

The Origin of the Fair Employment Practice Commission

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Abstract. Since the end of the Civil War, African Americans, although freed from the oppression of slavery and granted the status of freedmen, have never gained full civil rights due to widespread racial segregation. In their pursuit of a better life and better-paying jobs, many African Americans seized the opportunity of World War I to begin the Great Migration, which contributed to the rise of Black political and economic power. During the New Deal era and the early years of World War II, they faced intolerable employment discrimination and racial segregation. Additionally, there was a stark contradiction between the principles of democracy and freedom that the federal government championed during WWI and WWII and the harsh realities faced by African Americans at home. This discrepancy prompted African Americans, to launch a protest march on Washington, D.C., in 1941. At the same time, Nazi Germany exploited the racial discrimination and segregation in the United States to justify its own racial policies and to attack the United States. Under both domestic and international pressure, President Roosevelt established the FEPC to guarantee equal employment rights for Black minorities in national defense. This paper traces the origins of the FEPC and examines how African Americans struggled for racial equality.

Keywords: Fair Employment Practice Commission, racial segregation, equal employment.

1. Introduction

Since the end of the Civil War in 1865 and the enactment of the Thirteenth Amendment to the Constitution, African Americans, though freed from the yoke of slavery, have never enjoyed full civil rights because of racial segregation. From World War I to the New Deal and the early years of World War II, African Americans combated racial discrimination and segregation in a variety of ways to improve their living conditions, but with limited success. It was not until 1941 that more than 100,000 African Americans planned to participate in the “March on Washington”, a demonstration organized by activist A. Philip Randolph. Under the threat of this mass movement, President Franklin D. Roosevelt issued Executive Order 8802, which established the Fair Employment Practice Commission (FEPC) to guarantee equal employment rights for minorities, represented by Black Americans, in the national defense industry.

This executive order was known as the “Second Emancipation Proclamation” because it was the first time in nearly 80 years that the federal government had aligned with the aspirations of Black workers for fairness and justice. The FEPC had a great impact on employment equality at the time, as well as the subsequent civil rights movement and legislation in the 1960s. This paper traces the origins of the Fair Employment Commission through newspapers, magazines, oral histories, and secondary source research, and studies the ways African Americans struggled for racial equality.

2. Literature Review

Since its establishment, the FEPC has been discussed and evaluated by academics in the U.S. Scholars have studied it mainly from the perspectives of legislation and state cases. In 1946, Louis C. Kesselman first summarizes the experience of the FEPC being curtailed in 1945, concluding that gains made under significant pressure could not ensure immunity from future administrative and congressional intervention [1]. To challenge Kesselman’s pessimistic view, Charles W. Cobb, Jr. argues that no legislative reform in history could be adopted by most states within just a year or two [2]. In 1952, Elwood V. McKenney analyzes the hostility faced by the FEPC in Massachusetts,

attributing it to racial and religious prejudices, self-interests of workers and employers, and public ignorance [3].

By the 1960s, the U.S. academic community began to assess the FEPC laws' impact on the economic status of racial and religious minorities, particularly African Americans. Herbert Hill criticizes state commissions as largely ineffective [4]. Conversely, economist William M. Landes evaluates the impact of FEPC laws on the income ratio between nonwhite and white males and found that states with FEPC laws showed better annual income performance and lower discrimination levels in 1959 compared to states without such laws. His analysis of income changes from 1949 to 1959 reveals significant relative income increases in states with FEPC laws, indicating a positive impact on minority income [5]. In 2002, Andrew E. Kersten examines the FEPC's experiences in the Midwest, combining national and local civil rights histories to analyze the commission's impact on regional social, economic, and political conditions [6].

In addition, historians have addressed the FEPC as a part of African American civil rights history. Richard Polenberg dismisses the results of the FEPC and criticized Executive Order 8802 as a weak attempt at systemic racism in employment practices [7, 8]. In 1990, Steven F. Lawson argues that while Blacks received some benefits, their major economic gains were realized during the labor shortages of the war [9]. In 2008, Merl E. Reed portrays the FEPC as one of the most controversial federal agencies of its time, correcting previous historical interpretations and highlighting its significant role in advancing African American employment opportunities [10].

Current literature pays more attention to the practice of FEPC and its impact on the Civil Rights movement in the United States in the 1960s, but not to the formation of FEPC. Therefore, this paper mainly explores the causes and background of the formation of it from domestic and international perspectives.

