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A NEW LOOK AT EMPLOYMENT

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If you were to ask the "man on the street" whether he thought things had gotten better for the average Negro in terms of employment opportunities during the past ten years, I am sure he would say that they had. He would probably say this with a strong tone of certainty in his voice. This prevalent optimism that "things are getting better for Negroes" undoubtedly explains why most white Americans have been baffled by the demonstrations, protests, marches and boycotts, which together have become the "civil rights revolution of the sixties." There is, to be sure, a vague awareness that the Supreme Court decision ten years ago ending segregation in public schools did not really end that segregation, but most people would probably tell you that the trouble lies only in a few "die-hard" school districts.¹

There is also, to be sure, a vague awareness that most of the poor people in our cities today, North as well as South, are Negro. They know this because they associate most crime, health problems, illegitimacy, and "slums" with Negroes. But this, too, would probably be looked upon more as a "hard core" problem than anything widespread or universal. After all, isn't urban renewal eliminating most of the really bad slums? Yes, most white Americans think that the Negro is doing better economically than he was ten years ago.

Two recent authoritative studies—one by the Department of Labor, the other by an eminent visiting professor at the University of North Carolina—have been reported this year which make abundantly clear that this "optimistic" view is unsupported by the facts.² They both provide an analysis of the past twenty years which indicates that the Negro position in the job market has been slipping, not improving, at least since 1954. The burden of the facts not only challenges popularly held opinions; it makes necessary a reexamination of public policies and governmental programs

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¹ See Knowles, *supra* at 67 for a complete discussion of this problem.

² U.S. DEP'T OF LABOR, REPORT ON MANPOWER REQUIREMENTS, RESOURCES, UTILIZATION, AND TRAINING (1963); Henderson, *The Economic Status of Negroes: In the Nation and in the South*, in 3 TOWARD REGIONAL REALISM 1 (Southern Regional Council 1963).

that were believed to be contributing to "making things better." How did we develop this false optimism? What kinds of changes must we make in our public policy planning to make our efforts more effective in meeting the needs of an uneasy and unprecedented situation? It may help to look backward for a moment before we try to face the future.

Since the late thirties, four factors have contributed to what appeared to be an irreversible trend of improvement in the economic position of the Negro. First, there has been the overall growth in employment, which, in spite of post-war fears, has continued with slight interruption since. The number of jobs increased almost 19 million between 1940 and 1960, with farm employment dropping 4 million and non-agricultural employment increasing almost 23 million. It is not surprising, therefore, that we have tended to look upon this period as one of uninterrupted progress in job opportunities for both white and Negro workers.

Secondly, the rise of industrial unionism established a new basis of job security which by the very nature of the work and jobs involved embraced an increasing number of Negro workers during this past two decade period. The improvement of the economic status of Negroes during the period, especially in the blue-collar occupations, was largely associated with this development.

Thirdly, the movement of vast numbers of Negroes out of the old South into the urban North and West—three million during the 1940-1960 period—put significant numbers in those job markets that were expanding. In 1940, 77 per cent of all Negroes in the United States resided in the South compared to 51 per cent today. Finally, the last two decades have seen a steady growth in new governmental policy seeking to protect individual economic security and to expand equal job opportunities. For example, in addition to unemployment compensation and workmen's compensation laws, last year 22 states had adopted enforceable fair employment practices laws embracing two-thirds of our population and over half of the country's Negro population. These laws had become a supplement to a federal declaration of policy requiring nondiscrimination on the part of government contractors announced by President Roosevelt on June 21, 1941, in Executive Order 8802³ and in Executive Order 10925⁴ continued twenty years later by President Kennedy.

³ Exec. Order No. 8802, 6 Fed. Reg. 3109 (1941).

⁴ Exec. Order No. 10925, 26 Fed. Reg. 1977 (1961).

Insofar as progress and expanding job opportunities for Negroes are concerned, however, the confluence of these four factors—steady growth of over-all job opportunities, an inclusive, expanding industrial union movement, declining agricultural manpower needs coupled with urban growth, and a concerned and favorable governmental racial policy—reached their apex in the immediate post-Korean War Period. Since that time, the complex impact of older industrialization processes and newer technological changes of a more radical order have combined to change the conditions under which Negro and other disadvantaged minorities now find it necessary to compete.

With the aid of our two studies previously credited, some re-examination of our earlier optimism is now in order. First, the Department of Labor's *Manpower Report*⁵ points out that the nature of those portions of the job market which have been expanding has been changing drastically in recent years. While production jobs declined 600,000 over-all since 1947, the number of non-production jobs has increased by over two million. Thus, today one in every seven and eight white workers, respectively, is either a professional or a technical worker. The figure for Negro workers for both is one in twenty-five. Jobs in these categories will increase another three million in the next seven years. Simultaneously, "the proportion of non-whites employed in blue-collar occupations fell slightly between 1955 and 1962, returning to the levels prevailing in 1948."⁶

From another perspective, since 1947 the number of white-collar jobs was increasing by 10 million over-all. For example, one in every sixteen white workers is now employed in sales, while only one in every sixty-four Negroes are so employed. By 1970 the number of sales jobs will have increased by another million. In clerical jobs, one in every three employed white women is a clerk while only one in every nine Negro women is so employed. One in every three employed Negro women is a domestic.

