

# Primary Source

*Griggs v. Duke Power, 1971*



What progress has been made in the twentieth century in the fight to realize Founding principles of liberty, equality, and justice for African Americans? What work must still be done?

- ☐ I can interpret primary sources related to Founding principles of liberty, equality, and justice in the 1960s to the present day.
- ☐ I can explain how laws and policy, courts, and individuals and groups contributed to or pushed back against the quest for liberty, equality, and justice for African Americans.
- ☐ I can explain why the civil rights movement fractured in the 1960s.
- ☐ I can compare movements for liberty, equality, and justice for African Americans over time.
- ☐ I can create an argument using evidence from primary sources.
- ☐ I can analyze issues in history to help find solutions to present-day challenges.

## Building Context

Duke Power, a power plant located in Eden, North Carolina, was accused of discriminating against African Americans by requiring employees to have a high school diploma and pass general aptitude tests before advancing or transferring within the company. Because of Jim Crow laws, many African Americans in North Carolina had received a poor education and did not complete high school.

Willie Griggs and other employees sued Duke Power for violating the Civil Rights Act of 1964. The workers argued that the tests and diploma requirement were a way for the company to discriminate against African Americans. Duke countered that the requirements were meant to increase the overall quality of the workplace, not to discriminate on the basis of race. Both the lower courts ruled in favor of Duke Power. The unanimous decision of the Supreme Court was written by Chief Justice Burger.

## Griggs v. Duke Power, 1971

Source: <https://supreme.justia.com/cases/federal/us/401/424/#tab-opinion-1949186>

We granted the writ in this case to resolve the question whether an employer is prohibited by the Civil Rights Act of 1964, Title VII, from requiring a high school education or passing of a standardized general intelligence test as a condition of employment in or transfer to jobs when (a) neither standard is shown to be significantly related to successful job performance, (b) both requirements operate to disqualify Negroes at a substantially higher rate than white applicants, and (c) the jobs in question formerly had been filled only by white employees as part of a longstanding practice of giving preference to whites.

...

The objective of Congress in the enactment of Title VII [of the Civil Rights Act of 1964] is plain from the language of the statute. It was to achieve equality of employment opportunities and remove barriers that have operated in the past to favor an identifiable group of white employees over other employees. Under the Act, practices, procedures, or tests neutral on their face, and even neutral in terms of intent, cannot be maintained if they operate to “freeze” the status quo of prior discriminatory employment practices.

...

Nothing in the Act precludes the use of testing or measuring procedures; obviously they are useful. What Congress has forbidden is giving these devices and mechanisms controlling force unless they are demonstrably a reasonable measure of job performance. . . . What Congress has commanded is that any tests used must measure the person for the job, and not the person in the abstract.

The judgment of the Court of Appeals is, as to that portion of the judgment appealed from, reversed.

Notes

## Comprehension and Analysis Questions

1. What was the decision of the Supreme Court and why?

2. Duke Power established its testing and education requirements before the Civil Rights Act of 1964 was passed. What did the court say about such practices?

3. What did the court mean by saying that “What Congress has commanded is that any tests used must measure the person for the job, and not the person in the abstract”?