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PUBLIC HEARING BEFORE THE NEW YORK CITY COMMISSION ON HUMAN RIGHTS

Subject: Complaint by the American Committee on Africa, African Heritage Studies Association and One Hundred Black Men charging the New York Times with violating the New York City Administrative Code by publishing advertisements for discriminatory employment in South Africa.

Time: June 6, Wednesday - 10:00 A.M.

Place: The Commission's Offices - 80 Lafayette Street, N.Y., N.Y.

Background:

The hearing arises out of a complaint filed with the Commission in October 1972 by the three organizations - The American Committee on Africa, the African Heritage Studies Association and One Hundred Black Men - who were joined in their action by the Hon. William H. Booth, former Chairman of the City Commission on Human Rights and now President of the American Committee on Africa.

The complaint alleges specifically that "The New York Times has engaged in unlawful discriminatory practices in violation of Section B1-7.6 of the Administrative Code of the City of New York in that it aided and abetted employers or employment agencies in printing or circulating in the City of New York, advertisements for employment in the Republic of South Africa which express, directly or indirectly, limitations or dis-
The complainants have charged that South African law and practice ensure systemic discrimination in employment based on race, color, or national origin in South Africa.

South African legislation denies Black and other non-white workers equal access to jobs, equal tenancy rights, equal working conditions and privileges, equal collective bargaining rights and equal wages. For the type of employment usually advertised in the New York Times, the limited and discriminatory education open to Blacks and other non-whites is a further barrier to equal opportunity in employment. Thus advertisements for employment in South Africa express, directly or indirectly, such discriminations as to race and color, even where they, on their face, contain no such open discrimination.

In May of 1972 the New York Times was apprised of the nature of employment discrimination in South Africa and of the unlawful nature of advertisements for employment in that country, and was requested to adopt a policy of declining to publish such advertisements. The New York Times refused to adopt such a policy and this refusal compelled the organizations concerned to lay their complaint before the Commission, requesting it to issue an order directing the New York Times to desist from continuing the publishing of such advertisements.

The City Commission after investigation has determined that there is probable cause to believe that the New York Times has engaged in the unlawful discriminatory practices complained of, and thus set the matter down for a hearing.

The New York Times has responded by moving to dismiss the complaint, on the grounds that the New York City Human Rights Commission does not have jurisdiction to hear the case and on the grounds of the rights of the New York Times under the First Amendment. The Times does not deny that there is discrimination in South Africa, nor has it denied that the effect of its advertisements may be to assist in extending the effects of such discrimination to U.S. citizens, but it contends that as the acts of discrimination occur in a foreign country, they are beyond the
province of the City's Human Rights Commission. The New York Times appears determined to avoid confronting the basic issue of race discrimination.

The complainants will be represented by lawyers from the Lawyers Committee for Civil Rights under Law (Washington), and the Center for Constitutional Rights, (New York).

The three organizations involved have invited members of the public to attend the hearing on Wednesday to demonstrate their concern that the practice of such discriminatory advertising with its implied support for South African apartheid be ended in New York City.