

4-1-1966

Northrup & Rowan: The Negro and Employment Opportunity: Problems and Practices

Sanford Jay Rosen

Follow this and additional works at: <http://lawdigitalcommons.bc.edu/bclr>

 Part of the [Civil Rights and Discrimination Commons](#), and the [Labor and Employment Law Commons](#)

Recommended Citation

Sanford J. Rosen, *Northrup & Rowan: The Negro and Employment Opportunity: Problems and Practices*, 7 B.C.L. Rev. 777 (1966), <http://lawdigitalcommons.bc.edu/bclr/vol7/iss3/33>

This Book Review is brought to you for free and open access by the Law Journals at Digital Commons @ Boston College Law School. It has been accepted for inclusion in Boston College Law Review by an authorized editor of Digital Commons @ Boston College Law School. For more information, please contact nick.szydowski@bc.edu.

BOOK REVIEW

The Negro and Employment Opportunity: Problems and Practices. Edited by Herbert R. Northrup and Richard L. Rowan. Ann Arbor: Bureau of Industrial Relations, Graduate School of Business Administration, University of Michigan, 1965. Pp. xiii, 411.

This book is comprised, in the main, of a series of papers delivered at "a public conference on 'Equal Opportunity—The Job Aspect'," which was conducted by the Labor Relations Council of the Wharton School of Finance and Commerce in November 1964,¹ just four months after the signing of the Civil Rights Act of 1964 and its Title VII.² Where necessary to fill gaps in its coverage, additional papers have been included in the published volume.³

For me, this volume was a disappointment, but one that was largely self-inflicted. I did not scrutinize closely enough the book's foreword and introduction which together give sufficient indication of the kind of fare that will be encountered within.⁴ This is no book for scholars, though a few of the papers may interest them;⁵ this is no book for those who seek original contribution to the burgeoning literature dealing with fair employment practices, though they too will find a few items of interest;⁶ this is no book for civil rights militants—the positions taken by its contributors are much too moderate, or even less—though at least one of the pieces will supply them with some warmth.⁷ Rather, this book seeks its primary audience among the personnel and public relations people of the nation's businesses. Thus, while the book struck me as being composed largely of rather plodding "show and tells"—business and industry,⁸ government and community,⁹

¹ P. v.

² 78 Stat. 253 (1964), 42 U.S.C. § 2000e (1964).

³ Pp. vi-vii.

⁴ Pp. v-x.

⁵ See Gallaway, "The Anatomy of the Negro-White Income Differential," pp. 45-64; Gershenfeld & Rowan, "Negro Employment in Lancaster, Pennsylvania," pp. 237-74; Gershenfeld, "Lancaster Study Implications," pp. 275-300; Rico, "The Negro Worker in Philadelphia," pp. 349-77.

⁶ See Cassell, "Equal Opportunity and Employment in Illinois," pp. 221-35; Shostak, "Two Issues of Negro Advancement," pp. 321-29; Gomberg, "The Negro Problem of Entrepreneurship," pp. 389-96.

⁷ Schermer, "Effectiveness of Equal Opportunity Legislation," pp. 67-84; see also, Wilkins, "Employment Problems and Negro Leadership," pp. 405-11.

⁸ See Part III, "Equal Opportunity at the Company Level," pp. 110-64 (six papers descriptive of the programs of six companies). See also note 9 *infra*.

⁹ See Meranze, "Negro Employment in the Construction Industry," pp. 199-206; Rowan, "A Survey of Employer Association Activities in the Civil Rights Movement," pp. 209-20; Garrison, "A Community Project with an Open Door Employment Policy: The Business and Industrial Coordinating Committee of Newark, New Jersey," pp. 301-10; Martin, "Utilizing the Dropout," pp. 331-41; Garrison, "A Program for High School Dropouts in Bamberger's, New Jersey," pp. 343-47.

labor,¹⁰ civil rights,¹¹ and even university,¹²—to the personnel and public relations people it may provide a fine vehicle for the cross-pollination of ideas. Similarly, while the papers undoubtedly made good copy for a conference of such people, in my opinion many of them should have received publication only in trade journals or company newspapers; the volume's audience, on the other hand, may think it a great convenience to have the entire bundle available in one easy package.

