Some impacts of Title VII on management hiring practices in selected banks in Atlanta

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SOME IMPACTS OF TITLE VII ON MANAGEMENT HIRING PRACTICES
IN SELECTED BANKS IN ATLANTA

A THESIS
SUBMITTED TO THE FACULTY OF ATLANTA UNIVERSITY IN
PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR
THE DEGREE OF
MASTER OF BUSINESS ADMINISTRATION

BY
CHAND VYAS

SCHOOL OF BUSINESS ADMINISTRATION

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C.V.
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CHAPTER I

INTRODUCTION

The Problem

Present discrimination, the effects of past deprivation, and an economy that increasingly saves its rewards for the highly trained -- these add up to poverty for millions of American Negroes. Since every statistical measure reveals their plight, only a few are needed to illustrate it.

In 1966, according to the President's Manpower Report of 1967, the unemployment rate for the nonwhite males and females averaged 6.3 and 8.6 percent respectively, as contrasted with 2.8 and 4.3 percent rates for the white males and females.\(^1\) To appreciate the size of these unemployment rates, one should consider the view of the National Advisory Commission on Civil Disorders that unemployment among Negroes has been continuously above the 6.0 percent "recession" level widely regarded as a sign of serious economic weakness when prevalent for the entire work force.\(^2\) Or compare it with the Johnson Administration's view that for the nation as a whole "a 4 percent jobless rate is the highest that can be considered tolerable."\(^3\)

\(^1\)Manpower Report of the President, April, 1967, p.216, Table A-13.


A further analysis of Negro employment facts reveals that when Negroes do find jobs they are likely to be poor ones. Seventy percent of the Negro workers share jobs in the categories of operatives, service workers, non-farm laborers, contrasted to only 39 percent of white workers in those categories. Nine percent of Negroes as against 27 percent (ratio 1:3) of whites have jobs in professional, managerial and technical categories.¹

In summing up the net effects of these statistics, the Monthly Labor Review states:

...the familiar profile of the average Negro compared to its white counterpart, he is over twice as likely to be in a family with an income below $3,000 a year, over four times as likely to be employed as a laborer or a private household worker and only one third as likely to be in managerial, professional or technical occupations, has about three quarters as much formal schooling (and sometimes of poor quality) and will have lifetime median earnings of about half as much regardless of schooling.²

However, these general facts regarding Negro employment are scarcely subject to debate, but the complex nature of interrelated factors producing these patterns make it less clear why Negroes occupy inferior occupational positions. In spite of the controversy over the causes, all seem to agree that the racial discrimination in employment has been one of the major stumbling blocks to the fair share of Negroes in employment. Marshall substantiates this position: "An important impediment to the Negroes' ability to acquire jobs is undoubtedly his easy identification and the image of inferiority stamped

¹Commission on Civil Disorders, op.cit., p.254.
upon him by slavery.\textsuperscript{1}

To eliminate racial discrimination in employment has long been a goal of the civil rights movement. It has become as well one of the major goals of the American society. The martyred leader, Dr. Martin Luther King, Jr., said:

The Negro today is not struggling for some abstract, vague rights, but for concrete and prompt improvement in his way of life. What will it profit him to be able to send his children to an integrated school if the family income is insufficient to buy them school clothes? What will be gain by being permitted to move to an integrated neighborhood if he cannot afford to do so because he is unemployed or has a low-paying job with no future? ... Negroes must not only have the right to go into any establishment open to the public, but they must also be absorbed into our economic system in such a manner that they can afford to exercise that right.\textsuperscript{2}

On the other hand, the nation's biggest firms now seem to be committed to solve the racial crisis. According to the \textit{Wall Street Journal} News Roundup, a detailed inquiry made at 50 major corporations -- the top 25 industrial companies, the 5 biggest banks, the 5 largest insurance companies, the 5 biggest merchandisers, the 5 biggest utilities and the 5 largest transportation companies -- show them playing a significant role in terms of hiring Negroes than they did five years ago.\textsuperscript{3}

Many people, however, agree that Negroes have still to go a long way to approximate the white patterns. Marshall claims that improvements in racial employment patterns through shifts to better jobs


\textsuperscript{2}Martin Luther King, Jr., \textit{I Have a Dream} (New York: Grosset and Dunlop, 1968), p.37.

have shown remarkable rigidity through time.\(^1\) Negro leaders are not satisfied with the effort either: "I am not giving out any plaques," says Whitney Young, Jr., Executive Director of the National Urban League.\(^2\) Herbert Hill, Labor Director of the National Association for the Advancement of Colored People (NAACP) asserts flatly: "Most large companies have failed to make the fundamental change that's required if significant numbers of Negro workers are to be brought rapidly into the labor force."\(^3\)

However, the controversy and complexity of job problems for Negroes may well be here to stay; the ignorance need not be. It has already been established that racial discrimination occurs and, in many instances, through the practices of employers and of unions. The final report of the Fair Employment Practice Commission states that employment discrimination has been an obvious handicap and that Negroes get less than their fare share of employment opportunities in every sector of the economy and in every region of the state.\(^4\) The legal remedies for racial discrimination in employment also exist in many forms—from the Constitution itself to the latest Civil Rights Act.

The ban on discriminatory practices in employment became federal law on July 2, 1964. Effective July 2, 1965, the law has been widely known as Title VII of the Civil Rights Act or the Equal Employment Opportunity Act. The law states specifically (in part):

\[^1\text{Marshall, op.cit., p.}\]
\[^3\text{Wall Street Journal, op.cit.}\]
\[^4\text{Fair Employment Practices Commission, Final Report, 1946, p.10.}\]
It shall be an unlawful employment practice for an employer: 1. to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges, of employment, because of such individual's race, color, religion, sex or national origin; or 2. to limit, segregate or classify his employees 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 his race, color, religion, sex or national origin.\(^1\)

The Civil Rights Act of 1964 has been considered by many personnel experts to be the most far-reaching labor relations regulation since the National Labor Relations Act became law in 1935; however, there are some who consider it only a beginning. Sovern states:

It is moreover an irreversible beginning; the Act will never be repealed; it will, rather, be elaborated and improved upon as the political influence of Negroes waxes and resistance to equal employment opportunity wanes.\(^2\)

In the meantime, however, the question arises whether Title VII, for all its limitations, has been more than a mere symbol. This study undertakes to answer the question in part.

The Hypothesis

This study undertakes to test the hypothesis that the Title VII of the Civil Rights Act, 1964, had a favorable effect on the employment status of Negroes in some selected banks in Atlanta.

The Significance

Since President Roosevelt's Executive Order 8802 in 1941,

\(^1\) The Civil Rights Act of 1964, Title VII, Section 703, Paragraph 112, 78 Stat. 201, Public Law 88-358.

legal remedies for racial discrimination in employment have existed in many forms. Many federal, state and municipal agencies now possess powers that can be invoked against employers who discriminate on the basis of race. But in spite of these remedies, racial discrimination in employment still seems to persist.

Further, while Negroes represent 22 percent of the total population and 15.2 percent of the total employment in Atlanta, they shared only 6.4 percent of the employment in the banking industry in 1966.\(^1\) It can be concluded, however, that the representation of Negroes in the banking industry is out of proportion with their population and manpower resources. This aspect needs further analysis and investigation in order to uncover reasons behind it; it is important to determine, after three years of enforcement of the Equal Employment Opportunity Act, whether the employers with a power to discriminate were certain of their duties or aware of the rights of Negroes in the labor market, established by the statute in 1964 (Title VII).

The Purpose

The purpose of this study is to test the hypothesis that Title VII of the Civil Rights Act, 1964, has had a favorable effect on the employment status of Negroes in selected banks in Atlanta. In order to test the hypothesis, the study is designed:

1. To assemble information regarding some changes that have taken place subsequent to Title VII in the hiring practices of selected

banks in Atlanta and to collect their biracial employment data for the years 1964 and 1968.

2. To examine the data in order to determine whether Title VII had a favorable effect on the employment status of Negroes.

**Definition of Terms**

**Favorable.**—The criteria used to determine the term "favorable" was simple. Has employment of Negroes increased and have they been placed in non-traditional job categories? Should these two requirements be met, the result is considered "favorable."

**Professional.**—Occupational group represented by those occupations requiring a high degree of mental activity and demand rather extensive academic study.¹

**Clerical.**—Occupational group typified by those jobs that relate to the preparation, transcribing, systemizing and communication in offices and other places of work.²

**Supervisory.**—This occupational group represents employees of higher level than the clerical category and/or with one or more subordinates. Supervisors do not come either under professional or clerical categories.

**Other Job Titles.**—The occupations represented in this group indicate all types of blue-collar employees involved in labor jobs.


²Ibid.
Scope and Limitations

This study is limited to 12 banks which were selected from the list of banks given in the yellow pages of the telephone directory of metropolitan Atlanta.

All persons interviewed were directly responsible for hiring and recruiting employees in their respective organizations. Their titles were "vice presidents" and "employment directors" in most cases.

(Although quantitative measures are used to test the hypothesis, the study is made on a qualitative basis.)

