ABSTRACT

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The Racial Practices of Organized Labor in the Building and Construction Trades: A Contemporary Record

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The primary intent of this thesis is to set forth descriptively and analytically, the racial practices of organized labor in the building and construction trades. Primary emphasis will be placed on the skilled segment of this trade, i.e., electricians, plumbers, sheet metal workers and pipe fitters, rather than the trowel trades which includes latherers, brick mason, etc.

In the construction industry, trade unions racial practices are the decisive factor in determining the status of Black workers. The basic operational characteristic of craft union in the building trade is that they control access to employment by virtue of their rigid control of the hiring process. In this industry labor unions control the assignment of union members to jobs. The refusal to admit Blacks into membership denies Black workers the opportunity to secure employment.

The materials for this study came mainly from civil rights and union organization records and interviews and newspapers. Also, a wide variety of secondary information, books, and periodicals were used.

THE RACIAL PRACTICES OF ORGANIZED LABOR IN THE BUILDING AND CONSTRUCTION TRADES: A CONTEMPORARY RECORD

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PREFACE

This study is an effort to set forth, descriptively and analytically, the racial practices of organized labor in the building and construction trades. With primary emphasis placed on the skilled segment of this trade, i.e. electricians, plumbers, sheet metal workers and pipe fitters, rather than the trowel trades which include latherers, brick masons, etc.

In 1955, when the AFL-CIO merge, many in the Black Community were anxious to see what type of policy would be established concerning Black workers since the merger was a Dr. Jekeyl, Mr. Hyde situation. In view of this, the racial practices of both the AFL and CIO will be studied separately, with the combination being analyzed at the end of Chapter I. Emphasis however will be put on the AFL since it has a history of racist policies concerning the Black worker. Chapter I also describes the methods used by organized labor to discriminate against Blacks. Chapter II considers the Apprenticeship program, it's validity and it's use as a method of exclusion. Chapter III analyzes legislation and laws designed to prohibit discrimination, with emphasis placed on sections of the law which apply to labor unions. Chapter IV describes the response of the Black Community to discrimination by labor unions and the non-enforcement of the laws governing discrimination. This chapter also discusses the creation of the Philadelphia Plan, its effectiveness, and organized labor's reaction to the Plan. The Atlanta Plan is discussed in detail in this Chapter. In Chapter V my concluding observations are set forth.

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INTRODUCTION

In the construction industry, trade unions racial practices are the decisive factor in determining the status of Black workers. The basic operational characteristic of craft unions in the building and construction trades is that they control access to employment by virtue of their rigid control of the hiring process. In this industry labor unions control the assignment of union members to jobs. The refusal to admit Blacks into membership denies Black workers the opportunity to secure employment. Quite frequently Black craftsmen denied union membership are totally excluded from work in white residential neighborhoods, in new commercial construction, and in public works projects. This means that skilled Black workers are restricted to marginal maintenance and repair work within the Black community and they are seldom permitted to work on larger and more desirable public and private construction projects.

In the early days of organized labor the doctrine of job scarcity was used as a mechanism to control job opportunities. Today, the construction industry is blooming, a shortage of workers has been reported in twelve of the seventeen trades, yet discrimination continues to be the rule especially in the highly skilled crafts such as electrical, plumbers, steamfitters and sheet metal unions.

In the face of the blooming construction industry the Black unemployment rate continued to grow. Despite the Civil Rights Law which "affords" every person equal opportunity in employment, despite Executive

Orders and Plans such as the Philadelphia and Atlanta plans which set up a quota of minority workers on federally involved construction projects.

Blacks are being excluded from construction as apprentices and journeymen, except in the lower paid skilled and semi-skilled jobs, because of union restrictions and widespread racial discrimination by the AFL-CIO trade unions.

This racial discrimination is not limited to certain locals as some supporters of organized labor would have one to believe. It is a broad and widespread pattern practiced by unions in the North as well as the South. Blacks are especially concerned with this industry because:

1. This industry more so than any other is highly dependent on public funds. Highways, schools, hospitals, public housing and other public facilities are paid for by their tax dollars.

2. The construction trades offer well-paying salaries - electrical workers in Atlanta construction earn $8.40 an hour.

3. Construction work is a man's job for all practical purposes and is highly regarded by men in the Black community who are usually employed on dead-end menial jobs.

4. Jobs in the construction industry are highly visible and of special significance to low-income Black communities. In addition, much of the new construction is centered near

large Black communities and involves Urban Renewal.

This study is not meant to imply that the economic and social status of Black craftsmen could be changed entirely by organized labor; however, labor unions could have done their share. Instead research has shown that they have acted as economic oppressors.

Definition of Important Concepts and Terms

For clarity, prior to reading the text of the paper, it is necessary to have a common understanding of terms and concepts used. Since in many instances definitions can vary, the definitions below are preferred by this researcher.

Labor Union or Labor Organization - (will be used interchangeably). The 1964 Civil Rights Law defines Labor Organization as "a labor organization engaged in an industry affecting commerce, and any agent of such an organization, and includes any organization of any kind, any agency or employee representative committee, group, association, or plan so engaged in which employees participate and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours, or other terms or conditions of employment and any conference, general committee, joint or system board, or joint council so engaged which is subordinate to a national or international labor organization.

Discriminatory Practices - When used in this text discriminatory practices will define methods used by organized labor which specifically bar, limit, or otherwise obscure the membership or participation of Black workers.

Solidarity Forever - A concept used by labor organizations to insure the autonomy of local unions.

Job Scarcity - Doctrine used by unions in an effort to control membership into unions on the basis of few jobs or limited jobs.

Apprenticeship Program - A training program designed to teach the trade of particular crafts. The duration of training varies from 3 to 5 years according to the craft.

CHAPTER I

AN ANALYSIS OF THE HISTORY OF THE AFL & CIO RACIAL PRACTICES

After 1886 the American Federation of Labor became the official spokesman for the organized labor movement. The top echelon of the new federation of labor expressed a need to organize all workers regardless of color, creed, etc.: this was expressed, forcefully, in the preamble to the Constitution:

> Whereas a struggle is going...between capitalists and the laborers, which grows in intensity...and will work disastrous results...if not combined with mutual protection and benefit... The history...of constant struggle and misery is engendered by ignorance and disunion. The history of non-producers of all ages proves that a minority, thoroughly organized, may work wonders for good or evil... Therefore, the formation of a Federation embracing every trade and labor organization in North America, a union founded upon the basis as broad as the land we live in... trade unions...have accomplished great good, their efforts have not been of the lasting character which thorough unification of all different branches of industrial workers is bound to secure.[1]

Though no mention was made of Blacks in the AFL's constitution, the Federation's officials required a pledge from all National unions seeking affiliation that they would not exclude craftsmen from membership solely on account of color, creed, or nationality.[2]

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[1] Herman Bloch, "Labor and the Negro 1866-1910," Journal of Negro History, L (July, 1965), 176.

[2] Herbert Northup, Organized Labor and the Negro (New York: Harper & Brother, 1944), p. 8.

Samuel Gompers, president of the AFL recognized the need for total organization of the working class in order to achieve labor's goal-economic, social and political strength. Gompers believed that the exclusion of Blacks from membership by constitutional provisions was an element of weakness which doomed the union to failure unless it were recognized. He maintained that the workingman should organize irrespective of color, both as a matter of principle and of practical common sense, as the division of workers was a means whereby the employers kept down the wages of both groups. "Wage-workers," he wrote, "like many others may not care to meet privately or mix socially with colored people, but as working men we are not justified in refusing them the right of the opportunity to organize for their common protection. Then again, if organizations do, we will make enemies of them, and of necessity they will be antagonistic to our interests."[1]

When the National Association of Machinists and the International Brotherhood of Blacksmiths sought affiliation with the American Federation of Labor their constitutions contained a Caucasian clause. The AFL refused to admit the Machinists until they struck out the color line discrimination in their constitutions. The Machinists and Blacksmiths refused to do so. Gompers made a personal visit to the National Machinists Union and urged them to strike out the "white clause" in its constitution. Gompers was asked if the AFL dictated to the affiliated organizations as to the qualifications for membership. He admitted that it did not, and stated that the Machinists Union would receive a charter

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[1] Ibid., p. 3.

from the Federation if the color bar was withdrawn.[1] The implication was that the Federation could not openly recognize discrimination in its affiliated unions, but that it did not interfere with their policies as long as they did not proclaim them in their constitutions. Thus, the word "white" was transferred to the ritual of the Machinists and Blacksmith's union and business went on as usual.

In 1896, the Boilermakers and Iron Shipbuilders were welcomed despite a similar method of excluding Blacks. By 1900 the AFL discontinued all efforts to enforce their nondiscriminatory policies. In 1902, Dr. W. E. DuBois undertook a study at Atlanta University of Black membership in unions and reported that forty-tree internationals including the Railroad Brotherhood were without any Black members and that 27 additional unions had only a very small number of Blacks. Of about 40,000 Blacks who belonged to the AFL, more than 20,000 were members of one union the United Mine Workers.[2] By 1910, AFL unions that excluded Blacks through constitutional provisions or ritual requirements were: Railroad Telegraphers, the Railroad Trackmen, the Stationary Congineers, the Railway and Steamship Clerks, the Railway Carmen, the Wire Weavers, the Switchmen, the Maintenance-Of-Way Employers, the Commercial Telegraphers, the Machinists, the Boilermakers, and the Iron and Ship Builders. Many other unions such as the International Brotherhood of Electrical Workers, the United Association of Journeymen Plumbers and

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1 Bloch, p. 178.

2 Dr. W. E. B. DuBois, "The AFL." Crisis, XL (Dec., 1933), 292.

Steamfitters, the United Brotherhood of Carpenters and Joiners, and the Brotherhood of Painters, Decorators, and Paperhangers denied admittance to Blacks without resorting to constitutional or ritual provisions. This was accomplished by means of "unwritten practices" such as high initiation fees, examinations designed to fail Black applicants, the requirement of special licenses unobtainable by Blacks; and an apprenticeship program that excluded Blacks and thereby prevented them from gaining the skill required to obtain jobs; refusal to accept applications from Blacks, or simply ignoring their applications; general understandings to vote against Blacks if they are proposed; and restricting membership to sons, nephews, or other relatives of members.[1] A number of international unions which did not bar Blacks from membership restricted them to auxiliary locals. This arrangement was usually adopted in lieu of constitutional restrictions and only with the approval of the international which refused to admit Blacks into their ranks.

Segregated locals are theoretically different from auxiliaries in that segregated locals have equal and separate charters. This distinction is often more theoretical than real, however, because Black members of "federal," or segregated locals have no power in terms of bargaining for wages or working conditions. The fact is, white locals and employers sometime take measures affecting Black workers in segregated locals without even consulting them.[2] The segregated locals were in effect,

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[1] Ray Marshall, "Racial Practices of Union," in Negroes and Jobs, ed. by Louis A. Ferman, Joyce Kornbluh, and J. A. Miller (Ann Arbor: The University of Michigan Press, 1968), p. 283.

[2] Ibid., p. 279.

evidence of the AFL's acquiescence in racist practices or at best an evasion of the question of real support for the principle of Black organization.

Still the American Federation of Labor justified this policy with the rationalization that the AFL's existence was contingent upon the per capita dues it received from affiliated internationals. Thus, the organization's principles of brotherhood were comprised in an effort to keep many unions who opposed Blacks.

