

Part II: Institutionalization of Executive Action, 1940-1960

The second Part deals primarily with the emergence of long-term executive action through presidential Executive Orders, rather than *ad hoc* action by individual administrators. Chapter 3, “World War II and the Fair Employment Practice Committee [FEPC],” takes as its main subject the FEPC. This body was created by an Executive Order under threat from African American leaders to mount a massive march of blacks on Washington. The FEPC enforced equal opportunity in federal employment and defense contract work. Due to congressional opposition, it died after the war. However, as discussed in Chapter 4, “Truman Administration, 1945-1952,” new Executive Orders re-established fair treatment policies in the two areas covered by the FEPC and also included the armed forces. Harry S. Truman was the first President to speak out clearly for civil rights, and he took numerous actions to promote equal opportunity. Chapter 5, “Eisenhower Administration, 1953-1960,” shows how executive action continued, in a form modified to fit the policy approaches of an Administration that favored limited government. Secretary of Labor James Mitchell was an eloquent spokesman on civil rights throughout these years.

Chapter 3: World War II and the FEPC

When Germany initiated World War II in 1939, the Roosevelt Administration had already begun developing war production capacities to support Great Britain and other nations threatened by the dominant European power. Even before the U.S. entered the war against the Axis Powers (Germany, Italy, and Japan) in 1941, the stimulative effect of defense production was creating millions of jobs and setting the stage for the end of the Depression. On the threshold of war, a huge reserve of unemployed African Americans (6.5 million by 1940) was available in the nation's industrial centers to help fill the vast numbers of new jobs being created.

Good defense jobs were not quickly nor easily realized for hopeful blacks. Several factors constricted their share of new jobs. Unlike the situation at the beginning of World War I, 1939 found a massive reserve of unemployed whites. In addition, there were 44 million potential workers not in the labor force, many of them women. Because of their seniority, many whites returned to previous jobs when their employers began rehiring; these white workers were rehired before less senior blacks. Women started entering the workforce in droves, competing with blacks for defense jobs.

Racial discrimination inevitably reared its ugly head and made it even more difficult for blacks to participate fully in the explosion in hiring. Many employers sincerely feared that white unionists would strike if they began hiring blacks, but other employers used this diversion as a smoke screen to mask their own prejudices. Some employers went to such extremes to avoid hiring African American

workers that production bottlenecks were created when they lured white workers away from other defense plants. The Standard Steel Corporation of Kansas City announced, “We have not had a black worker in twenty-five years, and do not plan to start now.” The president of North American Aviation stated flatly that blacks “will be considered only as janitors” and laborers. “Under no circumstances,” he said, would they be hired for aircraft manufacture, even if they were fully trained. At one point, 75,000 experienced black construction workers remained unemployed as a result of discrimination in the construction industry.

African Americans fared almost as poorly in the military. The Selective Service Act of 1940 allowed the drafting of blacks into the Army and required that the numbers of draftees meet the test of racial proportionality. However, all the services remained strictly segregated and opportunities for blacks to serve as commissioned officers were limited. The perception of unfairness in the military stimulated black activists to seek redress. Even before the war, *Pittsburgh Courier* editor Robert L. Vann, a member of the Black Brain Trust, called on Roosevelt to appoint blacks to West Point on a regular basis. A group of black officers formed a committee to promote the participation of blacks in the military. In 1940 the Brotherhood of Sleeping Car Porters (BSCP) joined the mounting call to eliminate discrimination in the military. A major victory in these efforts was the promotion of Army Colonel Benjamin O. Davis in October 1940 to become the first African American general officer in history.¹

That same year the NAACP began a campaign against exclusion of blacks from the aircraft industry, publishing a photo of an aircraft plant and the title “For Whites Only” on the cover of the July issue of its journal, *The Crisis*. Mary McLeod Bethune provided Eleanor Roosevelt with detailed documentation of discrimination in the

defense industry. Black organizations published lists of industry and government officials accused of discrimination, and the white press began to report on the issue. *The Saturday Evening Post* published an article titled “It’s Our Country, Too” by Walter White of the NAACP. White leaders joined blacks in a November 1940 conference at Hampton, Virginia, on “Participation of the Negro in National Defense.”²

FDR, who was running for an unprecedented third term in 1940 and was aggressively courting black votes, appointed a number of additional black government advisers and sought, in various ways, to reduce discrimination in the federal government. For example, he appointed black federal judge William H. Hastie as a special civilian aide to Secretary of War Henry L. Stimson.³ Hastie’s job was to investigate complaints of discrimination in both the military and among civilian employees of and contractors to the War Department. At FDR’s behest, the U.S. Office of Education (USOE) required nondiscrimination in federally funded training programs for defense workers, a policy backed up by a nondiscrimination clause Congress placed in defense training legislation.⁴

Roosevelt established the National Defense Advisory Commission (NDAC) in May 1940 to coordinate industrial and manpower resources. The NDAC included a Labor Division headed by CIO unionist and New Deal proponent Sidney Hillman, who was determined to supply a sufficient flow of workers to produce everything needed to win the war. To accomplish this task, Hillman sought to tap all sources of labor, including African Americans. Accordingly, on September 1, 1940, Hillman issued a policy statement warning against discrimination based on race, age, or sex in hiring in the defense industry. Robert Weaver, a former Black Cabinet member, was

appointed to spearhead the Labor Division's efforts to mobilize the black labor force.⁵

In December 1940, after winning reelection, FDR replaced the NDAC with the Office of Production Management (OPM) but continued the Labor Division. Sidney Hillman, who now jointly headed OPM with William Knudsen, established a Negro Employment and Training Branch (NETB) and put Weaver in charge. There was also a Minority Groups Service, supervised by white southerner Will Alexander, which dealt with discrimination against other groups. While this anti-discrimination machinery was being established, pressure mounted on Knudsen and Hillman to take stronger action at OPM against discrimination. On April 11, 1941, they issued a formal letter calling on defense contractors to cease discriminating against blacks who applied for work. However, the letter was never published in the Federal Register, limiting its impact. Weaver's NETB, lacking investigative or enforcement powers, sought to persuade and negotiate with employers to hire more blacks and reduce the burden on the relief system. Weaver focused on defense construction and was able to achieve modest gains in black employment in that sector.⁶

Roosevelt had won reelection with the help of strong support from black voters. The National Negro Congress (NNC) wished to cash in on that support and proposed that Roosevelt go beyond OPM's limited anti-discrimination efforts and issue an Executive Order prohibiting employment discrimination within the federal government. A "Fight for Freedom Committee," organized by racially progressive whites, telegraphed OPM demanding enforcement of fair employment for blacks. In May 1941, Mary McLeod Bethune, Walter White of the NAACP, and others met with Hillman to call for an Executive Order banning discrimination, not just in the federal government, but in the entire defense-military establishment.⁷

Meanwhile, black labor leader A. Philip Randolph, the founder and president of the BSCP, was preparing to take more direct action. At a meeting with FDR in September 1940, Randolph asked for immediate and full integration of the entire national defense effort, both civilian and military. Roosevelt rejected this proposal, and Randolph decided to mount a march of 10,000 blacks on Washington to demand equality in the defense effort. The NAACP and the Urban League endorsed the idea, plans for a march in the summer of 1941 firmed up, and, to the Administration's alarm, the projected number of marchers swelled to 100,000.⁸

The White House was concerned that a march could touch off racial violence in the nation's capital, which was already nerve-racked from a sensationalized crime wave. They were also worried that such a march would confuse and distract an American public poised to support the White House's call to aid the United Kingdom, then under attack from Hitler's Germany. In an effort to meet Randolph's demands, FDR sent a memo to Hillman and Knudsen officially placing the weight of his office behind their April 11, 1941, letter. FDR specifically directed OPM to see that the nation's workforce was used productively and without discrimination. He also arranged a meeting in New York City on June 7 at which Eleanor Roosevelt, Mayor Fiorello LaGuardia (a friend of Randolph), and Aubrey Williams, head of the NYA, tried unsuccessfully to persuade Randolph and White to abandon their plans for a march.

Roosevelt met personally with Randolph and White on June 18, joined by LaGuardia and others. FDR, who was open to the idea of change, asked, "What do you want me to do?" Randolph gave the President a memo from the March-on-Washington Committee (MOWC) he headed, outlining a number of necessary actions. The memo demanded issuance of Executive Orders that would bar

awarding of government contracts to firms known to discriminate; end segregation in the military; ban discrimination in federal defense-work training programs (which FDR had already done, but not by Executive Order); order the USES to refer workers to jobs regardless of their race; and abolish discrimination within the federal government. The MOWC memo also called on Roosevelt to seek legislation denying the benefits of the Wagner Act to any unions that discriminate.

FDR balked at accepting the entire package, and the discussion ground to a temporary halt. LaGuardia broke the ice. He noted that “it is clear that Mr. Randolph is not going to call off the march” and suggested that “we all begin to seek a formula.” Roosevelt agreed and appointed a committee, chaired by LaGuardia, to draw up a response to the MOWC demands. The LaGuardia Committee quickly recommended that FDR issue an Executive Order banning discrimination in defense contracting. The Committee made the recommendation, despite objections from the War Department that contractors in the South might refuse to bid for contracts and that the order would be unenforceable anyway. Roosevelt accepted the idea and began negotiations with Randolph and the MOWC. He balked at their call to include desegregation of the military in the order but agreed to their demand to include federal employees. Final agreement was reached on June 24, and Randolph called off the march.⁹

Executive Order 8802 and the FEPC

The next day, June 25, 1941, President Roosevelt issued Executive Order (E.O.) 8802 establishing the President’s Fair Employment Practice Committee (FEPC). The black press hailed the Order as a second emancipation proclamation, but segregationists immediately objected to the agency it created. As a result, the FEPC

became the most controversial World War II agency of the federal government.¹⁰ E.O. 8802 marked a significant expansion of federal anti-discrimination policy. For the first time there was a federal body specifically responsible for administering equal employment opportunity requirements. While the FEPC's powers were few, its budget small, and its life-span limited to the World War II period, it marked the beginning of a quarter century of almost continuous executive action promoting fairness in employment funded by the federal government.

The overall goal stated in E.O. 8802 was "to encourage participation in the national defense program by all citizens ... regardless of race, creed, color, or national origin." It required an end to discrimination by the federal government and by defense contractors. It also called upon unions and all other private employers to make a voluntary effort to eliminate discrimination.

The order established two main requirements. First, federal training programs for defense production were to be administered free of all discrimination. Second, and more importantly, all federal defense contracts were to include a non-discrimination provision. The Order placed the FEPC under OPM. The Committee could investigate any complaints of discrimination it received, though it was not empowered to initiate specific investigations on its own. It would then "take appropriate steps" to remedy discriminatory situations and make specific recommendations to federal agencies and the President on how best to implement the Order. However, the FEPC did not enforce any laws, and it lacked the power to subpoena witnesses or sue violators in court. It did have the right to call for cancellation of contracts as a remedy, but it could not require this action.¹¹

Initially the Committee was to have five members. Shortly after the Order was issued, Randolph and White met with Sydney Hillman

to discuss the Committee's membership. Randolph and White agreed with Hillman that the AFL and the CIO should each have a representative, but they wanted the Committee enlarged to seven members to assure that organized labor, whom the black leaders did not trust, would not dominate it. A compromise was reached at six members, and E.O. 8802 was amended to reflect the change.¹²

In July 1941, Roosevelt appointed Mark Ethridge, a white liberal and publisher of the *Louisville Courier-Journal*, as chair of the Committee. Two black members were appointed: Milton Webster, vice president of the BSCP, and Earl Dickerson, a Chicago alderman. Other members included William Green, president of the AFL; William Murray, president of the CIO; and, representing the business community, David Sarnoff, president of the Radio Corporation of America.¹³

The Committee formally organized in August 1941. One of its first actions was to appoint Lawrence Cramer, the white former governor of the largely black U.S. Virgin Islands, as Executive Secretary, and George M. Johnson, the black dean of the Howard University Law School, as Cramer's assistant. The subordination of Johnson, a distinguished legal scholar, did not please the black community. Due to budget limitations, the FEPC hired very few employees initially and was forced to rely on OPM staff for additional support. From the outset, the members were concerned about the fact that federal government workers, while technically covered under E.O. 8802, were mentioned only in passing. By contrast, several provisions were devoted to anti-discrimination enforcement in defense contract work. To alleviate the Committee's concerns, Roosevelt specifically directed the heads of all federal departments to treat their employees with fairness.¹⁴