The package is functionally divided into seven parts containing twenty-eight chapters. Part I, "An Overall Look at the Job Problems of Negroes,"¹³ provides just that, complete with mathematic equations, incomprehensible to the untrained who include the reviewer,¹⁴ and statistical tables that aid in illustrating the general status of Negroes in the economy.

The title of Part II, "Political Approaches: Two Views of Equal Opportunity Legislation,"¹⁵ again reflects its contents accurately. There is a great deal of overlap in the two chapters that make up this portion. My own preference is for the first discussion, "Effectiveness of Equal Opportunity Legislation," by George Schermer.¹⁶ It is a good and free-moving piece that takes delightful and well-deserved cracks at the general lack of vitality evinced by most state and local fair employment practices commissions. The paper, ending with the recognition that "equal opportunity laws are essential elements of an effective equal opportunity program, but they are no more than elements of a much more comprehensive program,"¹⁷ usefully proposes seven necessary conditions and elements for an aggressive and effective program.¹⁸

¹⁰ Jones, "Human Rights and the Labor Movement," pp. 187-91 (Philadelphia Council, AFL-CIO's Human Rights Committee); Kheel, "Increasing Employment Opportunity in the Printing and Electrical Trades," pp. 193-98.

¹¹ Puryear, "Negro Employment in White Collar and Professional Jobs," pp. 397-404 (Urban League Skills Banks).

¹² Mitchell, "The University of Pennsylvania Pilot Residential Educational-Vocational Project," pp. 379-85.

¹³ Pp. 1-64.

¹⁴ Gallaway, *supra* note 5. With good humor, in his conclusion, Professor Gallaway distilled for the uninitiate, and converted into parable, the essence of what his equations demonstrated. Pp. 60-61.

¹⁵ Pp. 65-107.

¹⁶ Pp. 67-84.

¹⁷ P. 84.

¹⁸ These are:

1. A local economy that is expanding; or, at least, one that is capable of offering job opportunities for a substantial part of the local population.
2. An alert, articulate, aggressive, and astutely-led civil rights or minority group movement.
3. Sufficient strength among the minority groups to impress the political powers and a concomitant political posture of support for strong and vigorous administration of the law.
4. A well-conceived, carefully-drafted fair employment law which grants to the administrative commission the powers to undertake affirmative compliance measures with employers, employment agencies, and labor unions.
5. A strong, independent administrative commission—adequately financed, well staffed and, above all, enjoying the support of the political powers.
6. A broadly-based community program involving employers, labor, educa-

Part III, "Equal Opportunity at the Company Level";¹⁹ Part IV, "Union Policies and Programs for Equal Employment";²⁰ Part V, "Community Approaches to Equal Employment Opportunity";²¹ Part VI, "Drop-outs, Training, and Other Urban Industrial Problems";²² and Part VII, "Business and Professional Jobs and Negro Leadership,"²³ are made up predominantly of the plodding "show and tells" or "how to's" referred to earlier. Sometimes stressing obvious preference for voluntary, as opposed to government compelled action,²⁴ and sometimes reflecting almost abhorrence at thoughts or suggestions of compensatory or preferential treatment for Negroes,²⁵ personnel and other officials of a number of significant companies inform the reader about their companies' activities under the Plans for Progress Program (instituted by the no longer existent President's Committee on Equal Employment Opportunity)²⁶ or otherwise, to promote non-discrimination in employment. From numerous of these sources, the reader further learns that promotion of national fair employment policy is not only good business but it is also right. These papers range from formalistic pap²⁷ to reasonably interesting statements of apparently meaningful programs.²⁸

A greater number of the papers on union, community and other activities are of some interest,²⁹ but most remain of little consequence. Several, however, are worthy of particular attention. In his paper, "Equal Opportunity and Employment in Illinois,"³⁰ Frank H. Cassell, Assistant to the Administrative Vice-President of the Inland Steel Company, does a credit-

tional, and civic institutions—vigorously committed to extending employment opportunity to all.

