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## Blacks and Their Struggle to Achieve Upward Mobility in the Public Sector

Bernard H. Simelton

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BLACKS AND THEIR STRUGGLE  
TO ACHIEVE UPWARD MOBILITY  
IN THE PUBLIC SECTOR

by

Bernard H. Simelton

An Independent Study  
Submitted to the Faculty  
of the

University of North Dakota

in partial fulfillment of the requirements  
for the Degree of  
Public Administration

FOOTNOTES

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## ACKNOWLEDGMENT

This study of: "Blacks and their struggle to achieve upward mobility in the public sector," is presented to the University of North Dakota, Political Science Department. It is presented in partial fulfillment of the requirement in obtaining a Masters Degree in Public Administration. My thanks go out to Dr. Robert Kweit for his expert and professional advice in completing this study.

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## INTRODUCTION

Blacks have for centuries struggled to achieve equal status in the public sector. Many have given their lives in hopes that one day they would live in a world where people would be judged, not by the color of their skin, their creed, sex or origin, but by the content of their character. Throughout history, blacks have been looked at as outcasts without just cause. They have taken what was left after the "cream of the crop" was removed. There were a few blacks during the period of reconstruction that were appointed to various positions in the federal and state levels of government. They were appointed to these positions as proof that slavery had ended; however, years later they were removed from those positions. Examples are: F. L. Condozo, a South Carolina state treasurer, Blanche K. Bruce, a U.S. senator, P. B. S. Pinchblack who served briefly as Louisiana's governor during the ten year reconstruction era, and Hiram Revels, the first black to serve as a U.S. senator.

How much progress have blacks made toward achieving equality? There is no doubt that they've made progress, but the amount of progress that they've made *vis-a-vis* the nation as a whole might not be encouraging. They do not

sit in the back of busses anymore, nor do they have separate restrooms and drinking facilities, nor does one see the "Jim Crow" signs as in the late sixties; but how much real progress have blacks made? Today there are black federal judges. Supreme Court Justice Thurgood Marshall is appointed to the highest court in the nation. Patricia Harris was Secretary of Health and Human Services (HHS), formally Health, Education and Welfare (HEW). Andrew Young was appointed Ambassador to the U.N., but resigned under pressure from the President and the press when he held a meeting with leaders of the Peoples Liberation Organization (PLO). Donald McHenry replaced Ambassador Young. Others have achieved high status. But when one considers the number of federal positions there are, one must ask himself if blacks have made as much progress as they would have if they had not had obstacles to deter their advancement.

The government has been spending thousands of dollars this past decade to bus school children from their district to other districts across town to achieve equality of education. I agree with those parents who do not want their children bussed several miles across town. It is better to attend a school in your own district. But, were these parents concerned in the sixties when blacks in the rural areas of the South were being bussed the same distances to segregate the schools? Why did they not



This study will focus mostly on blacks. This is not saying that other minority groups have not been deprived of equal rights and protection guaranteed all citizens by the Constitution, because other groups have also carried their share of the burden. The study concentrates on blacks in the public sector but blacks in private employment face some of the same problems.

Chapter I will discuss what the problem is and why the study is relevant. I will explore the problems blacks encounter in their struggle for status in the public sector. Also, in this chapter, I will discuss why the study is relevant.

Chapter II will discuss the methodology of study, the hypotheses, and define the concepts. The methods of study to be utilized are content analysis and the analysis of existing data. I chose these methods because of time constraints and the flexibility they offer in doing this type of research. The focus will be: Have recent federal policies affected blacks in their struggles to achieve upward motility in the public sector?

The hypotheses are: Blacks in the Federal Government are under represented *vis-a-vis* their population size in the United States. The second hypothesis is: Blacks at the lower level of government are over represented in comparison to the higher level. In these hypotheses, I

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will look at the overall population of blacks in the United States and compare their population to their employment population in the Federal Government. I will then look at the different levels of government (high and low) to see if there is a substantial difference between black and white employment at the two levels. By researching these hypotheses, I hope to prove that discrimination exists in the public sector. I will analyze data of blacks' employment status in the government to see if there are variables other than discrimination that is contributing to the unequal status of blacks in the government. I will also analyze some recent court cases involving discrimination, to see how the courts have reacted, when they found organizations that have carried on practices of discrimination.

Chapter III will contain the data that I have collected. This chapter contains the "meat" of the project. It contains information to support or refute the hypotheses.

Chapter IV will discuss the future for blacks in the public sector. From the data that has been collected, I hope to speculate the future for blacks. From the data I will discuss if there is hope in the future or whether blacks can expect less support in the future. Also, I

hope to include some positive measures that blacks (individually and as groups) can take to improve their chances of having a voice in the making of governmental policy.

Chapter V will be a summary of the data. There will be a summation of the important findings in the study.

## CHAPTER I

### What is the Problem and Why the Study is Relevant

I chose to do a study of blacks and their endeavors to achieve upward mobility because I perceive them as having problems achieving status equal to their white counterparts. The problem in a general term is discrimination (giving preference for one group over another), but to say discrimination is too vague. To go further, I would say discrimination in: voting, education, employment, justice, Armed Forces, and urban and housing areas. All these variably combined have contributed to unequal representation of blacks and other minorities in the public sector. In the remainder of this chapter, I will discuss each of these variables to determine how they have affected blacks' chances of upward mobility. Also, I will discuss why this is a continuing problem for minorities.

#### Voting

In order for blacks to achieve any status, they must be represented. Their plans, needs, and ideas have not been equally represented. They could not elect anyone to the federal level of government, and until recently their interests were not represented. They had needs but no one

Despite these facts, blacks have managed to achieve some representation in the public sector. Such organizations as: Congress of Racial Equality (CORE), National Association for the Advancement of Colored People (NAACP), Student Nonviolent Coordinating Committee (SNCC), and Southern Christian Leadership Conference (SCLC), have pressured Congress and leaders of our nation to listen to their needs. Blacks are becoming more educated and understanding of the need for them to get out and vote. The goal of blacks is to achieve equal representation at all levels of government.

#### Education

Education for blacks has not come easy. Dating back as far as the slavery era, blacks have tried to gain some knowledge. They secretly taught each other to read at night. Abe Lincoln was not the only person that learned to read by fireside light. There were only a few among all the slaves on a farm that could read and write. Most masters would not let them have any form of reading material for fear of what might happen if they learned to read and write. The masters feared that if slaves learned to read and write they would form a revolt and escape to the North. Even after the Emancipation Proclamation was signed on January 1, 1863 by President Abraham Lincoln, it was months before many of the slaves in the South knew that



they were free. After the blacks were freed, even for those who could read and write, there were no educational facilities available to them except for a few in the North. Such noted scholars as George Washington Carver, Bethune Cookman, Booker T. Washington, and others paved the way for black educational institutions.