Samuel Gompers made use of his dialectical talents to squash the Jim Crowism of the AFL with the historic trade union position of "solidarity forever." On the one hand, he claimed that the AFL did not believe in discrimination but, on the other hand, it could not determine the internal admission requirements of international unions; the AFL believed in organizing Black workers but it was doing it, in part, through separate "federal" Black unions; when Gompers reached an end to his rationalizations in regard to the admission policies of unions he turned his wrath on the Black workers who were used as strike breakers. He blamed them for the separatism of the union movement.[1] All these rationalizations could not hide the fact that moral principles had been sacrificed to expediency, that a growing treasury and white membership meant more than the welfare of Black workers. This may seem a severe judgement but it must be realized that some employment required union

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[1] Marc Karson and Ronald Radsoh, the AFL and the Negro Worker, 1894-1949 in The Negro and the American Labor Movement, ed. by Julius Jacobson (Garden City, New York: Doubleday & Company, 1968), pp. 156-7.

membership. To deny Blacks entry into established unions meant, in effect, denying them jobs. The fact that Blacks could receive separate charters from the AFL did not mean that they could find jobs as easily as white unionists, for as was stated previously, Black locals were smaller and less powerful. Furthermore, the fact that apprenticeship training programs in many building trades operated by unions and employers conspired to keep Blacks out, meant Blacks remained outcasts. Also, when Black unionists did secure jobs, they frequently were assigned to the lowest positions and paid less than white unionists. The employers knew they could exact a harder bargain from a Black local, which did not have the same backing from the international that white locals could expect.[1]

These inequities did not go unchallenged by Black craftsmen. The question of separate federals always found its way to the conventions of the American Federation of Labor. In 1924, it was raised by a federal local of the Black-freight handlers, express and station employers, whose work fell under the jurisdiction of the Brotherhood of Railway Clerks, which debarred Blacks by constitutional provisions. The Black freight handlers wanted the words "white only" struck from the Clerks' constitution, so that they could become full members or to have the Railway Clerks relinquish jurisdiction over them and establish a brotherhood of their own.[2] The resolution resulted from the failure of the clerks to

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[1] Ibid., p. 169.

[2] Sterling D. Spero and Abram Harris, The Black Worker (New York: Atheneum, 1972), pp. 89-90.

adjust certain grievances, for which the freight-handlers had been promised relief in 1919. The same resolution demanded that the AFL take action on the refusal of the Machinists, the Iron Shipbuilders, Boilermakers, the Blacksmiths and the Drop Forgers to admit Blacks.[1] After considerable debate the resolution involving the clerks was carried. But the resolutions relating to the boilermakers and iron shipbuilders, blacksmiths, and the drop forgers, were referred to the committee on law. The report of this committee recommended that the Executive Council call a conference of representatives of the parties affected. The conference was never held, instead the Executive Council chose to overlook the question of Black membership in local unions.[2]

Though unsuccessful, members of the Black community could not, and did not choose to close their eyes to the discriminatory practices of the AFL. During the first World War a committee of Black representatives from the community met with the Executive Council to voice their criticism of organized labor's racial discrimination and of the thousands of unorganized Black workers. Gompers defended the AFL's policy of segregated Black unions by claiming that it was the only way in which unions could have been established in the South. He again pointed to the limits of the Federation's power. Six months later the Black representatives submitted a proposal which requested that the AFL issue a statement clarifying its racial position, employ a Black organizer, and

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1 Northup, p. 10.

2 Ibid., p. 10.

consult from time to time with the Black committee. The Council refused, saying that it could find no fault with the past work of the AFL.[1]

In 1924, the NAACP offered a similar proposal. It sought to establish an Interracial Labor Commission, composed of representatives from the AFL, the Railroad Brotherhoods, and the NAACP to facilitate the admission of Black workers into the de facto white unions. The interracial commission would untake to discover the attitudes and practices of national and local labor unions toward Blacks, and vice versa. The commission would also organize a program of propaganda against racial discrimination, the findings and results would be discussed at national conventions, and assemblies, as well as local ones. Again, no action was taken on this recommendation,[2] and the policy of discrimination continued during the presidency of William Green. From all indications the policy of discrimination was not so much the result of neglecting to curb racist elements within labors' ranks as it was the product of the overtly racist views held by the trade union leadership itself. As in the days of Samuel Gompers, the Federation's policies encouraged racist practices and discouraged the efforts of those who opposed racism. While defenders of the AFL have stated that it had no power to compel international affiliates to obey its pronouncements against discrimination, the AFL actually used its power to coerce affiliates during jurisdictional conflicts, in political struggles, or when confronted by the

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1 Spero & Harris, pp. 104-109.

2 Karson & Radosh, p. 110.

threat of dual unionism.[1]

When the 1934 convention of the AFL met in San Francisco, local Blacks ringed the convention hall with pickets bearing signs proclaiming that "White Labor Cannot Be Free While Black Labor is Enslaved," and that "White Unions Make Black Scabs."[2] On the floor of the convention, A. Philip Randolph, the President of the Brotherhood of Sleeping Car Porters, proposed that the AFL expel "any union maintaining the color bar." The resolutions committee rejected Randolph's motion on the ground that "The American Federation of Labor...cannot interfere with the autonomy of National and international Unions." However, the committee did except an amendment authorizing the appointment of a five member committee to investigate the conditions of the colored workers of this country and report to the next convention."[3]

The AFL's Committee of Five to Investigate Conditions of the Colored Workers met in Washington on July 12, 1935, and heard the testimony of a number of witnesses familiar with the problems of Black workers. (The members of this all-white Committee of Five were: John Brophy of the United Mine Workers, Chairman; John Rooney of the Operative Plasters and Cement Finishers; John Garvey of the Hod Carriers and Common Laborers;

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1 Phillip Taft, Organized Labor in American History (New York: Harper & Row, 1964), p. 463 also Marshall, pp. 60-61.

2 Marshall, p. 29

3 Karson and Radosh, pp. 163-7.

Jerry L. Hanks of the Journeyman Bargers; and T. C. Carroll of the Maintenance of Way Employees.) Specific examples of union discrimination were described by representatives from the Urban League and from the N.A.A.C.P.

After concluding its hearings, the Committee of Five recommended a threefold plan: (1) that all internationals which discriminated against Black workers should take up the "Negro question at their next convention for the purpose of harmonizing constitution rules and practices to conform with the oft-repeated declarations of AFL conventions on equality of treatment of all races within the trade union movement;" (2) that the AFL issue no more charters to unions practicing discrimination; and (3) that the AFL inaugurate a campaign of education "to get the white worker to see more completely the weakness of division and the necessity of unity between white and Black workers to the end that all workers may be organized."[1]

The Committee had been specifically instructed to report to the next convention, and if its recommendations had been accepted and implemented significant internal reform of the AFL might have been achieved. The Federation's Executive Council had grave reservations concerning the wisdom of the report, however, and President William Green arranged for it to be submitted to the Council rather than to the open convention. At the same time, the Council also received a second report on the Black question from one of its own members, George Harrison, the President of

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[1] Northup, p. 12.

the exclusionist Railway Clerks. Harrison's report, advocating no action except "education," was considerably less forceful than the Committee's recommendations. But because of its innocuousness, it was more to the liking of President Green and the Council, who refused to release the Committee's recommendations and instead arranged for Harrison's inoffensive document to be presented to the convention. The report was adopted by the delegation over A. Philip Randolph's protests.[1]

This sabotage of the Committee's report by the AFL's Executive Council brought sharp reprisals from the Committee's chairman, John Brophy. Brophy charged that the "maneuvering on the part of the Executive Council plainly indicated that you wanted the Committee of Five to Investigate Conditions of Negro Workers' to be merely a face-saving device for the AFL rather than an honest attempt to find a solution to the Negro problem in the American labor movement."[2] Other members of the Committee of Five did not share Brophy's feelings. This may have encouraged the Executive Council to ignore the committee's strong proposals for action when preparing its annual report.

Resolutions at subsequent conventions urging an end to discrimination did not secure approval. Yet, Mr. Randolph continued his efforts, and at the 1941 convention he introduced a resolution calling for the establishment of a committee to investigate the complaints of union

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1 Karson & Radosh, pp. 171-2.

2 Ibid., p. 172.

racial practices. He cited case after case of union discrimination, but his citations fell on deaf ears. The official attitude of the AFL was clearly stated once more in speeches of three of the Federations top spokesmen. In brief, the position was that: (1) discrimination existed before the AFL was born and human nature cannot be altered; (2) such a committee as proposed by Randolph would infringe on the sacred doctrine of autonomy of the Federation's affiliates; (3) the AFL, per se, does not discriminate because it gladly accepts Negro workers into its directly affiliated federal locals. Besides, the AFL hopes that "if there are any barriers" in the way of organizing Negroes, they will ultimately be broken down; and (4) that Negroes should be thankful for what the AFL has done for them.[1]

Mr. Randolph replied to the statements, but to no avail. Nevertheless, A. Philip Randolph continued his fight to end discrimination by AFL affiliates. As his attempts and charges were made the union leaders spoke of their friendship for the Black worker; although they all argued that they desired an end to discrimination against the Black worker, they supported policies that enabled racist unions to continue their discriminatory practices.

The Congress of Industrial Organization

The issue of organizing workers in the mass-production industries such as steel, rubber, packing house, etc., was often raised at the AFL's conventions. AFL leaders who were determined to keep the

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1 Northup, p. 13

federation structured along the principles of craft organization opposed all efforts of organizing production workers. However, trade unionists determined to plant the union flag in mass production kept putting pressure on the AFL to organize production workers. Finally, the AFL permitted the establishment of the Committee for Industrial Organization, with John L. Lewis as Chairman and Charles P. Howard, Secretary, the Committee went about the business of organizing workers in the clothing, textile, oil, mine, etc., industries.[1]

The Committee inviting other unions to affiliate declared its purpose to be "encouragement and promotion of organization of the unorganized workers in the mass production and other industries upon an industrial basis, as outlined in the minority report of the Resolutions Committee submitted to the convention of the American Federation of Labor at Atlantic City, "to foster recognition and acceptance of collective bargaining in such industries; to counsel and advise unorganized and newly organized groups of workers, to bring them under the banner and in affiliation with the American Federation of Labor."[2]

The organizing efforts of the Committee for Industrial Organization raised the question of jurisdictional rights which was a treasured principle of the AFL (jurisdictional rights meant that one union and only one would be authorized to recruit workers of a given craft or calling).

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1 Phillip Taft, Organized Labor in American History (New York; Harper and Row, Publishers, 1964), p. 471.

2 Ibid., p. 472.

In pursuance of this principle, the wood workers and Amalgamated Carpenters and Joiners Unions were compelled to merge with the United Brotherhood of Carpenters and Joiners of America, and the International Association of Railway Car Workers were ordered to join the Brotherhood of Railway Car men. Similarly, a union of steam fitters was ordered into the Plumbers Union.[1] The problem was the Committee for Industrial Organization in its organizing drives overstepped its boundaries and encroached upon the craft union's jurisdictions. An amicable settlement of the problem was not reached; resolutions after resolutions were presented but none solved the problem of dual unionism. Thus, the Committee of Industrial Organization was expelled from the AFL and in 1938 the Congress of Industrial Organization emerged.

The objectives of the CIO were to organize effectively all workers regardless of race, creed, color, or nationality for their mutual aid and protection, extend the benefits of collective bargaining so as to secure for labor the means of dealing peacefully with employers, maintain all obligations under collective bargaining contracts, and promote legislation for greater protection of labor, civil rights and democracy.[2]

The CIO unions as a rule were not composed of large numbers of skilled workers who underwent a rather long apprenticeship training. Unions in the mass production industries, to be effective, had to

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1 Ibid., p. 463.

