr. Hughes, what position do you
12 hold, what is your title?

13 A Vice president for industrial relations.

14 Q For industrial relations. What is the ratio of
15 minorities in vice presidential positions or in a higher
16 executive position? Do you have any vice presidents? That
17 are minority?

18 A Yes. Off-hand, and we'd be pleased to provide this
19 to you in detail subsequently, four female vice presidents
20 that come to mind immediately.

21 Q In what department or what --

22 A Two are in casting, one in market research and one
23 has responsibility in the financial area. Additionally
24 there are, and I have not seen the list recently so I'm
25 not that familiar with it, other women who are officers of

1 the organization but have not achieved the vice presidential
2 status, secretary, assistant secretary, that kind of an
3 officership.

4 Q Is the procedure lengthy to get to the executive
5 part of the industry?

6 A Well, that's --

7 Q I mean is that a long time? How long does it take
8 for this?

9 A I don't know how --

10 Q In your estimation?

11 A I don't know how to answer that question, it's --
12 it probably takes, and I don't mean to be facetious at all
13 but it probably takes as long as it took each one. It's
14 a function of attrition, it's a function of performance,
15 it's a function of need, a variety of functions.

16 It's really hard to say that there's any strict
17 two years, five years, ten years, 12 years, I'm not aware
18 of it. Just, it's a function of those other varieties.

19 Q But you do have some at the executive level?

20 A Yes.

21 Q And they're not just women, they're ethnic minorities?
22 I'm not talking about women --

23 A Well, the ones I just --

24 Q I'm talking about Blacks, Spanish-speaking surnamed,
25 Oriental?

1 A One is a female Black as an example. We have
2 recently employed a gentleman in New York, part of our
3 functions there but still responsible here, who I think
4 in the very near future and he shall remain nameless because
5 we haven't concluded this yet, but is probably going to
6 be promoted to a vice presidential position.

7 THE CHAIR: Mr. Glick?

8 Q (By Mr. Glick) Mr. Hughes --

9 A Yes, sir.

10 Q Mr. Hughes, you're going to have a goals and time-
11 tables aspect of your affirmative action plan?

12 A That's correct.

13 Q And so there will be responsibility for meeting that
14 among officers of the corporation and lower level people.
15 I'd like to tell you about something that I learned in
16 hearings that our commission held in Chicago a couple of
17 years ago.

18 And one of the entities that testified was Sears
19 Roebuck Corporation, the chairman of the board testified,
20 and he indicated that as a factor in rating store and
21 district managers for promotion and for bonus and salary
22 increases was their performance in the affirmative action
23 responsibility. I wondered whether, of your program,
24 your affirmative action plan couldn't create that kind of
25 an incentive and disincentive which seem to work very well

1 for Sears Roebuck, in the promotion of casting directors,
2 producers or whatever the line responsibility is, in
3 meeting the goals and timetables?

4 A It -- I'm sure it's programmed with merit, par-
5 ticularly for an organization that deals in retailing and
6 the idea of incentive is something that's very, very
7 familiar to them, bonuses as well.

8 We think that while it's not actually outlined in
9 words in the program itself, that we do that perhaps more
10 on an informal basis by virtue of our year-end review
11 when we make decisions as to the salary adjustments of
12 those people who are in those positions to influence and
13 part of that review takes into consideration their per-
14 formance, their overall performance, if they're charged with
15 the responsibility of publicity, how well was the product
16 publicized, how well did they administer the department,
17 and part of that administration of the department, how
18 have they performed in the EEO area.

19 It is something that has a definite consideration,
20 it is absent, however, in words in the plan itself.

21 Q What made me think of this was your indication that
22 one of the problems is that because of the great pressures
23 to get the product out, people sometimes forget various
24 aspects and it may be that if there is some written
25 directive, that performance evaluations, however you do them,

1 on what periodic basis, will take into account evaluation
2 of the meeting of the goals of the affirmative action
3 program there would be less forgetting?

4 A It's a suggestion worthy of consideration, absolutely.

5 MR. GLICK: Thank you.

6 A Thank you.

7 Q (By the Chair) Mr. Hughes, in your equal employment
8 opportunity report, in your company's report in 1969, it
9 showed a total of 3,700 employees, approximately 3,716
10 employees, of which 271 were Black. In 1975, '76, show a
11 total number of employees of 3,500, so a decrease of 200
12 employees over that period of time, your Black employees
13 have dropped to 127. Do you have any information to
14 indicate the reason for that drop? I might point out the
15 background that you already --

16 A Are you suggesting that it's an out of proportion
17 drop, so to speak?

18 Q Yes.

19 A Yes. Again I think it -- a specific explanation?
20 No. I think, however, that a broader explanation can be
21 found again in the vagaries of the employment that are pre-
22 vailing in this industry, the fact that the number of
23 people is significantly different for essentially the same
24 measurement period, total number of employees is indicative
25 of this swing that takes place, it can take place on a daily

1 or weekly or monthly basis. It is indeed a problem. And
2 it's a problem that needs a great deal of attention.

3 Q Are you in a position to recommend to management
4 specific recommendations in terms of implementing an
5 affirmative action program that will have some teeth in it?

6 A Indeed.

7 Q And do you -- are you of the opinion that those
8 kinds of recommendations would be receptive and be imple-
9 mented in -- at Universal?

10 A Yes.

11 Q How long have you been at Universal?

12 A Approximately eight years, a little over.

13 Q In the same capacity that you are at the present time?

14 A Not in this present, the level of the present
15 position, no.

16 Q How long have you been in the present position you're
17 in?

18 A Since 1972. 1972.

19 Q And have you, at any time, recommended to Universal
20 that managers or persons in the hiring capacity be dis-
21 missed because of their failure to meet affirmative goals?
22 Affirmative action goals?

23 A Not dismissal per se, we have chastised and repri-
24 manded some managers, but obviously that's the negative,
25 that's the down side. We prefer to counsel with them, to try

1 to make them understand why it is that these are our goals
2 and these are our convictions, and we think it's a more
3 constructive way to do it.

