

**EMPLOYMENT,  
ADMINISTRATION OF JUSTICE,  
and HEALTH SERVICES IN  
MEMPHIS-SHELBY COUNTY,  
TENNESSEE**

**By The  
Tennessee State Advisory Committee  
  
To The  
United States Commission on Civil Rights**

**AUGUST 1967**

TENNESSEE STATE ADVISORY COMMITTEE  
TO THE  
UNITED STATES COMMISSION ON CIVIL RIGHTS

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## PREFACE

### The United States Commission on Civil Rights

The United States Commission on Civil Rights is an independent agency of the Executive Branch of the Federal Government created by the Civil Rights Act of 1957. By the terms of that Act, as amended by the Civil Rights Acts of 1960 and 1964, the Commission is charged with the following duties: investigation of individual discriminatory denials of the right to vote; study of legal developments with respect to denials of the equal protection of the law; appraisal of the laws and policies of the United States with respect to denials of equal protection of the law; maintenance of a national clearinghouse for information respecting denials of the equal protection of the law; and investigation of patterns or practices of fraud or discrimination in the conduct of Federal elections. The Commission is also required to submit reports to the President and the Congress at such times as the Commission, the Congress, or the President shall deem desirable.

### The State Advisory Committees

An Advisory Committee to the United States Commission on Civil Rights has been established in each of the 50 States and the District of Columbia pursuant to section 105(c) of the Civil Rights Act of 1957 as amended. The Committees are made up of responsible persons who serve without compensation. Their functions under their mandate from the Commission are to: advise the Commission of all relevant information concerning their respective States on matters within the jurisdiction of the Commission; advise the Commission upon matters of mutual concern in the preparation of reports of the Commission to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public and private organizations, and public officials upon matters pertinent to inquiries conducted by the State Committee; initiate and forward advice and recommendations to the Commission upon matters which the State Committee has studied; assist the Commission in matters in which the Commission shall request the assistance of the State Committee; and attend, as observers, any open hearing or conference which the Commission may hold within the State.

This report was submitted to the United States Commission on Civil Rights by the Tennessee State Advisory Committee. The conclusions and suggestions are based upon the Advisory Committee's evaluation of information received at the open meeting in Memphis on February 4-5, 1966 and on its analysis of the 1962 Commission hearing in Memphis. This report has been received by the Commission and will be considered by it in making its reports and recommendations to the President and the Congress.

## INTRODUCTION

The Tennessee State Advisory Committee to the U.S. Commission on Civil Rights is charged with collecting information on the status of civil rights within Tennessee. One of the means employed by the Committee is the public open meeting to which public officials, businessmen, organizational representatives, and citizens are invited to present information in their special areas of competence.

On February 4-5, 1966 the Tennessee State Advisory Committee held such an open meeting in Memphis to collect information on developments in three substantive areas -- employment and training, the administration of justice, and hospitals and health services. A total of 54 persons presented information to the Committee during its 2-day meeting. The transcript of the Committee's meeting is available for inspection at the Commission's offices in Memphis and Washington, D.C. This report contains a summary of the information presented to the Committee, as well as the findings and recommendations of the Committee which have been submitted to the U.S. Commission on Civil Rights.

The U.S. Commission on Civil Rights held a public hearing in Memphis on June 25-26, 1962. The Commission heard 35 witnesses testify in five subject areas: health facilities

and services, administration of justice, education, employment, and housing. The Tennessee State Advisory Committee deems it appropriate to include in this report a summary of the data presented at the 1962 hearing in those areas which were also considered by the Committee in 1966. At the end of each of the three major sections of this report, the Committee provides a general comparison of the 1962 and 1966 data.

The Committee is aware of the fact that the data presented in this report do not represent an exhaustive investigation into any of the areas considered. However, it does believe that the report indicates clearly several areas where further investigation and corrective action are required. Furthermore, while the Committee's mandate is to report on those areas which are, or should be, a concern of Federal agencies, it is convinced that real progress can be made only by the combined efforts of Federal, State, and local Governments in cooperation with private organizations and individuals. Therefore, the Committee has requested that this full report be released to the public in the hope that it will stimulate action on the part of the Federal agencies concerned and prove an incentive for new efforts by county and city governments and private individuals and organizations.