3. Domestic Context

3.1. The Prevalence of Racial Segregation

The Civil War can be characterized as a great change for American society, especially for African Americans. With the Emancipation Proclamation and the Thirteenth Constitutional Amendment, Blacks were finally freed from slavery and officially became American citizens. During the Reconstruction period, the federal government took over the affairs of the South and passed the Fourteenth Constitutional Amendment, the Fifteenth Constitutional Amendment, the Civil Rights Acts of 1866 and 1875, and the Enforcement Acts of 1870 and 1871, which gave the newly freed Blacks rights they had not had before, allowing them to get married, to vote, to get an education, to do business, and to run for office [11]. However, Southern Whites could not tolerate Blacks being granted the same rights. Shortly after the Civil War, most Southern states passed Negro Codes designed to restrict the rights of Blacks to own property, conduct business, purchase and lease land, and move freely in public places [12]. In addition to economically disadvantaging black people, Southern states enacted laws that imposed racial discrimination in everyday life. For example, in 1865 Florida, Mississippi, and in 1866 Texas enacted Jim Crow laws requiring all railroad companies to provide separate cars for freed slaves. In addition, most states had segregated schools, prisons, and even cemeteries [13]. Historian Joel Williamson argues that "segregation took shape before Reconstruction was over and remained until the mid-twentieth century" [14].

In the mid-1870s, the federal government loosened its grip on the South in the face of Southern hostility. It was not until 1877 that Hayes was elected President and ordered the withdrawal of federal troops from all Southern states, thus ending Reconstruction, that the white Democratic Party of the South regained control of the South, intensifying its denial of the rights granted to free blacks during Reconstruction. In the Slaughterhouse Cases of 1873 and the Civil Rights Cases of 1883, the Supreme Court weakened the role of the Fourteenth Amendment, declared the Civil Rights Act of 1875 unconstitutional, and provided the Southern states with the constitutional support they needed to construct a racial segregated society. Since then, Southern states have systematically enshrined and

reinforced the status of Blacks as “second-class citizens” in their laws, prohibiting any contact between the two races. In March 1881, Tennessee passed the first Jim Crow law in the nation, which segregated railroad cars [13].

In 1896, the Supreme Court issued the *Plessy v. Ferguson* decision declaring that students could be separated by race in public schools, which made Jim Crow laws constitutional and established the legal paradigm of “segregate but equal” race relations [15]. With the support of the Supreme Court, by 1920, Southern states had passed more than 350 segregation laws, separating people by race in various public spaces. Some towns even prohibit all colored people from living within their borders [13]. Although Jim Crow laws required that Blacks and Whites, though segregated, would have equal access to public facilities, in practice, segregation did not bring equality to Blacks. Equipment designed for Blacks was either non-existent or in obvious disrepair.

Apart from enforcing strict racial segregation in daily life, during the 1890s, Southern states systematically implemented voter registration restrictions to disenfranchise Black males. By the early 20th century, these initiatives had completely stripped Southern Blacks of their political rights. The number of Black voters plummeted, Black candidates disappeared, and they could not be elected to local offices such as justice of the peace, jurors, and members of school boards [16].

Faced with the humiliating living conditions, some Blacks attempted to challenge segregation, yet not only political and legal repression, but also the threat of lynching awaited them. White Southerners believed that “When the law proved insufficient to restrain the ‘beasts,’ or when some overly educated, self-assured Blacks refused to accept unequal treatment, beatings, burnings, and the fear of lynching became necessary to keep African Americans in their place” [13]. From 1880 to the mid-20th century, lynching victims reached nearly 5,000 [17], with one person burned or hanged every four days. A lynching would last for hours, with the victim beaten and maimed, and burned or hanged alive to the cheers of thousands of Whites [11].

As a result, the “segregate but equal” doctrine is segregated but not equal. In this system, Whites denied Blacks the right to vote and kept them in an unequal economic position and under the threat of lynching. These measures did not merely separate the races, but ensured that when Blacks lived with Whites, Whites were superior to Blacks in every way. This built up serious racial tensions in American society and became the historical source of African Americans’ struggle for their rights, forcing Roosevelt to establish the FEPC.

3.2. The Impacts of World War I

The United States’ involvement in World War I had two major effects on African Americans. First, the war provided a large number of job opportunities and triggered the Great Migration to the North and West, which contributed to the rise of Black political and economic power; second, the federal government’s wartime language of liberty aroused the hope of Blacks to pursue liberty and equality, and even though it did not come to fruition after World War I, the seed of this hope was planted in the hearts of them and germinated again during World War II.