4 The specific answer to your question is no, we have
5 not terminated them per se.

6 Q Have you recommended to management any incentive
7 programs for the hiring of minorities by the managers?

8 A Well, again it goes back to the other gentleman's
9 questions, it's really a variation on that. We're aware
10 during our economic review of our employees who have
11 this -- this ability to influence employment of how they're
12 doing or how they're not doing as the case may be, and they're
13 aware of that as well and they recognize that that's part
14 of the decision-making process dealing with that very,
15 very basic element, the pocketbook.

16 So it's an indirect incentive source. It is not a
17 formal program.

18 Q But how does that tie over, how does that come
19 across to a manager, are you stating to me --

20 A If a manager receives a substantially lower salary
21 adjustment than he would have otherwise expected because
22 perhaps he thought he was doing -- she, as the case may be,
23 a spectacular job and it's a much less amount, he's told
24 why, or she's told why.

25 Q And to your knowledge, have --

1 A Or vice-versa, of course, if it's a substantial or
2 greater amount, also told why.

3 Q And to your knowledge, have there been instances
4 where a party has received additional money or received
5 less money because they've excelled in hiring minorities
6 or have not hired minorities?

7 A There have been instances more in the case of accel-
8 leration than in the case of -- concomitant~~to that~~ Yes,
9 there have been.

10 Q (By Ms. Bernstein) Other than trying to convince
11 people that they should change their ways, does Universal,
12 as a company, have any sort of an in-service plan to
13 train people in, for instance dealing with women as
14 management, that kind of thing?

15 A Well, I'm not certain I know, when you say in-
16 service, if you mean something that's limited --

17 Q Well, in other words, you organize some kind of a
18 sessions, training sessions with people in personnel in
19 terms of dealing with minorities and women as equals?

20 A No, not per se on a formalized basis, we try and
21 have tried for many years to promote from within where
22 possible, for obvious reasons. It simply develops much
23 better employees. We initiated a program some two years
24 ago albeit informal, of looking to try to bring in, in
25 the more difficult areas, namely the operational areas,

1 people who would have an opportunity to move into those
2 upper echelon areas, who I suppose you could put a label
3 on it, say a minority executive training program for lack
4 of a better word, although we prefer not to put labels
5 on it. We brought in four young people, and two are with
6 us presently and performing magnificently.

7 The other two simply didn't perform to the standards
8 that we expected, and it's our intention to renew that
9 program, we have been reviewing a number of applications
10 from colleges throughout this area and intend to initiate
11 interviews in the very near future to renew the program
12 once again.

13 We have found that a batting average of 50% or
14 500 as the case may be, isn't bad at all.

15 Q What about in the behind the camera scene or whatever,
16 training camera people, people like that --

17 A Well, specifically in camera there is an assistant
18 camera training program, or a training program to train
19 assistant cameramen who then will, of course, graduate
20 at some point.

21 Q We heard in testimony this morning from various
22 people that the only way to bring minority and women into
23 the field was through some kind of training program. How
24 do you go out and find qualified minority people if they
25 have no chance to learn the trade?

1 A Well, there are two ways, one is through whatever
2 programs may exist and the other would be, at the time
3 when I believe I came in this afternoon, I heard someone
4 speaking about the permit system in this industry, and
5 that would be the other way, at a point in time when the
6 rosters, the seniority rosters are exhausted and you still
7 have job opportunities available, you can bring people
8 in then who would receive essentially, essentially on the
9 job training, the expectation is that you would hope that
10 they would perform to journeyman levels but obviously they're
11 not going to, particularly if they've had little or no
12 previous experience.

13 Q How often does that happen?

14 A Well, that's a function of production, it simply
15 depends upon when the rosters are exhausted.

16 If there's any historic time probably August and
17 September. Because whatever feature production is in town
18 is here and generally there's a, just a plethora of
19 television production at the time and there are just so
20 many jobs that the rosters are exhausted, sometimes it
21 happens in February or -- not February, rather, but the
22 latter part of December, first part of January, and that's
23 usually a part of the, function of the pilot program,
24 we're shooting television pilots hopefully to sell for the
25 series. At that point in time, as an employer, you're free

1 to select from any source.

2 Q Well, I didn't mean specifically the day when it
3 happened, but I meant how often do people actually go out
4 of their way to bring in people to train, to your know-
5 ledge at least, from Universal?

6 A Well, again training is perhaps a misnomer, it's
7 certainly acclimation.

8 Q Or whatever.

9 A Familiarization, and I think at our organization it's
10 a procedure that occurs with some degree of requencey.

11 Probably the best way to monitor that and we'd be
12 pleased to share that with you, would be to say of the
13 permits that have come on the lot, so to speak, the people
14 who are there because the rosters were exhausted, what
15 percentage of those are minorities, I do not have that figure,
16 but I'd be pleased to share it to you.

17 Q (By Ms. Hata) Mr. Hughes, in your industry what are
18 the peak periods of employment? I think you indicated it
19 would be, for example, from August through September?

20 A Well, those are the nightmarish periods when you get
21 people that perhaps could be so regrettably unqualified
22 that the camera truck shows up absent camera.

23 You would hope that the driver would have known the
24 weight of the truck simply was something wrong and would have
25 stopped, but it happens.

1 Q Fine, then what are the --

2 A There's a traditional hiatus period because most
3 of production is still television production and in this
4 community at least at the larger facilities they
5 probably pick up in active production in June or July, they
6 carry through probably December, early part of January.

