

Current Politics

AFFIRMATIVE ACTION

WHERE DO WE GO FROM HERE?

America Begs Japanese For Affirmative Action: End Of Jobs II

BY PROF. MCKINLEY BURT

After twenty years of begging and pleading for fairness and "Equal Opportunity" in the Japanese marketplace, the U.S. government is boasting that it has at last gained a number of Set-Asides for its Minority automotive business.

Thursday our newspapers and television screens were filled with scenes of happy, giddy owners and employees of importers of Japanese cars. Champagne flowed like our downtown fountains as Toyota, Nissan Mazda and Honda were said to have agreed to specific Quotas and set-asides in respect to the purchase of auto parts and the production of autos in America.

While it is true that autos and car parts were responsible for half the \$66 billion U.S. Trade deficit with Japan, it has not been made entirely clear how the new roles and guidelines will be enforced. Are we to look forward to a decade of arguing and bickering over Compliance and Discrimination in the auto place? Will there be a special court set up to hear violations of automobile rights? To monitor Equal Opportunity?

Obviously, what we are saying here is that "what is good for the goose is in no way good for the gander in America". The opponents of Affirmative Action for Human Beings have screamed from the rooftops that "America is no place to expect special or favored treatment—all may 'come forward' in equality and prosper in this great egalitarian society. Racial minorities and women should have no rights or privileges beyond their abilities to compete in the marketplace". Irony of ironies, the ultimate hypocrisy.

Right! Let's "come forward". As one reader suggests, we should begin with a blizzard of job applications to those firms along Martin Luther King Jr. Boulevard who have never in anyone's memory hired an African American in any capacity.

But, who did most strenuously object to the name change from "Union Avenue". A number of these enterprises have (and are) profiting most magnificently from federal funds spent to "enhance the quality of life" in economically depressed areas (from Model Cities to

present day Urban Development). Not to mention a tax base almost as favorable as that being granted to computer chip manufacturers.

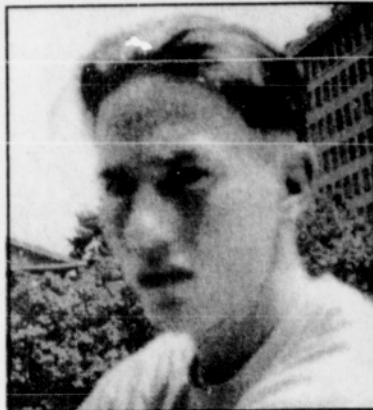
The U.S. Supreme Court in its infinite wisdom has called for a "narrowly tailored" approach to affirmative action, and, then, when limited to a specific time period and only as a "last resort". Will that be at the time of your last stomach cramp? The body's last gurgle?

In these times of economic downturn in most sectors, continued layoffs coupled with failures of many employee pension plans, and the rapid increase in outsourcing jobs to private contractors by both industry and governmental agencies, we can expect an increasingly competitive situation where "each takes care of his own"...and "the devil takes the hindmost." At my meetings with the Association of Oregon Industries, business leaders speak openly of continued efforts to "boost the bottom line". Darwinian Sociobiology is here.

Whatever way this is accomplished the real "bottom line" is fewer employees. The challenge to African American and Hispanic leaders is to develop new and innovative ways of improving the economic status of their constituency. The latter group seem to be doing fairly well at this, but African Americans can look forward to "the Mother of All Marches" on Washington, D.C. To be led by who? Mr. Chavis, the recently deposed leader of the NAACP ("I am the final authority here!")? His new organization needs publicity...and money.

Amid all these zillions of black college graduates we have worked, borrowed and begged for to obtain degrees, where are those equipped for leadership to a new economic Zion? And speaking of Zion, where are the ministers like the Rev. Leon Sullivan who took the \$10 donations of his Philadelphia Mt. Zion Baptist Church and built the wonderful "Opportunities Industrialization Centers? Since 1969, they have provided jobs and training for tens of thousands; America and the world.

AFFIRMATIVE ACTION COMMENTS



Randel McQuown: "A lot of my friends are minorities. They cannot find a job. It's really difficult for Blacks to get ahead. I think the program is necessary."



David Kiser: "I am for any program that helps minority groups because no one else wants to help. But it should not discriminate against white people like me. I don't accept it if it takes away my rights."



Martha Lee: "I like this program. It is the only hope for some people."



Nathan Jimenez: "I feel that affirmative action is helpful on the basis that it provides economic opportunity to the factions of society that may be marginalized on the basis of their racial, ethnic or racial background."

Curtailing Affirmative Action

BY JAMES L. POSEY

No matter how you pronounce it, the name "Adarand" spells trouble for America -- all of America. The recent Supreme Court decision limiting the scope of preference programs for minority contractors is a prescription for confusion and frustration.