The 12 banks selected did not constitute the entire banking industry in Atlanta, but they are considered to be a fair representation of the same because of the following reasons. All major banks in Atlanta were included, representing about 90 percent of the bank employees and, secondly, the Equal Employment Opportunity Commission surveyed 11 banks to collect data representing the banking industry in Atlanta and these 11 banks are included in the study.¹

The universe of Atlanta banks consists of twenty-five banks not counting the Federal Reserve Bank. Out of the 12 interviewed, 5 were selected for their larger size. These 5 represented about 90 percent of the total bank employees in Atlanta. The other 7 were selected at random. One bank was not selected because it was a Negro-owned and operated bank.

¹Nine City Minority..., op.cit.
Methods and Procedures

The Questionnaire Form

A questionnaire form was formulated in order to conduct the study. Twelve questions constituted the form and were divided into four parts: (a) communication; (b) hiring practices; (c) general; and (d) statistical information.

A. Communication. Two questions were asked in this part:
(1) whether the management communicated the text or the meaning of Title VII to its employees; whether or not and how many employees were communicated with was important to know to test the degree of consciousness, seriousness, sincerity and determination of the management toward the law and (2) what was the method of communication of the law in each organization. The purpose of this question was similar to that of the first question.

B. Hiring Practices. Five questions (Nos. 3 to 7) constituted this part of the questionnaire: Question 3 asked to measure the change in the number of Negro applicants interviewed after the enactment of the Act. If the number would increase, it might be partially because of the new channel of justice established by the statute but also because the management more readily accepted Negro applicants. Question 4 asked whether management was ready to change the requirements of any particular job by way of relaxing age, education and experience, and/or aptitude and personality (tests) requirements. It was asked in order to determine the degree of enthusiasm in the attitudes of the management while

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^See Appendix.
they were pursuing the goal of integration. If the answer to Question 4 was yes, then Question 4a needed an answer also, which asked for specific examples of the above.

Question 5 was asked in order to know the problems faced by the management while trying to integrate their organization.

Question 6 was asked to know the specific changes that had taken place in the organization. It was important to know such changes in order to know some of the favorable effects of Title VII on the Negro employees and applicants.

Question 7 asked whether there had been any cases brought under the new law. It was asked to know whether a strict enforcement of the law (through the courts) was necessary or, if necessary, was possible in the banking industry or not. This could also depict the stubbornness of employers or the awareness of the Negro applicants.

C. General. Four questions constituted the "general" section. These general questions were meant mainly to find out the degree of enthusiasm of the employers in carrying out the goal of Title VII of the Civil Rights Act, 1964.

Question 8 was asked to determine whether management had an opinion about the effectiveness of the law. A manager's positive or negative attitude could make a great deal of difference in his attitude towards the enforcement of the law.

Question 9 was asked to find out if the organization participated in the various special programs, such as Merit Employers Association (MEA), National Alliance of Businessmen (NAB) or Plans for Progress, etc. A degree of willingness to respond to the needs of time could well
be determined by how much and how many of the banks are participating in such special recruitment programs.

Questions 10 and 11 were asked to find out the management's attitude towards applicants of Atlanta University. The answers to these questions would be helpful in giving some guidelines to the Negro students of the colleges. Since the Atlanta University Center complex is predominantly Negro, a business organization well aware of the need to integrate could not possibly fail to look at one of the largest sources of all categories of Negro job applicants. Question 11 was asked to find out whether the curriculum of the School of Business Administration, Atlanta University, was fitted to their hiring requirements. This question was asked to find out whether the management of each bank were aware of the courses offered in the School's curriculum.

D. Statistical Information. Question 12 was asked in order to get the biracial employment data in each bank for the years 1964 and 1968. The biracial employment data in each category of (a) professional, (b) supervisory, (c) clerical and (d) other, were asked for each of the years 1964 and 1968. This question was asked in order to determine whether a favorable change had taken place after the enactment of Title VII.

The Interview

The survey was conducted by a personal interview with the delegated person giving the information. Each question was discussed when it was possible and necessary to do so. It was also necessary to see that all the respondents obtained the same meaning from the questions asked; this might not have been possible through a mail
The interview was designed to take 15 to 20 minutes. Each interview commenced with the following general questions: What precisely is the social responsibility of a business organization? How much can it actually accomplish in civil rights? Is an enterprise dedicated to making a profit obligated to divert sizable resources to social ends? Should it give preference to a member of a minority in hiring and promotion practices to atone for past injustices? What precisely did Title VII attempt to do? Can business accomplish it? What are the other alternatives?

It is evident from the nature of these questions that specific answers were not required; however, the primary objective in asking them was to find out whether the management had a genuine desire to integrate and what the psychological reasons behind its stand were. This candid discussion, although informal and uncertain in parts, was meant to reach some of the most vital areas of the problem of racial integration in the selected banks.

Chapter II will explain the nature of racial discrimination in employment and the legal remedies for it. Chapter III will reveal the findings and analysis. The conclusions and recommendations will be contained in Chapter IV.
CHAPTER II

RACIAL DISCRIMINATION IN EMPLOYMENT AND THE LAW

The Nature and Causes of Employment Discrimination

Racial discrimination in employment consists of an employer hiring trainees or promoting available qualified workers because of their race. The employer voluntarily blocks off or restricts that part of his labor supply which is nonwhite.

Although many people seem to agree that racial discrimination exists and has been a major stumbling block to the fair employment share of Negroes, the number of complaints received by the Equal Employment Opportunity Commission during its first year of operation, July 2, 1965, through June 30, 1966, might be beyond the expectations of many. The commission received 8,854 job discrimination complaints nationally. Only 2,000 had been anticipated for the first year. In 2,053 of these cases (37 percent), sex was cited as the basis for discrimination, and in 3,254 of the cases (59 percent) race was the basis of the charge. National origin was cited in 121 (2 percent) of the cases and religion was cited as the basis for 87, or one percent.\(^1\) Thus racial discrimination in employment alone outnumbers the total anticipation on all bases of discrimination for the year by 1,254 or 50.3 percent. This leads

one to conclude that although discrimination in employment might be
now somewhat less frequent than it was ten or twenty years ago, it still
persists. At one extreme are the employers who do not hire Negroes
in any capacity and take few pains to hide the fact that they do not
intend to do so. At the opposite extreme are the employers who have
gone to some lengths to encourage Negroes to apply for employment and
make certain that they are accorded equal opportunity once they have
been employed. The great bulk of employers fall between such extremes
and display a mixture of discriminatory and nondiscriminatory behavior.

Rusmore observes this very vividly and states that a personnel
executive with good intentions may be susceptible to some unconscious
bias toward the applicant in question:

This kind of discrimination results from the unconscious
bias of well intentioned interviewers. Good intentions and
a clear conscience are not guarantees against systematically
unfair decisions. Evidence is needed to show that, object-
ively, equal qualifications receive equal treatment. It
is here asserted that in spite of fair policy and good inten-
tions, unconscious bias influences the selection of informa-
tion that the interviewer uses for decision.¹

Rusmore also mentions, in his article, the concept of "inadvertent
discrimination." Whereas the basis of unconscious discrimination is
within the person, inadvertent discrimination is a malfunction within
the employment system. He states that the common case of invalid use
occurs in a situation in which high scoring applicants do not become any
more satisfactory workers than applicants with average or low scores.
Describing the other ways of inadvertent discrimination, he says:

¹Jay T. Rusmore, "Tests, Interviews and Fair Employment,"
Personnel Administration (March-April, 1968).
Inadvertent discrimination can occur in various other ways. It is possible for a predictor to be valid among a majority group but not valid with a minority group. For example, a record of police arrests might be predictive of job misconduct among majority workers but not among minorities where the situational probability of arrest is greater. This discrimination can also occur through failure to recognize the positive meaning of an event in a minority applicant's record. For example, a good credit rating may not be an important positive predictor for majority members but might be more of a mark of success for a minority person.¹

Such and other discriminatory practices occur in all phases of employment. The company policies play a vital role. Discrimination can occur at any stage in the employment process, but is most common in the areas of recruitment, hiring, promotion and training.

Complaints of refusals to hire are far more common than any other type of complaint received by fair employment commissions.² Two considerations indicate why this has been the case. The rejected applicant has nothing to lose by filing a complaint, but those who have employment of some kind may hesitate to file complaints for fear of reprisals. This has been substantiated by Lester³ among many others. Norgren and Hill state:

Refusal to employ Negroes for any type of work is rare, but restriction of newly hired Negroes to a range of unskilled or semiskilled jobs traditionally regarded as suitable for them is still a common practice.⁴

Thus, while discussing racial discrimination in refusal to hire,

¹Ibid., p.55.
²Marshall, op.cit., p.277.
the above consideration becomes important.