7 Q And your EEOC statistics are compiled at or during
8 this peak period?

9 A No, no, they're not.

10 Q When are they compiled?

11 A They are sent in, I believe it's the middle of
12 February, it's either the first or the second week.

13 Q But the copy that I received is dated August.

14 A Unless there has been, to my knowledge there has
15 been no --

16 Q Which you signed.

17 A -- there has been no EEOC measurement of employment
18 in that period, when it was actually sent in. I do sign
19 that document, and I --

20 Q It was signed --

21 A It's probably a late submission but I believe it's
22 for --

23 Q (By Ms. James) This date here, 2/14/76, would be
24 the still picture --

25 A That's the snapshot period of time, yes.

1 Q I see I'm looking at the 8/11/76 date right next
2 to your signature.

3 A That's probably when I was in town they caught me
4 off of the airplane and had me sign it.

5 Q Fine, when a member of your studio calls a union
6 for referrals what determines whether a referral is
7 inadequate? Whether this referral is inadequate? I
8 guess I'm trying to get into the problem of off-roster
9 employment, what happens when a member of your studio calls
10 a union for referrals or for jobs?

11 A Well, as an example, if we need grips, carpenters,
12 maybe a prop maker is the term we use in the industry,
13 but carpenter is probably the more widely known term, and
14 we make a call to the union that has jurisdiction over
15 carpenters, and they inform us that they are not able now
16 to dispatch any people who are presently on roster.

17 We then can do one of two things, we may ask them
18 do they have any people who have come to visit them and
19 make application to them with application forms and so on,
20 and if they do send them out, or on the other hand or per-
21 haps at the same time, research through our own files be-
22 cause we have people coming to see us as well, of course,
23 and try to fill those calls from a combination of those
24 two sources. That may vary from union to union but I
25 think it's pretty consistently the way it's done.

1 Q Do you have job descriptions for all of these
2 positions?

3 A No, no, we do not.

4 Q Do you have job descriptions for any of these
5 positions?

6 A The only descriptions of sorts are contained, to the
7 extent they're contained in the collective bargaining u
8 agreements under the duties and definitions of work areas,
9 most of those where they exist are brief and are not
10 historically nor traditionally explicit.

11 Q Do you anticipate or -- do you support the concept
12 of setting up job descriptions?

13 A No.

14 Q Why not?

15 A It's a -- it's probably an industry that does not lend
16 itself to that kind of traditional foremat. You asked
17 earlier of Mr. Sieling how people know, reading a job
18 description isn't going to necessarily tell them.

19 There is a -- again sometimes we pride ourselves in
20 this industry on it being unique, and sometimes we use
21 that as an excuse and perhaps shouldn't, but you still
22 can't get away from the fact that it is unique. You can
23 take in certain craft areas, for example basic skills of
24 a welder, any kind of welder, but he then has to take that
25 basic welding skill and be able to apply it in an improvi-

1 zational kind of technique and that's something that you
2 could sit here today and perhaps write for a month on how --
3 how many kinds of variations of things you're going to ask
4 him to do.

5 To the extent the duties and definitions exist in
6 collective bargaining agreements, they've been for sub-
7 mission, there doesn't seem to be an absence of knowledge.

8 The critical thing is the application of that basic
9 skill, you ask a cameraman how to light a set, and I
10 defy you to, and to the extent I'm a technician and I'm
11 not, to describe that adequately because first of all what
12 kind of set is it? Is it a bedroom set, is it a living
13 room set, is it a kitchen set? Will there be in the scene
14 fluorescent lighting or incandescent lighting and how do
15 you light as a result of it? There just --

16 Q (By Ms. Hata) You know, Mr. Hughes, that certainly
17 -- a certain amount of description is necessary because of the
18 allegations we've heard today that unqualified persons
19 have been hired for a variety of reasons.

20 A I'm sorry, I wasn't present and I did not hear the
21 allegation.

22 MS. HATA: Thank you.

23 Q (By Ms. McCullough) May I have one question?

24 Mr. Hughes, looking at the data that was reported
25 in the EEOC report of 1969, and comparing that with the

1 1975 figures, it appears that the total work force was
2 reduced by 169 overall, and then, when you look at the
3 population of Blacks, both male and female, it appears
4 for that same period that that work force was reduced by
5 167. Which reflects the fact that that whole work force
6 reduction is represented by Blacks in total numbers.
7 Could you respond to that, please?

8 A Again that goes to the difficulty of a snapshot
9 measurement, and industry that has such high de -- has such
10 a high degree of employment and within that employment, the
11 high degree of portability of minorities as well as all
12 other technicians and craftsmen in the industry.

13 I don't know how you measure that accurately be-
14 cause of that -- that tremendous swing. There are not that
15 many regular employees, there is a -- it's an industry that
16 shares a common labor pool and as I've indicated earlier,
17 the people who are in that pool, whether they be actors or
18 technicians, are not, with rare exception, only working
19 for one company.

20 A majority of them swing from job to job so perhaps
21 that's a better word. They change their employment on
22 a regular basis.

23 Q Does that account for that kind of severe reduction
24 in employment of Blacks in the five-year period? It
25 appears that there's a problem area, okay? Can you offer

1 some remedy for that problem?

2 A I think part of the remedy of the problem has to
3 come from the very accurate analysis of the problem, and I
4 don't think a one-week snapshot, in a usually slow period,
5 is an accurate analysis. I think there needs to be an
6 analysis on an annualized basis to accurately see if
7 indeed what you're suggesting is a fact or is it more fiction?

8 It appears, of course, from what you're reading,
9 that it's a fact and there's a deep problem and it may be,
10 but on an annualized basis it would be more constructive to
11 view it.

12 Q In terms of your affirmative action plan and program,
13 are you going to be collecting data that's much more
14 reflective of what the true picture is since this apparently
15 in your estimation does not reflect the true situation?

16 A Oh, indeed, indeed. In fact, in the discussions that
17 have taken place with the agency of the government with
18 whom we've been dealing we've been measuring things on
19 a little bit better basis, that gives us a little better
20 feel for it.

21 Q Will you be submitting to this committee the copy
22 of that affirmative action plan?

23 A At such time as they have approved that plan, we'd
24 be pleased to share that with you.

25 THE CHAIR: Thank you very much, Mr. Hughes, for your

1 testimony this afternoon.

