

New State Anti Discrimination Law Effective

ANCHORAGE—The Alaska State Commission for Human Rights announced from Anchorage that the State has a new anti-discrimination law effective as of September 25, 1970.

The new statute specifically provides that the Superior Courts of Alaska shall have jurisdiction over causes of action arising under the Alaska discrimination laws, including collateral issues which are a part of the discriminatory conduct complained of.

In making the announcement, Robert Willard, the agency's executive director, said that under the new law, an aggrieved party who feels he has been discriminated against may file a lawsuit in a Superior Court of competent jurisdiction as his first cause of action.

Having filed the suit, a copy of the court complaint is served on the Human Rights Commission, which agency may intervene in the suit as a party; or it may inform the Court that it is already acting on the discriminatory act giving rise to the lawsuit.

In the case of the latter, the Court will defer action on the suit until the Commission has determined the issues before it. A limitation of 45 days is included to ensure prompt settlement of these issues.

The act empowers the court to enter a preliminary injunction pending the commission's action. The decision of the commission is binding to all parties in the lawsuit.

It further provides that the action brought before the court would include a pattern of discrimination which might not otherwise be cured if the issues were limited to specific discriminatory acts.

(Continued on Page 6.)

New State Law . .

(Continued from page 1)

Willard gave this as an example: An individual instituting an action against a company to redress racial discrimination can maintain a class action and obtain relief as to all members of his class, including those in other departments.

This legislation was originally drafted by Alaska Legal Services Corporation attorneys and jointly introduced in the first session of the sixth state legislature by Senators Joe Josephson, Nick Begich, Brad Phillips and John Rader—all of Anchorage, and Terry Miller of Fairbanks.

It passed the Senate April 7, 1969, by a vote of 19-1, and the House on May 11, 1970 by 29-9 tally.

Willard said the new statute serves three basic functions:

(1) An individual will be free to pursue his own remedies rather than rely upon Commission action in cases where the Commission is unable to give his problem prompt attention;

(2) Class actions directed at patterns or practices will be permitted, rather than requiring enforcement to focus on individual or isolated acts; and

(3) The Commission's enforcement powers will be strengthened by the power to intervene in broad scale attacks upon discrimination.

Willard said the new legislation is "really a landmark in dealing with acts of discrimination."

The State Commission exercises jurisdiction over all violations of existing State anti-discrimination laws.

Specifically, its jurisdiction relates to discrimination in employment, whether by an employer, labor organization or employment agency; places of public accommodation; housing; financial practices and state operations.

Prior to the implementation of the new law, prime enforcement responsibility was vested in the state commission.

The commission, upon receipt of a complaint from an aggrieved individual or upon its own motion, would initiate informal proceedings to achieve conciliation; and it appropriate, issue a cease and desist order against the individual or firm.

In such proceedings the commission, and not the complainant, would exercise control of the presentation. The complainant or the respondent had the right to seek judicial review as to the commission's action.

The enforcement of the cease and desist order may be judicially obtained, but only at the insistence of the commission.

In addition, enforcement had to be through criminal prosecution of a person who engages in action prohibited by the substantive provisions of the anti-discrimination law.

"Now, with the new law," Willard said, "it speeds the process of resolving a complaint of discriminatory conduct and ensures that it never occurs to other minorities after the case is settled."

Willard concluded by stating that the new law does not disengage its present powers to receive, investigate, and resolve complaints of discrimination as it has in the past.

He said that further information on this or other related statutes should be brought to the attention of the Alaska State Commission for Human Rights, 338 Denali, 520 MacKay Building, Anchorage 99501.