





This is to certify that the
dissertation entitled

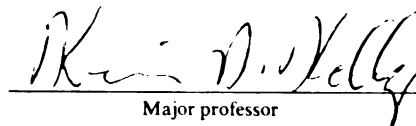
**Persistent Resistance to Social Change:
The Political Struggle Over the Affirmative
Action Strategy of Proportional Representation**

presented by

Gordon M. Robinson

has been accepted towards fulfillment
of the requirements for

Doctoral degree in Sociology


Major professor

Date 5-6-96



PLACE IN RETURN BOX to remove this checkout from your record.
TO AVOID FINES return on or before date due.

DATE DUE	DATE DUE	DATE DUE
NOV 16 1999	MAY 02 2000	
MAR 08 2001 03 11 2001		

PERS
THE PO
ACTION S

**PERSISTENT RESISTANCE TO SOCIAL CHANGE:
THE POLITICAL STRUGGLE OVER THE AFFIRMATIVE
ACTION STRATEGY OF PROPORTIONAL REPRESENTATION**

by

GORDON MICHAEL ROBINSON

A DISSERTATION

**Submitted to
Michigan State University
in partial fulfillment of the requirements
for the degree of**

DOCTOR OF PHILOSOPHY

Department of Sociology

1996

The problem of
neoliberals and
representation. Jewish
basis that it denies
accordingly, equality
substantiated with equal
neoliberals are
and desist measures
proportional representation
strategy tend to favor
current problem of
discriminatory practices
direction of the federal
minority representation
Using the social
development of affirmative
issued by the Roper

ABSTRACT

Persistent Resistance to Social Change: The Political Struggle Over the Affirmative Action Strategy of Proportional Representation

by

Gordon Michael Robinson

The problem examined focused on the struggle existing between Jewish neoconservatives and black liberal intellectuals over the strategy of proportional representation. Jewish neoconservatives argue against proportional representation on the basis that it denies merit as a valued principle of the American capitalist system. Accordingly, equality of opportunity, emphasizing individual achievement, is being substituted with equality of condition, which places emphasis on outcomes. While Jewish neoconservatives are convinced that affirmative action strategies should return to the cease and desist measures offered in the 1960s, black liberal intellectuals suggest that proportional representation is a necessary strategy. Black liberals and proponents of the strategy tend to favor even stronger enforcement measures to address the historical, and current, problem of racial discrimination in employment. Since the problem of discriminatory practices in employment persists, proportional representation, under the direction of the federal government, is an effective measure to assure more black and minority representation in all levels of labor force.

Using the sociology of knowledge perspective, I examine the historical development of affirmative action policy beginning with the nondiscrimination policies issued by the Roosevelt administration in the 1940s. The evolution of the policy

continues through the

with the issuance of

in the policy, occurs

were meanwhile co

accountable for the d

in the labor force

conservatives and

in American society

continues through the efforts put forth by Presidents Johnson and Nixon administrations with the issuance of Executive Order 11246 and Order No. 4. Neoconservatives' reaction to the policy occurred following the issuance of Order 11246 and Order No.4. Blacks were meanwhile complaining that affirmative action strategies must be held more accountable for the disadvantaged conditions experienced by the vast majority of blacks in the labor force. I conclude that the different perspectives used by Jewish neoconservatives and black liberal intellectuals are rooted in their historical experiences in American society.

**This dissertation is dedicated to
James B. McKee, Professor Emeritis
Michigan State University
East Lansing, Michigan**

and

**Jacqueline Scherer, Professor
Oakland University University
Rochester, Michigan**

My advisor,

mentor, Harry Per-

The initial e

Stroman, Lisa Payne

A special than

technical support, an

work

ACKNOWLEDGEMENTS

My advisor, Kevin Kelly, read my work thoughtfully and has been a congenial mentor. Harry Perlstadt and Martin Marger assisted me in many ways.

The initial encouragement I received from Connie Jackson, Daisy Payne, Geri Stroman, Lisa Payne and the late Glenda Carr.

A special thanks to Nancy Buffenbarger, who generously provided intellectual and technical support, and Royce Stroman, who enabled me to persevere and to finish this work.

Chapter 1

Introduction

Neoconservative Intellectuals and

Black Intellectuals and

Focus of the Study

Origins of Debate

Why Do Black and

Policies in Such Differ

Chapter 2

Origins of Affirmative

Presidential Executive

The Truman Initiative

The Eisenhower Initiative

Affirmative Action

Plans for Progress

Title VII of the Civil

Presidential Executive

Order No. 4

Constitutional and State

Representation

Chapter 3

Neoconservative Pers

Chapter 4

History of Black Amer

The Institutionalization

The Freedmen's Bureau

The Reconstruction Era

Education

The National Association

People (NAACP)

World War I Economy

TABLE OF CONTENTS

Chapter 1

Introduction	1
Neoconservative Intellectuals and Affirmative Action	2
Black Intellectuals and Affirmative Action	7
Focus of the Study	8
Origins of Debate	9
Why Do Black and Jewish Intellectuals See Affirmative Policies in Such Different Ways	10

Chapter 2

Origins of Affirmative Action Policy	36
Presidential Executive Order 8802	50
The Truman Initiatives	61
The Eisenhower Initiatives	66
Affirmative Action	69
Plans for Progress	73
Title VII of the Civil Rights Act of 1964	78
Presidential Executive Order 11246	82
Order No. 4	92
Constitutional and Statutory Challenges to Proportional Representation	96

Chapter 3

Neoconservative Perspective on Affirmative Action	120
---	-----

Chapter 4

History of Black Americans	151
The Institutionalization of Slavery	156
The Freedmen's Bureau	163
The Reconstruction Period	165
Education	169
The National Association for the Advancement of Colored People (NAACP)	171
World War I Economy	174

Blacks and Labor Unions
The Fair Employment
Black Civil Rights and

Chapter 5

Jews as Ethnic Group
The Sephardim Jews
The German Jews
Discrimination Against
Employment Patterns
Anti-Semitism in the
Immigration Policies
Political Zionism

Chapter 6

Reactions of Neoon
Proportional Represent
Integration versus Bi
Struggles Within the
Cultural Explanation
The Political Ideology
Tensions Between Bi
Neocconservative Op
Representation
Black Liberals and P
Representation

Conclusion

Blacks and Labor Union Affiliation	183
The Fair Employment Practices Committee (FEPC)	186
Black Civil Rights and the Courts	190

Chapter 5

Jews as Ethnic Groups	197
The Sephardim Jews	199
The German Jews	202
Discrimination Against Jewish Immigrants	217
Employment Patterns of Jewish Immigrants	221
Anti-Semitism in the United States	229
Immigration Policies	232
Political Zionism	238

Chapter 6

Reactions of Neoconservatives and Black Liberals on	
Proportional Representation	246
Integration versus Black Nationalism	262
Struggles Within the Civil Rights Movement	255
Cultural Explanations for Racial Inequality	270
The Political Ideology of Black Power	274
Tensions Between Blacks and Jews	277
Neoconservative Opposition to Proportional	
Representation	291
Black Liberals and Proponents of Proportional	
Representation	300
Conclusion	314

In response to
rights activists in the
specific forms.
proportional represent
number of racial min
Contractors are also
workforce composite
Underutilization is a
of present and past
Affirmative action
antidiscrimination pr
these changes, as E
fundamental tension b
society and the elimin
preferences and affirm
white and black Am
The initial framers o

Introduction and Chapter 1

Intellectuals and Social Policy: A Sociology of Knowledge Approach

In response to the growing political pressure expressed by civil rights activists in the 1970s, affirmative action strategies have evolved from general to specific forms. Voluntary compliance and good faith efforts were replaced with proportional representation, which requires federal contractors to include a specific number of racial minorities and women in their workforce based on a utilization analysis. Contractors are also required to establish timetables to show specific dates when their workforce composition would include minorities and women, if they are underutilized. (Underutilization is an analysis of the number of minorities or women in all categories, of present and past hiring practices, and of upgrading, promotions, and transfers.) Affirmative action has subsequently become one of the more controversial antidiscrimination policies legislated in contemporary American society. As a result of these changes, as Edsall and Edsall (1991) point out, "no issue has captured the fundamental tension between two basic American goals--the maintenance of an egalitarian society and the elimination of the consequences of illegal discrimination--better than racial preferences and affirmative action. No issue more clearly divides public opinion between white and black America, and few issues are more sharply disagreed upon..." (p.125). The initial framers of affirmative action were civil rights activists, including white

liberals, who advoca

equality. Thus, fed

redistribution polic

redistributive nature

of white Americans

blacks as generally

refuse to take the re

liberals are convince

is subsequently the r

involvement of black

minority groups, led

aimed at addressing

implemented by fede

of civil rights activis

involving proportion

rediscrimination. b

neoconservatives wh

attempt to establish a

of proportional repre

Neoconservative In

Some intelle

liberals, who advocated the use of preferential treatment as a vehicle for achieving racial equality. Thus, for many, liberalism had come to be identified with the economic redistribution policies intended to create greater racial equality. Because of the redistributive nature of these policies, they failed to gain the support of the vast majority of white Americans. They are generally hostile to the idea, for many whites tend to see blacks as generally responsible for their own situation, which means that they generally refuse to take the responsibility for racial discrimination. Most blacks, and some white liberals, are convinced that racial conditions are perpetuated by white advantage, and it is subsequently the responsibility of government to address the problem. The political involvement of blacks and white liberals, in addition to feminist groups and other minority groups, led to the implementation of affirmative action as a national policy aimed at addressing the problem of discriminatory practices in employment. Strategies implemented by federal contractors to enforce the policy, as a result of the involvement of civil rights activists, evolved from passive measures to cease and desist, to measures involving proportional representation. The inclusion of goals and timetables, to show nondiscrimination, brought about a strong negative reaction from such groups as neoconservatives who, as former liberals, had supported affirmative action's original attempt to establish a color blind society. Neoconservatives strongly resisted the strategy of proportional representation.

Neoconservative Intellectuals and Affirmative Action

Some intellectuals, as adherents of liberalism, supported

the egalitarian move

during the early and

of important events

According to Gary

time and for the sam

began in the late 19

The guilt-ridden

generation of

social enginee

its own child

busing schen

exalted minor

gave liberali

expressed the

1993).

Prior to engaging in

themselves in issues

of the 1960s, as a p

academics and their

of discriminatory ba

to compete with the

the view that black

the notion of assim

economic sector an

white liberals ideol

opportunity. Based

the egalitarian movement and other ideas related to racial change in American society during the early and middle 1960s. In the late 1960s and early 1970s, however, a number of important events were in part responsible for their adoption of neoconservatism. According to Gary Dorrien (1993) most neoconservatives turned to the Right at the same time and for the same reasons that millions of white ethnics and middle-class taxpayers began, in the late 1960s, to vote Republican:

The guilt-ridden anti-Americanism and cultural politics of the New Politics generation drove them into alliances with their former opponents. The social engineering of America's policymaking class--which kept most of its own children out of the school affected by affirmative action and busing schemes. The impression that America's liberal intelligentsia exalted minority rights over the needs and interests of America's majority gave liberalism an ugly odor to many Americans. Neoconservatives expressed their feelings with considerable eloquence and effectiveness (p. 393).

Prior to engaging in the neoconservative perspective, these intellectuals actively involved themselves in issues related to race, along with other issues related to student activism of the 1960s, as a part of cultural liberalism, including verbal attacks aimed at liberal academics and their claims of objectivity. They argued the traditional liberal view that if discriminatory barriers were eliminated, individual blacks would have the opportunity to compete with their white counterparts on an equal basis. Liberals generally espoused the view that black opportunity would result from racial integration, which was based on the notion of assimilation. As a segment of blacks slowly began to move into the economic sector and subsequently attained a more grounded middle class status, many white liberals ideologically replaced the idea of integration with the idea of equality of opportunity. Based on the idea of individual achievement, with particular emphasis on

credentials, equality

in focusing on ind

discriminated again

violation on the bu

guaranteed, and pu

approach. This em

neoconservatives co

one of the first neo

for equality, then, is

power to impose on

This is the 'id

idealism of se

giving away

preaching equ

a 'social idea

Since neoconservative

of equality became s

Irving Kristol

wise American bou

dispelling the feverish

suffused our political

Our intellectu

'the American

world this wa

overwhelming

It is the self-i

American peop

credentials, equality of opportunity moves away from institutional forms of discrimination, in focusing on individual attainment and rights. Accordingly, if an individual is discriminated against, it is up to the victim of discriminatory practices to challenge the violation on the basis of his/her individual rights. The rights of the individual are guaranteed, and paramount to individual liberty, according to the neoconservative approach. This emphasis on individual liberty simultaneously serves to exclude what neoconservatives consider as the unearned principle of equality. Irving Kristol (1977), one of the first neoconservatives to accept the label, for example, argued that the passion for equality, then, is always dangerous to liberty because it is a passion for power: the power to impose one's ideal of justice-as-equality on other people:

This is the 'idealism that characterizes modern egalitarianism. It is not an idealism of self- abnegation but of massive self-assertion. It involves not giving away one's own money but expropriating other people's money, not preaching equality as an ideal for the individual but enforcing equality as a 'social ideal' (p. 42).

Since neoconseratives were counter to the liberal position they once embraced, the notion of equality became secondary to individual freedom or liberty.

Irving Kristol (1983) suggests that neoconservatism "aims to infuse American bourgeois orthodoxy with a new self-conscious intellectual vigor, while dispelling the feverish melange of gnostic humors that, for more than a century now, has suffused our political beliefs and has tended to convert them into political religions:

Our intellectuals may feel 'alienated' from the orthodoxy represented by 'the American way of life'; they may feel homeless and hopeless in the world this way of life has created. The American people, in their overwhelming majority, do not feel so alienated, homeless, or hopeless. It is the self-imposed assignment of neoconservatism to explain to the American people why they are right, and to the intellectuals why they are

wrong (p. X)

As noted by Peter

associated with tw

Commentary, prior

liberal journal that

As Gary Do

in the Comment

different from previ

The new con-
social science
social democ
the lost glori
nineteenth ce
with Reform
of the welfar
called the Ne
to deepen the
with older pe
seemed to be
were from the

Peter Steinfeld (197

American Jewish C

until the rise of the N

extended discussion

on the other hand, i

analysis of public iss

As frequent contribut

sensibly express the

wrong (p.xiv).

As noted by Peter Steinfels, as a group of intellectuals, neoconservatives are typically associated with two important monthly publications: Commentary and Public Interest. Commentary, prior to Norman Podhoretz becoming editor, was generally considered a liberal journal that turned to the extreme right.

As Gary Dorrien (1993) recognized, the kind of conservatism showing up in the Commentary, The Public Interest, and The New Leader was significantly different from previous American conservatism:

The new conservatives were modernists. Most of them were trained in the social sciences. Some of them still considered themselves socialists or social democrats, most of them Jewish. They expressed little nostalgia for the lost glories of medieval Catholicism, seventeenth-century orthodoxy, nineteenth century capitalism, or the Old South. The fall had occurred, not with Reformation, the French Revolution, the Enlightenment, or the rise of the welfare state, but only yesterday, with the triumph of something called the New Class. Some of the new conservatives would later attempt to deepen the philosophical basis of their politics by claiming the linkages with older political and cultural traditions. But in the beginning, they seemed to be nearly as different from established conservatives as they were from the liberalism they attacked (pp. 1-2).

Peter Steinfels (1979) contended that " Commentary, the monthly published by the American Jewish Committee, has been one of a handful of leading intellectual forums; until the rise of the New York Review of Books, probably no other journal of serious and extended discussion of politics and culture had as wide a readership. The Public Interest, on the other hand, is a relative newcomer, founded in 1965 and oriented toward the analysis of public issues in the 'nonideological' perspectives of the social sciences" (p.4). As frequent contributors of Commentary, Neoconservatives ostensibly express their views on current topics that they ideologically represent. More

importantly, however

thinking of others

In defining

more generally of

of opportunity, part

of proportional rep

affirmative action.

ad to employers for

rather than the indiv

capitalist system. C

intellectuals and pr

statistical measures

evenly distributed in

One of the in

of this research, re

referred to as equal

Commentary during

neoconservatives we

equality of opportu

dynamic force behin

intellectuals led the

background. But as

importantly, however, neoconservatives are also able to use the media to influence the thinking of others and thereby expand their ideological audience.

In defining the problem, Jewish neoconservatives, as a practical matter, generally oppose any form of statistical strategy aimed as a measure for equality of opportunity, particularly in employment. Thus, they are adamantly opposed to the use of proportional representation as strategy used to measure the success or failure of affirmative action. Neoconservatives argue that the use of proportional representation has led to employers focusing on statistical representation, formed on the basis of the group rather than the individual, ultimately denying merit as a valued principle of the American capitalist system. Converse to the neoconservative position on proportion, black liberal intellectuals and proponents of proportional representation tend to favor the use of statistical measures as a way to ensure that they, and other minorities, will be more evenly distributed in all sectors of the workforce.

One of the important reasons for selecting neoconservatives as a major emphasis of this research, relates to their resistance to proportional representation, frequently referred to as equality of results, which was a primary focus of articles presented in Commentary during the 1970s. It was clear, after a thorough review of the articles, that neoconservatives were persistently resistant to equality of results as a strategy to provide equality of opportunity in employment. Moreover, Jewish liberal scholars were the dynamic force behind the neoconservative movement: a significant number of Jewish intellectuals led the neoconservative movement which came out of their historical background. But as Daniel Bell explained, "it is [Irving] Kristol who has most influenced

the movement's ch

Black Intellectuals

As a group,

ities for employ

in 1964, blacks have

responsible for their

however, often prov

federal efforts to ad

affirmative action s

changed in the 1970

representation. Alth

needed to address th

to any effort that wen

subsequently emerg

representation. Iron

and blacks, particul

discrimination in em

states in the country

pivotal role in pressu

practices in employ

Committee on Fair E

the movement's character and style" (Dorrien 1993):68.