Another early problem was public's lack of knowledge about the Committee. Therefore, it initiated a publicity and educational campaign and distributed 75,000 posters on E.O. 8802 to all federal agencies and contractors. The members decided to hold a series of four public hearings on fair employment, one in each region of the country, in order to publicize the Order and investigate discrimination. The first hearing was held in Los Angeles in October 1941. Subsequent hearings occurred in 1942 in Chicago, New York, and Birmingham, Alabama. The hearings focused on the employment policies of local defense industries and the associated unions. Evidence turned up proving that, from New York to Los Angeles, discrimination was a serious barrier to minorities in war work. Venturing beyond E.O. 8802's mandate to investigate specific complaints only, the Committee made general recommendations to the private sector on abating discrimination. These early actions were largely ignored by the mainstream press but black newspapers such as *The Chicago Defender* praised it for "[giving] hope to millions of black workers."¹⁵

The FEPC had to find a new home when OPM was disbanded in late 1941 due to a re-organization of the government's war production effort. The FEPC was transferred to the new War Production Board (WPB) in January 1942. Shortly after, Ethridge, partly due to frustration with the extremely limited staff and budget allowed to the Committee, resigned as chairman, although he remained a member. Malcolm McLean, president of Hampton Institute, took over as chairman. With organizational matters settled for the time being, the Committee completed its hearings. The White House praised the work of Chairman McLean. As the FEPC celebrated its first anniversary on June 25, 1942, it was slated to receive a substantial budget increase and was planning to set up regional offices in 12 cities.¹⁶

Unfortunately for the Committee, these plans had to be put on hold just one month later. The Committee's troubles began with the last of its four hearings. This final hearing was held in Birmingham in June 1942 and highlighted revelations of extensive discrimination in defense work in the South. Many southerners now came to see the Committee as a threat to the Jim Crow system, and southern politicians pressured FDR to restrain the FEPC. The Democratic Party badly needed southern votes in the fall elections. On July 30, 1942, FDR gave in to political pressure and transferred the Committee to the War Manpower Commission (WMC). This body had been created in April 1942 to deal with labor shortages that were beginning to interfere with war production. The FEPC, whose members considered WMC head Paul McNutt to be unsympathetic to the mission, had hoped to be transferred to the White House's Office of Emergency Management. The move to the WMC, besides placing it under an unfriendly administrator, meant that the FEPC would now be funded through regular congressional budgetary procedures, which gave Congress direct control over its budget.

Confirming the worst fears of the Committee's supporters, the FEPC quietly languished in its new home. McNutt delayed for three months after the transfer before approving a procedure for merging the two agencies. He cut the Committee's budget, denied it access to WMC offices in the field, and refused to appoint needed staff members. Furthermore, he placed the FEPC under his direct supervision, depriving it of the relative autonomy under which it had been operating. In one bright spot, in October 1942 Robert Weaver's NETB and Will Alexander's Minority Group Branch were consolidated into the FEPC, significantly strengthening its staff.¹⁷

The last straw for the supporters of the Committee came in January 1943 when McNutt, responding to pressure from critics of the

FEPC, indefinitely postponed scheduled hearings on discrimination in railroad employment in the South. Black groups, sympathetic labor unions, civic and church leaders and others petitioned the President to order that the hearings be held. At the same time, due to the weakening of the Commission under the WMC, McLean, Ethridge, David Sarnoff, and Executive Director Cramer resigned, along with numerous staff members.¹⁸

The “Second FEPC”

The Roosevelt Administration—concerned about growing labor shortages on the one hand and the difficult status of the Committee on the other—had already begun exploring ways to better accomplish the mission of E.O. 8802 and mobilize a larger portion of the African American workforce for the war effort. In February 1943, at Roosevelt’s request, McNutt and Attorney-General Francis Biddle met with 24 leaders of the pro-FEPC community. The black supporters demanded that the Committee be removed from the WMC and report directly to the President, but the Administration made no commitments at this time. In fact, FDR made no decision at all for several months. During this time, the FEPC, White House, Bureau of the Budget, and Department of Justice considered a wide variety of options. These options ranged from the extreme of abolishing the Committee to strengthening it and removing it from the control of the WMC.¹⁹

In this period of limbo, the Committee aggressively resumed its anti-discrimination work, partly in the hopes of pressuring the Administration into a favorable decision on its fate. Without McNutt’s approval, the Committee announced a new series of hearings on discrimination in the defense industry, beginning in Detroit on May

24; it also re-scheduled the postponed hearings on the southern railroads. These steps probably had some impact on the White House. More important was Attorney-General Biddle's support for the FEPC and his recommendation that it be reestablished and strengthened.²⁰

Heeding Biddle's advice, on May 27, 1943, Roosevelt issued E.O. 9346, replacing the old FEPC with what became known as the "Second FEPC." It was located, as FEPC members had originally sought a year earlier, within the Office of Emergency Management and reported directly to the President. Monsignor Francis Haas, a social scientist at Catholic University in Washington, D.C., was appointed Chairman, and vacancies on the Committee were filled. Then, in October 1943, Haas suddenly resigned when he was appointed Bishop of the Diocese of Grand Rapids, Michigan. However, in his short tenure, he brought greater racial and religious diversity to a staff that was 90 percent black when he took over. This diversity reflected his goal of seeing that the FEPC met its mission to serve all minority groups, not just the predominant black population. He was replaced by Malcolm Ross, the former public affairs officer at the NLRB. Under Haas and Ross, the Committee received better support and was able, at last, to establish the 12 regional offices it had long wanted, plus three additional sub-regional offices.²¹

E.O. 9346 did not a dramatically reorganize the Committee, but it did enlarge the scope. Now the FEPC's jurisdiction extended to work that was not performed under federal contract, provided it was considered essential to the war effort. The anti-discrimination clause that E.O. 8802 required in defense contracts was extended to all federal contracts. Since the Order did not drastically alter the FEPC, reactions from most interested parties, whether critics or supporters, was mild and the mainstream press gave it little attention.²²

There was, however, a quiet transformation in policy. Although the Committee finally held the delayed railroad industry hearings, its primary emphasis shifted from investigating whole industrial sectors to focusing on resolving individual discrimination complaints.²³ Under FEPC rules, in order for a case of alleged discrimination in hiring, placement, or training to merit investigation, an affected individual had to submit a signed complaint against a specific employer, government agency, or union. By adhering to this approach, the Committee avoided charges of going on “fishing expeditions” in various workplaces and industries. However, it interpreted E.O. 9346 broadly enough to allow it to accept complaints from anyone who had evidence of possible discrimination, not just complaints from aggrieved persons themselves. It also investigated discriminatory job advertisements, job placement orders, and application forms.

Investigation of a complaint typically began in the region where the alleged discrimination took place. If the FEPC’s Fair Practice Examiner assigned to the case determined it to be legitimate, he or she first sought to negotiate an informal settlement between the employer or the union and the aggrieved party. Settlements took many forms: an employer might promise in writing to “cease and desist” discriminatory practices; a complainant who was denied a job might be hired; an employer might agree to drop racial requirements for job openings; or the employer might eliminate questions about race from application forms. Most cases were resolved in this manner, with only 15 percent handled above the regional level. If the Regional Examiner did not resolve the case, he or she referred it to the FEPC Office of Field Operations in Washington. In rare cases when the ensuing visit from a National Office Examiner did not clear up the matter, it went to the Legal Division for further investigation. In some cases a public hearing was held.²⁴

For cases that remained unresolved after these steps had been exhausted, there was not a great deal the Committee could do. It lacked the authority to enforce directives in the courts or to collect fines for willful violations. It could recommend cancellation of the contract in question, but, in fact, no contract was ever cancelled due to discrimination. The Administration discouraged cancellation of contracts, fearing that such a drastic action would interfere unduly with the war effort.

Given its limited enforcement powers, the FEPC was heavily dependent on employers, unions, and community groups to voluntarily improve the racial climate and reduce or eliminate discrimination. Accordingly, it emphasized education, cooperation, and non-adversarial relations. The field staff was trained to be friendly, even-handed, and tactful. The Director of Field Operations advised staff to avoid cold, formal phrases such as “It is hereby requested” in favor of the more conciliatory “Will you be good enough to...” types of requests. Examiners were expected to thoroughly review and verify evidence of complaints and look for mitigating factors in apparent acts of discrimination. Complaints were kept confidential to avoid embarrassing or alienating employers or unions. Examiners were also expected to avoid questioning the good faith of an accused party. Rather, they were to make sure the party understood that FEPC staff wanted only to help resolve problems. While supporters of the Committee lamented the lack of strong enforcement tools, there is evidence that the voluntary approach had an impact.²⁵ For example, in Detroit the local FEPC officials were credited, particularly, with fostering racial harmony in industry at large and, generally, throughout the city after extensive race riots in 1943.²⁶

The FEPC also emphasized cooperation with federal agencies. The Committee worked closely with the WMC, which had an

extensive network of offices around the country. Under a special operating agreement, the WMC provided staff and other assistance for complaint cases that the Committee was investigating. The WMC handled all complaints that it received, which was of significant help to the Committee because the WMC received 20 percent of all discrimination complaints.²⁷

The FEPC worked with a number of other agencies under both E.O. 8802 and E.O. 9346, with varying success. The Navy and War Departments made a substantial effort to implement the Order, but their effectiveness was impeded by the over-riding goal of promoting production and winning the war. When employees of contractors resisted efforts to hire or promote blacks, the contracting agency often tolerated discrimination rather than risk a strike or lose production. The Maritime Commission successfully promoted minority rights in shipyards in the Northeast and on the West Coast, but they met resistance in the South. The War Shipping Administration (WSA) followed equal treatment policies in referrals for maritime jobs, but it did not have much cooperation from the Seafarers International Union. Often, by the time it came to the attention of the WSA that a ship's crew had been hired in violation of E.O. 8802, the ship had already sailed. The NLRB fought discrimination in unions by refusing to certify representation elections from which minorities had been excluded. The War Labor Board promoted equal pay by prohibiting separate wage scales based on race.²⁸

The FEPC particularly needed the cooperation of the USES, which worked with the WMC to refer millions of workers to defense plants. In the early stages of the war, before U.S. entry, the USES was doing a very poor job placing blacks in skilled manufacturing jobs. In early 1941 it placed 8,769 workers in key aircraft production jobs, but only a paltry 13 of them were black. Local Employment Service offices

in the Gulf Coast region excluded blacks from shipyard employment. One cause of this discrimination was that employment offices in the state-federal system had grown accustomed to accommodating discriminatory hiring in the Jim Crow South. They feared that if they enforced fair hiring practices, employers would simply by-pass the USES and hire directly or through private employment agencies.²⁹

In 1942 the USES established a Minority Groups Consultant position to promote fair treatment and ordered its placement officers to inform employers that federal policy prohibited discriminatory job specifications. At the same time, however, the 1942 USES operating manual allowed employment offices to accept biased job orders (except in states that banned discrimination by law). However, the office first had to attempt to persuade the employer to drop any racialized requirements. When the WMC assumed control of hiring in areas of labor shortage in 1943, affected employers could only hire through the USES, which gave the government potential leverage in enforcing fair employment practices. When the USES persisted in honoring discriminatory job orders, the WMC attempted to stop the practice once and for all. On September 3, 1943, the WMC directed the USES to refuse to accept such requests. It also ruled that USES staff would be subject to disciplinary action if they disobeyed. In 1944 the WMC took the further step of issuing a revised internal USES training handbook titled, “The USES and the Negro Applicant.” (This appears to be the first federal training material on fair treatment of black job applicants.) Over the course of the war the USES, at the national level, continually improved its effort to promote equal employment. It was another story in the local offices, many of which continued to honor “whites-only” job orders. This problem remained a continuing sore point for civil rights groups for years and was not fully corrected until the 1960s (see Chapter 9).³⁰

In addition to enforcing fair treatment in hiring and on the job, the FEPC was also authorized to require fairness in government-sponsored vocational and training programs for defense work. Training was largely funded by the National Defense Training Act and was supervised by the Office of Education (USOE). Beginning with the hearings it held in Los Angeles in October 1941, the Committee discovered that many blacks were denied training opportunities, particularly in the South. While espousing an official policy of equal opportunity, the USOE did not enforce this policy when local training programs excluded African Americans. When the FEPC found considerable discrimination in these programs in Alabama, Georgia, and Tennessee in 1942, it charged that the USOE was not complying with the E.O. 8802. The FEPC thereupon issued a series of directives to the USOE, requiring it to cease approving defense training plans that did not prohibit discrimination; withhold funds if necessary from the non-compliant programs discovered in defense plants in Alabama, Georgia, and Tennessee; and re-inspect those defense plants to make sure that they did not resume discriminatory training programs. The USOE improved its fair treatment performance and made significant progress in the South. The total number of black trainees in 12 southern states swelled from 3,768 in June 1942 to 4,702 in November, a 25 percent increase in just five months. While defense industry training remained segregated in the South, the USOE was able to see that the proportion of training courses open to blacks grew from only 4 percent in early 1942 to 18 percent by the end of the year.³¹

