

**TWENTY YEARS
AFTER BROWN:**

EQUALITY OF
ECONOMIC OPPORTUNITY

A Report of the United
States Commission on
Civil Rights
July 1975

Third in a series

U.S. COMMISSION ON CIVIL RIGHTS

The United States Commission on Civil Rights is a temporary, independent, bipartisan agency established by the Congress in 1957 to:

- Investigate complaints alleging denial of the right to vote by reason of race, color, religion, sex, or national origin, or by reason of fraudulent practices;
- Study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice;
- Appraise Federal laws and policies with respect to the denial of equal protection of the laws because of race, color, religion, sex, or national origin, or in the administration of justice;
- Serve as a national clearinghouse for information concerning denials of equal protection of the laws because of race, color, religion, sex, or national origin; and
- Submit reports, findings, and recommendations to the President and Congress.

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LETTER OF TRANSMITTAL

U.S. COMMISSION ON CIVIL RIGHTS
WASHINGTON, D.C.
July 1975

THE PRESIDENT
THE PRESIDENT OF THE SENATE
THE SPEAKER OF THE HOUSE OF REPRESENTATIVES

Sirs:

The Commission on Civil Rights presents this report to you pursuant to Public Law 85-315, as amended.

This is the third in a series of reports which will examine the extent of civil rights progress in the United States since Brown v. Board of Education, the Supreme Court's landmark school desegregation decision of May 17, 1954. The first report provided historical background for the series. The second report covered the evolution of educational opportunity during the 20 years since Brown. This report sketches the nature and extent of changes in the economic status of minorities and women, and includes a discussion of the relationship between economic opportunity and access to public accommodation. Subsequent reports will offer specific recommendations for achieving equal opportunity, where it is lacking, in housing and the administration of justice.

We believe that these reports, issued in commemoration of the 20th anniversary of Brown, may be of help to Federal, State, and local officials, as well as to all Americans concerned with human justice. We hope that these reports will contribute to an informed public discussion of Brown, the status of civil rights today, and paths to equality in our Nation.

We urge your consideration of the information, findings, and recommendations presented here.

Respectfully,

Arthur S. Flemming, Chairman
Stephen Horn, Vice Chairman
Frankie M. Freeman
Robert S. Rankin
Manuel Ruiz, Jr.
Murray Saltzman

John A. Buggs, Staff Director

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PREFACE

On September 9, 1957, President Dwight D. Eisenhower signed into law the first civil rights act in the United States in 82 years. Under Title I, the U.S. Commission on Civil Rights was established as a temporary, independent, bipartisan, Federal agency. Former Secretary of State Dean Acheson hailed the entire piece of legislation as the greatest achievement in the field of civil rights since the 13th amendment,¹ and historian Foster Rhea Dulles described the Commission as "but one manifestation of the belated response of a conscience-stricken people to the imperative need somehow to make good the promises of democracy in support of equal protection of the laws regardless of race, color, religion, or national origin."²

In fact, both the Civil Rights Act of 1957 and the U.S. Commission on Civil Rights were primarily the result of Brown v. Board of Education,³ the Supreme Court's landmark school desegregation decision in 1954. It was Southern resistance to compliance with Brown which led to mounting civil rights pressure and the consequent decision of the Eisenhower administration to introduce the civil rights legislation.⁴ And it was this same resistance which produced almost a 2-year delay in passage of the civil rights act and creation of the Commission.

The President, in his 1956 state of the Union message, had asked Congress to create a civil rights commission⁵ to investigate charges "that in some localities...Negro citizens are being deprived of their right to vote and are likewise being subjected to unwarranted economic

1. Dean Acheson, "A Word of Praise," Reporter, Sept. 5, 1957, p. 3.

2. Foster Rhea Dulles, The Civil Rights Commission: 1957-1965 (Lansing: Michigan State University Press, 1968), p. ix.

3. 347 U.S. 483 (1954).

4. Dulles, The Civil Rights Commission, p. 3.

5. To Secure These Rights, the 1947 report of President Harry S. Truman's Committee on Civil Rights, previously had recommended creation of such a commission to study the whole civil rights problem and make recommendations for its solution.

pressures." A draft of the administration's proposal then was sent to the Senate and House of Representatives on April 9, 1956. The bill was passed by the House in July but died in committee in the Senate after threat of a filibuster. President Eisenhower resubmitted the bill as he began his second term, and an acceptable compromise version of the legislation finally was approved despite Southern attacks and characterization of the proposed Commission on Civil Rights as an agency "to perpetuate civil wrongs."

Initially established for a period of 2 years, the Commission's life has been extended continuously since then, most recently on October 14, 1972, for a period of 5½ years.

Briefly stated, the function of the Commission is to advise the President and Congress on conditions that may deprive American citizens of equal treatment under the law because of their color, race, religion, sex, or national origin. (Discrimination on the basis of sex was added to the Commission's jurisdiction in 1972.) The Commission has no power to enforce laws or correct any individual injustice. Basically, its task is to collect, study, and appraise information relating to civil rights throughout the country and to make appropriate recommendations to the President and Congress for corrective action. The Supreme Court has described the Commission's statutory duties in this way:

its function is purely investigative and factfinding. It does not adjudicate. It does not hold trials or determine anyone's civil or criminal liability. It does not issue orders. Nor does it indict, punish, or impose any legal sanctions. It does not make determinations depriving anyone of his life, liberty, or property. In short, the Commission does not and cannot take any affirmative action which will affect an individual's legal rights. The only purpose of its existence is to find facts which may subsequently be used as the basis for legislative or executive action.⁶

6. *Hannah v. Larche* 363 U.S. 420, 441 (1960). Louisiana voting registrars sought to enjoin the Commission from conducting a hearing into discriminatory denial of voting rights. When the lower court held that the Commission's procedural rules were not within its authority, the Commission appealed to the Supreme Court. The Court reversed the judgment below and held that the Commission's rules did not violate the due process clause of the fifth amendment.

Specifically, the Civil Rights Act of 1957, as amended, directs the Commission to:

Investigate complaints alleging denial of the right to vote by reason of race, color, religion, sex, or national origin, or by reason of fraudulent practices;

Study and collect information concerning legal developments constituting a denial of equal protection of the laws under the Constitution because of race, color, religion, sex, or national origin, or in the administration of justice;

Appraise Federal laws and policies with respect to the denial of equal protection of the laws because of race, color, religion, sex, or national origin, or in the administration of justice;

Serve as a national clearinghouse for information concerning denials of equal protection of the laws because of race, color, religion, sex, or national origin;

Submit reports, findings, and recommendations to the President and Congress.

The facts on which the Commission's reports are based have been obtained in various ways. In addition to its own hearings, conferences, investigations, surveys, and related research, the Commission has drawn on the cooperation of numerous Federal, State, and local agencies. Private organizations also have been of immeasurable assistance. Another source of information has been State Advisory Committees that, under the Civil Rights Act of 1957, the Commission has established throughout the country.

Since its creation, the Commission has issued more than 200 reports and made over 200 recommendations to the President and the Congress. These recommendations have encompassed the fields of voting, housing, employment, education, administration of justice, equality of opportunity in the armed forces, and Federal enforcement of civil rights laws. The majority of these recommendations eventually have been included in Federal Executive orders, legislation, and program guidelines. It has been reported that the "Civil Rights Act of 1964 and the Voting Rights Act of 1965 were built on the factual foundations of racial discrimination portrayed in the Commission's

reports and in part they embodied these reports' specific recommendations for remedial action."⁷

Throughout its 17-year-history, the U.S. Commission on Civil Rights has "established national goals, conceived legislation, criticized inaction, uncovered and exposed denials of equality in many fields and places, prodded the Congress, nagged the Executive, and aided the Courts. Above all, it has lacerated, sensitized, and perhaps even recreated the national conscience."⁸ The extent to which the Commission has achieved its results perhaps may be attributed in large measure to its continuing concern with specific constitutional rights on a nationwide basis and in all fields affected by race and ethnicity. "The interrelationship among discriminatory practices in voting, education, and housing made it impossible to think that equal protection of the laws could be maintained by action in one field alone: the overall problem had to be simultaneously attacked on all fronts."⁹

On the 20th anniversary of Brown v. Board of Education, then, it seems appropriate for the U.S. Commission on Civil Rights to commemorate the Supreme Court's decision with an examination of civil rights progress between 1954 and 1974. The Commission wishes to honor Brown by showing that it is a decision which continually affects one of the most vital areas in the life of our Nation. The Commission wishes to call to mind clearly the meaning and promise of Brown as intrinsic elements in the fulfillment of American ideals. The Commission wishes to commemorate Brown by relating the Supreme Court's judicial pronouncement to the lives of human beings.

7. Dulles, The Civil Rights Commission, p. xi.

8. Berl Bernhard, "Equality and 1964," Vital Speeches, July 15, 1963.

9. Dulles, The Civil Rights Commission, p. 79.

During this anniversary year, the Commission will publish a series of concise reports summarizing the status of civil rights in education, employment, housing, public accommodations, political participation, and the administration of justice. In which ways, and to what extent, have the lives of black Americans and members of other minority groups changed? Where has progress been made, where has it been limited, where has it been nonexistent, and why? How is Brown as yet largely unfulfilled? What must be done to bring about the racial equality affirmed by the Supreme Court 20 years ago?

The Commission seeks through these reports to commemorate Brown v. Board of Education as a landmark, a divide in American race relations -- as the starting point for a second American revolution. If that revolution, inspired by American law and based upon the law, has not been concluded, this is more a comment on those of us who have been called upon to complete the task than on the judgment which set the task in the beginning.

The first report in the series provided a brief historical background. The second report covered equality of educational opportunity. This third report deals with equality of economic opportunity, and, more particularly, with employment (and unemployment), income, and public accommodations.

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EMPLOYMENT

The Brown v. Board of Education decision in 1954 was the culmination of a quarter-century of litigation to end legal justification for segregation in public education.¹ In the 1930's, however, when civil rights lawyers began systematically developing the cases which eventually would lead to Brown, the executive and legislative branches of the Federal Government also began establishing national policy to end racial discrimination in employment.² Principles derived from these Federal actions and from Brown subsequently dovetailed in the provisions of Title VII of the Civil Rights Act of 1964.³

While Brown removed the legal sanction for segregation of races in public education, Title VII removed the legal sanction for race and sex discrimination in employment. Title VII declared it unlawful practice for an employer "to limit, segregate, or classify his employees or applicants for employment in any way which would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect his status as an employee, because of race, color, religion, sex, or national origin."⁴ Brown subsequently has been cited in cases arising

1. 347 U.S. 483 (1954). For an historical account of the development of the legal attack upon racial segregation in educational institutions, see Jack Greenberg and Herbert Hill, Citizen's Guide to Desegregation: A Study of Social and Legal Change in American Life (Boston: Beacon Press, 1955).

2. For more detailed information see chap. 2 of U.S., Commission on Civil Rights, 1961 U.S. Commission on Civil Rights Report, vol. 3, Employment (hereafter cited as Employment); also The Potomac Institute, Affirmative Action: The Unrealized Goal (Washington, D.C.: 1973).

3. 42 U.S.C. 2000e (1974). See George P. Sape and Thomas J. Hart, "Title VII Reconsidered: Equal Employment Opportunity Act of 1972," The George Washington Review, vol. 40 (1972), p. 827.

4. 42 U.S.C. 2000e (1974).

under Title VII, especially those involving discrimination in employment based upon race and sex.⁵

EARLY FEDERAL EFFORTS

The origins of the Federal policy of nondiscrimination in employment lie in the 1930's.⁶ The principle of employment on the basis of "merit" had been adopted for Federal employees by the Pendleton Act of 1883,⁷ but that measure was aimed principally at political discrimination and elimination of the "spoils" system. Religious discrimination in the Federal service was barred by an early regulation⁸ under the act, but some 50 years were to pass before the first national declaration of equal job opportunity.

In enacting the Unemployment Relief Act of 1933, Congress provided "that in employing citizens for the purpose of this Act no discrimination shall be made on account of race, color, or creed."⁹ Similar nondiscrimination provisions were included in legislation for many ensuing employment and training programs¹⁰ of the thirties and early forties. Regulations of Federal agencies also prohibited employment discrimination in various federally-assisted programs;¹¹ and discrimination on

5. See below.

6. Employment, pp. 7-8.

7. (Civil Service Act), The Act of Jan. 16, 1883, ch. 27, 22 Stat. 403 (1883).

8. U.S. Civil Service Commission, Rule VIII (1883); see U.S., Civil Service Commission, (1st) Annual Report (1884), pp. 7, 47.

9. (Unemployment Relief Act), The Act of March 31, 1933, ch. 17, sec. I, 48 Stat. 22 /no longer in effect/.

10. For example, Emergency Relief Appropriation Act of 1935, sec. 9, 49 Stat. 118; Civilian Conservation Corps Act of 1937, sec. 8, 50 Stat. 320 /no longer in effect/; Nurses Training Act of 1943, sec. I, 57 Stat. 53 /no longer in effect/.

11. For example, 44 C.F.R. sec. 265.33 (1938), in public works program under National Industrial Recovery Act of 1933; 24 C.F.R. sec. 603.6 (1938), in public housing construction.

the basis of race, color, or creed was barred from the Federal civil service and the armed forces in 1940.¹²

All these early Federal provisions for nondiscrimination in employment, however, had little practical effect for minorities. Without criteria to determine discrimination, administrative machinery, and effective sanctions for enforcement, these legislative and executive provisions were declarations of policy and little else. In fact, by the early years of the Second World War, the employment situation of blacks had worsened:¹³

The percentage of Negroes in manufacturing was lower than it had been 30 years before. Although every tenth American is Negro, only 1 Negro in 20 was in defense industry. Every seventh white American was a skilled craftsman; only 1 Negro in 22 had a skilled rating. Many trade unions had constitutional barriers to Negro membership....¹⁴

Leaders in both the black and white communities worked to reverse this national trend.¹⁵ At the suggestion of A. Philip Randolph, president of the Brotherhood of Sleeping Car Porters, they threatened to march on Washington unless the Government opened the job market to blacks. Faced with this possible embarrassment, President Roosevelt issued Executive Order 8802 on June 25, 1941, establishing a Fair Employment Practices Committee (FEPC) to administer nondiscrimination in all defense contracts, Federal employment, and Federal vocational and training programs.¹⁶ Assorted difficulties caused the demise of this body early in 1943. It was replaced in May by a second FEPC, established by

12. (Ramspeck Act), The Act of Nov. 26, 1940, ch. 919, 54 Stat. 1211 (1940), for the Federal civil service; Selective Training and Service Act of 1940, sec. 4(a), 54 Stat. 885 /no longer in effect/. The Ramspeck Act carried the restrictions to Title II of the act and amended in the same respect the Classification Act of 1923 (42 Stat. 1488). The latter act was superseded by the Classification Act of 1949 (63 Stat. 954), which carried forward the restrictions, adding two more: nondiscrimination on the basis of sex and marital status.

13. Employment, pp. 8-9.

14. From a later report describing this period by the U.S. Fair Employment Practices Committee (Final Report, 1947, p. 1), cited in Employment, p. 9.

15. See Louis Ruchames, Race, Jobs and Politics: The Story of FEPC (New York: Columbia University Press, 1953), pp. 13-21.

16. 3 C.F.R. 957 (1941).

Executive Order 9346, whose scope was broadened to include employment by all Government contractors and discrimination in union membership.¹⁷ It remained in existence until June 28, 1946.

The broad authority given to the two FEPC's was not matched by adequate enforcement powers. Although they investigated complaints and held public hearings, the FEPC's had to rely on negotiations, public opinion, and moral suasion to enforce their decisions. Also, the FEPC's never enjoyed full congressional support, partly as a result of differences between Congress and the executive over the creation of agencies without prior authorization of funds by Congress.¹⁸

Federal administrative machinery to implement a comprehensive policy of equal employment opportunity did not come into existence again for 15 years. Nor did Federal grant-in-aid legislation, from June 28, 1946, until March 6, 1961, include any provisions for nondiscriminatory training, recruitment, or employment.¹⁹ Efforts to eliminate employment discrimination against minorities during those years were limited to Presidential initiatives.

On July 26, 1948, President Truman issued Executive Order 9980 establishing a Fair Employment Board within the Civil Service Commission.²⁰ This Board was given authority to review the decisions of department heads and make recommendations for appropriate action when there were complaints alleging discrimination based on race, color, religion, or national origin.

17. 3 C.F.R. 1280 (1943).

18. On problems over appropriations for FEPC, see Independent Offices Appropriation Act, 1945, Title II, Sec. 213 (Russell Amendment), The Act of June 27, 1944, ch. 286, 58 Stat. 361 at 387 (1944), 31 U.S.C. Sec. 696 (1954); National War Agency Appropriation Act, 1945, The Act of June 28, 1944, ch. 301, 58 Stat. 533 (1944); National War Agencies Appropriation Act, 1946, The Act of July 17, 1945, ch. 319, 59 Stat. 473 (1945).

19. Employment, p. 12.

20. 3 C.F.R. 720 (1948).

President Truman also initiated action to end segregation in the armed forces, issuing Executive Order 9981 on July 26, 1948, to assure equal treatment and opportunity for all persons in the military.²¹ The Selective Training and Service Act of 1940²² had prohibited racial discrimination, but the practice of maintaining "separate but equal" facilities and training had not been considered discriminatory.

These two Executive orders signaled renewed interest in a policy of equal employment opportunity within the Federal Government. It was not until the Korean conflict, however, that efforts were made to deal with discrimination outside of direct Federal employment. Between February and November 1951, President Truman issued Executive orders²³ directing specified Government agencies to incorporate nondiscrimination clauses in their procurement contracts. To assess the effectiveness of these clauses, the Committee on Government Contract Compliance was created on December 3, 1951, by Executive Order 10308.²⁴ When the national administration changed in January 1953, the Committee, which had only begun operations in April 1952, was terminated.

On August 13, 1953, President Eisenhower issued Executive Order 10479 creating the President's Committee on Government Contracts.²⁵ This Committee was primarily advisory and consultative. It could

21. 3 C.F.R. 722 (1948).