2 Ibid., p. 529.

welcome all workers. The automobile and steel industries, for example, employed large numbers of Black workers and attempts to exclude them from union membership would have been fatal. But it was not only necessity that promoted their efforts to win Black support and build interracial unions. The CIO's equalitarian policy also stemmed from the ideological positions held by many of its leaders, who were young idealistic people with broad social outlooks.[1] Another determining factor in discrimination by labor unions is the opportunity for discrimination. The CIO sought to organize all workers hired by the employer, whereas the AFL (craft unions) frequently determined who it will hire. Since craft unions do have control of entry into labor markets, they have been able to bar Blacks from membership. Industrial unions, on the other hand, have relatively little direct control over the labor market.

The CIO did, however, encounter racial problems. Some CIO locals barred Blacks from membership, while others permitted segregated locals; in some places segregated facilities were maintained in CIO headquarters and segregated CIO political affairs meetings were held.[2]

But the most serious problems for Blacks in CIO unions were racially segregated jobs in most basic industries. These seniority arrangements were primarily the responsibility of the employers and local customs, but few unions did anything actively to break down job segregation at

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1 Ray Marshall, The Negro and Organized Labor (New York: John Wiley and Sons, Inc., 1965), p. 45.

2 Marshall, p. 45.

the plant level.[1] However, the CIO national affiliates came to the aid of Black workers when strikes protesting the hiring of Blacks or the up grading into formerly all-white organizations.[2] Perhaps the CIO's position and participation in breaking strikes won unsure Black organizations and the Black community to its side. Whatever the reason, the Black community and the CIO maintained a conducive and stable relationship through the war years. This relationship was conducive to the Black organizations because the CIO gave financial support to them (the NAACP, Black churches and newspapers). The CIO also used Blacks to organize Black communities and it created the Committee to Abolish Racial Discrimination. The NAACP actively campaigned for CIO unions and Walter White, NAACP executive secretary, personally aided the United Automobile Workers drive to organize the Ford Motor Company.[3]

The CIO-Black alliance endured in the postwar years. However, some friction was created by the actions of Communists, who had become an extremely powerful force in the CIO. The Communists, out of allegiance to the Russo-American alliance, emerged as the extreme right wing of the labor movement. They advocated the speed-up, proposed incentive pay, denounced strikes, defended the proposal for a labor draft, and announced

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1 Ibid., p. 45.

2 Sumner M. Rosen, "The CIO Era, 1935-55" in The Negro and the American Labor Movement, ed. by Julius Jacobson, p. 195.

3 Ibid., pp. 196-7.

that it was the duty of workers to force better profits on unwilling employers. They also made it quite clear that they were prepared to sacrifice the rights of Blacks in the interests of the war. Thus Black leaders could see no contradiction between the fight against Hitlerism and the continued struggle for civil rights and fair employment practices in America, were roundly denounced by Communist leaders. Most notably, the March on Washington Movement, which, under the leadership of A. Philip Randolph, threatened to assemble in Washington in a mass demonstration to protest job discrimination, was subjected to Communist vilification. Randolph was described as "a Facist helping defeatism." The attitude of the Communists provoked Willard S. Townsend, the Black President of the CIO-affiliated United Transport Service Employees, to note that the "present line of the Communist carpetbaggers on the Negro question...is indistinguishable from that of many of our southern poll taxers and carpetbaggers." The Communist led unions were expelled from the CIO (not because of their racial views, but because they were becoming too powerful for the CIO to deal with). The CIO was so deeply enmeshed in the struggle to cleanse itself of Communist influence, it had little energy to spare for other things, including the development and application of an effective strategy for dealing with the economic problems of Black workers.

The Merger

In 1955, the American Federation of Labor merged with the Congress of Industrial Organization. Partly as a result of the influence of the mood of the Black community and the prevailing attitude on race

relations, and partly because of organized activity by Black unionists led by A. Philip Randolph, the AFL-CIO adopted a relatively strong civil-rights program. The Federation's constitution listed among its objectives: To encourage all workers without regard to race, creed, color, national origin or ancestry to share equally in the full benefits of union organization." In order to help the Executive Council "bring about at the earliest possible date the effective implementation of the principle...of nondiscrimination," the AFL-CIO's constitution provided for a Civil Rights Committee (CRC). Day-to-day administration is carried out by a Civil Rights Department.

Although Randolph was not at all pleased with the AFL-CIO's failure to impose definite sanctions against discriminating unions,[1] he nevertheless termed the civil-rights program of the merged Federation a "step forward."[2] When Michael Quill of the CIO Transport Workers union wanted assurances before voting for the merger that the civil-rights program would be implemented, Reuther said, "These are not just words. These will be deeds."[3] Reuther's views were shared by James B. Carey of the International Union of Electrical Workers, who had been chairman of the CIO Civil Rights Committee. Carey said "civil rights had been high on the agenda of the basic principles that concerned the AFL-CIO Unity

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1 AFL-CIO Convention Proceedings, 1955, pp. 363, 387.

2 Chicago Defender, February 19, 1955, p. 11.

3 AFL-CIO Convention Proceedings, 1955, pp. 305-308.

Committee during its negotiations."[1] Black suspicions were also allayed by the election of two Black vice-presidents-Philip Randolph and Willard Townsend of the CIO United Transport Service Employees-and the fact that Carey, who was highly regarded in the Black community, was made chairman of the Civil Rights Committee.[2]

However, a number of features of the merger caused Blacks to become increasingly skeptical of the Federation's civil-rights program. Some Black leaders noted that unions could be expelled for corruption and Communism but not for civil-rights violations.[3] This skepticism was strengthened during the first year of the CRC's operations when Carey resigned as chairman because, among other things, he thought the Committee was not moving fast enough. Carey was replaced by Charles Zimmerman, a vice-president of the International Ladies' Garment Workers Union. As a result, the NAACP declared that

> The Civil Rights Committee of the AFL-CIO is the only standing committee in the Federation whose chairman is not a member of the Federation's Executive Council and/or the president of an international union. The rigid protocol of the national labor federation indicates that such a person is not in a position to impose a policy upon an international or local union but must confine himself to issuing declarations and to exercising such persuasion as he can muster. More often than not, his efforts are

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1 Ibid.

2 Chicago Defender, December 3, 1955, p. 3.

3 Julius Jacobson, "Union Conservatism A Barrier To Racial Equality" in The Negro and the American Labor Movement ed. by Julius Jacobson Doubleday & Company, Inc (Garden City, New York, 1968), p. 9.

fruitless.[1]

Criticism by Blacks caused Zimmerman to resign in 1961 and, after some difficulty getting another chairman, Meany appointed AFL-CIO Secretary-Treasurer William F. Schnitzler.

Relations between the AFL-CIO and the Black community were also influenced by the fact that two-thirds of the official positions of the merged organization, including the presidency went to the AFL, which was never able to overcome its unfavorable image in the Black community. Furthermore, the AFL-CIO Executive Council admitted two unions - the Brotherhood of Locomotive Firemen (BLF) and the Brotherhood of Railroad Trainmen (BRT) - to the merged organization even though they had race bars in their constitutions. Only A. Philip Randolph, the only Black member of the Executive Council after the death of Willard Townsend, voted against the admission of these organizations on racial grounds.[2] White leaders apparently gave little thought to this problem and those who did were persuaded that it was better to take the unions in and seek to change their practices from "within the house of Labor." Black-labor relations were exacerbated by a number of widely publicized cases of discrimination against Blacks by local unions in cities (Cleveland, Detroit, Philadelphia, San Francisco, Milwaukee, Los Angeles, Hartford, New York and Washington, D. C.) with large Black concentrations. The

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1 Marshall, p. 56.

2 AFL-CIO Executive Council Minutes, December 5th and 9th, 1955, pp. 11-12.

Black community was particularly incensed at the vigorous defense of discrimination by these unions before fair-employment-practices commissions, in the courts, and before such organizations as the AFL-CIO Civil Rights Committee and the federal contract committees.

Evidence of the AFL-CIO's unwillingness to end discrimination and segregation practiced by its affiliates was presented in 1959 when A. Philip Randolph, President of the Brotherhood of Sleeping Car Porters, and the only Black on the AFL-CIO Executive Council, criticized organized labor's lack of progress. He called upon the AFL-CIO to take concrete action against segregated locals, discriminatory seniority provisions in union agreement, exclusionist practices, and the systematic barring of Blacks from leadership positions even in unions with large Black memberships. Randolph also raised the issue of internal union democracy, so closely related to the question of racial discrimination. After a heated exchange George Meany, President of the AFL-CIO, lost his temper and roared at Randolph: "Who the hell appointed you guardian of all Negroes in America."[1] Later Randolph presented to the Federation's Executive Council detailed charges of anti-Black practices in affiliated unions together with recommendation on ways to eliminate segregation and discrimination within international and local union organizations.

The Federation sharply rejected the charges and on October 12, 1961, the Executive Counsil publicly censured Randolph because it felt that he was responsible for the ill feelings that the Black community had toward

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[1] Marshall, p. 63.

organized labor, and because he had gotten too close to "militants" in the community.[1] Instead of taking action against racist practices, the AFL-CIO Executive Council publicly blamed the acknowledged spokesman for Black workers within the labor movement for the dilemma of labor's own making.

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1 Ibid., p. 64.

CHAPTER II

APPRENTICESHIP

The day after the AFL-CIO censured Randolph the Equal Employment Opportunity Commission released a report that was most revealing. The report stated that the AFL-CIO had not provided any effective methods of eliminating racial discrimination and suggested that new federal laws be enacted that would directly apply to labor organizations.[1]

From this writer's research, I am sure that the report did not come as a surprise to organized labor. For it has been a long established policy with the AFL-CIO to maintain two positions on racial discrimination; (1) the public position is one of ostensible support for equality; (2) the private position - and the most important one as revealed by reports such as the one the Equal Employment Opportunity Commission released is one of bitter resistance.

The odd thing about the union's resistance is their public posture of consistently promising reforms. In February, 1967, the New York Times headlined page 1: "18 Unions Pledge to Seek Negroes for Building Jobs-Assure Labor Department - They will try to Prevent Discrimination by Locals." Hill says that nine months later, there were few signs that the promises were kept. He recalls that in 1963, an agreement using

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[1] Herbert Hill, "Two Views of Racial Attitudes and Practices," in The Negro and the American Labor Movement, ed. by Julius Jacobson, New York: Doubleday and Company, Inc., 1968, pp. 156-7.

virtually the same words was signed by the 18 Presidents of the Building and Construction Unions. He also stated that in 1962, the head of 120 AFL-CIO unions signed an anti-bias pledge at the White House.[1]

Since its inception, organized labor has continued making pledges and promises to the public but at the same time maintained its private position on racial discrimination.

It would be inaccurate to say that since 1866 that Blacks lot in American Labor Unions has not improved - but it is disgraceful to have to list, in 1970, examples of how much prejudice remains.

1. Blacks continue to be excluded from many unions solely because of color.

2. There are still several hundred all Black local unions in existence.

3. Union contracts often perpetuate racially separate senority lines with the dirtier, dead-end and lesser paid jobs relegated to the Black members.

4. Union-controlled apprenticeship programs admit far less that token numbers of Blacks (only 2.7 per cent - an increase of one per cent in ten years).