The United States, after the Civil War, adopted the "separate but equal doctrines," in which blacks and whites were not to go to school together but were supposed to have equal facilities. In the Supreme Court Case of Plessy v. Ferguson,<sup>2</sup> the Supreme Court upheld this doctrine. This was a defeat for the black educational progress. Even though the facilities were separate, they were not equal. In another landmark decision in 1954, the Supreme Court reversed its decision in Brown v. Board of Education,<sup>3</sup> stating that blacks could no longer be deprived of going to all white schools. While the Supreme Court reversed its decision, it wasn't until the mid-sixties that the decision was actually enforced by the Federal Government. Blacks tried to attend all white schools after Brown v. Board of Education, but they were met with so much resentment that they could not attend peacefully. When the Federal Government did force integration, many black students had to be escorted by National Guardsmen. The administration and faculty members

at the white universities did not want to accept integration, so the Federal Government threatened to cut their funds if they did not comply.

After the predominately white institutions of higher education had begun to accept integration, many of the blacks applying did not meet the entrance requirements. Some of these institutions, in an effort to keep the funds coming, decided to set quotas for minority applicants and special training and entrance programs. The quotas were met with resentment from white students that were applying and were more qualified or equally qualified as the blacks, but did not get accepted. In a Supreme Court decision of Bakke v. Regents of University of California,<sup>4</sup> the Supreme Court ruled the University could not set aside a certain number slot for minority groups. This case, as well as others concerning admissions, will be discussed in Chapter III. Blacks are still seeking admissions to the highly competitive fields. The Supreme Court can also expect to receive more cases such as the Bakke case, because schools have to achieve equality of education as mandated by the Civil Rights Act of 1964 and affirmative action programs.

### Employment

Traditionally, few high prestigious jobs had been opened to black Americans, especially in the South. Among



posts, virtually closed to blacks, have been government jobs that could be obtained only by public elections. The civil rights movement of the 50's and 60's, the new right legislation, and the black voter-registration drives resulted by the early 1970's in election victories for a growing number of black candidates in every part of the country. Employment for blacks in private sector jobs and non-elected posts has also been limited. There are several reasons for this unbalanced employment record for blacks.

First of all, for the elected positions in federal, state, and local governments, blacks have not voted together. Many cities that have a majority black population have only recently begun to elect black officials. Cities such as: Atlanta, Detroit, Washington, D.C., Gary, and Los Angeles have elected black mayors and other city officials. These victories came after voter registration drives and increase in black awareness of their power, if they voted together. In years prior to the 50's and 60's only whites were elected to these positions and therefore they could appoint their friends and relatives to the high non-elected positions of federal, state, and local governments. This has changed somewhat today. Elected officials are expected to appoint blacks to some positions that they have control of.

Unemployment for blacks in the private sector has been very grim also. Even though this study concerns blacks in the public sector, I think it is important to bring in facts about their status in the private sector. In 1979 the United States' unemployment rate was 7.5%. The black male unemployment rate was 8.3% compared to the white male unemployment rate of 3.3%. For black females the unemployment rate was 11.4% compared to 5.5% unemployment rate for white females. For black youth, these percentages were 38.6% compared to 5.5% for white youth.<sup>5</sup> In the area of education, 73% of blacks have high school education, compared to 85% whites with the same education.<sup>6</sup> If we look at youth unemployment where education should not be a deciding variable in deciding who should get a job and who should not, the white youth is still far ahead of the black youth. Table 1-1 gives us a comparative analysis of education completed and average income of blacks and whites, divided into male and female categories. This data tells us that even if blacks do have the same education as whites, their income is still less than that of whites. Without getting the jobs or making the amount of money that whites make, blacks cannot compete as well for status in society.

TABLE 1-1

EDUCATION AND MEAN ANNUAL EARNING  
OF MALES AND FEMALES  
AGE 25 to 64 YEARS, 1969

Years of Education	MALE		FEMALE	
	White	Black	White	Black
Total	\$ 9,920	\$ 5,936	\$4,459	\$3,550
8 or less	6,965	4,789	3,373	2,295
9 to 11	8,421	5,792	3,749	2,990
12	9,462	6,616	4,301	3,906
13 to 15	11,028	7,405	4,919	4,879
16	14,255	8,652	6,220	6,545
17 and over	16,145	11,755	8,061	8,412

Source: U.S. Bureau of the Census, Subject Reports, Earnings By Occupation and Education, PC(2)-8B, January 1973, tables 1, 2, 7, and 8.

In Table 1-2 on page 16 we find that the income of black families, and of both males and females, has increased dramatically since World War II and especially during the 1960's. The income gain for black males between 1960 and 1972 was 51% and for black females it was 112%. The 1972 median income of black women remained only a little over half that of men. While the rate of increase of white median family incomes was relatively constant from 1948 to 1968, non-whites were more affected by business cycles among other factors. The long term upward trend did not prevent periods of stagnation and decline for non-whites income growth.

The gap between the median incomes of black and white families remained relatively constant during the 1960's, then grew in the recovery from the 1970-1971 recession as whites gained more quickly than blacks. For males the gap widened during the decade, while for females it narrowed continuously.

Long before the Civil Rights Commission was established in 1957, the doctrine of equal opportunity had been firmly imbedded in the law. It was eloquently stated in the Declaration of Independence and reaffirmed in the Bill of Rights and the 13th, 14th, and 15th Amendments to the Constitution. It has since been reaffirmed in a series of judicial decisions which state without qualifications that



TABLE 1-2

MEDIAN INCOMES OF WHITES AND NON-WHITES,  
1948-1972

Year	MEDIAN FAMILY		MEDIAN MALE		MEDIAN FEMALE	
	White	Non-White	White	Non-White	White	Non-White
1948	\$5,762	\$3,071	\$4,365	\$2,370	\$1,970	\$ 856
1952	6,492	3,687	5,134	2,814	2,112	815
1956	7,698	4,085	5,888	3,077	1,949	1,118
1960	8,152	4,562	6,069	3,189	1,905	1,181
1962	8,629	4,603	6,445	3,169	1,957	1,314
1964	9,252	5,177	6,661	3,775	2,042	1,439
1965	9,618	5,330	7,016	3,776	2,139	1,557
1966	10,047	6,016	7,206	3,991	2,210	1,682
1967	10,372	6,440	7,346	4,321	2,347	1,877
1968	10,747	6,723	7,532	4,600	2,499	2,029
1969	11,179	7,073	7,723	4,557	2,491	2,110
1970	11,026	7,031	7,556	4,563	2,442	2,246
1971	11,024	6,936	7,476	4,546	2,529	2,264
1972	11,549	7,106	7,814	4,811	2,616	2,502

Source: U.S. Bureau of Census, Social and Economic Status of the Black Population in the United States, 1972, Series, p. 23, No. 46, July 1973, Table 7, and Series p. 60, Annual Issues.

racial segregation in any aspect of public life violates the Constitution. The Commission learned from six years of study and investigations in all sections of the nation, that the civil rights of blacks continued to be widely disregarded. It was not until the 1964 Civil Rights Act was passed that the judicial system in the United States began to take positive steps to eliminate discrimination and segregation of blacks.

### Justice, Injustice

Justice for black Americans has been different from whites. Years after the Civil War, the courts did not listen to their complaints. Blacks could not afford to hire the best attorneys. However, if they could afford to no attorney would represent them. If they were accused of some wrong doing, they received maximum penalties. But, if they themselves accused someone, the courts did not listen. There seemed to have been two laws in the books and in some Southern States there were. There were laws that governed blacks who committed crimes and laws that governed whites who committed the same crime.<sup>7</sup> The Supreme Court ruled in Plessy v. Ferguson that separate but equal was to be allowed, reinforcing the two judicial systems.