Recruitment practices that result in exclusion of Negroes from employment are common. Norgren and Hill have described such practices in detail:

Among the common deliberately discriminatory devices are understandings with personnel of private or public employment agencies to refer prospective employees from specified racial groups, identification of race on pre-employment forms, and coding of such forms to indicate race of applicants. Southern employers frequently restrict their recruitment efforts to segregated white schools or colleges, while Northern employers may try to draw employees from schools located in predominantly white neighborhoods or from colleges where few Negroes are enrolled.1

Negroes frequently encounter even greater difficulty in securing promotions on the job than in obtaining initial employment. This has been evident from the various statistics reflecting that Negroes are highly concentrated in the lower-level jobs.2 However, this greater difficulty might be because of less protest and resistance by Negroes in this area. Again, the explanation might be that the individuals, in fear of losing the present occupation, are less likely to complain, as has been mentioned earlier.

Much publicity has been given to the exclusion of Negroes from apprenticeship programs.1 But today, apart from them, increasingly important determinants of employee promotion, are the training programs. Employers engage in wide varieties of such programs to meet future need for specialized personnel. The concept of training programs is

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1Ibid., p.18.
3Marshall, op.cit.
relatively new and it appears that patterns of racial discrimination in such programs have not been recently established. Nevertheless, the possibility of conscious or unconscious or even inadvertent discrimination in some cases cannot be ignored.

Two questions arise after consideration of the nature of racial job discrimination of the stages at which it occurs. One is why does management curtail part of its labor supply and the other is why market forces permit management to follow such a restrictive and seemingly uneconomical practice.

Becker has developed a theory that presumes white management discriminate in employment against Negroes because they prefer, for reasons of personal taste or out of ignorance of the quality of Negro labor, to employ only whites or restricted groups among the whites; skin color is an obvious basis for a "taste of discrimination." In a further explanation of his theory, Becker states:

Only about 10 percent of the total population of the United States is Negro; hence the amount of labor supply is substantially less than the amount supplied by whites. Moreover, Negroes must be a net "exporter" of labor, since they clearly have more labor relative to capital than to whites. These two conditions imply that tastes for discrimination would produce via the workings of a competitive economic system -- effective discrimination against Negroes.¹

Becker seems to be right from the economic theory point of view. That, however, would appear to be only one possible factor in a complex situation. Empirical studies indicate other possible reasons why management discriminates by refusing to hire or promote qualified

Negro workers. One is the tradition in the community and, as part of it, the customary policy of the company. Another factor in some cases has been craft-union exclusion of Negroes from apprenticeship, membership and employment agency functions performed by the unions. A third factor has been the costs and difficulties managements assume that they will encounter in the form of white employee opposition or unfavorable customer reaction to the hiring or promotion of Negroes. These were the management reasons in a survey of over 1,200 firms in Pennsylvania. The report of the survey reveals that among 69 establishments that liberalized their hiring practices and gave reasons why they reduced or eliminated discrimination, 56 mentioned governmental influences (negotiation by government agencies, fair employment practices ordinances in the municipality, and United States government contract regulations). This means, perhaps, that the managements have tended to hire Negroes for the first time when the government has exerted pressure.

However, this seems to be one of the reasons only. Lester concludes: "Labor stringency during World War II and the Korean War caused many managements to relax self-imposed barriers to the use of nonwhites as part of the available labor supply."

Thus labor shortage has been one of the important causes as well as the governmental pressure.

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2 Lester, *op.cit.*, p.533.
Can Law Bring Equal Job Opportunity?

A question here arises as to whether an anti-bias law can bring equal job opportunities to the minority groups? Theoretically it seems possible, practically, it has to be answered mostly in the years to come. It has been said in the *International Labor Review*:

Some employers did not wait for Title VII to afford equal opportunity, others are doubtless complying now, but many will "consistently or avowedly" deny Negroes their rights under Title VII until compelled to do otherwise.¹

What happens, therefore, to the employers who will "consistently or avowedly" deny rights to Negroes when the commission cannot conciliate and the complainant is not able to sue? Or what if some employers externally do not expose themselves to the law but internally are biased in their employment practices? Berger is of the opinion that law effects those who follow it as well as those who oppose it and that anti-bias laws can bring effective results. He explains his theory in the following words:

Law is an effective means for reducing the discrimination or overt anti-minority conduct of the extremely prejudiced. . . Law, when it is backed by the full panoply of the state and has strong support in at least some sections of the community, is just such a symbol. Even if law did nothing but reduce discrimination by such persons it would be accomplishing something of value in a multigroup democracy. But there is evidence that anti-bias laws can also influence the conditions under which our attitudes are developed and maintained.²

The Legal Remedies

The legal remedies for racial discrimination in employment has

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taken several forms in the past quarter of a century. Before taking up Title VII, it is important to review briefly the experiences of the progenitor of all anti-discriminatory agencies -- President Roosevelt's wartime Committee on Fair Employment Practice. It is, however, equally necessary to consider state employment practices prior to the new legislation of 1964. This seems to be an indispensable prelude for anyone who would understand the new legislation, appreciate the difficulties it encounters and criticize it intelligently. The state agencies have independent significance as well, for by the express terms of the federal law, they are permitted to continue to function.

Some Aspects of the Federal Executive Orders

In the absence of a federal employment practice law, action by the federal government has taken the form of executive orders that have applied to federal employment and to private employment on federal contracts for both military and civilian items.

The first such executive order, 8802, against discrimination in employment was issued by President Roosevelt in 1941. It required federal contractors to obligate themselves under the contract not to discriminate against any job applicant or employee because of race, color, creed, or national origin. Although a series of executive orders against discrimination in employment have been issued since 1941, that pattern still prevails under Executive Order 10925 issued by President Kennedy in March, 1961, and administered by the President's Committee on Equal Employment Opportunity, of which the then Vice President Lyndon
B. Johnson was chairman.\(^1\)

The agencies to administer these executive orders have been hampered by quite restricted budgets and funds. Since the early 1950's the federal agency has not had half the budget and staff of the New York state agency. However, this does not mean that the federal programs were completely ineffective in private industry. It could mean that, through publicity and establishment of federal standards, their influence was fairly general, and special results are hard to discover in the 1960 Census figures.\(^2\) One difficulty for all anti-discrimination programs between 1957 and 1963 seems to have been the existence of widespread unemployment and lack of employment expansion in many industries. As a result, rivalry for jobs might have been increased and, in many cases, Negroes could only have been hired by displacing employed white workers. Lester supports the above view.\(^3\)

More progress in lowering barriers to the employment and promotion of Negroes among federal contractors seems to have been made from 1961 to 1963 than during any other three years in the previous decade.\(^4\) The federal program, however, continued to suffer from lack of a comprehensive federal anti-discrimination law and from inadequate staff and funds for the administration of the restricted program under Executive

\(^{1}\text{Ibid.}\)

\(^{2}\)Norgren and Hill, \textit{op.cit.}, p.78, Table 47.

\(^{3}\)Lester, \textit{op.cit.}, p.538.

Order 10925. A federal fair employment statute, applying to inter-
state commerce, would have the advantage of greater coverage, more direct
and effective remedies, the promise of more adequate financing, and
much greater moral influence throughout the country.

Some Aspects of the State Fair Employment Practice
Laws

In 1945, New York State Legislature passed the Ives-Quinn
Bill, which became sections 290 through 301 of the state's Executive
Law against discrimination in employment. Beginning with New York and
New Jersey in 1945, many other states passed such laws in the subsequent
years. These statutes make it unlawful for an employer to discriminate
in employment or pay because of race, religion, or nationality. Many
of them also forbid employment agencies or labor unions to discriminate
in any way against racial, religious or ethnic minorities.

A total of 24 states passed such laws from 1945 until 1964.

In the chronological order of their enactment they are:

New York and New Jersey (1945), Massachusetts (1946),
Connecticut (1947), New Mexico, Oregon, Rhode Island and
Washington (1949), Alaska (1953), Michigan, Minnesota and
Pennsylvania (1955), Colorado and Wisconsin (1957), Cali-
forinia and Ohio (1959), Delaware (1960), Illinois, Kansas and
In addition, Idaho, Arizona, Utah and Nebraska have laws making
discrimination a misdemeanor and Nevada has a law which is not
enforceable. No laws existed in the South, but in 1964,
West Virginia, Kentucky and Oklahoma had set up commissions


2Herbert Hill, et.al., "Twenty Years of State Fair Employment
Practice Commissions: A Critical Analysis with Recommendations,"
Buffalo Law Review (Fall, 1964).
to consider the adoption of anti-discrimination laws.¹

Hill states that because of budget and staff limitations, only New York State and Philadelphia have approached adequate administration and enforcement of their laws. New York's fair employment commission has been the only one with full-time commissioners. Hill states:

...In 1960, its New York's FEPC annual budget was about one million dollars, and it had a professional staff of eighty persons. The next most adequately staffed states were California, Michigan, New Jersey, Ohio, and Pennsylvania with ten to fifteen professionals and budgets at that time of $150,000 to $200,000 a year. The Philadelphia staff and budget were slightly larger than those for any of those five states.²

The budget and staff limitations, however, suggest only one area of possible weakness. A frequent complaint against the state fair employment laws has been that the commissions cannot do their jobs effectively because they lack the power of initiation. This is because a complaint from a discriminated person was a starting point for any enforcement procedures for anti-discrimination laws. Greenberg states:

Without such a complaint, a number of commissions including New York's until 1965, would have been impotent to commence an enforcement proceeding. They could not, in other words, have sought out the discriminator on their own and filed a complaint against him.³