2 Our next scheduled witness is Mr. Ed Prelock from
3 the Association of Motion Picture and Television Producers.

4 Mr. Prelock, would you identify yourself for the
5 record and also the party next to you?

6

7

8

MR. EDWARD P. PRELOCK

9

10 A (By Mr. Prelock) Yes, my name is Edward P. Prelock
11 and I'm the executive vice president of the Association
12 of Motion Picture and Television Producers.

13 And to my left is Alan Brunswick, a member of my
14 staff.

15 Q (By the Chair) Did you care to make a statement
16 or did you want to respond to questions?

17 A Just a brief statement.

18 Q Very well.

19 A I'd like to explain a little about the association
20 as it's commonly referred. We are a trade association
21 whose membership consists of most of the Los Angeles area
22 motion picture corporations with two exceptions. And most
23 of our companies are engaged in the production of enter-
24 tainment film for theatrical or television exhibition.

25 Currently we represent approximately 69 member

1 companies, and through one of our branches called Contract
2 Services Administration Trust Fund, we provide certain
3 services for an additional 400 companies.

4 The association represents its members in matters
5 of mutual interest including the networks and administration
6 of collective bargaining contracts with more than 40
7 different guilds and unions.

8 We involve ourselves in general industry public
9 relations, legislative matters, technological research,
10 training, apprenticeship programs and maintenance of
11 industry and seniority rosters and our latest program is
12 the off-roster hires.

13 I understand that the association has been invited
14 here today to address ourselves to three specific areas
15 which we will attempt to do, and those areas are the effects
16 of the settlement agreement, the AMPTP training programs
17 and the off-roster hires.

18 And if there's any other information that I have
19 with me I'll be happy to supply it so I'm open to questions.

20 THE CHAIR: All right, fine.

21 Frankie?

22 Q (By Ms. Gillette) How many members belong to the
23 AMPTP?

24 A Approximately 69.

25 Q Sixty-nine? And what is the relationship of the

1 Contract Services Administration to the AMPTP?

2 A For ease of simplicity, the Contract Service Adminis-
3 tration Trust Fund is a fund that employers contribute so
4 many cents an hour into. The association, through its
5 staff, through Contract Services Administration Trust
6 Fund employees administer the programs that are dictated
7 by the requirements of the trust.

8 Q Now, you mentioned a settlement, would you elaborate
9 on that?

10 A Yes, this is a settlement agreement that resulted
11 after the EEOC hearings in 1969. And there were certain
12 requirements that certain of our member companies, I believe
13 there were eight or nine in number, had to follow for a
14 period of time until certain goals were met, and the
15 hiring requirements in the areas of craft areas primarily,
16 and I believe that there were eight or nine locals that
17 had this requirement.

18 Q Would you consider that that settlement was an
19 effective way of handling the situation?

20 A Very definitely.

21 Q How did that affect minorities, do you have any figures
22 on that?

23 A Yes. Now, it's difficult for me to specifically
24 relate how this affected any particular group of minorities,
25 because of the relatively short period of time in which we

1 had to gather our information together. But I can give you
2 a slight picture of perhaps one way that minorities were
3 affected.

4 In this report that I'm going to give you some
5 numbers from, covers the second quarter of 1970 to and
6 including the first quarter of 1974. And this is informa-
7 tion that we received from the reporting companies only.

8 I'll give you an example. In 1970, in the second
9 quarter, there was a total of 5,889 minority mandays worked.
10 Out of the total mandays worked that were reported of
11 29,445, or as a percentage in the second quarter, 20% of
12 all mandays worked by those companies affected and those
13 unions affected were minorities.

14 That figure I can give you for the third quarter
15 and the fourth quarter but generally speaking, from 1970
16 through 1972, the figures are 20%, 20%, 21%, 17, 18, 18,
17 19, 18, 19, 19, 19, and 1973 I believe that we reached a
18 peak in the first quarter, 1973 we had 21.2% minorities
19 working. And that was the period of time where generally
20 the minorities that were working were merged into the
21 roster system and they became what we call the group one
22 or the preferred employees.

23 Q So how many again were -- became group one employees?

24 A The total numbers?

25 Q Yes.

1 A I do not have that number but I can give you a
2 figure that I can not substantiate at this time but there
3 were approximately 500 minorities that became group one
4 people.

5 Now, there were more minorities than that that
6 were eligible to become group one people. For example,
7 in the prop maker the classification of carpenter, I believe
8 that we placed 150 minorities on the roster as a result of
9 the settlement agreement. Our records indicate there was
10 a potential of another 200 minorities that could have
11 made application for and been placed on the rosters but did
12 not for various reasons.

13 Q So what do you do about those 200?

14 A I don't know what to do about them. Some of these
15 people were not available when they were contacted, they
16 may have moved, they may have lost interest in the industry,
17 some of the people objected to paying union dues which was
18 also a requirement, initiation fees and dues. Some people
19 changed their occupations, some people recognized the
20 sporadic work that was available in the industry.

21 I think it's of interest to note that the average
22 worker in the motion picture industry, as far as the trades
23 are concerned, probably works less than three-quarters of
24 a year. So an individual particularly a minority with a
25 family, would find it difficult to generally sustain a

1 family with that type of employment.

2 Q (By Ms. Gillette) Say that again, please?

3 A The employment, the average employment is probably
4 about 1,500 hours a year, three-quarters of a year. And
5 unless a person has another job or a person has a job that
6 they can count on a year around basis, we find people
7 leaving our industry with some rapidity, particularly
8 the younger people.

9 Now, the older people who have jobs at home studios
10 and so on, they're more fortunate than the people that
11 recently entered the labor force.

12 Q I thought that was what you said, yes. But that
13 means, then, I have to ask you about pay scale in relation
14 to that. is

15 A The pay scales for any journeyman, which these
16 minorities became, would be the same as any other journeyman,
17 there is no differential whatsoever.