Translating these employment figures into dollars, Professor Henderson in his report puts the issue somewhat more dramatically. He says:

⁵ *Op. cit. supra* note 2.

⁶ Kessler, *Economic Status of Nonwhite Workers, 1955-62*, 86 MONTHLY LABOR REV. 780, 782 (1963).

On the one hand, relative growth in wage and salary income of Negroes since 1940 has been greater than that of whites; on the other hand, the absolute, or *dollar*, difference has widened considerably.

White males have stretched the "dollar gap" between their earnings and that of Negroes over three times since 1939. White families similarly have increased the differential between their employment income and that of Negro families.

People spend and save dollars. It is this dollar difference that counts. Pronouncements regarding economic progress which are confined to acceleration concepts and percentage change obscure the real predicament—*Negroes are losing ground rapidly in gaining dollar parity with whites.*⁷

In support of this cold-water-type statement, Professor Henderson points out that the dollar difference between white and non-white persons fourteen years and over was \$491 in 1950 but had grown to \$827 in 1960 in the North Central states. In the southern states it was \$908 in 1950 and had grown to \$1478 by 1960.⁸

The unemployment figures are even more revealing and more discouraging. In 1962, for example, the rate of unemployment for white workers averaged 4.9 per cent; for non-white workers it averaged 11 per cent. Even worse, unemployment has averaged twice as great for non-white workers *for every year since the Korean War*. For teenagers the unemployment rate for non-whites has been becoming progressively worse. Since 1955, for example, the jobless rate of non-white teenagers has increased faster than for white youngsters—up about 60 per cent among non-whites compared with about 30 per cent rise for white youth.⁹ It may be less difficult to understand the nature of the "civil rights revolution" with these hard facts in mind.

Continuing our re-examination, the urbanization of our country has not proved to be the liberating and improving influence for Negro families that it has for increasing numbers of white families. The difference perhaps lies in the distinction between urban growth and suburban growth. As Professor Henderson points out:

In the last decade, the twelve largest [cities]—New York, Los Angeles, Chicago, Philadelphia, Detroit, San Francisco, Oakland, Boston, Pittsburgh, St. Louis, Washington, Cleveland, and

⁷ Henderson, *supra* note 2, at 12-13.

⁸ *Id.* at 13.

⁹ Kessler, *op. cit.* *supra* note 6, at 783.

Baltimore—lost over two million white residents and gained nearly two million Negro residents, while the central cities of all Standard Metropolitan Statistical areas in the nation had an increase of 3.5 million in the Negro population.¹⁰

Translated into older housing, over-crowding, over-taxed schools and under-taxed slumlords, residential racial segregation North and South, it is not difficult to comprehend the disastrous consequences for family adjustment, civic responsibility, and educational incentives about which so many suburban whites despair for their urban Negro counterparts. Since most Americans believe so strongly in the value of education, perhaps a few more of Professor Henderson's hard facts may be in order about three southern metropolitan school systems—Atlanta, Houston, and Nashville—all progressive southern communities:

In the only vocational and technical high school in the Houston Independent School System, an all-white school, full three year courses are offered in: air conditioning and refrigeration mechanics, automobile mechanics, drafting, machine shop, photography, radio and television, and welding. None of these courses is taught in the five (regular) Negro schools

The only vocational and technical high school in Nashville is an all-white institution. Full courses are offered in commercial art, drafting, auto mechanics, electricity, general clerical, industrial chemistry, machine shop, refrigeration, secretarial training, and office machines

The white vocational and technical school in Atlanta is the Smith-Hughes School.¹¹ Courses are offered in electronics, tool and die design, instrumentation, machine shop, refrigeration and air conditioning, electricity, iron-working, steam-fitting, plumbing, sheet metal, tool and die making, blueprint reading and drafting, gas fitting and welding. Negroes are offered at Carver Vocational School radio and television, industrial sewing, commercial cooking, short order cooking, shoe repairing, auto mechanics, tailoring, bricklaying, drycleaning, practical nursing and catering.¹²

Perhaps one should ask: What will the outlook be for that generation of youngsters trained in such a system?

Next, and here I am going to risk over-simplification for the

¹⁰ Henderson, *supra* note 2, at 8.

¹¹ Professor Henderson noted that this school was desegregated on a token basis on Jan. 24, 1963.