22. Note 12 above.

23. E.O. 10227, 3 C.F.R. 737 (1951) to the GSA; E.O. 10231, 3 C.F.R. 741 (1951) to the TVA; E.O. 10243, 3 C.F.R. 750 (1951) to the Civil Defense Administration; E.O. 10281, 3 C.F.R. 781 (1951) to the Materials Procurement Agency; and, E.O. 10298, 3 C.F.R. 828 (1951) to the Department of the Interior.

24. 3 C.F.R. 827 (1951).

25. 3 C.F.R. 961 (1953). The proper name was "The Government Contract Committee." It has always been known popularly as "The President's Committee on Government Contracts," and the latter is the name under which it issued its reports. E.O. 10479 was amended by E.O. 10482, 3 C.F.R. 968 (1953), in 1953, increasing the size of the Committee from 14 to 15 members.

receive complaints alleging discrimination and recommend ways to improve the compliance procedures of contracting agencies and the overall effectiveness of the national nondiscrimination policy. Primary responsibility for investigating complaints and taking appropriate action to obtain compliance, however, rested with the contracting agencies.

By January 18, 1955, President Eisenhower reported that there was an "urgent need to develop the maximum potential of the Nation's manpower" and "to guarantee fair treatment to all employees serving in the Executive branch of the U.S. Government and all seeking such employment."²⁶ He then issued Executive Order 10590 establishing the President's Committee on Government Employment Policy.²⁷ Each executive agency was directed to appoint an employment policy officer with responsibility to see that the agency's practices and actions were in compliance with Federal policies against discrimination. Decisions made by this officer, after receiving and investigating complaints, could be appealed to the Committee on Government Employment Policy, but its authority was limited to making advisory opinions to department heads.

The two Eisenhower administration committees were abolished on March 6, 1961, when President Kennedy issued Executive Order 10925, establishing the President's Committee on Equal Employment Opportunity.²⁸ Although it was an obligation of Federal contractors to provide equal employment opportunity, overall authority for assuring this, as well as equal opportunity in Federal Government employment, was placed with the new committee. The Committee was given authority to assume jurisdiction over any complaint alleging violation of the order and to conduct compliance reviews of Government contractors. It also had final authority over imposition of sanctions. Strong specific penalties for noncompliance were set out in the order, but they were never used.

26. The President's Committee on Government Employment Policy, Third Report (1959), vol. I, p. 10.

27. 3 C.F.R. 236 (1954).

28. 3 C.F.R. 448 (1961).

Meanwhile, in 1959 the U.S. Commission on Civil Rights had initiated an evaluation of the Federal employment policies declared in President Eisenhower's Executive Order 10590. Executive Order 10925 was announced by President Kennedy shortly before the Commission published its findings and recommendations and was briefly considered in the Commission's evaluation report of 1961.²⁹

The Commission found that by the late 1950's the Federal Government, through direct civilian and military employment and indirectly through contracts and grants-in-aid, had provided millions of employment opportunities that were not open on a nondiscriminatory basis. In view of this situation the Commission made the following recommendations to the President and Congress:

- "1. That Congress grant statutory authority to the President's Committee on Equal Employment Opportunity or establish a similar agency
 - "(a) to encourage and enforce a policy of equal employment opportunity in all Federal employment, both civilian and military, and all employment created or supported by Government contracts and Federal grant funds;
 - "(b) to promote and enforce a policy of equality of opportunity in the availability and administration of all federally assisted training programs and recruitment services;
 - "(c) to encourage and enforce a policy of equal opportunity with respect to membership in or activities of labor organizations affecting equal employment opportunity or terms and conditions of employment with employers operating under Government contracts or Federal grant-in-aid.
- "2. That the President issue an Executive Order providing for equality of treatment and opportunity, without segregation or other barriers, for all applicants for or members of the Reserve components of the armed forces, including the National Guard and student training programs, without regard to race, color, religion, or national origin; and directing that an immediate survey, and report thereon, be made regarding Negro membership in the armed forces, the armed forces Reserves, the National Guard, and

29. Employment.

student training programs, including data, where appropriate, on branch of service, rank, type of job or assignment, years of service, and rates of pay.

- "3. That the President issue an Executive Order making clear that employment supported by Federal grant funds is subject to the same nondiscrimination policy and the same requirements as those set forth in Executive Order 10925 applicable to employment by Government contractors.
- "4. That Congress and the President take appropriate measures to encourage the fullest utilization of the Nation's manpower resources and to eliminate the waste of human resources inherent in the discriminatory denial of training and employment opportunities to minority group members by --
- "(a) expanding and supplementing existing programs of Federal assistance to vocational education and apprenticeship training;
 - "(b) providing for retraining as well as training and for funds to enable jobless workers to move to areas where jobs are available and their skills are in demand;
 - "(c) providing that, as a condition of Federal assistance, all such programs be administered on a nondiscriminatory, nonsegregated basis; and
 - "(d) amending present regulations regarding admission to vocational classes to provide that admission be based on present and probable future national occupational needs rather than, as presently interpreted, on traditional and local needs and opportunities.
- "5. That, in order to encourage the fullest utilization of the Nation's manpower resources, Congress enact legislation to provide equality of training and employment opportunities for youths (aged 16 to 21), and particularly minority group youths, to assist them in obtaining employment and completing their education --
- "(a) through a system of federally subsidized employment and training made available on a nondiscriminatory basis; and
 - "(b) through the provision of funds for special placement services in the schools in connection with part-time and cooperative vocational education programs.

- "6. That the President direct that appropriate measures be taken for the conduct, on a continuing basis, of an affirmative program of dissemination of information --
- "(a) to make known the availability on a nondiscriminatory basis of jobs in the Federal Government and with Government contractors; and
 - "(b) to encourage all individuals to train for and apply for such jobs, and particularly those jobs where there is currently a shortage of qualified applicants.
- "7. That steps be taken, either by executive or congressional action, to reaffirm and strengthen the Bureau of Employment Security policy, in rendering recruitment and placement services, of encouraging merit employment and assisting minority group members in overcoming obstacles to employment and in obtaining equal job opportunities. In this connection, consideration should be given to changing the method utilized to determine Federal appropriations to State employment offices, presently keyed primarily to the number of job placements made, to reflect other factors (such as the greater degree of difficulty and time involved in placing qualified minority group workers), so that the budgetary formula used will encourage rather than discourage referral on a nondiscriminatory basis. In addition, regulations and statements of policy with respect to the operation of State employment offices should be reexamined to insure that such regulations and statements conform to the overall USES policy of discouraging employment discrimination and encouraging merit employment.
- "8. That the President direct the Secretary of Labor to grant Federal funds for the operation of State employment offices only to those offices which offer their services to all, on a nonsegregated basis, and which refuse to accept and/or process discriminatory job orders.
- "9. That Congress amend the Labor-Management Reporting and Disclosure Act of 1959 to include in Title I thereof a provision that no labor organization shall refuse membership to, segregate, or expel any person because of race, color, religion, or national origin."³⁰

Although it is difficult to ascertain the direct influence of the 1961 Commission recommendations, it is noteworthy that the essence of all of these recommendations has been included in subsequent Executive orders and legislative acts.

30. Employment, pp. 161-64.

AFFIRMATIVE ACTION

Executive Order 11114, issued by President Kennedy on June 22, 1963, extended the jurisdiction of the President's Committee on Equal Employment Opportunity to cover employment resulting from use of Federal funds in construction projects.³¹ The order called for contractors to "take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin...."³² Although Executive Order 11114 did not specify the meaning of "affirmative action" to overcome discrimination, it did provide that such action "include, but not be limited to, the following: employment, upgrading, demotion or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship."³³

The requirement for affirmative action also was incorporated in Executive Order 11246, issued by President Johnson on September 24, 1965, which extended coverage to Government contractors and subcontractors with contracts over \$10,000.³⁴ The sanction of contract debarment for noncompliance, plus a strengthening of the Federal contract compliance program through Executive Order 11375, issued October 13, 1967,³⁵ and Executive Order 11478, issued August 8, 1969,³⁶ provided governmental agencies with much more authority and power than they had had previously.

31. 3 C.F.R. 774 (1963).

32. Ibid., p. 777.

33. Ibid.

34. 3 C.F.R. 339 (1965).

35. 3 C.F.R. 684 (1967).

36. 3 C.F.R. 208 (1974).

Executive Order 11246 directed that the Secretary of Labor assume responsibility for contract compliance. In October 1965 the Secretary established the Office of Federal Contract Compliance (OFCC), which became the Federal agency most directly responsible for administering Federal affirmative action in connection with contract compliance efforts.³⁷ In 1968, 2 years after its establishment, OFCC issued guidelines for affirmative action that included steps to identify problems and analyze and measure the effectiveness of efforts taken to provide equal employment opportunities.³⁸ Basic to these guidelines was the requirement that goals and timetables be established to measure progress in increasing minority employment.³⁹ The approach of OFCC in carrying out its responsibilities for affirmative action was to rely on voluntary compliance.

THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

To implement the employment provisions of the Civil Rights Act of 1964, the Equal Employment Opportunity Commission (EEOC) was established in 1966, under Title VII of the Civil Rights Act, with power to investigate complaints, conciliate, and recommend the initiation of civil action by the Department of Justice.⁴⁰ In addition, Title VII permitted a complainant to initiate suit in Federal court if EEOC conciliation failed. If the court found discrimination, it could order an appropriate remedy, including reinstatement and back pay.⁴¹

37. Secretary of Labor, Secretary's Order 26-5, Oct. 5, 1965.

38. 41 C.F.R. 60-1.40 (1968).

39. In an important case in this regard, *Contractors Association of Eastern Pennsylvania v. Secretary of Labor*, 442 F. 2d 159 (3rd Cir. 1971), the circuit court held that Government-imposed goals and timetables established for the employment of blacks in "The Philadelphia Plan" were constitutional.

40. 42 U.S.C. 2000e et seq. (1974).

41. 42 U.S.C. 2000e-5(q) (1974).

The Equal Employment Opportunity Commission's role as a "friend of the court" in private actions brought under Title VII, and through its referral of cases to the Justice Department for legal action, has increasingly helped to define employment discrimination, as the EEOC's decisions have been given great weight by the courts. For example, the courts have upheld EEOC's statements that statistics alone may establish a prima facie case of unlawful exclusion or underrepresentation of minorities in certain jobs,⁴² that testing procedures must be job-related,⁴³ that word-of-mouth recruitment among a substantially all-white work force constitutes discrimination in itself,⁴⁴ and that seniority systems must not perpetuate discrimination.⁴⁵

The Equal Employment Opportunity Act of 1972 (which amended Title VII of the Civil Rights Act of 1964) broadened the coverage of Title VII to include employers and unions with as few as 15 employees or members, employees of State and municipal governments, and employees of private and public educational institutions.⁴⁶ EEOC was also given authority to petition a court directly once a charge of discrimination has been substantiated and conciliation has not achieved an appropriate result.⁴⁷

42. For court rulings on statistical proof, see *U.S. v. Sheet Metal Workers Local 36*, 416 F. 2d 123 (8th Cir. 1969); *Jones v. LeeWay Motor Freight*, 431 F. 2d 245 (10th Cir. 1970); *EEOC v. Plumbers Local 189*, 311 F. Supp. 464 (S.D. Ohio 1970).

43. *Griggs v. Duke Power Co.*, 401 U.S. 424 (1971).

44. *Parham v. Southwestern Bell Telephone Co.*, 433 F. 2d 421 (8th Cir. 1970). See also *Lea v. Cone Mills Corp.*, 301 F. Supp. 97 (M.D. N.C. 1969), aff'd in part and vacated in part on other grounds per curiam, 438 F. 2d (4th Cir. 1971); *Clark v. American Marine Corp.*, 304 F. Supp. 603, 606 (E.D. La. 1969).

45. *Papermakers and Paperworkers Local 189 v. U.S.*, 416 F. 2d 980 (5th Cir. 1969); *U.S. v. Sheet Metal Workers Local 36*, 416 F. 2d 123 (8th Cir. 1969); *Jones v. LeeWay Motor Freight*, 431 F. 2d 245 (10th Cir. 1970).

46. 42 U.S.C. 2000e et seq. (1974).

47. *Ibid.*

Moreover, organizations may now file charges of discrimination on behalf of aggrieved parties, and legal action is not restricted to individual applicants for jobs:⁴⁸

This right to sue means that the civil rights interest can no longer be ignored or subordinated in low visibility decisions by administrative officials. The individual right to sue is frequently exercised as a group right, expressing the group interest in elimination of discrimination. Under the statute as administered, the group interest of minorities is as equal with labor and management at the negotiating table and in the courtroom.⁴⁹

The number of cases that can be tried by Federal courts or administrative tribunals is small compared to the number of cases involving employment discrimination. However, the absence of a court proceeding does not legitimate discriminatory employment practices. Furthermore, since continuation of discriminatory practices may eventually give rise to an EEOC action or to private litigation, with concomitant remedies such as reinstatement, back pay, affirmative recruitment, and proportionate hiring, it is sound legal and management practice for the employer to take steps to end discrimination rather than await court or administrative action.⁵⁰

In cases arising under Title VII, the Federal courts have established that a presumption of discrimination arises where the proportion of minorities employed by the defendant employer is less than reasonably could be expected on the basis of the availability of qualified minority group members, and the defendant must demonstrate that such

48. Ibid.

49. Alfred W. Blumrosen, Black Employment and the Law (New Brunswick: Rutgers University Press, 1971), p. 4.

50. See U.S., Commission on Civil Rights, Statement on Affirmative Action for Equal Employment Opportunities (1973), for a brief review of some common examples of discriminatory barriers to equal employment opportunity as well as the Commission's position on affirmative action programs.

underutilization is not the product of discrimination.⁵¹ If the court reaches a finding of discrimination, it may "order such affirmative action as may be appropriate, which may include reinstatement or hiring of employees, with or without back pay."⁵²

The development of favorable judicial interpretation of Title VII has not resulted solely from the efforts of EEOC. Other factors, such as the experience of the courts in handling resistance to the implementation of Brown, have also played a significant role. In dealing with school segregation cases, the courts gradually became the major governmental institution calling for effective remedies to end the effects of racial discrimination. An authority on both civil rights and labor believes that the Brown decision had a direct impact on shaping judicial interpretation of Title VII:

Cases arising under Title VII began appearing in the federal courts by the fall of 1966, and despite some early adverse decisions by district judges, it was clear from the beginning that Title VII plaintiffs were going to fall heir to a very favorable judicial climate generated by the litigation which developed out of the school segregation cases. The mood of the courts was expressed by the Court of Appeals for the Fifth Circuit in Culpepper v. Reynolds Metal...where the court said:

"Title VII of the 1964 Civil Rights Act provides us with a clear mandate from Congress that no longer will the United States tolerate this form of discrimination. It is, therefore, the duty of the courts to make sure the Act works..."

Given the lack of enforcement power and the apparent weaknesses of the statute, the strong antidiscrimination decisions which have developed out of the Title VII litigation are surprising only if the significant changes

51. United States v. Ironworkers Local 86, 443 F. 2d 544 (9th Cir. 1971), cert. den., 404 U.S. 984 (1971); United States v. Hayes International Corp., 456 F. 2d (5th Cir. 1972); United States v. United Brotherhood of Carpenters and Joiners, Local 169, 457 F. 2d 210, 214 (7th Cir. 1972).

52. Title VII, Civil Rights Act of 1964, 42 U.S.C. 2000e-5(q) 1974.

in the perception of the courts on racial matters which developed after Brown v. Board of Education are ignored.⁵³

In an earlier statement, however, the same authority observed that favorable judicial decisions and legal victories were being negated or nullified by social, economic, and governmental forces that kept racial discrimination intact:

After the Brown decision we had a new hope--a hope rooted in the rather simplistic assumptions of nineteenth-century sociology that through the orderly progression of judicial decisions, legislation and education, fundamental changes on race would be made in American society. Beginning with the decisions in the school segregation cases, a new body of law emerged that struck down statutes requiring the segregation of the races. The doctrine of "separate but equal" was held to be unlawful and at long last the constitutional sanction of racial segregation was voided. But the great potential of the law was never realized. The tragedy of American society lies in the persistence and complexity of racist traditions that have become deeply embedded in the culture and pervasively institutionalized....Extremely powerful social, economic, and political forces are acting to nullify the great judicial decisions...There is a terrible irony: as black Americans achieve equality in the law, patterns of job discrimination and indeed the entire continuing web of urban racism negate these legal victories...Quite clearly the most decisive factor in this context is administrative nullification of the law by agencies of government.⁵⁴

PROBLEMS IN ENFORCEMENT

As the 1960's ended, the U.S. Commission on Civil Rights published an evaluation of the ways more than 40 Federal departments and agencies, including OFCC, were fulfilling their responsibilities to guarantee equal rights under civil rights laws, Executive orders, and judicial decisions.⁵⁵ The

53. Herbert Hill, "The New Judicial Perception of Employment Discrimination, Litigation Under Title VII of the Civil Rights Act of 1964," University of Colorado Law Review, vol. 43 (March 1972), p. 251.

54. Herbert Hill, national labor director, National Association for the Advancement of Colored People (speech delivered at the Fifth National Conference on Civil and Human Rights of the National Education Association of the United States, Washington, D.C., Feb. 14, 1968).

55. U.S., Commission on Civil Rights, The Federal Civil Rights Enforcement Effort (1970).

report concluded that the great promise of civil rights laws had not been realized and that the Federal Government had not yet fully prepared itself to carry out the civil rights mandate. The study found that the inadequacies of civil rights enforcement mechanisms were not unique to a particular agency or program but, rather, were common throughout the entire Federal establishment. The most frequent problems cited in the report were:

- Lack of sufficient enforcement staff.
- Failure to afford agency civil rights officials sufficient status or authority to carry out their functions effectively.
- Failure of agencies to establish clearly defined goals for their civil rights activities.
- Isolation of civil rights programs from the substantive programs of agencies.
- Adoption of a passive role, such as reliance on assurances of nondiscrimination or complaint processing, rather than initiation of independent compliance investigations.
- Failure to make sufficient use of available sanctions.
- Inadequate governmentwide coordination and direction of civil rights enforcement efforts.⁵⁶

Since 1970 the Commission has continued to assess the civil rights performance of the Federal establishment⁵⁷ to determine how it has responded to the report's findings and recommendations, which included the following:

The Civil Service Commission [CSC] should...develop a governmentwide plan designed to achieve equitable minority group representation at all wage and grade levels within each department and agency. This plan should include minimum numerical and percentage goals, and timetables, and should be developed jointly by CSC and each department or agency....