Much of the division between organized labor and the Black community lies in the Apprenticeship system. Apprenticeship is a training period

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[1] Jack Star, "What Unions Are-And Are Not-Doing For Blacks." Look (September 26, 1969), 88.

which teaches the skills of a particular trade or craft. An apprentice who undergo a four or five year learning period before being admitted as a full-pledged journeyman, receives 50 per cent of a journeyman's wages during this training period.

Applicants for apprenticeship training are required to pass aptitude tests which include what Herbert Hill, NAACP Secretary of Labor, considers as "wholly irrelevant questions." Plumbers, Hill says, get problems in algebra and trigonometry. In addition to the written exams, they must pass oral exams or interviews.[1]

The question arises, why be subjected to a 4 or 5 year training period to become an electrician or plumber when you can become a college trained engineer? The answer is stable employment in high paying jobs and excellent opportunities for advancement for those who win journeymen's spurs. It is not uncommon for union journeymen in a number of skilled trades to draw earnings of $20,000.00 a year or better.

On the surface, apprenticeship is an attractive offer. An electrician apprentice can make $4.20 an hour when he enters the program and receive raises as the program advances. Yet, some labor experts and labor interested members of the Black community look on the apprenticeship system with much distaste and distrust. Many believe the program is entirely too long; still others maintain that apprenticeship is obsolete. Further, the program is accused of being discriminatory to

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[1] Jack Star, op. cit., p. 86.

make one-hundred per cent of all Black workers seek entry through apprenticeship training, when only 30 per cent of building trade union journeymen go through formal apprenticeship programs.[1]

Officials of organized labor contend that the system is vital to maintain standards of workmanship. They state that they do not act with any special malice toward Blacks, but that most Blacks who apply for apprenticeship programs are not qualified. Blacks on the other hand reject these statements.

In order to get a clearer picture of the situation, the writer interviewed eight electrician apprentices in Atlanta, Georgia. Before revealing the results of the interviews, it is essential to consider the educational attainment of the apprentices, since the charge was made that one had to be a college graduate in order to pass the exams. Three of the apprentices had two years of college; one graduated from an Atlanta Area Technical School where he concentrated in technical electronics; three other apprentices were high school graduates, and all veterans; one apprentice had three years of college with a major in business.[2]

When asked how they were informed of the program, five of the

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1 George Strauss and Sidney Ingerman, "Public Policy and Discrimination in Apprenticeship," in Negroes and Jobs, ed. by Louis Ferman, Joyce L. Kornbluh and J. A. Miller (Ann Arbor: The University of Michigan Press, 1968), 321.

2 Interviews with electrician apprentices, Atlanta, Georgia, May and June, 1972.

apprentices answered, "by the Urban League;" two were informed by a program called Friendship, which is sponsored by the Veterans Administration; one was informed by the local union.[1]

It was the concensus of the apprentices that the four year training period for an electrician apprentice was valid. All agreed that they were not ready to take on a job without supervision (the apprentices had been in the program from one to two years).

One of the apprentices revealed that he had been on one job for twenty months in spite of the fact that the indentured agreement[2] he signed stated that he would be transferred to a different job every six months. The apprentice further stated that he had been involved in only one phase of the craft--laying pipes, which is considered the lower, dirtier aspect of the trade. Recently, he received a transfer to another job, but so far his duties are the same--he continues to lay pipes.[3]

While it is true that laying pipes is a very necessary part of an electrician's work, it is also the least desirable part. The implication here is that he was relegated the same tasks for almost two years. Other apprentices revealed similar situations.

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1 Interviews, May and June, 1972.

2 An indentured agreement is a statement the apprentice signs which states both his employers' and his own obligations during the program of apprenticeship.

3 Interviews, May and June, 1972.

A study by Shaughnessy cited a case which occurred in New York in 1961, where Electrician Local 3 had eight Blacks in the construction industry, but in 1962 it recruited 1,000 apprentices, 140 of whom were Black and 60 were Puerto Rican. Shaughnessy suggests the possibility that these new apprentices "are not apprentices in the ordinary sense of the term but in fact are a special force to do heavy work and are not expected to advance through apprenticeship training to full membership, become "A" card holders and receive full pay and benefits."[1]

If these cases are the rule, it is no small wonder that apprenticeship takes so long. It stands to reason that the training could certainly be shorter if so much time was not spent in one phase of the work.

Over a two year period, ten Blacks have been admitted to the apprenticeship program of the International Brotherhood of Electrical Workers in Atlanta, as compared to 190 white trainees. It was the consensus of the Black apprentice that the apprenticeship system was still based on nepotism.[2]

An apprentice related this experience: He and a friend, an Air Force veteran, who had experience in electronics throughout his military career, applied for the apprenticeship program at the same time, but the friend was not accepted because he failed the interview. When asked

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1 As quoted by George Strauss and Sidney Ingerman in "Public Policy and Discrimination," op. cit.

2 Interviews, May and June, 1972.

what kind of questions comprised the interview, the apprentice answered "simple questions such as what religion are you? Do you plan to marry, if so, how many children do you want?"[1]

Herbert Hill described the oral interviews as being rigged and difficult Labor officials deny that charge and contend that most Blacks are just not qualified for their programs. However, according to the apprentices interviewed, neither the written nor the oral exams were difficult. Why then are there so few Black apprentices? From the research I have conducted on this subject, most labor experts give the following factors as contributors to the lack of Black participation in apprenticeship programs.

Union Exclusion.--Most apprenticeship programs in the building trades are jointly administered by unions and employers, though unions frequently, in fact, control the programs.[2] It might be argued that unions do not limit the total number of apprentices because non-union employers indenture no more apprentices than union employers, but it can not be denied that unions limit the total number of Black apprentices. Control of apprenticeship is one important device for restricting entry into the craft unions.

Cultural Factors.--Few Blacks apply for apprenticeship training

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1 Interviews, May and June, 1972.

2 U. S. Commission on Civil Rights, "Reports on Apprenticeship," January, 1964, pp. 120-131.

probably because of the general belief that they will be excluded, but also because many Blacks who could qualify for this training are more interested in the professions. After all of these factors are accounted for, however, the evidence from every section of the country supports the conclusion that Blacks have been denied apprenticeship training solely because of their race.

General Economic Conditions.--Since fixed ratios of apprentices to journeymen are common, there are limited opportunities for apprentices when journeymen are unemployed.[1]

Management Attitudes.--Before apprentices can be indentured, they must normally get jobs. Management attitudes, therefore, condition the extent to which Blacks will be barred from apprenticeship training programs in plants which are typically controlled exclusively by management.

Acceptance On Job.--If Blacks win formal acceptance into the program, they find it difficult to win social acceptance on the job.

Lack of Sponsors.--Even where Blacks meet the formal qualifications, they do not have the proper "connections" or "sponsors."

An article in the November 12, 1968 issue of Look Magazine gave, what I consider, another typical barrier to Black participation in apprenticeship programs. The article revealed that taxpayers in Chicago

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[1] The building trades unions permit only three thousand apprenticeship openings in the nationwide construction industry each year to maintain a ratio of one apprentice to eight journeymen. This is an arbitrary number based upon the restricted anti-social practices of the craft unions.

(which includes a million Blacks) pay for the Washburne Trade School, but the unions decide what students can enter this public school as part of their apprentice training. Blacks made up less than one per cent of the student body because the unions denied them entry. However, court contests, Civil Rights protests, newspaper exposes and herculean efforts by the school board, produced the enrollment of 167 Black students among the 2,958 pupils, but 37 Black students were brought in under so-called "open enrollment." The author of the article concludes that the Blacks enrolled in the Washburne Trade School are not part of the union apprenticeship program and get a diploma instead of a job.

I will cite a few examples of what such exclusionary practices or tokenism achieve:

A 1963 survey of apprentices in the District of Columbia found no Black apprentices in the Asbestos Workers, Painters, Stone Masons, Lathers, Photoengravers, Glaziers, Web Pressmen or Tile Setters Joint programs.

In Connecticut, Blacks constituted only 0.6 per cent of apprentices in 1950 and 0,7 per cent in 1960.[1] Moreover, the Advisory Committees to the United States Commission on Civil Rights in Florida, New York, Maryland, Tennessee, New Jersey, and Wisconsin reported relatively few Blacks in apprenticeship in those states.[2]

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[1] U. S. Commission on Civil Rights, "Reports On Apprentice," p. 41.

[2] Ibid., pp. 57-60, p. 72, 104, 128 and 131.

In Massachusetts, of 137 structural iron workers apprentices in the Bay State, none are Black; of 661 electrician apprentices, eight are Black; of 300 plumber apprentices, seven are Black; of 265 pipe fitters, one is Black; or 167 newspaper compositor apprentices, one is Black.[1]

In Cleveland in 1967, after a decade of demonstrations, formal complaints with government agencies, negotiations with union representatives and attempts to secure enforcement of federal executive orders, the five major craft locals in the building trades, according to the United States Commission on Civil Rights, had exactly four Black apprentices.[2]

There are 1.2 million Black members among the 18 million unionists in America, but the above cases testify that Blacks are kept out of the better paying jobs. In 1966, unemployment reached 34 per cent in Watts- a figure higher than America's general rate of unemployment in the Great Depression of the 1930's.

The electrician apprentices interviewed in Atlanta were asked if there was any way one could become a journeyman without going through apprenticeship training. Six of the apprentices said they knew of no other way, but two said apprenticeship could be waived if a person

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1 Ibid.

2 Ibid.

passed the journeyman's exam.[1]

From the examples I have given, it is obvious that apprenticeship training is used more often as a barrier to Black entrance into skilled crafts than as a "means of maintaining good workmanship." Although discrimination is obvious, it is not easy to determine who is responsible for discrimination in the apprenticeship programs because governments, employers and unions are all involved in the matter. In the building trades, unions frequently have exclusive control over the selection of apprentices. Joint-government licensing agencies and vocational schools also lend support to discriminatory practices. Many public schools in the north and south enroll only those persons in apprenticeship training courses who are sponsored by locals. Union-management apprenticeship committees seldom select Blacks for apprenticeship. The responsibility for discrimination is often shunned back and forth among all involved.

In June, 1963, Secretary of Labor, Willard Wirtz, issued strict new standards designed to prevent racial discrimination in labor apprenticeship programs. According to the United States Census Bureau, there were 2,190 Black apprentices in 1950; in 1960 ten years later, there were 2,191 Blacks in apprenticeship training programs.[2] The new regulation (Title 29, Part 30) authorized the Bureau of Apprenticeship and Training

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1 This was not the rule in the case of Anderson L. Dobbins, a Black college trained electronic specialist who passed the journeyman's exam but was denied entry into IBEW Local 212 in Cincinnati, Ohio.

2 Herbert Hill, "An End to Pledges," Commonweal, March 15, 1968, 710.

to deregister all apprenticeship training programs found to discriminate. Union officials opposed the regulation bitterly; they charged the government with unwarranted interference.