18 Q I guess I'm looking at the 1,500 hours average,
19 which is not enough to support a family.

20 A In some cases it's not. Now, some people may work
21 more than 1,500 and some people may work a lot less again
22 depending upon the craft and depending upon the need in a
23 particular craft area.

24 Q Do you have any figures to break that down by minority
25 and nonminority as to which is working more?

1 A No, I do not. I wouldn't know how to even find that.

2 Q How about women in the settlement agreement?

3 A Unfortunately, women were not mentioned, to the best
4 of my knowledge.

5 Q Any special reason for that?

6 A I guess the Justice Department, in its wisdom at
7 that time, didn't feel that it was necessary.

8 Q And now?

9 A Certainly we're aware of the fact that women are
10 an integral part of our work force and I think we're all
11 much more sensitive about the utilization of women.

12 Q So do you keep rosters now by race and sex?

13 A Recently we have adopted an identifying system on our
14 rosters that do go to race and sex.

15 Q Mr. Prelock, you mentioned the off-roster hiring
16 project.

17 A Yes.

18 Q Would you tell us something about that, please?

19 A Yes. I'll be delighted to. As some of the witnesses
20 have mentioned previously, the traditional way of employing
21 people when the rosters have been exhausted, and bringing
22 new people on board, would be to call the union and request
23 so many carpenters. If the union has exhausted its group
24 one's, two's and three's, they probably still have people
25 that were available that could be dispatched. Or in the

1 alternative, the employer after the rosters are exhausted,
2 are free to hire from any source whatsoever. Hiring off
3 the streets, so-called.

4 Now, for the past several years Contract Services and
5 those people that are trustees on Contract Services, which
6 are members of the various member companies, employers,
7 have felt that there should be some way where, as opposed
8 to depending upon the union for supplying people or depending
9 upon your own internal resources to develop a labor pool
10 of people who would be available for dispatch in the event
11 that the rosters are exhausted. And in a period of less
12 than six months, at the association, we have hired a staff
13 of individuals and Bob Rivers, who is our administrator of
14 that roster system, was hired to implement a very ambitious
15 program which would go into the craft areas and advertise
16 in minority newspapers, get the word out as best as possible
17 and to invite people to come to the association, to go to
18 the Contract Services Administration Trust Fund, and
19 register for any one of the 15 or 16 job categories where
20 people are occasionally hired on an off-roster basis.

21 The people that have registered have been classified
22 Black, Caucasian, Spanish surnamed, Oriental, Native American,
23 male and female. And we felt that the next step was then
24 to advise our member companies that we have this labor pool
25 available, because if we were to depend or rely upon the

1 traditional means of bringing people into this industry,
2 when we go off-roster we would never even approach any of
3 our affirmative action goals.

4 But we felt if we could convince the companies that
5 we can supply people equally as well as the union or their
6 own resources, that they would get from Contract Services
7 a representative group of employees which would include
8 male and female and the, hopefully the racial mixture that
9 would be satisfactory to all.

10 As of this date, we have dispatched 49 individuals
11 and out of the 49 individuals that were dispatched, 23, or
12 approximately 47% of the people that were dispatched were
13 minorities or females.

14 Q To which unions were they dispatched and can you
15 tell us by race and sex where they were referred?

16 A Yes. In order to implement the program, because it
17 is really an ambitious program, we felt that we would
18 start with one union and then multiply it as our skills
19 grew and people became aware of our services.

20 And the first union that we attempted to set up this
21 program with was Local 44, the prop makers.

22 Q Of what?

23 A Prop carpenters.

24 Q Prop.

25 A And to give you an example of the breakdown, in

1 Local 44, under Blacks, there were 120 males and four
2 females that were registered. Under Caucasians there
3 were 262 males and 26 females. Under Spanish surnamed
4 there were 50 males and six females. Under Oriental,
5 one male, zero females. Native American, six males, zero
6 females, for a total of 439 males, 37 females.

7 On a referral basis now --

8 Q Now, to which unions, or to which studios were they
9 referred?

10 A There were several studios that they were referred
11 and the process there is that they would -- it would be
12 ascertained that the rosters are now exhausted and the
13 employer is now free, they would call Mr. Rivers' office
14 and say we need three carpenters or two carpenters. And
15 in that dispatching situation, there were 16 Black males
16 referred, zero females, 20 Caucasian males, zero females.
17 Spanish surnamed, three males, one female. Zero Oriental.
18 Native Americans, two. For a total of 41 individuals that
19 were referred, or 41 males, I'm sorry, and one female.

20 Q Now, of those referred, how many were actually hired?

21 A To my knowledge all of them were.

22 Q All of them were?

23 A Yes.

24 Q What training programs does -- do you call it APTP?

25 A AMPTP.

1 Q You call it AMPTP.

2 A All right. The association --

3 Q I didn't know if you had a name for it as well as
4 the initials. What training program does it administer?

5 A At present we have six active or close to active
6 programs, we have an assistant director's training program,
7 we have a publicists training program, which is in the
8 process of being implemented, makeup artist training program,
9 a camera assistant training program, prop makers, this is
10 a carpenter again, that's an apprenticeship program and
11 the IBEW electricians which were mentioned previously.

12 Q And are there any special requirements to get into
13 any of those training programs?

14 A Yes, there are.

15 Q Very difficult?

16 A The assistant director's training program, along
17 with our camera training program, are probably at least in
18 my experience, two of the most sophisticated training
19 and apprenticeship -- training programs in this country.
20 People from all over the world have applied for either of
21 these two programs.

22 And in the assistant director's training program,
23 there's a training period of 400 workdays. And when those
24 people who graduate from that program, they go on the roster
25 as assistant directors. And --

1 Q They automatically get on the roster when they
2 graduate?

3 A Yes, as assistant directors, which is a very
4 desirable position to achieve.

5 Q Now, how many of those in your current program are
6 women, how many are minorities?

7 A In our current program? In 1976 we have six males,
8 Caucasians, five female Caucasians, two Black males, and
9 one male Oriental.