56. Ibid., p. 344.

57. U.S., Commission on Civil Rights, The Federal Civil Rights Enforcement Effort: One Year Later (1971); Federal Civil Rights Enforcement Effort--A Reassessment (1973); The Federal Civil Rights Enforcement Effort--1974, vol. I, "To Regulate in the Public Interest," vol. II, "To Provide...for Fair Housing," vol. III, "To Assure Equal Educational Opportunity," vol. IV, "To Provide Fiscal Assistance."

CSC and all other Federal agencies should develop and conduct large-scale training programs designed to develop the talents and skills of minority group employees, particularly those at lower grade levels...

CSC should direct all Federal departments and agencies to adopt the new procedures it has developed for collection and maintenance of racial and ethnic data on Federal employment....

Increased efforts should be made to increase substantially the number of minority group members in executive level positions by recruiting from sources that can provide substantial numbers of qualified minority group employees, such as colleges and universities, private industry, and State and local agencies.⁵⁸

OFCC, with the assistance of the 15 compliance agencies, ...should develop a comprehensive equal employment opportunity plan, on an industry-by-industry basis... /that/ should include...establishment of numerical and percentage employment goals, with specific timetables for meeting them...; /and/ prompt imposition of the sanctions of contract termination and debarment where

58. U.S., Commission on Civil Rights, The Federal Civil Rights Enforcement Effort, p. 358.

noncompliance is found and not remedied within a reasonable period of time....⁵⁹

Congress should amend Title VII of the Civil Rights Act of 1964 to authorize the Equal Employment Opportunity Commission (EEOC) to issue cease and desist orders to eliminate discriminatory practices through administrative action.

EEOC should emphasize initiatory activities, such as public hearings and Commissioner charges, ...to facilitate elimination of industrywide or regional patterns of employment discrimination.

EEOC should amend its complaint procedures to make more effective enforcement use of the complaint processing system. Priority should be given to complaints of particular importance...and emphasis should be placed on processing complaints involving classes of complainants rather than individuals.

59. Ibid., pp. 358-59. Philip J. Davis, Director, Office of Federal Contract Compliance, in a letter dated February 10, 1975 to John A. Buggs, Staff Director, U.S. Commission on Civil Rights, stated that most of the recommendations in the Commission's followup reports to its Federal Civil Rights Enforcement Effort (1970) have been or are being implemented. On the basis of the Davis letter, two recommendations that were quoted in the text above have been deleted; namely, those relating to strengthening the capacity of OFCC to monitor performance of compliance agencies and developing uniform compliance review systems. However, two other recommendations continue to apply and have been retained, as set out below.

The OFCC states it "has considered setting ultimate goals by occupation within industry by revising a method initially developed by Bergmann and Krause. ...Unfortunately, such broad sets of goals do not help individual compliance officers in specific cases. ...Therefore, the OFCC is considering the possibility of setting ultimate goals by industry at some finer level, such as a labor market area. We are also reviewing alternatives to the use of educational attainment." It seems clear that the Commission's recommendation with respect to establishing numerical and percentage goals with specific timetables has not yet been implemented.

The Commission also recommended "prompt imposition of the sanctions of contract termination and debarment where noncompliance is found and not remedied..." On this point, the OFCC states that "To date...it... has debarred nine firms. While this is not a large number, we do expect to see more activity in this area in the future..." This statement does not suggest that the Commission's recommendation has been implemented. The recommendation, therefore, has not been deleted.

...the contract compliance responsibilities of OFCC and the litigation responsibilities of the Department of Justice should be transferred to EEOC, so that all responsibilities for equal employment opportunity will be lodged in a single independent agency.⁶⁰

All agencies with civil rights responsibilities should increase their compliance and enforcement activities significantly to assure adequate attention to the civil rights problems of such groups as Spanish surnamed Americans, American Indians, and women.⁶¹

Other studies, published in 1969, also pointed to weaknesses in Federal civil rights enforcement machinery, lack of clear guidelines for contract compliance, and fragmentation of enforcement efforts related to affirmative action in employment opportunities.⁶² In March 1969, hearings were conducted by the Senate Judiciary Committee on Administrative Practice and Proceedings, which resulted in further questioning of OFCC's effectiveness. Specific data on the failure of Federal agencies to enforce legal prohibitions against employment discrimination, together with examples of Government subsidization of job bias, also were given in testimony before the Ad Hoc Congressional Hearings on Discrimination in Federal Employment and Federal Contractor Employment.⁶³

SEX DISCRIMINATION IN EMPLOYMENT

Federal laws and regulations to expand nondiscriminatory employment opportunities have traditionally been concerned with race, color, creed, and

60. Ibid., p. 359.

61. Ibid., p. 357.

62. See Richard P. Nathan, Jobs and Civil Rights: The Role of the Federal Government in Promoting Equal Opportunity in Employment and Training, prepared for U.S., Commission on Civil Rights (Washington, D.C.: Government Printing Office, 1969); also, Urban America and the Urban Coalition, One Year Later, a joint publication of the Urban Coalition and The Potomac Institute (Washington, D.C.: 1969).

63. See testimony of Herbert Hill, Congressional Record, vol. 116 (1970), pp. 36093-98.

national origin--not sex. Although discrimination based on sex or marital status was forbidden in the Federal civil service in 1949,⁶⁴ few women have risen to positions of high status or responsibility in Federal employment--a situation paralleled in other employment.

In the 1960's laws and regulations specifically prohibiting sex discrimination began to emerge. In 1961 President Kennedy established the President's Commission on the Status of Women.⁶⁵ Among other areas, the Commission was charged with reviewing employment policies of the Federal Government and under Federal contracts and to make recommendations on steps to assure nondiscrimination on the basis of sex. In July 1962 the President directed Federal agencies to hire, promote, and train employees without regard to sex (except in unusual circumstances found justified by the Civil Service Commission).⁶⁶ For non-Federal employees, a first step came with the Equal Pay Act of 1963, which prohibited pay differentials based on sex.

When Title VII of the proposed Civil Rights Act of 1964 was initially reported out of the House Judiciary Committee, it included prohibitions of employment discrimination based on race, color, religion, or national origin--but not sex. It was only 1 day before passage of the act that an amendment was offered to include a ban on sex discrimination in an apparent attempt to kill passage of the act. But the bill passed the House, and then the Senate, without substantive change, and the sex discrimination provisions in Title VII remained as a milestone for women seeking equal employment opportunities with men.⁶⁷

64. The Act of Oct. 28, 1949, ch. 782, 63 Stat. 954 (Oct. 28, 1949), Title XI, Sec. 1103.

65. Executive Order 10980.

66. President's Commission on the Status of Women, American Women (1963), p. 32.

67. Robert Stevens Miller, Jr., "Sex Discrimination and Title VII of the Civil Rights Act of 1964," Minnesota Law Review, vol. 51 (1967), pp. 880-85.

Prior to the passage of Title VII, only Hawaii and Wisconsin had enacted laws against sex discrimination.⁶⁸ Furthermore, Federal laws, such as the National Labor Relations Act⁶⁹ and the Equal Pay Act of 1963, often did not provide women the legal standing they needed in order to challenge discrimination based on sex.⁷⁰

Discrimination in employment related to sex did not elicit significant national concern, however, until Executive Order 11375⁷¹ was issued in 1967. It amended Executive Order 11246 and required affirmative action to prohibit discrimination on the basis of sex by Federal contractors and subcontractors and on federally-assisted construction projects. Executive Order 11478, August 8, 1969, reaffirmed the equal employment policy for Federal Government employees, including women.⁷² Until 1970, when the Justice Department brought suit in U.S. v. Libbey-Owens-Ford Co. (and United Glass and Ceramics Workers),⁷³ no Government suit complaining of sex discrimination had been initiated.⁷⁴

Title VII has become important for women seeking equal employment opportunity with men. Its language is stronger than many Executive orders or other Federal and State laws prohibiting discrimination in employment. Moreover, the courts (including the Supreme Court of the United States) have gradually developed a body of law under Title VII

68. U.S., Department of Labor, Women's Bureau, 1969 Handbook on Women Workers, Bulletin 294, pp. 269-70.

69. 29 U.S.C. 151-166 (1973).

70. Hartley v. Brotherhood of Railway and Steamship Clerks, Freight Handlers and Station Employees, 283 Mich. 201, 277 N.W. 885 (1938), is illustrative of earlier problems in this regard.

71. 3 C.F.R. 684 (1967).

72. 3 C.F.R. 207 (1974).

73. 3 EPD par. 8052 (N.D. Ohio 1971).

74. U.S., Commission on Civil Rights, The Federal Civil Rights Enforcement Effort, pp. 301, 374.

that makes it easier for women to seek legal remedies. The landmark Title VII case for women of all races and minority men has been Griggs v. Duke Power Company.⁷⁵

The Court in Griggs established the principle that lack of discriminatory intent is not a defense to a claim of discrimination under Title VII. It also established the principle that any employment practice that results in a disproportionately higher percentage of minority persons or women being excluded from employment opportunities violates Title VII unless the practice can be justified as actually job-related or required by business necessity. This second principle involves not only testing but also any patterns of employment that continue the effects of past discrimination, such as seniority systems or union referral systems.

Women traditionally have been confined to occupations that included few men and were nonunion, such as clerical, sales, and service positions. Recent figures show that about 1 out of 8 working women are members of unions, compared to 3 out of 10 working men.⁷⁶ Title VII declared unlawful discriminatory exclusion from labor unions as well as discriminatory practices pertaining to seniority, job assignment and promotion, and training and apprenticeship programs, which frequently impede women and minorities after admission to union membership.

In the enforcement of Title VII, EEOC has given less priority to combating union discrimination than it has to eliminating employer discrimination. A recent U.S. Commission on Civil Rights report concluded that "sufficient EEOC resources have not been allocated to eliminate [discriminatory union] practices on a systematic basis, and inadequate attention appears to have been paid to this important aspect of EEOC's mandate."⁷⁷

75. 401 U.S. 424 (1971).

76. Lucretia M. Dewey, "Women in Labor Unions," Monthly Labor Review, vol. 94 (February 1971), p. 42.

77. U.S., Commission on Civil Rights, The Federal Civil Rights Enforcement Effort--A Reassessment, p. 90.

EEOC has maintained that unions segregated by sex violate Title VII. In Evans v. Sheraton Park Hotel,⁷⁸ the plaintiff argued that the maintenance of two locals, one for waitresses and the other for waiters, created an unequal employment situation based on sex discrimination and explained that because the locals were segregated it was possible for the hotel to favor waiters over waitresses in making job assignments. The Federal court agreed with the plaintiff's argument:

The discrimination in reception assignments is a classic example of the abuse inherent in maintaining and recognizing separate male and female locals for co-workers performing the same duties. It is inevitable in such a situation that not only will controversy and suspicion arise between males and females, but that the more dominant group, in this case the males, will gain privileges of various kinds.⁷⁹

Citing U.S. v. International Longshoremen's Association,⁸⁰ involving the court-ordered merger of a predominantly white local with a predominantly black local, the court held that maintenance of the sex-segregated locals for waitresses and waiters was a per se violation of the Civil Rights Act of 1964.

EMPLOYMENT OF NONWHITES

From the perspective of American racial and ethnic minorities, the Federal Government always was "the showcase of society, the harbinger of change for the private sector, and a training ground for induction of

78. 5 EPD (D.C.D.C. 1972). However, some recent decisions by the National Labor Relations Board have held that maintenance of union locals segregated by sex is not a per se violation of the National Labor Relations Act and does not justify decertification of the union: American Mailing Corp., 197 NLRB No. 33 (1972); Sheraton Park Hotel, 199 NLRB No. 104 (1972); and Glass Blowers Association, 2 EPG par. 5123 (1973). In Evans v. Sheraton Park Hotel, the same Bartenders' Union locals considered by NLRB not to be violating the National Labor Relations Act, in the cases just cited, were held in violation of Title VII of the 1964 Civil Rights Act by a Federal district court.

79. Evans v. Sheraton Park Hotel, 5 EPD, Paragraph 8079, at 6922.

80. 319 F. Supp. 737 (D. Md. 1970), aff'd 460 F. 2d 497 (4th Cir. 1972), cert. den. 409 U.S. 1007 (1972).

change."⁸¹ It had long been considered as the best source of jobs for minorities because of more extensive discriminatory practices in private employment of State and local government. However, within the Federal service, minority employment⁸² accelerated as the message of Brown spread. Between 1963 and 1973, for instance, the percentage of blacks employed by the Federal Government increased by more than the percentage increase in total Federal employment, 29.1 percent versus 10.6 percent (see table 1). Further, while the Federal Government employed nearly half of all non-white governmental workers in 1940, by 1972 about two-thirds of all black governmental employees were at the State and local levels, and the number at these levels had doubled since 1960.

In 1972, 15.3 percent of all Federal employees were black, up from 13.1 percent 9 years earlier (see table 1). Spanish-surnamed⁸³ employees represented 3.1 percent of the Federal work force in 1972, up from 2.8 percent in 1969, while Native Americans also showed a slight increase during this period.

The minority work force in the Federal Government, however, continues to be underrepresented in the better-paying and higher-status jobs-- despite recent improvements. The experience of blacks is

In 1972, 15.3 percent of all Federal employees were black, yet blacks held only 3.2 percent of Federal positions at the level of GS-12 and above. Less than one-fourth of the higher-paid black workers were in positions at the levels of GS-14 and above. Federal General Schedule or GS jobs are graded from GS-1, lowest, to GS-18, highest.⁸⁴

81. Samuel Krislov, "From Protest to Politics," Commentary, February 1965, p. 28.

82. Data on minority groups are collected under various rubrics. Non-white refers to all races other than white. U.S. census data that cite "black and other races" are used for nonwhite in this context. This generally includes Asian Americans and Native Americans but not persons of Spanish speaking background, who are included as white when not described separately. The lack of data on groups other than white, black, and nonwhite is a widespread concern in research of this kind.

83. See tables 1, 2, and 3. Although the U.S. Commission on Civil Rights believes that the designation "persons of Spanish speaking background" is more accurate, the data used here generally have been collected for "Spanish-surnamed Americans" and are so described.

84. See U.S., Civil Service Commission, Minority Group Employment in the Federal Government (1972) and Study of Minority Group Employment in the Federal Government (1966).

Table 1

FULL-TIME TOTAL AND BLACK EMPLOYMENT IN FEDERAL AGENCIES, 1963-1972

Year	Total Employees	Number of Blacks	Black Percentage of Total
1963	2,298,808	301,889	13.1%
1964	2,270,195	299,164	13.2
1965	2,290,794	309,049	13.5
1966	2,303,906	320,136	13.9
1967	2,621,939	390,842	14.9
1968	NA*	NA*	NA*
1969	2,601,611	389,251	15.0
1970	2,571,574	391,173	15.0
1971	2,573,770	386,812	15.0
1972	2,542,067	389,762	15.3
1973	2,385,770	383,699	16.1

*NA = not available.

Source: For 1963, President's Committee on Equal Employment Opportunity, Report to the President (1963). For 1964-1972, U.S., Civil Service Commission, Minority Group Employment in the Federal Government, annual issues. The information was not collected for 1968. For years prior to 1970, the information was collected for 1 month, June in 1963-1966 and November in 1967 and 1969. Beginning in 1970, the information is collected for May and November. The figures in the table for 1970-1972 are for the month of November.

Table 2

EMPLOYMENT IN FEDERAL GOVERNMENT BY ETHNICITY
1969, 1970, 1971, and 1972

Year and Ethnicity	Number Employed in Federal Jobs	Percentage of Total Employed
<u>1969</u>		
Blacks	389,251	15.0%
Spanish-surnamed	73,591	2.8
Indians (Native Americans)	16,478	0.6
Oriental (Asian Americans)	21,188	0.8
All other	2,101,103	80.8
<u>1970</u>		
Blacks	389,355	15.0
Spanish-surnamed	73,968	2.9
Indians (Native Americans)	17,446	0.7
Oriental (Asian Americans)	21,102	0.8
All other	2,091,085	80.6
<u>1971</u>		
Blacks	386,812	15.0
Spanish-surnamed	75,717	2.9
Indians (Native Americans)	19,258	0.7
Oriental (Asian Americans)	20,965	0.8
All other	2,071,018	80.5
<u>1972</u>		
Blacks	389,762	15.3
Spanish-surnamed	77,577	3.1
Indians (Native Americans)	20,440	0.8
Oriental (Asian Americans)	21,528	0.8
All other	2,032,760	80.0

Source: U.S., Civil Service Commission, Minority Group Employment in the Federal Government, annual issues.

Table 3

POPULATION OF THE UNITED STATES BY ETHNICITY AND PERCENT FEMALE

Race or Ethnic Group	Total (thousands)	Percent of total population and year	Female Percent of each race or ethnic group
All persons	207.9	100.00% (1974)	51.3%*
Mexican	6.5	3.12 (1974)	50.4
Puerto Rican	1.5	0.72 (1974)	50.6
Cuban	0.7	0.33 (1970)	52.6
Central and So. American	0.7	0.33 (1974)	NA
Other Spanish speaking	1.4	0.67 (1974)	51.5
Blacks	23.4	11.25 (1970)	52.0
Indians (Native Americans)	0.8	0.38 (1970)	50.8
Chinese	0.4	0.19 (1970)	47.6
Japanese	0.6	0.28 (1970)	53.8
Filipinos	0.3	0.14 (1970)	45.6
White	171.6**	82.54 (1974)**	51.0

* Female percentage of the total population was 51.3 in 1970.

NA = not available.

** Estimate based on 1970 and 1974 figures.

Source: U.S., Department of Commerce, Bureau of the Census, Population Characteristics: Persons of Spanish Origin in the United States: March 1974, Current Population Reports series, no. 267, p. 20, table 1; Detailed Characteristics, PC(1)-D1 (1970), pp. 596-97.

