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CIVIL RIGHTS SINCE THE SIXTIES
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JUST A FEW WEEKS AGO, THE NATION MARKED THE TENTH ANNIVERSARY OF THE CIVIL RIGHTS MARCH ON WASHINGTON -- ONE OF THE LARGEST ASSEMBLIES OF PERSONS TO PETITION THE GOVERNMENT IN WASHINGTON'S HISTORY. IN MANY WAYS, THOSE WERE THE "GOOD OLD DAYS" OF THE CIVIL RIGHTS MOVEMENT. FOR EVEN IF IT WAS A TIME OF DOGS AND WATER HOSES, OF AXE HANDLES AND JAIL CELLS -- OF THINGS BETTER CONSIGNED TO TEXTBOOKS THAN TO MEMORY -- IT WAS ALSO A TIME OF GENUINE BROTHERHOOD, OF PEACEFUL DEMONSTRATIONS, OF MORAL FERVOR, AND A SHARED BELIEF THAT JUSTICE WOULD BE DELIVERED SWIFTLY TO ALL THE NATION'S CITIZENS, IT WAS AN ERA THAT GAVE BIRTH TO THE FIRST COMPREHENSIVE CIVIL RIGHTS LEGISLATION SINCE RECONSTRUCTION. IN SHORT, CIVIL RIGHTS WAS, IN THE WORDS OF THE LATE MARTIN LUTHER KING, "AN IDEA WHOSE TIME HAD COME."

WHAT IS THE CIVIL RIGHTS MOVEMENT TODAY? HAS IT BORN THE FRUIT ONCE DREAMED OF AND FOUGHT FOR? OR IS IT A DEAD



LETTER KILLED BY NEFARIOUS POLITICS? ANY FAIR ASSESSMENT MUST CONCLUDE THAT CIVIL RIGHTS TODAY IS AN ESTABLISHED, VIGOROUS, SOMETIMES COMPLICATED PROGRAM WHICH WAS DELIVERED, AND IS STILL DELIVERING, THE MOST DRAMATIC SOCIAL GAINS IN RECENT HISTORY. IT IS ALSO A PROGRAM WHICH HAS MUCH WORK YET UNFINISHED. AND FINALLY, IT IS A MOVEMENT WHOSE SUCCESSES IN RECENT YEARS HAVE BEEN SHROUDED IN THE CONFUSION OF RAPID CHANGE AND THE POLITICS OF A DEMOCRATIC SOCIETY.

EVEN THE MOST CASUAL OBSERVER OF RACE RELATIONS TODAY CAN SEE THE CIVIL RIGHTS STRIDES OF THE LAST FEW YEARS IN VIRTUALLY ALL AREAS OF ECONOMIC, SOCIAL, AND POLITICAL LIFE OF THE COUNTRY.

A BRIEF EXAMINATION OF RECENT PERFORMANCE REVEALS ACHIEVEMENTS OF SUBSTANTIAL, OFTEN UNPRECEDENTED, DIMENSIONS.



LET'S LOOK AT THE RECORD.

IN THE LAST FOUR AND A HALF YEARS, THE INCREASE IN THE TOTAL CIVIL RIGHTS ENFORCEMENT BUDGET HAS GONE FROM \$75 MILLION TO OVER \$521 MILLION THIS FISCAL YEAR.

INTERNAL EMPLOYMENT POLICIES REVEAL SHARP INCREASES OF MINORITIES IN THE FEDERAL SERVICE. ALMOST 25,000 MINORITY EMPLOYEES WERE ADDED TO THE ROLLS BETWEEN NOVEMBER OF 1969 AND MAY OF 1972, SO THAT AS OF THAT TIME, NEARLY 20 PERCENT OF ALL FEDERAL EMPLOYEES WERE MINORITIES. AS FOR SCHOOL DESEGREGATION, WHEN THE ADMINISTRATION TOOK OFFICE, IT FOUND THAT DESPITE THE LAWS AND EFFORT OF PRECEDING YEARS, THERE WAS, IN FACT, VIRTUALLY NO DESEGREGATION OF THE CLASSIC DUAL SYSTEMS OF THE SOUTH. IN 1968, BLACK STUDENTS ATTENDING ALL-BLACK SCHOOLS IN THE ELEVEN-STATE SOUTH REPRESENTED A FULL 68 PERCENT OF ALL THE BLACK CHILDREN IN THAT REGION. IN THE 1972-1973 SCHOOL YEAR, THE FIGURE WAS ONLY 9.2 PERCENT, AND VIRTUALLY ALL



OF THOSE CHILDREN WERE IN REMOTE RURAL DISTRICTS OR IMPACTED URBAN AREAS.