Black Intellectuals and Affirmative Action

As a group, blacks have been systematically denied opportunities to compete with whites for employment on an equal basis. As a result, beginning with the Brown decision in 1954, blacks have tended to use the courts to challenge the racial system that has been responsible for their subordination. Their reliance on the court system in the 1960s, however, often proved less than satisfying, which ultimately led them to seek increased federal efforts to address the problem of discrimination in employment. As a result, affirmative action strategies in employment, to challenge employment discrimination, changed in the 1970s from cease and desist measures to those involving proportional representation. Although blacks were convinced that even stronger enforcement was needed to address the problem, neoconservatives, such as Jewish liberals, were opposed to any effort that went beyond cease and desist measures. In the general public, a conflict subsequently emerged between blacks and Jews over the issue of proportional representation. Ironically, an alliance had been historically drawn between liberal Jews and blacks, particularly during the Roosevelt era, to address the problem of racial discrimination in employment. For example, in New York, which was one of the first states in the country to adopt an antidiscrimination policy, blacks and Jews played a pivotal role in pressuring states, and the federal government, to address discriminatory practices in employment. As Louis Harap (1942) explained, [a]s the President's Committee on Fair Employment practices held hearings on discrimination in city after

city, Jews and Negroes

policies:

Side by side
the war effort
fighting. To
forcibly thrust
oppressed
clarity that

Nonetheless, a few

strategy of proper

furnished between

Focus of the Study

Jewish neocon-

on the principle of

discrimination in

representation, in fact

valued principle of

efficiency. Equality

achievement as a ne-

conversely argue in

qualified blacks will

hinderance of racial

history of American

employment to char-

city, Jews and Negroes appeared together, the chief victims of anti-democratic hiring policies:

Side by side they made their indictments of a practice that was hindering the war effort and contrary to the principles for which our country is fighting. This circumstance has brought home to Negroes and Jews more forcibly than any recent event the essential similarity of their status as oppressed minority groups. They are beginning to realize with increasing clarity that their fate is inextricably intertwined (p.105).

Nonetheless, a few decades later, tensions developed between blacks and Jews over the strategy of proportional representation as accusations of anti-Semitism and racism flourished between the two former allies.

Focus of the Study

Jewish neoconservatives and black liberal intellectuals disagree on the principle of proportional representation as a strategy to address the problem of discrimination in employment. Jewish neoconservatives argue that proportional representation, in focusing on the group, rather than the individual, denies merit as a valued principle of the American capitalist system, which is related to productivity and efficiency. Equality of opportunity, according to the position, requires individual achievement as a measure of the most qualified person. Black liberal intellectuals, conversely argue in favor of proportional representation to ensure that a number of qualified blacks will have an equal opportunity to compete with whites, without the hinderance of racial exclusionary barriers in place. According to this perspective, the history of American race relations has shown a reluctance for discriminatory practices in employment to change without the involvement of redistributive policies that require

federal intervention

action strategy of

Origins of the Del

The initial

John F. Kennedy pr

of discrimination ag

economy. The gro

Kennedy to issue Pr

action policy. Foll

Kennedy used the e

The Kennedy order

applicants are empl

regard to their race

(1965), "the stated g

generally construed

present and potentia

complaints filed afte

which the equal emp

Order 10925 was ec

enforced; the order's

labor unions, contribu

federal intervention in the economy. The reactions of both groups to the affirmative action strategy of proportional representation is the central problem of this study.

Origins of the Debate

The initial conception of affirmative action began when the President John F. Kennedy proposed a presidential executive order aimed at addressing the problem of discrimination against racial minority groups in the employment sector of the American economy. The growing impetus of the civil rights movement in the 1960s led President Kennedy to issue Presidential Executive Order 10925, generally referred to as affirmative action policy. Following the tradition established by President Franklin D. Roosevelt, Kennedy used the executive office to outlaw racial discrimination by defense contractors. The Kennedy order stated that the contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. According to Harold F. Fleming (1965), "the stated goal was not merely passive nondiscrimination but 'affirmative action'--generally construed to mean concern for the identification, training, and motivation of present and potential minority employees. The sharp rate of increase in the number of complaints filed after 1961 was no doubt indicative of the greater air of seriousness with which the equal employment program was carried on" (p. 933). Although Executive Order 10925 was equipped with sanctions for non-compliance, they were never fully enforced; the order's emphasis on voluntary compliance, and the lack of jurisdiction over labor unions, contributed to its ineffectiveness. Executive Order 10925 had, nevertheless,

served to promote

establish a color b

strategies encompass

less than enthusias

and supported the

Frustrated

organizational hier

Black militants sou

'appearing over the

This is a recurring

who will no longer

involved in the str

interested in the pr

the integrationist ap

Blacks into white so

space integration wa

compete in the syst

altogether.

As the slogan

frequently referred a

liberals, who general

militants were bidd

served to promote the idea of gradualism, or integration, as an appropriate vehicle to establish a color blind society. Black activists, however, promoted more immediate strategies encompassing a larger strata of black Americans. These black activists were less than enthusiastic about the integrationist approach, which was based on gradualism and supported the dominant ideology of individualism.

Frustrated with the philosophy of individualism, and the way in which the organizational hierarchy of the civil rights movement paralleled white male leadership, black militants sought immediate social change. As Harold Issacs (1962) contended, "appearing over these fallen and falling barriers is a figure being called the 'New Negro.' This is a recurring term meaning essentially a newly militant, newly self-assertive Negro who will no longer submit to the humiliations of the past" (p. 48). Young black activists involved in the struggle for racial equality, particularly in the South, were no longer interested in the promises made and left both economically and politically unfulfilled by the integrationist approach. It generally involved the absorption of the most deserving blacks into white society on an individual basis. Moreover, according to black activists, since integration was, in practice, aimed at middle class blacks who were prepared to compete in the system, working and lower class blacks were left out of the process altogether.

As the slogan of "Freedom Now", gained significance, black activists, frequently referred as militants during the era, began to focus their attention on white liberals, who generally found the slogan perplexing. As Loren Miller (1962) explained, "militants were bidding [white liberals] a fond farewell, with thanks for services rendered,

until [whites were

Negro-officered and

warnings, however

liberalism clung to

The longer

within pools

the nation's

the disarray

ugly, espec

struggle not

Black activists, for

struggle for econom

the group, to benef

Nathan Gla

new ideology expr

the demand for ec

equally qualified.

demand for equal

results, of outcom

Rights (1981) ex

repeatedly ordered

predictably work

21). But as Her

acted, "high gove

public officials w

until [whites were] ready to re-enlist as foot soldiers and subordinates in a Negro-led, Negro-officered army under the banner of Freedom Now" (p. 238). In spite of these warnings, however, as Harold R. Issacs (1962) explained, a reluctant or timid white liberalism clung to 'gradualism' despite the fact that slowness had become a failure:

The longer the process stretches out, the more stubborn the resistance within pockets of the white society, the more the issue gets wrapped up in the nation's embattlement for survival as a power in the world, the greater the disarray and disorientation, the greater the cynicism rising hard and ugly, especially among young Negroes who emerge to find the fruit of the struggle rotten (p. 489).

Black activists, forsaking the white liberal ideal of equality of opportunity, continued their struggle for economic equality based on expediency or results, which was, in focusing on the group, to benefit more than just the black middle class.

Nathan Glazer (1964), a leading neoconservative, responded to the new ideology expressed by a growing number of black activists, when he declared that "the demand for economic equality is now not the demand for equal opportunities for the equally qualified; it is the demand for equality of economic results...Or consider the demand for equality in education, which has also become a demand for equality of results, of outcomes" (p. 34). A report from the United States Commission of Civil Rights (1981) explained that at the time, "the courts in rulings on Title VII have repeatedly ordered and approved ratio and percentage selection systems that regularly and predictably work to overcome a marked nonparticipation by minorities and women" (p. 21). But as Herbert Hill (1965), former director of the NAACP's Legal Defense Fund, noted, "high government officials who piously demand law and order are often the same public officials who refuse to enforce laws protecting Negroes against discrimination in

employment" (p. 5)

in a direction of

modifications in the

office most govern

was issued by Pres

Although the

practice entailed, it

employers and re

Labor Department

officials deliberately

in compliance. The

allowed federal offi

the order. As Re

Edward C. Sylvest

result:

I don't pret

satisfy eve

situation. A

to day, from

the nature

of people

have. The

say that in

do to get

treatment.

As a result, con

employment cate

employment" (p. 568). The message was nonetheless clear; federal officials were moving in a direction of implementing quotas, an aggressive strategy to enforce slight modifications in the employment sector of the economy. When Richard Nixon took office, most government contractors were operating under Executive Order 11246, which was issued by President Johnson in September, 1965.

Although there was no clear definition of what affirmative action in practice entailed, Executive Order 11246, prohibited discrimination on the part of all employers and required affirmative action by employers. To implement the order, the Labor Department established the Office of Federal Contract Compliance (OFCC), whose officials deliberately developed vague guidelines for determining whether contractors were in compliance. This lack of specificity led to capricious results, simply because it allowed federal officials too much discretionary power in determining compliance with the order. As Richard P. Nathan (1969), confirms, in a statement in January 1967, Edward C. Sylvester, Jr., director of the OFCC, defined affirmative action in terms of result:

I don't pretend to have a definition of affirmative action that is going to satisfy everybody here, particularly when viewed in light of your special situation. Affirmative action is going to vary from time to time, from day to day, from place to place, from escalation to escalation. It depends upon the nature of the area in which you are located, it depends upon the kinds of people who are there, it depends upon the kind of business that you have. There is no fixed and firm definition of affirmative action. I would say that in a general way, affirmative action is anything that you have to do to get results. But this does not necessarily include preferential treatment. The key word here is results (Nathan, 1969:93).

As a result, contractors who lacked substantial percentages of minority groups in employment categories had to prove that they were actively attempting to diversify their

labor force in providing

establishments was re

women and minority-e

excluded, particularly

compliance officials w

to change the compo

compliance officials re

effort" to meet them.

concept of affirmative

previously resisted: qu

resisted such claims a

contractor's workforce.

was the first regulatio

contractor's establishm

all federal contractors

Order No. 4, rec

employers where neces

minorities in the area

opposed to the use of r

established by Order No.

program for each of th

include a detailed rep

labor force in providing more jobs and opportunities for minorities. Each of a contractor's establishments was required to set goals and timetables for hiring specified numbers of women and minority-group members in areas where these groups had been previously excluded, particularly in both the construction industry and organized labor. Contract compliance officials were to review the goals to ensure significant effort was being made to change the composition of their workforce. If the goals were not met, contract compliance officials required the company to prove that it had at least made a "good faith effort" to meet them. Opponents protested the OFCC guidelines on the basis that the concept of affirmative action was beginning to embody two principles which had been previously resisted: quotas and preferential treatment. Contract compliance officials resisted such claims and continued to push for a representation of minorities in a contractor's workforce. The real value of Executive Order 11246, however, was that it was the first regulation which required that specific steps be taken for each of a contractor's establishments. In February, 1970, Labor Department Order No.4 required all federal contractors to submit written affirmative action plans.

Order No.4, required the use of numerical goals and timetables by employers where necessary to achieve approximate proportional representation for racial minorities in the area's workforce. Although President elect Richard M. Nixon was opposed to the use of racial quotas, in 1970 the Labor Department, under the guidelines established by Order No.4, required that every contractor have a written affirmative action program for each of their establishments. In addition, each program was required to include a detailed report on the company's utilization of racial minority groups and

women in each job cat

The significance of Or

the NAACP Legal De

affirmative action prog

employees and covers

A Revised Order

analysis and the sett

construction contract

(\$1,000 or over. In p

utilizing women

variables as proof that

in his support of Revis

free jobs in the Americ

industry; thus rigorous

with Title VII of the C

discrimination in Ame

because voluntary co

demonstrated that they

Neoconservative

opportunity, based on

equality results, based

Although neoconservat

women in each job category existing in the company.

The significance of Order No. 4, according to Herbert Hill (1972), of the NAACP Legal Defense was that the contractors were also required to revise existing affirmative action programs. " The directive immediately affected an estimated 270,000 employees and covers about one third of the total labor force" (p. 102).

A Revised Order No.4, was issued in 1971 and required a utilization analysis and the setting of goals and timetables for each establishment of a nonconstruction contractor or subcontractor with 50 or more employees and a contract of \$50,000 or over. In practice, contractors were encouraged to assume that they were underutilizing women and minorities and were to subsequently establish goals and timetables as proof that non-discrimination was a company policy. Herbert Hill (1973), in his support of Revised Order No.4, argued that "at the present time one out of every three jobs in the American economy exists as the result of government contracts to private industry; thus rigorously enforced federal contract compliance programs in conjunction with Title VII of the Civil Rights Act could be the most potent instrument to end job discrimination in American life" (p. 102). Thus, affirmative action was necessary because voluntary compliance and good faith efforts, despite the appeal, have demonstrated that they do not work in eliminating job discrimination.

Neoconservatives, conversely, argued that the shift from equality of opportunity, based on the individual, in favor of the more radical approach involving equality results, based on group representation, would be at the expense of nonminorities. Although neoconservatives generally agreed on the necessity of having equal opportunities

available to all Americans

equality of opportunity

the basis of a group mem

and Order No. 4 emphas

against the strategy.

example, argued that

publicly and formally a

groups—whether ethnic

Neoconservative

rights, not only promote

importantly, it violated

preference over achieve

the earlier ones arguing

of merit—that have bee

increasingly accepted b

world" (p.32). Glazer

individual merit rather

advancement, recogniti

the Jews, but no matter

Jewish interests coinci

p.32).

Norman Podhoretz

available to all Americans, following the claims of classical liberalism, they argued that equality of opportunity must exist on the basis of individual achievement rather than on the basis of a group membership. As a result, when Presidential Executive Order 11246 and Order No.4 emphasized the group rather than the individual, neoconservatives argued against the strategy. Nathan Glazer (1964), a leading neoconservative scholar, for example, argued that "[i]n America we have lived under a peculiar social compact... publicly and formally and legally, we recognize only individuals; we do not recognize groups--whether ethnic, racial, or religious" (p.32).

Neoconservatives argued that equality of results, in favoring group rights, not only promoted reverse discrimination against innocent white males, but more importantly, it violated the valued principle of merit in placing the significance of preference over achievement. Nathan Glazer (1964) contended that the "liberal principles--the earlier ones arguing the democracy of money, the newer ones arguing the democracy of merit--that have been so congenial to Jews and so much in their interest are being increasingly accepted by everyone else nowadays under the pressures of a technological world" (p.32). Glazer suggested that we are now moving into a diploma society, where individual merit rather than family and connections and group must be the basis for advancement, recognition, achievement. "The reasons have nothing directly to do with the Jews, but no matter--the Jews certainly gain from such a grand historical shift. Thus Jewish interests coincide with the new rational approaches to the distribution of rewards" (p.32).

Norman Podhoretz (1979), gave a more concrete explanation for his resistance to

proportional representation

session. I told the group

qualified blacks and the

that I also supported

fixing. What I opposed

predetermined quota.

assuming that blacks

p. 302). While Podhoretz

affected by the use of

as well. Historically,

enrolling in the elitist

practices still remains

Steinberg (1971), for

Eastern colleges was

blacks:

Nevertheless,

quotas favorably

obviously through

Indeed, the vast

memory of the

in Russia. And

in higher education

In addition to their

regarding the stigma

preferential affirmative

proportional representation; for example, he stated, "sitting around a table in an informal session, I told the group of admissions officers that I supported special efforts to recruit qualified blacks and that I also supported special efforts to help unqualified blacks and that I also supported special efforts to help unqualified blacks compete on an equal footing. What I opposed was the admission of unqualified persons in order to fill a predetermined quota. Such a system, meant to fight racism, was itself implicitly racist in assuming that blacks would never be able to compete with whites on an equal footing" (p. 302). While Podhoretz addressed his concerns as to how blacks might ultimately be affected by the use of quotas, it appears as if he feared quotas for more personal reasons as well. Historically, quota systems had been used to exclude Jewish students from enrolling in the elitist or Eastern colleges in this country and a fear of returning to these practices still remains strong among Jewish neoconservatives. Sociologist Stephen Steinberg (1971), for example, asserted that the process of eliminating privilege from Eastern colleges was initiated by Jews and may well be advanced one step further by blacks:

Nevertheless, many Jews are alarmed by the introduction of unofficial quotas favorable to black applicants. As a small minority, Jews are obviously threatened by the concept of 'proportional representation.' Indeed, the very idea of quotas is anathema to Jews. They have the memory of the numerus clauses that restricted Jewish access to universities in Russia. And, more immediately, in America the first quotas established in higher education were aimed specifically against Jews (p.67).

In addition to their own interests, neoconservatives have also expressed their concern regarding the stigmatic harm alleged with the use of proportional representation or preferential affirmative action. Nathan Glazer (1985) argued that if policies of

preferential affirmative

in test-based or cred

teaching, and some c

There is no g
substantially in
teachers, execu
above what the
the other hand,
critics have c
blacks as less
reduces incent

Accordingly, preferen

discourage competition

In contrast to

Herbert Hill (1973), s

systems is the assumption

and that the quality of

result of the employment

The a priori ass
of the argument
were to be emp
be diminished.
operated to giv
expense of high
and incompeten

Convinced that a system

in employment than the

there is a merit system

do, is to depart from all

preferential affirmative action are discontinued, we must expect that black participation in test-based or credentialed professions (such as law, medicine, higher education, teaching, and some civil service systems) will show serious 'underutilization.'