7. An educational system geared to meeting the needs of all the children, youth, and adults, particularly those whose cultural background is not equal to the demands of the modern economy.

Ibid. See also, e.g., Blumrosen, *Antidiscrimination Laws in Action in New Jersey: A Law-Sociology Study*, 19 Rutgers L. Rev. 189 (1965); Hill, *Twenty Years of State Fair Employment Practice Commissions: A Critical Analysis with Recommendations*, 14 Buffalo L. Rev. 22 (1964); Witherspoon, *Civil Rights Policy in the Federal System: Proposals for a Better Use of Administrative Process*, 74 Yale L.J. 1171 (1965).

¹⁹ Pp. 109-64.

²⁰ Pp. 165-206.

²¹ Pp. 207-310.

²² Pp. 311-85.

²³ Pp. 387-411.

²⁴ See Barker, "A Voluntary Approach to Equal Opportunity," pp. 111-21, at 113-14; Morse, "Equal Employment Opportunity at Honeywell, Inc.," pp. 123-30, at 123, 125.

²⁵ See *id.* at 123-24; Mattison, "Integrating the Work Force in Southern Industry," pp. 147-54, at 149-50; Powell, "Employing Negroes in Urban Labor Markets," pp. 313-19, at 318. See also Marshall, "The Job Problems of Negroes," pp. 1-43, at 24-28. But see Lawrence, "Western Electric's Commitment to Fair Employment," pp. 137-45; Day, "Progress in Equal Employment Opportunity at General Electric," pp. 155-64.

²⁶ Under Executive Order No. 11246, 30 Fed. Reg. 12319 (1965), the President's Committee was dissolved and its jurisdiction and powers were vested in the United States Department of Labor and the Civil Service Commission.

²⁷ See McFarland, "Minority Group Employment at General Motors," pp. 131-36.

²⁸ See Lawrence, *supra* note 25; Day, *supra* note 25.

²⁹ See, e.g., Kheel, *supra* note 10.

³⁰ Pp. 221-35.

able job of placing problems of equal opportunity in employment in proper perspective by relating them to problems of unemployment and skills disparities. A further, and perhaps more original perspective, is provided by Professor Arthur B. Shostak's provocative argument that the economic posture of Negroes (now largely concentrated in our great cities) is inexorably bound to the even more general need in our society for wholesale urban reform. Professor Shostak, in his paper, "Two Issues of Negro Advancement,"³¹ also rightly suggests that a "second under-discussed problem"³² concerns the aftermath of industrial integration—more precisely, the problem of arranging for integration to become the norm of the work station and not an artificial and rather embarrassing construct on it.

Professors Walter J. Gershenfeld and Richard Rowan provide the reader with the interesting results of a field study into "Negro Employment in Lancaster, Pennsylvania."³³ Professor Gershenfeld then follows up with a paper entitled "Lancaster Study Implications,"³⁴ in which he attempts to account for the fact, revealed by the field study, that absolute Negro unemployment is high in Lancaster despite a very high employment market. Gershenfeld's fundamental conclusion appears to be that, largely as a result of certain non-discriminatory options employers might make, and because of inferior educational opportunities and levels and concomitantly inferior skills levels:

. . . [T]he Negro's position in a generally prosperous community such as Lancaster can be seen to be independent, in good measure, of both prosperity and low unemployment. The same prosperity which may be presumed to aid his search for employment may well call forth a countervailing competitive force which serves actually to decrease his employment opportunities and raise his unemployment rate. . . .