The agency with the primary responsibility for promoting equal treatment in federal employment was the Civil Service Commission (CSC). Guided by equalitarian racial policies stemming from the New Deal, the Commission had banned racial discrimination in federal hiring even before the creation of the FEPC in 1941. In addition, as

ordered under the Ramspeck Act of 1940, the CSC had ceased to attach photos of job-seekers to their applications. At the Committee's request, the CSC resolved most discrimination complaints internally while keeping the FEPC informed about the disposition of cases. The Committee reserved the right to advise the CSC on particular cases and to take over unresolved ones. As a result of the joint effort, black employment in government underwent a remarkable transformation. For example, in 1938, blacks constituted only 8.4 percent of all federal employees in Washington, D.C., but by March 1944 that proportion had swelled to 19.2 percent. In addition, the proportion of black federal employees who held non-custodial jobs grew from 10 percent to 60 percent in the same period.³²

While the FEPC encountered resistance from many federal agencies to fully enforcing E.O.'s 8802 and 9346, it also operated in the face of growing criticism and opposition in the Congress. In the eyes of many in Congress, it had a couple of strikes against it. First of all, the FEPC was seen as a bureaucratic "orphan" laid at the doorsteps of a Congress expected to nurture and support it. Worse, Southern Democrats saw the reorganized "Second FEPC" as a particularly serious threat to the discriminatory racial practices they supported. Beginning in December 1943, Representative Howard Smith (Democrat—Virginia) held a series of investigative hearings on the FEPC. Its opponents charged that it was an illegal, communist-influenced agency.³³

With the testimony from the Smith hearings as a basis, southern Congressmen and their allies launched a move in early 1944 to eliminate the Committee. In order to do that, Congress first had to gain control of the FEPC's budget, which at that time was provided through the White House. When Congress passed a multi-agency funding law in June 1944, Senator Richard Russell (Democrat—Georgia) inserted

into it an amendment prohibiting the Executive Branch from funding any federal agency for more than twelve months without a specific appropriation from Congress. Designed to eliminate the FEPC, the Russell Amendment was permanent legislation that constricted federal fair employment efforts for the next 20 years. Supporters of the Committee thwarted the intent of the Russell Amendment for the time being by passing an appropriations bill in 1944 enabling the FEPC to maintain its normal level of activity until July 1, 1945. Encouraged by this success, the pro-FEPC forces sought unsuccessfully to make the agency permanent. The battle over fair employment and the FEPC continued into the Truman Administration (see Chapter 4).³⁴

Over the course of World War II, the FEPC received some 14,000 complaints, 80 percent of them filed by blacks. Two-thirds of the claims filed were dismissed as invalid, but almost all of the valid ones—about 5,000—were successfully resolved. During the period of peak activity, from July 1943 to December 1944, the Committee resolved an average of 100 cases and dismissed 150 each month. A few controversial cases involving uncooperative employers received wide publicity, but the preponderance of claims were resolved quietly.³⁵

According to the FEPC, the black proportion of the defense workforce grew from 2.5 percent in March 1942 to 8.3 percent in November 1944. Laboring and service jobs accounted for the bulk of the increase. However, the number of blacks in skilled, semi-skilled, or foreman jobs doubled, from half a million to one million.³⁶

Mounting labor shortages increased the pressure on employers to hire black workers at all levels of defense-related work. The FEPC took advantage of that pressure to seek maximum minority opportunities. In cities with manpower shortages, such as Detroit and Cleveland, the FEPC brought about satisfactory settlements in almost 40 percent of all complaints. In cities where labor supply and demand

were in relative balance, such as New York and Detroit, the results were less satisfactory.³⁷ Despite the best efforts of the FEPC and other federal manpower agencies, racial tensions had reached the boiling point in those cities by the summer of 1943. In Detroit, 34 died and 600 were injured in a race riot, and in Harlem a major riot was barely averted.³⁸

While the FEPC revealed and eliminated many violations of the obvious type—racially marked job applications, relegation of minorities to unskilled jobs, and discriminatory want ads—its educational and public relations efforts also had a significant impact. In an example of successful public relations, Dwight R.G. Palmer, president of General Cable, ordered an end to discrimination by his company. He asserted that it was wrong to fight for democracy abroad while slighting it at home.³⁹

The results of all efforts, public and private, to employ black workers in war industries and treat them fairly were mixed. On the one hand, according to the official U.S. Army history of industrial employment in World War II, the black proportion of all those employed in defense work doubled during the war. It grew from 4.2 percent in 1942 to 8.6 by 1945.⁴⁰ Yet the same study concluded that:

Practically every industry, in the North or South, that made an effort to solve its manpower problem by hiring greater numbers of Negro workers encountered new problems that were in many instances as great a threat to production as the manpower shortage.⁴¹

The impact of the FEPC on this ambiguous picture is impossible to measure. It seems clear, however, that the Committee, while carrying a heavy baggage of opposition and controversy, played a significant role in the enormous growth in black employment cited above. It also helped moderate racial tensions during a stressful period. Historian

John Hope Franklin concluded that, because the FEPC encouraged employers and unions to voluntarily adopt fair employment practices, its “existence had a salutary effect.”⁴²

Chapter 4: Truman Administration, 1945-1952

As African American veterans and defense workers demobilized after World War II ended in August 1945, they took great pride in their role in the defeat of fascism. Black veterans hoped for fair treatment and better opportunities at home, and black defense workers hoped to retain their wartime economic and occupational advances. President Harry Truman—who, as Vice President, succeeded President Roosevelt upon his death in April 1945—was sympathetic to the post-war hopes of African Americans.

One of Truman's very first domestic priorities was a law to make the FEPC permanent. However, continuing congressional opposition to the FEPC doomed the effort. The Committee managed to survive into the fiscal year beginning July 1, 1945, but its appropriations were drastically cut. Worse still, the appropriations bill included an amendment specifying that funds were to be used only for the purpose of terminating the Committee's functions by June 30, 1946.¹

On December 18, 1945, Truman issued E.O. 9664 to focus the lame-duck FEPC on demobilization issues. The Order forbade government agencies—which were busy cutting their staffs and retooling for peacetime roles—from discriminating on the basis of race or creed as they laid workers off, transferred employees, or rehired veterans. It also directed the Committee to focus on investigating discrimination both in industries that were producing military supplies and in munitions industries that were reverting to peacetime production. While giving the FEPC important new fair employment goals, Truman did not provide any new enforcement

teeth. To the dismay of its proponents, the Committee, in effect, was largely relegated to a fact-finding role in its last days.²

Just before it went out of existence in June 1946, the Committee issued a final report in which it made three main recommendations. First, it warned that black wartime employment gains were threatened by the fact that the industries in which those gains were strongest were exactly those targeted for the most severe post-war contraction. Secondly, it emphasized that discrimination should be resolved through negotiation rather than enforcement. Finally, it called for permanent fair employment legislation. While failing to enact such legislation during the Truman Administration, Congress relented enough to slightly loosen the strictures of the Russell Amendment. This moderate concession made it possible for the Executive Branch to provide modest but regular funding to interdepartmental committees for the next 20 years without specific authorization from Congress.³

Federal fair employment legislation remained stalled, but state governments were free to move ahead. In 1941, the same year the FEPC was born, New York State established a similar committee. In 1945 it passed the Ives-Quinn Act, which banned employment discrimination and created a Commission on Human Rights. Like the FEPC, the State Commission was not allowed to initiate investigations, and it depended on workers to file complaints. Unlike the FEPC, however, the Commission was allowed to issue mandatory cease and desist orders, enforceable in the courts, when it proved the existence of discrimination. A number of states followed the lead of New York, and by the time Truman left office in January 1953, eight had laws against employment discrimination on the books. State fair employment laws were not particularly effective in terms of advancing large numbers of black workers into jobs thus far unavailable to them. However, they helped raise hopes in the black community that

discrimination on the job could be defeated. Equally importantly, they raised expectations that the government, at both the state and federal levels, was a committed ally in the struggle for fair employment.⁴

While stymied in his efforts to enact a fair employment law, Truman promoted national programs and policies that, while not targeted at blacks, had the potential to benefit them. In his January 1946 State of the Union message, he called for a number of general social welfare measures, including raising the minimum wage, increasing unemployment insurance benefits, and promoting a national program of full employment. Congress ignored most of Truman's proposals but, with unemployment a national concern at that time, readily took up the full employment proposal, which had considerable public support. The result was the Employment Act of 1946. The concept of literally "full" employment levels, with the implication of potentially massive government programs, was removed from the final bill. Retained, however, was the inclusive goal of seeing that everyone "able, willing, and seeking to work" would find it, provided that free enterprise and the general welfare were not compromised. The law committed the federal government, for the first time, to maintain a high level of employment for all. Black leaders hailed the law as an important step in helping African Americans climb up the economic ladder.⁵

Measures such as the Employment Act of 1946 and the establishment of state fair employment practices commissions, while useful to African American workers, did little to reduce racial tensions that had begun building during the war. As had happened after World War I, racial violence broke out in many parts of the country as rising black aspirations collided with resistance from a large segment of the white population. Race riots occurred in most southern states, hate organizations spread racial propaganda throughout the country, and

individual racial attacks drew national attention. In February 1946, Isaak Woodward, a black war veteran, was attacked and blinded by the chief of police of Batesburgh, South Carolina. That same month, in Columbia, Tennessee, the Ku Klux Klan terrorized the black population and killed two. In July 1946, a mob near Monroe, Georgia, shot and killed two black couples because one of the men, a veteran, had stabbed a white man whom he accused of making advances on his wife.⁶

In response to the violence, news media attention, and protests by civil rights groups, Truman revived a wartime proposal (never adopted) for a federal race relations committee. On December 5, 1946, he issued E.O. 9808 establishing the President's Committee on Civil Rights (PCCR). Its mission was to investigate the situation and recommend law-enforcement and governmental mechanisms that would serve "to safeguard the civil rights of the people."⁷

After conducting a thorough investigation into the state of relations between the races, the PCCR submitted its report, titled *To Secure These Rights*, on October 29, 1947. Truman urged all Americans to read what he termed "an American charter of human freedom in our time." The Committee's recommendations dealt with personal safety, voting rights, and equality of opportunity. The report called specifically for:

The enactment of a Federal Fair Employment Practice Act prohibiting all forms of discrimination in private employment based on race, color, creed, or national origin. The enactment by the states of similar laws, the issuance by the President of a mandate against discrimination in government employment, and the creation of adequate machinery to enforce this mandate.

The Truman Administration delayed acting on these ideas for a time. However, by mid-1948, two factors combined to drive the Administration to take decisive executive action. The first was the growing “Cold War” that had broken out with the Soviet Union, the former World War II ally. This struggle was to a large extent a propaganda battle pitting the ideologies of Communism and Western democracy against each other. Each side sought to convince the undecided nations of the world that they alone offered the best road to a just and prosperous future. The struggles and maltreatment of African Americans received wide publicity around the world and condemnation from the Soviet bloc. Truman saw himself as the leader of the non-communist world and realized that the United States’ civil rights problems detracted from its credibility as a moral leader.

The second factor was the election of 1948. Truman was engaged in a difficult struggle for reelection. Many southern Democrats had deserted their Party at the Democratic convention in July 1948 to protest Truman’s stand on civil rights. To offset that loss, Truman badly needed to secure strong support from the black community.⁸

In response to these pressures and to the Civil Rights Committee, on July 26, 1948, Truman issued a historic dual set of Executive Orders: E.O. 9980, banning discrimination in the federal government; and E.O. 9981, ordering the desegregation of the armed services. Combined, their scope was broader than E.O. 8802 and the FEPC in one way and narrower in another. Government contractors were not subject to anti-discrimination requirements, but the military, for the first time, was required to eliminate all discrimination. While the full implementation of E.O. 9981 took several years, by the early 1950s the military was almost completely integrated. It became a model of equal opportunity for both government and the private sector.

E.O. 9980 established an official policy of fair employment throughout the federal government without regard to race, religion, or country of origin. The Order required every Department to set up an equal treatment program for its own employees, run by a Fair Employment Officer (FEO). To review cases from the Departments and provide periodic reports to the President, the Order set up a Fair Employment Board housed by the Civil Service Commission. By the end of 1948, 18 Departments and agencies had established fair employment programs.⁹

Promulgated with equal parts moral principle and political expediency, the twin Executive Orders were warmly welcomed by the black community. This support translated into black votes for Truman in the Presidential election of 1948. Locked in a race he was not expected to win against Republican Thomas Dewey, Truman eked out a close victory. Contributing greatly to the upset win, black voters gave Truman 69 percent of their vote.

