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- An analysis of the rigid patterns of racial discrimination against Negro workers

Patterns of Employment Discrimination

By Herbert Hill

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The recent report, on employment issued by the U. S. Commission on Civil Rights noted that the Negro worker is "trapped in a vicious circle of discrimination." For more than a decade I have worked extensively in the southern region of the United States. In the course of my work I have had an opportunity to directly observe the operation of this "vicious circle" in the many southern states. I recognize that problems of racial discrimination are not limited to any one region of our country. I realize that civil rights represents the great unresolved social problem of the whole American society but there can be no doubt that in the southern states there currently exists the most extreme, rigid and systematic pattern of employment discrimination to be found anywhere in the United States. Whatever the problem may be elsewhere, in the South the Negro worker continues to be the victim of a tradition of white supremacy which is deeply rooted and gives way but slowly to the

forces of social change and to the requirements of a modern industrial society.

Industrial management and organized labor are both responsible for the continued existence of the pattern of employment discrimination throughout the South as well as agencies of the various states and Federal Government. While it is true that an immense industrial development has been taking place in the southeastern states since the end of World War II, a most disturbing aspect of the rapid growth of the manufacturing facilities in the South has been the serious inability of the Negro worker to register significant employment gains in the industrial plants that are transforming the southern countryside.

Investigations indicate that in the textile industry, still the basic manufacturing industry of the South, Negroes remain in a most marginal position. Among the 400,000 textile workers in Virginia, North Carolina and South Carolina there is appar-

ently not a single Negro employed as a weaver, spinner or loom fixer.

One might have anticipated that southern industrial development taking place in areas of heavy Negro population would result in greater use of available Negro labor. Unfortunately, this has not occurred. For example, according to State Government figures the number of textile workers employed in South Carolina was forty-eight thousand in 1918 and 122,000 in 1960 while the percentage of Negroes in the textile labor force fell from 9% to 4.7% over this same period.

On July 6, 1961, the National Association for the Advancement of Colored People filed complaints against major textile manufacturing companies with the President's Committee on Equal Employment Opportunity. But because of the intransigence of the owners of the southern textile manufacturing industry no change has taken place in the systematic pattern of discrimination in this industry.

LIMITED GAINS

It is necessary to state that the President's Committee on Equal Employment Opportunity has very limited powers in carrying out the intent of Executive Order 10925 which requires equal employment opportunities by all contractors doing business with the U. S. Government. The President's Committee, which was established as the enforcement agency under the Executive Order, is operated without statutory authority. Thus, its impotence becomes evident when confronted by the powerful financial and political forces in control of the textile industry.

In heavy industry, the gains of Negro labor throughout the southern

states are also most limited. Negro employment is negligible in such major industrial operations as the General Motors plants in Atlanta and Doraville, Georgia and Ford Motor Company plants in Atlanta, Memphis, Norfolk and Dallas. In these large manufacturing plants Negroes are almost exclusively employed as sweepers, janitors or toilet attendants. Four Negroes were promoted for the first time into production jobs in the General Motors-Chevrolet Division in Atlanta—only within the past ten weeks as a result of action by the NAACP. The Fisher Body plant of the General Motors Corporation in Atlanta remains totally "lily-white" and plant security guards prevent Negroes from even entering the hiring office to file applications for employment. The recent employment study made by the U. S. Commission on Civil Rights confirms our opinions that very little progress has been made for the southern Negro in heavy industry. The Commission's findings are summarized in part in its latest published report as follows:¹

1. *Employment 1961 U. S. Commission on Civil Rights Report No. 3*, pp. 65-66.

"This Commission's investigations in three cities—Atlanta, Baltimore and Detroit—and a Commission hearing in Detroit revealed that in most industries studied, patterns of Negro employment by Federal contractors conformed to local industrial employment patterns. In Atlanta, the two automobile assembly plants contacted employed no Negroes in assembly operations. Except for one driver of an inside power truck, all Negro employees observed were engaged in janitorial work—sweeping, mopping, carrying away trash. Lack of qualified applicants cannot account for the absence of

Negroes from automotive assembly jobs in Atlanta. Wage rates are relatively high for the locality and the jobs are in great demand. The work is at most semi-skilled and educational requirements are extremely low."

The Commission's Report notes that in a sample,

"Of all manufacturing and assembly plants in Atlanta, Baltimore and Detroit there was no appreciable difference between federal contractors and noncontractors in the proportion of Negroes employed or in the types of positions in which Negroes were working. A similar conclusion was drawn on the basis of questionnaire surveys of Federal Government contractors by the commission's State Advisory Committees in six southern states—Kentucky, Louisiana, North Carolina, South Carolina, Tennessee and West Virginia."