## EMPLOYMENT

Since the Commission hearing in 1962, the employment situation has been changed by the passage of the Civil Rights Act of 1964 in which Title VII prohibits discrimination by private employers with more than 100 employees and by the enactment of Executive Order 11246 forbidding discrimination by Federal contractors. Violations in private employment are handled by the Equal Employment Opportunity Commission while employment covered by Federal contracts is handled by the Department of Labor's Office of Federal Contract Compliance. The significant difference is in the scope of the coverage: private employers with less than 100 employees are exempt (as of February 1966) while all Federal contractors, regardless of size, are covered. It should also be noted that neither the Executive order nor Title VII applies to county or local government units.

### Advisory Committee Findings, 1966

#### Tennessee Department of Employment Security

L. B. Dow, Manager of the Department's Memphis office admitted that the Department does not have Negroes on its staff in significant numbers or positions. It operates two placement offices, classifying applicants according to skills. The result is de facto segregation. Some employers continue to ask for job applicants by race. The office declines these requests and directs such employers to rephrase them.



Specifically, the Department reported the following progress in desegregating offices since the Commission's hearings in 1962:

Desegregation Rate, State Employment Offices\*

<u>Office</u>	<u>White</u>	<u>Negro</u>	<u>Total</u>
Poplar Avenue	46	2	48
Main Street	7	6	13
Union Avenue	10	4	14
Cleveland Street	<u>24</u>	<u>7</u>	<u>31</u>
TOTAL	87	19	106

The Main Street Office (formerly Negro) now handles unskilled and domestic placements only. The Poplar Avenue office (formerly white) handles all other placements. Union Avenue is a claims office and Cleveland Street is the Youth Opportunity Center.

Private Employment

The State Advisory Committee heard a total of 11 persons on this subject, including seven representatives of large employers in the community. These are its findings in this area.

The fact that one or more large firms have fewer Negro employees today than a year ago or two years ago because of technological advances emphasizes the tenuous nature of industrial employment for those only recently employed: they are the

\*These statistics reflect jobs above the janitorial level.

first to be fired. Moreover, Negroes continue to hold the menial, unskilled, lower-paid jobs in industry. The "gentlemen's agreement" between industries not to hire persons who seek a better job while still in the employ of another firm, a procedure which was revealed at the meeting, severely limits the advancement of Negro clerical workers and persons employed by Negro firms.

Generally, industry representatives seemed satisfied with the performance of their own companies and appeared to lack concern for the community's problem. The Committee sensed what seemed to be an air of smugness emanating from one or two of the personnel men. All management representatives who appeared reported a shortage of qualified applicants for clerical and technical positions.

It became obvious during the meeting that the Memphis and Shelby County public schools are failing to prepare sufficient numbers of citizens -- white and Negro -- for industrial and business jobs. The reasons for this may be beyond the control of the school system but the dearth of training was implicit in statements made by all employers.

No significant superiority in employment and upgrading was evident among "Plans for Progress" firms. These are firms which had voluntarily pledged themselves -- usually before the Civil Rights Act of 1964 was enacted -- to eliminate discrimination in employment through "affirmative action."

One Negro labor leader, the International Representative of United Furniture Workers Local 282, reporting that discrimination in employment was still a major problem in the community, stated that many people come to him with their problems about getting jobs and insist that there have been very few upgradings. He felt that most Negro job applicants were unaware of the provisions in Title VII of the Civil Rights Act of 1964.

Local companies represented at the meeting were: Plough, Inc.; Firestone Tire & Rubber Company; International Harvester Company; Memphis Group Plant of General Electric; Humko Products; Kimberly-Clark Corporation; and Memphis Publishing Company.

The Hunter Division of Robbins and Myers, Inc. did not acknowledge the Committee's invitation nor was it represented at the meeting.