In the 1840's several blacks sought passports for England where they had planned to lecture and raise money for the abolitionist cause, but their applications were rejected.<sup>8</sup>

They were not rejected because of fear that they would exploit the United States Government, but because they were not considered citizens and equal to white Americans. The only way for them to travel abroad was to travel as aides to the whites.

This injustice toward black Americans has continued throughout history. This phenomenon continues in our justice system today. When a black commits a crime against another black, the courts frown and may or may not issue punishment, but when it's committed against whites the punishment is much more severe.<sup>9</sup> Until our justice system looks at crime as crime regardless of whom it's against, blacks will continue to suffer the injustices of achieving status equal to that of white Americans.

#### Armed Forces

Blacks have been a part of the Armed Forces since the U.S. received its independence from its mother country. They have not always been recognized for their participation. In different branches of the military they suffer differently. It is mostly in the higher ranking positions that discrimination has its most devastating effects.

Such grades include noncommissioned officers (NCO's), E-7 through E-9 and for officers, O-5 and above. Studies have shown that blacks in these grades are few as compared to the lower grades.<sup>10</sup> Blacks have complained that there are not enough senior officers and noncommissioned officers at the high level grades to see that discrimination does not exist.

Representative Shirley Chisholm inserted in the Congressional Record November 17, 1971, a report in which her legislative assistant, Thaddeus Garrett, Jr., charged that "subtle racism has literally crippled and impaired the effectiveness of American troops in the North Atlantic Treaty Organization (NATO) countries."<sup>11</sup> According to Garrett's report: Military promotion and hiring practices are of great concern to black servicemen. Pointing to the scarcity of black officers and blacks in high ranking positions, they suggested that discrimination is prevalent among those with the authority to hire, promote, and degrade. Black officers, almost all of whom are older, lack rapport with younger blacks and are considered tokens and pawns of the military and tangible incentives and divisible rewards for black servicemen. It is felt that they offer little help.

At Athenai Air Base in Athens, Greece, blacks expressed a firm belief that performance reports and quali-

fications test scores were being purposely altered or inexplicably lost in personnel offices, giving whites priority in base employment. They said that many blacks assigned to positions are not given the actual power and authority that normally accompany the jobs.<sup>12</sup>

Another serviceman told that upon his return from leave, he found that he had been replaced. Even though he met all the qualifications, he was offered no explanation for his replacement. A related incident, at the Mannheim Compound, involved the firing of a black who also worked in the base gym. He was told that a major in Physical Education was needed for the job. He was then replaced by two individuals, one with a major in English and the other with a major in Industrial Art. Both were white and both had minors in Physical Education. A black with a major in Physical Education and two years experience was never considered for the position.<sup>13</sup>

A black pentagon official said on July 27, 1971, that nearly a dozen officers had been relieved of command, transferred to new assignments or reprimanded for failure to adequately enforce the Defense Department's guidelines for racial equality in the Armed Services. The pentagon official declined to identify the officers beyond saying they ranged from general down to company grade.

A fifteen man human relations team of Air Force personnel, July 26, 1971, denounced the manner in which the leadership at many Air Force training bases was dealing with racial problems. The investigation was ordered by Lt. General George B. Simler. In its report, the panel said, "One thing has to be taken and understood by everyone in Air Training Command. There is discrimination and racism in the command and it is ugly." The conclusions were: that double standards for black and white airmen exist on such matters as punishment, work details, availability of post exchange products and enforcement of regulations. The report said that, "the cause of this is blatant supervisory prejudice in many cases, but for the most part it was supervisory indifference to human needs." The panel consisted of seven officers and eight enlisted men. Four of the members were black, two were Mexican and the others were white.<sup>14</sup>

#### Urban and Housing Problems

The housing market, like other areas of minority concern has its problem with discrimination. Studies by the U.S. Department of Housing and Urban Development (HUD) during 1979 found that housing discrimination is still widespread in the United States.<sup>15</sup> The judicial and executive activity that has been imposed by HUD, has resulted only in partial progress toward the eradication of dis-



crimination. As a result blacks continue to have only a limited access to housing outside segregated neighborhoods. The Department also reported that an extensive study of sales and rental prices, conducted in forty metropolitan areas which matched teams of black and white auditors (testers) found definitive evidence that blacks are discriminated against in the sale and rental of housing. Blacks, during the study, were systematically treated less favorably with regard to housing availability, were treated less courteously, and were asked for more information than were whites. After reviewing the detailed evidence of continuing housing discrimination, HUD concluded: The efforts to combat racial discrimination have not been completely successful. One can only conclude that the sanctions imposed on the discriminators are insufficient, or that the probability of detecting discrimination behavior is too low, or both.<sup>16</sup>

Victims of discrimination and segregation in housing have been largely unprotected by the Federal Government. The Department of Justice and HUD have failed substantially in their roles in administering and enforcing Title VIII of the Civil Rights Act of 1968. Some of the deficiencies were identified by a study of the U.S. Commission of Civil Rights in its January 1980 report, on the "State of Civil Rights," 1979. They are as follows:

- \* Title VIII is a weak law that does not provide effective enforcement mechanisms for ensuring fair housing;

- \* HUD, which is charged with the overall administration of the law, lacks enforcement authority;

- \* The various federal agencies, including HUD and the Department of Justice that are charged with ensuring equal housing opportunity have not adequately carried out this duty;

- \* The Federal Government's appropriations supporting fair housing have been inadequate.

The Fair Housing Amendments of 1979 offer some opportunities to strengthen the Department's hand in dealing with the problems of discrimination in housing. Some of the changes are:

- \* Granting HUD the authority to investigate complaints of housing discrimination, hold administrative hearings, and to issue where warranted binding orders halting unlawful discriminatory conduct;

- \* Permit HUD to initiate investigations of possible discriminatory practices;

- \* Allow HUD to refer individual cases to the Department of Justice for civil action;

- \* Extend coverage of Title VIII protection to those with physical and mental handicaps;



- \* Exempt only rooms rented in single-family units from Title VIII coverage;

- \* Expressly prohibit mortgage loan and hazard insurance redlining, as well as discrimination in the making of real estate appraisals;

With these changes being enforced, the Department of Justice and HUD hope to provide for more efficient housing to minorities.

The cumulative effect of housing discrimination on the housing search behavior of blacks may be considerable and has important consequences not only on whether blacks can be equal participants in housing markets but also on whether blacks can be equal participants in labor markets, education, and other social areas.

Despite these obstacles, blacks have made progress toward achieving equal status as white Americans. It has not been an easy task; there have been several setbacks along the way. This progress has to be credited to those who did not give up when things got tough. The struggle for blacks must go on, for them to achieve equal status in the Federal Government.

