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Introductory Note

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EMPLOYMENT DISCRIMINATION: 45 YEARS OF ENFORCEMENT OF TITLE VII OF THE CIVIL RIGHTS ACT OF 1964

INTRODUCTORY NOTE

RICHARD S. UGELOW

On February 19, 2010, the American University, Washington College of Law hosted an event of historic dimensions. *Employment Discrimination: 45 Years of Enforcement of Title VII of the Civil Rights Act of 1964* is unique for two main reasons. The symposium reflected upon the first forty-five years of enforcement of Title VII of the 1964 Civil Rights Act by the U.S. Department of Justice (“DOJ”). Title VII became effective in July 1965. As originally enacted, Title VII applied only to private sector employers with judicial enforcement authority residing in the DOJ. DOJ used this authority to bring, among others, groundbreaking litigation against the steel industry;¹ the trucking industry;² and the movie industry.³

In 1972, Title VII was amended to cover state, local and federal government employees. The 1972 amendments transferred private sector enforcement authority to the Equal Employment Opportunity Commission (“EEOC”) and conferred public sector enforcement authority in the DOJ. DOJ used its authority to bring pattern or practice lawsuits against state and local governments to challenge discriminatory recruitment, hiring and promotion practices. Many of these lawsuits focused on the employment practices of police and fire departments.

* The *American University Labor & Employment Law Forum* would like to thank Richard Ugleow for providing us the opportunity to publish this transcript

1. *E.g.*, *United States v. Allegheny Ludlum*, 517 F.2d 826 (5th Cir. 1975).

2. *E.g.*, *United States v. Trucking Mgmt. Inc.*, 384 F. Supp. 614 (D.D.C. 1975).

3. *E.g.*, *Int’l Alliance of Theatrical Stage Emps. v. Ass’n of Motion Picture & Television Producers, Inc.*, C.A. No. 71-2630 (C.D. Cal.).

2010 marked the forty-fifth anniversary of the enforcement of Title VII of the Civil Rights Act of 1964 by the DOJ. For the vast majority of the last forty-five years, enforcement responsibility has rested with the Employment Litigation Section. The panelists who graciously contributed their time and wealth of experience to the symposium make this transcript unique for another, important reason. The transcript of this event serves as a history and testament to the work of the Employment Litigation Section over the past forty-five years. The transcript vividly demonstrates the challenges—personal and legal—faced by the dedicated staff and attorneys and how overcoming those challenges changed employment patterns in the American workforce forever and gave meaning to the promise and spirit of Title VII. A reading of the transcript of the final panel reveals that Title VII enforcement faces new legal and political challenges and that the DOJ will need to adapt its enforcement mechanisms to the times.

I am not only grateful to the panelists who made this program so meaningful, but also to Tom Perez, the Assistant Attorney General for Civil Rights. Tom fully supported this program and many Civil Rights Division employees were panelists or attended. In addition, Tom graciously agreed to be the keynote speaker at lunch. While a transcript of Tom's remarks are unavailable, he reiterated the DOJ's commitment to vigorous and fair enforcement of the nation's civil rights laws. I am pleased to say that Tom has backed up his words with deeds. Today, the Employment Litigation Section possesses a new sense of mission and is effectively enforcing Title VII.