A major problem for Negro workers in southern manufacturing industry is the operation of separate racial seniority lines in collective bargaining agreements entered into by management and trade unions. Investigations of the status of Negro workers in papermaking, in chemical and oil refining, in steel and tobacco manufacturing as well as in other important sectors of the southern industrial economy make very clear the fact that in these manufacturing operations, Negroes are usually hired exclusively in classifications designated as "common laborer" or "yard labor" or "non-operating department" or "maintenance department." These are the euphemisms for the segregated all-Negro labor departments established by the separate racial promotional lines currently required in collective bargaining agreements throughout southern industry.

NEGRO DENIED SENIORITY

As a result of these discriminatory provisions, white persons are usually hired initially into production and skilled craft occupations which are completely closed to qualified Negro workers. The Negro worker who is hired as a laborer in the "maintenance department" or "yard labor department" is denied seniority and promotional rights into production classifications and is also denied admission into apprentice and other training programs. In these situations Negro seniority rights are operative only within certain all-Negro departments and Negro workers therefore have an extremely limited job mobility. Thus, a Negro worker with 20 years seniority in a southern steel mill, papermaking factory, tobacco manufacturing plant or oil refinery, may be "promoted" only from "toilet attendant" to "sweeper." In addition, because of the operation of separate racial seniority lines the Negro worker is frequently the victim of dishonest and inaccurate job classifications, wage differentials and denial of the right to develop job skills based upon seniority promotion.

The pulp and papermaking industry is one of the fastest growing manufacturing industries in the South today. Here too we find that company management and the trade unions which have jurisdiction in this important southern industry are responsible for a rigid pattern of discriminatory practices including separate racial promotional lines in union contracts which limit Negro workers to unskilled low-paying job classifications and which violate their basic seniority rights. The two dominant unions in this industry are the United

Papermakers and Paperworkers Union and the International Brotherhood of Pulp, Sulphite and Paper Mill Workers Union, both affiliated with the AFL-CIO. In virtually every paper mill in the South where they hold collective bargaining agreements these two unions operate segregated locals and include discriminatory provisions in their union contracts. A compelling example of the operation of segregated locals with separate racial seniority lines is to be found at the huge plant of the Union Bag-Camp Paper Corporation in Savannah, where thousands of persons are employed. This plant has the largest single industrial payroll in Savannah.

SEGREGATED LOCALS

In terms of manufacturing man-hours the tobacco industry of the South is most important and here too, we find a rigid pattern of separate racial seniority lines in all collective bargaining agreements between the major tobacco manufacturing companies and the Tobacco Workers International Union, AFL-CIO. In one of the largest manufacturing plants, that of the Liggett & Myers Tobacco Company in Durham, North Carolina, we find that all colored workers are employed in unskilled and janitorial jobs with limited seniority rights operative only in all-Negro menial classifications. Recent investigations made by the Association indicate that in this tobacco manufacturing plant, as in so many others, Negroes are initially hired only as sweepers, janitors and toilet attendants and that there is not a single Negro employed as a cigarette machine operator.

Negro railway workers throughout the South are the victims of a traditional policy of job discrimination as

a result of collusion between railway management and the operating brotherhoods. Typical of these practices is the situation currently confronting Negro workers in St. Petersburg, Florida and Memphis, Tennessee. In St. Petersburg, the Atlantic Coast Line Railroad and in Memphis, the St. Louis-San Francisco Railroad Company have entered into an agreement with the Brotherhood of Railroad Trainmen, to deny qualified Negro railway workers opportunities for promotion and advancement.

It is interesting to note that the Brotherhood of Railroad Trainmen, an AFL-CIO affiliate, removed the "Caucasian Only" clause from its constitution in 1959. However, this was apparently for public relations purposes only as the union continues in most cities to exclude qualified Negro railroad employees. Frequently, in collusion with management, Negro brakemen are classified as "porters" and then refused membership in the union under the pretext of their being outside its jurisdiction. This, however, does not prevent the Trainmen's Union from negotiating wages and other conditions of employment for these so-called "porters" who have no representation in the collective bargaining unit.