## CHAPTER II

### Methods of Research

Based on previous research data of blacks' struggle to achieve equal status in the public sector, there are two hypotheses that need to be researched. The hypotheses are: Blacks in the Federal Government are underrepresented *vis-a-via* their population size in the United States; and, Blacks at the lower level of government are overrepresented in comparison to the high level. Based on previous research on this subject, I am going to use the analysis of existing data method in researching these hypotheses. This method of research was chosen over the other methods because it provides a historical or conceptual context within which to locate original research and it also provides the main data for this social scientific inquiry.<sup>1</sup> It also has two disadvantages that must be discussed. The first disadvantage is validity.<sup>2</sup> By using this method my conclusions will be based on data that already exists and not data gained from present observations. However, for this research, one can trust the data to be valid because of numerous statistics published each year showing higher percentages of blacks at the lower grades. The other

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disadvantage is reliability.<sup>3</sup> This is asking if the reports are accurate of what they claim to report. Again, data from year to year can be analyzed to see if the reports are accurate of what they purport to report. In addition to these methods, awareness (knowing that the problems exist) and investigating the nature of the data collection and tabulation<sup>4</sup> will also enable me to assess the nature and degree of unreliable data. By being aware of these problems, I can judge the potential impact on the research.

In proving the hypotheses, I plan to examine first of all, what percentage of the population is black at different time periods. The next step will be to examine black percentage of different grade levels with the Federal Government during these same time periods. Next will be to examine blacks' education in comparison to whites'. Finally, I will compare blacks and whites with the same education to see if their incomes are the same. After examining these statistics, I will be able to determine if blacks are equally represented in the Federal Government in comparison to their population within the United States; and to see if blacks are overrepresented at the low level as compared to the high level. The next part of this chapter is to define the key concepts that are to be used in this research.



### Definition of Concepts

The term minority as defined by Joseph B. Gittler refers to those groups whose members experience a wide range of discriminatory treatment and frequently relegated to positions relatively low in the status structure of society.<sup>5</sup> I would like to go a step further and say that minority refers to groups characterized by "hereditary membership and endogamy" racial, caste and ethnic groupings.

Discrimination: Used in this research, it refers to those individuals who make irrational decisions with respect to the hiring and promotion of employees, considering their qualities and qualifications necessary for the technical performance of the jobs are the same as other applicants or employees.

Reverse Discrimination: It is giving special or preferred treatment to persons who are members of a particular race, sex or ethnic group, against members of those groups that have been unjustly discriminated. It is important to mention here that unjust discrimination must have been committed first, against the discriminated group.

Formal Education: Used in this research project, this refers to the training received in an approved educational institution; not training or education received at home or from self-study without guidance.

Prejudice: In this research, prejudice is defined as making a biased judgment of an applicant or employee based on other than factual information. These judgments affect how I will evaluate and promote or consider an individual for employment.

Public Sector: Used in this research, refers to those jobs in which the money for their operation is funded by public funds, such as taxes.

Grade Levels: In the Federal Government there are eighteen government service (GS) grades. I will classify the grades into four basic categories with the fourth category having an extra classification of grades within itself. The grades are GS-1 through 4, which are mostly entry level grades that require little specialized training, with no previous experience in working with the government. However, if you have worked for private firms you can use that experience to apply for a higher GS position. GS-5 through 8 - in these grades you begin to get into the supervisory positions. You usually will have had a few years work experience with the government or at least have a college degree. GS-9 through 11 are the mid-level management positions. You are being groomed to head some department within the agency you are working for. GS-12 through 18 are the management positions. In these grades you will have had several years experience

in working with the Federal Government. In these grades you are qualified to head departmental and regional agencies. There is one additional grade classification within these range of grades. They are grades GS-16 through 18, which are referred to as the supergrades. These are the executives' grade levels. Broadly categorized low levels are the grades GS-1 through 8 and high levels are grades GS-9 through 18.<sup>6</sup>

## CHAPTER III

### Data and Analyses of Data

In this chapter I will discuss and analyze data to prove or refute the hypotheses. The hypotheses to be tested are: Blacks in the Federal Government are under-represented *vis-a-vis* their population size in the United States; and blacks at the low level of government are overrepresented in comparison to the high level. The argument that I am making is that blacks are discriminated against in the private sector and that it exists in the Federal Government also. The argument will focus on discrimination in the Federal Government rather than the private sector. It will be further argued, that because of this discrimination, it has resulted in an unequal representation of blacks at the different levels of the Federal Government in comparison to their population in the United States and in comparison to their white counterpart. In analyzing the data and controlling for intervening variables such as education, etc., we will be able to determine if the argument is valid.

Blacks have made significant progress in the governmental work force. For example, in 1970 the number of



blacks employed by all levels of government was 1.6 million, an increase of 90 percent over the preceding decade.<sup>1</sup> The number employed by the Federal Government rose by a third between 1962 and 1972. In 1972, 15 percent of all federal employees were black, but only 3.0 percent of the jobs at the GS-12 and above level were black. In the supergrades, GS-16 and above, blacks constitute only 2.3 percent of the total work force. In the postal services, blacks were only 5 percent of those above grades GS-12 and 2.6 percent of those in grades 16 and above.<sup>2</sup>

Similarly, in the military the number of blacks above the rank of captain jumped from 765 in 1962 to 2,513 in 1972 or from 0.8 percent to 2.2 percent. However, in 1972 blacks were still underrepresented in the top ranks, making up 0.9 percent of generals and admirals, and 0.8 percent of colonels and navy captains.<sup>3</sup> As of December 1977, the United States Air Force had a total of 18,070 lieutenant colonels and above, out of that 18,070, only 274 were black. In the top ranks of the enlisted force, there were a total of 33,325 master sergeants and above, of that 33,325, only 5,298 were black.<sup>4</sup>

In looking at Table 3-1, blacks' population in the United States in 1972 was 11.3; their employment status

during the same year was 21.7 percent (Table 3-2) in grades GS-1 through 4, and 15.0 percent in grades 5 through 8 (low level), and 5.9 percent of grades GS-9 through 12, and 3.0 percent of grades 12 through 18 (high level).<sup>5</sup>

The absence of blacks at the top of federal bureaucracies is paralleled by their prominence at the bottom. Blacks are 19 percent of federal workers below grade GS-6 and 14 percent enlisted soldiers below sergeant. So far, the movement toward greater equality in federal employment has hardly changed the status quo: "Black workers obeying white managers."<sup>6</sup>

These data support one of the hypothesis. It is very clear, as the data indicates, that in the military as well as the government service workers (GS), that blacks are unequally represented at the high level. There is one startling, but important finding in this study. This startling finding relates to the first hypotheses. In this hypothesis, it was hypothesized that blacks were underrepresented in comparison to their population size in the United States. The analysis of the facts proves something different. Blacks are overrepresented in comparison to their population in the United States. The black percentage of the population in 1972 was 11.3 percent (Table 3-1). Their employment status with the

Federal Government during the same period was 15.1 percent (Table 3-2), nearly 4.0 percent overrepresented, by comparison of population to employment status. The second hypothesis was well supported by this data. In 1962 and 1972 (Table 3-2), blacks were well overrepresented at the low level when compared to the high level.

TABLE 3-1

## BLACKS AS A PERCENTAGE OF U.S. POPULATION

<u>Year</u>	<u>Percentage</u>
1950	10.0
1960	10.5
1970	11.1
1971	11.2
1972	11.3

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Source: U.S. Bureau of the Census,  
July, 1973.