Moving from Federal employment to employment in the economy generally, the data show that nonwhites have achieved occupational upgrading since Brown and ensuing mandates to end employment discrimination. But, when the data on minority employment, unemployment, and income are evaluated in relation to the same data for white males, conflicting interpretations arise.

Between 1950 and 1973 there has been a significant movement of nonwhites into higher status occupational categories (see table 4.)⁸⁵ In 1950, for example, nonwhite professional and technical workers comprised 3.4 percent of the total nonwhite work force; in 1970, 9.1 percent; and in 1973, 9.9 percent. By comparison, white professional and technical workers comprised 9.3 of the total white work force in 1950; in 1970, 14.8 percent; and in 1973, 14.4 percent. Although whites still had proportionately more workers at the professional-technical level, the rate of gain was greater for nonwhites.

Even with a higher rate of upgrading, however, it will take many years before economic equality is achieved. Over the 20-year period, 1950-1970, nonwhites increased their proportion in professional and

85. Data following on occupational distribution for whites and nonwhites are displayed in table 4 and come from the sources described there. John H. Powell, Jr., Chairman, Equal Employment Opportunity Commission, in a letter dated December 17, 1974 to John A. Buggs, Staff Director, U.S. Commission on Civil Rights (hereinafter referred to as EEOC Comments), commenting on this report in draft, states that the data for 1950 in table 4 are not comparable to data for later years and that a comparison is misleading. The Commission agrees that there are certain differences between the 1950 data and the data shown for subsequent years. It is not self-evident, however, that the differences are sufficiently great to preclude comparison. In fact, it should be noted that in Social Indicators 1973, published by the Office of Management and Budget, a comparison is made between the 1950 data and the 1970 data despite the differences. See *ibid*, table 4/14, "Occupation of Employed Persons, by Sex and Race: 1950 and 1970," p. 143.

(continued)

technical occupations at the compound rate of 0.3 percent per year. At this rate it will take about 15 years from 1973 for the percentage of nonwhite professional and technical workers to equal the comparable percentage for white workers in 1973, namely, 14.4 percent. And at the end of those 15 years the proportion of whites may well be higher than 14.4 percent.

85. (cont.) EEOC notes that "throughout this section [on employment] occupational parity is defined in terms of the proportion which blacks comprise of the total population. This should be defined in terms of the proportion which blacks comprise of the civilian labor force. ...EEOC Comments. The Commission believes it is not correct to state that "throughout this section" occupational parity is defined in terms of the proportion which blacks comprise of the total population. For example, it is stated on page 28 that in 1950 nonwhite professional and technical workers were 3.4 percent of the total nonwhite work force whereas in 1973 the comparable figure is 9.9 percent. Nonetheless, the comparison has been eliminated between the proportion of blacks who were professional and technical workers in 1973 and the number of years it would take for this proportion to equal roughly the proportion of blacks in the total population. A comparison has been substituted between the proportion of all nonwhites and of all whites who are professional and technical workers and the number of years it would take for the nonwhites to reach the level attained by whites in 1973.

Table 4

RELATIVE OCCUPATIONAL DISTRIBUTION OF WHITES AND NONWHITES
 1950,* 1958, 1970, 1972, 1973
 (annual averages)

Occupation and race	1950	1958	1970	1972	1973
<u>Nonwhites</u>					
<u>TOTAL</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>
Professional, technical	3.4	4.1	9.1	9.5	9.9
Managers, officials	2.0	2.4	3.5	3.7	4.1
Clerical and kindred work	3.5	6.1	13.2	14.4	14.9
Sales	1.3	1.2	2.1	2.2	2.3
Craft workers and blue-collar worker supervisors	5.2	5.9	8.2	8.7	8.9
Operatives	18.6	20.1	23.7	21.3	22.2
Nonfarm laborers	15.7	14.7	10.3	9.9	9.7
Private household	14.6	15.4	7.7	6.8	5.7
Service, except private household	15.1	17.1	18.3	20.5	19.6
Farmers, farm managers	9.3	3.7	1.0	0.6	.7
Farmworkers and farmworker supervisors	9.7	8.8	2.9	2.4	2.1
<u>Whites</u>					
<u>TOTAL</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>
Professional, technical	9.3	11.8	14.8	14.6	14.4
Managers, officials	9.7	11.7	11.4	10.6	11.0
Clerical and kindred work	13.2	15.4	18.0	17.8	17.5
Sales	7.6	6.9	6.7	7.1	6.9
Craft workers and blue-collar worker supervisors	14.8	14.3	13.5	13.8	13.9
Operatives	20.0	17.9	17.0	16.0	16.3
Nonfarm laborers	5.0	4.5	4.1	4.6	4.6
Private household	1.2	1.7	1.3	1.2	1.1
Service, except private household	6.8	7.7	9.4	10.6	10.6
Farmers, farm managers	7.5	5.0	2.4	2.2	2.1
Farmworkers and farmworker supervisors	3.7	3.0	1.6	1.6	1.6

* Occupations not reported in 1950 were 1.3 percent for whites and 1.5 percent for nonwhites. Data for 1950 include persons 14 years old and over; data beginning with 1958 refer to persons 16 years old and over. Data for 1950 are based upon occupational information for 1 month of each quarter and are not exactly comparable to data for 1958 forward.

Source: Computed from data in U.S., Executive Office of the President, Office of Management and Budget, Social Indicators, 1973, table 4/14; U.S., Department of Commerce, Bureau of the Census, 1950 Census of Population, vol. II, part 1; U.S., Department of Labor, Manpower Report of the President, 1973 and Manpower Report of the President, 1974.

As in the professional-technical category, the nonwhite rate of gain during 1950-1973 exceeded the white rate in other occupational groupings. Nonwhite managers and administrators comprised 2 percent of the nonwhite work force in 1950; 4.1 percent in 1973. Nonwhite clerical workers totaled 3.5 percent of nonwhite workers in 1950 but 14.9 percent in 1973. Nonwhite salesworkers were 1.3 percent of the nonwhite work force in 1950 and 2.3 percent in 1973. Nonwhite craftworkers and blue-collar worker supervisors constituted 5.2 percent of nonwhite workers in 1950; 8.9 percent in 1973. For nonwhite operatives, the proportions were 18.6 percent in 1950 and 22.2 percent in 1973. The white gains among managers and clerical workers were smaller than the nonwhite gains; among salesworkers, craftworkers, and operatives, the number of white workers actually declined as a proportion of the total white work force.

Looking at one minority in terms of all workers, the data show that black managers, administrators, and proprietors comprised only 1.6 percent of all workers in that category in 1960 and had increased to only 3.2 percent in 1973. (See table 5.) Black salesworkers represented only 1.8 percent of all salesworkers in 1960 and by 1973 only 3.1 percent. Black clerical workers, craftworkers, and operatives made more significant gains between 1960 and 1973, and the proportion of black service workers and private household workers declined, although blacks still were overrepresented in the lower-paying jobs.⁸⁶

Careful examination of the reported occupational gains by blacks discloses the difficulty in interpreting such data. Black workers in the professional and technical fields, for example, increased by 328,200 between 1960 and 1970. (See table 6.)⁸⁷ However, the black proportion of all professional and technical workers, which had been 3.7 percent in 1960, had grown to only 5.4 percent in 1970--a gain of 1.7 percentage

86. Data on occupations of blacks are displayed in table 5 and drawn from the sources described there.

87. Data following on blacks in professional and technical occupations are shown in table 6 and drawn from sources described there.

Table 5

OCCUPATION OF EMPLOYED BLACKS

(annual averages)

Occupation	Blacks as percentage of all employed		
	1960	1970	1973
Professional and technical	3.7%	5.4%	5.8%
Managers, administrators, and proprietors	1.6	2.6	3.2
Sales	1.8	3.1	3.1
Clerical and kindred workers	4.0	7.4	8.0
Craft workers	4.3	6.3	6.3
Operatives	6.0	12.1	12.9
Service workers, except private household	18.9	17.1	16.6
Private household	52.5	52.5	37.6
Farmers and farmworkers*	12.4	9.4	10.3

* Category for 1973 is not exactly comparable to category for 1960 and 1970 due to source data.

Sources: U.S., Department of Commerce, Bureau of the Census, Occupational Characteristics, 1970 Census of Population, series PC(2)-7A, table 2; Occupational Characteristics, 1960 Census of Population, series PC(2)-7A, table 3; The Social and Economic Status of the Black Population in the United States, 1973, Current Population Reports, series P-23, no. 48, table 40.

Table 6

PROFESSIONAL AND TECHNICAL OCCUPATIONS OF BLACK WORKERS

	<u>1960</u>		<u>1970</u>	
	<u>Number</u>	<u>Black Percentage Of Total</u>	<u>Number</u>	<u>Black Percentage Of Total</u>
<u>Total</u>	<u>288,100</u>	<u>3.7 %</u>	<u>616,300</u>	<u>5.4 %</u>
Accountants	3,600	0.8	16,200	2.3
Actors	300	3.5	600	6.7
Architects	100	0.4	1,300	2.3
Athletes	200	6.3	2,300	4.4
Authors	300	1.0	400	1.6
Chemists	1,800	2.2	3,800	3.5
Clergy	13,600	6.8	13,500	6.1
Dentists	2,300	2.7	2,400	2.6
Designers	700	1.1	1,900	1.8
Draftsworkers	2,200	1.0	7,600	2.6
Editors and Reporters	800	.8	3,300	2.2
Engineers	4,200	.5	14,300	1.2
Lawyers and Judges	2,400	1.2	3,700	1.3
Librarians	3,800	4.5	7,900	6.5
Nurses, Registered	32,800	5.6	65,200	7.8
Personnel and Labor Relations Workers	1,500	1.5	14,900	5.1
Pharmacists	1,700	1.8	2,800	2.5
Photographers	1,100	2.3	1,900	3.0
Physicians	5,000	2.2	6,000	2.1
Public Relations and Publicity Writers	300	1.0	2,300	3.2
Social and Recreation Workers	13,800	10.4	41,100	15.3
Social Scientists	1,100	2.0	3,500	3.1
Teachers, Elementary	90,300	9.0	134,600	9.4
Teachers, High School	33,600	6.5	65,500	6.6
Teachers, University	6,000	3.6	16,300	3.3
Technicians, Medical and Dental	9,900	7.2	24,400	9.0

Sources: U.S., Department of Commerce, Bureau of the Census, Occupational Characteristics, 1970 Census of Population Series PC(2)-7A, table 2, and Occupational Characteristics, 1960 Census of Population Series PC(2)-7A, table 3.

points in 10 years. Furthermore, although there were numerical increases in every occupation (except members of the clergy), almost three-fifths of the increases were in lower-paying professions, such as public school teachers, nurses, and technicians.

Between 1960 and 1970 black lawyers and judges increased by 1,300, but this averaged only 130 persons a year and the black proportion of all lawyers and judges grew only from 1.2 percent to 1.3 percent. The gain in black dentists was only 100, or 10 per year, and the black proportion of the total actually declined, from 2.7 to 2.6 percent. Black physicians increased by 1,000 but declined from 2.2 to 2.1 percent of all physicians. Black university teachers increased by 10,300, yet declined from 3.6 to 3.3 percent of all university teachers.

The least significant advances, in fact, were in the elite occupations, and blacks remain underrepresented in the best jobs in each occupational category. In the crafts, for example, blacks in 1970 were 3.1 percent of all electricians but 31.4 percent of all cement finishers.

A significant part of the increase by blacks in professional and technical occupations may be owing to new jobs in minority-oriented, federally-funded programs. For example, poverty agencies and related sources of employment may account for a substantial proportion of the increase of more than 40,000 black professionals among personnel and labor relations workers and social and recreation workers.

These occupational data are particularly important in view of employment projections for the years ahead and the current state of minority labor force participation.

A total labor force of 107.7 million persons is projected for the United States by 1985, including an all-volunteer military of 2 million, for an expected increase in total employment of approximately 24 percent between 1972 and 1985.⁸⁸

88. Employment projections following are taken from U.S., Department of Labor, Occupational Outlook Handbook, bulletin 1785 (1974).

In terms of occupations, employment is expected to increase by 50 percent for professional, technical, and kindred workers; 40 percent for clerical workers (especially in electronic data processing); 20 percent for salesworkers; 20 percent for craftworkers (including carpenters, tool and die makers, instrument makers, all-round machinists, electricians, and typesetters); and 13 percent for operatives (semiskilled workers) engaged in assembly work, driving vehicles, and operating machinery. For service workers--including people engaged in maintaining law and order, barbering, food service, and house cleaning and maintenance--the projected increase is 22 percent. A continued decline in the proportion of farmworkers and a slight increase in the demand for laborers are anticipated.

In terms of industries, overall, employment in the service-producing industries (trade, government, miscellaneous services, transportation and other utilities, finance, insurance, and real estate) is expected to grow at a greater rate than in the goods-producing industries (agriculture, manufacturing, construction, and mining). By 1985, 8.7 million persons, or an estimated increase of 38 percent over 1972, will be employed in the service-producing industries. Trade employment is expected to increase by 26 percent; government employment, 42 percent (mostly at the State and local levels); service (and miscellaneous industries) employment, 50 percent. A gain of 15 percent is anticipated in transportation and public utility jobs, although declines will probably continue in railroad and little change is expected in water transportation. Finance, insurance, and real estate jobs will likely increase by 42 percent.

A 13 percent increase is projected for employment in the goods-producing industries between 1972 and 1985, with different industries growing at different rates. Mining is the only nonagricultural industry that probably will not show an increase in employment during this period; farmwork may decline as much as 45 percent. Projected job gains are some 20 percent for contract construction and 23 percent for manufacturing.

In general, employment opportunities in the 1970's and the mid-1980's will be in those occupations and industries requiring greater education and training, such as that offered by colleges and universities, post-secondary vocational schools and courses, and various governmental programs. However, more jobs are expected to become available between 1972 and 1985 because of deaths, retirements, and other causes of withdrawal from the labor force than because of employment growth.

Contrasted with these anticipated employment opportunities are both the previously described occupational changes for minorities over the last 20 years and the declining rate of minority participation in the labor force.⁸⁹ In 1950, the same proportion of nonwhite and white males 16 years of age and over were labor-force participants--86 percent. By 1972 the participation rate was 80 percent for white males but only 74 percent for nonwhites. White female participation in the labor force increased from 33 to 43 percent during this period, yet participation by nonwhite females increased only from 47 to 49 percent.⁹⁰

The lower median age of the black population, coupled with the high birth rate of the 1950's and early 1960's, will rapidly expand the number of black youth looking for work in the next 10 years. During the 1970's, young blacks will be entering the working age category at a rate five

89. The civilian labor force comprises all noninstitutionalized civilians 16 years old and over who are classified as employed and unemployed individuals who are seeking new employment. The total labor force includes the civilian labor force and the armed forces. The labor force participation rate is based on total population and represents the proportion in the total labor force.

90. See Sar A. Levitan, William Johnston, and Robert Taggart, Still a Dream: A Study of Black Progress, Problems and Prospects (Washington, D.C.: Center for Manpower Policy Studies, 1973), pp. 99-107 of the unpublished manuscript. Explanations for declining participation of nonwhite males include ill health and disability, discouragement, unattractiveness of opportunities, alienation, etc.

times the rate for white youths.⁹¹ Yet, in 1974 blacks between the ages of 16 and 19 already had an unemployment rate of 30.7 percent, compared with 13.3 percent for whites in this age category. (See table 16.) Overall, the black to white unemployment ratio continues to be approximately 2 to 1 in relation to the size of their respective labor forces. (See table 7.)

In summary, nonwhite workers have made significant numerical advances and slight but continuing proportionate advances in employment and occupational upgrading during the past 20 years. These advances, however, have been concentrated at lower employment levels. In addition, the rate of these advances--made during years of heightened civil rights efforts and general economic expansion--still would require generations for economic equality to be achieved. Declining labor force participation, continuing unemployment, and more working age persons also call into doubt the opportunity for blacks and other minorities to take advantage of projected employment expansion in the years ahead.

EMPLOYMENT OF WOMEN

Most employed women hold low-paying, low-status jobs--such as clerical, sales, and service work--which have traditionally employed proportionately fewer men than women. Moreover, in 1973 the largest percentage of women were still employed by the same industrial groups that employed the largest percentage of women in 1950.

During the last few decades, the services industry has maintained its position as the largest employer of women. Services include private household work, maintenance and repair, and supporting services in the health, education, and legal fields. "Many jobs in the service industry can be described as extensions of what women do as homemakers--teach children and young adults, nurse the sick, prepare food."⁹² In 1950, 58 percent of service workers were women; in 1973, 55 percent.

91. Herbert Hill, Labor Union Control of Job Training: A Critical Analysis of Apprenticeship Outreach Programs and the Hometown Plans (Washington, D.C.: Institute for Urban Affairs and Research, Howard University, 1974), p. 1.

92. E. Waldman and B. J. McEaddy, "Where Women Work--An Analysis by Industry and Occupation," Monthly Labor Review, vol. 97 (May 1974), p. 3.

Table 7

UNEMPLOYMENT RATES BY RACE, 1954-1974

(annual averages)

Year	Nonwhite	White	Ratio of Nonwhite to White
1954	8.8	4.5	2.0
1955	8.7	3.9	2.2
1956	8.3	3.6	2.3
1957	7.9	3.8	2.1
1958	12.6	6.1	2.1
1959	10.7	4.8	2.2
1960	10.2	4.9	2.1
1961	12.4	6.0	2.1
1962	10.9	4.9	2.2
1963	10.8	5.0	2.2
1964	9.6	4.6	2.1
1965	8.1	4.1	2.0
1966	7.3	3.3	2.2
1967	7.4	3.4	2.2
1968	6.7	3.2	2.1
1969	6.4	3.1	2.1
1970	8.2	4.5	1.8
1971	9.9	5.4	1.8
1972	10.0	5.0	2.0
1973	8.9	4.3	2.1
1974 *	9.5 *	5.0 *	1.9 *

* Third quarter average, seasonally adjusted. Employment and Earnings, Oct. 1974, table A-41, p. 49.

Note: The unemployment rate is the percentage of the civilian labor force that is unemployed.