An example of how a major labor union notorious for its anti-Black practices, defends its position in an open letter to the Secretary of Labor. Peter T. Scheomann, President of the Plumbers Union wrote:

> Sponsorship and favoritism are phenomena of America's political and business life. Indeed, one may wonder whether they are not inherent in a free democratic society....Mr. Secretary, in attempting to regulate sponsorship out of apprentice committees, you are making us very angry men and turning yourself into a very sophisticated liar. Until American society, as a whole, accepts the proposition that employment and promotion should be based exclusively on merit, if indeed it ever will or ever should accept such a proposition, the United Association of Journeymen and Apprentices of the Plumbing and Pipefitters Industry will neither endorse nor support any effort by the federal government to regulate out of existence systems and practices of sponsorship in the selection of apprentices... If the Bureau of Apprenticeship and Training really believes in this kind of angelic objectivity (the use of objective standards are the basis of selection) we suggest that it will find more than enough to keep it busy in those institutions supposedly most representative of a free and democratic society, beginning with the administration, then the Congress, followed by the Armed Services.... We will support you as we have already pledged to do, but please do not try to reform the building trades.[1]

Apparently the government paid heed to labor's warning to stay out of the affairs of organized labor since it (the government) has not deregistered a single apprenticeship program, despite the fact that federal and state courts, Fair Employment Practices Commissions and other administrative Civil Rights agencies have found many of them in violation of

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[1] Peter T. Schoemann, "Racial Equality? Yes Federal Control? No." United Association Journal, Nov., 1963, p. 7.

anti-discriminatory statues.[1] Proof of discrimination was presented by both the NAACP and the U. S. Civil Rights Commission in the early 1960's. The Commission investigation produced some detailed examples of discrimination within trade union apprenticeship programs.

a. In St. Louis, out of 1,667 apprentices in craft programs in the building, metals, and printing trades, only seven were Black.

b. In Atlanta, the construction industry had twenty Black apprentices out of a total of 700 positions. All of the Blacks were in the dirtier trowel trades--bricklaying, plastering, lathering, and cement finishing.

c. In Baltimore, out of 750 building trade apprentices, only twenty were Black.

d. In both Atlanta and Baltimore, there were no Black apprentices in the Iron Workers, the Plumbers, the Brotherhood of Electrical Workers, the Sheet and Metal Workers, and the Painters Union.

e. In Detroit, less than two per cent of all craft union apprentices were Black.[2]

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1 Arthur Ross and Herbert Hill, Employment Race and Poverty (New York: Harcourt, Brace & World, Inc., 1967), p. 409.

2 Hearings before the New York State Advisory Committee, United States Commission on Civil Rights, On Racial Discrimination In The Construction Industry. October 21, 1970, pp. 2-4.

With a knowledge of these discriminatory practices, the federal government continues to fund outreach or apprenticeship programs. Since 1967, over $8,666,422.00 have been awarded in outreach contracts.[1] In many instances, these funds go directly to labor unions.[2] Considering this fact, one may justly arrive at the conclusion that the federal government condones such practices and is therefore a party to racial discrimination practiced by labor unions. Further proof is the fact that President Neil Haggerty of the A.F.L.C.I.O. construction trades received what he considered "personal commitments" from Presidents Kennedy and Johnson to let unions remain the sole judge of "the quality of membership." President Nixon has made no promise. Still, the Administration has yet to use its power under the Civil Rights law to seek injunctions against obvious patterns of discrimination.

In conclusion, I submit that the fundamental problem is not apprenticeship. It is the issue of admitting Black workers, many of whom have been certified by State licensing boards as fully-qualified journeymen, directly into union membership and into union controlled jobs. On this crucial issue, the craft unions are bitterly resisting change in their traditional racial practices.

Although the myth of apprenticeship is repeatedly peddled by spokesmen

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1 Ibid.

2 Address by Herbert Hill, NAACP Labor Director, NAACP Sixty-First Annual Convention. Convention Exposition Center, Cincinnati, Ohio, June 30, 1970.

for organized labor, the basic fallacy in the outreach approach is that even if full integration of all union-controlled apprenticeship programs were achieved, no substantial integration of the craft unions would result because the overwhelming majority of white construction workers do not become journeymen through apprenticeship training. Data from the Manpower Administration of the U. S. Department of Labor reveals that well over 70 per cent of craftsmen did not become so by apprenticeship.

CHAPTER III

LABOR UNIONS AND PUBLIC POLICY

For three decades nondiscrimination in employment generated under federal contracts has been the national policy. This policy was first affirmed through Executive Order 8802,[1] issued by Franklin Roosevelt on June 25, 1941. The order sought to eliminate discrimination by government contractors. It established a five-member, Fair Employment Practice Committee (FEPC), whose purpose was to investigate complaints of discrimination, to redress valid grievances and to recommend to government agencies and to the President measures required to implement the Order.[2]

The Order applied to the government establishment, employers and labor organizations, and stated that it was their duty to provide full and equitable participation for all workers in the defence industries.[3]

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1 Executive Orders in the United States are administrative decrees used by the President to implement certain policies without the necessity for full Congressional approval, whether in the domestic or foreign domain. However, should an executive order have financial implications, the Congress must give its acquiescence if the order is to be fully implemented.

2 Louis Rachames, Race, Jobs and Politics: The Story of the FEPC (Columbia University Press, New York: Morningside Heights, 1953), p. 23.

3 Ibid., p. 23.

The Committee failed because it had no power of enforcement. A look at the social atmosphere at the time helps to explain why the Order and Committee did not produce effective results.

War production occasioned the employment of millions of people new to the labor market. It also led to the use of many individuals in types of jobs which normally would not be open to them. However, many people, available for such employment were denied it because of race. An attempt to rectify this problem was made by the National Defence Advisory Commission. The Commission appointed an administrative Assistant in the Labor Division to facilitate the employment and training of Blacks. Statements were made to the effect that workers in the defense industry should not be discriminated against because of race, age, sex, or color. Congress inserted an ambiguous non-discrimination clause in the appropriation for defense passed October, 1940.[1]

These statements had absolutely no effect on employers, and management paid only slight attention to any of the federal policies for labor supply and no attention to the statement that minorities "should not" be discriminated against on defense work. Earlier experiences with federally financed public Construction programs illustrated graphically that non-discrimination statements mean little unless they are implemented and, with the exception of some construction projects, there few instances where the commission policies were translated into action.[2]

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1 Ibid., p. 11.

2 Ibid., p. 12.

The policies of numerous labor organizations raised still higher the walls of exclusion. Eighteen international unions maintained constitutional or ritualistic restrictions against Blacks. Accordingly, the Commission began to discuss the matter with leaders of labor. These discussions brought forth an agreement that the AFL would assume responsibility for removing the barriers against Black workers in the defense industry. This agreement produced little results.[1]

Recognizing the general inadequacies of the Commission, a new agency, the office of Production Management, was created in 1941, and its labor division assumed the responsibility for labor supply. This agency in response to pressure applied by Blacks and the "liberal press," issued a letter asking defense contractors to examine their employment training and utilize available Black workers. Again, the defense contractors agreed to the request.

As slight improvements in Black training and employment were taking place, the total volume of defense employment grew appreciably. In many areas, all local white male labor had been absorbed and white women were entering plants.[2] White workers from elsewhere were moving into tight labor markets, while local Blacks were still finding few jobs and most of which they secured were in non-defense work. The production of Blacks among the unemployed steadily increased, and the degree of minorities

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1 Ibid., p. 12.

2 Robert C. Weaver, Negro Labor: A National Problem (Port Washington, N. Y.), Kennickat Press, Inc., 1969, pp. 17-20.

participation in defense industries showed no signs of expanding appreciably, in the face of these developments, the Black community became very frustrated.[1]

Blacks began to protest in all parts of the country. Conferences produced no significant results, and a plan was developed for more drastic action. Representative Black leaders met and devised strategy. Under the inspiration of A. Philip Randolph, President of the Brotherhood of Sleeping Car Porters, they finally decided upon a march on Washington as a means of dramatizing the plight of Blacks in war industries. A date was set for 100,000 Black men and women from all sections of the nation to march down Pennsylvania Avenue in protest.[2]

To many government officials the prospect of 100,000 Blacks in mass demonstration was far too much to cope with. Government officials tried to get the march called off, but to no avail.[3] It was then and only then that President Roosevelt issued Executive Order 8802. The FEP committee, created to receive and investigate complaints failed because it had no enforcement powers.

One can conclude from the incidents which led to the issuing of Executive Order 8802 that it was primarily a move by the government to

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1 Rachames, p. 23.

2 Rachames.

3 Rachames.

pacify an aroused Black population. The fact that the Committee had no enforcement powers plainly supports the conclusion that the Order did not intend to upset the status quo.

In 1943, President Roosevelt issued Executive Order 9346; a new Fair Employment Practice Committee was created, charged with the responsibility of recommending measures to eliminate discrimination and to promote the fullest utilization of manpower.

This Committee investigated complaints of discriminatory practices which involved the following unions.

Brotherhood of Locomotive Firemen

Brotherhood of Railway Car Men

Order of Railway Conductors

Brotherhood of Locomotive Engineers

International Association of Machinists

International Brotherhood of Boilermakers

Iron Shipbuilders of America

Plumbers Street Railway Employees Union

Seafarers International Union

International Brotherhood of Electrical Workers.[1]

When the FEPC directed the previously mentioned unions to cease and desist from "discriminatory practices affecting the employment of Negroes," the Unions refused to obey the directive, arguing that the

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[1] Ray Marshall, The Negro and Organized Labor (New York, London: John Wiley & Sons, Inc., 1965), p. 217.

Committee did not have the constitutional or legal jurisdiction to issue such directives, therefore, they were without legal effect.[1] For the most part, unions ignored the Committee or openly defied it. Nevertheless, the FEPC continued its efforts without much legal ground. However, in 1944, the FEPC was fatally crippled by the Russell Amendment which prohibited the use of funds by the President to pay the expenses of any agency unless Congress appropriated funds for such use.[2]

In conclusion, the wartime FEPC had little effect on unions. The Committee's impact was limited mainly by inadequate power to deal with discrimination by labor organizations and their affiliates.

Also attributed to the failure of the Committee was the fact that Congress opposed it from the very beginning.

The wartime FEPC, though ineffective, laid the ground work for stronger, more "liberal," yet ineffective committees to combat discrimination.

On March 6, 1961, President John F. Kennedy issued Executive Order 10925. Kennedy created a new President's Committee on Equal Employment Opportunity. Although the aims and intentions of the order did not

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[1] The only sanction the Committee had was the disposition of the President's office or his power to effect compliance with its directives, On one occasion the President did intervene. But the crux of the problem was that the promotion of minority interests did not take a priority among the things the President had to do.

[2] Marshall, p. 217.

materially differ in substance from previous executive orders on the subject, it represented a milestone in executive administrative action, if for no other reason, by providing for specified sanctions to be used in the event of non-compliance by a firm doing business with the Government. Further, the order charged the committee to use the tools available to its predecessors but never used by them.[1]

The new Committee was authorized to cancel contracts with contracting firms refusing to comply with the Government's policy of equal opportunity and merit employment.[2] It also had the power to block future contracts placed with non-complying firms. Although primary responsibility for enforcement was placed with the contracting government agency, the committee itself retained ultimate authority; it could assume jurisdiction over any complaint filed with any contracting agency as well as over any case pending before an agency, and process it to completion.[3] A power lacking in former committees but possessed by the new one was that of initiating inquiries or directing any contracting agency to instigate investigations. Labor union activities came within the committee's range only indirectly: contractors were charged with the responsibility of supplying information on any union activities which

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1 Federal Civil Rights Enforcement Effort: A Report of the United States Commission on Civil Rights, 1970, p. 143

2 The Civil Rights Act of 1964, Operations Manual published by BNA Incorporated, Washington, D. C., 1964, p. 12.

3 Ibid., p. 12.

might hamper their own compliance.[1]

Under the committee's mandate, new emphasis was placed on government efforts to wipe out discrimination in firms using public funds. The committee required both the contracting agencies and the contracting firms within their jurisdiction to develop positive programs for affirmative action. This meant the employers had to make clear in newspaper advertisements or requests to employment agencies, i.e., that their jobs were open to all qualified applicants. The employing company had to make an effort to ensure that its whole personnel program hiring, job-placement, promotion, upgrading, trainings, disciplinary action, and firing - was free from discrimination.