TABLE 3-2

BLACKS IN FEDERAL GOVERNMENT,  
1962 and 1972 (NUMBERS ARE IN THOUSANDS)

<u>Classi- fication</u>	<u>1962</u>		<u>1972</u>	
	<u>Number</u>	<u>Percent of All Employees</u>	<u>Number</u>	<u>Percent of All Employers</u>
Total				
Civilian	293.1	13.0	387.7	15.1
General Schedule	96.5	9.1	153.4	11.5
GS- 1-4	65.9	18.1	66.3	21.7
GS- 5-8	23.3	7.7	59.0	15.0
GS- 9-11	5.9	2.6	18.8	5.9
GS- 12-18	1.4	0.8	9.3	3.0

Source: United States Commission, Minority Group  
Employment in the Federal Government, May, 1972.



TABLE 3-3

BLACKS EMPLOYED IN THE GENERAL SCHEDULE  
SERVICES OF THE FEDERAL GOVERNMENT  
AS OF 30 NOVEMBER 1979

<u>Total Full Time Employees</u>		<u>Black</u>	
<u>Grade</u>	<u>Number</u>	<u>Number</u>	<u>Percent- age</u>
GS-1	2,064	765	37.1
GS-2	17,640	5,161	29.3
GS-3	84,055	20,676	24.6
GS-4	169,085	37,568	22.2
GS-5	186,994	38,909	20.8
GS-6	86,686	18,505	21.3
GS-7	132,243	20,160	15.2
GS-8	30,971	5,297	17.1
GS-9	157,632	16,897	10.7
GS-10	28,582	2,880	10.1
GS-11	162,079	13,319	8.2
GS-12	163,145	10,300	6.3
GS-13	114,396	5,439	4.8
GS-14	61,430	2,481	4.0
GS-15	33,430	1,155	3.5
Executives		360	4.0
GS-16 & above	8,928		

Source: United States Office of Personnel Management: Agency Compliance and Evaluation; Minority Group Study, November 1979, Table 1-001.

TABLE 3-4

BLACKS 25-29-YEAR OLD HIGH SCHOOL  
AND COLLEGE GRADUATES, 1950-1972

Blacks and other Races			Whites	
4 years of high school or more	4 years of college or more		4 years of high school or more	4 years of colleges or more
Year				
1972	66.6	11.6	81.5	19.9
1970	58.4	10.0	77.8	17.3
1964	48.0	7.0	72.1	13.6
1960	38.6	5.4	63.7	11.8
1950	23.4	2.8	55.2	8.1

Source: U.S. Bureau of the Census, 1972, Series  
P 23, No. 44, March 1973, Table 18.

TABLE 3-5

EDUCATION AND MEAN ANNUAL EARNINGS  
OF MALES AND FEMALES AGE 25 to 64 YEARS, 1969

<u>Years of Education</u>	<u>Male</u>		<u>Female</u>	
	<u>White</u>	<u>Black</u>	<u>White</u>	<u>Black</u>
Total	\$9,920	\$5,936	\$4,459	\$3,550
8 or less	6,965	4,789	3,373	2,295
9 to 11	8,421	5,792	3,749	2,990
12	9,462	6,616	4,301	3,906
13 to 15	11,028	7,405	4,919	4,879
16	14,255	8,652	6,220	6,545
17 and over	16,145	11,755	8,061	8,412

Source: U.S. Bureau of the Census, January, 1973  
Tables 1, 2, 7, and 8.

In the area of education (Table 3-4) blacks on the average have less education than whites. Therefore education could be considered one of the factors for blacks not being equally represented at the higher levels since education is considered a must for individuals to advance into the higher echelon. Table 3-4 indicates there is a higher percentage of blacks who qualify for high GS positions than actually have them. But, if we examine Table 3-5 where blacks and whites with the same amount of education are compared, whites are still ahead of blacks financially, indicating wage discrimination.

In addition to these facts, Table 3-3 presents data on the current employment status of blacks in the general service work force. The data in this table indicates that 37.1 percent of the GS-1 positions are filled by blacks, compared to 4.0 percent of the executive level jobs (GS- 16-18). In reviewing this data closely, it is around the GS-9 (beginning of high level) where the percentage of black employees fall below their percentage of the total population. It seems that when blacks approach the mid-level management positions (GS- 9-11), their percentage began to fall below their population average. This keeps the number of blacks that can control agencies or departments to a minimum. At the GS-9 level there are a total of 16,897 blacks, compared to only 5,297 at the GS-8 level. These numbers can be misleading unless you look at the percentages. Yes, there are more blacks at the GS-9 level than at the GS-8 level, but there are also more total number of employees at the GS-9 level than at the GS-8 level.<sup>7</sup> These statistics have helped to prove or refute my hypotheses. However, I would also like to discuss three court cases to reinforce the discrimination that is found to be in employment. I think these cases will help to reinforce the statistics. These cases will help to illustrate the concern the courts have had in increasing blacks in higher positions of employment.



The first case deals with private employment; and courts have relied on this case when ruling on cases involving the public sector. The second case will deal directly with discrimination in the public sector. The third case deals specifically with government employment.

The first case is United Steel Workers v. Weber.<sup>8</sup> This case tested the question of whether it is permissible for a company to establish voluntarily affirmative action programs in the absence of a prior determination of discrimination. The case came about when the Kaiser Aluminum Company established an affirmative action program. The plan established with union support, set aside 50 percent of its training slots for black employees. The plaintiff, Brian Weber charged that he had been discriminated against on the basis of race, because several blacks with less seniority had been admitted into the program. The district court set aside the plan, and found that a preference based on race is discriminatory, in violation of Title VII of the Civil Rights Act of 1964.<sup>9</sup>

On appeal, the U.S. Supreme Court of the United States held that Title VII's prohibitions against racial discrimination does not condemn all private voluntary, race-conscious affirmative action programs, and that the challenged Kaiser plan falls on the permissible side of the line. The legislative history of the Act and the

historical context from which the Act arose, compelled the conclusion; the Court held that the primary purpose of Title VII was to "open employment opportunities for blacks in occupations which have been traditionally closed to them." Although Title VII prohibits the Federal Government from requiring employees to give preferential treatment to minorities to redress an imbalance in their work forces, the Court held that its language does not prohibit such voluntary efforts. In this case the company decided to correct its discriminating practice itself, rather than have the courts do it for them.

The next cases to be discussed concern the police department of Detroit. The first case involved the Detroit Police Officers' Association v. Young; the second case was Detroit Police Lieutenants and Sergeants Association v. Young.<sup>10</sup>

These two cases relied heavily on the ruling in the Weber case. The Police Officer Association case, concerned the affirmative action program regarding promotions from patrolmen to sergeants, and the police lieutenants and sergeants case concerned the affirmative action in which sergeants were promoted to lieutenants. In both cases, testimonies were presented documenting a long history of discrimination against blacks within the Detroit Police Department.

In the Police Officers' Case, the district court found that the affirmative action program which hastened the promotion of eligible blacks over whites, scoring higher on the eligibility roster, violated the equal protection clause of the 14th Amendment, Title VI<sup>11</sup> and VII of the Civil Rights Act of 1964. The court permanently enjoined the Detroit Police Department from operating the affirmative action program.