10 Q In the assistant director program?

11 A Yes.

12 Q And is it anticipated, what would you say your
13 dropout rate would be or washout rate or --

14 A It's almost minimal, once people arrive in that
15 program they don't give it up.

16 Q Okay, then back to the question of how they get in
17 the program?

18 A All right, we go out and recruit through various
19 sources, and in 1976 the recruitment sources included UCLA,
20 January 23rd, UCLA on Career Day, UCLA again, Pepperdine
21 College at Malibu, University of Southern California,
22 Loyola Marymount University, California State University
23 in Fullerton, California State University in Los Angeles,
24 Occidental College in Eagle Rock, California State University
25 in Northridge, California State College, Domingas Hills,

1 California State University, Long Beach, University of
2 California, Santa Barbara, University of California, San
3 Diego, University of San Diego, San Diego State University.

4 In addition --

5 Q Are you saying, then, that they have to be college
6 graduates in order to get in this program?

7 A I believe at the present time there is a requirement
8 for college graduate. Now there are also announcements in
9 many trade -- many minority papers, and they're very
10 numerous, every minority newspaper receives it in the
11 southern California area.

12 Q What could an assistant director then hope to earn?
13 Once he gets on the roster?

14 A I do not recall the current scales but I believe
15 it's in excess of \$750.00 a week. Or in that area.

16 Q Now, you would have to be a college graduate --

17 A Yes.

18 Q -- are there any other requirements?

19 A Yes, there are testing requirements, and there are
20 interviews.

21 Q When you say interviews, what are they interviewing
22 for?

23 A There is a committee comprised of assistant directors
24 and directors and people who have been in the business for
25 many years who determine subjectively the qualifications

1 of the individuals. But before someone would come before
2 the qualifications committee, the individual would be
3 tested at SC under Prof. Jones at the SC testing center
4 of general aptitudes and skills that are believed necessary
5 to perform the job of assistant director.

6 We believe that the test has great validity to it and
7 it has been used without challenge and we are sensitive
8 about the objectivity of invalidation of the test.

9 There are times when more than a 1,000 people have
10 applied for this program and as you know, the numbers that
11 we end up with sometimes ten, five or six people have
12 ended up in the program.

13 And I might add one year in 1971, or not 1971,
14 I don't recall the year, but we had a program exclusively
15 for minorities, it was, I think it was all Black that year.

16 Q And how many graduated or, in essence, became roster
17 members as a result of that?

18 A I don't know off-hand, but the best of my knowledge
19 all of them have if they graduated from the program.

20 Q And they're working now?

21 A I do not know if they're working now.

22 Q Okay, let me ask you, then, about the --

23 Q (By Ms. Gomez) I wanted to ask him before he leaves
24 the college level, what would they have to be majoring in
25 or what is suggested that they take in school?

1 A I don't think there's any suggestion as to what they
2 would major in but there are many schools that major --
3 provide majors in entertainment end of the business,
4 cinematography, the graphic arts, any of the arts that are
5 related to the motion picture business.

6 Q (By Ms. Gillette) How about for the makeup artists,
7 are their requirements as stiff?

8 A No, they are not. They -- there's an 18-month
9 training period, course of study includes instruction and
10 training in the following: And it gets into corrective
11 beauty makeup, beards, sideburns, mustaches, they have
12 department heads from the various studios conduct on the
13 job-type of, or not necessarily on the job-type of training
14 programs but they have night classes and week end classes
15 where people attend and professionals in our business lend
16 their skills to these apprentices.

17 Q These are held right at the studios?

18 A At the studios or a convenient location that has been
19 made available.

20 Q Can you give us the sex breakdown on the makeup
21 artists?

22 A The ethnic breakdown in our current program, I
23 believe, is Black, one female. Spanish surnamed, one male
24 and one female. Oriental, one male. Indian, American
25 Indian, none. And Caucasian, three males and three females.

1 And there are six alternates in that program that
2 are waiting to fill in if someone should drop out and
3 there's a probability, higher probability of a dropout in
4 that program than it would be on the others.

5 Q So even in the makeup area you have more males
6 than females? Maybe just one or two?

7 A I think it's 50-50.

8 Q Fifty-fifty?

9 A That's as close as we could get.

10 Q (By Ms. Bernstein) I have a couple questions about
11 the roster system, I'm a little confused. Can you tell me
12 how many people, approximately how many people are on
13 roster as compared to the amount of people available for
14 off-roster?

15 A Well, our off-roster program I believe that we have
16 a 1,000 people registered at this time. Now the other
17 roster numbers, if we can just wait a second here. I don't
18 know that we even have the total.

19 On individual unions I think we can give you --

20 Q Okay, say carpenters?

21 A Prop makers?

22 Q (By Ms. Gillette) Is that the most steady employment,
23 the prop makers?

24 A Not necessarily, a cartoonist who finds a job at one
25 studio will work 52 weeks a year, a guard, a security guard,

1 will work 52 weeks a year, a janitor will work 52 weeks a
2 year, a film technician, generally speaking, will work 52
3 weeks a year, an office worker will work 52 weeks a year.

4 Q Now, all of those are parts that belong to your
5 organization?

6 A We have union contracts with the groups that I have
7 mentioned. The records that I have that there are 3,285
8 people on the prop maker roster.

9 Q And how many would be on the off-roster in that?

10 A Prop makers? 439 males and 37 females.

11 Q And you have to go through all 2,000 people --

12 A That is correct.

13 Q When you get -- how many jobs are usually available
14 in that area?

15 A As I say, we've already dispatched 42.

16 Q Forty-two of the 2,000 or 42 out of the 400?

17 A No, when the total rosters were exhausted, that
18 means that everyone is working.

19 Q All those 2,000 are working?

20 A Right. That's the time when we put our foot in.

21 Q (By Ms. Bernstein) So it's about nine or 10% is
22 taken off-roster? Of the total picture?

23 A So far.

24 Q Do you have any idea of the amount of hours that
25 someone who's taken from the on-roster works?

1 A Approximately 1,500 hours if they're representative
2 of the industry.

3 Again you may find prop makers that have a home
4 studio that work 50 weeks out of the year. Other times
5 people may work 30 days in this business and that's all
6 the work they'll get. Or two days.