STATE EMPLOYMENT SERVICES DISCRIMINATE

Another extremely serious problem confronting Negro workers throughout the South is the discriminatory practices of state employment services. The operation of state employment services in southern states is characterized by a rigid pattern of racial segregation and discrimination. These states include Alabama, Florida, Georgia, Mississippi, North Carolina, South Carolina and, par-

tially, in Virginia and Tennessee. All job orders are racially designated and all job referrals are made on the basis of race. Major industrial corporations operating with Federal Government contracts cannot possibly be in compliance with the President's Executive Order banning employment discrimination where such contractors in the South are using the facilities of the state employment services. The U. S. Government is one hundred per cent responsible for the operating costs of all state employment services. Federal funds are disbursed by the Department of Labor which administers the Federal-State Employment Services program. It obviously makes no sense for the Administration to issue Executive Orders banning employment discrimination while agencies of the Federal Government subsidize such discriminatory practices. The Association has repeatedly called upon the Department of Labor to take decisive action to eliminate the broad pattern of discrimination and segregation in the operation of state employment services.

As many traditional sources of Negro employment rapidly come to an end as the result of automation and other technological changes in the economy, Negroes must, of course, look to those areas of the economy where there are expanding job markets. Among the most important of these is the building and construction trades. However, here where there should be new employment opportunities for colored workers we find the old-line AFL craft union tradition of racial exclusion and segregation a major barrier in securing employment opportunities for Negro workers.

Gunnar Myrdal in the *American*

Dilemma makes the following comment, which has as much validity today as it did in 1942, "The discriminatory attitude of the organized building crafts is the more significant at the present time, since they dominate the American Federation of Labor—a circumstance which is behind the reluctance of this organization to take any definite action against exclusionist and segregationist practices."²

Myrdal also observes "That the American Federation of Labor as such is officially against racial discrimination does not mean much. The Federation has never done anything to check racial discrimination exercised by its member organizations."³

2. *American Dilemma*, Gunnar Myrdal, Harper Bros., New York, 1944, p. 1102.

3. *ibid.* p. 402.

The U. S. Commission on Civil Rights in its report of employment inequities has documented the extent of discrimination and segregation within organized labor. The Report states that "the efforts of the AFL-CIO have proved to be largely ineffective" in curbing discrimination and that the impact of discrimination by trade unions especially in the skilled craft occupations, was a basic factor in contributing to the concentration of Negroes in menial unskilled jobs in industry and to their virtual exclusion from the construction and machinist crafts and for the vulnerability of Negro labor to employment crisis. The Report by the U. S. Commission on Civil Rights concluded by calling for federal legislation to prohibit racial discrimination by organized labor, stressing the

inability of the American labor movement to take action on its own initiative against racist practices.

LITTLE PROGRESS ACHIEVED

The fact is that the little progress which has been made in the last five years has been largely the result of protests by Negro civil rights agencies acting on behalf of Negro workers. The National AFL-CIO and the various international unions have repeatedly refused to take action. Instead, the Federation has, in all too many cases, waited years to acknowledge and investigate complaints by Negro workers—and, often enough, has neglected to act altogether.

As long as union membership remains a condition of employment in the building and printing trades, on the railroads and elsewhere and qualified Negroes are barred from union membership solely because of their color, then trade union discrimination is the decisive factor in determining whether Negro workers in a given industry shall have an opportunity to earn a living for themselves and their families. This is especially true in the construction industry where AFL-CIO building trades unions exercise a high degree of control over access to employment.

AFL-CIO affiliated unions engage in four categories of discriminatory racial practices. These are: outright exclusion of Negroes; segregated locals; separate racial seniority lines in collective bargaining agreements; and exclusion of Negroes from apprenticeship training programs controlled by unions.

Today, in every large urban center in the United States, Negro workers are denied employment in the major industrial and residential construction

projects because they are with some few exceptions barred from membership in the building trades craft unions. These include the International Brotherhood of Electrical Workers, the Operating Engineers, Iron and Structural Steel Workers, Plumbers and Pipe Fitters Union, Plasterers and Lathers, the Sheet Metal Workers Union, the Roofers, the Boilermakers, and others. Since the National Labor Relations Board has done little to enforce the anti-closed shop provision of the Taft-Hartley Act, building trades unions are therefore, in most instances, closed unions operating closed shops.

The exclusion of Negroes from membership in a building trades union or limiting their membership to an all-Negro unit means in practice that qualified Negro construction workers will be denied access to the union-controlled hiring hall and, therefore, will be denied employment opportunities in the well-paid craft jobs in both public and private construction projects.

Those Negroes who belong to segregated locals often find themselves completely excluded from the major construction projects as most contractors use the hiring halls controlled by the white locals as the basic source for labor recruitment. This is especially true in Federal construction projects and here the Federal Government bears a direct responsibility for not insisting that building contractors operating with U. S. Government funds by-pass the "lily-white" union-controlled hiring halls and instead pursue a policy of recruitment from the open labor market based on skill and ability rather than that of race and color. The power of building

trades unions to operate such hiring halls and to maintain a very high degree of job control clearly derives from the National Labor Relations Act and it is evident that protections for the Negro worker must be added to the law in the very near future.