Just as this decision split the Court along ideological lines and produced a chaotic array of opinions, it will do the same for race relations throughout the country. It will also create a sense of extreme anxiety and anger among African Americans and other minorities, many who refuse to be less than full stakeholders in America. It will also send a clear message of encouragement to those who are against including minority groups in the economic mainstream. These are obvious points of conflict and frustration for those who have worked hard and long to bring a sense of racial harmony and justice to a country with a history of racist madness.

For some, insanity is the only explanation to the issues and circumstances raised by this decision. For example, to many, it is inconceivable that the first woman and second African American ever to be appointed to the Court would vote against affirmative action in any form. What's even more perplexing is the logic of a group who receives 95% of all federal contracts successfully challenging the sharing of the remaining 5% with specific racial groups and white women. And, doing so in the name of justice!

Adding to the confusion, the Supreme Court, in a separate case, decided to limit Blacks and other minorities' access to a quality education.

This action will surely add to the efforts to deny Blacks and other minorities the capacity to obtain competitive skills and experience both in educational institutions and in the market place. Again, to some this is insane, since in the Adarand case, opponents of affirmative action say they want decisions made on merit and qualifications rather than race.

America has a history of ignoring the obvious when it comes to race. In spite of mounds of studies and reports showing great disparities, many whites refuse to accept unrefutable evidence that racism and discrimination continue to favor white America at the expense of nearly all other racial groups.

This is particularly true for affirmative action programs in construction which more often favor whites over ethnic minorities.

Nevertheless, when it comes to race-conscious remedies to correct historical wrongs or current patterns of discrimination, logic is not a factor. Opponents simply ignore the data, resist all reason, turn the tables and become artful in blaming the victims. The highest court in the land is no exception.

Closer to home this pattern is clearly apparent. African Americans in construction are barely better off today, after nearly three decades of set-aside programs. Without any real moral commitment, they were designed to fail, providing calculated incentives to those best able to undermine the intent of the programs. Now, insult is added to injury when profiteers and amoral politicians attempt to cast the few remaining mi-

nority contractors as undeserving, meaning unqualified, beneficiaries. Meanwhile the actual beneficiaries, many white and several minority contractors, operate fallaciously and without impunity, while escaping all but the slightest scrutiny.

Few people are actually willing to accept the fact that white women, the primary beneficiaries of affirmative action programs, almost always operate as surrogates for their husbands or sons, and have bastardized the intent of these programs. It is painfully true that as they currently operate, many affirmative action programs serve as nothing more than quota shams or fronts for white males.

It is also true that to a large extent more than a few African-Americans, Hispanics and others persistently operate as fronts for white males. Additionally, no one has begun to discuss how a large share of affirmative action money is distributed to all-white suppliers, manufacturers and insurance, rental and other industry-related companies.

So, in fact, many current affirmative action programs, rather than being reverse discrimination, are really a perverse, clandestine version of historical discrimination which has always benefitted white males.

A few weeks prior to the Supreme Court decision, I wrote the following in a local trade association newsletter:

"Oregon Department of Transportation (ODOT) DBE Program in Shambles"

The recently-released "Annual Update and progress Report on Disadvantage Business Enterprise

(DBE) Program" for the period October 1, 1993 through September 30, 1994 paints a dismal picture for African American. For example, of \$219 million committed to prime contractors in the reporting period, only \$49,000 was committed to African American contractors. Of the \$30 million plus contracts awarded to DBE's nearly half, \$14 million, went to white females. The rest went to Hispanics, Asian/Pacifics and Native Americans, which in no way proportionately reflects their representation in Oregon's population. It is embarrassing that Black males are listed at so low numbers, and African Americans women are not listed at all.

What is even more troublesome is that even prior to this current wave of attacks on affirmative action programs, opponents working in and outside of ODOT have been successful in dismantling all semblance of compliance safeguards. In the report cited above, contract provisions have been relaxed to allow prime contractors to further abuse the program's intent. For example, prime contractors are no longer required to submit a work plan on how they use DBE's. Also primes are no longer required to replace eligible DBE's with similarly qualified DBE's. In trucking, an area of historical "fronting abuse," the requirements for leasing and equipment use have been relaxed, making it easier to pass on work to non-DBE's. Finally, and making matters worse, provisions to lessen official access to prime contractors' records and documents has been approved.

Affirmative Action And The Workplace

BY DEBORAH PRICE

In the current debate over whether the country still needs affirmative action programs, at least two crucial points are often overlooked: (1) affirmative action is just beginning to work in a number of industries that have long been the exclusive province of white men, and (2) affirmative action does not seek to exclude white men, but, rather to include them as an important part of a strengthened and diverse workforce.