7 Q What about off-roster, is it the same amount of time
8 or less?

9 A They work as long as there's a position for them.
10 And another part of our off-roster system that we're
11 trying to insure that once these people have received
12 perhaps like 28 days or 29 days with a given studio and are
13 laid off, they are not eligible to go on the rosters until
14 they get 30 days, so part of the function of the off-roster
15 hiring is to keep track of these people, and if X studio
16 says okay, we need a prop maker on an off-roster situation,
17 we want to send that same individual back to get them
18 roster status to feed people in that are representative,
19 as far as our racial and sexual makeup are concerned.

20 Q (By Ms. Gillette) There's no differential in pay
21 between off-roster and roster?

22 A No, there is not.

23 Q (By Ms. Bernstein) How many people make it from
24 off-roster to roster, say last year?

25 A The program only started this August.

1 Q Since August.

2 Q (By Ms. Gillette) August of '75?--

3 A I think that we have one or two that have made it
4 so far. It's all uphill.

5 Q August of '75 or '76?

6 A Seventy-six.

7 Q Seventy-six?

8 A Yes, it's a brand new program.

9 Q But I thought I heard you mention something about
10 six months in existence?

11 A No.

12 Q (By Ms. Bernstein) Do most of these people have other
13 jobs? How do they live?

14 Q (By Ms. Gillette) It doesn't make the movie industry
15 sound very glamorous, does it?

16 A A lot of people ask that question.

17 Q (By Ms. James) I just have a couple questions.

18 Which studios have indicated that they will cooperate
19 on the off-roster program?

20 A I believe that Warner Brothers, the Burbank Studios,
21 Walt Disney Productions, 20th Century Fox, MGM, Columbia,
22 and even though there are companies that are not member
23 companies of our association, Mr. Rivers has sent letters
24 and personally visited with those so-called independent com-
25 panies that would come out to a major studio lot who would

1 not have an EEOC coordinator or someone who is concerned
2 about their hiring requirements, where Bob would go to
3 meet with that producer and say, look, you know, when the
4 rosters are exhausted we have people for you and we want to
5 dispatch you people. And most, if not all of the people
6 that we have contacted have indicated a willingness and
7 a desire to utilize our services when the time comes.

8 Q I might have missed something earlier, you said you
9 want to start, you started with one union, the --

10 A Yes, that is correct.

11 Q -- have you added any other additional ones yet or
12 are all 1,000-so registered people in that?

13 A We've started dispatching also with Local 80, which
14 are grips and Local 399, which are teamsters, or 659, I'm
15 sorry, camera.

16 Q So there are -- this program is not necessarily
17 for some of the highly skilled things like a cameraman or
18 do you see that down the pike or is this mainly for --

19 A This is for all the classifications in our collec-
20 tive bargaining agreements where group three or off-roster
21 people are allowed to be hired. There is no exclusions.

22 Q (By Ms. Gillette) How is the association financed?

23 A By dues of its member companies.

24 Q Of the companies, not the individuals?

25 A You say individuals?

1 Q The people who you refer to jobs? They aren't
2 paying?

3 A Oh, no, this is at no cost to the individual and
4 the expenses of the contract services, if you're talking
5 about that specifically, this comes from a contribution
6 made by each employer company of so many cents an hour into
7 a fund.

8 Q (By Ms. Bernstein) If this is the peak of employment
9 which I gather from what the other people have been saying,
10 and you have one or two people making the roster, in your
11 opinion is this a viable way of getting people into the
12 business?

13 A I think that since we opened our doors so-called,
14 since August, I am personally delighted with the success
15 as of this point. Obviously it is just a small part of
16 the job that has to be done. But if we can convince the
17 companies that we do have people that we can dispatch
18 promptly and efficiently, representatively, in order to
19 help them and to utilize the work-force that we have, that's
20 available in this town, I think that our services are going
21 to multiply very quickly. We're encouraged with the program.

22 Q Just for my own curiosity, the two people that made
23 it to the roster, were they minority, women?

24 A I think that they were both Spanish surnamed with the
25 PS. One and one. One woman, Spanish surnamed.

1 Q (By Ms. James) May I ask a clarification, you are
2 the major negotiator for your members, right, with the
3 unions?

4 A Yes.

5 Q Dorothy Davis from the FEPC had mentioned that
6 there's sometimes in a contract, if somebody's on a roster
7 and the studio that wants to hire him can take an option
8 of saying that person is inadequate, is that correct?

9 A Well --

10 Q Is that written into your contract?

11 A Well, the employer has the right to refuse to hire
12 not qualified people. But that employer also inherits a
13 grievance as soon as he does that. From the union and the
14 individual. Because if an individual is a group one, and
15 you hire an off the roster individual, the union has an
16 obligation to file a grievance because you've deprived some-
17 body of their seniority rights plus the individual's going
18 to feel aggrieved that you're bringing in somebody off the
19 street that doesn't have any qualifications.

20 There is a special exception for skills and abilities.
21 Where somebody has such superlative skills if somebody
22 worked for NASA or something and you needed a technical
23 expertise that is really unavailable in the motion picture
24 industry, occasionally you can bring one or two people in
25 but the sound area is an area that I'm very surprised to hear

1 that people are brought in when the rosters are not exhausted,
2 that's something completely new to my experience.

3 Q These figures that you have, would it be possible
4 for you to provide a composite to our office since we've
5 just spotchecked it --

6 A Which figures would you like? If you'd care to
7 give us a list of the --

8 Q Oh, yes, I'll call your office later.

9 A Okay.

10 Q (By Ms. Gillette) I'm just curious, Mr. Prelock,
11 about the, this program, the association apparently
12 started to meet a felt need, were you one of the
13 originators of the association or how long have you been
14 in the film industry?