Local 26 of the International Brotherhood of Electrical Workers in Washington, D. C., is a typical example of how union power is used to completely exclude Negro workers from securing employment in vast federal construction projects. For many years qualified Negro workers have been attempting to secure admission into Local 26, which controls all hiring for electrical installation work in the nation's capital. They have filed complaints with the President's Committee on Government Contracts which over four years ago brought this matter to the attention of the National AFL-CIO.

ONLY ONE ELECTRICIAN

As a concession to pressure from government agencies and to protests from Negro civil rights organizations, one Negro electrician was reluctantly permitted by the union to work in a government installation on a temporary basis. On January 1, 1961, there were still no Negroes admitted into membership in Local 26 in the nation's capital.

In addition to the segregated locals which I have already cited I should like to indicate the following: the Brotherhood of Railway and Steamship Clerks which maintains segregated local lodges in northern cities as well as in the South, is among the important international unions in which a broad national pattern of segregation still obtains. In this Union the existence of more than 150 all-Negro locals with separate racial

seniority rosters limits jobs mobility and violates the seniority rights of thousands of Negro railway workers. In Chicago, for example, Negro workers are in segregated local lodge 6132 and in Tulsa, Oklahoma, they are in local lodge 6257. In the St. Louis area, there are 14 all-colored lodges and 14 all-white lodges which function through segregated joint councils. This is the pattern in most cities of the North as well as in the South. It is ironic to note that the president of the Brotherhood of Railway and Steamship Clerks, George M. Harrison, is a member of the Civil Rights Committee of the AFL-CIO and a Federation Vice President.

The National Association for the Advancement of Colored People has long been a supporter of democratic trade unionism and we believe that a strong free labor movement based upon concepts of social justice and industrial democracy is very desirable in American society. We believe that Negro wage earners especially require a militant labor movement for the purpose of securing job equality but all too frequently organized labor acts to deny Negro workers this job equality and enters into collusive practices with management to codify discriminatory employment practices into collective bargaining agreements. Therefore, we believe that it is absolutely essential for trade unions to be fully included in the coverage of any national fair employment practices law.

Discrimination against minority groups in employment has been a subject of increasing public concern over the past twenty years. Numerous government agencies, Federal, State and Municipal, have been established for the purpose of combatting job

discrimination. More than thirty such agencies are functioning at the present time including a federal agency concerned with employment discrimination in the Federal Government and by private contractors holding government contracts. There are state bodies in twenty-one northern, border areas and western states and municipal bodies in seven major cities and several smaller ones. Because racial discrimination in employment is clearly contrary to the public interest, it is generally recognized that it is subject to control of law by virtue of two fundamental considerations. First, that discriminatory employment practices violate a basic individual right of American citizens and, secondly, that employment discrimination interferes with the effective utilization of the nation's manpower resources. Most state fair employment practices laws invoke the individual rights principle in prohibiting employment discrimination. The preamble of Executive Order 10925 establishing the President's Committee on Equal Employment Opportunity includes both principles with equal emphasis.

TWO BASIC QUESTIONS

In our opinion there are two basic questions before this Congressional committee. Would a national fair employment practices law be more effective than state and municipal fair employment practices laws in achieving maximum progress toward the full equality of employment opportunity for all the American people and at the same time create significant improvement in the utilization of minority group manpower. And, two, should the emphasis of a federal fair employment practices commission be upon the processing and reso-

lution of individual complaints or upon assuming on its own initiative, affirmative action based on company and industry-wide patterns of employment discrimination.

It is our considered opinion that the dual objectives of significantly reducing employment discrimination and simultaneously improving manpower utilization throughout the American economy can be achieved more rapidly and effectively under an all-embracing national fair employment practices law than under a variety of state and municipal laws. A basic characteristic of American private enterprise is that it is organized predominantly on a national rather than on a state or local basis. Most of the major business enterprises in manufacturing, transportation, public utilities, mining, construction, retail trade, finance and service are national or multi-regional in scope and usually have operations in many sections of the country. This basic organizational feature of American industry and business must have an important bearing on the effective administration of fair employment practices laws especially since major policy decisions in these enterprises are nearly always made at the national headquarters' level. Significant changes in employment practices through agency intervention can be achieved most effectively if negotiation is with national management in terms of all of its multi-plant operations in a particular corporation or industry.