WHAT ABOUT VOTING? TODAY THERE ARE AT LEAST 1,144 ELECTED BLACK OFFICIALS IN THE SOUTH -- OR TEN TIMES AS MANY AS THERE WERE IN 1965 WHEN THE VOTING RIGHTS ACT WAS PASSED.

EMPLOYMENT OPPORTUNITY PRESENTS PERHAPS THE GREATEST STRIDES IN RECENT CIVIL RIGHTS ENFORCEMENT. THE BUDGET OF THE EQUAL EMPLOYMENT OPPORTUNITY COMMISSION HAS INCREASED FROM \$11 MILLION IN 1970 TO \$46 MILLION IN 1974, AN INCREASE OF NEARLY 400 PERCENT. TODAY, IN BUILDING TRADE UNIONS, 13 PERCENT OF ALL APPRENTICES ARE NONWHITE, AS ARE A FULL 20 PERCENT OF THE TRAINEES WHO ENROLLED DURING THE FIRST HALF OF 1972.

GOVERNMENT SUITS AGAINST LARGE EMPLOYERS, SUCH AS CITY FIRE DEPARTMENTS IN LOS ANGELES, DALLAS, BOSTON, AND CHICAGO, ARE FOR THE FIRST TIME NOW A PART OF THE JUSTICE



DEPARTMENT'S ENFORCEMENT PROGRAM. NO LONGER IS CIVIL RIGHTS ENFORCEMENT LIMITED TO A SINGLE REGION OF THE COUNTRY. HIRING GOALS AND BACK PAY FOR IDENTIFIED VICTIMS OF DISCRIMINATION ARE NOW STANDARD RELIEF IN EMPLOYMENT DISCRIMINATION CASES THROUGHOUT THE COUNTRY.

IN THE FIELD OF HOUSING, MORE THAN 150 FAIR HOUSING SUITS HAVE BEEN FILED BY THE JUSTICE DEPARTMENT SINCE 1968 WHEN THE ACT WAS PASSED. MANY ARE LARGE IMPACT CASES, SUCH AS TWO RECENT ONES AFFECTING OVER 10,000 APARTMENT UNITS IN ONE CITY. WE HAVE NOW FILED OR HELPED LITIGATE FIVE SUITS AGAINST CITIES OR TOWNS WHICH HAVE ATTEMPTED TO USE ZONING OR OTHER ORDINANCES AS A SUBTERFUGE FOR PREVENTING MINORITIES FROM OWNING OR RENTING HOUSING SOLELY ON ACCOUNT OF THEIR RACE.

AS FOR POVERTY PROGRAM FUNDING, WITH ALL OF THE CONTROVERSY SURROUNDING THE REDESIGN AND BETTER IMPLEMENTATION OF THOSE PROGRAMS, THE FACT IS THAT ONLY ONE PROGRAM, THE



COMMUNITY ACTION PROGRAM, WILL BE PHASED OUT OF FEDERAL SUPPORT. ON THE WHOLE, THE PROGRAMS WILL BE BETTER ADMINISTERED THAN EVER BEFORE, AND MANY OF THEM, SUCH AS HEAD START, MIGRANT PROGRAMS, NEIGHBORHOOD HEALTH CENTERS, AND LEGAL SERVICES, HAVE ACTUALLY HAD THEIR BUDGETS INCREASED.

SO THE QUESTION MUST BE AGAIN ASKED: HOW CAN THIS RECORD OF ACHIEVEMENT BE RECONCILED WITH A FIRST-TERM PERCEPTION OF SHALLOWSNESS TOWARD CIVIL RIGHTS OBJECTIVES?

THE PERCEPTION OF A "COOLER" CIVIL RIGHTS POLICY IN RECENT YEARS IS MOST OF ALL THE RESULT OF CHANGED CONDITIONS IN THE LAST DECADE. THE QUESTIONS THEN WERE SO SIMPLE THAT THEY ANSWERED THEMSELVES. SHALL A BLACK CHILD BE PERMITTED TO GO TO A DECENT SCHOOL? SHALL A BLACK PERSON BE PERMITTED TO PULL A VOTING LEVER, OR RIDE A CROWDED BUS, OR GO TO A PUBLIC RESTROOM? SHOULD THERE BE LAWS TO ADDRESS RACIAL INJUSTICE?