In gratitude, Truman initiated a number of new civil rights steps right after the election. He immediately met with civil rights advocates and groups. Among them was the National Committee on Segregation in the Nation's Capital, which complained about the pervasive discrimination that existed in Washington at that time. One example the Committee cited was a segregated restaurant at the federally controlled Washington National Airport. Truman immediately ended all discrimination at the airport with an order, effective December 27, 1948. At his Inauguration on January 20, 1949, Truman broke precedent and integrated all inaugural events. As a result, there were four blacks in the audience at the Truman-Barkley Club dinner on January 18, when Truman gave his first speech of Inauguration Week. While the Army's marching platoons at the Inaugural Parade were not individually integrated, they included both black and white units.

The Army tank crews and Coast Guard units were thoroughly mixed. Black dignitaries sat in the reviewing stand and attended the Inaugural Ball. A number of nominally segregated Washington hotels and restaurants accepted black guests and patrons. The *Chicago Defender* noted hopefully that “it was obvious to everyone that the lily-white era of Washington’s official social life had come to an abrupt end.”¹⁰

Fair Employment and the Bureaucracy under Truman

Well before the Truman White House issued E.O.s 9980 and 9981, the Department of Labor and other federal agencies were developing their own internal and external programs for fair employment. There had been a change of leadership at the Department at the beginning of the Truman Administration. Frances Perkins resigned in June 1945 after twelve years as Secretary of Labor.¹¹ She was replaced by former Senator Lewis Schwollenbach, an ardent New Dealer and a strong supporter of rights for African Americans. Despite the new leadership, many local employment offices of the USES continued to accept and honor discriminatory job orders, in violation of official policy. In a poignant letter to the Secretary of Labor in July 1945, an anonymous writer noted a dearth of black workers in shipyards in Portland, Oregon, and accused the USES of consciously denying blacks employment in this industry. The writer posed the question: “Is slavery returning to the United States of America?”¹²

This lone citizen was joined by the United Automobile Workers (UAW) union in calling for fairer treatment of blacks by the USES. In the fall of 1945 the UAW’s Fair Practices Committee accused the USES of practicing discrimination. Director Robert Goodwin strongly denied this accusation but agreed to reevaluate USES policies and practices.¹³

In late 1946 Congress permitted state governments to take over administration of USES activities within their borders, effective January 1, 1947. African Americans feared that this “devolution” would make it more difficult to eliminate discriminatory job orders. Addressing the National Council of Negro Women in November 1946, Secretary of Labor Lewis Schwellenbach, a Truman appointee and a vocal civil rights supporter, tried to allay their fears. He argued that when the USES devolved its local operations to the states, it would be “promoting employment opportunity for all applicants” and working hard to see that employers’ “hiring specifications be based exclusively on job performance factors.” The USES created a special office devoted to the problems of minority groups. In addition, the District of Columbia Employment Service, which continued to be operated by the federal government, discontinued racial segregation in its offices.¹⁴

The USES—among several other federal labor and veterans’ agencies—came under strong pressure in 1946 from the American Council on Race Relations (ACRR), a new civil rights body, to improve assistance to black veterans. A group of eminent civil rights leaders formed the ACRR in 1944 to promote the equal participation of minorities in all aspects of American society. Its leadership included Charles Houston, Will Alexander, Mary McLeod Bethune, and Lloyd K. Garrison. Concerned about neglect of minority veterans’ rights under the GI Bill, the Council convened an “Emergency National Conference” (ENC) on April 5, 1946, in Chicago, with Houston presiding. At the ENC it was charged that the USES and other agencies not only provided inadequate service to black veterans, but also engaged in discrimination and segregation. The ENC resolved that the ACRR should meet with the heads of the relevant federal agencies. It also joined other civil rights voices pleading for a fair employment

practices bill and urged unions to provide full membership rights to all qualifying veterans without regard to race. The conference agreed to convene again in a few months to tally gains and plan further activities.¹⁵

Although the ENC focused on the Veterans Administration, it also addressed three Department of Labor agencies: the USES; the Bureau of Apprenticeship and Training (BAT)¹⁶; and the Retraining and Reemployment Administration (RRA), a temporary agency for placing returning veterans and displaced defense workers. The conference also contacted the sub-Cabinet Department of Education and the National Housing Agency. Representatives of the ACRR met with the head of each agency and presented them with specific charges of discrimination, along with proposed remedies.

The USES was the agency of greatest concern to the ACRR, partly because of its planned transfer to the states. The Council called for a variety of measures, such as placing black advisers and consultants in local USES offices and establishing advisory committees on race relations around the country. They also called for the collection of detailed statistics on placements by race so that the Minority Placement Division in the USES Washington office would have a clearer picture of the agency's performance in relation to blacks. Further, the committee stressed that Secretary of Labor Schwollenbach should implement effective anti-discrimination procedures before the USES's devolution. In a friendly follow-up letter to USES Director Robert Goodwin—in which he used the salutation “Dear Bob”—A.A. Liveright of the ACRR expressed appreciation for “your interest and your desire to deal with” all the problems discussed.¹⁷

ACRR representatives met with BAT Director William F. Patterson and called for the appointment of a black field worker to advise BAT staff and employers on equal opportunity issues. They

also called for the collection of statistics on the degree of inclusion of blacks in apprenticeship programs. The committee sought to obtain a “positive, aggressive policy statement” from the Federal Committee on Apprenticeship that would promote inclusion of all groups. The ACRR considered apprenticeship a key element in integrating minorities into the skilled craft occupations. To further that goal, the ACRR recommended that the BAT deny federal approval to apprenticeship programs that were known to practice discrimination (see Chapter 9).¹⁸

At the meeting with the ACRR committee, Patterson expressed strong interest in the problem of discrimination in apprenticeship. He promised to meet as many of the ACRR’s requests as possible. The BAT had begun studying the potential contribution of a minority adviser and whether this contribution would justify the salary involved. While Patterson noted that the government could not force employers to indicate the race of participants in their apprenticeship programs, the BAT was looking into ways of obtaining that kind of data through other means. He assured the ACRR that he would bring up their call for a strong policy against discrimination at the next meeting of the Federal Committee on Apprenticeship. He promised to “take proper steps” to deal with federally approved apprenticeship programs that practiced discrimination. But at the same time, he undercut that promise by stressing that both employers and unions have the right to include or exclude whomever they wish.¹⁹

When the ACRR met with General Graves Erskine, head of the RRA, the representatives were both encouraged about the program and impressed with Erskine’s support of fair employment. They noted that the RRA’s information centers in the South treated whites and blacks equally, in contrast to the often segregated USES offices. The ACRR representatives suggested that the RRA’s policy be publicized in the

region and recommended that blacks be involved in the operation of the RRA's various programs, both in Washington and in the field. The representatives particularly sought to assure full inclusion of minority veterans in the RRA's job placement program; they told Erskine that they expected him to report the RRA's positive steps to reduce discrimination at the follow-up to the April conference.²⁰

After meeting with agency heads, the ACRR reported the results to local civil rights and veterans agencies in an effort to establish a benchmark for the performance of local government offices. The ACRR's Information Service provided articles on minority veterans' problems to the black press. The ACRR also followed through with its promise to hold a second conference with federal agencies. On July 12, 1946, representatives of the USES, the BAT, and the RRA, along with the other federal agencies, met in New York City and reported to the ACRR on their progress.²¹

As a result of pressure from the ACRR, among other agencies, in September 1946 the USES adopted a new anti-discrimination policy. Disappointingly for the ACRR, the policy did not totally ban discriminatory job orders. Rather, it merely required USES staff to encourage employers to eliminate "non-performance," that is, discriminatory, criteria in the orders. Edward Cushman, an aide to Schwellenbach, admitted that the policy was "not a thoroughly satisfactory one." Indicating that the proposal had been reviewed by the NAACP and the NUL, he stressed that it should serve as a middle-of-the-road precedent, and he termed the policy "the most practical one in the light of existing conditions."²²

In the arena of federal employment, the Department of Labor exhibited a progressive racial approach well before the issuance of E.O. 9980. The USES had created the position of Minority Groups Consultant (MGC) during World War II to assure equal opportunity

to job applicants. Schwellenbach continued the position, appointing Thomasina Johnson as MGC. Johnson, an African American and a former social worker and teacher, had become active in the Democratic Party in Massachusetts and as a lobbyist in Washington, D.C., in order to pursue racial justice.²³

This activist African American woman sparked an effort to extend equal employment principles to the Department's internal personnel policies. In 1947 she urged Schwellenbach to issue a General Order requiring that all personnel actions be based "strictly on qualifications and ability." This Order, she argued, would both allay criticism from those who charged that the Department lacked a strong policy against discrimination and would also leave no doubt about the matter in the minds of departmental managers and personnel officers. While she won Robert Goodwin's support, other officials were less interested. Ultimately, Schwellenbach rejected the idea, noting that Johnson's proposal merely restated orders and procedures already in effect. Schwellenbach's resistance may have resulted, at least in part, from his awareness that Truman planned to issue an anti-discrimination policy "sometime in the near future."²⁴

Later in 1947, at the request of Under Secretary David Morse, Johnson investigated and reported to him on equal opportunity efforts at the Department. She examined and evaluated not only internal personnel practices but also the external services the Department provided to the public. Johnson relied heavily on the report of the Committee on Civil Rights, and she quoted extensively from both the CCR report and the United Nations Charter on Human Rights. Noting that the American race relations picture was "not a pretty one," she stressed that it was time for the Department to re-evaluate its performance and see "what it can do 'To Secure These Rights.'"

Johnson noted that a number of other government agencies had poor civil rights records, but she also found the Department of Labor to be far from perfect. Relying largely on comments from civil rights leaders, the press, organized labor, ordinary citizens, and employers, Johnson uncovered problems in each Department of Labor agency that dealt with minorities. These included the USES, the Wage and Hour and Public Contracts Division, the BAT, the Division of Labor Standards, and the Veterans' Employment Service. Only the Veterans Re-employment Rights Division received high marks, largely because of its success in helping returning black veterans receive adequate training for high-skill jobs. She, like most investigators, found that disproportionate numbers of minorities held low-paying, menial jobs, and far too few were in professional positions. She did not make any specific recommendations, calling instead for a detailed comparison of each agency's services, both to whites and to nonwhites. She believed this comparison could then serve as a basis for better and more racially equitable services.²⁵

Around the same time, Local 10 of the United Public Workers of America, representing employees of the Department of Labor, complained to Schwellenbach about alleged violations of the Department's anti-discrimination policies. Local 10 Chairman Roy Patterson charged in a December 16, 1947, letter to Schwellenbach that "to an alarming degree black employees and prospective employees are subjected to discriminatory and hostile acts." Patterson presented several discrimination grievances and called first for a full "recognition by the Secretary of Labor and the Department that racial discrimination does exist." To deal with this problem, he called on Schwellenbach to follow three recommendations: 1) immediately discipline supervisors guilty of discrimination; 2) guarantee fairness in promotions throughout the Department; and 3) issue a department-

wide memorandum that strongly reaffirmed a policy of non-discrimination.²⁶

Schwellenbach responded immediately and met with Patterson. He promised “very friendly consideration” of Local 10’s requests. Charles Beckett of the Washington Urban League thanked the Secretary for responding to the union’s concerns and urged him to “continue to lead the way” in fair employment policies. Speaking for Schwellenbach at a Department of Labor staff conference on January 6, 1948, Under Secretary David Morse “made it clear that any evidence of discrimination would . . . not be countenanced and that investigation would be made of alleged instances of discrimination.”²⁷

Shortly after Truman issued E.O. 9980 in July 1948, the Department of Labor began implementation. On August 12, Acting Secretary of Labor John Gibson²⁸ issued General Order (G.O.) 40, which stated the Department’s fair employment goals and created the position of departmental Fair Employment Officer, as required by the Order. The first Labor Department FEO was Thacher Winslow, a white who had worked in the NYA and the Wage and Hour and Public Contracts Division. At the time, Winslow was serving as an assistant to David Morse. Winslow’s main duties as FEO were to resolve cases of discrimination within the Department and assure fairness in personnel policies. Cases which were not resolved were to be appealed to the Fair Employment Board (FEB) created by E.O. 9980. Gibson explained at a press conference that Winslow’s duties went beyond internal personnel matters to include the Department’s services to the public. This broader approach is exactly what Thomasina Johnson had urged in 1947. William Oliver, the UAW’s Fair Employment Practices Officer, endorsed G.O. 40 and the idea of an FEO. The day G.O. 40 was issued, Ms. Ruth Steele, a private citizen from Asheville, North

Carolina, wrote to John Gibson and praised his action as “a grand example of democracy.”²⁹

