

BOOK REVIEWS

WHEN THE MARCHING STOPPED.

By Hanes Walton, Jr.

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*Reviewed by Veryl Victoria Miles**

Within the last year our nation celebrated a milestone, that being the twenty-fifth anniversary of the enactment of the Civil Rights Act of 1964. Without question, the Act of 1964 is regarded as the most significant and comprehensive civil rights legislation to be passed by Congress since the Reconstruction Period. Its enactment marked a new era of hope for black Americans, mandating an end to racial discrimination as the law of the land.

However, as we reflect on the impact and success of the civil rights movement during the last twenty-five years, one might be compelled to wonder when the power and vision of the dream for equality waned. Such wonderment is understandable in the wake of nationwide increases in race hostility; the alarming popularity of white supremacy organizations; the successful legal actions to dismantle affirmative action programs; the consistent rise in the unemployment and death rates of the black male; and the tragic decline in the quality of life of the black family. Many have asked what happened to the civil rights movement and the spirit that propelled it to the prominence it enjoyed in the 1960's.

In his book, *When the Marching Stopped*, Hanes Walton, Jr., responded to this question by focusing on the role that the Civil Rights Act of 1964 played in effectively redirecting much of the impetus of civil rights activity from the movement to the federal government. Mr. Walton explained that the enactment of this legislation by Congress "legitimized" the civil rights movement and brought forth its "institutionalization" within the federal bureaucracy. Although this institu-

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tionalization of the civil rights movement meant that the legal and financial resources of the federal government would be available to implement the Act, it also meant that the revolutionary passion behind this movement would not exist within the federal government.

Titles VI and VII of the Act are identified by Mr. Walton as the vehicles through which the institutionalization of the movement was accomplished. Under Title VI, the federal government is required to regulate the enforcement of nondiscrimination in any program or activity that receives federal financial assistance. Title VII provides for the enforcement of equal employment opportunities under the Act. These mandates were to be achieved through the creation of Title VI and VII regulatory agencies within the various federal departments, agencies and commissions. Mr. Walton limited his study to the agencies that were created under Title VI.

By bringing the movement into the federal government through the creation of these regulatory agencies, the movement would be managed by bureaucrats who would not enforce the Act with the same kind of passion and commitment that was characteristic of the civil rights coalition. The limited effectiveness of these agencies is explained through a study of the lack of commitment, direction and uniformity in the way the agencies were created. The study also explored the political manner in which the agencies were staffed and financed, and enforcement policies were defined.

Mr. Walton noted that when it came time to create these agencies, the civil rights activists of the movement did not participate in discussions of policy formation, or how the agencies might be structured, or the way in which the regulatory process should evolve. He also revealed that little guidance was forthcoming on these matters from Congress or the President. Accordingly, the creation and structure of these agencies were left to each individual cabinet member and agency or commission chairperson.

The various data used to illustrate the problems with the creation of these agencies was quite revealing. The study pointed out that it was not until eight years after the passage of the Act that all of the federal cabinet level departments had created an office to carry out the Title VI mandate. The study also revealed that the structure of these offices varied significantly. Several departments created combined civil rights regulatory divisions that were responsible for both Title VI and VII enforcement, which diminished the efficacy and focus of the agencies.

The study also considered the impact of politics on the stability and continuity of leadership within each of the agencies. Because these positions were political, there was a high turnover rate in the agencies, reflecting a change in administration or in a department or agency appointment, which would ultimately affect the quality of enforcement that the agency would have in executing its Title VI responsibilities.

As with much of the data used in this study, Mr. Walton found it to be "incomplete" and "sketchy" in areas of budgeting and financing for the agencies. He noted that overall civil rights budgets for the regulatory agencies were inadequate and tended to be allocated for equal employment enforcement versus Title VI enforcement activities. Based on the statistical information that he was able to use, he found that most of the monies allocated for Title VI enforcement were spent on agency compliance reviews and complaint investigations, with lesser amounts going toward compliance enforcement and conciliation. He concluded that this lack of financial resources for the Title VI enforcement and conciliation suggested a lack of effective regulation of the discriminatory use of federal funds by recipients, and thus, amounted to government funding of discrimination. Because the final budgetary requests to Congress rested with the President and the Office of Management and Budget, it was apparent that the fiscal planning of civil rights budgets within the government agencies was a reflection of the President's priorities.

The low priority of civil rights regulation within the federal government was further illustrated in Mr. Walton's review of the rulemaking activity of the agencies. In order for the agencies to determine if the recipients of federal funds were in compliance with Title VI, the agencies created rules and regulations by which they could assess compliance. A study of the time that it took cabinet level departments to enact final regulations for Title VI enforcement demonstrated gross delays. Moreover, agency records of actual regulatory activity were poor and deemed "politically sensitive," making it difficult to determine how active the agencies were in their enforcement responsibilities. The information made available to Mr. Walton, revealed that the agencies did a "modest" amount of complaint investigations and compliance reviews. He noted that the use of hard sanctions for noncompliance, such as the termination of federal funding, was minimal; the enforcement tool used more frequently was voluntary compliance. According to Mr. Walton, this type of enforcement was not an effective means of elimi-

nating discrimination in the usage of federal funds by recipients. Moreover, enforcement procedures throughout the civil rights agencies were found to be inconsistent, and with each administration the inconsistencies persisted as enforcement procedures were redefined to reflect the objectives of a new administration.

The impact of pressure groups on the effectiveness of regulatory agencies in civil rights enforcement is also visited in this study. Mr. Walton divides these groups into two categories: internal pressure groups and external pressure groups. In this discussion, the President is identified as an internal pressure group advocating his policy or objectives for civil rights enforcement within the federal government; he is not regarded as the enforcer of civil rights mandates. President Reagan was used as an example of how a President can effectively function in this capacity. External pressure groups, representing advocates and opponents of civil rights activity, such as the NAACP and neo-conservatives, were also described. Mr. Walton noted that each of these groups can have a significant impact on the regulatory efforts of these agencies by affecting public opinion, and thus, influencing the way that the existing administration will act in defining the objectives and extent of the regulatory activity for these agencies.

Mr. Walton's analysis of the institutionalization of the civil rights movement within the federal bureaucracy led to several conclusions. He pointed out that by becoming an institution within the federal government, the activity of the movement was controlled by the government. Similarly, the effectiveness of the civil rights regulatory process lay with the President and the extent to which he defined the government's commitment to civil rights enforcement. Accordingly, Mr. Walton concluded that the institutionalization of the civil rights movement within the federal bureaucracy was not a complete answer to the movement, and that the struggle for "justice and the civil rights of racial minorities" continues in the political arena.

This book proved to be timely reading in the wake of the twenty-fifth anniversary of the Civil Rights Act of 1964. As noted above, this historical milestone warrants introspection by all of us. When we ask what has happened to the movement, we not only find a well reasoned explanation in Mr. Walton's book, but we are also reminded that the struggle did not end with the enactment of the Act of 1964; it continues today. In her foreword to the book, Mary Frances Berry noted a clear message that this book calls for, that being "another non-violent,

direct action movement using different strategies and tactics” to stimulate greater attention to bring about equal opportunities throughout our society. Although Mr. Walton did not offer any clear course of action that will make federal government more effective in enforcing the Congressional mandates of civil rights legislation, he did a good job of identifying the problems within the regulatory system. Additionally, he moves us to be mindful of the fact that the power to eliminate these weaknesses and to develop strengths within the system will come from the President. His power will, in turn, come from the people.