There is no question that preferential affirmative action programs have substantially increased the numbers of black doctors, lawyers, professors, teachers, executives and in white-collar and skilled blue-collar occupations, above what they would have achieved under race neutral procedures. On the other hand, such policies have also had the negative consequences that critics have cited in that preferential programs (1) encourage views of blacks as less competent (among both blacks and whites) which, in turn, reduces incentives for high performance...(pp. 838-839).

Accordingly, preferential affirmative action both renders stigmatic harm and serves to discourage competition in an open meritocratic society.

In contrast to the neoconservative position on preferential affirmative action, Herbert Hill (1973), suggested that common to many attacks on preferential hiring systems is the assumption that such approaches constitute a 'new form of discrimination' and that the quality of performance and work standards will be severely diminished as a result of the employment of nonwhites and women:

The a priori assumption that no qualified Blacks or women exist is implicit of the argument. Also implicit is the assumption that if blacks and women were to be employed the alleged high standards now in existence would be diminished. But in reality the so-called merit system in education operated to give preference to mediocre or incompetent whites at the expense of highly talented Blacks, as well as at the expense of mediocre and incompetent Blacks (pp. 96-97).

Convinced that a system of nepotism is much more characteristic of how jobs are attained in employment than the notion of merit, Herbert Hill (1973) contended that "to argue that there is a merit system in the building trades as spokesmen for organized labor frequently do, is to depart from all reason and reality. As has been demonstrated in many lawsuits

throughout the country

Moreover, white work

in the employment sec

historically disadvanta

believe that preferenti

neoconservatives were

measure, black liberal

is thought to be link

affirmative action shou

a more equitable w

proportional represent

Why Do Black and

Different Ways?

Using the sociology of

different interpretations

intellectuals and Jewish

their respective racial a

Concerned with

the sociology of know

sociology of knowledge

structures of thought a

throughout the country, the worst forms of nepotism and favoritism prevail" (p. 97). Moreover, white workers have historically benefitted from the exclusion of black workers in the employment sector. "Thus when racial criteria for hiring or promotion (which have historically disadvantaged Blacks) are removed to eliminate discrimination, white workers believe that preferential treatment is being given to Blacks" (Hill, 1973:101). Although neoconservatives were convinced that emphasis on race was no longer a necessary measure, black liberal intellectuals conversely argued that as long racial discrimination is thought to be linked to the economic problems of black Americans, preferential affirmative action should be endorsed by the federal government. Thus, efforts to provide a more equitable work force for blacks would require increased efforts toward proportional representation rather than eliminating such efforts.

Why Do Black and Jewish Intellectuals See Affirmative Action policies in Such Different Ways?

Using the sociology of knowledge approach, I will examine the proposition that the different interpretations on the use of proportional representations between black liberal intellectuals and Jewish neoconservatives are grounded in the historical experiences of their respective racial and ethnic groups in American society.

Concerned with the history of ideas, or the social origins of thought, the sociology of knowledge became a distinct branch of sociology in the 1920s. The sociology of knowledge generally attempts to establish a relationship between mental structures of thought and its existential basis. More specifically, as T. B. Bottomore

(1956) argued, "the

construct of reflectivity

social groups (occupational

social societies" (p.56)

that the first step towards

of types of knowledge

(i) perceptual knowledge

persons and objects

knowledge; (ii) practical

philosophical knowledge

While sociologists have

Mannheim, in the tradition

knowledge.

Mannheim's concept

ideas leads to research

conditions under which

Meja (1984) "for Mannheim

destined to play a central

particularly in an age of

conditions which have

and diverse cultural patterns

also be a diagnosis of

and disorientation" (p. 10)

social thought held by

(1956) argued, "the sociology of knowledge is the study of the relation between the construct of reflective thought and social structure, that is between such construct and social groups (occupations, communities, etc., as well as social classes), institutions and total societies" (p.56). Further, Bottomore, in his discussion of Karl Mannheim, suggested that the first step towards an empirical sociology of knowledge must be a classification of types of knowledge...

(i) perceptual knowledge of the external world; (ii) knowledge of other persons and of groups; (iii) commonsense knowledge; (iv) technical knowledge; (v) political knowledge; (vi) scientific knowledge; and (vii) philosophical knowledge (p.56).

While sociologists have reasoned varied types of classification in their analyses, Karl Mannheim, in the tradition of Karl Marx, restricted his analysis to focus on political knowledge.

Mannheim's contribution to the sociology of knowledge within this context of ideas leads to research related to the different forms of knowledge and the social conditions under which the knowledge is formed. According to Nico Stehr and Volker Meja (1984) "for Mannheim, the sociology of knowledge, as a general social inquiry, is destined to play a considerable role in the intellectual and political life of society, particularly in an age of dissolution and conflict, by examining sociologically the very conditions which have given rise to competing ideas, political philosophies, ideologies, and diverse cultural products. According to Mannheim, the sociology of knowledge must also be a diagnosis of its time and provide practical solutions in an age of disenchantment and disorientation" (p.3). Mannheim alerted investigators that one should not criticize the social thought held by an individual; rather the individuals should be judged on the

philosophical perspective

setting. In Ideology and

sociology of knowledge

understood as long as

It is indeed true

no such metaphysics

the heads of industry

Nevertheless it is

sentiments which

and can be added

experience (p. 2)

Individuals are not de-

diversified groups. The

location in the social s-

approach of the socio-

individual and his think-

to the abstract height of

Rather, the social

concrete setting

differentiated the

general who think

men in certain

an endless series

their common

The central task of the

of the relational charac-

are embedded in the so-

within which these i-

philosophical perspective to which they adhere--the ideas as determined by their historical setting. In Ideology and Utopia (1936), Mannheim argued that the principal thesis of the sociology of knowledge is that there are modes of thought which cannot be adequately understood as long as their social origins are obscured:

It is indeed true that only the individual is capable of thinking. There is no such metaphysical entity as a group men which thinks over and above the heads of individuals, or whose ideas the individual merely reproduces. Nevertheless it would be false to deduce from this that all ideas and sentiments which motivated an individual have their origin in him alone, and can be adequately explained solely on the basis of his own life-experience (p.2).

Individuals are not detached from groups. They act with and against one another in diversified groups. Thus, all knowledge and ideas, to different degrees, are bound to a location in the social structure and historical processes. Mannheim contended that the approach of the sociology of knowledge intentionally does not start with the single individual and his thinking in order to proceed directly in the manner of the philosopher to the abstract height of 'thought as such':

Rather, the sociology of knowledge seeks to comprehend thought in the concrete setting of an historical-social situation out of which individually differentiated thought only very gradually emerges. Thus, it is not men in general who think, or even isolated individuals who do the thinking, but men in certain groups who have developed a particular style of thought in an endless series of responses to certain typical situations characterizing their common position (p.3)

The central task of the sociology of knowledge for this research, focused on the discovery of the relational character of thought. That is, how certain ideas and modes of thought are embedded in the social experiences of the producers and the social historical milieu within which these ideas were formed. These ideas were formed into different

perspectives, which

object, what one pers

Perspective.
determination
structure of th
purely formal
the fact that tw
e.g. the law
identical man

On the general subject

voluntary compliance

Black workers have

institutions which disc

This, of course, is the b

Title VII" (p. 61).

Podhoretz (1970)

Mr. Hill, when he argu

the traditional liberal st

opportunity:

Either these stra
wrong direction,
intervention far
accelerate the in
houses, new ne
new jobs to put
(p. 247).

On the other hand, how
conspiracy theory now s

perspectives, which, according to Mannheim, signifies the manner in which one views an object, what one perceives in it, and how one construes it in his thinking:

Perspective, therefore, is something more than a merely formal determination of thinking. It refers also to qualitative elements in the structure of thought, elements which must necessarily be overlooked by a purely formal logic. It is precisely these factors which are responsible for the fact that two persons, even if they apply the same formal-logical rules, e.g. the law of contradiction or the formula of the syllogism, in an identical manner, may judge the same object very differently (1936:272).

On the general subject of affirmative action, Herbert Hill (1975), for example, argued that "voluntary compliance programs avoid the concept that racial discrimination is illegal, that black workers have fundamental rights which cannot be bargained away and that institutions which discriminate against them are required by law to change their conduct. This, of course, is the basic message delivered by the courts as a result of litigation under Title VII" (p. 61).

Podhoretz (1979), on the one hand, appeared to be in agreement with Mr. Hill, when he argued that the problems of race and poverty could not be solved by the traditional liberal strategies of abolishing discrimination and establishing equality of opportunity:

Either these strategies did not go far enough, or they were pointed in the wrong direction. Perhaps what was needed was a degree of government intervention far beyond anything that had already been attempted to accelerate the integration of the races, and to build new schools, new houses, new neighborhoods, even new cities, while also creating enough new jobs to put everyone in America to work (p. 247).

On the other hand, however, Podhoretz later stated, "yet many people who resisted the conspiracy theory now seemed to feel that the Jews had perhaps grown too rich and too

powerful and that the

was somehow holding

quotas seemed not on

were in any case of d

about both sides of

quotas was gaining s

became whether quot

themselves economic

Jewish neoconservativ

the positions. As Poci

zed in the minds of s

however, was that, wh

according to race or et

areas in which they w

figure to make sure th

194). In sum, neocom

developed different per

to reduce racial discrimin

On the subject

a perspective "constitut

of social events, a cul

universe of study and ig

powerful and that their wealth and their power, if not acquired at the expense of blacks, was somehow holding back black advancement. For such people the new system of racial quotas seemed not only a quick but (by comparison with vast training programs, which were in any case of dubious effectiveness) a relatively inexpensive way to do something about both sides of a troublesome social imbalance (p. 333)." Although the use of quotas was gaining significance within the liberal establishment, the essential question became whether quotas were good for Jews. The answer was no. Jews had established themselves economically and were subsequently overrepresented in certain job categories, Jewish neoconservatives felt that quotas could be responsible for their completely losing the positions. As Podhoretz explained, obviously the main purpose of affirmative action, and in the minds of some, the only purpose, was to help blacks. "What I did believe, however, was that, whatever its purpose, a system based on proportional representation according to race or ethnic origin would inevitably lead to the forcing out of Jews from areas in which they were now 'overrepresented' and to discriminate against them in the future to make sure that the same 'overrepresentation' did not occur again" (1979:333-334). In sum, neoconservative intellectuals and black intellectuals and their supporters developed different perspectives on the subject of proportional representation as a strategy to reduce racial discrimination in employment.

On the subject of perspectives, James B. McKee (1993) contends that a perspective "constitutes an infrastructure of assumptions and values of an interpretation of social events, a cultural outlook that selectively chooses some aspects of a given universe of study and ignores others. Fundamental to any perspective are the underlying

assumptions, which r

the rationalizations us

by affirmative action

opposition are ultima

culture as a more viar

Nathan Glazer (1975

was declining the inc

percentage of blacks in

simultaneously a gre

unemployment, and

explanation of this tan

as simple as lack of jo

the perspective of neo

to their interpretation

proportional representa

The first assum

of today are the immi

In comparison

are 'making out

from the white

new immigrant

be a change in

amount of ener

Is it now time

142).

According to this posit

assumptions, which may remain unspoken and taken for granted" (1993:4). Although the rationalizations used by neoconservatives in their opposition to the strategies imposed by affirmative action are based on meritocracy, the hidden assumptions underlying their opposition are ultimately related to their perceptions of the crippling effects of black culture as a more viable explanation for the lack of black achievement in employment. Nathan Glazer (1975), for example, claimed that during the 1960s "when discrimination was declining the income of blacks as a proportion of white income was rising, and the percentage of blacks in white-collar and stable blue-collar work was also rising, there was simultaneously a great increase in female-headed families among blacks, of higher unemployment, and of crime among blacks. No one has given a very convincing explanation of this tangle of pathology in the ghetto, but it is hard to believe it is anything as simple as lack of jobs or discrimination in available jobs" (p.72). Thus, I argue that the perspective of neoconservatives is formed on the three important assumptions related to their interpretation of the black experience, and neoconservative opposition to proportional representation.

The first assumption, as Irving Kristol (1966) contended, the blacks of today are the immigrants of yesterday.

In comparison with previous waves of immigration to the great cities, they are 'making out' not badly at all. They need, and are entitled to, assistance from the white society that has made them--almost our oldest settlers--into new immigrants. But the first step toward effective help would seem to be a change in white attitudes. Until now, we have spent an enormous amount of energy and money trying to assimilate Negroes into 'our' cities. Is it now time we tried helping them to assimilate into 'their' cities (p. 142).

According to this position, which was developed more thoroughly by Patrick Moynihan

and Nathan Glazer in

the established histor

would have to estab

Economically, many

ladder with the least

acquisition, move up

circumstances. Jame

led to a concern with

groups:

Irving Kristol

essentially the

are old America

same problems

with the least

repeat the cycle

improved incor

do so is not the

poor whites too

demeaning wor

get the first leg

themselves for

nevertheless rea

This type of language c

exemplary value syste

immigrants scrimped, s

worked at sewing mach

philanthropy to their de

immigrant Jews with

and Nathan Glazer in the first edition of Beyond the Melting Pot, blacks needed to follow the established historical traditions established by white European immigrants. Blacks would have to establish themselves politically before attaining economic rewards. Economically, many European immigrants started at the very bottom of the occupational ladder with the least desirable jobs but may be expected to repeat the cycle of skill acquisition, move up the occupational ladder and subsequently escape debilitating circumstances. James Geschwender (1977) argued that attempts to explain this position led to a concern with similarities and differences between blacks and European ethnic groups:

Irving Kristol agrees with Moynihan and Glazer that blacks today are essentially the same as ethnic immigrants of earlier periods. While blacks are old Americans, they have only recently migrated to cities and face the same problems confronting earlier immigrants. They start at the bottom with the least desirable jobs and residential areas but may be expected to repeat the cycle of skill acquisition, movement up the occupation ladder, improved incomes and migration away from the ghettos. Any failure to do so is not the result of majority groups. Glazer charges that blacks and poor whites today are simply not willing to do the kind of hard and/or demeaning work that immigrants gladly did a generation ago in order to get the first leg up the ladder. Nor are blacks willing to work to prepare themselves for opportunities that may not be readily apparent but are nevertheless real (p. 10).

This type of language can be translated to mean that "Jews escaped poverty through their exemplary value system. Jews had cohesive families and communities, Jewish immigrants scrimped, saved, and sacrificed to claw their way out of poverty. Jewish men worked at sewing machines without fretting about their manhood. Uptown Jews extended philanthropy to their downtown cousins. And a distinctive passion for education provided immigrant Jews with a crucial strategy for escaping poverty (Steinberg, 1995):10."

Blacks on the other

because of any innat

culture, leaving them

sustained Jews in

Neoconservatives are

and blacks have not

conclude that the tan

position of black Ame

these liberal intellectu

1970s. An important

that Jews moved dir

coreligionists, they w

experienced difficulty

of their time was spent

could find employment

was increasingly requir

The second ass

the barriers to econo

struggle, and one cou

had been evident in the

and powerfully enfor

affirmative action. The

Blacks on the other hand, as Nathan Glazer proclaimed, "languished in poverty not because of any innate inferiority, but because centuries of racism had ravaged their culture, leaving them without the strengths of family, neighborhood, and community that sustained Jews in their pursuit of the American dream (Steinberg, 1995):10." Neoconservatives are convinced that assimilation and cultural pluralism are the answers, and blacks have not effectively pursued either of these solutions. Neoconservatives conclude that the tangle of pathology is an alternative explanation for the economic position of black Americans. This cultural argument was at the forefront when many of these liberal intellectuals were debating against full-equality for blacks in the 1960s and 1970s. An important part of this argument, which neoconservatives did not consider, is that Jews moved directly into the wage system; coupled with the help of their coreligionists, they were able to prosper over a period of time. Blacks, however, experienced difficulty in transforming from the slave system to the wage system. Most of their time was spent trying to define themselves as human beings. Even when blacks could find employment, they were restricted to unskilled labor in an economic system that was increasingly requiring semi-skilled and skilled labor.

The second assumption holds, as explained by Nathan Glazer (1988), "the barriers to economic activity have been lifted through the success of the civil rights struggle, and one could expect the economic and educational advancement of blacks that had been evident in the 1960s to continue...the laws against discrimination were powerful and powerfully enforced. Blacks had made great progress in the 1960s without affirmative action. They were becoming prominent in public employment--in which they

had more than 'their

affirmative action as

without achieving m

basic assumption ho

change for blacks is n

lives of too many pe

individuals should b

argument goes beyon

goals or quotas deni

capitalist system. Th

able to use education

Podhoretz has argued

of Jews competing for

as explained by Pod

education and there is

as it did to keep them

(1964), for example.

of individual merit--n

Earlier, before

important, the

man who had

connection to

merit and mo

discrimination

exceptional ca

numbers to ma

had more than 'their share' of jobs (though not of the best jobs)...the introduction of affirmative action and busing threatened only to increase racial and ethnic conflict, without achieving much for the advancement of blacks (pp.104-105)." For Glazer, the basic assumption holds that federal involvement in the economy to foster economic change for blacks is no longer necessary. There is too much government controlling the lives of too many people. In a capitalist society, where competition is emphasized, individuals should be responsible for themselves. Neoconservatives' fundamental argument goes beyond that of reverse discrimination to one emphasizing that the use of goals or quotas denies merit as a valued and necessary principle of the American capitalist system. This argument has particular significance for Jews because they were able to use education to promote themselves economically in the United States. Podhoretz, has argued that a spoils system existed in higher education prior to a number of Jews competing for those positions when the spoils system dissolved. The real danger, as explained by Podhoretz, is that Jews now monopolize many positions in higher education and there is the fear that a quota system will once again be used against Jews as it did to keep them out of elitist colleges and universities in the 1920s. Nathan Glazer (1964), for example, argued that the Jews have...put their faith in the abstract measures of individual merit--marks and examinations:

Earlier, before school grades and civil-service test scores became so important, they depended on money: it, too, could be measured, and the man who had it could manage without any ties of blood or deep organic connection to the ruling elite of the land. In addition to this, the reason merit and money have been the major Jewish weapons in overcoming discrimination, rather than political power and pressure, is that only in exceptional cases (New York City is one of them) have they had the numbers to make these latter means of advancement effective. As a result,

their political
America?); but
to develop m
The ideologies
ment and the
to any other m
Americans. all

As Neoconservatives

for equal opportunity

economic results. M

'encourage views of b

turn, reduces incentive

and supporters respect

strategies at the risk

perspective, discrimin

at the entire groups.

laws over the economic

in urban areas through

of their rhetoric, were r

as employers, property

to the perspective, ab

political exploitation o

reminded blacks of th

movement, including t

however, became les

their political skills are poor (where are the master Jewish politicians in America?), but their ability to score the highest grades in examinations and to develop money-getting competence still shows no sign of declining. The ideologies that have justified the principle of measurable individual merit and the logic of the market place where one man's money is equal to any other man's, have always appeared to Jews, even more than to other Americans, almost self-evidently just and right (p.32).