All of the representatives of employers claimed their firms were in compliance with the Civil Rights Act of 1964. While several reported that their firms employed rather substantial numbers of Negroes, some admitted that their firms employed few Negroes.

Some examples follow:

<u>Company</u>	<u>Total Em- ployees</u>	<u>Negroes</u>	<u>Negroes Above Unskilled Service Categories</u>	<u>Including</u>
Plough, Inc.	1073	232	33	2 Supervisors 1 Professional 2 Clerical 13 Skilled Craftsmen 17 Semi-skilled operators
Firestone Tire and Rubber Co.	3072	929	4	3 Supervisors 1 Steno-Clerk
Kimberly- Clark Corp.	1142	39	14	13 Semi-skilled 1 Clerical
International Harvester	2569	573	483	1 Management Employee 2 Group Leaders 4 Technicians 1 Engineering draftsman 3 Lab Assistants 1 Salesworker 5 Clerical 8 Skilled Craftsmen 465 Semi-skilled operators
Memphis Lamp Plant of General Electric	1100	110	109	1 Clerical 3 Skilled Craftsmen 105 Semi-skilled Operators

Generally, employers cited lack of qualified applicants, lack of job openings, and lack of seniority as reasons for the small number of upgraded Negro workers. All reported that plant facilities were desegregated.

Committee members, although acknowledging that progress had been made, expressed concern over the relatively slow rate of improvement. In response, one employer pointed to increasing acceptance of integration by industry, illustrated by the growing number of Negroes entering formerly all-white categories. However, the problem of finding trained Negro employees was, in this employer's mind, a major obstacle to establishing completely equal hiring patterns.

The State Advisory Committee members and the private employers present also heard a staff report on employment practices of 1) Federal contractors in Memphis and Shelby County and 2) Plans for Progress firms in Memphis and Shelby County as reflected by the latest statistics available on February 4, 1966.

The information on Federal contractors given the Committee discursively is presented here in condensed and tabular form:

	<u>Total Employment</u>	
	<u>Number</u>	<u>Percent</u>
Federal contractors	181	100.0
Employees	31,891	100.0
Negro employees	6,732	21.1
White employees	25,159	78.9
Total white-collar jobs	10,549	33.0

White-Collar Employment

Total white-collar jobs	10,549
Negroes holding	145
Whites holding	10,404
Percentage held by Negroes	1.3
Percentage Held by Whites	98.7
Percentage of 6,723 Negro employees holding	2.1
Percentage of 25,159 white employees holding	41.3

The preceding figures, stated another way, show that one Negro in 50 has a white-collar job while two whites in five have white-collar jobs.

Employment practices in Plans for Progress plants were also compared with practices in the non-Plans for Progress plants:

	<u>Plans for Progress Firms</u>		<u>Other Federal Contractors</u>	
	Number	Percent	Number	Percent
Plants	82	100	99	100
With Negro employees	58	70.7	77	77.7
Total employees	17,808	100	14,083	100
Negro employees	3,363	18.8	3,369	23.2
Total white-collar jobs	6,064	34.0	4,485	31.84

White-Collar Employment

	<u>Plans for Progress Firms</u>	<u>Other Federal Contractors</u>
Total white-collar jobs	6,064	4,485
Negroes holding	74	71
Whites holding	5,990	4,414
Percentage held by Negroes	1.22	1.58
Percentage held by white	98.78	98.42
Percentage of 3,363 Negro employees holding	2.2	Percentage of 3,369 Negro employees holding 2.1
Percentage of 14,445 white employees holding	41.46	Percentage of 10,714 white employees holding 41.8

Summed up, the non-Plans for Progress firms provided a substantially higher percentage of jobs for Negroes -- 23.2 percent against 18.8 percent -- than did the Plans for Progress firms. The Plans for Progress firms had a slightly higher percentage of white-collar jobs -- 34.0 percent against 31.8 percent -- than did the other Federal contractors. But there was no significant difference between the two groups of firms in the percentage of Negroes who, once employed, got white-collar jobs. The Negro employee in either group with a white-collar job still was one Negro among 50 employed, despite the fact that nonwhites constitute 36 percent of the population of the Memphis Standard Metropolitan Statistical Area in 1966.