The U.S. Court of Appeals for the sixth circuit reversed the judgment of the district court, released the police department from the injunction, dismissed claims that the affirmative action program violated Title VI and VII, and returned the case to the district court for further consideration of the constitutional issues.

In the police lieutenants' and sergeants' case, the district court noted the plaintiff assertion that "there should be no difference between discrimination against whites and discrimination against blacks." The court also noted that Weber should apply with full force to employees in the public sector. Finally, the court concluded that the 50/50 promotional ratio under the affirmative action program was reasonable, because it allows large numbers of white officers to be promoted as

well as needed black officers, the officers being equally qualified. The next case, as previously stated, directly involved discrimination in the governmental work force.

The case is the Elgin Air Force Base case. An article that appeared in the Grand Forks Air Force Base, Base Bulletin, dated 18 February 1981, stated that, "All blacks who have attempted to obtain employment at Elgin Air Force Base, Florida, or who would have attempted to obtain employment but were dissuaded from doing so on account of your race at anytime between 24 March 1972 and present, an employment discrimination law suit has been recently settled between the NAACP, other black plaintiffs, the U.S. Air Force, and Office of Personnel Management."<sup>12</sup> The settlement provides that certain class members will be entitled to receive a share of a \$2 million damage fund, priority employment at Elgin, and an opportunity to have their individual claim of racial discrimination litigated for them by a plaintiff's monitoring committee composed of plaintiff representatives.

The suit was brought about under Title VII of the Civil Rights Act of 1964 as amended in 1972. Elgin Air Force Base is a Federal Government institution and has discriminated against blacks seeking employment there.



These cases helped to reinforce my argument that, discrimination exists in employment, by giving specific examples of where the courts have found discrimination to exist. It also gives details of institutions voluntarily increasing the promotional opportunities for blacks. The next chapter will provide us with information concerning the future of blacks in employment and programs that the Federal Government has developed to deal with this discrimination and unequal representation of blacks in the government as well as the private sector.

## CHAPTER IV

### Future Outlook for Blacks in the Public Sector

What does the future hold? Have blacks made it to the mountain top where people will be judged, not by the color of their skin, but by the content of their character? These questions cannot be answered in this study; neither can they be programmed into a computer to be answered. But there are two issues that will be addressed to shed some light on these questions. The subjects are: Is there hope; and what must be done? The discussion of these questions is based on material in previous chapters of this study.

#### Is There Hope?

Yes, there is hope. The Supreme Court has ruled in several cases (concerning blacks' struggle for upward mobility) in favor of blacks' progression. They have also agreed in such cases as the Bakke decision that race can be considered when admitting students to schools. The courts have ordered busing to achieve equality of education.<sup>1</sup> In the area of busing, many whites and blacks have complained that it does not achieve what it purports

to. Blacks who disagree with the procedure in which busing is taking place, agree that it does show that the courts are making efforts to achieve equality of education. A recent study conducted by Diana Pearce for the center for National Policy Review of the Catholic University School of Law suggested that busing across city suburbs lines promotes integration of housing as well as schools because it "removes one incentive for whites to leave neighborhoods that are becoming integrated."<sup>2</sup> In some cities there are so few whites left that no amount of busing could produce anything but schools that are all black.

In an interview conducted by Black Enterprise in its November 1980 issue, Ronald Reagan said he considered racism a serious national problem, and would fully carry out the provision of the Humphrey-Hawkins full employment bill.<sup>3</sup>

An article that appeared in March 16, 1981 edition of U.S. News and World Report, questions the directions of the Supreme Court. The article said, "The justices declared on March 4, that employers may hire or promote white men instead of women or minority members if all are equally qualified, except when race or sex bias is proved."<sup>4</sup>

The court's unanimous decision came in a sex bias suit filed by a woman who had sought a state-government promotion in Texas. A lower court agreed with her claim

that state officials had failed to prove that they had legitimate nondiscriminatory reasons for choosing a man for the promotion.

Justice Powell said that the law does not demand an employer to give preferential treatment to minorities or women. He said it does not require the employer to maximize the number of minorities and women hired. Many of the civil rights forces saw the ruling as a setback; however, the courts still may order "affirmative action plans" in cases where bias is proved.

As long as the courts continue to review cases such as the ones mentioned above, I think it is safe to say, there is hope. I cannot say it will be tomorrow or next year, but there is still hope. The next issue to be addressed is: What must be done?

#### What Must be Done?

In order for blacks and other minorities to continue to progress in our "Great Society," the courts, Equal Employment Opportunity Commission (EEOC), Department of Justice, and other agencies responsible for enforcing affirmative action programs, must continue to do so. These agencies have the authority and power to force companies and institutions to comply with the law. In some cases there should be stronger punishment where a company is found guilty of noncompliance.



According to the U.S. News and World Report, May 14, 1979 issue, such cultural breakthroughs as "Roots" are giving whites a new glimpse of what blacks were and are, and blacks a new boost in self-respect. The rising generation of knowledgeable young blacks must contain new leadership capable of mobilizing a drive to make blacks fully competitive in terms of skills and confidence. Analysts think that it will take decades before wary tolerance between blacks and whites yields to a more enduring base of mutual respect and acceptance in America's multi-racial society.<sup>5</sup>

Not many years ago, the idea of blacks becoming scientists, lawyers or highly paid business executives was nothing more than a dream for most blacks. These professions, by and large, were the province of white people. Instead, blacks held down more than their fair share of society's less rewarding jobs: farm labor, house cleaning, cafeteria work, and garbage collecting.

Careers in business, government, and the military are among the most promising. More than four times as many blacks worked in managerial and professional jobs in companies with 100 or more employees in 1975 than in 1966. About 10 percent of managers in government are black - double the number a decade ago. This is not saying that blacks have made it in government, but that there has been increases in the number of blacks employed by the government.

Blacks' concern now is the advancement into higher level slots, noted Herrington Bryce, an economist with the Academy for Contemporary Problems in Washington, D.C., because blacks' promotions still come slower than whites.<sup>6</sup> Blacks have to be in positions where they can control and manipulate policy changes.

In the years ahead, we as a nation, must work together to:

- \* Decrease the high level unemployment among minorities;

- \* Provide more low and moderate income housing and end discriminatory practices that precludes minorities and women from gaining access to decent housing;

- \* End discriminatory police and voting rights practices at the local level;

- \* Assure women their rights as citizens by passing and enforcing the Equal Rights Amendments and by modifying practices such as the veterans' preference that may preclude minorities and women from employment opportunities.<sup>7</sup>

We are at the threshold of the 1980's. The 1960's brought us good laws and they were enhanced in the 1970's by strong judicial decisions. Yet, the lack of enforcement by the executive branch of government, the weakening of good legislation by the congress, and the diminishing will and vision on the part of many Americans are discouraging.