As Neoconservatives pointed out, the demands articulated by blacks were not demands for equal opportunity for the equally qualified; they were the demands for equality of economic results. Moreover, preferential programs, according to Nathan Glazer (1985), "encourage views of blacks as less competent (among both blacks and whites) which, in turn, reduces incentives for high performance...." (pp. 838-839). Black liberal intellectuals and supporters responded in arguing for even stronger enforcement of proportional strategies at the risk of further losing support from opponents. According to this perspective, discriminatory practices in America are not restricted to individuals but aimed at the entire groups. There has been a long history of deliberation between blacks and Jews over the economic position of blacks. For many years, blacks and Jews co-existed in urban areas throughout the country. Blacks began to feel, however, that Jews, in spite of their rhetoric, were no different than other white ethnics, who economically raped them as employers, property and business owners in black communities. Jews were, according to the perspective, able to achieve in the society in part because of their economic and political exploitation of blacks. Many Jews argued against the such allegations and reminded blacks of their generosity both financially and physically in the civil rights movement, including the NAACP, CORE and the Urban League. A number of Jews, however, became less than supportive when the radical faction of the civil rights

movement struggled

1970s added fuel to

community control and

affirmative action battle

the two groups. Now

must defend the principle

friends depart:

Opponents of

public, and with

'quotas' and

action is legitimate

attitudes. It is

countered by

rights (p.23).

The departure of Jewish

affirmative action that

The final assault

differentially the significance

of American society

arguing that ethnic groups

this country. Quite true

has allowed ethnic groups

communities thus a

frequently crosses class

which are frequently

movement struggled for its control. The New York City School Teacher's strike in the 1970s added fuel to fire when blacks and Jew were split over issues surrounding community control and affirmative action quotas. One might argue that the struggle over affirmative action between Jews and blacks is related to a history of dissension between the two groups. Nonetheless, Herbert Hill (1977) warned civil rights leaders that they must defend the principle of affirmative action even if it means that our fair-weather friends depart:

Opponents of affirmative action are ahead in presenting their case to the public, and we must be prepared to answer effectively all the lies about 'quotas' and 'reverse discrimination'. The campaign against affirmative action is legitimizing new racist attacks and is stimulating anti-black attitudes. It is potentially most dangerous and must be effectively countered by the NAACP and other groups committed to advancing civil rights (p.23).

The departure of Jews from the campaign, may have had more impact on the future of affirmative action than black liberals and their supporters had originally envisioned.

The final assumption is more theoretical in distinguishing differentially the significance of both race and ethnicity in American society. The history of American society has shown much more tolerance for ethnicity than race. I am not arguing that ethnic groups did not experience racial antagonism in their experiences in this country. Quite the contrary, what I am arguing is the notion that cultural pluralism has allowed ethnic groups some degree of isolation from the Anglo Saxon culture and communities thus allowing immigrant groups some form of group solidarity that frequently crosses class lines. Race on the other hand is based on physical attributes which are frequently defined as cultural and tends to penetrate within the intellectual

experience as well.

occurring in the bi-

promote white supra-

inferiority. The very

assuming that white

employment position

if the meritocratic ar-

position presented

supremacist ideology

Black intellec-

from the historical et-

of discriminatory pra-

effectively compete

racism, discrimination

exclusionary practice

qualifications due to

continues to exclude t

have been denied jobs

is essential in the str

United States. Witho

situation to change in

naturally occur as bla

experience as well. Race theories seem to change along with the perceived changes occurring in the black experience in American society. These theories continue to promote white supremacy in the dominant ideology and reinforce the idea of black inferiority. The very notion of reverse discrimination reinforces black subordination in assuming that whites male are, as history has shown us, more innately suited for the employment positions desired by racial minorities and women. It is not clear, however, if the meritocratic argument take on these supremacist attributes. The social pathology position presented against blacks by neoconservatives seems to manifest white supremacist ideology.

Black intellectuals generally assume that blacks have suffered from the historical effects of racial discrimination in the market. The historical effects of discriminatory practices have resulted in blacks being denied the opportunity to effectively compete with whites for employment opportunities. As a by-product of racism, discrimination has served to perpetuate black inferiority through systematic exclusionary practices. As a consequence, many blacks lacked necessary employment qualifications due to the cumulative effect of generations of past discrimination which continues to exclude them from the better paying jobs and occupations. Moreover, blacks have been denied jobs as a class, not only as individuals; thus, proportional representation is essential in the struggle against racism and the structure of racial inequality in the United States. Without federal intervention in the market, there is little incentive for this situation to change in American society. It was originally hoped that racial change would naturally occur as blacks were incorporated into the system on an equal basis with whites.

However, the resis

advocated by affirm

in general, is comfort

Historically, for ex

the ideology of inte

Jews felt that black

anti-Semitism of b

attacked Israel and

As a focus o

their opposition to th

convictions, they are

and read. Contempor

to a liberal intelligen

the neoconservatives

his position on equali

who has been vocal

strategies; and Nath

affirmative action tha

writers, and others.

Commentary.

Black liberal

primarily restricted to

However, the resistance from the vast majority of whites to the more egalitarian approach advocated by affirmative action strategies serves as further evidence that white America in general, is comfortable with defacto segregation patterns as characteristic of the society. Historically, for example, during the civil rights era black activists were instrumental in the ideology of integration being replaced with "Freedom Now" and later "Black Power". Jews felt that blacks were less than grateful for their support as reflected in the growing anti-Semitism of blacks in the 1960s and 1970s. Black Power advocates blatantly attacked Israel and the Zionist movement, supporting the Palestinian position instead.

As a focus of this research, neoconservatives have been prolific in their opposition to the strategies imposed by affirmative action. In addition to their strong convictions, they are strategically located in key positions where their ideas can be heard and read. Contemporary neoconservatives have exercised power rooted in their opposition to a liberal intelligentsia associated with minority rights and expanded government. Of the neoconservatives referenced in this chapter, I specifically focus on Irving Kristol, for his position on equality and general disdain for egalitarian principles; Norman Podhoretz who has been vocal on the subject of blacks in general and on affirmative action strategies; and Nathan Glazer who has been more prolific on the subject of blacks and affirmative action than all of the neoconservatives combined. Selected articles from these writers, and others, are emphasized with particular attention to ones published in Commentary.

Black liberal intellectuals are also a focus of this research. Their views are primarily restricted to publications from The Crisis, a monthly publication of the National

Association for the A

in The Crisis were.

contributions, than t

remains at the forefr

alyzed articles pub

representative of the

Jewish neocon

requiring cease and

stronger enforcement

The different solution

resulted from of their

Following this

of antidiscrimination

of Executive Order 8

administration and o

through the Nixon ad

examines the court

affirmative action stru

history of blacks in

movement in the 196

chapter, but focuses o

The fifth chapter, u

Association for the Advancement of Colored People (NAACP). The articles that appeared in The Crisis were, at best, less confrontational, with the exception of Herbert Hill's contributions, than those presented by neoconservatives. It appears that integration remains at the forefront of the NAACP's ideological focus. Nonetheless, I specifically analyzed articles published in The Crisis, in addition to other published sources, as representative of the liberal black intellectual's perspective.

Jewish neoconservatives argue in favor of returning to affirmative action strategies requiring cease and desist orders, while black liberal intellectuals argue in favor of stronger enforcement of proportional representation strategies in the employment sector. The different solutions offered by both groups, are based on their perspectives, which resulted from of their historical experiences in American society.

Following this chapter, the second chapter examines the origins of antidiscrimination policies, beginning with the Roosevelt administration and issuance of Executive Order 8802, which began on state level before developing states in the administration and origin of the Fair Employment Practices Committee, continuing through the Nixon administration, with the issuance of Order No. 4. Chapter two also examines the court cases that challenged the constitutionality and legality of the affirmative action strategy of proportional representation. The third chapter, examines the history of blacks in the United States, beginning with slavery with the civil rights movement in the 1960s. Chapter four, follows the same analytical format of the previous chapter, but focuses on the historical development of Jews in Americans in this country. The fifth chapter, using information from both Commentary and The Crisis, will

chronologically exam

and black liberal intel

is the concluding cha

The uniqueness

historical developmen

observes, in part, the

and the class antagon

chronologically examine the arguments put forth by Jewish neoconservative intellectuals and black liberal intellectuals in their reactions to proportional representation. Chapter six is the concluding chapter.

The uniqueness of the study is that it not only examines the historical development of perspectives of both neoconservatives and black liberals, it also observes, in part, the process of change related to the historical processes, social dynamics and the class antagonism related to American race relations.

Bonamore, T. B. "S
Journal of Sociolog

Darzig, David. "In

Dorrein, Gary. The
1983.

Edsall, Thomas B. a
and Taxes on Arme

Fleming, Harold. "T
1965:921-948.

Geschwender, James
University Press. 1

Glazer, Nathan. "A
. Behavioral Science

_____ Affirmation
Basic Books, 1975

Glazer, Nathan and
. Rears. Jews, Itali
1970.

_____ "Neg
(December 1964):2

Hamilton, Charles.
Annals of the Amer
18.

Harp, Louis. "Anti-
111.

Hill, Herbert. "The
(September 1977):1

_____ "Is t

Bibliography for Chapter 1

- Bottomore, T. B. "Some Reflections on the Sociology of Knowledge," The British Journal of Sociology 7(1956):52-58.
- Danzig, David. "In Defense of 'Black Power'," Commentary (September 1966): 41-46.
- Dorrein, Gary. The Neoconservative Mind. Philadelphia: Temple University Press, 1993.
- Edsall, Thomas B. and Mary D. Edsall. Chain Reaction. The Impact of Race, Rights, and Taxes on American Politics. New York: W.W. Norton & Company, 1991.
- Fleming, Harold. "The Federal Executive and Civil Rights: 1961-1965," Daedalus (Fall 1965):921-948.
- Geschwender, James A. Class, Race, and Worker Insurgency. Cambridge: Cambridge University Press, 1977.
- Glazer, Nathan. "Affirmative Action as a Remedy for Discrimination," American Behavioral Scientist 6(July/August 1985):829-839.
- Affirmative Discrimination: Ethnic Inequality and Public Policy. New York: Basic Books, 1975.
- Glazer, Nathan and Patrick Moynihan. Beyond the Melting Pot: The Negroes, Puerto Ricans, Jews, Italians, and Irish of New York City. Cambridge: The M.I.T. Press, 1970.
- "Negroes and Jews: The New Challenge to Pluralism," Commentary 6 (December 1964):29-34.
- Hamilton, Charles. "Affirmative Action and the Clash of Experiential Realities," The Annals of the American Academy of Political and Social Science (September 1992):10-18.
- Harap, Louis. "Anti-Negroism Among Jews," The Negro Quarterly (Summer 1942):105-111.
- Hill, Herbert. "The Postponement of Economic Equality," The Black Scholar (September 1977):18-23.
- "Is the Past Prologue? The Law and Employment Discrimination," The

Crisis
(February 1975)

——— "Prefe
(July-August 197

Issacs, Harold R.
1962):487-497.

Kristol, Irving. Re
Inc., 1983.

——— "Thoug
Colin D. Campbell

Mannheim, Karl. Id
New York: Harcou

McGuinness, Kenneth
Reverse Discrimina

McKee, James. Soci
University of Illino

Miller, Loren. Farev
238.

Nathan, Richard. Jo
Promoting Equal C
Brooking Institutio

Pinkney, Alphonso.
Press, 1984.

Pedhoretz, Norman.
(January-February

———
Raab, Earl. "The Bi
1969).

Rose Peter I. "Blami

Crisis

(February 1975):56-61.

----- "Preferential Hiring: Correcting the Demerit System," Social Policy 4
(July/August 1973):96-102.

Issacs, Harold R. "Integration and the Negro Mood," Commentary (December 1962):487-497.

Kristol, Irving. Reflections of a Neoconservative. New York: Basic Books, Inc., 1983.

----- "Thoughts on Equality and Egalitarianism". In Income Distribution. Ed. Colin D. Campbell. Washington, D.C.: American Enterprise Institute, 1977, pp. 35-42.

Mannheim, Karl. Ideology and Utopia: An Introduction to the Sociology of Knowledge. New York: Harcourt, Brace and World, Inc., 1936.

McGuiness, Kenneth C. Preferential Treatment in Employment: Affirmative Action or Reverse Discrimination. Washington, D.C.: Equal Employment Advisory Council, 1977.

McKee, James. Sociology and the Race Problem: The Failure of a Perspective. Urbana: University of Illinois Press, 1993.

Miller, Loren. Farewell to Liberals: a Negro View," The Nation (October 1962):235-238.

Nathan, Richard. Jobs and Civil Rights: The Role of the Federal Government in Promoting Equal Opportunity in Employment and Training. Washington, D.C.: Brookings Institution, 1969

Pinkney, Alphonso. The Myth of Black Progress. Cambridge: Cambridge University Press, 1984.

Podhoretz, Norman. "New Vistas for Neoconservatives," Conservative Digest (January/February 1989).

----- Breaking Ranks. New York: Harper and Row, Publishers, 1979.

Raab, Earl. "The Black Revolution and the Jewish Question," Commentary (January 1969).

Rose Peter I. "Blaming the Jews". Society (September/October 1994):35-40.

Seligman, Daniel.
March 1973. 160

Sahr, Nico and Me
on the Sociology

Samuels, Peter. The
New York: Simon

Turner, Bryan S. E

United States Comm
the Process of D
Publication 70.

United States Exec
Employment (C-)
Archives and Re

Seligman, Daniel. "How 'Equal Opportunity' Turned into Employment Quotas," Fortune (March 1973):160-168.

Stehr, Nico and Meja, Volker (eds.) Society and Knowledge: Contemporary Perspectives on the Sociology of Knowledge.

Steinfels, Peter. The Neoconservatives: The Men who are Changing American's Politics. New York: Simon and Schuster, 1979.

Turner, Bryan S. Equality. London: Tavistock Publications, 1986.

United States Commission on Civil Rights, Affirmative Action in the 1980s: Dismantling the Process of Discrimination. (November 1981) Washington, D.C.: Clearinghouse Publication 70.

United States Executive Order 10925, Establishing the President's Committee on Equal Employment Opportunity. Washington D.C.: Office of Federal Register, National Archives and Records, Kennedy, 1961.

When Frank

generally lacked a

by the vast majority

had served as a vital

Americans. Preside

discriminatory pra

Black leaders were

their overwhelming

by black leaders w

blatantly expressed

society. After Eman

who up until the R

blacks to move int

themselves econom

who had arrived to

Race played a signi

Although many bla

choice in their polit

Chapter 2

Origins of Affirmative Action Policy

When Franklin D. Roosevelt first became president of the United States, he generally lacked a firm platform commitment to the oppressive conditions experienced by the vast majority of black Americans during the period. Although racial discrimination had served as a vital strategy to maintain a system of white domination, like most white Americans, President Roosevelt was unwilling to admit the role of structural discriminatory practices existing in the nation in perpetuating this condition. Black leaders were subsequently skeptical of the white power structure despite their overwhelming support for the Democratic candidate. The fears expressed by black leaders were probably more indicative of the southern Democrats who blatantly expressed sentiments regarding the inherent inferiority of blacks in the society. After Emancipation, blacks traditionally supported the Republican party, who up until the Roosevelt era, showed little, if any, interest in the struggle for blacks to move into the competitive wage system and subsequently establish themselves economically. A pattern traditionally followed by many ethnic groups who had arrived to the United States in large numbers following the Civil War. Race played a significant role in keeping blacks on the periphery of the economy. Although many black leaders were skeptical of President Roosevelt, they had little choice in their political party choice and were hopeful that if President Roosevelt

could pull the co

the fiscal policies

Moreover, there

black skepticism

New Deal policy

white liberal, to t

president of the

president's comm

positions in the

prejudice was the

then government

economic change

would be the fav

social conditions r

from southern pol

liberals did not op

in his analysis of t

this image of the A

capability to advan

a trained and exp

and as incapable c

as a people unab

could pull the country back together again, blacks would ultimately benefit from the fiscal policies promised by Roosevelt during his campaign for the presidency. Moreover, there were two factors working in favor of the president to challenge black skepticism: the appointment of white liberals in his administration and the New Deal policy. President Roosevelt appointed Harold Ickes, a well known white liberal, to the position of Secretary of the Interior. He had once served as president of the NAACP in Chicago, which expressed, to some blacks, the president's commitment to their welfare. White liberals appointed to official positions in the Roosevelt administration operated on the assumption that if prejudice was the cause of the poor economic conditions experienced by blacks, then government intervention would be the desired mechanism to advance economic change. According to liberal philosophy, government intervention would be the favored source of change since racial antagonism resulted from social conditions remediable through social change. Afraid of political reprisals from southern politicians, who were traditionally avowed segregationists, white liberals did not openly support integration. As James B. McKee (1993) explained, in his analysis of the sociology of race relations, "there was a logical extension of this image of the American black: a people so culturally inferior would lack the capability to advance their own interests by rational action. Viewed as lacking a trained and experienced leadership, as still ignorant and mostly uneducated, and as incapable of participating in the political process, blacks were portrayed as a people unable on their own to effect changes in race relations and thus

dependent on wh

McKee (190

in the political

Dealers in Washi

But a small
Eleanor Ro
policies tha
emphasized
both blacks
for blacks;
force of rac
benefit bla
hostility we
and the ed
optimism th
reformer's i
extended to

While most black

DuBois, were guar

One of the r
Harold Icke
aspirations
Chicago br
administrat
ever inaugu

Dr. DuBois, like oth

aimed at removing

experiencing. W.H.