Sources: U.S., Executive Office of the President, Office of Management and Budget, Social Indicators, 1973, table 4/2; U.S., Department of Labor, Bureau of Labor Statistics, and U.S., Department of Commerce, Bureau of the Census, P-23, No. 48, The Social and Economic Status of the Black Population in the United States, 1973, Current Population Reports Series, P-23, No. 48 tables 28 and 29.

Women of all races and ethnic backgrounds are overrepresented in the services industry, both overall and within racial and ethnic groups. For example, in 1970 almost 25 percent of all black females were employed in these jobs, but only 4 percent of black males. Similarly, among the Spanish speaking who were employed in the personal services industry in 1970, 11 percent of the females but only 2 percent of the males were so employed.

The industrial group employing the second largest number of women is the trade industry. In 1973 women comprised nearly half of the employees in retail trade jobs (including work in department stores, clothing shops, drugstores, and eating and drinking establishments). The finance, insurance, and real estate work force was approximately 52 percent female in 1973, representing an increase of about 8 percent since 1950.

Local government employment also has become increasingly female. Approximately 50 percent of all local government employees are women, many of whom are in clerical jobs. State and local governments now have a larger proportion of women workers than the Federal Government. State employees are 43 percent female, local government employees are 50 percent female, and Federal Government employees are 34 percent female. Women employed in government jobs, however, show the same employment patterns as in other areas of the labor force; and even in the Federal Government, where the merit system and policy of equal employment for everyone have long been established, women are found primarily in the lower-paying jobs.

In 1972, women employed in the Federal Government in full-time, white-collar positions were predominantly in the lower-paying and lower-status grade levels, mostly clerical and kindred workers. (See table 8.)⁹³

93. Data following on Federal employment are shown in table 8 and drawn from the source described there.

Table 8

FULL-TIME, WHITE-COLLAR FEDERAL EMPLOYMENT OF WOMEN BY GRADE GROUPINGS

GS Grade Grouping		1967	1968	1969	1970	1972
1-6	Total	1,129,651	1,112,947	1,116,660	1,093,145	1,038,929
	Women	530,220	525,334	517,558	504,096	497,320
	% Women	46.9	47.2	46.3	46.1	47.9
7-12	Total	635,197	672,563	681,991	690,227	753,781
	Women	120,647	132,761	137,941	142,826	165,462
	% Women	19.0	19.7	20.2	20.7	22.0
13 and Above	Total	161,111	171,522	184,294	191,228	199,698
	Women	5,955	6,402	7,060	7,528	8,368
	% Women	3.7	3.7	3.8	3.9	4.2
Total	Total	1,925,959	1,957,032	1,982,945	1,974,600	1,992,408
	Women	656,822	664,497	662,559	654,450	671,150
	% Women	34.1	34.0	33.4	33.1	33.7

As of October 31 for each year.

Note: The GS, or General Schedule, pay system refers to a standardized Federal pay scale for white-collar employees. The GS system is computed on an annual basis. Annual salaries, as of October 1974, began at \$5,294 for a GS-1, at \$10,520 for a GS-7 and \$21,816 for a GS-13. The top level, a GS-18, pays \$36,000 a year.

Data for the years indicated include full-time, white-collar employees in all Federal departments and agencies with the following exceptions: foreign nationals employed overseas; Board of Governors, Federal Reserve System; Members and employees of Congress; National Security Agency; Central Intelligence Agency; White House Office; Architect of the Capitol; Botanic Gardens; ungraded employees in the judicial branch.

Source: U.S., Civil Service Commission, Study of Employment of Women in the Federal Government: 1972, p. 10.

In 1972, 74 percent of federally-employed women were in GS-1-6 jobs; 25 percent were in GS-7-12 jobs, and only 1 percent were in grades GS-12 and above. The percentages for men employed by the Federal Government in these grade groupings in 1972 were, respectively, 41 percent, 45 percent, and 14 percent. In 1972, women employed in white-collar, full-time Federal jobs comprised 47.9 percent of all employees in the lowest-paying grades (GS-1-6), 22 percent of all employees in the middle-range salary grades (GS-7-12), and 4.2 percent of all employees in higher-paying grades (GS-13 through 18).

In 1958, women were 32.7 percent of the total American labor force and this figure increased to 38.4 percent in 1973.⁹⁴ The large increase in the number of women working, however, has not meant that women have made vast inroads into male-dominated occupations. There were slight proportionate gains by women employed in craft jobs and managerial positions, as well as in professional and technical occupations, where they are better represented. But clerical work, private household work, and other service work continue to be the areas where women predominate.

Although women currently represent 41.4 percent of professional and technical workers, a close look at the kinds of jobs held by women in this occupational category reveals that many are traditional "women's jobs." (See table 10.) For example, in 1972 women made up 82 percent of all librarians, 97 percent of all registered nurses, and 84 percent of all elementary teachers. If the occupations of women are rank ordered, beginning with the occupations in which women are predominantly employed, it becomes apparent that the percentage of women employed in an occupation declines as the occupation increases in status and potential for high income.⁹⁵

94. See table 9.

95. Data on women in professional-technical occupations are shown in table 10 and drawn from sources described there.

Table 9

WOMEN 16 YEARS OLD AND OVER AS PERCENTAGE OF TOTAL EMPLOYED BY OCCUPATION, 1958-73*

Year	All occupations	Professional and technical	Managers, administrators except farm	Sales work	Clerical work	Crafts and kindred work	Operatives	Nonfarm laborer work	Private household work	Other service work	Farmwork
1958	32.7%	36.5%	15.2%	39.5%	68.1%	2.7%	28.0%	2.9%	98.1%	51.5%	18.1%
1959	32.8	35.8	15.5	39.5	67.9	2.4	27.6	2.8	98.3	53.1	18.9
1960	33.3	36.2	15.6	39.8	67.8	2.6	27.9	2.3	98.5	53.5	18.5
1961	33.6	35.7	15.7	39.7	68.4	2.5	28.3	2.3	98.0	54.1	17.3
1962	33.8	35.6	15.3	40.9	69.0	2.6	28.1	2.5	97.7	53.9	17.6
1963	34.0	35.7	15.3	40.9	69.6	2.7	28.0	2.6	97.8	54.1	18.7
1964	34.4	36.4	14.9	40.8	69.9	2.8	28.3	2.5	97.8	54.0	18.5
1965	34.8	37.0	15.1	41.3	70.6	2.9	28.2	2.9	98.0	54.8	18.7
1966	35.6	37.3	15.8	41.2	71.7	2.7	29.5	3.1	97.7	55.2	18.4
1967	36.2	37.4	15.7	42.1	72.4	2.9	30.1	3.3	98.2	56.3	17.4
1968	36.6	37.6	16.0	41.4	78.3	3.2	30.6	3.5	97.6	57.3	16.9
1969	37.3	37.3	15.8	43.0	74.5	3.3	31.2	4.0	97.6	59.3	17.3
1970	37.7	38.6	16.0	43.1	74.6	3.3	30.9	3.7	97.4	60.2	16.8
1971	37.8	39.2	17.2	42.5	75.4	3.8	30.6	6.2	97.5	56.5	17.1
1972	38.0	39.3	17.6	41.6	75.6	3.6	30.4	6.3	97.6	57.0	17.7
1973	38.4	40.0	18.4	41.4	76.6	4.1	31.4	6.9	98.3	58.1	17.0

* Data are limited to 1958 forward because occupational information for only 1 month of each quarter was collected prior to 1958 and the adjustment for the exclusion of 14- and 15-year-olds was not possible for earlier years. Although data are not strictly comparable, even for the years indicated, the picture presented is not significantly distorted.

Source: Data computed from table A-11, Manpower Report of the President, 1974, U.S. Department of Labor.

Table 10

WOMEN AS PERCENTAGE OF TOTAL EMPLOYED IN SELECTED OCCUPATIONS, 1972

Occupation	Percent Women of Total
Private household workers	98%
Registered nurses	97
Dietitians	92
Elementary teachers	84
Librarians	82
Dancers	81
Clerical workers	76
Health technicians	70
Therapists	64
Service workers	63
Social workers	63
Religious workers	56
Professional and technical workers	39
Factory workers	39
University teachers	24
Managers, proprietors	18
Photographers	14
Life and physical scientists	14
Scientific technicians	13
Pharmacists	12
Physicians	9
Full professors (universities)	9
Draftspersons	8
Lawyers, judges	5
Craftworkers, blue-collar worker supervisors	4
Architects	4
Clergy	3
Engineers	2

Sources: Carnegie Commission, U.S. Department of Labor, U.S. Department of Commerce, Council of Economic Advisors.

Among women in professional and technical jobs, minority women have shown more significant gains than white women since 1960, although white women continue to hold more of these jobs than minority women.⁹⁶ In 1960, 6.9 percent of minority women and 13.1 percent of white women were professional and technical workers. By 1973, 10.6 percent of all minority females were in this occupational category, compared to 15.1 percent of all white female workers. In 1960, on the other hand, private household work accounted for 35.1 percent of minority women's employment; a little over a decade later, it had dropped to 16.5 percent. (See table 11.)

The percentage of black women heads of families who held professional and technical jobs had substantially increased in 1973 over 1960.⁹⁷ In 1960, only 5.6 percent of black women heading families were professional or technical workers, but in 1973, 10.3 percent of black female heads of families were in this occupational category. On the other hand, white women who were heads of families represented approximately the same proportion employed in professional and technical jobs in 1973 as in 1960, 12.7 percent and 12.3 percent, respectively.

Nonwhite working women suffer a double penalty of race and sex, as shown by the unemployment statistics. In 1973, nonwhite women 20 years of age and over had an unemployment rate of 8.2 percent, compared with rates of 5.7 percent for nonwhite men, 4.3 percent for white women, and 2.9 percent for white men.⁹⁸ Nonwhite female teenagers persistently have the highest unemployment rate: in 1973 it was 34.9 percent, compared with 28.2 percent for nonwhite male teenagers, 13.3 percent for white female teenagers, and 12.5 percent for white male teenagers.

96. Data following on occupation by race are shown in table 11 and drawn from the source listed there.

97. Data following on jobs of female family heads are shown in table 12 and drawn from sources there listed.

98. Unemployment data used here are displayed in table 16 and drawn from the sources described there.

Table 11

MAJOR OCCUPATION GROUPS OF EMPLOYED WOMEN, BY RACE, 1960 and 1971*

Selected major occupation group	1960		1971	
	Minority	White	Minority	White
Number (in thousands)	2,821	19,376	3,658	26,217
Percent	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>	<u>100.0</u>
Professional and technical workers	6.9	13.1	10.6	15.1
Nonfarm managers and officials	1.8	5.4	2.4	5.4
Clerical workers	9.8	32.9	22.0	35.6
Salesworkers	1.5	8.5	2.7	7.8
Operatives	14.1	15.1	15.4	13.0
Private house- hold workers	35.1	6.1	16.5	3.2
Service workers (except private household)	21.4	13.7	27.0	16.0
Other occupations	10.8	5.2	3.4	3.9

* Women 16 years and over in 1971 but 14 years and over in 1960.

Source: U.S., Department of Labor, Women's Bureau, Facts on Women Workers of Minority Races (1972).

Table 12

MAJOR OCCUPATION GROUP OF EMPLOYED FEMALE FAMILY HEADS

1960, 1970, and 1973

(Percentage)

Occupation and Race of Female Heads	1960	1970	1973
<u>White employed female heads</u>			
Professional, technical, kindred work	12.3	13.9	12.7
Managers, administrators, except farm	6.1	5.7	5.9
Salesworkers	7.5	6.5	5.6
Clerical and kindred workers	30.7	33.6	34.9
Craft and kindred workers	1.7	3.5	1.7
Operatives and transport equipment operatives	18.0	16.4	15.3
Laborers, except farm	.9	1.1	1.0
Farmers and farm managers	1.2	.5	.4
Farm laborers and farm forepersons	.3	.3	.4
Service and private household workers	<u>21.1</u>	<u>18.5</u>	<u>22.1</u>
Percent*	100.0	100.0	100.0
<u>Black employed female heads</u>			
Professional, technical, kindred work	5.6	9.0	10.3
Managers, administrators, except farm	1.2	1.7	2.3
Salesworkers	1.6	2.1	1.0
Clerical and kindred workers	7.9	17.4	22.0
Craft and kindred workers	.9	1.8	1.0
Operatives and transport equipment operatives	14.8	16.1	13.4
Laborers, except farm	1.2	1.5	.5
Farmers and farm managers	1.2	.2	0.0
Farm laborers and farm forepersons	2.3	1.2	1.2
Service and private household workers	<u>63.3</u>	<u>50.0</u>	<u>48.3</u>
Percent*			

* May not equal exactly 100 percent due to rounding of figures.

Source: Percentages were computed from data in U.S., Department of Commerce, Bureau of the Census, "Female Family Heads," Current Population Reports, series P-23, no. 50 (1974), table 15, p. 23.

UNEMPLOYMENT

The unemployment rate for nonwhites compared with the unemployment rate for whites has remained virtually unchanged since 1954. The nonwhite unemployment rate continues to be a little more than double the white rate. (See table 7 and chart 1.) This ratio has been relatively constant throughout business cycles, although nonwhite unemployment has tended to be higher than that of whites in recession periods and to decline to a greater degree than that of whites when the economy has expanded.

Unemployment rates differ not only by race but also by occupation, educational attainment, age, and sex.⁹⁹ Less-skilled occupations, which employ a large number of nonwhite workers, have had much higher rates of unemployment over the last two decades than the higher-skilled occupations, which employ more whites. Unemployment figures for the most-skilled occupations (including professional, technical, managerial, and administrative positions) have been consistently low since the late 1950's. (See table 13.)

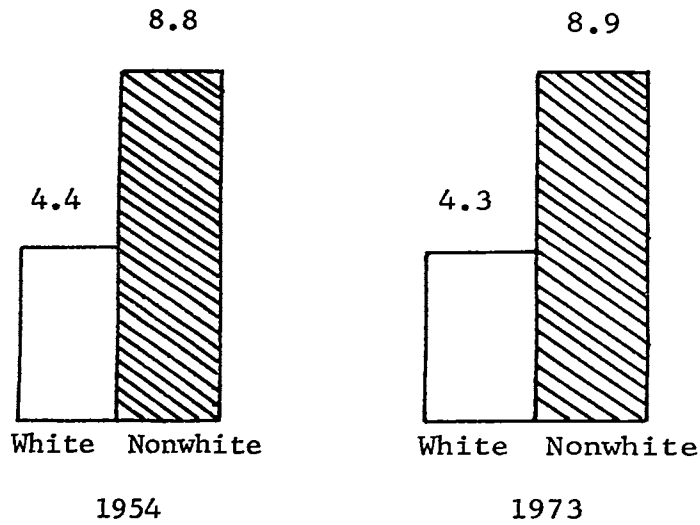
For example, in 1965 (an expansionary year), professional and technical workers had an unemployment rate of 1.5 percent; managers and administrators, 1.1 percent. During the same year, however, nonfarm laborers had an unemployment rate of 8.6 percent and operatives (engaged in mechanical or manual work) had a rate of 5.5 percent. In 1970 (a recessionary year), professional and technical workers had an unemployment rate of 2 percent, while for managers and administrators the rate was only 1.3 percent. But for nonfarm laborers the unemployment rate rose to 9.5 percent and for operatives, to 7.1 percent.

Regardless of occupational level, however, black unemployment rates are much higher than white.¹⁰⁰ During 1973, unemployment rates for blacks in various occupations ranged from 2.2 to 11.5 percent; for whites

99. Following unemployment rates by occupation are shown in table 13 and drawn from sources listed there.

100. Data following on unemployment are displayed in table 14 and are drawn from sources cited there.

Chart 1

UNEMPLOYMENT RATES OF WHITES AND NONWHITES
(annual averages)

Note: The unemployment rate is the percentage of the civilian labor force that is unemployed.

Source: U.S., Department of Commerce, Bureau of the Census, Social and Economic Status of the Black Population in the United States, Current Population Reports, series P-23, no. 48 (1974), table 28.

Table 13

UNEMPLOYMENT RATES BY OCCUPATION, 1956-1973

(persons 16 years of age and over)

Year	White-Collar Workers					Blue-Collar Workers					
	Total	Profes- sional and techni- cal	Manager- ial; proprie- tors	Clerical	Sales	Total	Crafts- persons and non- farm fore- persons	Operatives	Nonfarm laborer	Service	Farm
1956	1.7	1.0	0.8	2.4	2.7	5.1	3.2	5.4	8.2	4.6	1.9
1958	3.1	2.0	1.7	4.4	4.1	10.2	6.8	11.0	15.1	6.9	3.2
1959	2.6	1.7	1.3	3.7	3.8	7.6	5.3	7.6	12.6	6.1	2.5
1960	2.7	1.7	1.4	3.8	3.8	7.8	5.3	8.0	12.6	5.8	2.7
1961	3.3	2.0	1.8	4.6	4.9	9.2	6.3	9.6	14.7	7.2	2.8
1962	2.8	1.7	1.5	4.0	4.3	7.4	5.1	7.5	12.5	6.2	2.3
1963	2.9	1.8	1.5	4.0	4.3	7.3	4.8	7.5	12.4	6.1	3.0
1964	2.6	1.7	1.4	3.7	3.5	6.3	4.2	6.6	10.8	6.0	3.1
1965	2.3	1.5	1.1	3.3	3.4	5.3	3.6	5.5	8.6	5.3	2.6
1966	2.0	1.3	1.0	2.9	2.8	4.2	2.8	4.4	7.4	4.6	2.2
1967	2.2	1.3	.9	3.1	3.2	4.4	2.5	5.0	7.6	4.5	2.3
1968	2.0	1.2	1.0	3.0	2.3	4.1	2.4	4.5	7.2	4.5	2.1
1969	2.1	1.3	.9	3.0	2.9	3.9	2.2	4.4	6.7	4.2	1.9
1970	2.8	2.0	1.3	4.1	3.9	6.2	3.8	7.1	9.5	5.3	2.6
1971	3.5	2.9	1.6	4.8	4.3	7.4	4.7	8.3	10.8	5.3	2.6
1972	3.4	2.4	1.8	4.7	4.3	6.5	4.3	6.9	10.3	6.3	2.6
1973	2.9	2.2	1.4	4.2	3.7	5.3	3.7	5.7	8.4	5.7	2.5

Sources: U.S., Council of Economic Advisors, Economic Report to the President (1974), table 6; U.S., Department of Labor, Bureau of Labor Statistics, Handbook of Labor Statistics 1972, table 66; and U.S., Department of Labor, Manpower Report of the President 1973, table 1.

the range was from 1.4 to 8.1 percent. Among white-collar workers in 1973, 6.7 percent of black workers, but only 2.7 percent of white workers, were unemployed. For the same year, 8 percent of black workers in blue-collar jobs were unemployed, compared with 5 percent of white workers in this category. The highest unemployment rate for black workers in 1973 was in the sales field, where the rate reached 11.5 percent, more than three times the 3.4 percent unemployment rate for white salesworkers.