3.2.1. The Great Migration

After the Civil War, the harsh segregation and lynchings in the South resulted in constant fear for Southern Blacks. Beginning in the 1890s, occasional migration slowly developed into a thin stream. Between 1900 and 1910, about 194,000 black people left the southern border states and coastal cities to settle in Black neighborhoods in northeastern cities, such as New York and Harlem (north of Philadelphia). But there was no mass migration of Southern Blacks until North states provided jobs [11]. 90% of the African American population still resides in the South and there is a small black population in northern cities. The outbreak of World War I cut off European immigrants from coming to the United States, propelling Southern Blacks to the Northern states to fill the void, so they found work on the railroads, in the packing houses, in the steel mills, and in heavy manufacturing. At the same time, World War I also led to a sharp rise in demand for military products and a shortage of industrial labor, providing more jobs for blacks, which led to the culmination of the Great Migration

of Blacks from the South. 500,000 blacks left the South between 1910 and 1920, mostly for important industrial cities such as Chicago, Detroit, Philadelphia, and New York [17].

However, with the influx of black people, the racial attitudes of Northern Whites became hostile. Labor unions refused Blacks membership, lowered their wages, and limited their fields of work. Many factories in the North refused to hire black workers, not out of segregationist beliefs, but because white workers refused to work with them. Thus, to maintain factory and union solidarity, factory owners had to exclude them. Besides, increased racial prejudice in the North was reflected in residential segregation, school segregation, and a dramatic increase in Ku Klux Klan membership [16], and even basic rental housing was restricted [1]. The mass migration of Blacks also triggered violent racial conflicts. In 1917, a race riot broke out in East St. Louis in which a white mob killed more than 40 African Americans. In July of the same year, Chicago, a city that had attracted many black immigrants, experienced an extremely large and consequential race riot that resulted in the killing of 23 Blacks and 15 Whites [18].

Although the North had aggravated racial tensions due to black immigrants, overall, they benefited from moving to the North. Blacks began to gain political power when they moved from the non-voting South to North, where they fought for the positions of black police officers and elected Black people to city and state legislatures. In 1920, the New York Times reported that the influx of blacks had made Chicago a Republican city; in 1921, New Jersey's House of Representatives had its first black member, Walter Alexander; in August 1924, the New York Times reported that black voters were showing significant strength in several regions [19]. Black voters also began to exert influence on national politics. By 1930, the urban black population exceeded 5,000,000, and its percentage rose from 27% in 1910 to 43% in 1930. These urban Blacks had a growing influence on politics, especially in northern cities [18]. These influences continue even today in elections [20].

3.2.2. Blacks' Psychological Changes after World War I

In March 1917, the United States involved in World War I. The wartime propaganda slogans that linked patriotism to democracy and freedom inspired the hopes of African American. They hoped that the American racial situation would undergo a major transformation with the war, which means achieving racial justice at home and self-determination in the overseas colonies. Most black leaders and black newspapers supported Black participation in the war.

The fact remains, however, that during World War I, the Navy comprehensively excluded Blacks and the Army enforced racial segregation. Most African Americans in the military were limited to non-combat roles, such as quartermasters, cooks, bakers, drivers, or stevedores [18]. It was even more difficult for Blacks to accept that the principle of national self-determination proposed by President Wilson had not really been realized at the Paris Peace Conference, which did not consider that issue in areas other than Europe, gave the Blacks in the United States a feeling of being deeply betrayed.

Meanwhile, Black soldiers who returned to the South after the war found that little had changed: the Jim Crow system remained intact, and the patriotism, heroism, deaths, and sacrifices of the war had not altered racist attitudes at home. To white supremacists, Black military service was meaningless and even repugnant. They argued that the "high wages and assignments" African Americans received in the military made them "unmotivated and irresponsible" and more than ever "idle, arrogant, and troublesome" [13]. Post-war outbreaks of violence across the country further shattered Black hopes that their participation in the war would earn them recognition and rewards. More than 25 riots took place in several towns and cities across Southern states, and more than 80 Blacks lost their lives, some of whom were still wearing their military uniforms [18].

Nonetheless, the experience of being overseas with Black soldiers from other countries was eye-opening for many Black veterans. They were exposed to possibilities they had never imagined before the war. The relatively liberal and unbiased treatment they received from white French people gave them a glimpse of what it could be like to live in a more open society. This newfound awareness inspired some Black veterans to challenge racial discrimination in the American South, sparking a

movement to demand democracy. This movement, in turn, set a precedent for the larger and more organized “Double Victory” movement that would emerge in the World War II.