15 A I've been in the industry this January it will be
16 13 years, and when I was not employed at the association,
17 I was a director of the association and participated in
18 negotiations along with the association representatives.

19 And for several years there has been an awareness
20 of the need of doing something different from what we've
21 been doing in order to accomplish our goals. Because at
22 times it's very, very difficult to meet the goals when
23 you have these roster systems as they're currently consti-
24 tuted.

25 Q You have some definitive goals on paper, sort of like

1 an affirmative action plan of your own?

2 A No, we do not. We feel that until the time comes
3 when we're told that the rosters of all the lots will not
4 bear any scrutiny or have any problem whatsoever, that's
5 the time that we're looking for.

6 And I think that's going to probably take a lot of
7 time before we get there, but that's our goal, is to make
8 representative employment in all classifications and all
9 unions.

10 Q (By Ms. James) Would it be possible to have an
11 industry-wide affirmative action effort?

12 A We attempted, in 1972, I believe, to have an indus-
13 try-wide affirmative action program.

14 Q You say we, you mean the association?

15 A The association and the unions. And such a program
16 was actually drafted. And some of the discussions with
17 the Department of Labor at that time included subsidies
18 for us to finance the training programs which were included
19 in that industry-wide affirmative action program.

20 And I think that the sum is something like \$500,000.00
21 that the Department of Labor was going to give us and we
22 were going to match those funds to set up an industry-wide
23 affirmative action program.

24 For some reason the Department of Labor withdrew those
25 funds.

1 Q So that was the major reason why that did not go
2 through, is this holding back training funds.
3 from the Department of Labor?

4 A To the best of my knowledge, for an industry-wide
5 program, affirmative action program.

6 THE CHAIR: Mr. Prelock, I want to thank you for
7 your appearance here.

8 A Could I make just some closing comments?

9 THE CHAIR: Certainly.

10 A I notice that you've asked other people for
11 suggestions and I think that there's one comment that I
12 would like to make. And I agree with Gareth Hughes, the
13 last speaker, and the previous speakers, I think it's
14 a problem of continued awareness, and it's a continual type
15 of situation and I think that's all of our problem is to
16 continue to make us all aware.

17 And another suggestion now that could be helpful
18 to the film industry and Hollywood, in order for the off-
19 roster program to be implemented, in order for more
20 minorities to be brought into the industry, Hollywood needs
21 more employment, and one way that the government can be
22 helpful to us is to recognize the fact that we do have
23 skilled film makers and qualified people available in
24 Hollywood, and we would appreciate any efforts of the
25 government of recognizing this fact and allowing the

1 California work force to make films for the government.

2 We also feel, as another suggestion, and I don't
3 know if this one's even possible, maybe the first one
4 might be but this one, is if there is some way that all of
5 the agencies that monitor our business could consolidate
6 into a single agency or at least two agencies, where people
7 can develop the expertise on a day to day basis, and working
8 relationships with us to understand our problems and to give
9 us the assistance we need.

10 We think it's an expense to the taxpayers to have
11 a multiplicity of people monitoring us and we feel that
12 there's an overlapping effort being made, and we feel
13 that statistics are going to get confused, because one
14 group will want these statistics one way and another group
15 will want it another way, and we find that that is very
16 burdensome.

17 And the last thing, we'd like to have our \$500,000.00
18 back.

19 Q (By Ms. James) Back, you want to just get it,
20 don't you?

21 A We'd like to get it, if the government could assist
22 us in any of our training programs financially, we feel
23 that that would be very satisfactory too.

24 THE CHAIR: Thank you again, Mr. Prelock, for your
25 testimony this afternoon.

1 A Thank you.

2 THE CHAIR: We have one final scheduled witness,
3 Mr. Joe Bernay.

4 Is Mr. Bernay here?

5 All right. I have a letter -- Mr. Bernay is the
6 west coast representative of the International Alliance of
7 Theatrical and Stage Employees, and I have here handed to
8 me a letter addressed to Mr. Phil Montez, Director of the
9 U.S. Commission on Civil Rights, Western Regional Office,
10 dated October 20th. Which reads as follows: Your letter
11 of October 14, 1976, addressed to Mr. Walter F. Diehl,
12 President of the International Alliance of Theatrical
13 Stage Employees, has been referred to this office as legal
14 counsel for reply.

15 After lengthy consideration on your request we must
16 regrettably inform you that Mr. Bernay will not be able
17 -- I'm sorry, will be unable to meet with the committee
18 on the afternoon of October 21st. In light of the fact
19 that the International Alliance maintains no records or
20 statistics relating to the minority labor pools or the
21 administration of the industry experience rosters, we
22 believe Mr. Bernay would have little or no specific data
23 which would be of real value to the committee.

24 In fact, since employers in this industry apparently
25 have extensive documentation their testimony may well be

1 more elucidating on this subject.

2 Parenthetically, we wish to remind you that when
3 hearings were held in 1969, Mr. Bernay voluntarily appeared
4 and subsequently this office experienced its fullest
5 efforts to insure its clients' cooperation with the
6 negotiation and administration of the minority settlement
7 agreement.

8 In closing, may we express our dismay at the publicity
9 which this matter has already received, specifically in the
10 Tuesday, October 19, 1976, edition of Daily Variety, with
11 this type of publicity precedes a hearing of this type, it
12 is of no benefit and in fact can be extremely harmful
13 to setting a desirable tone and atmosphere for these
14 hearings.

15 Inasmuch as this office will be in attendance at
16 the hearings, should issues arise which merit comment by
17 the IATSE, we shall present a written statement at a
18 later date.

19 Signed by Mr. James B. Goodman, attorney for Mr. Diehl.

20 All right, I see we have no further scheduled witnesses,
21 and we will adjourn at this time till 9:00 a.m. tomorrow
22 morning.

23

24 (Hearing adjourned until 9:00 a.m. October 22, 1976)

25