There are federal programs to help blacks and other minorities in accomplishing these goals. Some of the programs have been around for a very long time. However, the courts and agencies responsible for enforcing them have been "half stepping" in their efforts to enforce them, partly because they liked the power to do so. The turning point for the change came in 1954, when the Supreme Court handed down its land mark decision of Brown v. Board of Education.<sup>8</sup> This is considered the turning point, because it is the first time that the Supreme Court reversed a long standing decision of Plessy v. Ferguson.<sup>9</sup> This decision gave lower courts and Congress new ways in which to view the black population. Blacks, prior to Brown v. Board of Education, could not legally attend the same schools as whites; therefore, could not obtain the same quality education as whites. Blacks had schools that they could attend prior to this decision, but the schools were not equal. Without the same quality schools as whites, blacks could not compete equally for top level management positions. The Supreme Court said in its ruling,

We cannot turn the clock back to 1868, when the Fourteenth Amendment was adopted, nor back to 1896 when Plessy v. Ferguson was written. Racial segregation is psychologically harmful to Negro children. This psychological harm that is inflicted by the states, deprives the Negro children of equal education opportunities.<sup>10</sup>

The Kansas Court stated that,

segregation has a tendency to retard the educational and mental development of Negro children and it also deprives them of some of the benefits (no education, no jobs) they would receive in a racially integrated school system.<sup>11</sup>

Even though this decision was written in 1954, it was more than a decade later before it was enforced. In 1964, blacks, after putting much pressure on Congress and the President, gained another important piece of legislation, the Civil Rights Acts of 1964.<sup>12</sup> The Civil Rights Act of 1964 enforced Brown v. Board of Education ruling by allowing the Attorney General to bring suit on behalf of blacks who claimed they had been discriminated against, whether it was in the area of education or employment. Some states gave the Anti-discrimination Commission the right to bring suit on the complaint of an aggrieved citizen, making the Civil Rights Act far more effective.

There are a total of eleven titles to the Civil Rights Act of 1964. However, there are only three that apply to the context of this study. The first title that applies is Title IV - Public Schools.<sup>13</sup> This Title empowers the Attorney General to bring school desegregation suits, if private citizens are unable to sue effectively. It authorizes technical and financial aid to school districts to assist in desegregation. This improves blacks' chances of advancement by allowing the Attorney General



to sue for those citizens who cannot afford to. Otherwise the schools might continue to segregate blacks. The second title is Title VI - Federal Aid.<sup>14</sup> This title provides that no person shall be subjected to racial discrimination in any program receiving federal aid. It also directs federal agencies to take steps against discrimination, including, as a last resort and after hearing - withholding of federal funds from state or local agencies that discriminate. The third title is Title VII - Employment.<sup>15</sup> This is probably the most important title of the eleven. This title bans discrimination by employers, or unions with 100 or more employees or members the first year the act is effective, reducing that requirement to 25, after a four year period. It establishes a commission to investigate alleged discrimination and uses persuasion to end it. It authorizes the Attorney General to sue if he believes any person or group is engaged in a pattern or practice of resistance to the title, and to ask for a trial by a three judge court.

The Civil Rights Act of 1964 has provisions that are beneficial to blacks. It, like the ruling in Brown v. Board of Education was lacking in enforcement powers. Congress and the courts had established some important orders, but there was one thing missing, enforcement power. The Supreme Court did not give direction on how to carry out school desegregation, nor did Congress give directions

on how to enforce the provisions of the Civil Rights Act of 1964. Black organizations realized that there were laws and no way to enforce them. After considerable pressure on Congress and the President, Affirmative Action Programs (AAP) began to appear. The AAP was established as enforcement powers and mandates of the provisions of the Civil Rights Act of 1964.

Title VII of the Civil Rights Act of 1964 was amended in 1972.<sup>16</sup> Under the "72" Amendment, Title VII was extended to state and local governments, government agencies, political subdivisions, and department and agencies of the District of Columbia, except those that are subject to competitive service. Excluded from coverage are elected officials, their personal assistants, and their immediate advisers.

Federal employees were not covered by the 1964 Act; but, the 1972 amendment added a new section to make clear the obligation of the Federal Government not to discriminate on the basis of race, color, sex, religion, or national origin in its personnel action.

The Office of Federal Contract Compliance Programs (OFCCP), established in the Labor Department, administered Executive Order (EO) Number 11246 as amended by EO 11375.<sup>17</sup> This order forbids employment discrimination based on race, color, religion, sex or national origin by federal con-

tractors and subcontractors. Contractors operating under the provisions of this EO must submit AAP to the OFCCP to insure equal opportunity in all aspects of employment.

The Civil Service Commission (CSC) is given authority to enforce EO 11478 requiring equal employment opportunity in the federal service based on merit and fitness and without discrimination.<sup>18</sup> Section 717 of Title VII that was added by the 1972 amendment gives the CSC authority to police such discrimination in the federal service. Although federal employees do not have access to EEOC, they may file an action in a federal district court following CSC procedures and may obtain a trial de novo.

Blacks and other minorities in the future should rely on the provisions of the Civil Rights Act of 1964 and AAP to aid them in their struggle for upward mobility where discrimination is identified as an obstacle. Also court cases such as Bakke, Elgin Air Force Base, Detroit police cases and Weber will be important in trying to determine how the courts may rule. These are some of the ways that Congress and the Civil Rights Commission has established to deal with the problems of discrimination.

If this nation is to be strong, if we are to be great, and if we are to continue to proclaim to be a nation of decency and justice, we must renew our dedication to the promises in the Constitution of equality and jus-

tice for all. Although tensions between groups have increased recently, we should not falter, but we should chart a bold course toward the goal of freedom, justice, and equality for all.

### Summary and Conclusion

The study began with a brief survey of previous research on the representation of blacks in the public sector. It was found that there were very few blacks in high positions such as U.S. Senators and Governors. However, the study also found that there were a few blacks in high positions. The next objective in the study was to deal with the problem and to discover why the study was conducted.

The study was conducted because discrimination in areas such as education, voting, and employment was a problem. Discrimination in employment was a problem because it prevented blacks from getting into positions of authority. Without blacks in key positions, it prevents them from having their needs and desires represented. It is important for a group of people to have their needs represented if they are to progress. The study was relevant, first of all to determine if blacks have been discriminated against, and if so,



## CHAPTER V

### Summary and Conclusion

This study began with a brief overview of previous research on this subject. In this overview, there were records of unequal representation of blacks in the public sector throughout history. If you will recall, there was a period during the reconstruction era in which a few blacks were appointed to high positions such as U.S. Senators and governors. However, shortly afterwards they were removed. The next objective in the study was to deal specifically with the problem and to discuss why the study was relevant.

The problem was discrimination - discrimination in areas such as education, voting, etc., that led to discrimination in employment. Discrimination in employment was cited as a problem, because it prevents blacks from getting into positions of authority. Without blacks in key positions, it prevents them from having their needs and desires represented. It is important for a group of people to have their needs represented if they are to progress. The study was relevant, first of all to determine if blacks have been discriminated against, and if so,

to determine how it has contributed to their unequal status in employment in the Federal Government. The previous research of discrimination of blacks in employment led to two questions or hypotheses that needed to be answered and researched.

