



The Crusade for Equality in the Workplace: The Griggs v. Duke Power Story

Robert Belton

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On March 8, 1971, the Supreme Court of the United States decided a case, *Griggs v. Duke Power Co.*, brought by thirteen African American employees who worked as common laborers and janitors at one of Duke Power's facilities. The decision, in plaintiffs' favor, marked a profound and enduring challenge to the dominance of white males in the workplace. In this book, Robert Belton, who represented the plaintiffs for the NAACP Legal Defense Fund and argued the case in the lower courts, gives a firsthand account of legal history in the making—and a behind-the-scenes look at the highly complex process of putting civil rights law to work.

Title VII of the Civil Rights Act of 1964 eliminated much blatant discrimination, but after its enactment and before *Griggs*, businesses held the view that a commitment to equality required only eliminating policies and practices that were intentionally discriminatory—the "disparate treatment" test.

In *Griggs v. Duke Power Co.*, the Supreme Court ruled that a "disparate impact" test could also apply—that the 1964 Civil Rights Act extended to practices with a discriminatory *effect*. In tracing the impact of the *Griggs* ruling on employment practices, this book documents the birth, maturation, death, and rebirth of the disparate impact theory, including its erosion by later Supreme Court decisions and its restoration by congressional action in the Civil Rights Act of 1991.

Belton conducts us through this historic case from the original lawsuit to the Supreme Court decision in *Griggs* and beyond as he traces the post-*Griggs* developments in the lower courts, the Supreme Court, and Congress; he provides informed insights into both litigators' and judges' perspectives and decision-making. His work situates the case in its legal, social, and historical contexts and explores the relationship between public and private enforcement of the law, with a focus on the Legal Defense Fund's litigation campaign against employment discrimination. A detailed examination of the development of legal principles under Title VII, this book tells the story of this seminal decision on equal employment law and offers an unprecedented close-up view of personal conviction, legal strategy, and historical forces combining to effect dramatic social change.

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