

Introduction

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Half a century ago, the civil rights movement celebrated the passage of the Civil Rights Act of 1964 as the crowning achievement of decades of concerted effort. While it hardly fulfilled the full agenda of the black freedom movement—more struggles, both collective and individual, were to come in the years ahead—the act accomplished a great deal. Segregation on the basis of race, color, religion, and national origin was now outlawed in the realm of public accommodations; the act’s Title VII added the category of sex to the list and banned most employment discrimination by unions and employers. The act was part of a “story about a rare event in America: a radical shift in national social policy,” argued historian Hugh Davis Graham in his classic study of national policy in *The Civil Rights Era*. Its “precondition was a broader social revolution, the black civil rights movement that surged up from the South, followed by the nationwide rebirth of the feminist movement.”¹ For years, activists had relentlessly pressured lawmakers and, with the act’s passage, few doubted that things would never be the same.

The act’s Title VII was the embodiment of a two-decade-long campaign for fair employment, but the problem it addressed—the ubiquitous employment practices that consigned minorities and women to the occupational margins—extended much farther into the nation’s past. Five and a half decades after emancipation ended chattel slavery, a New Jersey newspaper underscored the problem that black workers faced in virtually all economic realms: “In the half century that the negro [*sic*] has had the franchise as the crowning of his freedom,” it concluded in 1920, “he has, by and large, been relegated to the role of a hewer of wood and a drawer of water. . . . Theoretically free, the negro has not been able to sell his labor”—with few exceptions—“where most he wanted to.”² Indeed, for the century after the Civil War, sharp and enduring barriers restricted the employment opportunities of racial minorities and women

1. Hugh Davis Graham, *The Civil Rights Era: Origins and Development of National Policy* (New York: Oxford University Press, 1990), 3.

2. “Labor and the Color Line,” *Newark Evening News*, May 14, 1920, in Tuskegee Institute News Clipping File, Reel 11, Frame 0728 (Sanford, NC: Microfilming Corp. of America, 1976).

in the United States. “Fact is,” explained black journalist George Schuyler in 1925, “the Negro . . . is very largely restricted to working as porter, cook, elevator operator, messenger, laborer, musician, chauffeur, laundress, maid, cook, dishwasher, stevedore, waiter and janitor. Negroes doing other kinds of work are the exception.”³ Schuyler was speaking of the New York labor market, but if one adds sharecropping and tenant farming in the South to the list of jobs open to black workers, his observations would apply across the nation. Removing the pervasive racial barriers to employment became a goal of many activists in the nascent civil rights movement.

While black workers had long challenged employment barriers and union discrimination, it was only during the World War II years that the issue of fair employment became a national issue. The March on Washington movement’s threatened demonstration in the nation’s capital prompted President Franklin Roosevelt to issue Executive Order 8802, which declared that “there shall be no discrimination in the employment of workers in defense industries or government because of race, creed, color, or national origin.”⁴ The Fair Employment Practice Committee (FEPC) assumed responsibility for investigating and resolving complaints of discrimination. Underfunded, understaffed, and lacking subpoena or enforcement powers, the beleaguered FEPC nonetheless publicized just how extensive was the problem of employment discrimination. Even in its weak state, the agency served as a flashpoint of discontent, as white southerners objected to the potential threat it posed to their racial order, unions objected to challenges to their exclusionary racial practices, and employers objected to federal interference in managerial practices. The FEPC barely survived the war, closing its doors in 1946 when Congress cut off its funding.

The idea of fair employment, however, did survive the war. Although the FEPC folded, the “cause it represented—ending discrimination in the hiring, firing, and promoting of workers—served as the formative vehicle in creating a coalition of civil rights liberals” that proved “central to the passage of civil rights legislation,” Kevin Schultz has argued.⁵ In sociologist Anthony Chen’s words, “From the 1940s to

3. George S. Schuyler, “These ‘Colored’ United States: No. 24—New York: Utopia Deferred,” *Messenger* 7, no. 10 (1925): 345.

4. The complete text of Executive Order 8802 can be found at www.ourdocuments.gov/doc.php?flash=true&doc=72. On the history of Executive Order 8802, the March on Washington movement, and the Fair Employment Practice Committee, see Lucy Barber, “‘Pressure, More Pressure, and Still More Pressure’: The Negro March on Washington and Its Cancellation, 1941,” in Lucy Barber, *Marching on Washington: The Forging of an American Tradition* (Berkeley: University of California Press, 2004), 108–40; Paula F. Pfeffer, *A. Philip Randolph, Pioneer of the Civil Rights Movement* (Baton Rouge: Louisiana State University Press, 1990), 45–88; Beth Tompkins Bates, *Pullman Porters and the Rise of Protest Politics in Black America, 1925–1945* (Chapel Hill: University of North Carolina Press, 2001), 148–74; William P. Jones, *The March on Washington: Jobs, Freedom, and the Forgotten History of Civil Rights* (New York: Norton, 2013), 30–41; Andrew Edmund Kersten, *Race, Jobs, and the War: The FEPC in the Midwest, 1941–46* (Urbana: University of Illinois Press, 2000); and Eric Arnesen, *Brotherhoods of Color: Black Railroad Workers and the Struggle for Equality* (Cambridge, MA: Harvard University Press, 2001), 181–202.