TODAY THE QUESTIONS ARE MORE COMPLEX. SHOULD RACE BE CONSIDERED IN HIRING, PROMOTION AND SALARY DECISIONS? OR IS THIS REVERSE DISCRIMINATION AND QUOTAS? SHOULD CONSTRUCTIVE SENIORITY BE GRANTED TO MINORITIES PREVIOUSLY EXCLUDED FROM CERTAIN JOBS AND UNIONS, EVEN IF THIS RESULTS IN THE "BUMPING" OF WHITES WHO, AS INDIVIDUALS MAY NOT HAVE BEEN RESPONSIBLE FOR PAST DISCRIMINATORY POLICIES? SHOULD APPLICANTS FOR PUBLIC HOUSING BE ASSIGNED TO APARTMENT UNITS ON THE BASIS OF RACE, NOT TO SEPARATE BUT TO INTEGRATE? IS THE DISTINCTION BETWEEN DE FACTO AND DE JURE SEGREGATION STILL SOUND OR ARTIFICIAL? THE SIXTIES CONSTITUTED AN EXAMINATION OF THE WRONGS; THE SEVENTIES AN APPLICATION OF THE REMEDIES. DEALING WITH THESE QUESTIONS REQUIRES SCALPEL AND SUTURES, NOT THE BOILING CAULDRON OF A FEW YEARS AGO.

THIS IS THE WORK THAT IS NOW UNDERWAY. IT IS THE WORK THAT LOGICALLY FOLLOWS THE SYMBOLIC AND LEGISLATIVE GAINS



MADE BEFORE. IT IS THE PAYOFF ON THOSE GAINS. AS WITH PROGRESS IN OTHER FIELDS OF ENDEAVOR, YESTERDAY'S VICTORIES HAVE MADE TODAY'S WORK LESS CURIOUS OR SPECTACULAR. SINCE THE ATTENTION WHICH FOLLOWS NOVELTY IS GONE, TODAY'S VICTORIES ARE LIKELY TO BE SEEN AS LESS EARTHSHAKING THAN THEY TRULY ARE.

POLITICS, OF COURSE, HAS ALSO PLAYED ITS PART IN RECENT CIVIL RIGHTS HISTORY, ALTHOUGH PROBABLY TO A SMALLER DEGREE THAN IS COMMONLY ASSUMED BY THOSE WHO SEE ALL PHENOMENA OF LIFE AS A FUNCTION OF POLITICAL FORCES. HERE, "SOUTHERN STRATEGY" WAS THE FAVORITE TERM OF A COUPLE OF YEARS AGO AND GENERALLY IMPLIED A CATERING TO WHITE SOUTHERN INTERESTS AT THE EXPENSE OF CIVIL RIGHTS ENFORCEMENT.

IT WOULD BE FATUOUS TO CONTEND THAT THE SOUTH HAS BEEN LESS IMPORTANT TO THE ELECTION OF THIS ADMINISTRATION THAN TO ANY OTHER. BUT IT WOULD BE EQUALLY WRONG TO SEE THE ADMINISTRATION'S POLICIES TOWARD THE SOUTH SOLELY AS



PARTISAN POLITICAL VENTURES. TO MANY FOLKS, BOTH LIBERAL AND CONSERVATIVE, BLACK AND WHITE, THERE HAS BEEN SOMETHING DESIRABLE AND LONG OVERDUE IN HAVING A PRESIDENT OPENLY WELCOME THE SOUTH BACK INTO THE UNION. INDEED, SUCH OVERTURES WERE ONCE SEEN AS PROGRESSIVE AND HEALING RATHER THAN NEFARIOUS AND POLITICAL

THERE IS ANOTHER POLITICAL FACTOR TO BE CONSIDERED. WHILE CIVIL RIGHTS ENFORCEMENT REMAINED A PURELY REGIONAL PROGRAM IN THE SOUTH, IT WAS TO THE ADVANTAGE OF THE CIVIL RIGHTS COALITION OF LIBERAL NORTHERN DEMOCRATS AND LABOR TO CRITICIZE SHARPLY AND KEEP THE PRESSURE ON. AS A RESULT, THE HYPERBOLE OF POLITICALLY CHARGED CRITICISM GAVE AN EXAGGERATED IMPRESSION OF ADMINISTRATION RETICENCE.