Greenberg supports a similar theory condemning the drawbacks of the state commissions' practice of operating on individual complaints alone.⁴ But why, it may be asked, should public officials have any

¹Ibid., p.80.
²Ibid., p.78.
⁴Ibid.
responsibility to go out and look for violations? Why is it not sufficient to provide a remedy for those who ask for one? The answers, perhaps, lie in the basic assumptions underlying fair employment practices legislation. The New York Law declares that: "...discrimination threatens not only the rights and privileges of its inhabitants but menaces the institutions and foundation of a free democratic state."\(^1\)

Paul Hartman quotes the Fair Employment Act of New Mexico, maintaining:

The practice of policy of discrimination... is a matter of state concern for such discrimination foments domestic strife and unrest, threatens the rights and privileges of the inhabitants of the state, undermines the foundations of a free democratic state. The denial of equal employment opportunities because of such discrimination and the consequent failure to utilize the productive capacities of individuals to their fullest extent deprive large segments of the population of the state of earnings necessary to maintain decent standards of living, necessitates their resort to public relief and intensifies group conflicts, thereby resulting in grave injury to the public safety, health and welfare.\(^2\)

In spite of the drawbacks and credits, it is difficult to determine from statistics just how much the anti-discrimination laws and the agencies administering them are responsible for any improvements in occupational distribution of Negro workers. Lester substantiates that between 1950 and 1960, Negroes in New York state advanced much more rapidly into higher level jobs than they had done in states such as Illinois, which enacted its fair employment law in 1961. Also the statistics submitted by federal contractors in their 1962 compliance


\(^2\)Ibid., p.53.
reports show that the percentages of Negro workers in those firms employed in professional and technical operations were three times as high for New York City, and twice as high for Philadelphia, as they were for Chicago and three other major cities in states without anti-discriminatory laws in 1962.\(^1\) Nevertheless, the state laws have not been too successful in preventing the placement and execution of discriminatory job orders by public and private employment offices. The state and local employment services conceive of their function largely as supplying requested services, and in referrals they try to meet the employer's desire so as to maintain his "business."\(^2\)

\[\text{The Civil Rights Act of 1964, Title VII}\]

Norgren and Hill, Sovere, Lester, Marshall and many others have substantiated that federal executive orders and state fair employment practice laws were not too successful in dealing with employment discrimination.\(^3\) The need for a federal anti-discrimination law was inevitable. Lester concludes:

A federal fair employment statute, applying to interstate commerce, would have the advantage of greater coverage, more direct and effective remedies, the promise of more adequate financing, and much greater moral influence throughout the country. In the absence of such a statute, Negroes in 1963 in many cities took direct action against employers and building unions in the form of customer boycotts, picketing, and sitdowns and lie-downs, in order to call attention to presumed discrimination and to try to hamper operations of the business until remedial action was promised.\(^3\)

\(^1\)Lester, op.cit., p.537.


\(^3\)Lester, op.cit., p.538.
Sovern explains the crying need for a federal anti-discrimination statute in the following words:

Employment discrimination is a national problem. No amount of states' rights obfuscation can obscure the magnitude of the national stake in eliminating it. The effect on our foreign relations has frequently been noted. Untold tax revenues are never collected by the federal government because the incomes from which they would have been withheld were never earned. The absence of those incomes -- a staggering multiple of the tax losses -- diminishes the vigor of our national economy.\(^1\)

Given the national and international dimensions of the problem, it is entirely appropriate that Congress attempted to solve it. After over twenty years of deliberation on dozens of bills, Congress finally made that attempt in Title VII of the Civil Rights Act of 1964. Vice President Hubert H. Humphrey, in a Keynote Address to the White House Conference on Equal Employment Opportunity, summarizes its purpose and significance in the following words:

Through Title VII we can build a more just and productive society -- where a man can be judged on his merits alone. This Title VII in the Civil Rights Act of 1964 took more time in its formulation and its ultimate preparation than any other part of the Act. And the reason that it required more time is because in a very real sense it is the heart of the Act. ... Nothing is more important to the Negro in his struggle to free himself from the circle of frustration than the ability to have and to hold a good job. The problems of spirit are intimately tied to more and better job opportunities.\(^2\)

The ban on discriminatory employment practices (Title VII) became effective on July 2, 1965, and applied to all phases of the employer-employee relationship, recruiting, hiring, training, upgrading and pro-

\(^1\)Sovern, op.cit., p.61.

motion policies and any other conditions or privileges of employment. Employers and unions with one hundred or more workers in any industry were immediately affected and since July 2, 1966, the law has been extended to include employers and unions with as few as 25 workers. The actual text of the law (in part) has been given in the first chapter of this study.

Unlawful Practices

Title VII of the Civil Rights Act includes the whole battery of substantive prohibitions found in the typical state anti-discrimination law. That is to say, it proscribes discrimination on the grounds of race, religion, color, sex, or national origin, whether perpetrated by employers, employment agencies, unions, or apprenticeship committees; and it proscribes such discrimination in every aspect of the employment and union relation, including, but not limited to, hiring, compensation, promotion, training, discharge, and union membership.1 Segregated working conditions are outlawed, as are the common adjuncts to discrimination -- classification of employees by race,2 advertisements which suggest that a racial standard will be applied to applicants, and reprisals of those who invoke the Act or assist in its enforcement.3 (Only racial discrimination by employers is within the scope of this study.) In addition, those barred from discriminating by Title VII must post in

1The Civil Rights Act of 1964, Title VII, Section 703, Paragraph 112, 78 Stat. 241, Public Law 88-352. (The Act will hereinafter be referred to simply by Section Number.)

2Section 703.

3Section 704.
an appropriate place: "... a notice to be prepared or approved by the commission setting forth excerpts from, or summaries of, the pertinent provisions of this title and information pertinent to the filing of a complaint."¹

**Exceptions**

To be an "employer" under the jurisdiction of Title VII, one should have two qualifications: (a) a person should be "engaged in an industry affecting commerce" or the "agent of such a person,"² and (b) he should hire "25 or more employees for each working day in each of twenty or more calendar weeks in the current or preceding calendar year."³

This means that industries not affecting commerce or hiring less than 25 employees are excluded from the legal restraints on employment discrimination by Title VII. However, the new law's definition of employer, in addition to excluding businesses without an effect on commerce, employers of fewer than 25 employees, also leaves out government agencies, Indian tribes and private membership clubs (701(b)). Of all these exclusions, the one regarding employees fewer than 25 draws more serious attention. Sovern has quoted Assistant Attorney General (as he then was) Burke Marshall underscoring the same point:

> When Title VII becomes fully effective, only 8 percent -- about 260,000 -- of the 3,300,000 employers that report to the Social Security System will be covered. This 8 percent

¹Section 711.

²Section 701 (b).

³Section 701 (b).
employ 40 percent (29 million of the 73 million persons) employed in this country.¹

In spite of their justifications, these exceptions seem to be subject to criticism, because they detract from the basic principle that racial discrimination in employment is wrong. However, a question might arise as to whether the law requires employers to treat all workers alike. Subsection (h) of Section 703 does not seem to support this view. In provides:

Notwithstanding any other provisions of this title, it shall not be an unlawful employment practice for an employer to apply different standards of compensation, or different terms, conditions, or privileges of employment pursuant to a bona fide seniority or merit system, or a system which measures earnings by quantity or quality of production or to employees who work in different locations, provided that such differences are not the result of an intention to discriminate because of race, color, religion, sex, or national origin, nor shall it be an unlawful employment practice for an employer to give and to act upon the results of any professionally developed ability test, provided such test, its administration or action upon results is not designed, intended or used to discriminate because of race, color, religion, sex, or national origin.²

This could mean that one may be paid more because he produces more or may be promoted because his father owns the business, or may be fired for incompetence. This section clears an important doubt mentioned in the beginning and thus proscribes differences in treatment only insofar as they are based on "race, color, religion, sex, or national origin."

However, an important implication of Section 703 (h) is regarding white employees having bona fide seniority rights. For ex-

¹Sovern, op.cit., p.65.

²Section 703, Subsection (h).
ample, if a business had been discriminating in the past and, as a result, had an all-white working force, when the title comes into effect, would the employer's obligation be simply to fill the future vacancies on a non-discriminatory basis or would he be obligated to be non-discriminatory only in the case of future vacancies? Title VII thus would have no effect on established seniority rights. Its effect is prospective and not retrospective.