Unlike previous committees, the new committee established in 1961 required a report on compliance to be made within 30 days of conclusion of a contract by all firms doing business with the Government.*

Perhaps the most important of all provisions of Executive Order 10925 were its provision for sanctions that could be applied by either the contracting government agency or the Committee. These ranged from publication of the names of violators (whether management or union) to actual debarment, i.e., complete ineligibility for federal contracts. Further, an ineligible contractor could only be restored after

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[1] Ibid., p. 13.

* The previous committees received reports only when a complaint had been made on a compliance survey conducted.

submission of a program for future compliance, or verification that it had already complied with the non-discrimination provisions of the executive order.

The powers inherent in this committee created a formidable array of weapons to eliminate discriminatory employment practices in large and important sectors of the American economy. Unfortunately, the Committee never used these weapons.

The operation of the President's Committee on Equal Employment Opportunity has become a classic example of the substitution of "voluntary compliance" for enforcement and how legal and other powers that have a great potential for eliminating discriminatory practices are never used. The President's Committee had power under the Executive Order to move for the cancellation of government contracts, certainly a most persuasive and potent instrument, but in the four years of its operation it has never done so. There were many instances that fully justified this action, which if taken, would have had a most desirable effect upon major employers dependent on government contractors.

Unfortumately, the possibilities inherent in the Order were never realized, as early in the history of the Committee, the Kennedy Administration made a political decision to substitute a "voluntary compliance" approach which for public relations purposes was called "Plans for Progress" instead of enforcement through contract cancellation and related procedures.

Essentially, Plans for Progress require the contractor to set up

effective recruiting programs to give members of minority groups equal opportunity in employment. The Committee describes the Plans for Progress as a procedure for effecting compliance through cooperation. PCEEO reported more than 200 large companies with over 7,000,000 employees operating under such plans.[1]

On April 6, 1962, the National Association for the Advancement of Colored People made an appraisal of the first year of the operation of the President's Committee on Equal Opportunity and stated:

> The administration has relied for favorable publicity on a superficial approach called "Plans for Progress." The so-called "Plans for Progress" have not produced the large scale job opportunities for Negro workers that have been so long denied them. It is our experience that major U. S. Government contractors operating vast multi-plant enterprises regard the signing of a "Plan for Progress" as a way of securing immunity from real compliance with the anti-discrimination provision of the government contract.[2]

In January, 1963, the Southern Regional Council confirmed judgement of the NAACP regarding voluntary compliance and issued the following statement regarding the operation of "Plans for Progress" in the Atlanta area:

> Most contractors felt - and readily stated - that the Plan was not applicable to them. A few said it would be applicable when the hiring of a Negro would be advantageous, i.e., when the Black marked demanded it. Some did not even know of the existence of the "Plan for Progress" while others who knew, and who did employ a few Negro janitors or porters on their staff, felt they were

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1 The Civil Rights Act of 1964, Text Analysis, Legislative History - Operational Manual (BNA Incorporated, Washington, D. C.), p. 13.

2 Marshall, p. 230.

> thereby upholding the object of the Plan. To sum up indications are that the interpretation of the voluntary and affirmative provisions of the program is being left to the individual signers themselves.[1]

Investigations reveal that some few symbolic breakthroughs, mainly on a professional or technical level, involving a small number of Blacks were made. However, the Committee has had very little effect in those areas of the economy where there remains a strong traditional resistance to altering the job status of Blacks in the building and construction industry.

On October 24, 1965, Executive Order 11246 went into effect.[2] The new order prohibited discrimination in government employment, in employment by government contractors and subcontractors and provides for non-discrimination provisions in Federally - assisted construction contracts. This order supersedes Executive Orders 10925 and 11114, which contained similar provisions prohibiting employment discrimination, but provided for their administration by the President's Committee on Equal Employment Opportunity Executive Order. As was the case with the issuance of the first Executive Order in 1944 which prohibited discrimination in the defense industries, the 1964 Civil Rights Act evolved out of an intensive protest movement by the Black community.

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1 Vivian Henderson, "The Economic Status of Negroes: In the Nation and in the South." Document published by Southern Regional Council, Atlanta (1963), p. 14.

2 Executive Order 11246 was amended to include non-discrimination because of sex, other than the word sex, it remained the same as Executive Order 10925 and 11114.

The Civil Rights Act, signed by President Lyndon B. Johnson, on July 2, 1964, is recognized as the most comprehensive Civil Rights legislation ever enacted by the United States Congress. For the purpose of this study, Title VII of the Act as it pertains to labor unions will be analyzed.

The constitutional basis for the Act is the Commerce Clause, in that the Courts have held the Commerce Clause authorizes Congress to enact legislation to regulate employment which affects interstate and foreign commerce.

Title VII concerns employment opportunity without respect to race, color, religion, sex, or national origin in matters of hiring, firing, wages, promotions, working conditions, etc. Its coverage is broad and applicable to all the states, territories and possessions of the United States where business and labor unions are engaged in inter-state commerce.

The law prohibits employment agencies from classifying an individual, failing to refer him for employment, refusing him employment, or otherwise discriminating against him on the basis of race, color, religion, sex, or national origin. Under Section 703(c) labor organizations are prohibited from excluding a person from its membership, discriminating among its members in any way, or attempting to persuade an employer to discrimination on the basis oc race, religion, sex or national origin. Discrimination in apprenticeship training or other training programs, including on-the-job training because of race, color,

religion, sex or national origin is prohibited.

Not only does Title VII cover labor unions, employment agencies and training programs, but it also makes it an unlawful act to retaliate against persons involved in a suit opposing unfair employment practices or instigating or testifying in any proceeding brought under the Title.

While it is true that Title VII prohibits discrimination in employment, it does not hold that tests given by unions or companies to be discriminatory, unless they are intended to be used to discriminate because of race, color, religion, sex or national origin. The phrase "or used" is especially interesting when the courts interpret this phase, a test will probably be considered unlawful discrimination. The basic question is: What constitutes an unlawful discriminatory effect? I propose that a reasonable interpretation of the law would hold a test to be illegally discriminatory only when a specified group exhibits inferior performance on the test, but not on the job for which the test is a predictor. Conversely, a test should not be considered unlawfully discriminatory when a group characteristic that depresses test scores also tend to depress job performance.

The only exemptions in the Act are those given to 1) employers with respect to employment of aliens in their offices abroad; 2) to religious institutions with respect to employment of persons of a particular religion for work connected with their religious activities; and 3) to educational institutions which are exempt from all the provisions of the Act with respect to employment connected with their educational activities.

A Labor Union is covered by Title VII if it:

1. Maintains or operates a hiring hall or hiring office that obtains employees from employers or jobs for employees;

2. Has 100 or more members during the first year after the effective date of the Title, 75 or more during the second year, 50 or more during the third year, 25 or more thereafter; and

3. Is a certified bargaining representative or a recognized or acting bargaining representative of employees in an industry "affecting commerce."

Compliant and Enforcement Procedures

Section 705 of the Civil Rights Act establishes a five-person Equal Employment Opportunity Commission with the basic administrative responsibility for the provisions of Title VII. The Commission appointed by the President, consists of a chairman, a vice-chairman and three other members.

The Commission itself has no enforcement powers. Its function consist of persuasion and conciliation. Failure to reach a settlement by these means may be resolved through litigation in the Federal Courts. The Law establishes two basic forms of legal enforcement.

1. The individual who charges he is a victim of job discrimination may initiate action in a Federal Court.

2. The United States Attorney General may file suit in a

> Federal court whenever there is reason to believe that any person or groups of persons is engaged in a pattern or practice of discrimination.

If the commission fails to secure compliance within a period of no more than 60 days, the individual may take his case to a Federal court. This court has the power to appoint an attorney and may exempt the complainant from payment of certain costs. The court, in its discretion, may allow the Attorney General to enter the case.

A worker who thinks he has been discriminated against can also take his complaint directly to the Attorney General, who may bring the case before a three judge Federal court if he believes there is a general pattern and practice or discrimination together with resistance to this title.

If the courts find that the accused intentionally engaged or is engaging in an unlawful employment practice, it may enjoin the practice and order such affirmative action as may be appropriate, including reinstatement or hiring with or without back pay. It also may sway a reasonable attorney's fee as part of the cost.

If the accused fails to comply with the order issued by the court, the Commission may bring contempt compliance. If the proceeding is for criminal contempt, the accused is entitled to a jury trial.

<u>How To Complain</u>

Complaints are initiated by filing a sworn written charge of

unlawful discrimination with the Equal Employment Opportunity Commission. The law requires that the charge must be filed within 90 days after the discriminatory act has occurred. A charge of discrimination may be filed either by the aggrieved person or by a member of the Commission who has reason to believe that a violation of the law has taken place. However, the Commission is not authorized to conduct investigations in the absence of a formal charge of discrimination.

After receiving a written complaint charging discrimination, the Commission furnishes the accused employer, labor union or employment agency with a copy of the complaint but it is expressly forbidden to make the charge known to the public. The Commission then orders an investigation and if it is found that there is reasonable cause to credit the allegations of the complaint the Commission "shall endeavor to eliminate any such alleged unlawful employment practice by informal methods of conference, conciliation and persuasion."

If after exhausting this procedure the Commission is unable to obtain voluntary compliance with the law, the aggrieved person who has filed the complaint, but not the commission, may seek relief under the law by initiating suit in a Federal court. Under the law the Commission has up to 60 days to investigate the charge and to seek compliance. If it does not succeed, it must notify the complainant who is then entitled to bring suit within 30 days thereafter. The complainant may initiate a determination of "reasonable cause" under section 706(a). However, an examination requires the complainant to first exhaust commission procedures before initiating litigation.

Relation to State FEPC Laws

Where a complaint originates in a state that has an FEPC law or a general anti-discrimination where such a law authorizes "a state or local authority to grant or seek relief from such practice or to institute criminal proceedings with respect thereto," no charge may be filed with the Federal Commission until the state agency has had 60 days to act upon the complaint. Once the 60 days have elapsed, however, the complainant may take his case to the Federal Commission regardless of any action or lack of action taken by the state agency even if the state proceeding is not terminated.

Thus, there will be an initial delay of 60 days before the Federal Commission has jurisdiction in any complaint originating in a state with an FEPC law. The period is extended to 120 days during the first year after the effective date of a new state anti-discrimination law. In instances where a complaint is filed by a member of the Federal Commission, state officials must be immediately notified and given a period of 60 days to act on the complaint within the authority of the state anti-discrimination law unless a shorter period is specifically requested. In such instances, also, the period may be extended to 120 days during the first year of operation of a new state FEPC law.

Title VII provides that in these cases a formal charge must be filed with the Federal Commission not later than 210 days after the alleged unlawful practice, occurred or 30 days after receiving notice that the state or local agency has ended its proceeding, whichever is earlier.

It is most important to note that, Section 707 specifically authorizes the Attorney General of the United States to file a court action seeking an injunction where there is an reasonable cause to believe that any institution covered by the law has engaged in a "pattern or practice of resistance" in violation of the rights protected by Title VII and that such a practice or pattern is intended to deny others the full protection or rights established in the law.

In cases where the Attorney General take action against a pattern of discrimination, the law requires no postponement or deferral to state anti-discrimination agencies.