#### Apprenticeship Training

Under Title 29 of the Department of Labor regulations covering employment, discrimination in apprenticeship and training is forbidden. These nondiscriminatory policies apply to the selection of apprentices, waiting lists, and employment during apprenticeship.

Building trade unions in Memphis have made little progress in integrating their membership or their training programs. There are still several all-white locals. Because of this situation and fear of possible intimidation, Negro youths rarely file apprenticeship applications. The Bureau of Apprenticeship and Training has made no noticeable progress since 1962.

The Committee heard from its Memphis representative; delegates of Carpenters Union Local 1896; International Brotherhood of Electrical Workers Union Local 474; Plumbers Union Local 17; Painters, Decorators, and Paper Hangers Local 49 (all building unions); a painting contractor; and a representative of the Memphis chapter of Associated General Contractors.

With the exception of the Carpenters Union, which has a Negro local, none of the unions represented had Negro apprentices, nor have they had them in the past. All indicated that their locals were in compliance with BAT nondiscrimination regulations.

The representative of the Negro local of the Carpenters Union complained, as he had done before the Commission in 1962, that the members of his local were not able to find employment on jobs where large numbers of members of the white Carpenters local were working, asserting that thus far only token integration has occurred and that eight skilled craftsmen remain unemployed.

The representative of the Associated General Contractors and the painting contractor stated that management was interested in good apprentices regardless of race. On the other hand, in response to a question as to why they had so few Negro apprentices, the painting contractor admitted that contractors had not cared to use them.



The representative of the contractors, when asked the same question, did not give a responsive answer.

The representative of the Bureau of Apprenticeship and Training, who had also appeared before the Commission in 1962, reported that he was so busy getting unions in compliance (i.e., working out a written description of the selection procedure which was acceptable to the Atlanta Regional Office of BAT), that he did not have time for field reviews. He defined compliance as abiding by the rules and stated that he considered his training program to be in compliance although there are no Negroes involved in them.

#### Public Employment

While total Federal employment increased by 11.5 percent between June 1964 and June 1965, the employment of Negroes decreased 2.6 percent. Negroes continue to be concentrated in menial and unskilled jobs.

The Committee heard Maxine Smith, executive secretary of the Memphis Branch of the National Association for the Advancement of Colored People (NAACP) list widespread allegations of discrimination in governmental employment. The NAACP felt that the only steps toward Negro employment on the State and local levels had come from some sort of political incentive. She felt, however, that there is a genuine effort to comply on the Federal level although much of the integration has been token.

The NAACP official itemized the Negroes, according to her records, who were employed above the traditional level by the county government. She gave the following account:

Probate Court Clerk's office -- no Negroes  
Circuit Court Clerk's office -- no Negroes  
Chancery Court Clerk's office -- no Negroes  
Tax Collector's Office -- one Negro  
Personnel -- no Negroes  
Election Commission -- no Negroes  
County Registrar's Office -- one Negro  
General Sessions Office -- two Negroes  
Tax Assessor's Office -- four Negroes  
County Trustee's Office -- one Negro  
Record Room Department -- one Negro  
Sheriff's Department -- no field promotions

It was reported that the NAACP is in receipt of complaints alleging discrimination in promotions at the Tennessee Department of Public Welfare.

Of the Tennessee Department of Employment Security, Mrs. Smith said:\*

"Without much integration of its own staff, it is hardly likely that Tennessee Employment Security would be very non-discriminating in supplying employers with their individual staffs. Not at our Poplar Avenue office. There is one Negro receptionist. There are no Negroes who have contact in placement work, who interview people coming to Tennessee Employment Security for jobs, and no Negro counselors, no Negro employer contacts who go out into the field contacting employers. No managers. No supervisors. No clerks. No typists. No stenographers."

\*See Private Employment