National Recovery

Georgia, as direct

Mr. Foreman,

dependent on white leadership; race was still the 'white man's burden'" (p. 8).

Mckee (1993) further explained that despite the integration of black voters in the political coalition supporting the Roosevelt administration, few New Dealers in Washington had much interest in the race issue:

But a small group within the administration, supported strongly by Eleanor Roosevelt and Harold Ickes, worked to influence those policies that most affected blacks. In working out their ideas, they emphasized three points: the need for economic reform from which both blacks and whites would benefit; the importance of education for blacks; and the need to educate whites in order to lessen the force of racial prejudice. The belief that economic reform would benefit blacks along with whites and that prejudice and racial hostility would decline as a consequence of both economic recovery and the education of both races provided a basis for a liberal optimism that was to carry over into the 1950s. At last the liberal reformer's interest in solving America's social problems had been extended to the issue of race (pp. 256-257).

While most blacks favored the rhetoric presented by Ickes, others, like W.E. B. DuBois, were guardedly optimistic.

One of the most liberal members of President Roosevelt's cabinet is Harold Ickes. His sympathy with the colored people and their aspirations is proven by the fact that he was once an officer of the Chicago branch of the NAACP. It is admitted that his administration of the Department of the Interior is one of the best ever inaugurated in recent times (1933:237).

Dr. DuBois, like other critical black thinkers of the decade, was seeking legislation aimed at removing the economic and social disadvantages blacks were generally experiencing. W.E.B. DuBois (1933) subsequently criticized Ickes when his first National Recovery Act appointment was Clark Foreman, a white liberal from Georgia, as director of the Office of the Adviser of Negro Affairs.

Mr. Foreman does not understand the difficulties of American Negroes,

and it is an
friends. should
by one who
by a person

Clark Foreman subse

on "Negro Affairs"

problems of black A

appointment of black

1939, for example,

advisers. Other

responsible for black

the exception of Elec

most direct personal

evolved, as some di

Americans, and as N

was a change in whi

Yet in the ear

rights and

contributions

Whatever the

assumed an e

within the ac

white reforms

thought and a

In June, 1933, Congr

economy would be st

products.

and it is an outrage that we again, through the efforts of some of our best friends, should be compelled to have our wants and aspirations interpreted by one who does not know them and our ideals and ambitions expressed by a person who cannot understand them (p. 237).

Clark Foreman subsequently hired Robert C. Weaver, a black economist, who as adviser on "Negro Affairs" established the interdepartmental group concerned with the special problems of black Americans, to serve as his assistant and black adviser. Actually, the appointment of black advisers became a widely accepted practice during the 1930's. By 1939, for example, there were only a few federal departments that did not have black advisers. Other liberals, including Eleanor Roosevelt, Ickes and Foreman were responsible for black participation in the policies implemented by the New Deal. With the exception of Eleanor Roosevelt, however, Harold Ickes was the New Dealer with the most direct personal tie to blacks. As John B. Kirby (1980) contended, as the New Deal evolved, as some difficulties emerged in the relationship of the welfare state to black Americans, and as Negroes exerted their own pressure on the federal government, there was a change in white liberal attitudes:

Yet in the early 1930's, with little national liberal or left agitation for civil rights and a social climate still hostile to race opportunity, the contributions of interracialists like... Foreman and Ickes were crucial. Whatever their faults, they struggled to bring the New Deal to blacks; who assumed an early responsibility in this area, established a racial posture within the administration for others to follow an attitude that black and white reformers outside the government had to acknowledge in their own thought and activity (p. 17).

In June, 1933, Congress enacted the National Industrial Recovery Act, declaring that the economy would be stimulated by increasing the consumption of industrial and agricultural products.

The aim of the
at wages substantial
divided into two sections
Recovery, proclaimed
for the purpose of
Works and Construction
Administration (PWCA)
goals: to stimulate
employ the unemployed

One aspect of
black construction
Great Depression
workers had
composed a large
Civil War which
made up a large
construction work
the construction
work force since
percent of the
seventeen.
occupations in
crafts, construction
any industry
(1975:38).

The National Recovery
organizing a system
function of the agency
The agency's plan was
wages. This proposal

The aim of the National Industrial Recovery Act, was to put people back to work at wages substantial enough to allow for an adequate standard of living. The Act was divided into two separate sections: Title I and Title II. Title I of the Act of Industrial Recovery, proclaimed the intent of the Congress to promote the organization of industry for the purpose of cooperative action among trade groups. Title II of the Act of Public Works and Construction Projects, called for the establishment of a Public Works Administration (PWA). According to Marc W. Kruman (1975), the PWA had two major goals: to stimulate the economy by providing money for public construction and to employ the unemployed:

One aspect of those goals involved the PWA's attempt to secure jobs for black construction workers. From the mid-nineteenth century until the Great Depression the economic situation of southern black construction workers had deteriorated. In the antebellum South blacks, slave and free, composed a large proportion of the section's building craftsmen. After the Civil War white workers began to displace them until, by 1890, whites made up a majority of the skilled workers. The position of black construction workers declined further in the next four decades. Although the construction industry expanded, the proportion of blacks in the skilled work force steadily fell. In 1890 blacks constituted about twenty-five percent of the South's carpenters; by 1930 the percentage had dropped to seventeen. Furthermore, blacks were barred from newer skilled occupations like electrical work. Despite the decline of blacks in skilled crafts, construction as late as 1930 provided blacks with more jobs than any industry in the South except agriculture and domestic service (1975:38).

The National Recovery Administration (NRA) was to assume the responsibility for organizing a system of industrial self-government under government supervision. The function of the agency was to bring back prosperity to industry and the industrial worker. The agency's plan was to increase the buying power of workers in industry by increasing wages. This proposed scheme was based on the assumption that a surplus would be

created by reducing
distributing the other
primary responsibility
of labor and to get
government.

A number of
the new reforms w
population as a whole
improving the econo
prove to be indiffe
unfairness. Blacks w
Employers violated
done to correct both
who had been displac
the summer of 1933
was needed to advoc
program and to pres

On September
described, "was urge
to district and cons
tolerated on PWA pr
in October, 1932. b

created by reducing the number of hours worked by employed industrial wage earners and distributing the other hours out to unemployed men and women. The NRA had several primary responsibilities: to eliminate unfair competition practices, to improve standards of labor and to generally rehabilitate industry under the direction of the federal government.

A number of blacks were opposed to the NRA on the grounds that the new reforms would actually ameliorate the perilous condition of the American population as a whole. This condition could ultimately result in little, if any progress, in improving the economic position of black Americans. Moreover, the Recovery phase did prove to be indifferent to blacks because of discriminatory practices and general unfairness. Blacks were excluded from the benefits of increased wages and shorter hours. Employers violated the codes established by the NRA, and little, if anything, was being done to correct both situations. The so called black jobs were invaded by white workers who had been displaced from better jobs. According to Raymond Wolters (1970), "during the summer of 1933 it became increasingly clear that a Washington-based organization was needed to advocate integration of Negroes into all phases of the national recovery program and to present effectively the Negroes' complaint against NRA" (p.110).

On September 14, 1933 Secretary Ickes, as Robert Weaver (1936) described, "was urged by a representative of a national black organization to make it clear to district and construction engineers, and contractors, that discrimination is not to be tolerated on PWA projects. A communication conveying the point of view was sent out in October, 1932, by the then Secretary of Treasury, and was instrumental in breaking

down of the prejudice

to state engineers

discrimination exer

became a part of e

further prohibited d

that was to be inc

employers. In pract

long to discover that

colored artisans wer

obvious abuse, but

discrimination had be

defined, construction

to mean. Employers

were few if any inc

evident that a non-d

be achieved and mor

In 1934, Icke

effective measure to

projects. Since the

low-rent housing, it

(1975) explained, "th

on government fundin

down of the prejudice that existed" (p. 295). On September 21, 1933, an order was sent to state engineers of the PWA by Secretary Ickes which stated that "there be no discrimination exercised against any person because of color or religious affiliation, became a part of every PWA construction contract" (Weaver, 1936:295). The order further prohibited discrimination on PWA projects by drafting a nondiscrimination clause that was to be incorporated into PWA-sponsored construction contracts to private employers. In practice, however, as Robert Weaver (1946) noted, "it did not take them long to discover that when discrimination was clearly apparent, as in instances where no colored artisans were employed, the hiring of a few skilled Negroes would correct the obvious abuse, but there was no criterion which could be used to indicate when discrimination had been abolished" (1946:11). Since discrimination was not operationally defined, construction firms interpreted "no discrimination" to mean what they wanted it to mean. Employers were less than enthusiastic with nondiscrimination policies, for there were few if any incentives to encourage the proposed change. Thus, it became fairly evident that a non-discrimination clause was no guarantee that the desired results would be achieved and more subjective measures would have to be implemented.

In 1934, Ickes, urged by black organizations, devised a quota program as a more effective measure to guarantee the employment of skilled black labor on public works projects. Since the PWA had established the Housing Division in 1933, to construct a low-rent housing, it was deemed a perfect device to employ blacks. As Marc Kruman (1975) explained, "the depression also led the construction industry to rely increasingly on government funding. Private spending fell drastically, while publicly-financed building

and public loan

assumed a large

influence the his

percentage, based

discriminatory pr

percentage of the

assumption that ca

for the entire leng

percentage of the

discriminatory pra

application of its g

on the superstructur

payroll equal one-ha

work force, as repor

Labor statistics of t

Weaver (1936) argu

In determini

connection w

Negroes in r

the availabili

It was important to

minimum percentag

blacks that had bee

Enormous re

and public loans for private construction filled some of the gap. As the government assumed a large role in the funding of construction work, it attained the power to influence the hiring practices of contractors" (p. 39). The quota plan utilized a fixed percentage, based on the use of the 1930 occupational census, as prima facie evidence of discriminatory practices in employment. Black workers were to receive a minimum percentage of the project contractor's payroll. The quota plan was based on the assumption that calculation of that percentage would force a contractor to employ blacks for the entire length of the contract. The failure to pay skilled black workers a minimum percentage of the payroll based on the occupational census, was used as evidence of discriminatory practices. As Marc Kruman (1975) asserted, "at first the PWA limited application of its general guidelines to a city's skilled workers and to labor employment on the superstructure of buildings. The PWA required that the minimum percentage of the payroll equal one-half of the percentage of skilled black workers in the city's construction work force, as reported in the 1930 occupational census" (p. 41). Jointly the Bureau of Labor statistics of the Department of Labor and Adviser on Negro Affairs, as Robert Weaver (1936) argued, were to set guidelines and specific percentages:

In determining percentages there were two factors to be considered in connection with the census data: (1) the distribution between skills among Negroes in relation to the need for various crafts on the projects, and (2) the availability of Negro skilled workers (1936:297).

It was important to see that competent black artisans were available for selection. The minimum percentage clause became a vehicle to retain past occupational advances for blacks that had been reclaimed by white workers during the depression.

Enormous resistance came from labor unions who persistently

questioned the ability

As Kruman (1975)

black mechanics. and

mechanics in place

Weaver (1936), con

percentage clause.

In many loc

electricians.

are automatic

in accordance

Public Work

have to be m

The federal governm

of funds unless the

black workers were

the Bureau of labor

First, the PW

blacks. Seco

minimum pe

competent b

The Urban League

modified quota syste

Federal officials did

They recogn

program cou

could not ex

program. As

unions that

Consequently

questioned the ability of black workers to adequately perform tasks required for the jobs. As Kruman (1975) indicated, "white unionists complained about incompetence among black mechanics, and charged that PWA policies would result in hiring unqualified mechanics in place of competent union men" (p. 42). Thus, whites, according to Robert Weaver (1936), continued to discriminate against blacks in spite of the minimum percentage clause.

In many localities there are license requirements for plumbers and electricians. Often Negroes are not permitted to qualify for such work and are automatically eliminated from employment. Since these regulations are in accordance with municipal laws and administration, there is nothing the Public Works Administration can do to change them. The fight here will have to be made in the cities where the conditions exist (p. 298).

The federal government, however, fought back in threatening to refuse further allocation of funds unless the unions were willing to guarantee that a minimum number of skilled black workers were hired on PWA projects. Kruman (1975) suggested that the PWA and the Bureau of Labor Statistics subsequently revised their requirements for the contractors:

First, the PWA promised employment opportunities only for qualified blacks. Second, the agreements often included clauses in which the overall minimum percentages would be lowered if an insufficient number of competent blacks could be found in a particular craft (p. 43)

The Urban League supported the Plan as federal officials proceeded to implement a modified quota system for the protection of black workers in the skilled trades and crafts.

Federal officials did, however, recognize several problems associated with the plan:

They recognized that trade unionists and contractors who opposed the program could find many reasons for dragging their feet; and yet they could not expect assistance even from the contractors who supported the program. After all enthusiastic support of the agreement could alienate unions that a contractor would have to work with in the future. Consequently the PWA found it necessary to keep track of hiring practices

through the
Division (K-7)

In 1936, pro

efforts by complain

to block any chan

discovered that disc

PWA could have d

contract, it only cho

and contractors to c

there was little, if

continue. Overall, t

federal government

Unfortunately, the v

government itself, v

to its demise. Rob

minimum percentag

I am convin

instance the

direction of s

Here is a pro

completed--a

-but it sets u

If the contra

disproved--th

Government

contractor's

(1936:298).

Discrimination con

through the monthly reports on project payrolls filed by its Inspection Division (Kruman, 1975:46).

In 1936, problems arose when companies began to resist the quota efforts by complaining that competent blacks were unavailable, which assisted their efforts to block any chances for the quota plan to succeed. Meanwhile, federal officials discovered that discriminatory practices persisted in the construction trade. Although, the PWA could have discontinued funding or taken the contractor to court for breach of contract, it only chose to threaten the use of sanctions and frequently pled with the unions and contractors to carry out the agreement in good faith. Once the projects were over, there was little, if any, guarantee that past discriminatory practices would no longer continue. Overall, however, the program demonstrated a willingness on the behalf of the federal government to use its power to ensure some protection for black labor. Unfortunately, the vast majority of employers were, including managers within the federal government itself, were unwilling to participate in the quota plan, which eventually led to its demise. Robert Weaver, one of the originators of the experiment still found the minimum percentage plan to be a workable solution:

I am convinced that it is a workable solution to a difficult problem. In this instance the Federal Government has done more than make a gesture in the direction of effectively preventing discrimination against colored workers. Here is a program which does not correct an abuse after the project was completed--as is usually the case when Negroes' rights are being protected--but it sets up a criterion which is prima facie evidence of discrimination. If the contractor does not live up to this requirement, it's accepted--until disproved--that he is discriminating against colored workers. Instead of the Government's having to establish the existence of discrimination, it is the contractor's obligation to establish the absence of discrimination (1936:298).

Discrimination continued to persist for blacks, aliens, Jews and first generation

Americans. Attem

absorbed in the def

In the impor

tank and armament

evidence to indicate

principle blame for

(1948) contended th

of their way to s

membership or t

Discrimination also

Deal liberalism had

Since black labor w

officials were awar

unions to hire black

of the black vote t

agencies and exclu

In 1940, the

first coordinating c

eliminate discrimin

programs. The ND

to incorporate black

(1946), "the Unite

Americans. Attempts were made to determine if the black man could actually be absorbed in the defense industry.

In the important industries associated with defense like aircraft, tank and armament manufacturing, shell ladling, machine tools and shop, there was little evidence to indicate that employers were hiring blacks. Management and unions bore the principle blame for the under-utilization of blacks in the industry. Louis Kesselman (1948) contended that the American Federation and the Railroad Brotherhood, "went out of their way to safeguard 'lily-white' trade unionism by excluding Negroes from membership or by relegating them to segregated auxiliary status" (1948:9). Discrimination also persisted in government agencies, making it clear to blacks that New Deal liberalism had proven to be politically ineffective in altering their circumstances. Since black labor was demanding a proportionate share in the defense programs, federal officials were aware that federal intervention was necessary to compel employers and unions to hire blacks. In the 1940 election, President Roosevelt lost a significant portion of the black vote because the administration had discriminated in some of the relief agencies and excluded blacks from defense employment.

In 1940, the National Defense Advisory Committee (NDAC), the first coordinating defense agency of the World War period, took the initial steps to eliminate discrimination against black workers in both industry and industrial training programs. The NDAC selected Robert Weaver to spearhead its labor division's efforts to incorporate blacks in the defense program. Shortly, thereafter, asserted Robert Weaver (1946), "the United States Office of Education announced that there should be no

discrimination on

vocational training

should not be disc

insisted on an an

training passed in

federal policy for

work:

Earlier exp

illustrated

they are

projects, the

translated

Some time later,

assume responsib

industries. Typic

Roosevelt admini

was less than effe

The prove

resulted in the est

assume responsib

In respons

Hillman, c

letter to a

employment

these polic

competent

A few contract h

discrimination on account of race, creed, or color in the expenditure of federal funds for vocational training. This was followed by a statement that workers in defense industries should not be discriminated against because of age, sex, race or color. And Congress insisted on an ambiguous nondiscrimination clause in the appropriation for defense training passed in October, 1940" (p. 131). Management paid little attention to the federal policy for the labor supply and even less to the nondiscrimination effort in defense work:

Earlier experience with federally financed public construction programs illustrated graphically that non-discrimination statements mean little unless they are implemented. And, with the exception of some construction projects, there are few instances where the commission's policies were translated into action (Weaver, 1946:131).