It should also be noted that the law makes it a crime to take reprisals against anyone who has filed a charge under the Act or testified, assisted, or participated in any way in any proceedings related to enforcing the law.

The Equal Employment Opportunity Act is most important because it provides a legal procedure to secure the right to a job without discrimination based on race, national origin or religion. However, we have seen that a complaint can be delayed for as long as 210 days after the alleged discriminatory act. For a worker whose prime concern is employment - immediate employment the Equal Employment Opportunity Act holds little hope.

CHAPTER IV

THE BLACK COMMUNITY'S RESPONSE

Weary of the promises made by organized labor, frustrated over the non-enforcement of Executive Order, the state and city anti-discrimination laws and later the 1964 Civil Rights Law, members of the Black community along with white allies took to the streets in mass demonstrations at public construction sites in many cities across the country in the 1960's.

The demonstrations staged by the Joint Committee for Equal Employment Opportunity (JCEEO) against the New York City's building trades union, was the first of a series of protests at public construction sites. In New York, the construction site was the Harlem Hospital which is located in the heart of Manhattan's Black ghetto.[1]

On January 20, 1965, in Newark, New Jersey, Black workers began picketing the Rutgers University Law School construction site after ten months of futile negotiations with AFL-CIO building trade unions.

On August 10, 1965, the Cincinnati Branch of the NAACP conducted an all-night sit-in at the headquarters of the AFL-CIO Cincinnati Central Labor Council. This demonstration occurred after futule efforts, made over a three-year period, to eliminate bias against Blacks practiced by

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[1] Herbert Hill, Hearings Before the United States Commission on Equal Employment, January, 1966.

the city's major building trade unions. More than fifty white and Black picketers were arrested when they demonstrated at public construction sites at which Blacks were barred from employment after the building trade unions and the AFL-CIO Central Labor Council had refused further negotiation with the representatives of aggrieved Black workers.

Of the higher skilled craft unions in the Cincinnati area there are no Black members;[1] the trowel or unskilled trades revealed a very limited Black membership. The city of Cincinnati's Chamber of Commerce announced an expected two billion dollar construction bloom within a two year period.[2]

In the summer of 1969, Blacks organized six weeks of demonstrations that intermittently halted work on 100 million worth of construction in Chicago. David R. Reed, spokesman for The Coalition for United Community Action asked for 10,000 trainee jobs. The coalition requested 30 per cent of the craft jobs be filled by Blacks. This was in proportion to the Black population in Chicago. Blacks made up only 3,000 of the 88,000 skilled craftsmen.[3]

A similar demonstration was staged in Pittsburgh to demand more

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1 Ibid.

2 Ibid.

3 Hill, Hearings Before the United States Commission on Equal Employment, January, 1966.

construction jobs for Blacks. The marchers consisting of Clergymen, housewives, students, ghetto residents and businessmen were pressing for a guarantee of 2,500 journeymen's jobs in the Pittsburgh building trades over a two year period. Out of the craftsmen in Pittsburgh, Blacks made up less than 2 per cent. The unions representing electricians, iron workers, asbestos workers and elevator construction men were 100 per cent white.

The Pittsburgh demonstrations got the bargaining started but not before they had shut down 200 million dollars worth of city-wide construction projects, thereby laying off more than 12,500 white workers. The demonstrations also led to 255 arrests and 40 injuries.[1]

The Philadelphia Plan

Demonstrations, such as the ones listed above, led to the creation of the Philadelphia Plan, which was to be a pattern for minority representation in the construction industry in major cities throughout the country.

The purpose of the Philadelphia Plan is to implement the provisions of Executive Order 11246, which require a program of equal employment opportunity by federal and federally assisted contractors and sub-contractors in Philadelphia, Pennsylvania.

The Plan was adopted after investigations by the Labor Department revealed little or no minority construction workers in the Philadelphia

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1 "What Unions Are and Are Not Doing for Blacks," Look Magazine, September 26, 1969, p.

area. The Plan later spreaded to other cities such as Atlanta, Washington, Chicago, Seattle and San Francisco. The basis of the Plan was the concept of the manning tables developed in a landmark case sponsored by the NAACP, Ethridge V. Rhodes, decided on May 17, 1967 in the District Court in Columbus, Ohio. The NAACP originally proposed the idea of manning tables which established the legal principle that government agencies must require a contractual committment from building contractors to employ a specific minimum number of Black workers in each craft at every stage of construction.

There are, however, a loophole in the Plan, it does not apply to contractors of less than $500,000.00 and the percentages for Black employment in the critical crafts is extremely low. Despite these loopholes, the Plan was potentially the most effective means to enforce the Federal Executive Order.

The contractual requirement for the employment of specific number of Black workers in each craft at every stage of construction is absolutely essential, given the institutionalized pattern of racial discrimination maintained through the illegal closed shop hiring hall system. Yet, labor leaders oppose the plan because of the quota system. George Meany, AFL-CIO President, believes that the Plan is racially oriented by setting up quotas on the basis of color. He contends that the Plan will not train or get anyone into a union. He argues that the proper way to give jobs to Blacks is to train them through apprenticeship programs of the unions and the contractors. These training programs take several years of on-the-job training.

However, Black people know all too well that for generations there has been an unofficial quota system established by discriminatory construction unions against the employment of Black workers in the crafts occupations. Under the guise of opposition to quotas, the opponents of the Philadelphia Plan were, in fact, attempting to maintain the unstated but traditional racial quota system that has resulted in the exclusion of Black workers from the desirable high-paying skilled jobs in the building trades. It should be noted that the manning table requirement indicated the minimum, not the maximum, number of Black workers to be hired, (4 per cent to 9 per cent during the first year of the Plan's operation and rising to 20 per cent by the fifth (5th) year) in contrast to the unofficial quota system which rigidly enforced the exclusion or limitation of Black workers from jobs in federally financed construction.

This was recently confirmed by the Equal Employment Opportunity Commission which revealed statistics based upon reports from referral unions that are required by law to reveal the racial composition of their membership. The Report states, "that data for the entire nation reveals a general pattern of racial discrimination against Black workers ranging from total exclusion in some crafts to tokenisms in others.

The record of more than twenty-five years of FEPC laws makes it absolutely clear that the concept of passive non-discrimination is totally inadequate and obsolete. A ristualistic policy of "non-discrimination," or of "equal opportunity," in practice usually means perpetuation of the traditional discriminatory pattern, or, at best, tokenism. This is why it is important to move on to the next stage where the

government establishes, on federal construction projects and elsewhere, concrete responsibility for the employment of a specified number of Black workers in specific job classifications at a given time. This is an absolutely essential tactic requiring a new concept of social responsibility by employers and labor unions, in which performance can be measured by tangible results, not by the proliferation of empty self-serving policy statements pledging "non-discrimination." It is within this context that the Philadelphia Plan, given all of its limitations assumes its significance.

The law is clear on the many prohibitions against discrimination in employment, especially in the public sector of the economy. It has been defined again and again in court decisions. It has been declared a matter of public policy in federal executive orders.

Recent reports from the Equal Employment Opportunity Commission as well as the other agencies document a clear pattern of discrimination in the nation's construction industry together with overt violations of federal, state and municipal civil rights laws by contractors and labor unions.

Executive Order 11246 states in clear language the sanctions available to the United States Government when contractors violate the prohibitions against racial discrimination in employment. Yet the Nixon Administration has again and again demonstrated that it clearly has no intention of fulfilling its legal obligations in this matter. Evidence of this is the Administration's substitution of the Philadelphia Plan

for a voluntary compliance program called the Hometown Plan. The Hometown Plan allows an agreement to be made between trade unions, contractors and the minority community to hire minority workers for construction jobs. The Hometown Plan does not establish contractual duties and obligations. It contains no legal sanctions or timetables. There is no guarantees of union membership or anything specific. Nothing is spelled out. In short, the Hometown Plan is a fraud, and will perpetuate control of entry into construction jobs by the building trades unions and employers who have vested interest in maintaining the racial status quo.

The Hometown Plan means that a non-governmental, non-elected private group, namely the building trades unions, will continue to exercise absolute control over the livelihoods of Blacks in the construction industry in the nation.

The fact that the Nixon Administration has allowed the Philadelphia Plan to be abandoned in favor of the Hometown Plan, suggests that the Administration subsidizes racial discrimination in employment. It seems that the abandonment of the Philadelphia Plan is also a pay-off to the building trades unions for their support of the war in Indochina. This was symbolized by the White House meeting on May 27, 1970 with Nixon's acceptance of a "hard hat" from the leaders of the construction unions.[1] The pro-war demonstrations by the building trades unions and the actions of George Meany, president of the AFL-CIO has paid off handsomely for the racist labor organizations.

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[1] Atlanta Constitution, May 27, 1970, p. 2-A and May 29, 1970, p. 10-D.

What the building trade unions failed to do legislatively, they have now succeeded in doing administratively. The attempt by a coalition of the AFL-CIO to kill the Philadelphia Plan in Congress was defeated.[1] But now the labor federation has succeeded in administratively nullifying the Philadelphia Plan even though it was sustained by Congress and the federal courts.

Many believe that the Philadelphia Plan is of little significance as Blacks do have jobs as construction workers. What they fail to realize is that Blacks are concentrated in the trowel trades, and are terribly under represented in the higher-paying construction jobs, further, Black citizens as well as whites pay their tax dollars for the construction of federally financed construction projects. Others think Blacks do not desire to become skilled craftsmen and thus, this explains why there are so few--not true. To illustrate why the Philadelphia Plan is needed, I will examine an investigation by the Office of Contract Compliance into compliance reviews in the Atlanta Metropolitan area.

Atlanta-A Case Study

On March 31, 1970, at the request of the contract compliance officer, Department of Housing and Urban Development, compliance reviews were conducted throughout the Atlanta Metropolitan area.

The purpose of the review was to determine the extent to which contractors were taking affirmative, or voluntary action to utilize minority craftsmen as required by Executive Order 11246 in their

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1 AFL-CIO Proceeding, 1970, p. 156.

contracts with recipients of HUD assistance.

The review involved examining the relationship between the contractors and the unions in the Atlanta Metropolitan area. The unions involved were:

1. Plumbers Local #72
2. Electricians Local #613
3. Ironworkers Local #387

Below is background information and a brief summary of the findings of HUD's Equal Employment Opportunity Department.

In the Atlanta area, it is estimated that almost 15.5 per cent of the construction labor force is Black, which is composed mostly of laborers. However, the skilled construction craft in 1971 continued to be a white preserve. Of the skilled crafts examined by the compliance reviews, 9 of every 10 members were white and of 503 apprentices, 2 were Black.[1]

Of the skilled crafts examined in the compliance reviews and in the critical crafts, minorities were found in small numbers. The crafts involved were:

Electrical	Plumbers
Pipefitters	Ironworkers
Operating Engineers	Sheet Metal Workers

While in the trowel trades they showed a total of 80 per cent craftsmen

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[1] Hearings, April 2, 1970.

and 91 per cent of the apprentices were members of minority groups.[1]

Mr. Johnson, of Johnson and Wood Electrical Contractors concurred with a section of the report which revealed that the pattern of exclusion from the higher paid trades relegates Blacks to the outside portion of construction work which is most seasonal of all work assignments, and subject to the greatest incident of unemployment.

Of the 15,400 skilled craftsmen in the 16 crafts working in the Atlanta area, less than 2.5 per cent were Black. However, in the crafts Blacks made up less than 1 per cent of the total.