**Enforcement**

Title VII has created an Equal Employment Opportunity Commission (EEOC), a five-member administrative agency. The commission's first chairman, Franklin D. Roosevelt, Jr., at the start of its first year of operation said: "Let us begin with what is clear and fundamental. Title VII is a ringing declaration of national purpose to end discrimination on the basis of race, color, creed, sex, or national origin."¹

The commission's objective, therefore, seems to make the above purpose a practical reality; however, EEOC, which has no legal power to enforce employers to change discriminatory employment and promotion policies, must rely on conciliation and persuasion. In so doing, it takes four steps:

1. Analyzes complaints (approximately 17,000 in its first two years of operation).
2. Investigates those falling within its jurisdiction.
3. Decides in written opinions by the five commission members, which cases are worthy of action.
4. Negotiates with employers, unions and employees to correct discriminatory situations which may range from segregated

facilities to segregated seniority lines.¹

In addition to this, the EEOC is authorized by Section 709(c) of Title VII to require persons subject to the Title to make, keep and preserve such records, and file such reports therefrom as are "reasonable, necessary and appropriate" to the enforcement of the Title.²

However, the EEOC, with its lack of legal enforcement power, has been subject to severe criticism. The labor section of Business Week reports:

The commission was activated officially on July 2, 1965. Since then it has processed thousands of complaints. But critics have complained that its procedures have been painfully slow, that it lacks real enforcement powers, and that it has been forced to seek conciliatory solutions even where the situation required stronger measures. Civil Rights spokesmen, employers, and union officials have tended to agree that the Civil Rights Act's provisions regarding EEOC rendered it ineffective compared with other federal agencies.³

And it further states:

The commission recommended investigation of 6,009 of the charges brought against employers, unions, and employment agencies, and completed investigation in about half the cases. EEOC found that violations had taken place in 1,550 cases. It achieved compliance with the law by means of conciliation in 244.⁴

However, the law does not stop by barring the legal enforce-

²Section 709 (c).
⁴Ibid., p.86.
ment powers to the commission. Section 706 (a) states: "Nothing said or done during and as a part of such endeavors may be made public by the commission without the written consent of the parties, or used as evidence in subsequent proceedings."¹

Insofar as conciliatory methods are concerned, Section 706 (a) might be helpful. But such a provision necessitates a great deal of repetition of the investigation procedures needed in the subsequent proceedings, if the conciliation fails. However, the law does give the grieved person a right to seek the court's assistance in case the conciliatory methods of the commission fail. Another alternative is provided in Section 707, which suggests that the commission may refer any such cases to the Attorney General. The latter has been given a legal power to enforce the law with or without the assistance of the commission.²

Moreover, Section 706 (i) provides:

In any case in which an employer, employment agency, or labor organization fails to comply with an order of a court issued in a civil action brought under subsection (e), the commission may commence proceedings to compel compliance with such order."³

Such a provision would seem to mean little when the commission's enforcement largely depends upon other than the means of legal enforcement. As we have seen before, only 244 out of 1,550 cases in which guilt was proved, could be conciliated by the commission. In such cases

¹Section 706 (a).
²Section 707.
³Section 706 (i).
where a large group of employers cannot be reached by way of conciliation, the law's major instrument for implementation (EEOC) would seem impotent.

However, the success or failure of the Equal Employment Opportunity Commission in enforcing the Civil Rights law has mainly to be decided in the years to come. Meanwhile, it is to be hoped that the commission helps make the message of the law a practical reality. This it can do, along with other means, by making "further reports on the cause and means of eliminating discrimination and recommendations for further legislation as may appear desirable." ¹

The commission's latest accounting reflects more than 2,000 charges still pending.² However, this could hardly mean that the commission and its purpose have been totally unsuccessful. The fact that the number of job discrimination complaints under Title VII was 8,854, when only 2,000 were anticipated for the first year, speaks for itself (especially when compared with New York State Committee receiving around 300 complaints a year³).

The next chapter will reflect the findings and give an analysis of the study of the 12 selected banks in Atlanta.

¹Section 705 (d).
²"Bigger Stick to Fight Job Bias," op.cit.
³Govern, op.cit.
CHAPTER III

FINDINGS AND ANALYSIS

The following are the findings revealed in the study of 12 banks in the Standard Metropolitan Statistical Area of Atlanta. The data were collected through personal interviews of 12 executives directly responsible for hiring and recruitment of personnel in their respective organizations. A summary sheet of the results has been attached in the Appendix.

Serious Concern

The majority of bank officers interviewed seemed quite concerned over the job problems for Negroes. This was apparent in the length of time they talked. The interview was designed to consume twenty minutes. In practice, however, it consumed from (low) twenty minutes (one bank) to (high) one hour and thirty minutes (one bank). Ten out of the 12 banks interviewed consumed thirty-five to forty minutes. One of the major reasons behind the prolonged talk was that most of the executives wanted to talk and express their ideas in greater detail. In general, this tendency could mean their serious concern over job problems for Negroes.

This concern was rather slightly felt in the answers to the first question. As shown in Table 1, slightly less than half of the banks had not communicated the text or the meaning of Title VII to
TABLE I

COMMUNICATION OF TITLE VII

<table>
<thead>
<tr>
<th>Description</th>
<th>No. of Answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Personnel management</td>
<td>2</td>
</tr>
<tr>
<td>All employees</td>
<td>3</td>
</tr>
<tr>
<td>Some</td>
<td>2</td>
</tr>
<tr>
<td>None</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>12</strong></td>
</tr>
</tbody>
</table>

their employees. This could be considered serious, since the lack of communication of the text or meaning of the law could probably slow down the process of integration in those organizations.

Table 2 shows that meetings were the most popular method of communication. Personal communication was the next in popularity. Circulars and other means were scarcely used. Very few companies used more than one method of communication. Apart from the effectiveness of the meeting and personal means of communication, it would seem that cost was also a major factor behind their popularity.

**Increased Response of Negro Applicants**

Question 3 was asked to get the exact numbers of Negroes interviewed by each firm in 1964 and in 1968. All companies, however,
TABLE 2

METHOD OF COMMUNICATION

<table>
<thead>
<tr>
<th>Description</th>
<th>No. of Answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Circular</td>
<td>1</td>
</tr>
<tr>
<td>Meeting</td>
<td>5</td>
</tr>
<tr>
<td>Personal</td>
<td>3</td>
</tr>
<tr>
<td>Other</td>
<td>1</td>
</tr>
<tr>
<td>Not answered</td>
<td>5</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>15</strong></td>
</tr>
</tbody>
</table>

revealed that such figures were not possible to give, since these records were not kept racially divided. However, the purpose of the question was to note the increase in the flow of Negro applicants since the enactment of Title VII of the Civil Rights Act, 1964. An increased response by Negro applicants, to a degree, could mean successful enforcement of Title VII by the respective banks. This presumption has been supported by Whitney Young when he says that Negroes know which companies offer equal job opportunity and which companies do not offer such opportunities to them.\(^1\)

All but one company reported that Negro applicants in 1968

\(^1\)Young, *op.cit.*, p.32.
should amount to three times more than in 1961. One company did not have any Negro applicants so far. Most of them stressed that not only the quantity but also the quality of the applicants had improved. Thus even when it was not possible to get the exact figures, the estimates of the management served the purpose most satisfactorily.

**Conservative or Competitive**

Almost all banks did not change the requirements of any particular job in order to hire a Negro. One bank did it in a few instances in order to meet the law. The reason for a highly negative response to this question lies in the answer of a bank officer given below, which could be representative of others:

> We are not a philanthropic organization. If we have to stay in business in a competitive economy, we must get maximum value of our dollar spent, that means we must hire the most competent available help. Lowering the hiring requirements would not serve this purpose.

Most banks did not use such strong language but meant similarly; the stress on the need for efficiency and competency standards was apparent in all opinions. But even when Negroes who meet all the requirements for a job are hired, the absolute rigidity of standard requirements could be subject to criticism. As Rusmore and many others claim, interviews and tests could be used in various ways to practice discrimination in employment.\(^1\) Since Negroes and whites do not have identical social backgrounds,\(^2\) the same standards equally applied to Negroes and whites, might have greater possibility to discriminate. One officer expressed

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\(^1\)Rusmore, *op. cit.*

the view slightly differently from the above. His company did not have any specific standards or tests in practice before the law was enacted. The management claimed that since the company now had tests and standards, its policy now had become more realistic, specific and hence more favorable to Negroes. Also stated by another bank as a reason for not changing the requirements was that those requirements were tailored by expert management consultants and, therefore, no change was warranted.

Integration Accepted

All but one bank said that their efforts to integrate caused no known problems within the organization; however, most of them were speculative about whether there were no problems or the management was not "made aware" of any such problems. Most of them feared that a few employees who left the organization might have done so upon the management's decision to integrate. However, such a cause was not revealed by any of the employees who left. Most firms admitted that there were instances of verbal friction. One bank, which reported trouble, said there were a few instances of threats to leave. The bank reported that one employee did leave subsequently. It could be concluded that there were no serious problems in most of the cases; there was a general acceptance of the idea of integration. Those who had complaints but did not report them to the management were also possibly those who accepted integration, not willingly, but out of fear.

Few Real Changes

A majority of the companies did not implement any significant
changes since the enactment of Title VII. The few companies who made
some changes indicated integration of restrooms, kitchens and other
facilities. Some of the companies which did not report changes started
integrating their kitchens and restrooms before the law was enacted;
however, this could be taken as an effect of the law, since the companies,
in most cases, might have done so because they had to do it later on
anyway (because of the anticipated governmental pressure).