In the study entitled *Employing the Negro in American Industry* by Norgren, Webster, Borgeson and Patten, published in 1959 under the sponsorship of Industrial Relations Counselors, Inc., it is reported that in virtually every instance where Negroes

were integrated into the work force of industrial plants, it required a basic policy decision by top national management and that in several instances such decisions were carefully programmed in detail at the national management level. This study concludes that if the matter of eliminating employment discrimination had been left to the local managements in the North as well as in the South, no attempt would have been made to racially integrate the work force in these plants.

In addition, I wish to point out that all of the state and municipal fair employment practices laws are confined to the North and West. There are none in the South and only two in border states, but it is precisely in the areas not covered by such state or municipal laws that more than three-fifths of America's Negro workers reside. There is absolutely no prospect that the southern states will enact any fair employment practices laws for many years to come.

COMPLAINT-TAKING BUREAUS

An objective analysis of the accomplishments of state and municipal fair employment practices agencies clearly indicates that those commissions that secure compliance on the basis of total employment patterns of minority groups are far more effective than those agencies whose work is based upon individual random complaint and adjustment activity. The contrast between civil rights agencies that are simply complaint-taking bureaus with agencies that are authorized to initiate investigation and compliance procedures based upon the overall pattern of minority group employment is enormous. This opinion is corroborated by many of the

country's ablest and most experienced authorities in public administration and civil rights law, therefore, it is most important than in any national legislation to prohibit discrimination in employment, pattern-centered compliance and enforcement activities should be made the primary function of the administering agency. We know that in practice only a very small fraction of all individuals who are the victims of employment discrimination because of race or religion ever file complaints with civil rights agencies either municipal, state or federal, therefore, in terms of the realities of eliminating discriminatory employment practices the fundamental approach must be towards the initiation of affirmative action based upon the overall pattern of employment discrimination.

One of the serious weaknesses in the operation of many municipal and state fair employment practices commissions is that they are limited to functioning as complaint taking agencies. If these state and municipal laws under which these agencies operate were amended to permit compliance activities to be concentrated on employment patterns these commissions would be able to conduct their compliance efforts more efficiently and effectively. If this were the case there would be far greater results in the reduction of discriminatory employment practices than is possible under the present preoccupation with isolated individual complaints.

Major emphasis on pattern-centered compliance activities is even more essential in a national fair employment practices law. If such a law is to be effective it must authorize the Federal Commission established under the law to conduct employment

pattern surveys on the basis of entire industries in order to determine the extent and nature of existing employment discrimination and to clearly identify those industries and corporations responsible for discriminatory employment practices. The Federal Commission could then initiate compliance activity based upon its own investigations and analyses. At a later date the NAACP will submit a more detailed analysis of this and other provisions of the bill now under consideration.

CORE OF UNEMPLOYED

Negroes now constitute a very large part of the hard-core permanently unemployed group in American society. In northern industrial centers one of every three Negro workers was unemployed sometime during 1961 and a very high proportion exhausted all of their unemployment compensation benefits.

During the past three years the rate of Negro unemployment was two-and-a-half times greater than the comparable rate for white workers. In some major industrial centers the rate of Negro unemployment during 1961 was even greater as in Detroit, where the Negro constitutes 19.5% of the total work force but 61% of the total unemployment rate; in Chicago, the Negro constitutes 14.7% of the work force but 44% of the unemployed or in Philadelphia, where the Negro is 13% of the work force but represents 54% of total unemployment.

As a result of automation and other technological changes in the economy unskilled and semi-skilled

job occupations are disappearing at the rate of 35,000 a week or nearly two million a year. It is precisely in these job classifications that there has been a disproportionate concentration and displacement of Negro workers. At the present time the economic well-being of the entire Negro community is directly and adversely affected by the generations of enforced over-concentration of Negro wage earners in the unskilled and marginal sectors of the industrial economy. A continuation of this pattern will cause even greater crises in the years to come unless fundamental and rapid changes take place in the character, mobility and diversity of Negro labor in the United States. Some important employment gains made during the wartime economic expansion and in the immediate post-war period especially in heavy industry have in many instances been all but totally wiped out. In the North as well as in the South there is a direct relationship between poverty and discrimination and the Federal Government must intervene to eliminate both of these related evils which endanger the American society.

The dual considerations of securing employment opportunities and of achieving the most effective utilization of the nation's manpower supply must be recorded as among the most vital and urgent needs of the American community. Surely there are few other questions that so directly relate to the welfare of our citizens as well as to the country's place in a world where industrial power is a decisive factor.

* This article is based upon testimony presented by Herbert Hill, NAACP labor secretary to the Committee on Education and Labor of the U. S. House of Representatives, January 15, 1962, Washington, D. C.