TODAY, HOWEVER, THIS PRESSURE HAS VIRTUALLY ENDED. IT IS OVER NOT ONLY BECAUSE A POSITIVE RECORD IS SPEAKING FOR ITSELF WITH INCREASING FORCE. IRONICALLY, IT IS ALSO OVER BECAUSE OF THE EXPANSION OF CIVIL RIGHTS ENFORCEMENT



RATHER THAN ITS CONTRACTION. WHEN SCHOOL DESEGREGATION AND EQUAL JOB OPPORTUNITY BECAME ISSUES IN THE NORTH, THE CONGRESSIONAL CIVIL RIGHTS COALITION MUTED ITS CRITICISM UNDER THE STRAIN OF CONSTITUTENT FEARS AND DEMANDS NOT UNLIKE THOSE ENCOUNTERED IN THE SOUTH. THIS CHANGE OF ATTITUDE DOES NOT PORTEND THE IMMINENT DOOM OF THE CIVIL RIGHTS LAWS. ON THE CONTRARY, IT MERELY UNDERSCORES THE CONTINUING NEED FOR PERSISTENT, PROFESSIONAL ACTION WITHIN THE CONTOURS OF THE LAW. IN THIS SENSE, IT MERELY CONFIRMS THE VALIDITY OF THE APPROACH TAKEN BY THE GOVERNMENT FOR SOME TIME.

IN SOME CASES, THE GAP BETWEEN IMAGE AND REALITY HAS BEEN GENERATED BY THE VERY PEOPLE RESPONSIBLE FOR MAJOR ADVANCES. AS A WELL-KNOWN CIVIL RIGHTS LEADER ONCE REMARKED, "PEOPLE IN THE CIVIL RIGHTS ESTABLISHMENT ARE NEVER SO HAPPY AS WHEN THEY ARE UNHAPPY."



CIVIL RIGHTS IN THE SIXTIES WAS A MOVEMENT OF CONSENSUS IN PART BECAUSE THE THREAT OF RESTRUCTURED BEHAVIOR WAS NOT THEN IMMEDIATE TO MOST OF THE COUNTRY. BLACKS AND WHITES, JEWS AND GENTILES, WOMEN AND MEN, BUSINESS AND LABOR LITERALLY MARCHED ARM IN ARM FOR CIVIL RIGHTS LAWS. NOW THAT THE ENFORCEMENT OF THOSE LAWS HAS TAKEN US TO THE MORE IMMEDIATE AND DIFFICULT ISSUES, SUCH AS GOALS AND TIMETABLES FOR MINORITY EMPLOYMENT, OR BUSING TO ACHIEVE SCHOOL DESEGREGATION, MORE AND MORE OF THOSE WHO MARCHED TOGETHER A DECADE AGO, OR CRITICIZED THE GOVERNMENT'S POLICIES ONLY A FEW YEARS AGO, ARE TODAY CLAIMING THAT THOSE POLICIES HAVE GONE TOO FAR.

A SIMILAR STRAIN ON CONSENSUS IS OCCURRING IN THE BLACK COMMUNITY AS WELL, WHERE REASSESSMENTS OF PHILOSOPHY AND OBJECTIVES ARE OCCURRING ON A WIDESPREAD BASIS, THAT THIS IS HAPPENING AS THE RESULT OF A FAILURE TO ACHIEVE FULL INTEGRATION AND EQUALITY WITHIN THE LAST DECADE CANNOT BE DOUBTED.



THESE CHANGES SINCE THE SIXTIES SPELL OUT A DIFFERENT CIVIL RIGHTS MOVEMENT, BUT THEY DO NOT SPELL OUT ONE OF RETREAT. ON THE CONTRARY, WE WILL CONTINUE TO SEE A PERSISTENT FULFILLMENT OF THE PROMISE OF THE CIVIL RIGHTS LAWS. IT WILL BE A TIME OF GREATER SOPHISTICATION OF EFFORT, BOTH IN THE MINORITY COMMUNITY AND IN THE ESTABLISHED INSTITUTIONS OF GOVERNMENT. IT WILL BE A TIME OF EXPANDED EFFORT TO DELIVER THE PROTECTIONS OF THE LAW TO OTHERS SUCH AS WOMEN, THE SPANISH SPEAKING, AND THE MENTALLY RETARDED. AS A RESULT, IT SHOULD CONTINUE TO BE A TIME OF LESS TURMOIL BUT GREATER CONCRETE SUCCESS.

OBTAINING EQUAL JUSTICE IS NOT YET A COMPLETED TASK, BUT WE NOW KNOW THAT THE CONSCIENCE OF THE NATION WILL NOT REST UNTIL IT IS. IT IS THROUGH THE PATTERNS WHICH HAVE NOW BEEN ESTABLISHED THAT THE DREAM ENVISIONED BY DR. KING A DECADE AGO WILL FINALLY BECOME REALITY.

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