3.3. The Situation of Blacks in the New Deal

The stock market crash of 1929 plunged the United States into the greatest economic crisis in its history. African Americans who were fortunate enough to be employed during the Great Depression also faced competition from unemployed Whites and fell victim to the rule of “first fired, last hired”. In many areas, Black unemployment exceeded 50%, double the maximum general unemployment rate, at 25%. By the early 1930s, 17% Whites were unable to support themselves, but 38% Blacks were in a similar predicament [21].

In 1932, Franklin D. Roosevelt became the Democratic nominee for president, but he steadfastly refused to support anti-lynching or any other measures that specifically addressed the civil rights of African Americans because it would jeopardize his New Deal programs aimed at restoring the economy. Thus, Roosevelt was not so much concerned with the issue of Black rights as he was with the full implementation of the New Deal programs as his top priority. When Roosevelt took office, the federal government took steps to save agriculture and revive industrial production to restore the hard-hit economy. In agriculture, the Agricultural Adjustment Act failed to help sharecroppers who needed it most, instead giving landowners most of the money Congress provided. In industry, traditional “Black occupations,” such as janitors and domestic servants, were often excluded from minimum wage and maximum hour requirements. The Code of Fair Competition also allowed businesses in the South to set their own pay scales, further disadvantaging Black workers.

Beyond industry and agriculture, Roosevelt put the Second New Deal, especially Social Security, on the agenda. At the insistence of Southern legislators, the Social Security Act excluded agriculture and domestic workers, who made up the largest number of the Black workforce. As a result, farm workers (including sharecroppers), laundry workers, hospital workers, and domestic employees (maids and housekeepers) were ineligible for coverage. Consequently, only 10% of African Americans benefited from the act [13].

Nevertheless, during the New Deal, African Americans benefited to some extent and their employment in the federal government increased: between 1933 and 1941, the total number of black federal workers increased from 50,000 to 150,000, and their ratio to the workforce rose from 5% to 10% [18]. The federal government employed more black civil rights activists partly due to the rising political power of African Americans, making Black votes crucial for the Democratic Party in the North and influencing party elections. In 1932, 70% black vote went to Republicans, but by the end of the decade, that percentage had reversed, with 70% going to Democrats [18]. Until the late 20th century, it was the Democratic Party, rather than the Republican Party associated with Lincoln, that attracted black voters.

3.4. The Situation of Blacks before World War II

3.4.1. Discrimination in the Field of Military Industry and in the Armed Forces

In September 1939, Hitler’s forces invaded Poland, marking the outbreak of World War II in Europe. The United States, which remained neutral, aided Britain and France and worked to build the “great arsenal of democracy”, which led to a considerable increase in the production of the U.S. military industry. In this context, both businessmen and workers profited from it, and there were a lot of vacancies to be filled in labor market: the number of unemployed in the U.S. fell from 10,390,000 in 1939 to 2,660,000 in 1942; the unemployment rate also declined year by year, from 19% in 1938 to 4.7% in 1942 [23].

There was a rapid expansion of wartime industries, and Blacks were marginalized in these industries. The situation of blacks being “first fired, last hired” did not improve, so while White unemployment began to decline, Black unemployment remained, with 22% African Americans unemployed in 1940, almost twice the rate of Whites. By May 1941, the percentage of non-white workers in the defense industry had even dropped to 2.5% [21]. The majority of African Americans

who are able to be employed are in low-wage, low-skill jobs: 69% of non-white workers were employed in the service industry and unskilled jobs; the gap between the number of white and non-white workers in skilled jobs was even more pronounced, at 12% and 1.5%, respectively [24].

Racial discrimination in the U.S. military was even more displeasing to Blacks: there were strict controls on the number of black people who could enlist. At the beginning of World War II, there were no Blacks in the Air Force or Marine Corps, and the Army had numerical limits on black soldiers; with only 3,640 black soldiers, there were only five black officers, three of whom were chaplains [17]. The Navy, which had opposed accepting any African Americans, eventually relented under intense pressure from President Roosevelt and civil rights organizations and began training some black sailors in the spring of 1942. Nevertheless, it remained the service with the smallest number of African Americans, who never made up more than 4% [13].