One bank which implemented integration of its kitchen after the
law, complained about a problem. The bank said that after the manage-
ment informed all the employees -- whites and Negroes -- that the kitchen
was to be integrated, the Negro employees would not use the kitchen.
A few days later the Negro employees requested the management to give
them a separate facility again. Such an experience was unusual. As
the management said, some of the persons who did not have any experience
with integration could not possibly adapt to it too quickly.

No Discrimination At All?

No firm reported to have any legal trouble under Title VII of the
Civil Rights Act, 1964. No Negro applicant filed a suit against any
of these banks charging them with racial discrimination in employment.
This could mean one of several things. It could mean that no Negro who
was denied job opportunity could consider race as a definite reason for
such a denial. It could also mean that any such complaint might have
been solved through the conciliatory practices of the EEOC(no such case
was reported, however). It could mean that an applicant who might have
suspected discrimination was not in a position to prove it. Obviously,
absence of any case under the law should be no guarantee of non-discrimination (or otherwise). But it could mean one thing more definitely -- these banks were able to comply with the law so far, and whether out of fear of law or respect for integration, they did not practice racial discrimination openly.

Title VII Is Good, But . . .

The new legislation, Title VII of the Civil Rights Act, 1964, was effective and good in the eyes of most of the employers. A few said that it does not matter whether "we have such a law or not" and they were not discriminating anyway. One bank claimed that the law was extremely useful and an absolute necessity in order to eliminate racial discrimination in employment. Among those who said the law was good were many who had some "buts," but most of them placed emphasis on education and the training of Negroes. As one banker put it: "The law alone is not sufficient to give equal opportunities to Negroes. What they lack today is equal education and training. Since we cannot possibly do it, the government should implement programs to train and educate Negroes."

Those who felt negatively about their ability to train Negroes had cost and time factors in mind. Upon request, one officer admitted: "Affirmative action causes much more real amount of money. It could be estimated to be approximately $20,000 per applicant per year. And such a training could take two to three years."

On the other hand, one of the executives who answered "doesn't matter," said:

This legislation is not necessary nor does it serve any significant purpose. Law can never do it
nor can it prevent it [discrimination]. I have thought of no other alternatives [when asked if he had]. Time will take care of it.*

Some employers reported that the law enabled them to carry on their long-held wishes to prevent racial discrimination in employment. They said that they could not do so prior to the law because of the local opposition. One of the officers quoted Mayor Ivan Allen Jr., of Atlanta, saying that integration could not be left on the local level, it had to be federal legislation. Although only a few said that they had acted out of anticipation of prosecution under Title VII, many admitted that the law hastened the pace of integration in their organizations.

Table 3 shows a general acceptance and a good feeling toward the law. Many persons seemed to expect a law concerning affirmative action as a next step in governmental action.

TABLE 3

EFFECT OF NEW LAW

<table>
<thead>
<tr>
<th>Description</th>
<th>No. of Answers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Extremely useful</td>
<td>1</td>
</tr>
<tr>
<td>Good</td>
<td>9</td>
</tr>
<tr>
<td>Does not matter</td>
<td>2</td>
</tr>
<tr>
<td>Total</td>
<td>12</td>
</tr>
</tbody>
</table>

*Words in parentheses are author's.
Special Recruitment Programs: A Need for Emphasis

Those who did not participate in any special programs for recruitment were in a slight majority over those who did. Out of those who participated in such programs, all named two: the National Alliance of Businessmen (NAB) and Merit Employee Association (MEA). Occasional contacts with the EEOC and the Economic Opportunity, Atlanta (EOA) were mentioned by many. One banker complained that the National Race Relations Committee (NRC) had lost contact with him. Of the employers who answered affirmatively to Question 9, none seemed to be too happy about their relationship with those organizations. One bank put it into words, thus: "Five applicants for one job from different places is a silly action and makes me angry." The officer was reacting to the action of various organizations such as NAB, EEOC, EOA, etc., sending applicants to him for one particular job vacancy in his bank. The evidence of poor relationship between employers and other organizations working for equal job opportunities is not uncommon. The incident between the Congress of Racial Equality (CORE) and the nation's largest bank, the Bank of America, is worth citing here.

In 1961, CORE charged the Bank of America with racial discrimination in employment. Along with the charge of discrimination there were some other disputes also. The final issue, however, was exactly the opposite to the one the above-mentioned bank officer had complained about. The Bank of America asked CORE for help in finding qualified Negro applicants. According to the Bank of America, the reply from CORE was: "We are not an employment agency." The bank's executive
reacted to this in the following words: "The Bank of America experience seems to foreshadow the pressures that other employers face when they feel innocent of any discrimination."

"CORE's dispute with us," says executive vice president Samuel B. Stewart, "has nothing to do with the bank's position as an employer, is not related to the bank's willingness, even eagerness to hire qualified Negro applicants."

Wanted: Negro Job Applicants

Most of the bank recruiters have never visited the Placement Offices of the institutions comprising the Atlanta University Center. One of the two who have visited could not find any applicants. There could be several reasons for this. As one of the bank executives states, most of the openings in banks need high school graduates not available on the college campuses under normal circumstances. This also goes hand in hand with the policy of promoting from within. Such a policy hardly permits a newcomer for a high level job. Also the banks having large placement offices in the downtown area have enough traffic; however, the complaint of not getting qualified Negro applicants still persists. One company has a need for them at the moment. The shortage has also been noted by Schwartz:

One company considered two hundred Negro applicants in a six-months period, yet only nine met the minimum cutoff level on their pre-employment tests. . . . Another personnel executive is on a hunt for qualified Negro clerical workers. He can't find any.  

1"Who is to Decide if a Banker is Biased?" *Business Week*, June 13, 1964, p.29.

One bank executive said that the desire to leave the South played a motivational role behind qualified graduates not considering their bank for employment. Another blamed a relatively low level of salaries in banks at the entry level jobs as a possible factor. James Moss, Director of the Southern Regional Council substantiates these views:

In spite of the presence of Atlanta University Center, described by the Chamber of Commerce as the "largest center of Negro higher education in the world," most Negro graduates must leave Atlanta to find positions on a par with their qualifications. . . . A prime factor in loss of talented Negro Southerners to the North is an aggravation of the North-South salary differential, which also operates with whites.1

However, the problem was not confined only to the college graduates. While mentioning his difficulties in obtaining qualified Negro applicants, a troubled bank officer expressed concern about Negro high school graduates. He asked the author: "Suppose a high school graduate enters into your office -- with orange pants and orange shirt, along with a feathered black hat on his head -- for a job interview, what would you do?"

The bank officer admitted that such instances were not common but stressed that his general complaints regarding dress requirements still held good. He, like many others, perhaps, thought that general dress requirements were more important in a bank job than any other job. If a person has a neat and pleasant personality, he has met most of the requirements for a teller's job, he explained.

Although knowing that the bank officer was serious, the author is quite skeptical about his view on dress requirements. After all,

if an applicant met all other requirements -- which were more important perhaps for the actual performance on his job -- he could start wearing "bank clothes" in no time.

When asked whether the curriculum of the Graduate School of Business Administration at Atlanta University was suited to their hiring requirements, the majority kept silent. The few who replied said they thought the curriculum was suited to their hiring requirements. The majority who did not reply were not familiar with the curriculum. In one case, the executive suggested that business law was a very important course.

**Numbers Are Important**

Since quantitative measures are used in order to test the hypothesis of this study, numbers regarding employment status of Negroes become an important aspect of the study.

The first visit to five banks was sufficient to collect all the statistical information needed. The remaining seven needed subsequent visits. Five of the seven acted on the second visit. The main reason for subsequent visits as revealed by the banks was that such information was to be released upon management's approval. In a few cases, however, reluctance also played some role. One bank executive, when asked for the statistical information, was rather disturbed and wanted to know why he should give out such "confidential" information to the author. With minor obstacles, 100 percent response was made possible.

**Statistics on Negro Employment**

Table 4 reveals that no Negroes were hired in either professional
TABLE 4

NUMBER AND PERCENTAGE OF NEGROES AND WHITES EMPLOYED
BY ATLANTA BANKS IN 1964, BY JOB CATEGORY

<table>
<thead>
<tr>
<th>Category</th>
<th>White</th>
<th>Negro</th>
<th>Total</th>
<th>Percent White</th>
<th>Percent Negro</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professional</td>
<td>290</td>
<td>0</td>
<td>290</td>
<td>100</td>
<td>0</td>
</tr>
<tr>
<td>Supervisory</td>
<td>436</td>
<td>0</td>
<td>436</td>
<td>100</td>
<td>0</td>
</tr>
<tr>
<td>Clerical</td>
<td>3,297</td>
<td>38</td>
<td>3,335</td>
<td>98.86</td>
<td>1.14</td>
</tr>
<tr>
<td>Other</td>
<td>29</td>
<td>180</td>
<td>209</td>
<td>13.88</td>
<td>86.12</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>4,052</td>
<td>218</td>
<td>4,270</td>
<td>94.90</td>
<td>5.10</td>
</tr>
</tbody>
</table>

or supervisory positions in 1964. The only white-collar Negro employees were in the "clerical" category and even in this category their representation was extremely small. Table 4 also reveals that Negroes in Atlanta banks are concentrated in the lower level non-skilled labor jobs as indicated by "other" occupational categories.

