

## The Executive Branch and Civil Rights

*To Advance Their Opportunities: Federal Policies Towards African American Workers From World War I to the Civil Rights Act of 1964.* By Judson MacLaury, Knoxville, TN, University of Tennessee (New-found Press), 2008, 300 pp., \$24.95/paperback

In his book *To Advance Their Opportunities*, Judson MacLaury, former historian at the U.S. Department of Labor, traces the evolution of federal policies toward African American workers. He focuses on the period dating from the inauguration of Woodrow Wilson (1913, also the founding year of the Department of Labor, or DOL) through the passage of the Civil Rights Act of 1964 by the Lyndon Johnson administration. To his great merit, MacLaury has mined the national archives, the labor library, and other published and unpublished material from the executive branch of government to bring to light its role in ending a critical era in American labor history. The result is a valuable permanent record, with rich documentation of the civil rights movement “on the ground.”

One challenge when addressing the Civil Rights movement is defining the precise beginning of the Jim Crow era. Unlike MacLaury, this daughter of New Orleans found it difficult to accept the onset of the Jim Crow era as either an inevitable consequence of the Civil War or peculiar to the South, but rather a result of the disastrous *Plessy v Ferguson* Supreme Court decision in 1896 a generation after the end of the War. In this decision a group of whites, French creoles, and free persons of color from New Orleans (including Plessy, who had one black great grandparent), challenged the Louisiana law that

separated railroad cars for blacks and whites. The defeat of this challenge meant that the de facto caste system became legal, with national repercussions when the demand for industrial labor resulted in black migration.

Dating the unconstitutional caste system to this turn of the century decision implicates the Wilson administration in the segregation of the United States capitol. This policy reversal saw the loss of black access to diplomatic and political appointments and the countenancing of attaching photographs to Civil Service applications that, under the Pendleton Act, had been “racially blind.” Wilson fostered a policy that spread segregation into government offices, even to the point of dividing rooms and walling off spaces to separate blacks from whites. Segregated restrooms were often the only spaces available to blacks for eating meals.

Angry reaction to Wilson’s policy by federal black employees and other conscientious Americans, in organizations such as the National Association for the Advancement of Colored People (NAACP) and the Urban League, produced, paradoxically, two vehicles for redress which would support the nascent civil rights movement and nurture its growth to its culmination in the Civil Rights Act: 1) the resort to orders by the Executive Branch and 2) the Division of Negro Economics. Of the two, the one that influenced MacLaury’s text most significantly was resort to executive orders, an effort to bypass a Congress whose Southern Democrats manipulated the Supreme Court decision to practically disenfranchise blacks. MacLaury describes in detail the use of executive orders in each succeeding administration, and the shift from “moral suasion” to legal sanctions as the scope of their coverage broadened to federal agencies as well as federal contracts.

The Division of Negro Economics (DNE), was a federal-state program headed by George Haynes, the first black man to receive a Ph. D. from Columbia University (1912). MacLaury asserts: “The work of the DNE, along with the state and local activities it spawned during and after World War I, seems to have generated hope and enthusiasm among blacks and racial progressives throughout the nation. It demonstrated to the pressure groups the importance of government action. Then Secretary of Labor William Wilson endorsed it as a first step toward applying the mandate to black workers as stated in the DOL’s Organic Act; to foster, promote, and develop the welfare of the wage earners of the United States, improve their working conditions, and advance their opportunities for profitable employment.” The DNE died, but it established the prototype of a commission for the next Democratic administration.

MacLaury notes the Republican Party’s tradition of non-intervention; Herbert Hoover, for example, refrained from introducing segregation into his department. It was not until the Franklin Roosevelt Administration that the executive branch was again called upon to show its mettle. Widespread relief programs during the Depression challenged the administration to come up with an even-handed distribution of Federal benefits at the same time that the administration depended on the legislative support of Southern Democrats. A number of progressive statesmen emerged. Harold Ickes, who administered the Public Works Administration (PWA) program, was an outstanding advocate for black employment. Frances Perkins, Secretary of Labor, was also an effective advocate. Both she and Harry Hopkins, who headed the Works Projects Administration

(WPA), were sympathetic to employment of blacks, but they did run into problems when Laurence Oxley, Director of Negro Labor, followed the DNE model of federal state administration: local offices often resisted desegregation.

New Dealers had not only Southern Democrats but also their pro-union constituency to plague their effectiveness in handling black labor problems. With the notable exception of A. Philip Randolph, unions were not only uncooperative they actually resented government intervention. The attempt to prevent discriminatory apprenticeship training programs to prepare black workers for construction jobs met with sustained hostility. Extensive relief programs nonetheless did benefit blacks as they found a champion in the President's wife,

Eleanor; as a result, Southern blacks shifted their vote to the Democratic Party. It remained, however, for Truman to desegregate the military. His close election in 1948 depended on black support.

Jim Crow was not legally overturned until the *Brown v Board of Education* decision in 1954 during the Eisenhower administration. Following traditional Republican policy, advances for blacks during that period were not publicized. The Kennedy Administration, in contrast, adopted the cause; by then, the concept of affirmative action had emerged. MacLaury's micro data documentation illuminates the step by step forging of concepts that necessarily prepared the ground for the executive branch of the Federal government to realize, finally, in the words of Kennedy, the "promise of our Constitution."

MacLaury amply demonstrates that justice does not just happen, it requires effort. Two quotes come to mind. Martin Luther King, Jr. wrote in a letter from Birmingham Jail that "freedom is never voluntarily given by the oppressor, it must be demanded by the oppressed." And, as President Lyndon Johnson told a group of labor and civil rights leaders who called on him to support the Civil Rights Act, "Go make me do it."

As an aside, an excellent insider's overview of the context of this work is supplied in a foreword by Professor Ray Marshall, Secretary of Labor in the Carter administration, and author of books on black labor. □

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