5. Kevin Schultz, “The FEPC and the Legacy of the Labor-Based Civil Rights Movement of the 1940s,” *Labor History* 49, no. 1 (2008): 72.

the 1970s, there was a vibrant campaign for job equality in the United States” that “enjoyed wide support throughout the populous, industrial cities of the North, Midwest, and West.”⁶ Members of religious organizations, civil rights groups, and trade unions joined together to push for laws prohibiting workplace and union discrimination at the local, state, and national levels—and they often succeeded, though only at the municipal and state levels. With the passage of the Civil Rights Act of 1964, they won their greatest victory.⁷ To be sure, proponents did not see Title VII as a panacea for all of the economic problems afflicting racial minorities in America. Making the new Equal Employment Opportunity Commission an effective force required the energy and commitment of countless individuals who, over the years, doggedly pursued their grievances through official channels, pushing the federal agency to dismantle occupational barriers and make fair employment a reality. In addition, the issues of structural unemployment and the impact of automation, which the act did not address, led many to propose far-reaching federal programs of job training and job creation. Whatever its limitations, Title VII’s inclusion in the 1964 act was both hard fought and greatly celebrated by those for whom fair employment had been a central component of the civil rights agenda.

In this issue of *Labor*, several commentators in the Up for Debate section focus on the legacy of Title VII. Fifty years after its passage, the American workplace looks vastly different than it once did, yet few would question that discrimination still exists, as does a wealth gap between whites and nonwhites and a pay gap between men and women. The transformations that the act facilitated were profound but, at the same time, limited. In this roundtable, a group of scholars who have written about race, gender, and employment reflect on a series of questions posed by *Labor*. While the Civil Rights Act of 1964 was perceived as a significant political triumph by many in the civil rights and labor movements at the time, does it appear that way today? From the vantage point of a half century after its passage, what was the role of the act and Title VII in securing a greater measure of economic equality for minority and women workers? What has been the impact and legacy of Title VII with regards to

6. Anthony S. Chen, *The Fifth Freedom: Jobs, Politics, and Civil Rights in the United States, 1941–1972* (Princeton, NJ: Princeton University Press, 2009), 5.

7. For a sample of the scholarly literature on Title VII and the EEOC, see Judith Stein, *Running Steel, Running America: Race, Economic Policy, and the Decline of Liberalism* (Chapel Hill: University of North Carolina Press, 1998); Timothy J. Minchin, *Hiring the Black Worker: The Racial Integration of the Southern Textile Industry, 1960–1980* (Chapel Hill: University of North Carolina Press, 1999); Robert Zieger, *For Jobs and Freedom: Race and Labor in America since 1865* (Lexington: University of Kentucky Press, 2007), 175–90; Steven A. Reich, *A Working People: A History of African American Workers since Emancipation* (Lanham, MD: Rowman and Littlefield, 2013), 138–67; Dorothy Sue Cobble, *The Other Women’s Movement: Workplace Justice and Social Rights in Modern America* (Princeton, NJ: Princeton University Press, 2004), 182–85; Robert Samuel Smith, *Race, Labor, and Civil Rights: Griggs versus Duke Power and the Struggle for Equal Employment Opportunity* (Baton Rouge: Louisiana State University Press, 2008); Charles and Barbara Whalen, *The Longest Debate: A Legislative History of the 1964 Civil Rights Act* (New York: New American Library, 1985); and Clay Risen, *The Bill of the Century: The Epic Battle for the Civil Rights Act* (New York: Bloomsbury Press, 2014).

employment? To what extent was Title VII responsible for the substantial changes in race and gender relations in the workforce that have occurred over the past century? And given both the undeniable progress that has occurred and the undeniable problems that remain, how do we assess the impact and legacy of the act and Title VII?

There undoubtedly will be extensive coverage of the act's fiftieth anniversary in the media. If the disappointing coverage of the 1963 March on Washington's anniversary is any indication, media treatment of the civil rights act will likely be long on celebration and superficial reflection and short on history. We hope that this Up for Debate exchange will provide an important resource to those genuinely seeking to understand the complicated history and legacy of the act's Title VII. ■