Table 5 reveals the employment status of Negroes in Atlanta banks for the year 1968. The outstanding change which is noticeable is the entrance of Negroes in the supervisory category, previously held only by whites. The total Negro employment and also Negro employment in each job category has increased. The concentration in unskilled jobs persists more severely in 1968 than in 1964.

During the years 1964 to 1968, the number of Negro employees
TABLE 5

NUMBER AND PERCENTAGE OF NEGROES AND WHITES EMPLOYED BY
ATLANTA BANKS IN 1968, BY JOB CATEGORY

<table>
<thead>
<tr>
<th>Category</th>
<th>White</th>
<th>Negro</th>
<th>Total</th>
<th>Percent White</th>
<th>Percent Negro</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professional</td>
<td>383</td>
<td>0</td>
<td>383</td>
<td>100.00</td>
<td>0</td>
</tr>
<tr>
<td>Supervisory</td>
<td>860</td>
<td>36</td>
<td>896</td>
<td>95.98</td>
<td>4.02</td>
</tr>
<tr>
<td>Clerical</td>
<td>4,237</td>
<td>227</td>
<td>4,464</td>
<td>94.91</td>
<td>5.09</td>
</tr>
<tr>
<td>Other</td>
<td>26</td>
<td>236</td>
<td>262</td>
<td>9.92</td>
<td>90.08</td>
</tr>
<tr>
<td>Total</td>
<td>5,506</td>
<td>499</td>
<td>6,005</td>
<td>91.67</td>
<td>8.31</td>
</tr>
</tbody>
</table>

increased more in the clerical job category than it did in any other occupational category. While white employees in unskilled "other" job categories decreased, Negroes in the "other" category increased and represented a remarkable percentage of the total increase in this category. The increase in number and percentage of employees by race and job category for 1964-1968 is revealed in Table 6.

Negro Manpower Resources Versus Negroes in Banks

Obviously, the statistics regarding Negro employment in Atlanta banks reveal that Negroes are far from being proportionate with whites in all occupational groups. But then Negroes form only a smaller portion of the population and manpower resources. The question, there-
## Table 6

### Increase in Number and Percentage of Negroes and Whites Employed by Atlanta Banks by Job Category from 1964 to 1968 (October)

<table>
<thead>
<tr>
<th>Category</th>
<th>Number Increase</th>
<th>Percentage Increase</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>White</td>
<td>Negro</td>
</tr>
<tr>
<td>Professional</td>
<td>93</td>
<td>0</td>
</tr>
<tr>
<td>Supervisory</td>
<td>424</td>
<td>36</td>
</tr>
<tr>
<td>Clerical</td>
<td>940</td>
<td>189</td>
</tr>
<tr>
<td>Other</td>
<td>(3)</td>
<td>56</td>
</tr>
</tbody>
</table>

fore, arises as to what extent disproportions between Negroes and whites should be considered "reasonable," if such a term could be established. According to 1967 estimates, Negroes represent 22.3 percent of the total population of Atlanta (SMSA). Can a similar portion of Negroes sharing bank jobs be expected normally? The Monthly Labor Review states:

It is interesting that the total figure for all the industries surveyed shows that non-whites constitute 9.7 percent of all employees. In 1960, Negroes were slightly more than the total population in the United States, and it might seem that they are being employed in proportion. Such a conclusion would be inaccurate, as the proper base for comparison is not the total Negro population but, rather, the total of the nonwhite labor force. Twenty of the twenty-three communities in which interviewing was con-

---

ducted had a nonwhite labor force in excess of 9.7 percent. On this basis, a conclusion can be drawn that in the companies and the areas studied, utilization of minority group workers is not commensurate with the size of the manpower pool.1

In the case of this study, however, the Negro employment in the selected banks is not commensurate either with the Negro population (22.3 percent) or with the Negro manpower pool. Based on EEOC Reports, Negroes form 15.2 percent of the total employment in Atlanta.2 In contrast with the above, Table 5 shows that Negroes share only 8.31 percent of the total jobs in those banks. However, there are many factors other than racial discrimination in employment which could be responsible for such disproportions. To analyze and test all such factors would be beyond the scope of this study. As the Monthly Labor Review puts it:

If it were so simple and clear a "black and white" situation, the assessment of discrimination would be easy to establish. . . . There are many mitigating factors to be considered: to name only three: (a) tightness of job market generally and how it affects nonwhites specifically; (b) residential patterns which affect the presence and proximity of nonwhite applicants; and (c) the nature of business, that is, the work force primarily high level technical, professional or other white-collar, or are there significant numbers or lower level jobs which Negroes who have only limited education and training can fill.3

Smaller Banks: A Major Task Ahead

A remarkable disparity in Negro employment was found between larger banks and smaller banks. The banks having total assets of less

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2EEOC Report, op.cit., p.2.

than one hundred million dollars were considered "small" for the purpose of this study. Seven out of twelve banks fall under this category.

Table 7 reflects the employment status of Negroes as compared to whites in smaller banks in the years 1964 and 1968. In 1964, no Negroes held any white-collar jobs (professional, clerical or supervisory) in those banks. In 1968, the situation remained the same. The only five Negroes employed in these banks were in blue-collar labor jobs as indicated by "other" category. Those numbers also remained stagnant during the 1964-68 period. A number of explanations can be given for such a situation.

One valid reason is that these smaller organizations had very little change in terms of employment in the said period. The total employment in those banks rose from 311 in 1964 to 344 in 1968 — an increase of 33, or 10 percent, in four years. The employment in larger banks increased by 1,725, or about 24 percent, for the same period (table 6).

The opportunities at the smaller banks were further narrowed down by their policy of recruiting mainly through recommendation or referrals by present employees, one officer explained. Moreover, since many of these banks were located in "all-white" neighborhoods, the possibility of getting Negro applicants was relatively less. Local customs play a vital and important role, also. One bank admitted that, due to local resistance, a small suburban bank in an all-white locality has greater difficulty in hiring a Negro than a downtown bank.

A further analysis, however, reveals that the management in most small banks were relatively less oriented toward the meaning and
Table 7 shows that while all larger banks communicated Title VII to their employees a majority of small banks did the reverse. None of the seven smaller banks participated in any special recruitment programs, such as Plans for Progress, etc. This is evident in the summary sheet of results of the study which is attached in the Appendix.

As expected, none of them had visited the placement offices of the institutions in the Atlanta University Center. Most of them had not even heard about the complex.

All small banks were found to be not taking any pains to hire Negroes. At least a little less than half of them had not given any
TABLE 8

COMMUNICATION OF TITLE VII

<table>
<thead>
<tr>
<th>Description</th>
<th>No. of Answers</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Small Banks</td>
</tr>
<tr>
<td>Personnel management</td>
<td>2</td>
</tr>
<tr>
<td>All employees</td>
<td>3</td>
</tr>
<tr>
<td>Some</td>
<td>2</td>
</tr>
<tr>
<td>None</td>
<td>5</td>
</tr>
</tbody>
</table>

thoughts to the new law. This coincided with the fact that since all of these banks had less than seventy-five employees, none came under the definition of an employer, under the new Act, when it was enacted. However, since July 2, 1968, all of them have come under Title VII; at least two of them did not know this.

Even if the patterns of discriminatory practices in these banks are proven, the enforcement of the law becomes a major task ahead. Section 703 (h) makes the effect of the law prospective and not retrospective. With a very little expansion of the working force, these banks become relatively less affected by the law, under the protection of Section 703 (h).\(^1\)

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\(^{1}\)The text of Section 703 (h) has been given in the previous chapter.
CHAPTER IV

CONCLUSIONS AND RECOMMENDATIONS

This study was designed to test the hypothesis that Title VII had had a favorable effect on the employment status of Negroes in 12 selected banks in Atlanta.

Hypothesis Accepted: The conditions to test the hypothesis were as follows:

1. Has employment of Negroes in the selected banks increased?
2. Have Negroes been placed in the non-traditional job categories?

The results of the study reflect that the employment of Negroes has increased in all of the occupational categories except the professional category. The total employment of Negroes in the banks interviewed increased from 5.10 percent in 1964 to 8.1 percent in 1968.

Further, the study reflects that during the 1964-68 period, Negroes were placed in non-traditional job categories, previously held by whites only. Such categories are mentioned in this study by the term "supervisory." However, it is important to note here that such non-traditional jobs for Negroes were not necessarily supervisory by and large. The supervisory occupational category, for the purpose of this study, indicates jobs in the middle level not falling under "clerical" or "professional" categories. About five Negroes were found in actual supervisory positions.
Thus, based upon the above results, the hypothesis is being accepted and it is concluded that Title VII has had a favorable effect on the employment status of Negroes in selected banks in Atlanta.

Conclusions

The following conclusions were drawn from this study of selected banks in Atlanta.

Title VII was not effectively communicated in all the banks under study. This lack of effective communication might be responsible for a slowing down in the process of integration and consequently some other problems faced by the management in their efforts to integrate. The smaller banks which did not communicate Title VII to their employees did not contribute to the process of integration in banks. However, Title VII of the Civil Rights Act of 1964 drew serious concern of the employers over a period of time. The fact that almost all the employers wanted to talk at great length and detail substantiates this change.