Some time later, the Labor Division secured an agreement with the CIO and AFL to assume responsibility for removing barriers established against blacks in defense industries. Typical of the vast majority of agreements previously established by the Roosevelt administration, the agreement between the labor Division and CIO and AFL was less than effective because the negotiating agency lacked enforcement powers.

The proven inadequacy of the National Defense Advisory Commission resulted in the establishment of the Office of Production Management (OPM) in 1941 to assume responsibility for labor supply:

In response to great pressure from Negroes and the liberal press, Sidney Hillman, co-director and head of the Labor Division of OPM, issued a letter to all holders of defense contracts urging them to "examine their employment and training policies at once to determine whether or not these policies make ample provision for full utilization of available and competent Negro workers (1946:132).

A few contract holders acknowledged the appeal, and began to expand their supply of

black labor, but m

cities where blacks

secure hearings with

Louis Kesselman (

both locals of the

Education, abuses

Local USE

skilled Neg

the theory

specification

imported w

abuses were

Many blacks con

organizations spons

In 1941, the

viewed the march a

symbolized the beg

1960's" (pp. 170-7

head of the Brother

rights movement i

political and econo

government. Louis

inclusion of black

The MOW

action whic

the attainme

black labor, but most contractors continued their traditional exclusionary practices. In cities where blacks were highly concentrated and politically powerful, they were able to secure hearings with officials which relaxed many of the blatant discriminatory practices. Louis Kesselman (1948) suggested that although the federal government sent orders to both locals of the United States Employment Service and the United States Office of Education, abuses nonetheless continued:

Local USES officials ignored orders coming from the Washington office; skilled Negro workers were encouraged to register for unskilled jobs on the theory that they could not be placed in the higher skills; 'white' specifications were accepted without challenge; white workers were imported while qualified Negroes were locally available. These and other abuses were commonplace in the employment services (p. 12).

Many blacks continued to protest the government sponsored practices as more organizations sponsored conferences aimed at drawing the nation's attention to the issue.

In 1941, the March on Washington Movement (MOWM) surfaced. Kirby (1980) viewed the march as "representing 'something different in black protest,' something that symbolized the beginning of the 'Negro revolution' that emerged in the late 1950's and 1960's" (pp. 170-71). The MOWM was headed by A. Philip Randolph, who was also head of the Brotherhood of Sleeping Car Porters and a powerful black leader of the civil rights movement in the 1930s and 1940s. The movement was an attempt to achieve political and economic reform in segregated economic sectors controlled by the federal government. Louis Kesselman (1948) indicated that black activists were insisting on the inclusion of black workers in more skilled jobs:

The MOWM embodied Randolph's theories of mass nonviolent direct action which was, in reality, an interpretation of the picket line of labor for the attainment of political objectives. The general plan was to stage large

mass meet:
elimination
industries.
respond, a
name of th

The movement de

on grassroots org.

for blacks to strug

July 1, 1941, and

ten thousand to fi

blacks in a mas

administration tr

position. Preside

by foreign critics.

and prestige of th

were placed on the

lady of the United

A confere:
La Guard
Randolph
the Amster
that the m
Negroes in
the march.
the Negro
18).

President Roose

remained at arm

mass meetings in major cities in the hope of forcing national action on the elimination of discrimination in the armed services, government, war industries, and labor unions. In the event of the government's failure to respond, a giant march on the nation's capital was contemplated--hence the name of the movement (p. 13)

The movement deliberately excluded the participation of white liberals and relied instead on grassroots organizing, fostered solely on black support, black idealism, and the will for blacks to struggle against racial discrimination in employment. A date was set for July 1, 1941, and the number of blacks who were to participate in the march grew from ten thousand to fifty thousand; to many government officials, the prospect of 50,000 blacks in a mass demonstration was most uncomfortable. Representatives of the administration tried to cancel the march but black leaders would not relinquish their position. President Roosevelt was concerned that such a march would have been noted by foreign critics, making them aware of the contradictions inherent in the domestic unity and prestige of the country. Thus, as Ruchames (1953) suggested, stronger pressures were placed on the MOWM leaders to cancel the march, including pressures from the first lady of the United States, Eleanor Roosevelt.

A conference took place at the New York City Hall, in the office of Mayor La Guardia, in which Aubrey Williams, Mrs. Roosevelt, A. Philip Randolph and Walter White participated. According to the story carried by the Amsterdam News, La Guardia, Mrs. Roosevelt and Williams requested that the march be called off while plans were made to secure jobs for Negroes in national defense. Mrs. Roosevelt reiterated her opposition to the march, but affirmed her belief in the need for definite action to help the Negro and assured the group that she would inform the President (p. 18).

President Roosevelt was never in agreement with the proposed march and initially remained at arm's length from the March-on-Washington Committee. The president

eventually invited

merits of the mar

would do more ha

of a board to rec

against in the defe

indicated, in a me

support of his offi

Our gover

American

in opening

regardless

organized

much-need

groups in

Black leaders we

machinery for di

Roosevelt ignore

against lynching.

however, he imp

in employment.

Presidential Ex

On June

Executive order

history of this co

eventually invited the members of the Committee to the White House to discuss the merits of the march. Roosevelt believed that the march was "bad and unintelligent", and would do more harm than good. The president eventually agreed to consider the creation of a board to receive and investigate complaints of persons who were discriminated against in the defense industry. The president on June 12, 1941, as Robert Weaver (1946) indicated, in a memorandum addressed to Messrs. Knudsen and Hillman, placed the full support of his office behind the Hillman letters to defense contractors:

Our government cannot countenance continued discrimination against American citizens in defense production. Industry must take the initiative in opening the doors of employment to all loyal and qualified workers regardless of race, creed, color or national origin. American workers, both organized and unorganized, must be prepared to welcome the general and much-needed employment of fellow workers of all racial and nationality groups in defense industries (pp. 134-35).

Black leaders were less than satisfied with the president's proposals and insisted upon machinery for direct action. It was not well known that until this time, President Roosevelt ignored the problem of racial discrimination and only made mild protests against lynching. Because of President Roosevelt's reluctance for the march to take place, however, he implemented a presidential executive order aimed at discriminatory practices in employment.

Presidential Executive Order 8802

On June 25, 1941, six months prior to Pearl Harbor, President Roosevelt issued Executive order 8802, which was considered one of the most important efforts in the history of this country to eliminate discrimination in employment by use of government

authority. This wa

employment, howe

and discrimination

patterned after the

the following:

I do hereby
discriminat
government
hereby dec
in furtheran
equitable
discriminat
department
vocational
measures a
contracting
negotiated
(1941-957)

The executive ord

defense program f

include a covenan

or national origin

practices for de

employment. E

Committee (FEP)

Production Manag

OPM was establis

policies.)

authority. This was not the first attempt at addressing the problem of discrimination in employment, however, for states like New York had led the way in implementing antidiscrimination policies. It has been argued that the national policies were actually patterned after the policies implemented by various states. Nonetheless, the order stated the following:

I do hereby affirm the policy of the United States that there shall be no discrimination in the employment of workers in defense industries or government because of race, creed, color, or national origin, and I do hereby declare that it is the duty of employers and of labor organizations, in furtherance of said policy and of this order, to provide for the full and equitable participation of all workers in defense industries, without discrimination because of race, creed, color or national origin. Various departments and agencies of the federal government concerned with vocational and training programs for defense production shall take special measures appropriate to assure that programs are without discrimination; contracting agencies of the government shall include in contracts hereafter negotiated by them a provision obligating the contractor not to discriminate (1941:957).

The executive order reaffirmed a policy of full participation of the government in the defense program for all Americans. Executive Order 8802 required that defense contracts include a covenant not to discriminate against any worker on account of race, color, creed or national origin. Fundamental to the order was the emphasis on nondiscrimination practices for defense contractors who blatantly discriminated against blacks in employment. Executive Order 8802 also established Fair Employment Practices Committee (FEPC), as a wartime relief effort, to be affiliated with the Office of Production Management (OPM). (As a response to both black and white liberals, the OPM was established in 1941 to examine defense contractors employment and training policies.)

FEPC was
president in July
chairman. The Co
newspaper world
outstanding black
representatives of
investigating com
was also to reco
additional measu
Committee's juris
vocational and tra
in informal neg
compliance with
widespread discr
issued instructing
order. Since judi
in its powers to
cease and desist
and regulatory ag
cancellations of
could, ultimately
mission, the Com

FEPC was composed of a chairman and four members to be appointed by the president; in July, 1941, the Committee was increased to six members including the chairman. The Committee was composed of one representative of both the South and the newspaper world, a leading Jewish citizen, a prominent member of industry, two outstanding blacks--a well known lawyer and an labor leader--and two more prominent representatives of American labor. The Committee's role involved receiving and investigating complaints of discrimination in violation of Executive Order 8802. FEPC was also to recommend to the president and other departments and agencies any additional measures that could be used to make the order more effective. The Committee's jurisdiction was limited to industries under government contract and with vocational and training programs. The substance of the Committee's work was to engage in informal negotiations, with parties covered by the order, to secure voluntary compliance with the non-discrimination principle and to hold hearings in areas where widespread discrimination was reported. When employment bias was found, orders were issued instructing the party charged to take specific steps to comply with the President's order. Since judicial enforcement was not available, the Committee was severely limited in its powers to bring sanctions to bear if the offending party refused to comply with cease and desist orders. FEPC officials could only call upon national war contracting and regulatory agencies to punish the violator by various intermediate sanctions, such as cancellations of government contracts or denial of manpower and material priorities, or could, ultimately, refer the case to the President for final disposition. In fulfilling its mission, the Committee had to rely on the cooperation of state governments throughout

the country; howe

In 1941, t

established regional

and functioned to

Robert Weaver (1941)

Minority Groups

Committee, and f

regional Supply C

creation of the ord

cancel the propos

enthusiastic about

Executive Order 8

throughout the co

Moreover, even g

The FEPC subsequ

of its importance

Ruchames (1953)

First, few

the comm

\$80,000 for

for the set

investigati

The FEPC decide

in certain selecte

the country; however, some were more cooperative than others.

In 1941, the Labor Division of the Office of Production Management had established regional offices throughout the country. Regional committees were established and functioned to coordinate the specified task administered to the federal agencies. As Robert Weaver (1946) contended, "the chiefs of Negro Employment and Training and the Minority Groups Branches were among the twelve officials of the federal Labor Supply Committee, and field representatives of the branches served in a similar capacity on the regional Supply Committee" (p. 135). While a number of blacks were pleased with the creation of the order, others felt that the order was implemented only as a mechanism to cancel the proposed "March on Washington Movement". Although the black press was enthusiastic about the order, the white press almost entirely neglected the impact of Executive Order 8802. Ruchames (1953) suggested that only a "handful of newspapers throughout the country treated it in the manner warranted by its importance" (p. 23). Moreover, even government officials were fairly obvious in their disregard for the order. The FEPC subsequently had the dubious task of not only convincing private employers of its importance but employers of the federal government as well. According to Ruchames (1953) two problems confronted the Committee at its conception:

First, few people knew of the issuance of the order or of the existence of the committee. Secondly, the committee's budget amounted to only \$80,000 for the first year of operation -an amount insufficient to provide for the setting up of regional office throughout the country and personal investigation by field representatives of all incoming complaints (1948:27).

The FEPC decided to hold public hearings throughout the country. The hearings followed in certain selected cities, Los Angeles, Chicago, and New York where there were notable

instances of discrimination

dramatic evidence of

government service

gave way, and black

numbers. By November

were in clerical and

employees were

significant number

agencies, despite the

orders against discrimination

The Fair Employment

of the southern leaders

the Committee. Later

still attempted to do

(1946), "received from

Order 8802 and did

of these communications

perhaps, the most

a loss of prestige

southern branch of

war agencies were

1942, after the hearing

instances of discriminatory practices. Robert Weaver (1946) pointed out that "there was dramatic evidence that Executive Order 8802 was effective in increasing participation in government service. In agency after agency, the old barriers to black clerical workers gave way, and black women, in particular were entering the government in increasing numbers. By November, 1942, about 17 per cent of the federal workers in Washington were in clerical and professional capacities were Negroes, and almost half of the colored employees were in clerical and professional capacities" (p. 137). Nonetheless, a significant number of all complaints filed with FEPC officials involved government agencies, despite the fact that heads of government agencies usually issued unequivocal orders against discrimination within their jurisdiction.

The Fair Employment Practices Committee attempted to avoid contact with some of the southern leaders by focusing its effort on activities which could corral support for the Committee. Lacking staff enough to carefully investigate discrimination cases, FEPC still attempted to do its own field work. Many employers, as Robert Weaver explained (1946), "received formal letters from the FEPC, charging them with violation of Executive Order 8802 and directing them to cease and desist from such action in the future; some of these communications were issued without any prior detailed investigation. This was, perhaps, the most serious administrative error that the committee made, and it resulted in a loss of prestige for FEPC both inside and outside of government" (pp. 138-139). The southern branch of the President's administration resented the Committee, and many big war agencies were either apathetic or considered it a necessary nuisance. In January, 1942, after the hearings in Birmingham, Alabama, the Office to Production Management

was eliminated and

charged with the re

same year, as a re

Mazpower Commi

In support

aggravated by the

government. Black

Committee part of

Philip Randolph th

the government's

(1948) indicated th

Churches of Chris

Advancement of C

Welfare Conferen

22). Various con

decision on the FI

black leaders, whi

Committee to its c

May 27, 1943. Pre

President's Commi

(1970). "Roosevel

Negroes demonstr

was eliminated and the FEPC was shifted over to the War Manpower Board, which was charged with the responsibility for supplying labor needs to the war effort. In July of the same year, as a result of southern political pressures, the FEPC became part of the War Manpower Commission, while still retaining its organizational entity.

In support of Democratic southerners, many northern federal officials were aggravated by the demands of the FEPC to end discriminatory practices in the federal government. Black leaders and organizations were outraged with the move of making the Committee part of the War Manpower Commission. Enormous protests erupted as A. Philip Randolph threatened another March on Washington. Meetings were held protesting the government's failure to back up the antidiscrimination program. Louis Kesselman (1948) indicated that "among the more vocal groups were the Federation Council of the Churches of Christ in America, National Urban League, National Association for the Advancement of Colored People, March on Washington Movement, National Catholic Welfare Conference, CIO, National Lawyers Guild and many Jewish Organizations" (p. 22). Various conferences were arranged to discuss the significance of the president's decision on the FEPC. On February 28, a meeting was scheduled with the president and black leaders, which resulted in the adoption of a program calling for restoration of the Committee to its original independent status in the Executive Office of the President. On May 27, 1943, President Roosevelt issued Executive Order 9346 establishing the second President's Committee on Fair Employment Practices. According to William C. Berman (1970), "Roosevelt's issuance of Executive Order No. 9346 had a twofold significance: Negroes demonstrated that they could function as an effective pressure group; and the

government gave

production" (p. 6)

Executive (

refrain from discrimin

all government coo

over the contract

make findings of

Commission meas

in the complaints

was the situation

pursuing allegation

including influen

least desirable pos

as brakemen, flag

by white workers

railroad, in its ar

practices.

In the su

occurring throug

Roosevelt had to

were discouraged

discrimination pol

government gave notice to the country that Negro labor would be utilized in defense production" (p. 6).

Executive Order 9346 required that both federal agencies and private employers refrain from discriminatory practices. Nondiscrimination clauses were to be included in all government contracts and FEPC was given the authority to take more direct action over the contractors. The new FEPC was given the explicit right to conduct hearings, make findings of fact, and recommend to the chairman of the War Manpower Commission measures to be used in eliminating discrimination. Positive action was taken in the complaints of black workers against the West coast shipyards, but more important was the situation with the railroads. The Committee faced its most difficult task in pursuing allegations of discrimination against the twenty-three railroads and their unions, including influential southern forces. The railroads had been accused of eliminating the least desirable position of black firemen and discriminating in the hiring of blacks in jobs as brakemen, flagmen, and yardmen, positions which were more commonly sought after by white workers. Although such practices were never sanctioned by the new FEPC, the railroad, in its attempts to make a mockery of the committee, voluntarily admitted to the practices.

In the summer of 1943, there was a wave of race riots and industrial strikes occurring throughout the country. The worst riot was in Detroit where President Roosevelt had to call in the national troops to restore order. Meanwhile, black leaders were discouraged with the administration's ability to follow through on its anti-discrimination policy. There were complaints of discrimination in the armed forces and

white workers, es

showed imitation w

further complicate

States. Lindsay C.

for contracting ag

awarded:

Warren rep

for the Offi

discriminat

a contract i

served by i

procured fr

President's

contractors

form their c

negotiated

This ruling could b

committee itself. A

the administration

substance by coun

nondiscriminatory

railroads and un

Executive Order 9

and effectiveness

obey the orders ha

passive attempts at

will perceived it as

white workers, especially migrants from the southern to northern industrial centers, showed irritation when blacks began to penetrate into jobs previously closed to them. To further complicate matters, in October, 1943, the Comptroller General of the United States, Lindsay C. Warren, ruled that Executive Order 9346 did not make it mandatory for contracting agencies to incorporate a nondiscrimination clause in each contract awarded:

Warren replied in a letter addressed to James F. Byrnes, the liaison officer for the Office for Emergency Management, that the inclusion of the anti-discrimination clause was not mandatory. If the contractor refused to sign a contract including such a clause 'no useful purpose could possibly be served' by insisting upon it, "especially if the desired service could not be procured from any other source.' The ruling would have reduced the President's committee to complete impotence by permitting defense contractors, if sufficiently determined, to omit nondiscrimination clauses from their contracts. According to one report, contracts had already been negotiated with the clause omitted (Ruchames, 1953:65).