After Truman was re-elected President in 1948, fair employment legislation was again blocked in Congress by Southern Democrats, whose party had retaken control of both houses. Secretary Schwollenbach had died in office in June 1948, but fortunately his successor, former Massachusetts governor Maurice Tobin, was also a powerful public advocate for civil rights. Tobin addressed the 1949 convention of the National Council of Negro Women shortly before its founder, Mary McLeod Bethune, retired from her leadership post. He praised her as “one of the great women of America” and “a gallant soldier in the war for human advancement.” He noted that students at the all-white Washington University in St. Louis, in “another sign of increasing social consciousness” among young people, had voted by a two-to-one margin to support admitting blacks as undergraduates. He expressed great satisfaction that 12 blacks had recently broken the color barrier as graduate students at the University of Kentucky. Addressing the 25th anniversary conference of the Brotherhood of Sleeping Car Porters in 1950, Tobin congratulated them for being the first black union to win affiliation with the AFL.³⁰

Shortly after Truman’s Inauguration in January 1949, Tobin had an important opportunity to assist the NAACP. They were organizing a National Emergency Civil Rights Mobilization to meet in Washington to promote equal rights legislation. After the organizers ran into difficulties in obtaining a large meeting hall for the racially mixed group, Roy Wilkins telegraphed Tobin for help. Tobin immediately made available to them the Departmental Auditorium next to the Labor Department headquarters. As a result, on January 15, 1950, 4,218 NAACP members and representatives from church groups, labor organizations, civic associations, and other bodies convened at the

Auditorium for a two-day mobilization and lobbying campaign. The attendance far exceeded the 1,000 persons that had been expected.³¹

To strengthen the Department's anti-discrimination efforts, Tobin appointed William L. Batt as a special assistant. Batt had played a key role in Truman's 1948 reelection campaign by helping to win black votes. Under Tobin's and Batt's leadership, the Department took a number of steps to advance opportunities for blacks and other minorities. In 1950 the Bureau of Labor Standards held a conference of administrators of state fair employment laws to promote better implementation and enforcement. One result of that meeting was the development of enforcement guidelines that could be applied in any state. The USES, which returned permanently to the Department in 1949 after a brief post-war relocation to the Federal Security Agency, developed a Minority Group Program, building on the role of the Minority Groups Consultant. Under the supervision of MGC Thomasina Norford (formerly Thomasina Johnson), the program worked to meet the special needs of blacks and other minorities. The USES stubbornly continued its ambivalent policy of accepting discriminatory work requests, while refusing to honor them. At the same time, it helped employers, unions, and other bodies deal with discrimination in the workplace. The Department also conducted a study of the effects of unemployment on minority groups.³²

The Department of Labor continued to implement fair employment and E.O. 9980. In December 1949, Clarence Mitchell, NAACP labor secretary, asked Tobin to appoint a special committee to seek qualified black applicants to fill openings that had come up in the Wage and Hour and Public Contracts Division and in the Bureau of Labor Statistics. Mitchell stressed, however, that in the process, the Department must not—under any circumstances—“unjustly deprive qualified white persons of chances for employment.” Mitchell believed

that the government needed to go beyond E.O. 9980's reliance on specific complaints to fight discrimination and "meet the increasing need for positive action." Tobin, however, defended the Department's efforts to implement E.O. 9980 and declined to establish a "positive action" committee.³³

Thomasina Norford was not satisfied with that response. She immediately launched an informal investigation of minority hiring in the Wage and Hour and Public Contracts Division and the Bureau of Labor Statistics. The disappointing finding that she reported to John Gibson was that less than one percent of their staffs were black and that many of these black workers complained of discrimination.³⁴

Thacher Winslow, who had to spend much of his time on other duties, resigned as FEO in February 1950 to work for the International Labor Organization. Before departing he sent Tobin several suggestions for improving the fair employment program. Echoing Walter White's call for "positive action," Winslow suggested that the Department require supervisors to report all hiring decisions to the FEO. They would have to list the candidates considered and provide their reasons for selecting the one hired. Winslow also called for public posting of vacancies to assure that all Departmental employees would have an opportunity to apply. He noted that, in the past, the Department "took a very firm stand against this," but he pointed out that it had worked well for the NYA during the New Deal. He argued that "No one can ever complain that they were not given notice and were not considered for the job openings under such a system." None of these suggestions were adopted at the time, however.³⁵

Filling the FEO post vacated by Winslow was difficult. Tobin wanted to appoint Charles Donohue, a white attorney in the Solicitor's Office. John Gibson objected to moving the function outside the Secretary's office. Gibson also feared that "the Negroes will regard

this as a slough off.” He pointed out that when Frances Perkins was Secretary of Labor, she had had a black employee, Lawrence Oxley, on her staff to handle race issues (see Chapter 2). Thomasina Norford also objected to Donohue as FEO. Nevertheless, the appointment went forward, but Tobin specified that whenever Donohue acts in his capacity as FEO, he “shall be directly responsible to the Secretary of Labor.”³⁶

Government-wide, primary enforcement of E.O. 9980 fell to the individual departments and agencies, with the Fair Employment Board (FEB) serving as the final court of appeals.³⁷ In some cases, the simple fact of the existence of the Order served as a spur to fight discrimination. In July 1949 the Government Printing Office voluntarily abolished the last segregated federal employee dining rooms. This move eliminated an indignity that had been instituted under Woodrow Wilson.

Wielding the stick of E.O. 9980, civil rights groups achieved notable fair employment success at the State Department. For years, they had sought the advancement of blacks into professional positions there, especially Foreign Service posts. The onset of the Cold War, which made it incumbent upon the United States to present a positive face to the non-communist world, placed additional pressure on the State Department to open opportunities to minorities. By the early 1950s, 60 African Americans were serving in the Foreign Service, 17 of them in posts previously held by whites.

A number of federal bodies still resisted fair employment practices, however. The District of Columbia, under congressionally appointed supervisors and the oversight of the FEB, virtually ignored E.O. 9980. The Department of Agriculture did not make much of an effort to reverse its past record of discrimination. The Department of the Interior, which pioneered in the fight against discrimination during

the New Deal, backslid a bit, allowing field offices in Alaska to deny jobs to blacks unless there were no other candidates available.

The Bureau of Engraving and Printing in the Treasury Department had long resisted hiring blacks for skilled jobs. It came under great pressure from the civil rights community, the FEB, and the White House to open up opportunities to minorities. The Bureau was about to provide in-service training for minorities when Congress proposed legislation that would have effectively preserved the white monopoly on skilled engraving and printing work. This change froze the Bureau into inaction.

After the legislation failed, the White House ordered the Bureau to hire black candidates who performed well in the Bureau's competitive examination. As a result, 14 were placed in the apprenticeship program in January 1951. Unfortunately, a few years later the Bureau eliminated the program entirely before any of the 14 could finish it.³⁸

In addition to resistance from a number of agencies, the FEB faced other problems in enforcing E.O. 9980. It lacked adequate data on discrimination in federal employment. The Order did not cover segregation in the workplace, so the Board was powerless to deal with this abuse. The FEB's limited budget, which was carved out of the Civil Service Commission's (CSC) appropriation, limited the time it could spend on the cases that came before it. In addition, the CSC continued to apply the long-standing "rule-of-three" in civil service hiring. Typically the CSC certified three applicants at a time for a particular opening, and the hiring agency would interview those three. If none of these applicants were acceptable, the CSC would certify another batch of three. The potential employer did not have to give any reasons for rejecting any candidate. This policy gave employers the effective power to reject minority candidates. Despite the best

efforts of the FEB to see that blacks were included on certification lists, it was virtually powerless against prejudiced supervisors.

A serious obstacle to E.O. 9980 was presented by another Executive Order—E.O. 9835 of March 1947—which instituted an employee loyalty program. Born of the post-war anti-communist hysteria, this measure required the CSC to certify the loyalty of federal employees of the federal government and investigate any employees with possible communist ties. E.O. 9835 inhibited blacks from raising discrimination complaints for fear of appearing disloyal. Black leaders feared that civil rights would suffer when discriminatory supervisors invoked spurious charges of communist affiliation against minorities. In one prominent case, several federal employees who simply possessed recordings by Paul Robeson, an inspirational black singer and actor with known communist sympathies, were classified by their employers as being of questionable loyalty.

Despite the loyalty program, the FEB made a significant contribution. By 1950 the number of black federal employees had tripled over the 1940 level and accounted for eight percent of the federal work force. As of 1952, one-third of all federal agencies had broken the color barrier and appointed a black person to either a supervisory or professional position. By December 1951 a total of 488 complaints in 27 agencies had been filed with the FEB. Most of these complaints were found to be without merit or else were resolved by the agencies. The Board heard 62 appeals, finding in 13 of them that discrimination had occurred. The Board continued operations well into the Eisenhower Administration, which eventually put a new system into place (see Chapter 5).³⁹

Korean War Period

In June 1950 troops from Communist North Korea suddenly poured across the border into U.S. ally South Korea, almost driving U.S. and United Nations forces into the Sea of Japan. As the mostly American forces rallied to defend South Korea, Truman quickly took steps to gear up defense production and mobilize labor to deal with another protracted military conflict. Civil rights advocates once again pressed for strong anti-discrimination efforts in the defense industry. Clarence Mitchell urged Tobin to order the BAT, which was working feverishly to increase the supply of skilled labor, to also assure that blacks would be allowed full participation in apprenticeship programs across the country. Tobin directed BAT Director Patterson to follow through on this decision.⁴⁰

At the request of Walter White, Tobin appointed several blacks to advisory committees on defense labor mobilization. White reiterated the black community's long-standing request that the USES cease designating race on workers' application cards and stop accepting discriminatory work orders from employers, whether they were defense contractors or not. For reasons that are not clear, Tobin did not respond directly to this request and told White only that the matter was under review.⁴¹

Randolph, White, and others were now pressing the Administration for new executive actions on discrimination. In August 1950 they proposed a revival of the FEPC and urged Secretary Tobin and White House adviser Stuart Symington to develop an Executive Order based on such a committee. The Labor Department endorsed the idea and developed a draft order, which was shown to a group of black leaders in November. This group criticized the proposal for failing to provide either effective enforcement or a mechanism for central administration. The Department corrected these flaws and, in

December 1950, sent Truman a new draft with beefed-up enforcement powers. Like the FEPC, the new committee would require that all government contracts include a clause in which the contractor promised not to discriminate. Aggrieved individuals would have the right to file a civil suit if the committee could not obtain compliance. In presenting the draft to the White House, Tobin cited both moral and practical reasons for making full use of minorities in defense work. He argued that it would be “unthinkable” if the federal government did not enforce anti-discrimination standards.⁴²

While not rejecting the proposed order, Truman decided to take a different approach at this time, in light of the Korean emergency. Like previous war-time Presidents, he needed support for the war effort from those in Congress who opposed anti-discrimination efforts. As part of the National Manpower Mobilization Policy, in January 1951 he included a program to help private industry maximize its use of minorities and other groups. He followed the establishment of this program with a series of Executive Orders that eventually applied to 10 federal agencies. Contracts under their control were required to include non-discrimination clauses. Unlike the fair employment program of World War II, however, Truman’s policy did not provide for enforcement or establish a committee to oversee the effort. Truman, however, confided privately in May 1951 that he planned to take more substantial action as soon as practicable.⁴³

Finally, on December 3 Truman issued E.O. 10308. The Order required the head of each contracting department or agency to stipulate that contractors comply with the standard non-discrimination clause already in effect. At that point, the Korean War was going well for the U.N. forces and Congress was not in session, having adjourned for the year. The Order set standards for evaluating contractors’ fair employment efforts. It also established the President’s Committee on

Government Contract Compliance (PCGCC) to oversee and assist the agencies and advise them on enforcement. Truman had deliberately chosen a name that would not remind anti-FEPC Members of Congress of that controversial agency. The Committee had the power to hold hearings and publicize cases of discrimination through press releases, but it was generally weaker than its World War II counterpart.⁴⁴ Truman's approach succeeded in insulating the PCGCC from the kind of vicious attacks that opponents had unleashed on the FEPC.

Truman appointed Dwight R.G. Palmer, the racially progressive chairman of the board of General Cable Corporation (see Chapter 3), as chair. Under Palmer, the PCGCC provided central guidance and promoted uniformity in equal opportunity programs throughout the government. However, the responsibility for enforcement still resided with the individual agencies and was heavily dependent upon the degree of commitment each administrator held to fighting discrimination. The Committee lacked the power to subpoena witnesses to hearings or issue legal orders against violators. Like the FEPC, it had to rely heavily on voluntary compliance. Unlike the FEPC, which ultimately boasted a staff of over 100, the PCGCC had to make do with only ten employees on its payroll.