Unemployment rates of men and women in 1973 show that unemployment rates for women are higher at all occupational levels. (See table 14.) In general, black women have the highest unemployment rate in each occupational category, with black men having the next highest rate, white women having a rate lower than either black men or black women, and white men having the lowest rate. In 1973, the unemployment rate for black men ranged from 2 to 10.2 percent in different occupational categories; for white men the range was 1.1 to 8.1 percent. For black women, the unemployment rate ranged from 2.5 to 14.3 percent; for white women, the range was from 2.5 to 8.6 percent. Black males had a total unemployment rate of 7.9 percent, compared to 3.7 percent for white males. The total unemployment rate for black women was 11.1 percent, more than double the 5.3 percent rate of white women. (See table 15 and chart 2.)

Unemployment rates decrease with years of educational attainment.¹⁰¹ In 1972, for instance, persons 18 and over with less than 12 years of school had an unemployment rate of 7.3 percent; for those with 12 years of school the rate was 5.5 percent; those with more than 12, 3.7 percent.

Yet at each level of educational attainment there is a disparity between the unemployment rates of whites and nonwhites. For example, nonwhites in 1972 with less than 12 years of school had an unemployment

101. Data following on education and unemployment are displayed in table 15 and drawn from the sources cited there.

Table 14

UNEMPLOYMENT RATES BY OCCUPATION, RACE, AND SEX, 1973

(annual averages)

Occupation	Total		Men		Women	
	Black	White	Black	White	Black	White
Total, all civilian workers	9.3	4.3	7.9	3.7	11.1	5.3
Experienced labor force	7.8	3.7	6.8	3.3	9.0	4.5
White-collar workers	6.7	2.7	5.1	1.7	7.6	3.8
Professional, technical	4.5	2.0	4.5	1.5	4.5	2.8
Managers, administrators, except farm	2.2	1.4	2.0	1.1	2.5	2.5
Salesworkers	11.5	3.4	9.6	2.3	13.4	4.8
Clerical workers	8.2	3.8	6.0	2.7	9.0	4.1
Blue-collar workers	8.0	5.0	7.1	4.5	11.5	7.1
Craft and kindred	5.3	3.6	5.0	3.5	10.2	5.5
Operatives, except transport	9.4	5.6	7.7	4.5	11.7	7.3
Transport equipment	5.1	3.9	5.1	3.9	3.8	2.7
Nonfarm laborers	9.5	8.1	9.2	8.1	14.3	8.6
Service workers	8.7	5.0	8.2	5.0	8.9	5.0
Private household	6.8	2.9	10.2	3.8	6.8	2.9
Other	9.2	5.2	8.1	5.0	10.0	5.4
Farmworkers	6.0	2.2	4.9	2.0	14.3	2.5

Source: U.S., Department of Commerce, Bureau of the Census, The Social and Economic Status of the Black Population in the United States, Current Population Reports, series P-23, no. 48 (1973), table 34.

Table 15

UNEMPLOYMENT RATES BY EDUCATIONAL ATTAINMENT, AGE, AND RACE, 1964-1972

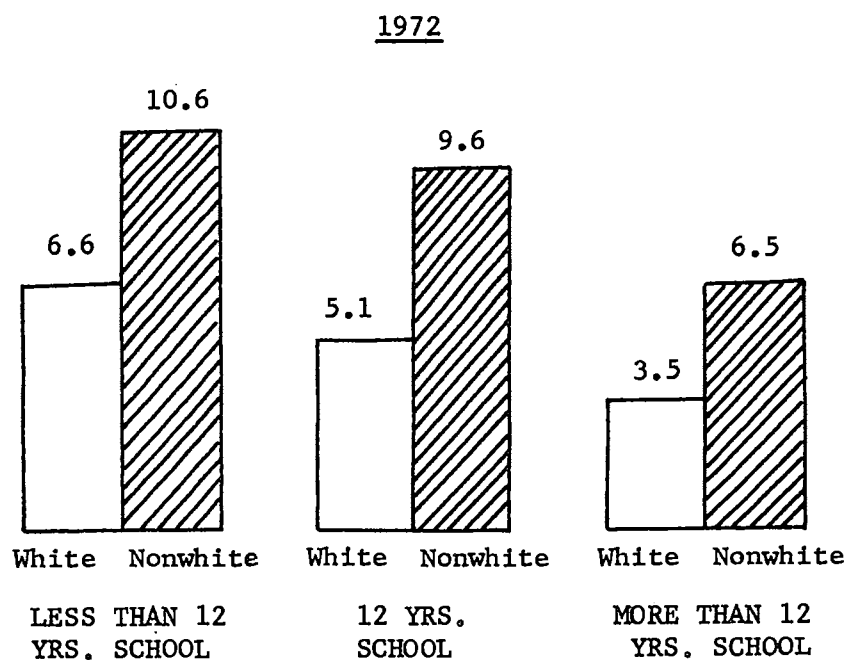
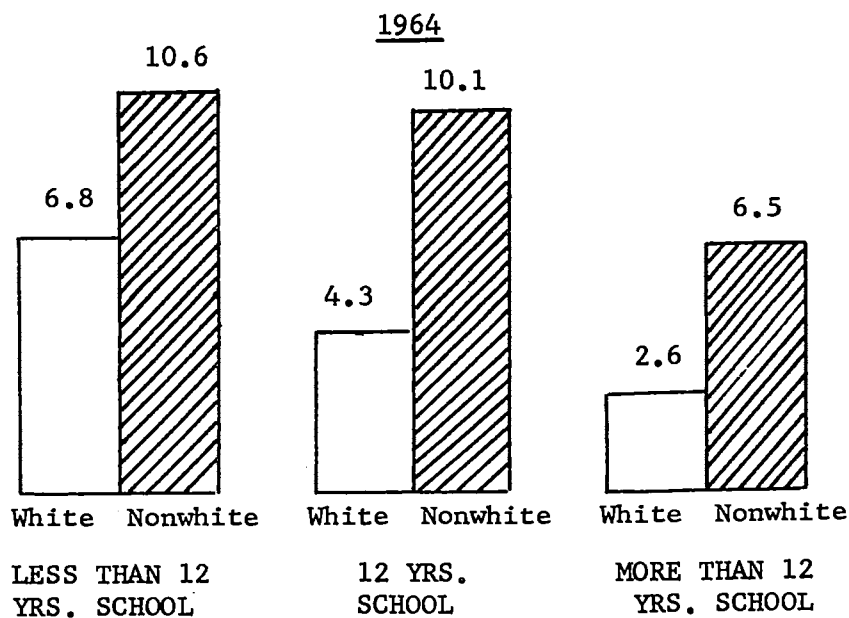
Age group and years	Total			White			Nonwhite		
	Less than 12 years	12 years	More than 12 years	Less than 12 years	12 years	More than 12 years	Less than 12 years	12 years	More than 12 years
<u>PERSONS 18 YEARS AND OVER:</u>									
1964	7.4	4.8	2.9	6.8	4.3	2.6	10.6	10.1	6.5
1965	6.6	4.1	2.3	5.9	3.7	2.3	9.8	8.2	2.4
1966	5.1	3.1	2.0	4.6	2.8	1.8	7.6	7.0	4.3
1967	5.1	3.2	1.8	4.5	2.9	1.7	8.3	6.5	4.1
1968	4.9	3.1	1.8	4.4	2.7	1.7	7.3	6.8	2.8
1969	4.3	2.9	1.7	4.0	2.6	1.6	6.0	6.5	3.4
1970	5.6	3.9	2.7	5.2	3.6	2.6	7.3	7.1	4.0
1971	7.7	5.4	4.0	7.4	5.1	3.8	9.5	8.7	6.5
1972	7.3	5.5	3.7	6.6	5.1	3.5	10.6	9.6	6.5
<u>PERSONS 18 to 34 YEARS:</u>									
1972	13.4	7.7	5.0	11.7	7.0	4.9	20.4	13.0	6.8
<u>PERSONS 16 to 19 YEARS NOT ENROLLED IN SCHOOL</u>									
		<u>White</u>	<u>Nonwhite</u>						
1973		11.1	26.2						

Note: Unemployment rates are as of March of each year.

Source: U.S., Department of Labor, Bureau of Labor Statistics, unpublished data; U.S., Department of Commerce, Bureau of the Census, The Social and Economic Status of the Black Population in the United States, Current Population Reports, series P-23, no. 48 (1973), table 32.

Chart 2

UNEMPLOYMENT RATES BY EDUCATIONAL ATTAINMENT AND RACE
(persons 18 years and over)



Source: Bureau of Labor Statistics, unpublished data; U.S., Department of Commerce, Bureau of the Census, The Social and Economic Status of the Black Population in the United States, Current Population Reports, series P-23, no. 48 (1973).

rate of 10.6 percent; whites with same education, 6.6 percent. In the same year, nonwhites with more than 12 years of school had an unemployment rate of 6.5 percent; whites with the same education, 3.5 percent.

The disparity between white and nonwhite unemployment rates for those with 12 years of school narrowed from 5.8 percentage points in 1964 to 4.5 percentage points in 1972, and for nonwhites with more than 12 years of school, from 3.9 percentage points in 1964 to 3 percentage points in 1972. This pace would require many additional years for nonwhites to attain parity with whites at the same educational levels.

Between 1954 and 1974 the unemployment rates of both white and nonwhite persons 16 to 19 years of age have been substantially higher than those for persons 20 years of age and over.¹⁰² Within both age categories, however, nonwhites have consistently shown higher unemployment rates than whites. White female unemployment rates have been higher in both age categories than the rates for white males, but nonwhite females have experienced higher rates of unemployment than nonwhite males in the 16 to 19 year-old category and generally lower rates than nonwhite males in the 20-and-over age category.

Between 1954 and 1973, unemployment rates for white males 16 to 19 years of age ranged from a low of 10 percent to a high of 15.9 percent; for their nonwhite counterparts, the range was from a low of 13.4 percent to a high of 29.7 percent. Moreover, at no time between 1958 and 1973 did the unemployment rate of nonwhite male teenagers drop below 21 percent. For nonwhite men aged 20 and over, the unemployment rate ranged from a low of 3.7 percent to a high of 12.7 percent between 1954 and 1973. The range for white males 20 and over was from a low of 1.9 percent to a high of 5.5 percent.

102. Unemployment data by age, race, and sex that follow are shown in table 16 and drawn from sources cited there.

Table 16

UNEMPLOYMENT RATES, BY AGE, SEX, AND RACE, 1954-1974

(annual averages)

	16 to 19 years old				20 years old and over			
	White		Nonwhite		White		Nonwhite	
	Male	Female	Male	Female	Male	Female	Male	Female
1954	13.4	10.4	14.4	20.6	4.4	5.1	9.9	8.4
1955	11.3	9.1	13.4	19.2	3.3	3.9	8.4	7.7
1956	10.5	9.7	15.0	22.8	3.0	3.7	7.4	7.8
1957	11.5	9.5	18.4	20.2	3.2	3.8	7.6	6.4
1958	15.7	12.7	26.8	28.4	5.5	5.6	12.7	9.5
1959	14.0	12.0	25.2	27.7	4.1	4.7	10.5	8.3
1960	14.0	12.7	24.0	24.8	4.2	4.6	9.6	8.3
1961	15.7	14.8	26.8	29.2	5.1	5.7	11.7	10.6
1962	13.7	12.8	22.0	30.2	4.0	4.7	10.0	9.6
1963	15.9	15.1	27.3	34.7	3.9	4.8	9.2	9.4
1964	14.7	14.9	24.3	31.6	3.4	4.6	7.7	9.0
1965	12.9	14.0	23.3	31.7	2.9	4.0	6.0	7.5
1966	10.5	12.1	21.3	31.3	2.2	3.3	4.9	6.6
1967	10.7	11.5	23.9	29.6	2.1	3.8	4.3	7.1
1968	10.1	12.1	22.1	28.7	2.0	3.4	3.9	6.3
1969	10.0	11.5	21.4	27.6	1.9	3.4	3.7	5.8
1970	13.7	13.4	25.0	34.4	3.2	4.4	5.6	6.9
1971	15.1	15.1	28.9	35.4	4.0	5.3	7.2	8.7
1972	14.2	14.2	29.7	38.4	3.6	4.9	6.8	8.8
1973	12.5	13.3	28.2	34.9	2.9	4.3	5.7	8.2
1974	(third quarter averages, seasonally adjusted):							
	Nonwhite men, 20 years of age and over						6.3	percent
	Nonwhite women, 20 years of age and over						8.1	percent
	Nonwhite men and women, 16-19 years of age						33.0	percent
	White men, 20 years of age and over						3.4	percent
	White women, 20 years of age and over						5.0	percent
	White men and women, 16-19 years of age						14.1	percent

Source: U.S., Department of Labor, Bureau of Labor Statistics, Employment and Earnings, vol. 19, no. 8 (Oct. 1974), table A-43, p. 51, and U.S., Department of Commerce, Bureau of the Census, The Social and Economic Status of the Black Population in the United States, 1973, Current Population Reports, series P-23, no. 48 (1974), table 30. Also, U.S., Department of Labor, Manpower Report of the President, 1974, table A-17.

Unemployment rates between 1954 and 1973 for nonwhite females 16 to 19 years of age have ranged from a low of 19.2 percent to a high of 38.5 percent; white females had a low of 9.1 percent unemployment and a high of 15.1 percent. The unemployment range for nonwhite females 20 years old and over was from a low of 5.8 percent to a high of 10.6 percent; for their white counterparts the low was 3.3 percent and the high, 5.7 percent.

In the third quarter of 1974, whites 16 to 19 years of age had a combined unemployment rate of 14.1 percent, compared with a combined unemployment rate of 33 percent for nonwhite teenagers. During the same quarter, nonwhite men 20 years of age and over had an unemployment rate of 6.3 percent, compared with 3.4 percent for white men. Nonwhite women 20 years of age and over had an unemployment rate of 8.1 percent, compared with 5 percent for white women.

Between 1954 and 1974, therefore, unemployment rates have differed by age, sex, race, occupation, and educational attainment. Nonetheless, the overall picture has remained the same: nonwhites consistently have higher rates of unemployment than whites even when age, sex, occupation, or education are equal for the two groups.

It also should be noted that these longstanding disparities tend to be exacerbated during economic recession, when reduced workloads trigger reductions in the work force. Since discriminatory employment practices have prevented minorities and women from acquiring seniority on an equal basis with white males, they are the first to face layoffs during economic downturns and the last to be recalled as prosperity returns. This conflict between the seniority provisions of many collective bargaining agreements and the principle of affirmative action is increasingly the subject of litigation and will be dealt with in greater detail in subsequent Commission reports.

INCOME

In 1954 nonwhite family income was 56 percent of white family income.¹⁰³ The median annual income for a nonwhite American family was \$3,757 in 1954

103. Income data following are shown in tables 17, 18, and 19 and chart 3 and are drawn from the sources listed there.

but \$6,771 for a white family, representing a disparity of \$3,014. By 1972, median nonwhite family income had increased to \$7,106 annually, but the corresponding income for a white family was \$11,549. The disparity, thus, had increased to \$4,443 in 1972, although nonwhite income had reached 62 percent of median white income. Between 1954 and 1972, then, there was a 6 percentage point gain in nonwhite family income as a proportion of white family income, but the dollar disparity increased by \$1,429.

Table 17

NONWHITE MEDIAN INCOME AS PERCENTAGE OF WHITE MEDIAN INCOME BY FAMILY
AND SEX, 1954-1974
(1972 dollars)

Year	Nonwhite Family Percentage of White Family Income	Nonwhite Male Percentage of White Male Income	Nonwhite Female Percentage of White Female Income
1954	56	50	54
1955	55	53	52
1956	53	52	57
1957	54	53	58
1958	51	50	59
1959	54	47	62
1960	55	53	62
1961	53	52	67
1962	53	49	67
1963	53	52	67
1964	56	57	70
1965	55	54	73
1966	60	55	76
1967	62	59	80
1968	63	61	81
1969	63	59	85
1970	64	60	92
1971	63	61	90
1972	62	62	96

Source: Computed from data in U.S., Department of Commerce, Bureau of the Census, Social and Economic Status of the Black Population in the United States, 1972, series P-23, no. 46, table 7; and series P-60, annual issues.

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Table 18

MEDIAN INCOME OF WHITES AND NONWHITES, 1954-1972

(1972 dollars)

Year	<u>Median Family Income</u>		<u>Median Male Income</u>		<u>Median Female Income</u>	
	White	Nonwhite	White	Nonwhite	White	Nonwhite
1954	\$ 6,771	\$3,757	\$5,232	\$2,614	\$2,011	\$1,092
1955	7,206	3,987	5,534	2,919	1,953	1,022
1956	7,698	4,058	5,888	3,077	1,949	1,118
1957	7,673	4,109	5,810	3,083	1,947	1,125
1958	7,670	3,931	5,754	2,867	1,851	1,085
1959	8,197	4,178	6,037	2,836	1,884	1,161
1960	8,152	4,562	6,069	3,189	1,905	1,181
1961	8,377	4,464	6,199	3,206	1,899	1,273
1962	8,629	4,603	6,445	3,169	1,957	1,314
1963	8,950	4,748	6,579	3,425	1,969	1,314
1964	9,252	5,177	6,661	3,775	2,042	1,439
1965	9,618	5,330	7,016	3,776	2,139	1,557
1966	10,047	6,016	7,206	3,991	2,210	1,682
1967	10,372	6,440	7,346	4,321	2,347	1,877
1968	10,747	6,723	7,532	4,600	2,499	2,029
1969	11,179	7,073	7,723	4,557	2,491	2,110
1970	11,026	7,031	7,556	4,563	2,442	2,246
1971	11,024	6,936	7,476	4,546	2,529	2,264
1972	11,549	7,106	7,814	4,811	2,616	2,502

Source: U.S., Department of Commerce, Bureau of the Census, Social and Economic Status of the Black Population in the United States, 1972, series P-23, no. 46, table 7; and series P-60, annual issues.