. . . [A]n increase in the demand for labor generally may have a quite disproportionate effect on minority labor. The demand curve may shift to the right insofar as the community is concerned, while it remains stationary for the Negro. The point at which an increase in employment carries with it a proportional or favorably disproportional effect on Negro employment is a matter of conjecture.³⁵

If Gershenfeld's conclusions and the data on which they are based is correct, great force is given to the argument that the key to employment discrimination must be found in the large scale giving of compensatory or preferential training and other benefits or advantages to Negroes—an argument apparently considered extremely unpalatable (to put it mildly) by many of the business executives and others who participated in this conference and book.³⁶

³¹ Pp. 321-29.

³² P. 324.

³³ Pp. 237-74. The volume also includes an interesting economic profile of the Negro labor force in Philadelphia. See Rico, note 5 supra.

³⁴ Pp. 275-300.

³⁵ P. 298.

³⁶ See note 25 supra.

The last paper worthy of particular attention is "The Negro Problem of Entrepreneurship."³⁷ Its author, Professor William Gomberg, views the Northern Negro as "a part of a migratory wave from the South where the mechanization of cotton cultivation has displaced him from his historic job—cotton chopping."³⁸ Cogently, the Negro is then differentiated from members of other and presumably earlier immigrant groups: First, he is entering the labor market for semi-skilled and unskilled workers when, for the first time in our history, that market is shrinking, at least relatively; second, "he is saddled with permanent prominent visibility."³⁹ Turning from the problem of the Negro as an employee to "his prospect as a businessman, as an administrator, as an entrepreneur,"⁴⁰ Professor Gomberg sees great hope for a future containing a large and well-assimilated Negro middle or entrepreneurial class. Part of his hope is drawn from the fact that, even in the face of southern adversity, Negroes have successfully set up businesses and engaged in other such entrepreneurial activities. He further announces his belief "that the seething cauldron of the Negro revolt is a signal that there is much entrepreneurial drive seeking to be channeled,"⁴¹ and that "wise business leaders in the white community can identify themselves with this striving and thereby fulfill their own 'good works' instincts and find new sources of business for their institutions."⁴² But there is the rub!—Not only to Gomberg's thesis, but ultimately to the positions or at least the mood adopted by most of the book's business contributors. If these contributors are representative of their class, it is clear that only the strongest hearted and wisest of white business leaders are able to dip deeply enough into Professor Gomberg's "seething cauldron of Negro revolt." Cooking therein are the hottest of emotions and the most incendiary of ideas, including a great deal of both honest and rebellious disinclination to assimilate with Professor Gomberg's white entrepreneurial society.

There is, in fact, building in the heart of the cauldron, a drive and pressure for either a vastly different kind of society from the one envisioned or aspired to by Professor Gomberg or, as Watts demonstrated last summer, for no society at all. At the very least, within the Civil Rights Movement and the Negro Community today, there is found the slogan "Freedom Now" and all it encompasses.

Only by the most heroic of compensatory measures to approach "Freedom Now" can the awful pressure be extinguished or rendered less critical. Only by heroic efforts can the Civil Rights Movement, large elements of which are becoming more rather than less radical, be captured and both the Negro Community and the Negro assimilated into our present entrepreneurial society. But such efforts would risk much of the very change that the white entrepreneurs think they do not desire; such efforts would themselves recast our society. Moreover, if this volume is an honest reflection of what

³⁷ Pp. 389-96.

³⁸ P. 389.

³⁹ P. 390.

⁴⁰ Ibid.

⁴¹ P. 391.

⁴² Ibid.

the nation's chief businessmen are willing to do to achieve present and necessary assimilation of the Negro, I think they have little cause to be sanguine, and we can all look forward to more rebellions of the Watts variety.

SANFORD JAY ROSEN
Assistant Professor of Law
University of Maryland