The review concerned itself with the following:

1. The contractors' relationship with the union and referral activity.

2. The racial and ethnic composition of union membership and the contractor workforce.

3. The expectation that substantial numbers of minorities would be employed by the contractors on federally financed or assisted construction work in the future.

All of the union plumbing contractors stated that either the union contract required them to hire only union members or that it is the custom and expectation of the trade that they do so. All the craftsmen had to be cleared through the local union in order to be assigned to

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[1] Ibid., April 2, 1970.

a job.[1]

The local Plumbers Union #72 had a total membership of 1,207 of which 16 were members of minority groups. Only two union contractors reported that they had ever been referred a minority craftsman from this union. The contractors could not normally hire a non-member. At the time of this review only one plumbing contractor reported having any minority craftsmen working for him and he had one Indian out of a total of 36 permanent employees. All of the unions plumbing contractors were found in noncompliance.[2]

Compliance reviews, were conducted with seven (7) union contractors. The seven union affiliated contractors' collective bargaining agreement with Local #613 states in effect that union membership is a prerequisite for employment unless under certain circumstances, temporary work permits are issued. This (Local 613) has a membership of 1,206 of which there are 6 minority members.

None of the contractors involved in the study were actively engaged in an affirmative action program and none had a significant number of minority craftsmen. All were found in non-compliance.[3]

The union ironworker contractor was clearly in non-compliance,

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1 Hearings, April 2, 1970.

2 Ibid., April 2, 1970.

3 Hearings, April 2, 1970.

having no minority craftsmen and having solely recruited from a union (Local Ironworkers #387) with minority membership of 13 out of a total of 981 or 1.3 per cent.[1]

In summation, the three union contractors that the review dealt with said they had written agreements with the union covering the referrals of employees. They also stated that they could not obtain craftsmen elsewhere. The others replied that they felt that their agreement did not preclude employee recruitment from outside the union, but it was their custom to obtain employees only from the union. The average minority membership of the three craft unions used by the contractors was 1 per cent.

The information above amply support the fact that Blacks are discriminated against in the skilled crafts. The Philadelphia Plan if it had been enforced would have placed thousands of Black workers on federal construction projects throughout the country and broken the "lily-white" union monopoly in the building trades.

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[1] Hearings, April 2, 1970.

CHAPTER V

CONCLUSIONS

In the early days of the American Federation of Labor, it adhered to the practice of organizing all workers regardless of race, creed, or color. Unfortunately for the AFL and the Black worker, these practices were short lived. It seems that the AFL sacrificed the economic welfare of Black workers for a growing white treasury. Once the decision was made to close an eye to the racial practices of unions who sought affiliation with the AFL, the AFL openly accepted unions that discriminated against Blacks.

The rationale for admitting these unions was that the affiliated unions were autonomous bodies and the AFL could not interfere with their rules, regulations or functions. In addition, the AFL leaders usually noted the number of segregated or auxiliary Black local unions which were affiliated with the AFL. These leaders made no mention of the fact that these auxiliary or segregated unions had virtually no power when dealing with an employee or, in fact, the AFL.

When the American Federation of Labor merged with the Congress of Industrial Organization,[1] the AFL's discriminatory policies prevailed, rather than the equalitarian policies of the CIO.

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[1] The CIO was a liberal progressive labor union whose primary affiliates were local unions in the mass production industries such as the automobile, meat packing, steel, textile workers, etc.

While AFL affiliates continue to exclude Blacks today in 1973, AFL-CIO leaders are still passing the buck, rather than recognizing and dealing with racial prejudice within its ranks.

The methods used to discriminate against Blacks have changed from blatant refusal, color clauses, auxiliary and segregated unions to more formal means such as the apprenticeship programs. While labor leaders defend the apprenticeship program as a necessary measure for insuring that only skilled professionals are admitted as card carrying union members in a particular trade, research has indicated that formal apprenticeship is not the exclusive, or even major source of skilled man-power in the building trades.[1] This fact gives credence to the charge that apprenticeship is indeed used as a barrier to Black entrance into skilled crafts rather than as a "means of maintaining good workmanship."

Although discrimination is obvious, it is not easy to assess blame to any one individual, organization or political structure since each is involved in formulating and maintaining apprenticeship training programs. For example, the building trades unions frequently have exclusive control over the selection of apprentices.

On the other hand joint-government licensing agencies and vocational schools also lend support to discriminatory practices by accepting only those potential apprentices who are sponsored by locals. Union-management

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[1] See, in particular George Strauss' "Apprenticeship: An Evaluation of the Need," in Arthur M. Ross, ed., Employment Policy and the Labor Market. Berkeley: University of California Press, 1965, pp. 299-332.

apprenticeship committees seldom select Blacks for apprenticeship.

The Bureau of Apprenticeship Training, a government agency under the auspices of the Department of Labor, is responsible for developing guidelines by which apprenticeship programs must follow in order to be recognized by the government as a registered apprentice program and thus eligible for federal funds. The Bureau of Apprenticeship Training (BAT) can also de-register apprenticeship programs which are found to be discriminating. However, federal and state courts, Fair Employment Practices Commissions and other administrative Civil Rights agencies have found many of the apprenticeship programs in violation of anti-discriminatory statues.[1]

With a knowledge of the discriminatory practices, the federal government has failed to de-register a single apprenticeship program. In addition to this, it continues to fund outreach apprenticeship programs.

What we have here is discrimination which is sanctioned and condoned by the federal government. This statement may seem harsh, but consider the fact that the government has since 1941 issued executive orders which explicitly forbid discrimination in government contracts. Unions and apprenticeship programs were covered by the first Executive Order issued by President Roosevelt in 1941. Since 1941, each administration has issued an executive order which prohibited discrimination

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[1] Ross, Arthur and Hill, Herbert, Employment Race and Poverty (New York: Harcourt, Brace and World, Inc., 1967), p. 409.

by government contractors and sub-contractors, if these orders had been enforced, the effects would have been far-reaching. Unfortunately, the Executive Orders were mere public relations statements made to pacify aroused Black communities. The potential effectiveness of the Orders apparently got lost in the bureautic shuffle of politics.

In addition to the Executive Orders which forbade discrimination by government contractors and sub-contractors, the 1964 Civil Rights Law was passed and enacted. Title VII of that Act deals with discrimination in employment and makes it an unlawful employment practice for a labor organization

1. To exclude or to expel from its membership, or otherwise to discriminate against any individual because of his race, color, religion, sex or national origin;

2. To limit, segregate, or classify its membership, or to classify or fail or refuse to refer for employment any individual in any way which would deprive or tend to deprive or tend to deprive any individual of employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee of as an applicant for employment, because of such individual's race, color, religion, sex, or national origin, or

3. To cause or attempt to cause an employer to discriminate against an individual in violation of this section.

The Act also makes it unlawful for employers or unions to discriminate

in apprenticeship and other training programs.

The viability of these laws and orders have been questioned by masses of Black workers who picketed various construction sites across the nation in protest of the discriminatory policies practiced by labor unions and the apathetic attitudes and actions of government to enforce long standing laws against discrimination.

The nationwide picket of construction sites were not in vain. As a result of the pickets, the Philadelphia and Atlanta Plans evolved. These Plans essentially required a quota of minority representation on any construction contract or sub-contract which received federal funds. While there are loopholes in the Plan, it is probably the greatest attempt on the part of the government to insure against discrimination in the building and construction trades.

Again, let me emphasize the point that the elimination of racial discrimination in the building and construction trades would by no means alleviate the social and political problems Blacks face in America, however, it could serve as a vehicle for the economic uplift of the many unemployed and under-employed Black workers.

BIBLIOGRAPHY

Books

Brazeal, B. R. The Brotherhood of Sleeping Car Porters. New York, 1946.

Clayton, Horace R., and Mitchell, George S. Black Workers and the New York Unions. University of North Carolina Press, 1939.

Dankert, Clyde. Contemporary Unionism in the United States. New York: Prentice-Hall, Inc., 1951.

Dulles, Foster. Labor in America. New York: Crowell Co., 1949.

Franklin, Charles. The Negro Labor Unionist of New York. Columbia University Press, 1936.

Herling, John. Labor Unions in America. Washington, D. C.: Robert B. Luce, Inc., 1964.

Libererman, Elias. Unions Before the Bar. New York: Harper and Brothers, 1950.

Marshall, Ray. The Negro and Organized Labor. New York: John Wiley and Sons, Inc., 1965.

Northup, Herbert. Organized Labor and the Negro. Harper and Brothers, 1944.

Peterson, Florence. American Labor Unions. New York: Harper and Brothers, 1945.

Rachames, Louis. Race, Jobs and Politics: The Story of the FEPC. Columbia University Press, New York: 1953.

Ross, Arthur and Hill, Herbert. Employment, Race and Poverty. New York: Harcourt, Brace and World, Inc., 1967

Spero and Harris. The Black Workers. Columbia University Press, 1931.

Taft, Phillip. Organized Labor in American History. New York: Harper and Row, 1964.

The Negro and the American Labor Movement, ed. by Julius Jacobson, Doubleday and Company, Inc., Garden City, New York, 1968.

Weaver, Robert C. Negro Labor: A National Problem. Port Washington,

New York., Kennikat Press, Inc., 1969.

Wesley, Charles. History of Negro Labor in the United States, 1850-1925. New York, Vanguard Press, MCM XXVII.

Wolfe, French E. Admission to American Trade Unions. John Hopkins University Press, 1912.

Articles and Periodicals

Bloch, Herman. "Labor and the Negro, 1866-1910." Journal of Negro History, Vol. 50 (July, 1965).

DuBois, Dr. W. E. B. "The AF of L." Crisis, XL, December, 1933.

Henderson, Vivian. "The Economic Status of Negroes: In the Nation and the South." Document published by Southern Regional Council, Atlanta, 1963.

Hill, Herbert. "An End to Pledges." Commonweal, March 15, 1968.

Kessler, Sidney H. "The Organization of Negroes in the Knights of Labor." Journal of Negro History, 1952, pp. 248-276.

Kornhauser, William. "The Negro Union Official: A Study of Sponsorship and Control." American Journal of Sociology, 1952, pp. 443-452.

Leggett, John C. "Economic Deprivation and Extremism America." Journal of Sociology, 1961-1962, pp. 53-57.

Mandel, John. "Samuel Gompers and the Negro." Journal of Negro History, Vol. 40, 1955.

Marshall, Ray. "The Negro and Organized Labor." Journal of Negro Education, 1963, pp. 375-389.

Northup, Herbert R. "The Negro and The United Mine Workers of America." Southern Economic Journal (April, 1943), pp. 313-26.

Northrup, Herbert R. "Organized Labor and Negro Workers." Journal of Political Economy (June, 1943), pp. 206-21.

Reid, Ira De A. "Negro Membership in American Labor Unions." National Urban League, 1930, pp. 175-177.

Schoemann, Peter T. "Racial Equality? Yes Federal Control? No. United Association Journal, November, 1963.

Star, Jack. "What Unions are and are not Doing for Blacks." Look Magazine, September 26, 1969.

Valien, Preston. "The Mentalities of Negro and White Workers: An Experimentatal School Interpretation of Black Trade Unionism." Social Problems, 1949, pp. 433-438.

Weaver, Robert C. "Recent Events in Negro Union Relationships." Journal of Political Economy (September, 1944), pp. 234-249

_____. "The Urban Worker in the United States, 1925-36." Government Printing Office, 1939, pp. 87-89.

Woolfolk, George. "Planter Capitalism and Slavery: The Labor Thesis." Journal of Negro History, 1956, pp. 103-116.