Table 19

DOLLAR GAP FOR WHITE AND NONWHITE IN MEDIAN INCOME FOR
FAMILIES, MALES, AND FEMALES, 1959-1972

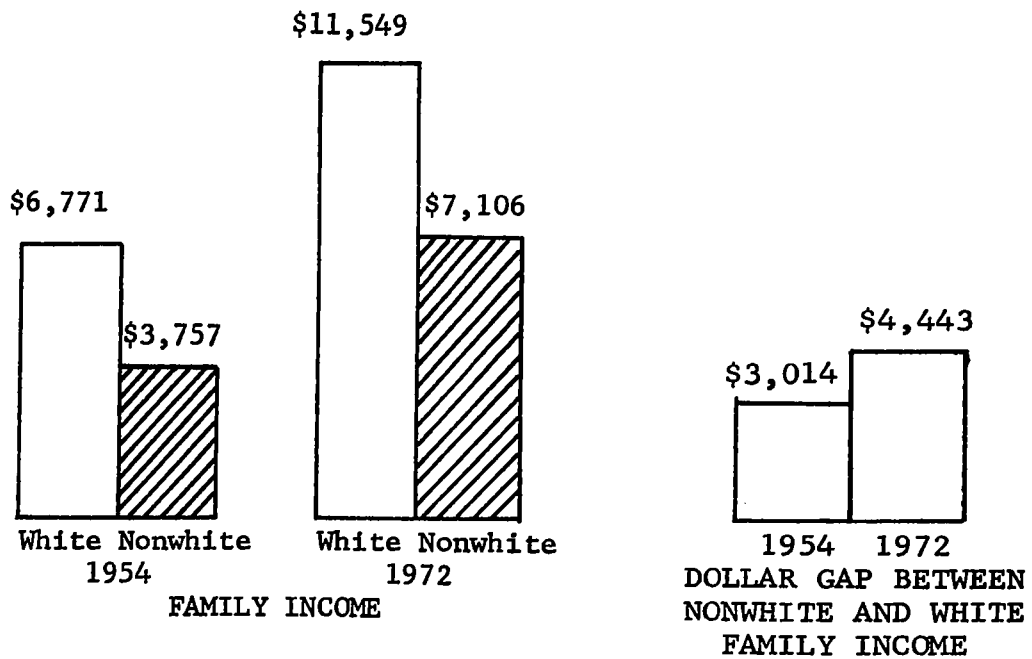
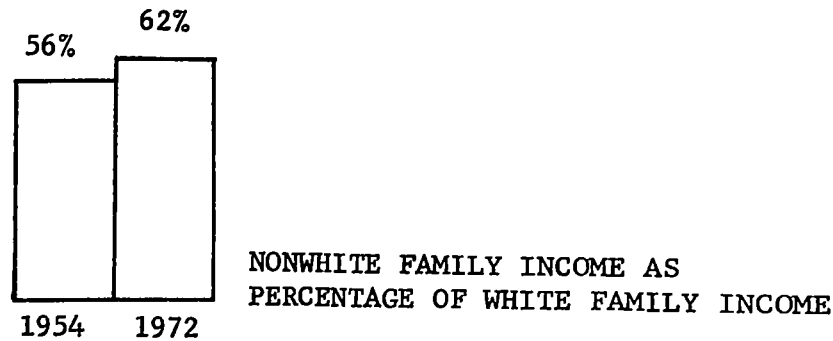
(1972 dollars)

Year	Income Gap Between White and Nonwhite Family Income	Income Gap Between White and Nonwhite Male Income	Income Gap Between White and Nonwhite Female Income
1954	\$ 3014	\$ 2618	\$ 919
1955	3219	2615	931
1956	3640	2811	831
1957	3564	2727	822
1958	3739	2887	766
1959	4019	3201	723
1960	3590	2880	724
1961	3913	2993	626
1962	4026	3276	643
1963	4202	3154	655
1964	4075	2886	603
1965	4288	3240	582
1966	4031	3213	528
1967	3932	3025	470
1968	4024	2932	470
1969	4106	3166	381
1970	3995	2993	196
1971	4088	2930	265
1972	4443	3003	114

Source: Computed from U.S., Department of Commerce, Bureau of the Census, Social and Economic Status of the Black Population in the United States, 1972, series P-23, no. 46, table 7; and series P-60, annual issues.

Chart 3

INCOME OF WHITE AND NONWHITE FAMILIES
(1972 dollars)



Source: U.S., Department of Commerce, Bureau of the Census, Social and Economic Status of the Black Population in the United States, 1972, series P-23, no. 46, and series P-60, annual issues.

Although the data on poverty generally present a portrait of continuing progress, nonwhites still constitute a disproportionate share of the poverty population. In 1959, 28.3 million whites and 10.4 nonwhites (9.9 million blacks) were below the federally-designated low-income level. Thus, 18.1 percent of the white population but 53.3 percent of the nonwhite population and 55.1 percent of the black population fell below the poverty line.¹⁰⁴ In 1973, 15.1 million whites and 7.8 million nonwhites (7.4 million blacks) were still below the low-income level. Or, 8.4 percent of whites but 29.6 percent of nonwhites and 31.4 percent of blacks fell below the poverty line. Approximately two-thirds of all black families below the low-income level were headed by women.

However, even these figures are subject to varying interpretations. In 1972, for example, there were 7.7 million blacks still living in poverty, and another 2.2 million could be described as near-poor, living at less than 25 percent above the poverty level. Thus, the poor and near-poor still represented 42 percent of all blacks in the Nation.

In addition to national variations by sex and race, income varies by region. Between 1960 and 1970, 1.3 million blacks moved out of the rural South; Southern cities increased slightly in black population, and the urban areas of the North and West gained 2 million blacks. Fifty-five percent of all blacks now live in the central cities of the United States, compared with 28 percent of all whites. Even in the South, two-fifths of all blacks live in the cities; the proportion is four-fifths in the North and two-thirds in the West.

Some income variation for blacks is attributable to this migration and to the employment skills of those who left the South, skills that enabled them to find employment at better wages in the North. Both black and white migrants tended to be those with more education than those who remained. Between 1955 and 1960, for example, the South lost 20 percent

104. Poverty data are shown in table 20 and drawn from sources cited there. For example, in 1959, the 28.3 million whites below the low-income level represented 18.1 percent of the white population; similar calculations are shown in the source publication for blacks and nonwhites.

Table 20

PERSONS BELOW THE LOW-INCOME LEVEL, 1959 TO 1973

(Persons as of the following year)

Year	Number (thousands)			Percent below the low-income level		
	Negro and other races	Negro	White	Negro and other races	Negro	White
1959.....	10,430	9,927	28,336	53.3	55.1	18.1
1960.....	11,542	(NA)	28,309	55.9	(NA)	17.8
1961.....	11,738	(NA)	27,890	56.1	(NA)	17.4
1962.....	11,953	(NA)	26,672	55.8	(NA)	16.4
1963.....	11,198	(NA)	25,238	51.0	(NA)	15.3
1964.....	11,098	(NA)	24,957	49.6	(NA)	14.9
1965.....	10,689	(NA)	22,496	47.1	(NA)	13.3
1966 ¹	9,220	8,867	19,290	39.8	41.8	11.3
1967.....	8,786	8,466	18,983	37.2	39.3	11.0
1968.....	7,994	7,616	17,395	33.5	34.7	10.0
1969 ²	7,488	7,095	16,659	31.0	32.2	9.5
1970 ²	7,936	7,548	17,484	32.0	33.5	9.9
1971 ²	7,780	7,396	17,780	30.9	32.5	9.9
1972 ²	8,257	7,710	16,203	31.9	33.3	9.0
1973.....	7,831	7,388	15,142	29.6	31.4	8.4

The low-income threshold for a nonfarm family of four was \$4,540 in 1973, \$4,275 in 1972, and \$2,973 in 1959. Families and unrelated individuals are classified as being above or below the low-income threshold, using the poverty index adopted by a Federal Interagency Committee in 1969. This index centers around the Department of Agriculture's Economy Food Plan and reflects the differing consumption requirements of families based on their size and composition, sex and age of the family head, and farm-nonfarm residence. The low-income cutoffs for farm families have been set at 85 percent of the nonfarm levels. These cutoffs are updated every year to reflect the changes in the Consumer Price Index. The low-income data exclude inmates of institutions, members of Armed Forces living in barracks, and unrelated individuals under 14 years of age. For a more detailed explanation, see Current Population Reports, Series P-60, No. 91.

NA Not available.

1 Beginning with the March 1967 CPS, data based on revised methodology for processing income data.

2 Based on 1970 census population controls; therefore, not strictly comparable to data for earlier years.

Source: U.S., Department of Commerce, Bureau of the Census, The Social and Economic Status of the Black Population in the United States 1973, p. 29.

of black men with some college training but only 6 percent of those with elementary school education. Approximately 50 percent of the black men 25 to 29 years old who left the South during this period had completed some high school education.

Although black income in the North and West is higher overall and in proportion to white income than black income in the South, recently both gaps have diminished as Southern income has grown. (It is also true that living expenses are higher in the North than in the South.) Nevertheless, in 1972, black income was 55 percent of white income in the South, 64 percent of white income in the Northeast, 70 percent of white income in the North Central States, and 71 percent of white income in the West.

The income situation generally improves somewhat for nonwhites with similar educational attainment and occupational distribution as whites, especially for younger workers. After "equalizing" for education and occupation, one recent study found a 25 percent differential between white and black male income, with black male income 75 percent of white male income, presumably a measure of discrimination and other impediments.¹⁰⁵ For black and white males between 25 and 35 years of age, the differential was 18 percent after equalizing.

Questions remain as to whether even this narrowing will be maintained, whether any differences in educational quality will show up in later years, and whether the value of a diploma will decline as the supply of educated persons--both minorities and whites--increases. And, of course, the equalization that may be computed theoretically in a study has not yet taken place in fact. Further, the income data presented here do not take into account a variety of factors that may further contribute to inequalities in the economic status of whites and nonwhites. Income, for example, does not include financial assets (such as stocks and investments) or non-cash compensation (fringe benefits including insurance, paid vacations,

105. See Levitan, Johnson, and Taggart, Still a Dream, pp. 82-86.

etc.). Nor do flat income figures take into account disproportionate expenditures for basic necessities by poor and middle-class families and related factors that bear more heavily on minority groups than on white Americans.

INCOME OF WOMEN

The income picture for women over the last 20 years has shown improvement for some groups, yet ends with women worse off than men. In 1954 the median nonwhite female income was only 54 percent of the median white female income, but by 1972 the two groups had nearly the same income and the gap was only \$114 annually. However, since white female income continued to be lower than either white or nonwhite male income, the income of nonwhite females continued to be lowest of all.¹⁰⁶

In 1954, median annual income for white females was \$2,011 compared with \$5,232 for white males and \$2,614 for nonwhite males, a gap of \$3,221 and \$603, respectively. By 1972, the income for white females had increased to only \$2,616, yet for white males it had increased to \$7,814 and for nonwhite males to \$4,811; the gap had grown to \$5,198 and \$2,195, respectively. Nonwhite females had nearly gained equality with white females, yet white females were dropping further behind all males in level of income.

Furthermore, women's median income actually was below that of men with the same levels of educational attainment. In 1970,¹⁰⁷ for instance, the median income of female high school graduates was 58.3 percent of male high school graduates. Similarly, women earn less than men in the same occupations. In 1972, for example, women in clerical jobs earned 62.3 percent of the earnings of men in clerical jobs.¹⁰⁸

In 1972 the median income of families headed solely by women was \$5,342, which was less than half the national median family income.¹⁰⁹

106. Median income data are displayed in tables 17 and 18 and are drawn from sources listed there.

107. See table 21.

108. See table 22.

109. Data following on income of female-headed families are displayed in tables 23 and 24 and drawn from sources cited there.

Table 21

MEDIAN INCOME IN 1970 OF FULL-TIME YEAR-ROUND WORKERS, BY SEX AND YEARS OF SCHOOL COMPLETED

(Persons 25 years of age and over)

Years of school completed	Median income		Women's median income as percent of men's
	Women	Men	
Elementary school:			
Less than 3 years-----	\$3,798	\$6,043	62.8
8 years-----	4,181	7,535	55.5
High school:			
1-3 years-----	4,655	8,514	54.7
4 years-----	5,580	9,567	58.3
College:			
1-3 years-----	6,604	11,183	59.1
4 years-----	8,156	13,264	61.5
5 years or more-----	9,581	14,747	65.0

Source: U.S., Department of Commerce, Bureau of the Census, Current Population Reports, P-60, No. 80.

Table 22

MEDIAN EARNINGS FOR FULL-TIME WORKERS BY OCCUPATION AND SEX, 1972

Occupation	Women	Men	Women's Earnings as Percent of Men's Earning
Professional, technical	\$8,744	\$13,542	64.6
Managers, administrators	7,024	13,486	52.1
Clerical workers	6,054	9,716	62.3
Sales workers	4,445	11,610	38.3
Craftworkers	5,545	10,413	53.2
Factory workers	5,004	8,747	57.2
Service workers	4,483	7,630	58.7
Laborers	4,633	7,477	62.0

Source: Percentages computed from U.S. Department of Commerce data, cited in U.S. News and World Report, Oct. 8, 1973, p. 42.

Table 23

MEDIAN FAMILY INCOME BY RACE-ETHNICITY AND FOR FEMALE HEADS OF FAMILIES, 1969

Race-Ethnicity	Family Median Income	Female Head Median Income	Percent of Female-Headed Families in Poverty
White	\$11,368	\$5,637	26 percent
Black	6,921	3,414	53 percent
Chinese	10,610	6,627	20 percent
Cuban	8,529	4,774	31 percent
Filipino	9,318	4,708	2 percent
Japanese	12,515	6,467	25 percent
Mexican-American	6,962	3,483	51 percent
Native American	5,832	3,198	56 percent
Puerto Rican	6,115	3,227	57 percent

Source: Reports on Puerto Ricans, Persons of Spanish Origin, Japanese, Chinese, Filipino, and Native Americans as cited in U.S., Commission on Civil Rights Women and Poverty (1974), table 20; U.S., Department of Commerce, Bureau of the Census, Female Family Heads, Current Population Reports, series P-23, no. 5 (1974), table 12 for white and black median income and table 16 for poverty data.

Table 24

MEDIAN FAMILY INCOME OF ALL FAMILY HEADS AND FEMALE HEADS BY RACE
(in constant 1972 dollars)

Median Family Income	1959	1969	1972
Median Family Income			
all family heads	\$8,121	\$10,954	\$11,116
white family heads	8,455	11,368	11,549
black family heads	4,535	6,921	6,864
Median Family Income			
all female heads	4,367	5,664	5,342
white female heads	5,076	5,416	6,213
black female heads	2,488	3,879	3,840
Median Family Income			
all female heads as			
percent of median			
family income of			
all family heads	53.8%	51.7%	48.1%
Median Family Income			
white female heads as			
percent of median family			
income of white family			
heads	60.0	56.4	53.8
Median Family Income			
black female heads as			
percent of median family			
income of black family			
heads	54.9	56.0	55.9

Source: U.S., Department of Commerce, Bureau of the Census, Female Family Heads, Current Population Reports, series P-23, no. 50 (1974), table 11, p. 20.

Median income for black female-headed families was \$3,840 in 1972, compared to \$6,213 for families headed by white females. Between 1959 and 1972 there was a proportionate loss in income by all female family heads, compared with all family heads, and by white female family heads, compared with all white family heads. Black female family heads made a 1 percentage point proportionate gain compared with all black family heads between 1959 and 1972.

Since the number of families headed by women is increasing, the level of income for female-headed families is gaining significance. The number of families headed solely by women in the United States increased by a million in the first third of the 1970's, which is nearly as much as during the entire decade of the 1950's (1.1 million).¹¹⁰ Between 1955 and 1973, the number of families headed by women increased from 4.2 million to 6.6 million, representing a growth of 56 percent. Of the 2.4 million increase, about 44 percent were families headed by black women.¹¹¹

In 1955, 10.1 percent of all families in the United States, 9 percent of all white families, and 20.7 percent of all black families were headed by women only. In 1973, 12.2 percent of all families, 9.6 percent of all white families, 34.6 percent of all black families, and 16.7 percent of all families of Spanish origin were headed by women.¹¹² The percentage of families headed by white women has increased by one half of 1 percentage point between 1970 and 1973, in contrast to the 6.3 percentage point increase in families headed by black women during the same period.¹¹³

110. U.S., Department of Commerce, Bureau of the Census, Female Family Heads, Current Population Reports, series P-23, no. 50 (July 1974), p. 1.

111. Ibid., p. 6.

112. Ibid., table 1, p. 6.

113. Calculated from *ibid.*, table 1, p. 6.

It should be noted, however, that the Bureau of the Census does not consider a woman the head of a family as long as she is living with her husband. A woman is counted as head of a family only if she is not married or not living with her husband. Consequently, the median income of families headed by men does not reflect just the man's income but any income of other members of the family as well.

Among families that are headed by women, the proportion whose income is below the poverty level is particularly high for black, Mexican-American, Native American, and Puerto Rican families, the percentages in 1969 being 53 percent, 51 percent, 56 percent, and 57 percent, respectively.¹¹⁴ Among white women heading families, 26 percent were living in poverty in 1969.

PUBLIC ACCOMMODATIONS

The impact of the Brown decision also has been significant during the last 20 years in public accommodations. Prior to Brown, neither economic level nor educational attainment were passports to equal treatment, but this is no longer true.