The favorable response of the employers to the cause of Title VII resulted in a substantial increase in the quality and the quantity of Negro job applicants. This was evident in the answers of many employers who stated a greater increase in quantity and quality of Negro applicants.

A degree of conservatism still prevailed among employers insofar as changing the requirements of a job (in order to hire a Negro) was concerned. The rigid attitude towards job requirements possibly hindered many Negro job applicants from getting jobs in the banks. An overemphasis on standards of merit and competence of job applicants was felt among the employers. This was evident in the answers of the
majority who did not change their hiring requirements in order to hire Negroes.

Integration has been generally accepted among various groups such as employers, employees, Negroes and whites, etc. No serious problems were indicated by the banks in their efforts to integrate. Mutual adjustments and a conscious effort to eliminate problems in the way of integration have been made by them in order to keep harmony. This was evident from the speculation of many banks that employees probably did have opinions against integration but did not make the management aware of such problems. However, the interviews revealed that a genuine desire to integrate is not found too frequently among the recruiters.

The possible effects of going against federal law are well known by most banks and open challenge to the cause of civil rights has been deliberately avoided. This was evident from the fact that no banks had any cases brought under the new law against them. Although only a few said that they acted out of anticipation of prosecution under Title VII, many admitted the law has hastened the pace of progress.

The legislation has been effective in the following ways:

1. It has started educating the various groups in the organizations that discrimination is wrong and it must be prevented. The study revealed that all of the recruiters had good intentions and none of them tried to justify discrimination.

2. It has created an atmosphere where integration can take place. A general acceptance of the idea of integration was noticed during the study. Waning of resistance towards anti-discrimination laws has created a climate where integration can take place.
3. It has resulted in inducing employers to solve job problems for Negroes. This has been evident from the increase in employment and the entrance of Negroes into non-traditional job categories subsequent to the enactment of the law.

There is need for a greater degree of enthusiasm for special recruitment programs, such as Plans for Progress. The study revealed that the misconception of employers and civil rights organizations about the other's role and objectives has resulted in poor coordination and integration of their activities.

A more open channel between Atlanta University Center placement offices and the prospective employers has yet to be established. Under the present conditions there is a lack of effective communication between the two parties. The fact that very few employers have visited the placement offices of the Center demands serious concern.

An almost complete lack of knowledge prevails among employers regarding the curriculum of the School of Business Administration of Atlanta University. This takes away an important measure from the hands of the employer — he should know what to expect from a student of the School.

Discriminatory employment practices have been suspected in some of the banks included in this study. The fact that a very high percentage of Negro workers are concentrated in lower skill categories, reflects a serious wastage of human talent in this democracy. New concepts are needed to be arrived at from domestic implementation of the basic democratic principles. Therefore, the challenge to the adherents of community custom and habit and other discriminatory prac-
practices relating to full employment opportunities for Negro workers is one that is vital to the welfare of the nation as well as to the world.

Negro employment in each category (except professional) has been increased; however, such an increase is seen mostly in middle skill jobs indicated by "clerical" in this study. Such a concentration requires serious attention since these jobs are most likely to be more severely affected by automation. Such a finding has also been supported in Hiestand's study. Subsequent to Title VII, Negroes have been able to enter into supervisory occupational category, where traditionally only whites could enter. The jobs in this category were not supervisory by and large as mentioned earlier. The professional category is still without Negroes. The study reveals that, even after a 125 percent increase in Negro employment, the banks have not been able to utilize the Negro manpower resources of Atlanta effectively.

The Atlanta banks have not been able to find sufficient numbers of qualified Negro applicants for their hiring requirements; however, this did not force bank managements to offer more competitive salaries to the Negroes or to pay more frequent visits to the placement offices of the Atlanta University Center institutions.

There is a need for educating the high school graduates to know what is expected of them when they proceed to find a job in a bank. Also there is a lack of full understanding among some employers as to

how to measure job efficiency among the Negro high school graduates.

**Recommendations**

From the analysis of the data presented in this study, the following recommendations are made:

1. That a job placement program for qualified graduates from various specialized vocational areas should be developed.

2. That larger banks, wherever possible, hire specialized management experts who will devote all their time to interracial management. Such a race relations expert would:
   a. Develop and implement the new and effective techniques to hire qualified Negro applicants.
   b. Plan and develop a definite strategy for affirmative action.
   c. Discover problems in implementation of Title VII and find the solutions to them.
   d. Make all such benefits available to smaller banks, if possible.

Such a measure is needed for two reasons:

(1) Increased pressure from the government and social groups demands a more sincere and effective effort to integrate on the part of the management.

(2) In order to be a more efficient management, the employers need to pay more attention to a thus far neglected area of racial integration.

3. That Atlanta University Center Placement Offices improve their channels of communication with employers.
4. That a wider circulation of publicity about the Atlanta University School of Business Administration curriculum be made among the employers.
##总结

###问题调查结果

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<thead>
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<th>No.</th>
<th>问题描述</th>
<th>银行数目</th>
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</thead>
<tbody>
<tr>
<td>1.</td>
<td>Title VII was communicated to</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Personnel Management</td>
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</tr>
<tr>
<td></td>
<td>All employees</td>
<td>3</td>
</tr>
<tr>
<td></td>
<td>Some</td>
<td>2</td>
</tr>
<tr>
<td></td>
<td>None</td>
<td>5</td>
</tr>
<tr>
<td>2.</td>
<td>Method of communication was</td>
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<tr>
<td></td>
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</tr>
<tr>
<td></td>
<td>Meeting</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td>Personal</td>
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</tr>
<tr>
<td></td>
<td>Other</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>Not answered</td>
<td>5</td>
</tr>
<tr>
<td>3.</td>
<td>Number of Negro applicants increased</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>11</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>1</td>
</tr>
<tr>
<td>4.</td>
<td>Changed the job requirements</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Yes</td>
<td>1</td>
</tr>
<tr>
<td></td>
<td>No</td>
<td>11</td>
</tr>
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</table>
5. Integration caused problems
   Yes 1
   No 11

6. Title VII initiated changes
   Yes 3
   No 9

7. Any cases brought under the law
   Yes 0
   No 12

8. New legislation effective
   Extremely useful 1
   Good 9
   Does not matter 2

9. Participate in special recruitment programs
   Yes 5
   No 7

10. Recruited on Atlanta University Campus
    Yes 2
    No 10

11. Atlanta University School of Business Administration curriculum suited for hiring requirements
    Yes 3
    No 0
    Not answered 9
12. All statistical information supplied

<table>
<thead>
<tr>
<th>Visit Type</th>
<th>Value</th>
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<td>First visit</td>
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<tr>
<td>Second visit</td>
<td>5</td>
</tr>
<tr>
<td>Subsequent visits</td>
<td>2</td>
</tr>
</tbody>
</table>
INTERVIEW QUESTIONNAIRE

A. Communication

Questions:

1. The text or the meaning of Title VII was communicated by formal procedures to
   0. Personnel Mgt.  1. All Employees  2. Some
   3. None  9. No answer

2. The method of communication was:
   0. Circular  1. Meeting  2. Personal
   3. Other  9. Not answered

B. Hiring Practices

3. Number of Negro employees interviewed in the year before legislation ___________; past twelve months ___________.

4. In order to hire a Negro, did you change the requirements of any particular job?
   0. Yes  1. No  9. Not answered

4a. If yes, in what category and what requirements?

5. Did the decision to hire Negroes cause any problems within the organization?
   0. Yes  1. No  9. Not answered
6. What were the specific changes that took place after the law was enacted?
   0. Yes  1. No  9. Not answered

7. Did you have any cases brought under the new law?
   0. Yes  1. No  9. Not answered

C. General

8. In your opinion, is the new legislation effective?
   0. Extremely useful  1. Good  2. Does not matter
   3. Harmful  9. Not answered

9. Do you participate in any special programs for recruitment?
   (Plans for Progress, etc.) What are they?
   0. Yes  1. No  9. Not answered

10. Have you recruited in the Atlanta University Center? For what occupations?
    0. Yes  1. No  9. Not answered

11. Is Atlanta University School of Business Administration curriculum suited for your hiring requirements?
    0. Yes  1. No  9. Not answered

D. Statistical Information

12. May I have the following information?
    The Number of Negro and white employees in each of the following occupational categories for the years 1964 and 1968.
<table>
<thead>
<tr>
<th>Categories</th>
<th>1964</th>
<th>1968</th>
</tr>
</thead>
<tbody>
<tr>
<td>Professional</td>
<td>Negro</td>
<td>White</td>
</tr>
<tr>
<td>Supervisory</td>
<td>Negro</td>
<td>White</td>
</tr>
<tr>
<td>Clerical</td>
<td>Negro</td>
<td>White</td>
</tr>
<tr>
<td>Other</td>
<td>Negro</td>
<td>White</td>
</tr>
</tbody>
</table>
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Newspapers and Periodicals


Reports


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Civil Rights Act of 1964. Title VII. Public Law 88-358.