This ruling could have destroyed the limited powers of the FEPC, notwithstanding the committee itself. Again, protests poured into the White House from black leaders citing the administration's involvement in the ruling. President Roosevelt gave the order more substance by countermanding the Comptroller-General's ruling in stating that a mandatory nondiscriminatory clause should be incorporated into all government contracts. The railroads and unions took advantage of the lack of judicial enforcement powers of Executive Order 9356, by ignoring the Committee's orders, which endangered its prestige and effectiveness in future cases. The powerful railroad brotherhood blatantly refused to obey the orders handed down by the FEPC. Although FEPC officials only imposed passive attempts at addressing discriminatory employment practices, southern Democrats still perceived it as an unwarranted nuisance. Moreover, a number of liberals responsible

for the New Deal

the relative gains

In February

U. S. Representa

Executive Agen

authority. In a ca

the Smith Comm

discrimination, and

The Smith Comm

direct labor union

had in fact gone b

Smith Committee

actions, powerful

prestige. While t

important threat t

of Georgia, a me

important subcom

appropriation wo

than one year. Th

appropriated to H

appropriation for

(1953), would the

for the New Deal reforms aimed at blacks, developed enemies powerful enough to destroy the relative gains made by the Committee.

In February of 1944, FEPC was investigated by the Smith Committee, headed by U. S. Representative Howard W. Smith. This was a special committee to investigate Executive Agencies for allegedly giving directions that went beyond the scope of its authority. In a case involving the Boilermakers Union on the West Coast, for example, the Smith Committee submitted a report which, in addition to describing the extent of discrimination, analyzed Executive Order 9346 and the scope of the FEPC's jurisdiction. The Smith Committee questioned the right of the FEPC to eliminate discrimination or to direct labor unions to do so. The Smith Committee essentially ruled that FEPC officials had in fact gone beyond their jurisdiction in handling many of their cases. Although the Smith Committee was unsuccessful in its attempts to prove the illegality of the FEPC's actions, powerful forces in Congress were still working to undermine its authority and prestige. While the Smith Committee was engaging in its attacks upon FEPC, a more important threat to its existence was developing in the Senate. Senator Richard Russell, of Georgia, a member of the Senate Committee on Appropriations and chairperson of the important subcommittee, submitted an amendment to Congress which provided that no appropriation would be allotted to any agency established by an executive order for more than one year. The Russell Amendment meant that emergency funds could no longer be appropriated to FEPC from the president. He would have to request a specific appropriation for the Committee from Congress. The FEPC, according to Ruchames (1953), would thus be placed at the mercy of a Congress many of whose members were

hostile to it:

Although c
agencies. t
Senator R.
wipe out
immediate
its creation

Designed to destr

president to seek

subcommittee of t

the amendment. C

Amendment. In

amendment to t

appropriations for

one more year wh

a permanent FEP

pressure from bla

On August

struck because of

trolley and subwa

company that it v

conferences with

the PRTEU' contr

blacks to certain

directed to chang

hostile to it:

Although couched in the most general terms and applicable to all executive agencies, the amendment was undoubtedly directed at the FEPC. Indeed, Senator Russell remarked soon after its introduction that he hoped it would wipe out the agency. It was hardly surprising that FEPC officials immediately announced that the committee was 'in most serious peril since its creation'(1953:87).

Designed to destroy the executive autonomy of FEPC, the amendment required the president to seek congressional appropriations for all executive expenditures. The subcommittee of the Senate Appropriations Committee voted unanimously to recommend the amendment. On March 24, the Senate passed H.R. 4070 which included the Russell Amendment. In June, 1944, the FEPC narrowly escaped being abolished by an amendment to the War Agencies Appropriation Bill, calling for striking out its appropriations for the coming year. The FEPC, however, was assured continuance for one more year when Congress appropriated nearly \$600,000. Meanwhile, bills to create a permanent FEPC had been introduced to both Houses of Congress following strong pressure from blacks and sympathetic whites.

On August, 1944, the Philadelphia Rapid Transit Employees Union (PRTEU) struck because of their opposition to black workers. The strike crippled services for bus, trolley and subway transportation. Prior to the strike, FEPC officials had notified the company that it was violating the president's executive order and subsequently held conferences with both management and the union. In violation of Executive Order 9346, the PRTEU contract had a clause which prohibited the employment or upgrading of blacks to certain positions. The Philadelphia Transportation Company was subsequently directed to change its exclusionary policy on the hiring, transferring and upgrading of

employees and to i

hired as or promoted

was required by the

members of the S

own on the case

to cooperate with

that its union would

announcing its int

August 1 the strik

support of most v

employment as m

According

number w

platform p

that of sen

compared

that they

disputed

seniority

8 trainees

Their app

that all a

(1948:11

The strikers were

Although the Un

the Philadelphia s

its position on the

and aggressively

employees and to include black workers and applicants. Since blacks had not been either hired as or promoted to platform men or motormen in a number of years, the company was required by the FEPC to file periodic reports of employment trends. Ironically, members of the Smith Committee worked with FEPC officials and held hearings on their own on the case. The Philadelphia Rapid Transit Employees Union, however, refused to cooperate with either group. The company nevertheless hired black workers knowing that its union would threaten to strike. A while later, when the company posted notices announcing its intent to upgrade and employ blacks, the PRTEU moved into action. On August 1 the strike began. According to Ruchames (1953), the issue which gained the support of most workers for the strike was not white antagonism to Negroes or their employment as motormen:

According to a grand jury report, there were only a 'comparatively small number who really seriously opposed the employment of Negroes in platform positions.' The problem that disturbed most striking workers was that of seniority and the seniority rights of the newly upgraded Negroes as compared with those of whites. 'The official position of the strikers was that they did not want to discriminate against Negroes, but that they disputed the rights of the upgraded colored workers to claim operators' seniority from the time they were first employed by the company. (5 of the 8 trainees had records with the PTC which ranged from 3 1/2 to 19 years).' Their apprehension was increased by the FEPC's directive to the company that all applications filed by Negroes after June 25, 1941, be reconsidered (1948:111-112).

The strikers were condemned by the public and a back to work movement developed. Although the United States Army was called in to replace the workers, a settlement for the Philadelphia strike was eventually reached. Throughout the strike, FEPC maintained its position on the nondiscrimination policy laid down by the War Manpower Commission and aggressively pursued contractors in violation of the executive order.

In 1945 the
requested by Pre-
Appropriation Com-
President Roosevelt
April 12, he was
Fair Employment
subsidies from fed-
additional appropri-

In sum, the
redress valid grie-
defined in the ex-
concept discrimi-
cancellation of co-
a number possible
been used with th-
approval of the Pr-
enforce their decis-
discriminatory pra-
vast majority of b-

The Truman Initi-

The Fair E

In 1945 the agency's future was seriously threatened when funds requested by President Roosevelt for the FEPC's operation were deleted by the House Appropriation Committee from the Wartime Agencies Appropriations Bill. On March 21, President Roosevelt had requested a budgetary appropriation for the Committee, and on April 12, he was dead. The passage of the Russell Amendment meant the demise of the Fair Employment Practice Committee, since it could not afford to continue without subsidies from federal appropriations. As a result of the refusal of Congress to approve additional appropriations for its uses, the Committee came to an end.

In sum, the Roosevelt Committees were authorized to "take appropriate steps" to redress valid grievances and eliminate discrimination, but the steps were never clearly defined in the executive orders establishing the committees, nor did they define the concept discrimination for that matter. The second Roosevelt committee listed cancellation of contracts, refusal to renew contracts, and loss of manpower priorities as a number possible sanctions. As a practical matter, however, sanctions could have only been used with the consent and cooperation of other government agencies with the approval of the President. On the other hand, the Roosevelt committees never sought to enforce their decisions by exercising the power of contract cancellation. The problem of discriminatory practices in both public and private employment remained crucial to the vast majority of black Americans.

The Truman Initiatives

The Fair Employment Practices Committee was reinstated when

President Truman

War Agencies Ar

release cease and

reduced it to a

controversial feder

if President Trum

with a conservati

verbal stand on th

Although Preside

interested in estab

1946. President T

on Civil Rights. c

in the country and

The Preside

representing fiftee

various religious

Rights presented a

a year. both of w

President's Comm

Secure These Righ

Congress over its

of the black vote

President Truman issued Executive Order 9664 under conditions stated in the National War Agencies Appropriations Act of 1946. The FEPC was no longer empowered to release cease and desist orders, President Harry S. Truman, a Democrat, had essentially reduced it to a mere fact-finding agency. Since the Committee was one of most controversial federal wartime agencies sponsored by the government, it had to be forsaken if President Truman was going to accomplish his struggle for any civil rights legislation with a conservative Democrat and Republican coalition. Truman took a very strong verbal stand on the position of civil rights in the establishment of a permanent FEPC. Although President Truman vocalized support for a permanent FEPC, he was still interested in establishing a good relationship with southern Democrats. In December of 1946, President Truman issued Executive Order 9808 establishing a President's Committee on Civil Rights, charged with the responsibility of investigating the status of civil rights in the country and submitting a report of its findings to the President.

The President's Committee on Civil Rights was prestigious, representing fifteen members from industry, labor, the legal profession, higher education, various religious denominations, and blacks in the South. The Committee on Civil Rights presented a comprehensive report and recommendations for remedial action within a year, both of which were rejected by a southern-dominated Congress. In 1947, the President's Committee on Civil Rights submitted a report to the president entitled: "To Secure These Rights." As soon as the report was released, controversy developed within Congress over its findings and recommendations. Realizing the growing empowerment of the black vote from industrial states of the North and West, and looking ahead to the

1945 election. Pre

To improve his po

the Civil Service

ended up only re

replaced in 1955

Committee on Gov

and other concern

segregation amen

In July o

specifically to ci

board in each o

government emp

1998' directed the

This order also

Opportunity in th

the changes nec

considered a mile

the federal gove

because it was v

Although Souther

to solidify the pre

according to W

1945 election, President Truman became more committed to the defense of civil rights. To improve his political standing, the president established a Fair Employment Board in the Civil Service Commission. This board had final authority in complaint cases but ended up only reviewing most of the complaints. (The Fair Employment Board was replaced in 1955, when President Eisenhower issued an executive order creating a Committee on Government Employment Policy.) On March 27, 1948, A. Philip Randolph and other concerned citizens met with the president and requested his support for anti-segregation amendments.

In July of 1948, President Truman issued two executive orders pertaining specifically to civil rights. Executive Order 9980 authorized the creation of a review board in each department and agency of the federal executive branch to whom government employees could appeal if they felt discriminated against. Executive Order 9981 directed the armed forces to abandon the practices of segregation and discrimination. This order also created the Presidential Committee on Equality of Treatment and Opportunity in the Armed Services to review military service practices, and to determine the changes necessary to advance the President's policy. Executive Order 9980 was considered a milestone in the efforts to change the discriminatory patterns existing within the federal government. Of the two orders, 9981 was considerably more important because it was viewed as having a direct impact on eliminating racial discrimination. Although Southern Democrats were not too happy with the executive order, it did manage to solidify the president's support among black voters. In spite of these efforts, however, according to William Berman (1970), "Truman failed to receive any editorial

endorsements of

Dewey" (p. 128)

With the

Truman had little

According

percent

across the

districts

his elect

be such

had opt

Californ

(1970:1

The outcome of

national level.

country. As a

rights program

On Ma

Opportunity i

segregation ha

against the des

compliance w

pass in Cong

Truman and r

February 12.

contracts. Pre

endorsements of any black newspaper except the Chicago Defender; the rest supported Dewey" (p. 128).

With the widespread prosperity sweeping the country, according to Berman (1970), Truman had little difficulty in attaining a political victory in 1948.

According to the post-election survey conducted by the NAACP, 69 percent of all Negro voters in twenty seven major cities and communities across the country had voted for Truman. In fact, in some of these Negro districts, he received greater support than did Franklin Roosevelt in any of his elections. And it was fortunate for Truman that Negroes found him to be such an attractive candidate, because if a sizable number of black voters had opted for Dewey or Wallace in any two of the three key states of California, Illinois, and Ohio, Dewey would have won the White House (1970:129).

The outcome of the election indicated that civil rights had become institutionalized on a national level. Blacks had gained political strength in a number of states throughout the country. As a result, President Truman continued to press Congress to translate his civil rights program into legislation, which included support for a permanent FEPC.

On May 22, 1950, the President's Committee on Equality of Treatment and Opportunity in the Armed Forces submitted to Truman its report affirming that segregation had been formally abolished in the armed forces. Although the army fought against the desegregation policy, the president supported the Committee thereby ensuring compliance with Executive Order 9981. A few months later, the FEPC effort failed to pass in Congress on July 16, 1950. Days later, A. Philip Randolph wired President Truman and requested he issue an executive order similar Roosevelt's Order 8802. On February 12, 1951, in an attempt to attack discrimination in industries handling defense contracts, President Truman issued Executive Order 10210. In spite of its language,

Executive Order 10

leaders as meaning

who were urging t

On Decem

establishing the G

replacing the FEP

powerless. The C

expanded to other

of Labor, the At

Defense Material

Compliance was

compliance of the

was also authorize

Similar to some o

fairly restricted in

In sum, ur

gained national pr

parties. Presiden

beginning with th

actions taken, how

This Order creat

administering not

Executive Order 10210 lacked an enforcement clause and was thus considered by black leaders as meaningless. The order was actually designed only to placate black leaders, who were urging the president to establish a permanent FEPC and anti-lynching laws.

On December 3, 1951, President Truman issued Executive Order 10308 establishing the Government Contract Compliance Committee. It was a long way from replacing the FEPC, for it could only advise the president and was therefore deemed powerless. The Committee was transferred to the Department of Defense and eventually expanded to other agencies engaged in defense related procurement; i.e., the Department of Labor, the Atomic Energy Commission, the General Services Administration and Defense Materials Procurement Agency. The Committee on Government Contract Compliance was mandated with the responsibilities of monitoring and enforcing compliance of the nondiscrimination provisions required for all contracts. The Committee was also authorized to study the effectiveness of existing contract compliance programs. Similar to some of predecessors, the Committee on Government Contract Compliance was fairly restricted in its parameters and only made limited change.

In sum, under the Truman administration the policies for civil rights *gained* national prominence that was beneficial to both the president and the Democratic *parties*. President Truman enthusiastically endorsed a strong civil rights platform, *beginning* with the integration of the armed forces. There were no further substantive *actions* taken, however, until Truman issued Executive Order 10308 in December, 1951. *This* Order created a Committee on Government Contract Compliance, charged with *administering* nondiscrimination clauses on contracts signed by contractors. In contrast

to the efforts of
administration res
segregation pattern

The Eisenhower l

The Comm
August 1953, wh
establishing the Pra
empowered a 15-
complaints regard
educational progr
employment. Lik
its recommendatio
complaints. The
\$125,000, which e
budget. The prim
employment. A n
selling America o
Eisenhower, the
contracting agen
nondiscrimination
major types of fed

to the efforts of Roosevelt's nondiscrimination executive orders, the Truman administration restricted its efforts to the public sector of the economy in addressing segregation patterns in the federal government itself.

The Eisenhower Initiatives

The Committee on Government Contract Compliance was dissolved in August 1953, when President Eisenhower, a Republican, issued Executive Order 10479, establishing the President's Committee on Government Contracts. Executive Order 10479 empowered a 15-man committee, headed by Vice President Richard Nixon, to receive complaints regarding violations of the nondiscrimination clause and to encourage educational programs aimed at reducing the causes and costs of discrimination in employment. Like its predecessor, the Eisenhower Committee had no power to enforce its recommendations. The Committee had to rely on the procurement agencies to adjust complaints. The Committee began its work with a staff of nine and a budget of \$125,000, which eventually grew in 1961 to a twenty-five member staff and a \$375,000 budget. The primary function of the body was providing an educational forum on fair employment. A major part of the Committee on Government Contract Compliance was *selling* America on the benefits of equal employment. On the insistence of President *Eisenhower*, the Committee not empowered to take complaints over the heads of *contracting* agencies. The Committee on Government Contracts drafted a *nondiscrimination* clause which made fair employment practices mandatory in all but two *major* types of federal contracts--agreements held by American companies overseas, and

subcontracts for st
standing, its role w
compliance office
powers that they
government certifi

After the B
to protect blacks
resistance. Moreo
emphasis on feder
in employment.
violence, segregat
franchise.

In Novemb
Eisenhower and
nondiscrimination
other forms of c
Executive Order 1
and authorized a n
Executive Order 1
Committee on Go
hiring practices c
authority than th

subcontracts for standard commodities. Because the Committee lacked legal enforcement standing, its role was limited to only routing the complaints that it received to department compliance offices. The contracting agencies and departments refused to exercise the powers that they did have to disqualify employers from future contracts or to cancel government certification.

After the Brown Decision of 1954, pressure was on the Eisenhower administration to protect blacks seeking their constitutional rights in the face of intensified white resistance. Moreover, the 1954 decision encouraged civil rights activists to place stronger emphasis on federal courts to assist in their struggle against racial discriminatory practices in employment. By using economic intimidation and both the threat and practice of violence, segregationists in the deep South further tightened their grip on the black franchise.