The Committee started very slowly and held its first meeting more than two months after issuance of E.O. 10308. Palmer was not an aggressive leader. As he stated at one meeting: "Our directive from the President had [sic] no teeth attached to it. It is probably better that it has not." He agreed with the decentralized approach of the Order and argued that "the best work can be done by the people who are in the front-line trenches."⁴⁵ It was late 1952 by the time the Committee finally adopted procedures for contracting agencies to follow in enforcing the non-discrimination clause in contracts.

The Committee relied heavily on publicity and educational campaigns by the agencies. The PCGCC guidelines for inspectors at work sites stressed the non-punitive and educational nature of their role. The inspectors were to record known instances of discrimination. However, rather than immediately issue orders for amelioration, they were to discuss the situations with the employer and seek voluntary remedies. If the employer did not cooperate, then the agency could send the inspector back and conduct a more thorough investigation as a basis for possible sanctions or penalties.⁴⁶

Although relatively toothless, the PCGCC did succeed in exposing the laxity in fair employment efforts that prevailed in most contracting agencies. Three agencies had not even bothered to include non-discrimination clauses in contracts they issued. Fortunately, this glaring lapse was soon remedied. The Committee studied conditions nationwide, heard over 300 complaints, and unearthed wide-spread discrimination by government contractors. As with similar bodies in the past, the mere presence of the PCGCC exerted significant pressure on firms, and it regularly exercised its powers of moral suasion.

African Americans did make significant gains in employment and promotions during the tenure of the PCGCC. However, the Committee deserved only partial credit for these advances. Broader economic conditions led to increased hiring and, therefore, low unemployment levels. Perhaps the greatest contribution of Truman's PCGCC was, once and for all, to establish fair employment policy as a permanent and continuous effort of the federal government.⁴⁷

In March 1952 Truman announced he would not seek another term as President. America's black community was dismayed. He had contributed greatly to the establishment of a climate in which African Americans had a better chance to improve their employment and living standards. He had actively applied the prestige and moral force of the

White House to that end and had spoken out in support of civil rights more strongly than any previous President. He had also taken more decisive actions against discrimination and appointed more blacks to executive positions in the government than any previous President. Through executive action, Truman virtually eliminated segregation in the armed forces and significantly reduced racial discrimination in federally funded employment.

Chapter 5: Eisenhower Administration, 1953-1960

In November 1952 Republican Dwight D. Eisenhower, retired commander of the victorious allied forces in Europe in World War II and a national hero, was elected President in a landslide election. Eisenhower strongly supported equal rights in principle, and he followed in Truman's footsteps by dealing with employment discrimination primarily through Executive Orders establishing special bodies to deal with federally funded employment. However, Eisenhower believed equally strongly in limited government. As a result, he was not as outspoken nor activist as Truman. Furthermore, having won only 27 percent of the black vote, he had little political incentive to emphasize civil rights.¹

However, Eisenhower, like FDR, made key appointments that guaranteed that civil rights would continue to be an important element of government policy. In September 1953, his first Secretary of Labor, Martin Durkin, resigned in a policy dispute. Eisenhower named James P. Mitchell, a former retailing executive from New York City, as Durkin's replacement. Mitchell was an Assistant Secretary of the Army, where he had promoted the elimination of segregation on all army bases and built a reputation as a progressive on racial issues. In his second key appointment, Eisenhower filled the vacant position of Chief Justice of the Supreme Court in 1953, naming the moderate Republican Governor of California, Earl Warren. Under Warren's leadership, the court unexpectedly overturned the Jim Crow principle of "separate but equal" treatment of blacks in the historic *Brown vs. Board of Education* decision of May 17, 1954, outlawing segregation

in public schools. James Mitchell hailed the *Brown* decision and became the most enthusiastic supporter of civil rights of any member of Eisenhower's Cabinet. Mitchell served until January 1961 and was dubbed the "social conscience" of the Eisenhower Administration.²

Important changes in the 1950s exerted strong pressures on the Administration to protect the rights of black citizens. An increasingly vigorous civil rights movement was marked by direct action and mass demonstrations. The movement first achieved national prominence with a boycott of the Montgomery, Alabama, bus system that resulted in the elimination of segregated seating. The boycott was led by a young black minister named Martin Luther King, Jr., and it kicked off on December 1, 1955, with the arrest of NAACP official Rosa Parks, who refused to sit in the "Blacks Only" section of a bus. In 1957, the third anniversary of the *Brown* decision was marked by a "Pilgrimage of Prayer," led by King and A. Philip Randolph. A crowd estimated at 30,000 gathered at the Lincoln Memorial to air their grievances. In the fall of 1958, Randolph organized a march of a thousand students from New York City to Washington in a "Youth March for Integrated Schools." He repeated the march in 1959, and King addressed the rally in Washington in support of voting rights for blacks.³

The black migration accelerated in the 1950s as 1.5 million more African Americans left their homes in the South and crowded into northern ghettos. At the same time, large numbers of the industrial jobs they sought were shifting out of the cities into the suburbs as factories expanded onto cheaper land. Many of the nation's labor unions opened their doors wider to blacks. Two black unionists, A. Philip Randolph and Willard Townsend, president of the United Transportation Service Workers, were elected vice presidents of the AFL-CIO in 1955.⁴ However, discrimination within unions remained a problem, prompting Randolph to protest so vehemently at the 1959

AFL-CIO convention that president George Meany shouted, “Who the hell appointed you the guardian of all the Negroes in America?”

In addition to resistance among segments of organized labor, there was also a strong reaction in parts of the white community against equal rights for blacks in voting, housing, and employment. Non-violent White Citizens Councils and the terrorist Ku Klux Klan in the South actively resisted school integration and the civil rights movement in general.⁵

The Eisenhower Administration’s civil rights effort concentrated on public persuasion and the elimination of legal sanctions allowing discrimination. Eisenhower relied on his appointees, especially Mitchell, to speak for the Administration on civil rights. The Eisenhower Administration continued Truman’s policy of supporting equal rights as part of a world-wide competition with the Communist bloc, and this support intensified with the Soviet Union’s launching of the Sputnik satellite in 1957. Mitchell asserted in October 1954: “Human equality in America is a weapon against Communism.”⁶

The White House made a strong effort to include blacks in policy positions. Just after Eisenhower took office, he followed up on a campaign promise and had Chief of Staff Sherman Adams develop a list of qualified black candidates for appointive positions. By August 1956 he had appointed over 300, compared to only 94 during the entire Truman Administration. The most prominent appointees were Special Assistant to the President E. Frederick Morrow and Assistant Secretary of Labor for International Affairs J. Ernest Wilkins (brother of NAACP president Roy Wilkins). Ernest Wilkins was the first African American ever to attend a Cabinet meeting and only the second to serve at the assistant secretary level. While Morrow held a high position, he was, unfortunately, largely ignored by the

Administration. The principal White House Adviser on racial matters was Maxwell Rabb, a white man.⁷

In his first State of the Union Address, Eisenhower boldly promised, despite his usual public reticence on civil rights, to end all segregation in Washington, D.C. While he did not quite accomplish this goal, by the end of 1953 the White House had succeeded in pressuring the District of Columbia government into integrating its hotels, restaurants, and theaters. Integration of the public schools after the *Brown* decision, to which the D.C. Board of Education was a party, came more slowly but was largely complete by 1960. The Administration supported enactment of the Civil Rights Act of 1957, the first civil rights law in 82 years. It was a limited measure primarily protecting the right to vote. It also created the President's Commission on Civil Rights and elevated the Justice Department's Civil Rights Section, created in 1939, to the Division level. In June 1958, Eisenhower hosted Martin Luther King, Jr., and other civil rights leaders in a historic meeting at which the President endorsed further legislation on voting rights. In 1960 Congress strengthened franchise rights and outlawed the defacing of black churches and other houses of worship.⁸

Court decisions and Executive Branch policy resulted in a number of gains for blacks in the 1950s. By 1956 all branches of the military were desegregated. However, implementation of the *Brown* decision met substantial resistance in some areas, and in 1957 Eisenhower had to send troops to enforce admission of black students at Central High School in Little Rock, Arkansas. Building on a 1950 Supreme Court decision banning segregation on railroad dining cars, in 1955 the Interstate Commerce Commission ordered an end to all segregation on interstate rail and bus travel. That same year, to improve housing opportunities for blacks, the Federal Housing and

Home Finance Agency urged lenders to provide more home mortgage loans for qualified minority members.⁹

To promote equal opportunity in the workplace, the Administration relied on Executive Orders—the patient spadework of the permanent federal agencies—and moral suasion, as provided by Labor Secretary Mitchell and other spokespersons. While endorsing the Administration’s policy of limited government, Mitchell spoke more frequently on civil rights than any previous Labor Secretary. In speeches and appearances from 1953 to 1960, he regularly presented his views on the problem of discrimination in society and the workplace, the efforts of the federal government to deal with it, and the responsibilities of business, organized labor, and the nation at large. In a characteristic speech in 1954, the year of the Brown decision, Mitchell told the New England Governor’s Conference:

We all know that despite our professed beliefs in the equality of man, certain groups among us are discriminated against because of their race, color, religion or national origin. When this discrimination affects a person’s opportunities for employment, it is particularly pernicious. The freedom to earn a living without being discriminated against is as important to the individual as the better known civil rights and freedoms guaranteed by the Constitution. Freedom of speech, assembly, and religious worship may seem to be empty phrases to a person who is deprived of his chance to make a living because of the color of his skin, or the way he worships God, or because his ancestors were members of a particular national group.¹⁰

The President's Committee on Government Contracts

An important pre-existing program for equality on the job was the President's Committee on Government Contract Compliance (PCGCC), created late in the Truman Administration by E.O. 10308. The Committee had gotten off to a slow start and, by the time it was fully staffed, Truman's term in office was over. The original appointed members began resigning as the Eisenhower Administration was getting organized, and the PCGCC was largely ignored. In the meantime, Committee staff kept busy, producing a detailed study of the history of fair employment clauses in federal contracts since World War II.¹¹

The press, however, did not forget about the Committee, and reporters began asking Administration officials about it at press conferences. Clarence Mitchell of the NAACP met with Attorney-General Herbert Brownell and called for the establishment of a new government contract compliance committee to replace the PCGCC. As a result of this interest, Sherman Adams, Maxwell Rabb, and other White House staff began to address the issue. The Bureau of the Budget recommended the extreme position of disbanding the PCGCC and abandoning its mission. Adams and others agreed that the old body should be eliminated, but they supported Clarence Mitchell's call for a replacement. Eisenhower agreed, and Rabb was given the task of developing a new program for fair employment in government contracts.¹²

Jacob Seidenberg, staff director of the PCGCC, came to Rabb's aid and drafted a proposal. The White House adapted it to serve as the basis of a new Executive Order. On August 13, 1953, Eisenhower issued E.O. 10479. The "Whereas" clauses defined the rationale and nature of the Order: 1) it is in the national interest to "promote the fullest utilization of all available manpower"; 2) promotion of equal

employment opportunity has been established policy on government contract work; 3) government agencies are responsible for ensuring equal treatment by employers with whom they hold contracts; 4) such contracts are required to contain a clause forbidding discrimination in employment; and, most importantly, 5) “review and analysis” demonstrates that the existing system of compliance with federal policy “must be revised and strengthened to eliminate discrimination in all aspects of employment.”

To reform the system, E.O. 10479 established a “Government Contract Committee,” which quickly became known as the President’s Committee on Government Contracts (PCGC). The word “Compliance” was dropped from the Truman Committee’s name to emphasize the more voluntaristic approach of the new body. The PCGC consisted of 14 members, one each from six designated federal agencies and eight appointed by the President, including the Chair and Vice Chair. Lacking strong legal tools and relying largely on persuasion, the PCGC was given a three-part mission: 1) to develop stronger anti-discrimination clauses for government contracts; 2) to accept complaints directly from contract workers alleging discrimination and refer these to the contracting agencies; and, 3) to encourage employer, labor, civic, and other groups to develop educational programs to eliminate “the basic causes and costs of discrimination in employment.” The last clause expanded the potential scope of the Order, at least in terms of educational programs, from contractors to the national economy as a whole. While not drawing comment or making any significant public relations impact when issued, E.O. 10479 helped set a precedent for broader national action against discrimination in the workplace.

It authorized the PCGC to develop “cooperative relationships” with local governmental and non-governmental organizations and

to set up its own procedures. It was also to report annually to the President. But in compliance with the Russell amendment, the PCGC received no direct appropriation, instead receiving funds and support from the six agencies represented in its membership. The Department of Labor provided office space and logistical support, and the Justice Department supplied legal services, but the Executive Branch was barred from providing direct funding.