The first hypothesis was - blacks are underrepresented in comparison to their population in the United States. A second hypothesis was - blacks are overrepresented at the low level in comparison to the high level. The first hypothesis was found to be incorrect. There is a higher percentage of blacks in the Federal Government *vis-a-vis* their population. However, there is a higher concentration of blacks at the low level (grades GS- 1 - 8) than at the high level (grades GS- 9-18). When education was controlled, there was still a disproportion of blacks employed in comparison to whites. Also, we examined data to prove that, even if blacks do get the same education as whites, their average earnings will still be considerable less than that of whites. As a result of these data, I agreed with the second hypothesis. Blacks are disproportionately represented at the two different levels of government, with a higher concentration of them at the lower level. This disproportion of representation can be contributed to only one factor - discrimination. It was not my intention to determine if the

discrimination was conscious or unconscious efforts on behalf of those in control; but, merely that discrimination was the cause of blacks not achieving equal status in the public sector. I can only speculate that some of the discrimination practices have been embedded in the Federal Government for such a long period of time, that it is taking time to work its way out of the system. Programs such as the Civil Rights Act of 1964, and affirmative action programs were devised to eliminate these practices of discrimination. The Civil Rights Act only applied to private employment in 1964, but was amended to apply to the government also.

With the passage of more affirmative action programs and Supreme Court ruling in cases like "Weber," blacks believe there is still hope for them to achieve equal status in the Federal Government. These programs and court decisions will be closely monitored by civil rights groups such as NAACP, SCLC, and other predominately black organizations. Blacks know that these programs are the only programs that the Federal Government has developed to deal with the present effects of past discrimination. Blacks have put pressure on Congress and the Supreme Court to continue these programs. This pressure has resulted in cases like the Elgin Air Force Base Case, in which the installation was ordered to pay \$2 million for past practices of discrimination. This applied to

all blacks between 1972 and present, who sought employment there or considered applying, but were dissuaded because of the discrimination that existed there. In another case involving a sex discrimination suit filed in the state government in Texas, the Supreme Court ruled against the woman. The court said that it was the burden of those who file complaints to prove that they were victims of discrimination and not the employers to prove that they were innocent of bias. Not that it has been any different, but it seems that the courts are not consistent in their rulings. The court however, did say that, courts may order affirmative action plans in cases where bias is proved.

The one conclusion that I have drawn from this study, is that the courts are not willing to let any one case set a precedent. The courts try to "straddle the fence" where they can rule on each case independently. For future cases, no one can accurately predict how the courts will rule.

In drawing this conclusion, there are two questions or hypotheses that need to be further researched. The hypotheses are: Blacks and black organizations are becoming too lax (by the winning of a few court battles) in their struggle for upward mobility; the Federal Government offers more employment opportunities for blacks than private employment.



By researching these questions, blacks will have more suggestive avenues in which to achieve upward mobility in the public sector. They are only suggestive, because we are dealing with people and people for the most part are unpredictable; but, the struggle toward upward mobility must be a continuous struggle. Through past, present, and future endeavors, blacks hope to reach the goal of equal representation in employment as well as other areas in which they are underrepresented in our "Great Society."

## FOOTNOTES

### CHAPTER I

<sup>1</sup>Arnold M. Rose and Caroline B. Rose, "Minority Problems," pp. 208-209.

<sup>2</sup>John P. Davis, "American Negro Reference Book," Vol. II, p. 455.

<sup>3</sup>Sar A. Leviton, William Johnson, and Robert Target, "Still a Dream," Changing the Rules of the Game, pp. 274-276.

<sup>4</sup>U.S. Commission on Civil Rights, "The State of Civil Rights," 1979, January 1980, pp. 21-22.

<sup>5</sup>Ibid., p. 30.

<sup>6</sup>U.S. News and World Report, May 14, 1979, p. 50.

<sup>7</sup>Rose, "Minority Problems," Caste and the Administration of Justice, pp. 290-291.

<sup>8</sup>Norman R. Yetman and Hoy C. Steele, "Majority and Minority," Federal Government and the Free Negro 1790-1860, p. 187.

<sup>9</sup>Rose, "Minority Problems," Caste and the Administration of Justice, p. 290.

<sup>10</sup>Lester Sobel, "Job Bias," Armed Forces, pp. 145-147.

<sup>11</sup>Ibid., p. 149.

<sup>12</sup>Ibid., p. 145.

<sup>13</sup>Ibid., p. 145-146.

<sup>14</sup>Ibid., p. 147-148.

<sup>15</sup>The State of Civil Rights, 1979, p. 1.

<sup>16</sup>Ibid., p. 2.

## CHAPTER II

<sup>1</sup>Earl R. Babbie, "The Practice of Social Research," p. 257.

<sup>2</sup>Ibid., p. 258.

<sup>3</sup>Ibid.

<sup>4</sup>Ibid.

<sup>5</sup>Yetman and Steele, "Majority and Minority," p. 3.

<sup>6</sup>William B. Johnson, Sar A. Leviton, and Robert Taggart, "Still A Dream: The Changing Status of Blacks Since 1960," pp. 166-167.

## CHAPTER III

<sup>1</sup>Johnson, Leviton, and Taggart, "Still A Dream: The Changing Status of Blacks Since 1960," p. 164.

<sup>2</sup>Ibid.

<sup>3</sup>Ibid., p. 165.

<sup>4</sup>"The United States Air Force in Facts and Figures," Air Force Almanac (May 1978), p. 134.

<sup>5</sup>Johnson, Leviton, and Taggart, "Still A Dream: The Changing Status of Blacks Since 1960," p. 7.

<sup>6</sup>Ibid., p. 165.

<sup>7</sup>U.S. Office of Personnel Management, Central Personnel Data File, Nov. 1979, p. 1A.

<sup>8</sup>U.S. Commission on Civil Rights, "The State of Civil Rights: 1979, pp. 22-23.

<sup>9</sup>Rose, "Minority Problems," p. 423.

<sup>10</sup>U.S. Commission on Civil Rights, "The State of Civil Rights," January 1980, p. 23.

<sup>11</sup>Rose, "Minority Problems," p. 423.

<sup>12</sup>Grand Forks Air Force Base, Base Bulletin, February 18, 1981.

## CHAPTER IV

<sup>1</sup>U.S. News and World Report, December 8, 1980, p. 59.

<sup>2</sup>Ibid.

<sup>3</sup>Black Enterprise, November 1980, p. 58.

<sup>4</sup>U.S. News and World Report, March 16, 1981, p. 12.

<sup>5</sup>U.S. News and World Report, May 14, 1979, p. 49.

<sup>6</sup>Ibid., p. 61.

<sup>7</sup>U.S. Commission on Civil Rights, "The State of Civil Rights 1979," January 1980, p. 36.

<sup>8</sup>Lerone Bennett, Jr., "A History of Black America," p. 311.

<sup>9</sup>Ibid., pp. 232-233.

<sup>10</sup>Ibid., p. 312.

<sup>11</sup>Ibid.

<sup>12</sup>Rose, "Minority Problems," p. 206.

<sup>13</sup>Ibid., p. 423.

<sup>14</sup>Ibid.

<sup>15</sup>Ibid., pp. 423-424.

<sup>16</sup>Howard J. Anderson, "Primer of Equal Employment Opportunity," p. 5.

<sup>17</sup>Ibid., p. 90.

<sup>18</sup>Ibid., p. 91.



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