The protagonist in James Weldon Johnson's, The Autobiography of an Ex-Coloured Man, ponders the "awful truth" of the social existence of Americans 62 years ago:

And this is the dwarfing, warping, distorting influence which operates upon each and every coloured man in the United States. He is forced to take his outlook on all things, not from the viewpoint of a citizen or a man, or even a human being, but from the viewpoint of a coloured man. Most of his thinking and all of his activity must run through the narrow neck of this one funnel.¹¹⁵

The development of that "viewpoint" was rooted in the national scheme of segregation that established the rules followed by whites and nonwhites in the use of public facilities and public accommodations. In the Southern States blacks were legally excluded from restaurants, libraries, pool parlors, barber shops, bowling alleys, dance halls, hotels, skating rinks, resorts, beaches, amusement parks, movies, theaters, hospitals,

114. See table 24 and sources cited there.

115. Quoted by Gunnar Myrdal, An American Dilemma: The Negro Problem and Modern Democracy (New York: Harper, 1944), p. 30.

and other places in which they might have public contact with whites.

Although blacks were not excluded from all public accommodations or tax-supported public facilities in the South, they were segregated when they were permitted to use them. In selected situations blacks could have access to a public library, provided their social status was that of a servant or they sat at a table especially reserved for them. In some Southern locales separate days were given over to blacks for the use of a beach or amusement park.

In the Northern States, where laws requiring segregation in public accommodations and public institutions were nonexistent, it was "understood" that most places in which the public assembled were for the exclusive use of whites. Hotel resorts, for example, sometimes placed advertisements in newspapers, indicating nonwhites were not welcome as guests. By the use of phrases such as "Christian patronage only," "selected clientele," or "Gentile patronage," the presence of Jews was discouraged as well. In the Far West other minorities--Native Americans, Americans of Spanish speaking background, and Asian Americans--experienced similar discrimination or segregation in public life.

From the moment they stepped beyond the doors of their homes, black Americans in particular entered a public world in which color determined where they would sit in a public conveyance, where they could eat, which water fountain they could drink from, or what restroom they were to use.

Consequently, although the courts had used Brown to invalidate segregation in many areas of public accommodations,¹¹⁶ it was not without significance that the civil rights movement, in the early 1960's, chose as its target the continuing system of segregated seating on public conveyances and the segregated lunch counters in the five and dime stores dotting the urban South.¹¹⁷ Mrs. Rosa Parks, too tired to give her seat to a

116. See for example, *Mayor and City Council of Baltimore City v. Dawson*, 220 F. 2d 386 (4th Cir. 1955), aff'd per curiam 350 U.S. 877 (1955) (racial segregation of public beaches and bathhouse); *Johnson v. Virginia*, 373 U.S. 61 (1963), (separate seats in a courtroom); *Christina v. Jemison*, 303 F. 2d 52 (5th Cir. 1962) (separate seating in public transportation); *Turner v. Randolph*, 195 F. Supp. 677 (W.D. Tenn. 1961) (separate washrooms).

117. For additional detail see part one of this series, "The Shadows of the Past."

white male passenger, had sparked the bus boycott in Montgomery, Alabama, in 1955. Then in 1960, four college students staged the first sit-in at a lunch counter in Greensboro, North Carolina.

In 1961 integrated teams of "freedom riders" boarded buses in the North and traveled south to use the public restrooms, lunch counters, drinking fountains, and waiting rooms which previously had been segregated despite court decisions to the contrary. Their journey was met with violence, but the demonstrations spread. All of this was to end 3 years later. When Congress enacted the Civil Rights Act of 1964,¹¹⁸ Titles II and III declared that segregation in public accommodations and public facilities was at an end.¹¹⁹

In the first 3 years under the new legislation, through 1967, the U.S. Department of Justice participated in 93 lawsuits against establishments that continued to discriminate.¹²⁰ Cases involved restaurants, cafes, hotels, motels, theaters, and recreational facilities. Through lawsuits, permanent injunctions, consent decrees, and voluntary compliance, discriminatory practices were eliminated on a broad scale.

This perception of civil rights success in public accommodations, however, reflects more of a "conventional wisdom" than any careful survey of actual practices. For example:

Following enactment of Title II there was widespread voluntary compliance with its requirements. Although the Department has not made a statistical survey of the extent of voluntary compliance, it is known from observation by Division attorneys that many major hotels and motels desegregated immediately [emphasis added].¹²¹

118. 28 U.S.C. 1447 (1974), 42 U.S.C. 1971, 1975a-1975d, 2000a to 2000h-6 (1974).

119. 42 U.S.C. 2000a-2000b 3 (1974).

120. U.S., Department of Justice, "Report of the Assistant Attorney General in Charge of the Civil Rights Division," in Report of the Attorney General (1967).

121. Ibid., p. 185.

In fact, the Justice Department reviewed more than 350 complaints of discrimination in public accommodations each year between 1970 and 1973, including 524 complaints in 1971. Litigation has continued as well.

Some establishments have sought to evade the law by labeling their place of business a "private club." Where this has been attempted, the courts generally have held that such action is an unconstitutional subterfuge to evade compliance. There has been a developing judicial interpretation of the "place of exhibition or entertainment" provision of the public accommodations law. In 1970, for example, a court of appeals held that the sale of items in a golf pro shop was sufficient to bring the operation of a golf course within the nondiscrimination requirements of the statute.¹²² Much of the evidence in the field of public accommodations is to be found through such judicial review. These cases appear to point out a small and declining feature of public accommodations, and "it is known from observation" by many civil rights officials and black citizens generally that there is a high level of compliance with the law in the cities and urban areas of the South, especially among national business chains. Most complaints of discrimination in public accommodations now appear to originate in rural areas and smaller establishments, although exceptions persist. Documentation remains negligible, however, and many factors continue to influence the development of official complaints, the only adequate source of information.

By all available accounts, then, the removal of legal support for segregation, and the enforcement of the law where needed, has accomplished the extensive desegregation of public accommodations throughout the Nation. The opportunity to use such accommodations now exists equally for whites, blacks, and other minorities, with exceptions that perhaps reflect the

122. U.S. v. Central Carolina Bank and Trust Company 431 F. 3d. 972 (4th Cir. 1970).

overall persistence of prejudice and racial fear in American society. However, the sufficient use of such accommodations waits upon the achievement of equality of opportunity in employment and, thus, income. The nature of the problem for minorities in public accommodations has been transformed from one of access to one of utilization.

TOWARD ECONOMIC EQUALITY

The impact of the decision of the Supreme Court of the United States in Brown v. Board of Education was not limited to school desegregation, and in the years following Brown there was "no problem extending Brown's promise of racial equality throughout the realm of official action."¹²³ In fact, both court decisions and administrative actions during the last 20 years have been almost uniformly favorable to minority citizens in their quest for nondiscriminatory economic opportunity in America, and a thrust toward such a policy was initiated in Federal employment long before Brown. Nevertheless, the data on economic gains by blacks, persons of Spanish speaking background, Asian Americans, and Native Americans are subject to conflicting interpretation, and at the very least, "it cannot be stated unequivocally that blacks improved their position relative to whites between 1960 and 1972."¹²⁴

Blacks, in particular, have increasingly participated in the Federal work force and in government employment at the State and local levels as well. Slight but continuing advances have included both a gain in all salary categories and occupational movement into the top grades. In all General Schedule Federal employment, however, blacks only now reflect their proportion in the total population, while they are still substantially underrepresented in higher-paying positions.

123. Archibald Cox, The Warren Court: Constitutional Decision as on Instrument of Social Reform (Cambridge, Mass.: Harvard University Press, 1968). pp. 25-26.

124. Levitan, Johnson, and Taggart, Still a Dream, p. 40.

Blacks have made significant income gains during the last 20 years, but the narrowing of the relative disparities has been offset by the widening of the disparities in dollar terms. There also are a number of valid reasons for questioning the extent of any advances in comparison with whites, including the value of uncounted income, fringe benefits, and other factors that are more advantageous to whites. The number of female-headed families is rising much more precipitously among all minorities than among whites. While black women have nearly achieved income parity with white women, both white and nonwhite women are falling farther behind all men in earnings.

The unemployment rate for all nonwhites has remained consistently higher than white unemployment since 1954. Black teenage unemployment has been rising severely, and during periods of economic constriction minorities have been most severely affected by unemployment. Labor force participation among blacks is declining, and blacks are not escaping from poverty as fast as whites. The number of low-income blacks actually rose in the early 1970's, and it has been estimated that some 42 percent of all blacks still are poor or near-poor.

The occupational distribution of blacks has undergone substantial upgrading during the past 20 years and now more closely reflects that of whites. Nevertheless, much of this advance has been into lower-paying positions in a higher occupational category, and in many cases numerical gains have disguised the small size of proportionate gains or, in some critical categories, declines relative to whites. The income bracket that may be "middle class" for whites is "upper class" for blacks, and even then almost half of the black men earning over \$10,000 per year are operatives, laborers, clerical, or service workers.¹²⁵

125. Ibid., p. 281.

In fact, a picture of significant progress can be painted only by concentrating on selected groups of minority citizens, and this actually is what often has occurred:

What we are rapidly developing is two black Americas. One with skills for whom opportunities abound, but that is a minority of the group, of course; and the other is a black America which, if anything, is slipping further behind, and is in a more desperate situation, perhaps, than a decade ago. Whites only see those blacks who are making it. They rarely see the blacks who are not making it.¹²⁶

Even the more evident gains of the past decades have largely been the result of civil rights activity, Government commitment, and economic expansion, conditions that have not consistently obtained in recent years. Moreover, even if the most favorable conditions of this period continued and the prevailing rates of growth were maintained, at least two generations would be required to achieve equality. (At the higher occupational levels, the problem is most severe: among black lawyers and judges, for example, if the rate of increase between 1960 and 1970 were sustained, it would take 1,000 years for blacks to equal their proportion in the total population.)

What is applicable to blacks undoubtedly is applicable also to many of those minorities heretofore subsumed under the designation "nonwhite" and to persons of Spanish speaking background who heretofore have been included in data gathering as "white." The lack of separate data on these groups in itself is evidence of inattention and often disguises severe inequalities. Women, too, have represented a forgotten group, and available data clearly point to their second-class status relative to male Americans in every area of economic life.

These problems are not easily soluble by traditional laws or policies. Access to public accommodations now is generally open equally to all, for example, yet the inadequate economic means to utilize that access are

126. Thomas Pettigrew, professor of social psychology, Harvard University, Commission staff interview, Oct. 17, 1973, Cambridge, Mass.

described in the preceding data. There is less overt racism or discrimination than in the past, and the issue of affirmative action goals now has given rise to complaints of reverse discrimination. Compensatory economic opportunity is not as indisputable as equal opportunity.

Eliminating discrimination is not like building homes, providing medical services, creating jobs or supplementing income. The problem is seldom obvious or well-defined. Most institutional arrangements or individual decisions are subtly discriminatory rather than obviously racist /or sexist/; the rules of the game are usually unstated and frequently flexible. Moreover, to change the rules often involves overcoming long-standing practices, deeply ingrained beliefs, and cherished privileges and priorities of whites /and men/. If intransigence is widespread, and the conflicts-of-interest are great, changes in laws, or incentives to encourage changes in behavior, may have little effect.¹²⁷

Title VII of the Civil Rights Act of 1964 outlawed discrimination in employment, and the Equal Employment Opportunity Commission was created to enforce the provisions of Title VII. Yet, the EEOC was not strengthened with extended coverage and powers of litigation until 1972, and it had no major impact in its first 6 years¹²⁸ despite its forthright position on major issues and a number of notable achievements. The Office of Federal Contract Compliance, which had enforcement powers from its inception, also has achieved minimal impact, including meager results even in the construction trades in Washington, D.C.¹²⁹ In fact, employment gains by blacks in firms with Government contracts are only slightly more evident than in those firms without Government contracts.¹³⁰

127. Levitan, Johnson, and Taggart, Still a Dream, p. 329.

128. Ibid., pp. 392-96. Also see the U.S. Commission on Civil Rights reports on the Federal civil rights enforcement effort, notes 55 and 57 above.

129. See Robert Taggart, The Manpower System in the District of Columbia: At a Critical Juncture (Washington, D.C.: National League of Cities/U.S. Conference of Mayors, 1973).

130. See Orley Ashenfelter and James Heckman, Changes in Minority Employment Patterns, 1966 to 1970, prepared for the Equal Employment Opportunity Commission, 1973 (mimeographed).

If, in the third decade following Brown v. Board of Education, more substantial movement toward achieving nondiscriminatory employment and equality of economic opportunity is to be accomplished, a renewed commitment to this goal will have to become a national priority. This will require, essentially, an expanding economy and a period of national growth in which the gains of one group need not be achieved at the expense of another. But it will also require, immediately, that the full force of Federal agencies, State and local governments, and private industry be devoted to effective implementation of the equal employment laws and policies that currently exist.

FINDINGS

Finding No. 1

Despite laws, Executive orders, and regulations committed to equal employment and despite some numerical gains in recent years, blacks, other minorities, and women remain underrepresented in higher-paying jobs and overrepresented in lower-paying jobs throughout the occupational structure of the Federal service and the entire civilian labor force.

Finding No. 2

In the critical professional and technical occupations of dentist, physician, and university teacher, the proportion of blacks relative to all persons in these occupations has declined, while in many other critical occupations proportionate gains have been minimal.

Finding No. 3 131

Those occupations in which there is likely to be the greatest relative demand for workers in the future are those which traditionally have included few minorities and women, particularly in the professional, technical, and managerial fields.

131. EEOC notes that "Finding No. 3 is inaccurate. The occupations mentioned here will experience the greatest growth through 1985. However, due to replacement, the absolute demand for workers is likely to be as great or greater in presently large occupational groups which will experience little or no growth during this period." EEOC Comments. The Commission believes that Finding No. 3, as stated in terms of relative growth, is accurate. The fact that the absolute demand in certain occupations will be larger than in the high growth occupations is not pertinent. Furthermore, in calculating growth, replacement of persons who will leave an occupation has been taken into account as well as the need for additional workers. To clarify the language in the finding, the word "relative" has been added between "greatest" and "demand".

Finding No. 4

Participation by whites and blacks in the labor force has declined in recent years, but the decline has been more severe for blacks.

Finding No. 5

The unemployment rate for nonwhites compared with the unemployment rate for whites has remained virtually unchanged since 1954. The unemployment rate for nonwhites continues to be a little more than double the white rate, and minority unemployment undoubtedly is even higher than available data indicate. Similarly, the unemployment rate for women, regardless of race, has been higher than for white men; the unemployment rate for black women has been substantially higher than for white women; and unemployment for nonwhite teenagers has been more than double the rate for white teenagers.

Finding No. 6

Regardless of occupational level, nonwhites have rates of unemployment that are higher than those for whites, although there has been a slight narrowing of unemployment rate disparities between nonwhites and whites with greater educational attainment.

Finding No. 7

Between 1954 and 1972, median nonwhite family income had increased from 56 percent to 62 percent of white family income, but the dollar gap between the two groups had increased from \$3,014 to \$4,443 (in 1972 dollars) during this same period.

Finding No. 8

While 2.5 million blacks moved out of poverty between 1959 and 1973, more than 13 million whites also moved out of poverty during this same period.

Finding No. 9

The median income of black women now is almost equal to that of white women, yet the income of white women increasingly has dropped behind the income of all men.

Finding No. 10

The number of women heading families is increasing, especially among minorities. Between 1955 and 1973, the number of families in the United States headed by women increased by 2.4 million, of whom 44 percent were black women.

Finding No. 11

Among families that are headed by women, the proportion earning incomes below the poverty level is unusually high, especially among families headed by minority women.

RECOMMENDATIONS

The U.S. Commission on Civil Rights has provided detailed recommendations on equality of economic opportunity to the President and Congress over the course of many years. For example, recommendations offered in 1961 and subsequently implemented to a substantial degree are described on pages 7 through 9 of this report. Recommendations that were offered in 1970 are included on pages 16 and 17 of this report. The presentation of detailed recommendations in connection with Federal enforcement of nondiscrimination in employment is continued in The Federal Civil Rights Enforcement Effort-1974, Volume V, "To Eliminate Employment Discrimination," which also is being published at this time. A forthcoming report on women and minorities in labor unions will similarly provide recommendations on economic issues.

However, given the economic conditions described in this summary of the 20 years since Brown v. Board of Education, the Commission believes that a vastly increased Federal commitment and a new approach to economic disparities are required if equality of economic opportunity is to be achieved, particularly under the existing circumstances of recession and inflation. In keeping with this belief, therefore, the following broad recommendations are offered at this time:

1. The President should formulate and Congress should adopt as a high priority national goal the elimination of disparities in economic status that are based on race, ethnicity, or sex.

The Brown decision was instrumental in generating legitimate expectations among minorities and women not only in regard to equality of educational opportunity but also in terms of economic opportunity. Although these groups have made economic gains in the 20 years since Brown, the Commission finds that the nature, extent, and rate of these advances are marginal. It is now time that specific operating goals, an implementation timetable, and monitoring procedures be established to ensure the achievement of economic parity between all racial and ethnic groups and men and

women. The need for these measures is particularly critical during extreme shifts in the national economy, when the disproportionate burden upon these groups increases.

2. The President should propose and Congress should enact legislation requiring the preparation of a statement delineating the probable consequences of any proposed law, policy, program, order, or regulation likely to have an adverse impact on the elimination of disparities in economic status that are based on race, ethnicity, or sex.

The purpose of such legislation is to minimize in advance, if not eliminate, Federal actions likely to place an even greater burden upon minorities and women. If, therefore, an impact statement indicates that an impending governmental action can be expected to have this effect, that action should not be executed until modified, at least to equalize the projected burden. Such an impact statement would simply bring to social and economic change what has become an accepted feature of environmental change.

3. The President and Congress should take immediate steps to develop the policies and commit the resources necessary to eliminate the longstanding disparity in unemployment rates between minority and nonminority groups, men and women, and minority and nonminority working youth in the labor force.

This disparity further indicates the disproportionate economic burden carried by these members of the labor force. It is evident that the various federally-supported programs to improve the economic condition of the unemployed and marginally employed have not been adequate to the task. Apart from issues of job classification and income, there is need to insure that unemployment does not contribute further to the problems of those already economically disadvantaged.

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