All branches of the military were strictly racial segregated, with limited opportunities for Blacks to serve as officers. More than 1 million black people served in the U.S. military during World War II, engaged in fortification, transportation, and other non-combat duties. The military believed that segregation was not discrimination, but rather implied increased efficiency and morale: dividing troops according to skin color increased the strength and unity of the force. Based on this reason, the military opened Southern training bases by assigning Whites and Blacks to separate facilities, and even mandated that conditions at training bases in North conform to the principles of racial segregation [13].

3.4.2 The Ironic Reality

In 1941, Roosevelt first put forward the idea of the “Four Freedoms” in his State of the Union address, and since then, freedom has become the official battle cry of the United States. However, the segregation that Blacks endured in society, the discrimination they suffered in the military and industries, and the threat of lynchings showed that there was a great contradiction between the principles of equality and freedom propagated during the war and the actual status of blacks, and that there was “a conflict and a gap between American values and racial policies” [25]. The United States was fighting for the world against fascism, but its own military was still practicing racial segregation, and the vast majority of blacks sensed the biting irony. In 1940-1941, while Roosevelt was calling on Americans to help the free people of Europe and declaring that “no race on earth has ever been worthy to be a master of his kind,” 13 lynchings took place in the United States [26].

Long before 1941, black organizations and leaders had begun to challenge the racial practices of the military and demanded greater acceptance of African Americans. On September 27, 1940, NAACP leaders held a meeting with President Roosevelt at the White House to demand full integration of the military and an end to discrimination in the defense industry, but the meeting was not taken seriously by President Roosevelt. A. Philip Randolph recognized that in the face of racial discrimination, only the united efforts of the minorities themselves could be relied upon, and Blacks had to pressure the government through a massive mass movement. Thus, Randolph and other black leaders mobilized African Americans and declared on January 15, 1941, that 10,000 Blacks would march on Washington, D.C [27]. Under pressure from the mass movement, President Roosevelt negotiated with black leaders on June 18, 1941. He was adamantly opposed the march and expressed his willingness to intervene in employment discrimination in the defense industry. However, the March on Washington Committee insisted that President Roosevelt issue an executive order to meet black demands for the elimination of racial discrimination in the military industrial field and the federal government [28].

While African Americans at home protested fiercely, Nazi Germany invoked racial discrimination in the United States to justify its racial policies. *Der Stürmer*, a militant anti-Jewish magazine in Germany said that “We do not kill Jews in Germany... We have other and more civilized methods of punishing them” (making noncitizens of Jews) ... In America, Negroes are killed by mobs without fear of punishment and for the most trivial reason(s)” [29]. Adolf Hitler expressed his admiration for the Jim Crow system of law and administration, and for the slave-owning American South on several

occasions [13]. Not only did Nazis and White supremacists believe in “racial superiority”, but they believed that the superior Aryans/ Whites was destined to rule over the inferior Jews/ Blacks.

Under the double pressure of the threat of a massive “March on Washington” at home and the use of racist analogies by enemies abroad, Roosevelt had to prioritize the Black issue and eventually signed Executive Order 8802 on June 25, 1941, establishing the first federal agency in U.S. history to address employment discrimination, the FEPC.

4. Conclusion

Overall, the author believes that the establishment of the Fair Employment Practice Commission (FEPC) played an extremely important role in the struggle for employment equality for Blacks and the launching of the Civil Rights movement in the 1960s, and therefore a study of its origins is necessary. Domestically, the loss of civil rights for Black people after Reconstruction and the prevalence of segregation and lynching were the underlying reasons for the creation of the FEPC. While the abolition of slavery signaled legal equality, racial segregation continued to expose African Americans to systematic discrimination and oppression. After the end of World War I, African Americans did not significantly improve their social status and lived in constant fear of the threat of lynching. All of this led to the accumulation of serious racial tensions in American society.

World War I, the New Deal and World War II, on the other hand, were direct causes of the FEPC. They provided Black people with a large number of jobs and some social security, which not only contributed to the beginning and continuation of the Great Migration, but also increased Black political influence and economic power, and provided them with financial resources and social status for fighting for their rights. Meanwhile, internationally, Nazi Germany and Japan used the status quo of racial segregation and discrimination in the U.S. to justify their own policies and attacked the United States Facing international public pressure, the U.S. government desperately needed to gain social support for victory in World War II. Therefore, considering a combination of domestic and international factors, the establishment of the FEPC was not only a product of multiple pressures at home and abroad, but also an important step in the pursuit of equality and justice in American society.

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