E.O. 10479 defined the working relationships between the PCGC and the contracting agencies. The head of each agency was assigned primary responsibility for requiring that contractors comply with non-discrimination clauses. He or she was authorized to take “appropriate measures” to ensure compliance. These measures included the possibility of disbarment and other legal action. The agencies were to cooperate fully with the Committee and provide information as needed. They were also to report any actions taken on complaints of discrimination, whether referred by the PCGC or received directly from contract employees. Based on these reports, the Committee maintained oversight of the agencies, but it did not have the authority to serve as a court of appeals to resolve complaints or review agency decisions.

The organizational core of the PCGC consisted of the representatives of the six federal agencies: the Atomic Energy Commission; the Departments of Commerce, Defense, Justice, and Labor; and the General Services Administration. However, the other eight appointees brought visibility and power to the body. They included such prominent figures as Walter Reuther, president of the United Auto Workers union; George Meany, president of the AFL and later of the AFL-CIO; Congressman James Roosevelt, the son of FDR; and Fred Lazarus, a leading retailing executive. Jacob Seidenberg was appointed Executive Director.

Recognizing that a program based mainly on persuasion required a highly visible leader, Eisenhower appointed Vice President Richard Nixon as Chair. Nixon took an active interest in the PCGC, and the press soon began to refer to it as the “Nixon Committee.” J. Ernest Wilkins, representing the Labor Department, was initially named Vice Chair. When James Mitchell was appointed Secretary of Labor, he supplanted Wilkins. Working with Nixon, Secretary Mitchell played an active role in the Committee. In fact, the PCGC occupied offices in the Labor Department for its entire existence.¹³

Most of the Committee’s positions were filled quickly, and the first meeting was held within days after issuance of E.O. 10479. In a letter to Nixon on that occasion, Eisenhower laid out the basis for the Committee’s mission in terms of both the Cold War and human rights:

[T]here are those in the world who doubt our fidelity to the ideal of human brotherhood. Both as answer to that doubt, and proof of our own faith, we are called to practice the principles of equality that we preach ... On no level of our national existence can inequality be justified. Within the Federal Government itself, however, tolerance of inequality would be odious. What we cherish as an ideal for our nation as a whole must today be honestly exemplified by the Federal establishment.¹⁴

It was clear that the PCGC’s mission had important implications on both the national and international stages. However, when Eisenhower met with the Committee shortly after its creation, he stressed the need for substantive accomplishments without a great deal of publicity. This approach was carried out so rigorously that, in the view of some White House staff, the Administration lost a number of opportunities to take deserved credit for civil rights accomplishments.

However, the low-key approach served to reassure the business community and the South, both of which were concerned that the PCGC would become a new version of the FEPC. Also reassuring to those favoring a voluntaristic approach was the fact that the word “compliance” did not appear in the name of the Committee.¹⁵

Vice Chair Mitchell consistently emphasized the PCGC’s voluntary approach to compliance. He told a business audience at a 1955 PCGC conference that, “As you all know, the [PCGC] is an educational and promotional outfit. It has no enforcement power.” Rather, Mitchell interpreted E.O. 10479 to mean that the PCGC had “an obligation to work with interested and responsible groups to develop and use the processes of education and persuasion” in dealing with discrimination in employment. The PCGC fostered the idea that its main function was to serve as an educational forum on equal opportunity and to show federal support for fair employment. The organizational structure further reinforced this notion by including special subcommittees on liaison with outside groups, education, and public relations.¹⁶

Contract compliance, however, remained an important part of the mission. The agencies were responsible for the bulk of the compliance work, contract by contract. The PCGC staff, never numbering more than 25, paled beside the resources the contracting agencies brought to bear. Approximately 5,000 contract officers were available to investigate complaints, review compliance by contractors, and develop educational programs mandated by the Committee. Generally, the agencies avoided the tools of litigation and disbarment, seeking instead to engage contractors informally in voluntary compliance.

In 1955, contracting agencies began inspecting selected contractors for compliance, conducting 2,000 inspections in the first year. At Nixon’s request, the agencies provided regular compliance

reports to the Committee. To assist the agencies in detecting the existence of discrimination, the PCGC prepared a guidance manual for inspectors. Agency inspectors were advised not to accept the existence of token or limited employment of minorities as *de facto* proof of compliance and non-discrimination. However, the manual did not specify a minimum acceptable percentage or quota of minority employment. The compliance determination was left to the discretion of the individual investigators.¹⁷

The Committee assisted the agencies in numerous ways. It helped them to develop more efficient systems for processing complaints and improve their compliance methods. One of the Committee's first accomplishments was to persuade the government of the District of Columbia, a federal body, to include an anti-discrimination clause in its contracts for goods and services. Mitchell persuaded the Defense Department, the leading contracting agency, to strengthen contracting regulations. The Committee provided guidance to the agencies' contracting representatives on checking contractors for compliance and investigating complaints. The Committee also set up mechanisms within the contracting agencies to make sure employers were aware of their anti-discrimination responsibilities.¹⁸

E.O. 10479 also required the Committee to recommend improvements in contractual non-discrimination clauses. Up to that time, there was no uniform wording. The only existing, and very skimpy, guidance was provided in Truman's E.O. 10210, which was largely devoted to regulating defense contracts under the War Powers Act of 1941. Buried in it was a brief requirement banning discrimination by contractors and ordering that all contracts contain a provision (not specified) against discrimination.

To remedy this leniency, the PGCG, in consultation with contracting agencies, called for a standard anti-discrimination

provision to be used in all government contracts. It turned to Deputy Attorney General William P. Rogers, one of the Administration's leading advocates for civil rights, to develop a proposal. Rogers drafted a non-discrimination clause, the PCGC accepted it, and on September 3, 1954, Eisenhower promulgated it as E.O. 10557.¹⁹

The Order stipulated that the contracting employer "agrees not to discriminate ... because of race, religion color, or national origin." The new clause elaborated on the vague wording in E.O. 10479, which referenced the rights of "persons employed or seeking employment" with government contractors to "fair and equitable treatment in all aspects of employment." E.O. 10557 provided a comprehensive statement that covered all aspects of employment, requiring that a contractor's equal employment effort:

shall include, but not be limited to, the following:
 employment, upgrading, demotion or transfer; recruit-
 ment or recruitment advertising; layoff or termination;
 rates of pay or other forms of compensation; and
 selection for training, including apprenticeship.

The contractor was required to post a summary of the clause conspicuously in the workplace, and the Committee provided a poster-sized notice. Under the title "Equal Economic Opportunity" in very large letters, the poster stated the basic provisions of the clause and displayed the seal of the PCGC next to its address. The Committee also trained agency officials on how to enforce the clause. While E.O. 10557 applied to almost all contracts executed 90 days after its issuance, there were exceptions for contracts that did not involve recruitment of workers within the United States. The PCGC was also empowered to exempt contracts in special or emergency situations.²⁰

While compliance work occupied a great deal of its time and resources, the PCGC consistently placed its primary reliance on

education, persuasion, and conciliation. The members felt their main purpose was to serve as an educational forum on equal opportunity and to demonstrate federal support for fair employment. The educational program consisted of promoting cooperation among involved groups and convincing the public of the need for national action. To develop public support, the PCGC relied on a wide range of publications, films, television spots, and public appearances by its members. One of its most useful products was the 1954 pamphlet, "Equal Job Opportunity is Good Business," which it sent to all major government contractors.²¹

The Committee worked most extensively with the business community, frequently appealing to employers for voluntary action. Addressing the 1955 PCGC Conference for business leaders, Mitchell sought to cajole them into greater efforts against discrimination, noting that, "[u]ndoubtedly there is in this room sufficient imagination and experience, determination and expertness, to develop a workable solution to any businessman's problem." The Committee made frequent contacts with the business community in order to bring the Administration's equal opportunity program to their attention. It sought to convince employers that, as Mitchell put it, "the program is not only morally right but economically sound."²²

In his January 1956 speech to a meeting of the Cleveland Urban League, Mitchell laid out the Committee's philosophy on industry's role in solving the problem of discrimination. He explained that the PCGC did not wish to depend entirely on resolving discrimination complaints to achieve the goals of E.O. 10479. "This," he said, "would be like trying to dip up the ocean with a teaspoon." He did not consider legislation a solution either, noting that "[e]ven where there are excellent state programs based on legislation, principal reliance has had to be on education and persuasion." He asserted

that the Committee's main task was "to get industry to do several things that only industry can do." These things included instituting thorough, company-wide anti-discrimination policies, making sure that each company maintains open recruitment and training channels for all groups, and assuring minorities equal chances for advancement within the firm. He pointed out that "[i]t is no triumph for equality to obtain jobs for blacks as janitors ... It is a goal of the Committee to open some of the doors that go upward in industry through the normal promotion channels."²³

Such meetings played an important role in implementing voluntary compliance. The PCGC met frequently with business, labor, civil rights, and religious groups, beginning with a November 1953 meeting with the NAACP, the Urban League, and several social service groups. In December 1954, it met with several trade associations, in March 1955 with top union officials, and in October 1955 with a group of business leaders. At the October 1955 conference, Mitchell addressed 65 Chief Executive Officers and Board Chairs on ways to:

pool our knowledge and experience in this area with a view to determining how we can best achieve throughout the Nation the equality of employment opportunity in which all of us here believe ... We meet here as friends, in private session, in order that we may be as frank and helpful to each other as possible.²⁴

The PCGC's Youth Training Incentives Conference of 1957 resulted in the establishment of programs promoting youth employment in six cities. After religious leaders met with the Committee in 1959, they established a Religious Advisory Council to work with local communities to open up job opportunities for minorities.²⁵

During the course of its history, the Committee's funding and staffing tripled, albeit starting from a relatively low level. With an

initial staff of nine and annual funding of \$125,000, it was difficult for the Committee to be fully functional. As civil rights issues became more prominent after 1956, the staff grew and an Executive Vice Chairman was added to relieve the administrative burdens on Mitchell and Seidenberg. The PCGC established four regional offices and conducted a general survey of industry compliance. By January 1961, the end of the Eisenhower Administration, funding had tripled to \$375,000 and the staff had grown to 25.²⁶

As with the FEPC before it, the PCGC's contribution to opening up new opportunities for blacks is difficult to determine. Within the strictures of limited resources and the defined mandate of E.O. 10479, it made a significant effort. As time passed, the Committee became more aggressive in response to civil rights events of the period and pressure from civil rights groups. While its compliance manual was silent on acceptable minority hiring levels, in practice, the PCGC edged toward a goal of proportional hiring. For example, in 1960 it encouraged government contractors in Washington, D.C., to engage in limited preferential hiring of African Americans in cases where white and black applicants were equally qualified. Partly due to the Committee's evolving support of preferences and racial proportionality, the civil rights community became more accepting of the Eisenhower Administration's equal employment efforts.²⁷

Over the course of its existence, the PCGC and the enforcing agencies mitigated discriminatory hiring patterns in a number of industries, including meat-packing, electronics, chemicals, and utilities, although progress was limited in others. The Committee played a role in the elimination of discrimination by the Capital Transit System in Washington, D.C., and also required over 100,000 contractors nationwide to display equal opportunity posters. When discrimination complaints began to pour in, largely instigated by the

NAACP, the PCGC arranged favorable settlements for a number of employees. Racially separate lines of promotion at Atlantic Steel were eliminated. The tobacco industry partially relaxed its segregation policies. At the Lockheed aircraft plant in Marietta, Georgia, segregated black and white locals of the International Association of Machinists (IAM) were required to merge.²⁸

However, except for the case of the IAM, the Committee did not stress action against discrimination by unions. For one thing, its ability to intervene was limited by the fact that unions were not parties to procurement contracts between the government and employers. Basically, the PCGC depended on the NLRB to bring about progress in this area by enforcing the Wagner Act's requirement that unions provide "fair representation" to all members. The NLRB, however, took little action on this requirement. While the PCGC did not generally investigate complaints against unions, Committee members from the labor movement did look into problems in specific unions when requested. In 1958 the Committee's compliance guide called for federal agencies reporting violations to identify whether discriminatory union practices were involved.²⁹

The business community was always the central focus of the PCGC's compliance effort. However, as with unions, the Committee's ability to intervene in cases of discrimination by employers was limited. Contract revocation and other legal sanctions for overt discrimination were solely at the discretion of the contracting agencies and beyond the Committee's control. To detect failure to deal with "institutional discrimination"—employment policies that limited the chances of minority members to be considered for employment—PCGC inspectors could consider the extent to which minorities were present in a given workplace. But the Committee did not specify minimum acceptable percentages that would indicate *de*

facto compliance. Nor did it require employers who were found not in compliance to take compensatory actions. Instead, it emphasized voluntary action. In its final report, “Pattern for Progress,” the Committee implied that employers should make a special effort to deal with institutional discrimination:

Overt discrimination, in the sense that an employer actually refuses to hire solely because of race, religion, color or national origin, is not as prevalent as is generally believed. To a greater degree, the indifference of employers to establishing a *positive policy of nondiscrimination* hinders qualified applicants and employees from being hired and promoted on the basis of equality. [emphasis added]³⁰

Federal Agencies: Employment and Policies

Truman’s Fair Employment Board (FEB) continued its task of promoting equal employment opportunity for federal workers into the Eisenhower Administration. In 1954, the FEB was looking into a complaint against the Bureau of Engraving and Printing, which had earlier resisted efforts to eliminate discriminatory practices (see Chapter 4). Treasury Secretary George Humphrey, to whom the Bureau reported, opposed the investigation. Then, perhaps influenced by the recent *Brown* decision, the press started asking questions about the investigation at Presidential press conferences. To avert an embarrassing crisis, Maxwell Rabb recommended in September 1954 that the FEB be abolished and replaced with a new body with the same portfolio. Eisenhower agreed and issued E.O. 10590 on January 18, 1955, establishing the President’s Committee on Government

Employment Policy (PCGEP). The NAACP, which had been critical of the FEB, supported the new Committee.³¹

The PCGEP's mission was to advise the President on ways to improve opportunities for minorities in federal employment and to evaluate government performance. Unlike the FEB, the PCGEP reported to the President and, therefore, had greater stature within the government. It served largely in an advisory capacity to departments and agencies. Each agency head was made responsible for ensuring equal treatment within their jurisdiction, as well as for hearing and ruling on complaints filed by their employees. Complainants had the right to request an advisory opinion from the Committee, although this opinion was not binding on the agency head. The agencies were required to file enforcement regulations with the Committee and report on the disposition of each complaint. Every federal agency was to appoint an Employment Policy Officer (EPO). (This position replaced the Truman era position of Fair Employment Officer.) The EPO was responsible for processing complaints, recommending remedies, and assuring that personnel offices implemented E.O. 10590 properly.

To avoid any conflicts of interest with the agencies, EPOs in each agency were independent of the personnel office. There were seven members on the PCGEP. They included J. Ernest Wilkins, Civil Service Commissioner W. Arthur McCoy, two Defense Department representatives, and two public members. Archibald Carey, a black minister and attorney from Chicago, was Chair. President Eisenhower did not make a public statement when he issued E.O. 10590. However, he asserted later that the PCGEP exemplified the Administration's policy "that equal opportunity be afforded all qualified persons" seeking employment within the federal government.

By issuing guidelines for government supervisors, pamphlets for federal workers, and checklists on equal rights procedures for

human resources officers, the PCGEP educated bureaucrats on the Administration's anti-discrimination policies and helped make the federal work culture more tolerant. However, its own procedures ultimately limited its effectiveness. Complaints were handled within the accused agencies, and this proximity gave agency supervisors an opportunity to dismiss or resolve disputes in the agencies' favor. The Committee was also hampered because, unlike the FEB, it could not utilize the Civil Service Commission to investigate complaints, relying instead on its own miniscule staff. The Committee's efforts to discover and evaluate discrimination were hampered for some time because the government stopped collecting data on the race of its employees.

Nevertheless, the Eisenhower Administration praised the PCGEP's performance. Vice President Nixon asserted in 1958, "Americans are now assured that Government service...is open to one and all, on the basis of ability ... [T]he Government not only sets an example for other employers but directly protects the rights of more than two million workers to equal opportunity." The PCGEP's 1958 annual report assured that segregation within federal government had been eliminated and noted that, of over 1,000 complaints received, only 33 required corrective action. The Committee collected data on race in federal employment in Washington, D.C., and four other cities.

The report analyzed black employment in career, non-political positions in all of the Civil Service System's General Schedule (GS) levels. These levels ranged from GS-1, for the lowest paid, non-skilled workers, to GS-18, for the most senior career officials. The report found that from 1956 to 1960, black employment in GS grades 5 to 15 had grown from 3.7 percent of all employees to 5.9 percent. However, independent studies in major southern cities revealed a

pattern of poor employment opportunities for blacks and a tendency to relegate them to janitorial or other low-skill jobs. One bright spot for black employment in the South was the U.S. Post Office Department, which placed large numbers of blacks in skilled, well-paying jobs. But, despite the government's best efforts, by 1961 blacks still made up only one percent of all federal employees at the GS-12 level or above.³²

During the Eisenhower Administration, the Department of Labor continued to wrestle with the ongoing problems of discriminatory job orders and other unfair treatment in the local offices of the USES. To help deal with these problems, Mitchell revived the Truman-era Minority Groups Program (MGP). It was located within the new Bureau of Employment Security (BES), which now supervised the USES. Mitchell intended the MGP to be the means through which the Department "promotes the principle of hiring workers on the basis of merit." The MGP was of such prominence in the Administration that Mitchell, speaking at Fisk University in 1955, cited it as one of only two principal federal equal opportunity programs (the PCGC was the other). Mitchell also revived the position of Minority Groups Counselor (MGC) to oversee the MGP. To fill it, he appointed Roberta Church, an African American human relations worker from Memphis, Tennessee, and Republican Party operative.³³

The Minority Groups Program, according to Robert Goodwin, now BES Director, dealt with "problems involved in promoting employment of workers belonging to minority groups." Roberta Church, the sole human relations professional in the Program, had as one of her main goals the elimination of segregation in all offices of the USES. While some progress was made, many offices in the South resisted integration. Church worked with the National Urban League and other welfare organizations to promote job opportunities in local

communities. She focused particularly on persuading employers to drop discriminatory requirements from job orders. Church also persuaded the state branches of the USES to appoint Minority Groups Representatives (MGRs) to serve as her counterparts.³⁴

Impressed with Church's activism, Secretary Mitchell appointed her as an adviser to the Assistant Secretary for Manpower and Employment. Now her portfolio included not only the USES and BES, but other Departmental programs, such as the BAT and the independent PCGC. Many officials now looked to her for advice on fair employment matters. In 1957, at her request, Mitchell made official her broadening role and designated her as Departmental Minority Groups Consultant.³⁵ Church saw her expanded role as providing all DOL agencies:

with a departmental source of current information about minority groups, the activities of organizations established to work with minority groups, legislation affecting these groups, and other pertinent data.³⁶

To assist the growing federal-state minority groups effort, in 1955 and 1956 the Department called together conferences on the national Minority Groups Program. The 1955 MGP Conference afforded the sharing of news on fair employment efforts in the labor market and the opportunity to review the MGP at all levels. The focus of the larger 1956 MGP Conference was the preparation of minority youths to enter the labor market and the growing need for skilled labor in the U.S. economy. At the 1956 conference, Church spoke optimistically of social and economic changes for blacks in American society. She noted that, due to recent events, "it appears we can view the future with some degree of optimism, although there is much to be done."³⁷

In order for the BES and USES to be effective and credible advocates of equal treatment, they had to put their own house in order. Mitchell fully shared Church's goal of the elimination of segregation in the USES in every state. Arkansas, which would soon be a battle ground in the civil rights movement, was a case in point.³⁸ In March 1956, Robert Goodwin met with Arkansas Governor Orval Faubus to discuss segregation in the state's USES branch. Faubus promised Goodwin that he and Arkansas USES head, James Bland, planned to take care of the problem. Goodwin reported to Rocco Siciliano, the White House's liaison with the Labor Department:

They are not giving publicity to the decision and they have developed their program in such a way as to avoid conflict to the maximum extent possible. For instance, although separate offices and separate entrances will be eliminated in connection with moves to new quarters, there will for a time be scheduling of white and colored unemployment insurance claimants at different hours of the day. It is planned to drop the separate scheduling after it is clear that there will be no difficulty from the other changes.³⁹

In April 1956, Bland reported to Goodwin that separate entrances for whites and blacks had been eliminated at the Little Rock ES office. He attached newspaper clippings and went on:

This problem was approached with some caution, and there have been no serious repercussions. However, elements who are opposed to the plan of paying unemployment insurance benefits in any form, and perhaps antagonistic toward Governor Faubus, have been successful in obtaining publication of critical articles ... I am not alarmed ... I hope you will find opportunity to

inform Secretary Mitchell of this development. It was not an easy job.⁴⁰

Mitchell wanted to send a note to Bland, commending his efforts, but first there was a skirmish among aides over its wording. Deputy Under Secretary Millard Cass wanted Mitchell to tell Bland:

Your actions have demonstrated how progress can be made when people of good will try to solve their problems with imagination, courage, and patience [sic].

Under Secretary John J. Gilhooley scribbled a caution on Cass's note: "No, goes to [sic] far." Cass's phrase was dropped, and the letter was sent.⁴¹ Despite this example of progress in Arkansas, as of 1959 segregation persisted in USES offices in 110 southern cities. In 70 of those cities, the offices had racially separate service areas; in an additional 25 cities, the offices had one entrance for whites and another for blacks; and in 15 cities the local ES went to the extreme of maintaining completely separate offices for the races.⁴²

One of the important elements of the Cold War, as it developed during the Eisenhower Administration, was the competition with the Soviet bloc in technological advancement. The Administration was concerned that the American workforce did not have the necessary skills and professional expertise, and it sought to improve the nation's educational and training resources. Secretary Mitchell spoke often about both the increasing need for skilled workers and the lack of adequate skills in the work force, particularly among African Americans. He pointed out that black workers were often barred from training programs and apprenticeships. He considered equality of training opportunities an important element in fighting job discrimination. E.O. 10557 required that equal opportunity clauses in government contracts encompass training and apprenticeships. In 1956, the Department developed a "Skills of the Work Force"

program to promote the training of the skilled workers needed for both economic growth and national defense. While this program did not specifically target blacks, one of its main goals, according to E.R. Chapell, who coordinated the program, was “the full utilization of all our people without regard to race, creed, age, sex or physical handicap.”⁴³

One of Roberta Church’s main goals was to use the regulatory authority of the BAT to open up more apprenticeship opportunities for black youths. This Bureau, because it provided certification of apprenticeship programs, had some potential for influence in this area. However, it depended largely on voluntary help from the private sector to maintain and upgrade the quality of apprenticeship programs. It lacked statutory authority to directly enforce equal treatment in apprentice programs. The only “stick” the BAT had was the power to exclude violators from its registry of federally certified programs. It did not use that sanction during the Eisenhower Administration (but it did so later - see Chapter 6); however, the BAT did require that programs associated with government contractors have the imprimatur of registration with the BAT. In conjunction with this requirement and with E.O. 10557, the Bureau also sought “to stimulate those [contractors] responsible for such training to provide equal opportunities for all qualified individuals to acquire skills without regard to race, creed, sex, age or physical handicaps.”⁴⁴

In 1960 the NAACP released a report titled “The Black Wage Earner and Apprenticeship Training Programs,” in which it charged that blacks were excluded from most apprenticeship programs. In the NAACP’s view, the BAT bore part of the responsibility for this state of affairs. In order to provide the maximum apprenticeship opportunities to blacks, the NAACP called on all parties involved, especially the BAT, both to eliminate racial barriers and to significantly increase

apprenticeship programs. Reflecting its close ties to the providers of apprentice programs, the BAT leadership thought the report was useful but off the mark. In a memo to Under Secretary O'Connell, Newell Brown, Assistant Secretary of Labor for the Wage-Hour Administration, praised the "well written and cleverly handled" booklet. He had asked BAT for their comments on it and found that:

They are of the opinion that so long as their effectiveness depends heavily upon the goodwill of employers and workers, they cannot attempt to assert pressure for integration to any noticeable extent. They do agree that perhaps they could do a little more 'soft selling.'

I am inclined to agree with their comments. Where the report in its recommendations goes beyond proposals for expanding and improving Apprenticeship generally, it calls for Federal action which we would have to oppose if we are to retain employer and employee goodwill.⁴⁵

By the end of the Eisenhower Administration in January 1961, the federal government had, for two decades, issued Executive Orders and operated highly visible presidential committees to alleviate discrimination in federally funded jobs. These bodies, supplemented by the Department of Labor and other Executive Branch agencies, applied limited resources to the difficult task of turning around long-established practices and prejudices that limited opportunities for black workers.

The results of this 20-year effort were modest and incomplete. Black wages and employment opportunities did improve, but African Americans still lagged well behind the rest of the workforce. In 1960, 45 percent of minority men, mostly black, held laborer jobs. Only 13 percent of white men were relegated to such work. The black

unemployment rate was twice the white rate, and the average black family earned 55 percent of the average earnings of white families.⁴⁶ The hopeful side of this picture was that 20 years of Executive Branch efforts had succeeded in institutionalizing the concept, if not the reality, of equal employment opportunity. Thus was provided a policy base for further federal efforts to attain this noble but elusive goal.