¹² Henderson, *supra* note 2, at 18-19.

sake of brevity, the ability of the industrial union movement of this country to be of immediate help to the faltering economic position of the Negro has been drastically and negatively influenced by automation. The growth of the industrial unions in the thirties and forties clearly was beneficial to the economic status of increasing numbers of Negroes as they moved off of farms into industry, both North and South. But the industrial union has been on the decline since 1950 and is apparently headed for a life and death struggle to capture the allegiance and understanding of the new white-collar technician. At the same time, technological changes affecting the craft unions have been no less drastic. Never quick to include the new job aspirant, the building trades unions' present reluctant willingness to consider admission of Negro apprentices may well be too late. Not only are increasing numbers of construction workers employed on a non-union basis, change in the skills content of the jobs is rapidly producing need for a new kind of training system that promises to transform the job-entry system as we now know it. The same can be said for most of the other trades—printing, the metal trades, communications. In short, here too the conditions that once produced an institutional support, at least in part, no longer exist.

Finally, we come to the arena of governmental policy. So long as the economic and social climate was one compounded of need—where there was a shortage of labor and where maintaining social stability required extension of basic social security measures—it was possible to envision a consistently better world for Negroes and other deprived minorities. The governmental policy of the forties and the fifties was based upon this concept. As long as there was an expanding economy, as long as there was need to adjust and implement the movement of manpower resources from one status to another, it was possible to set up machinery in the form of Presidential committees or state commissions against discrimination to “adjudicate” individual rights. Most of the governmental effort to enlarge opportunities for Negroes and other disadvantaged minorities during the past twenty years has been based upon this notion that the manpower market place is only slightly imperfect and that a minimum amount of regulation—such as conciliatory action taken on complaints brought by individuals—will meet the need. Accordingly, the state laws “with teeth” were given minimal powers, minimal budgets, minimal staffs and minimal goals. The

federal programs were conceived to require even less initiative, primarily because of a stated federal belief in the pre-eminence of state authority, even if ineffective. Such concepts sufficed, apparently, in the climate between World War II and the Korean War. Since that time it has become increasingly apparent that governmental policy is in trouble. The growth of any sizeable "direct action" movement is per se a measure of the breakdown of existing governmental processes. Are present procedures and concepts meeting the needs of the citizens they are designed to help? The answer, if we read the daily papers, is no.

Turning toward the future, then, the impotence of existing governmental policies aimed at enlarging opportunities for Negro and other minority workers in the face of present conditions poses the most challenging civil rights question of the past twenty years. To continue to base governmental policy and action on processes that rely on the initiative of the aggrieved complainant—as most state and federal actions do—is clearly no longer adequate. The problems confronting us are more complex and more enormous than an adjudicatory body can reasonably be expected to cope with. Reasonable argument can now be made for greater governmental initiative and greater concentration of administrative power than appeared to be necessary or desirable during the forties and fifties. Something in the direction of the Equal Employment Opportunity Bill,¹³ introduced by Senator Humphrey, seems more appropriate to present conditions.

Not only does the Humphrey Bill shift the initiative to a strong Administrator within the Department of Labor, it takes into account the need for the use of comprehensive resources—job finding and placement agencies, manpower training programs, technical analysis of employment trends, experienced inspection personnel, related farm labor services. It recognizes, as Senator Humphrey pointed out when he introduced the bill,

that many of the problems associated with lack of employment opportunities result from existing practices in the process of public and private employment, practices not directly related to overt discrimination. For example, there are recruiting systems which never locate qualified Negro technicians and typists because Negroes normally do not attend the trade and technical schools on the recruiter's schedule. Whether or not

¹³ S. 1937, 88th Cong., 1st Sess. (1963).

stenography courses are offered in vocational high schools where Negro students are concentrated, whether or not trainees for new jobs are selected only from departments where Negroes have never worked, whether or not promotions are based upon job experience in assignments which Negroes have never held—each of these examples illustrates how broad employment and personnel systems have direct impact upon equal employment opportunities. In short, willful discrimination is often commingled with many impersonal institutional processes which nevertheless determine the availability of jobs for nonwhite employees.

Therefore, this legislation departs from the traditional concept of enforcing nondiscrimination in employment and seeks to establish the broader and more comprehensive obligation of promoting equal employment opportunities.¹⁴

Whatever the final form of the procedure, agency structure or legislation, the primary point is that governmental policy in the development, relocation, and standard of utilization of manpower seems inevitably headed once again toward greater, not less, regulation. It also seems certain that the financial support which the federal government gives to manpower development and relocation efforts must go far beyond the present inadequate federal-state arrangements. The experience of private industry, although often insensitive to racial considerations, in manpower development, particularly in the training of technical personnel, may well provide better models for training programs than the antiquated vocational education programs found in most public schools.

In summary, the civil rights revolution of the sixties has only begun. Frustration and disillusionment have a way of becoming cumulative. Through miscalculation, ignorance or misplaced optimism, the impact of automation upon Negroes in the United States has been allowed to reach crisis proportions. New governmental policy designed to provide initiative, to take advantage of industry experience, and to revamp entirely the manpower development resources of the nation under conditions that will require affirmative action on the part of all employers to promote equal employment opportunities is one of the most meaningful ways we can regain our social equilibrium.

¹⁴109 CONG. REC. 12532 (1963).