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AMERICAN COMMITTEE ON AFRICA HAILS LANDMARK RULING BARRING
SOUTH AFRICAN JOB ADVERTISEMENTS IN NEW YORK TIMES

The American Committee on Africa hailed today the ruling of the
New York City Commission on Human Rights enjoining the New York Times
from printing advertisements for employment in South Africa, which
were held to be racially discriminatory and illegal under New York
City law.

In a joint statement, Hon. William H. Booth, President of the
American Committee on Africa and George M. Houser, Executive Director
of the Committee, said, "The ruling today is a landmark decision in
protecting the people of New York City against the intrusion of the
racial discrimination of South Africa's apartheid system. No longer
will the "Whites Only" laws of apartheid be exported to the employment
pages of the City newspapers."

The co-complainants in the case were the American Committee on Africa, the
African Heritage Studies Association, One Hundred Black Men and
Hon. William H. Booth, former Chairman of the Commission on Human
Rights. They were represented by Peter Weiss of the Center for
Constitutional Rights (New York, N.Y.) and Douglas Wachholz of the

The complaint, first filed in October, 1972, charged that because
of the apartheid laws of South Africa advertisements published by the
New York Times for employment in South Africa express, directly or
indirectly, limitations and discriminations as to race or color in viola-
tion of New York City laws, and that the printing of such advertise-
ments therefore aids and abets discrimination. In papers filed with
the Commission and in Hearings held before the Commission last
January, the Complainants proved that there was an all-pervasive legal network of racial discrimination in South Africa and that this fact was well known to the citizens of New York City.

The *New York Times* did not attempt to contest these allegations, but challenged the jurisdiction of the Commission on First Amendment grounds and on the basis of alleged interference by the Commission with the foreign affairs power of the United States. The first argument was dismissed on the ground that the case involved purely "commercial speech", the second on the ground that the Supreme Court has held that American tribunals are not barred from engaging in "a routine reading" of the laws of foreign countries.

The Commission on Human Rights found that, "the evidence establishes that the employment opportunities offered by the advertisements are not available on a racially non-discriminatory basis and that Black citizens of New York City, who might avail themselves of such employment positions, would be subject to segregation in the facilities and accomodations of the workplace". The ruling also stated that, "such advertisements regardless of the employment's geographical location, when published in New York City and addressed basically to New York residents, are subject to Title B Human Rights Law prohibitions no less than employment advertisements for local employment would be".

The Commission's decision is the first in which any American tribunal has found employment advertisements to be discriminatory solely because of the mention of the place of employment. In addition, it represents, at least by implication, a recognition that there should be consistency between the principles of non-racialism espoused in editorial pages and the conduct of the commercial operations of an influential newspaper like *The New York Times*.

The decision, which has been characterized as precedent-setting by Commission Chairperson Eleanor Holmes Norton, paves the way for similar actions by other human rights agencies and courts throughout the country. Such actions could hamper the efforts of the white South
African government to recruit on a racial basis skilled personnel and tourists from this country, while freeing all Americans, black and white, from the indignity inflicted on them by the appearance of such advertisements.

The American Committee on Africa calls on all foes of apartheid, whether of the South African or the U.S. variety, to follow up the landmark decision of the New York City Human Rights Commission by appropriate action in other cities and states.

The American Committee on Africa is a national organization which has worked for twenty years to promote support in the United States for African freedom from colonial and white-minority rule.

Copies of the decision are available from ACOA. Legal papers will be supplied upon request by Douglas Wachholz at the Lawyers Committee for Civil Rights Under Law, 733 Fifteenth Street, N.W., Washington, D.C. 20005 or Peter Weiss at the Center for Constitutional Rights, 853 Broadway, New York, N.Y. 10003.