These facts are especially evident in the transportation industry, one that touches everybody's life, regardless of age, race, or income. It is only fitting, then, that the Conference of Minority Transportation Officials (COMTO) should enter the debate to bring clarity to the affirmative action picture.

Formed more than 20 years ago on Howard University's campus, COMTO supports programs that strengthen the transportation industry by identifying qualified women and racial minority candidates for jobs in what has long been considered one of the nation's most segregated employment sectors.

COMTO's outreach programs encourage fair competition for contracts and jobs in transit, air, rail, passenger motor carrier and trucking occupations.

CPMTO's has contributed to measurable increases for women and minorities in the field. Bureau of Labor Statistics show that in transportation occupations excluding motor vehicles, women increased from 2.4 percent to 4.1 percent between 1983 and 1993. African Americans rose from 6.7 percent to 10.2 percent. Hispanics registered a smaller increase, from 3.0 to 3.1.

yet the overall industry remains largely white and male; and without federal programs to push for inclusion of racial minorities and women, it would likely stay that way. A look at the airlines industry, particularly, reveals the imbalance. Data for pilots between 1983 and 1993 show women increased from 2.1 percent to 3.9 percent. During this 10-year stretch, Hispanics grew less than a full percent, from 1.6 percent to 2.4 percent. African Americans, who did not even register in 1983, came in at 5.5 percent 10 years later.

What Affirmative Action Really Means

BY DR. MANNING MARABLE

Everyone these days seem to be debating "affirmative action," but few really know what the term means. That has happened in recent years is a profound distortion of what "affirmative action" really is, and how it evolved as a set of public policies.

Historically, the political motivation behind both "equal opportunity" and "affirmative action" came from the struggle to abolish slavery and its aftermath during the period of Reconstruction. The thirteenth, fourteenth and fifteenth amendments to the US Constitution attempted to destroy the second-class legal and political status of African-Americans. This political sentiment was expressed in the Civil Rights Act of 1866 which stated that "all persons within the jurisdiction of the United States shall have the same right in every State and Territory, to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens..."

During the Great Depression, the role of the Federal government in protecting the equal rights of black

Americans was expanded again through the direct militancy and agitation of black people. In 1941, socialist and trade union leader A. Philip Randolph mobilized thousands of black workers to participate in the "Negro march on Washington Movement," calling upon the administration of Franklin D. Roosevelt to carry out a series of reforms favorable to civil rights. To halt this mobilization, Roosevelt agreed to sign Executive Order 8802, which outlawed segregationist hiring policies by defense-related industries that held Federal contracts. This Executive Order not only greatly increased the number of African-American who were employed in wartime industries, but expanded the political idea that government could not take a passive role in the dismantling of institutional racism.

This position was reaffirmed in 1953, by president Harry S. Truman's Committee on Government Contract Compliance, which urged the Bureau of Employment Security "to act positively and affirmatively to implement the policy of nondiscrimination in its functions of placement counseling, occupational analysis and industrial services, labor market information, and community participation in employment services."

Thus, despite the fact that the actual phrase, "affirmative action" was not used by a Chief Executive until President John F. Kennedy's Executive Order 11246 in 1961, the basic idea of taking proactive steps to uproot structural patterns of discrimination had been around for a long time.

The essential difficulty in every discussion about affirmative action goes back to its history and evaluation. "Affirmative action" per se was never a law, or even a coherently developed governmental strategy to address discrimination. It was a set of Executive Orders and governmental policies regarding Federal contracts, employment and licenses. Some Federal laws and initiatives implied that the social policy goal of uprooting discrimination ought to be the achievement of a "color blind" society, in which racial categories would become irrelevant. The 1964 Civil Rights Act, for example, declares that workplace discrimination on the basis of "race, color, religion, sex or national origin" should be outlawed. The 1964 act also states that it should not be interpreted to require any employer "to grant preferential treatment to any individual or to any group."

Five years later, however, under the Republican administration of

Richard M. Nixon, the Federal government authorized what became known as the "Philadelphia Plan." This initiative required federal contractors to set specific goals for minority hiring. As a result, the number of racial minorities in the construction industry increased from 1 to 12 percent. Nixon's basic strategy was to utilize a liberal reform for a conservative objective: the expansion of the African-American middle class would potentially benefit the Republican Party. Nixon authorized placing Federal Reserve funds in black-owned banks; he publicly defended the slogan "Black Power," but carefully interpreted it as "black capitalism."

In the 1978 Bakke decision, the Supreme Court overturned the policy of setting aside 16 out of 100 medical school openings for racial minorities in the selection of applicants for the University of California at Davis. But despite Bakke and other subsequent legal rulings which restricted the scope of affirmative action, million of whites increasingly came to the opinion that any positive steps which addressed racial or gender inequality in employment or educational opportunities, no matter how modest, somehow were at their expense.

Along The Color Line