In November, 1954, Executive Order 10557 was issued by President Eisenhower and eventually expanded the obligations of contractors to include nondiscrimination in employment, upgrading, promotion or transfer, rates of pay and other forms of compensation for training including apprenticeship (United States Executive Order 10577:84). This executive order also amended the Civil Service rules and authorized a new appointment system for the competitive service. In January, 1955, Executive Order 10590 was issued by President Eisenhower establishing the President's Committee on Government Employment Policy. The Committee was concerned with the hiring practices occurring within the federal government. This Committee had less authority than the old one because of Eisenhower's dislike for the use of coercive

strategies. Thus
functioned on the
pamphlets for te
officers. In the
limited. As a res
studies without f
method brought
qualified minorit
Civil Rights Bi
Commission on C
were intended to
protection throug

In sum,
enforcement wa
directed to take
clause existing
Eisenhower exe
sanctions or en
nondiscriminato
unenforceable.
concept of disc
conduct motivate

strategies. Thus, the President's Committee on Government Employment Policy functioned on the basis of issuing guidelines for supervisory personnel, preparing pamphlets for federal workers, and issuing procedural checklists to employment policy officers. In the area of Labor unions' sanctioned discrimination, the committee was limited. As a result, the Committee did not begin releasing the results of its compliance studies without first obtaining the permission of employers until 1958. Even then, this method brought angry responses from businessmen, complaining that they could not find qualified minority workers. On September 9, 1957, however, Eisenhower signed the 1957 Civil Rights Bill into law. The 1957 Civil Rights Bill, brought about the U.S. Commission on Civil Rights and the Civil Rights Division in the Justice Department; they were intended to operate in a complementary manner in the promotion of black self protection through the exercise of the ballot.

In sum, during the Truman and Eisenhower administrations, all responsibility for enforcement was placed in the hands of the contracting agencies. The agencies were directed to take "appropriate measures" to secure compliance with the nondiscrimination clause existing in government contracts. A major flaw in both the Truman and Eisenhower executive orders, was the exclusion of any directives related to specific sanctions or enforcement techniques to ensure compliance. In general, it appears that nondiscriminatory clauses in government contracts were either unenforced or unenforceable. The significance of the efforts, however, led to a redefinition of the concept of discrimination. In the 1930's and 1940's, discrimination was defined as conduct motivated behavior based on the dislike of a particular group or class to which

the victim of dis
the 1950's and
racial minorities
up the efforts of
that the federal
discriminatory p

Affirmative Ac

As a res
a liberal Democ
to placate black
remained insti
administration.
in employment
Wilkins. Execu
People (NAAC
executive orde
employment.
President Ken
adviser on dor
The m
adminis
rights.
purpose

the victim of discrimination belonged. The concept of discrimination was expanded in the 1950's and 1960's, whereby discrimination meant the denial of equal treatment of racial minorities in comparison with members of the dominant white majority. To sum up the efforts of the three presidential administrations, it was becoming increasingly clear that the federal government was guardedly involved in issues related to racial discriminatory practices in the employment sector.

Affirmative Action

As a result of his victory in early 1961, President John F. Kennedy, a liberal Democrat, was faced with the issue of finding a civil rights position sufficient to placate blacks, but not strong enough to alienate the white South where Jim Crow remained institutionalized. One of the first challenges of President Kennedy's administration, was to begin to legislate policies aimed at addressing racial discrimination in employment. Thus, following his election in 1961, President Kennedy met with Roy Wilkins, Executive Director of the National Association for the Advancement of Colored People (NAACP). At Wilkins' suggestion, Kennedy reluctantly agreed to issuing an executive order that would address all areas of discrimination, particularly in the area of employment. Barely hiding his skepticism, Allen J. Matusow (1986) contended that President Kennedy told Wilkins to prepare a memorandum on the subject for his chief adviser on domestic matters, Theodore Sorensen:

The memo Wilkins submitted in February 1961 forced the new administration to determine early just how far it was willing to go on civil rights. Wilkins proposed a single executive order to accomplish three purposes: end discrimination in the federal civil service, require federal

contractor
a condition
the crucial
discrimina
scale assa
as well a
housing pl
schools ac
Wilkins' r
if he mov
He mean
neither to
endorse a
have to
summed
(pp. 63-

In June of 196

known as affir

(1984), the te

regulation of

Its fir
union
amen
labor
polic
actio
its F
usec
No.

Although

Truman C

in employ

for nonce

(

contractors to provide equal job opportunity, and make nondiscrimination a condition of federally-aided programs. The last of these demands was the crucial one. If Kennedy used federal money as a club against discriminatory programs, he would be undertaking nothing less than a full-scale assault on southern segregation. Federal funds subsidized segregation as well as other forms of racial bias in southern hospitals, colleges, housing programs, job training programs, National Guard units, and public schools adjacent to federal installations. Dismayed by the implications of Wilkins' memo, Sorensen warned Kennedy of 'severe' political problems if he moved in the South against 'customs which are very deeply rooted.' He meant segregation. At the outset, then, the administration determined neither to sponsor a civil rights law, issue a sweeping executive order, nor endorse a frontal assault against the segregation system. Still blacks would have to get something. Off the record in March 1961 the White House summed up its program for blacks--find them jobs and get them the vote (pp. 63-64).

In June of 1961, President John F. Kennedy publicly issued Executive Order 10925, known as affirmative action. According to the Citizen's Commission on Civil Rights (1984), the term affirmative action was used early in the development of federal regulation of private-sector employment practices:

Its first use had not to do with discrimination but with rights of trade union members. Under the 1935 National Labor Relations Act, as amended, the National Labor Relations Board upon a finding of an unfair labor practice, and 'to take such affirmative action...as will effectuate the policies of this Act'. In 1945, New York State incorporated 'affirmative action' into the remedies authorized for employment discrimination under its Human Rights Act. The term 'affirmative action,' however, was not used in federal civil rights law until President Kennedy's Executive order No. 10925 issued March 6, 1961 (p.29).

Although the executive order embodied many of the recommendations voiced by the Truman Committee on Government Operation, in continuing to promote nondiscrimination in employment, the Kennedy order provided for broader coverage and stricter enforcement for noncompliance.

(1) The contractor will not discriminate against any employee or applicant

for em
contrac
employ
regard
includ
demoti
termin
trainin

Employers w

particularly in

for recruiting

contractor rec

action in the

and basically

The F

delegated to

Eisenhower a

Committee o

PCEEEO had

existing con

Charged with

required to

periodically

authority ove

filed by rac

discriminator

for employment because of race, creed, color, or national origin. The contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, color, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship (1964:449-50).

Employers were required to announce their antidiscrimination policy on posters, **particularly** in racial minority communities, and on other solicitations or advertisements **for recruiting** employees, employment notices to unions placed by or on the behalf of the **contractor** receiving federal funds. (Ironically, current attempts to dismantle affirmative **action** in the University of California system advocate the reinstatement of these passive **and basically** ineffective procedures.)

The President's Committee on Equal Employment Opportunity (PCEEO) was **delegated** to administer the order. The PCEEO replaced two committees set up by the **Eisenhower** administration--the Committee on Government Employment Policy and the **Committee** on Government Contracts. Chaired by Vice President Lyndon B. Johnson, the **PCEEO** had final authority over the imposition of sanctions and could subsequently cancel **existing** contracts or debar future contracts for contractors found in noncompliance. **Charged** with monitoring equal opportunity in the federal government, the PCEEO was **required** to review and publicize statistical surveys of the federal workforce, and to **periodically** conduct compliance reviews. In addition to the committee having final **authority** over sanctions, it was also empowered to assume jurisdiction over any complaint **filed** by racial minorities alleging violation of the order. The pervasiveness of **discriminatory** practices in both private and public employment sectors proved that the

Committee's task:

early 1960s the

discrimination:

There we

intent by

members

Committee

to break d

other min

In the year

changing

afford eq

equality

disregard

achievem

a recogni

parents, a

65-66).

Thus, PCEEO

stereotypes and

service. Manag

required for low

black promotion

delaying or with

threatening to ca

discrimination i

Since Executive

Progress progr

voluntarily des

Committee's tasks were at best arduous. As Thompson Powers (1969) explained, in the early 1960s the President's Committee on Equal Opportunity was faced with overt discrimination:

There were signs on gates, "Colored Need Not Apply". There was an intent by some management to discriminate by assigning minority group members to dead-end jobs. The challenge facing the President's Committee was to take down these signs, to change these intentions, and to break down those structures so that Negroes and Spanish Americans and other minorities in the country could have equal employment opportunity. In the years following, it has become clear that the removal of a sign, the changing of an intent, the restructuring of a department, does not in itself afford equality of opportunity for minorities. We cannot hope to offer equality of opportunity today to all minority group members for we disregard the reality of yesterday. One must understand that the achievement of equality for the Negro and the Spanish American requires a recognition that their plight today is affected by the plight of their parents, and indeed the plight they had to endure just a few years ago. (pp. 65-66).

Thus, PCEEO officials directed most of their energies in the struggle against the stereotypes and prejudices of managers in both private business and the federal civil service. Managers perceived blacks as incapable of performing skills beyond those required for low-level jobs. This race conscious thinking, contributed to limitations on black promotions both in traditional and non-traditional job categories. Practices such as delaying or withholding promotions led the PCEEO to take a more coercive approach in threatening to cancel or deny contracts in the private sector, while simultaneously ignoring discrimination in the federal civil service.

Since Executive Order 10925 lacked persuasive power over labor unions, the Plans for Progress program was targeted to correct this deficiency by committing employers to voluntarily desist from discriminatory practices in their companies.

Plans for Pro

Vice P

nondiscrimina

by committing

held by the in

nondiscrimina

practices. Alt

President Ken

problem of j

members pass

In Mar

dollar jet plan

company exe

semiskilled an

company's ap

facilities were

intentional ex

at changing th

elicited by fe

(1984), the L

action through

Its pro

policies

Plans for Progress

Vice President Lyndon B. Johnson, in an effort to promote nondiscrimination in employment, established Plans for Progress to correct deficiencies by committing employers to equal opportunity on a voluntary basis. The basic premise, held by the initiators of the plan, was that if employers heartily committed themselves to nondiscrimination, they would thereafter exhibit the commitment in their employment practices. Although civil rights groups generally attacked the approaches as too passive, President Kennedy supported Plans for Progress as a preferred democratic solution to the problem of job discrimination. Thus, Vice President Johnson and the Committee members passively went after employers, and American industry responded accordingly.

In Marietta, Georgia, the Lockheed Corporation attained a billion dollar jet plane contract from the federal government. Employment practices at the company exemplified discriminatory hiring by limiting the number of blacks in semiskilled and skilled jobs, which frequently resulted from the exclusion of blacks in the company's apprenticeship training. Moreover, both Lockheed's and its affiliate union's facilities were totally segregated, which served as evidence to federal officials of intentional exclusionary practices. Lockheed voluntarily agreed to propose a plan aimed at changing the composition of its workforce to make it more in the realm of expectations elicited by federal officials. According to the Citizen's Commission on Civil Rights (1984), the Lockheed Plan marked the beginning of an effort to promote affirmative action through voluntary agreement:

Its provisions required internal and external dissemination of EEOC policies, use of outreach and recruitment, examination of available jobs,

opportu
and ob
constit

As a result of

companies an

included we

Westinghouse

Lockheed.

employment

action. As a

government

industrial pr

however, the

employment

Equal Empl

showed 'con

employment

grounds th

systematic

was experi

The

was thus in

Herbert H.

opportunities, and the institution of 'periodic checks to ensure that policies and objectives of the plan are being carried out.' These components constitute the basic elements of current affirmative action and law (p. 38).

As a result of Lockheed's success, similar plans were voluntarily developed by other companies and by 1963 well over 100 companies had signed a Plan for Progress. Included were such companies as General Motors, Chrysler, General Electric, Westinghouse, and IBM, all following the basic format of the plans submitted by Lockheed. Statistical information was principally used to inform contractors of their employment practices that they expected to correct under the direction of affirmative action. As a result of such action, discrimination was no longer defined for the federal government as prejudicial behavior, rather it was defined with particular reference to industrial practices. In discussing the program's overall effect of Plans for progress, however, the Citizens Committee on Civil Rights (1984) suggested that "after studying the employment of minorities by 100 major corporations headquartered in New York, the Equal Employment Opportunity Commission in 1968 reported that the Plan member firms showed 'consistently poorer records [than non-member firms] in white collar minority employment'" (p. 39). Plans for Progress were subsequently discontinued in 1964, on the grounds that voluntarism was a meaningless strategy to challenge the magnitude of systematic discriminatory problems in employment. Meanwhile, Executive Order 10925 was experiencing national difficulty in carrying out its mandate.

The PCEEO as an enforcement agency operated without statutory authority and was thus ineffective when it attempted to confront powerful financial and political forces. Herbert Hill (1962), a proponent of proportional representation, cited a report published

by the U.S.

measures were

This C

Detroit

indust

confor

indust

conta

emple

const

force

all co

posit

mana

Negr

asser

two

asser

Negr

mop

for t

138-

The emplo

attributed to

into by m

traditionall

employment

federal em

operating-c

the Depart

segregation

advances

by the U.S. Commission on Civil Rights recommending that stronger enforcement measures were necessary if nondiscrimination in employment was to become a reality.

This Commission's investigations in three cities--Atlanta, Baltimore, and Detroit--and a Commission hearing in Detroit revealed that in most industries studied, patterns of Negro employment by federal contractors conformed to local industrial employment patterns. In the automobile industry, for example, even though each of the three manufacturers contacted had adopted a company-wide policy for nondiscrimination, employment patterns varied from city to city. In Detroit, Negroes constituted a substantial portion--from 20 to 30 per cent of the total work force. Although their representation in 'non-traditional' jobs was slight, all companies employed them in all classifications other than management positions, and one company employed Negroes in administration and management jobs as well. In Baltimore, each of the companies employed Negroes only in production work and not above the semi-skilled level--as assemblers, repairmen, inspectors, and material handlers. In Atlanta, the two automobile assembly plants contacted employed no Negroes in assembly operation. Except for one driver of an inside power tread, all Negroes employees observed were engaged in janitorial work--sweeping, mopping, and carrying trash. Lack of qualified applicants cannot account for the absence of Negroes from automotive assembly jobs in Atlanta (pp. 138-139).

The employment problem that existed in the southern states in manufacturing was attributed to separate seniority lines included in collective bargaining agreements entered into by management and trade unions. That is, blacks were hired in what were traditionally called "nigger jobs" related to common laborer or other similar low-status employment positions. These conditions were also found to exist in state and local federal employment agencies, which were totally dependent on federal dollars for operating-costs. Although the Secretary of Labor was indirectly involved in the EEOC, the Department of Labor did little to eliminate the existing patterns of discrimination and segregation in state employment agencies in the South. Nationally, as technological advances resulted in automation, employment opportunities were advancing in the

economy

excluded

remained

out that "

orders be

subsidize

discrimin

preferen

employ

called t

employ

in empl

of race

leaders

govern

and in

emplo

in the

Eisen

economy in the building and construction trades. Black workers, however, were still excluded as the old-line AFL craft union tradition of racial exclusion and segregation remained a major barrier to employment opportunities. As Herbert Hill (1962) pointed out that "it obviously makes no sense for the [Kennedy] administration to issue executive orders banning employment discrimination while agencies of the federal government subsidize such discriminatory practices" (pp. 141-142). One solution to the problem of discrimination, as proposed by the NAACP and other black leaders and organizations, was preferential treatment of minorities as a guarantee of their equal representation in the employment sector in all or most job categories. Whitney Young (1963), for example, called for a domestic Marshall Plan to place qualified blacks in all categories of employment at all levels of responsibilities. Whatever the source, preferential treatment in employment was enforced by federal officials in their attempts to address the problem of racial discrimination in employment.

Although preferential treatment was generally condemned by employers and union leaders, such practices were not uncommon. When blacks, for example, pressured the government for more jobs and official positions, particularly in the unions, both formal and informal quotas were instrumental in resolving issues related to discrimination in employment. The federal government had historically sanctioned the use of preference in the past, beginning with the Roosevelt administration and continuing through the Eisenhower administration:

The Committee [Committee on Government Contracts] often attempted to foster minority group employment by urging the hiring of blacks on a limited "preferential" basis, i.e., giving preference to a black applicant where he and a white applicant were equally qualified (Citizen's

Con

Some emp

that prefer

manpower

Executive

governme

officials a

for non-c

Fleming

tell belo

problem

T

l

c

l

u

a

The pr

Commission on Civil Rights, June 1984:35-36).

Some employers also argued that the PCEEO's standards for compliance strongly implied that preferential treatment should be given to nonwhites in order to improve the annual manpower profiles, an annual requirement to be submitted as proof of affirmative action. Executive Order 10925, for the first time, provided systemic use of the federal government's contractual power in a number of American corporations. Since federal officials anticipated voluntary action to go far beyond their initial expectations, sanctions for non-compliance were included in the order, but they were never enforced. Harold C. Fleming (1965) subsequently argued that the implementation of Executive Order 10925 fell below expectation. This, however, was attributed to a number of unavoidable problems:

The government's contractual relationships - and hence the Order- afforded little jurisdiction over labor unions. Moreover, the employment effort coincided with the growth of automation and the resulting decline in the less skilled blue-collar jobs. Because of inadequate education and training, there was a limited supply of qualified Negro applicants for jobs requiring a substantial degree of technical skill. Not all of the shortcomings of the program would be explained by immutable economic and social forces, however; some resulted from the way in which the program was administered (p.933).

The program nevertheless produced some positive gains.

The great virtue of Executive Order 10925 was that it provided, for the first time, the basis for effective use of the federal government's formidable contractual power, systematically and across the board, to enforce standards of equal employment in thousands of American corporations. To achieve this result two things were needed: steady insistence on the employer's obligation through the channels of contract management, including the use of sanctions when necessary, and strong and continuing backing for this approach from high officials in the administration. Voluntary action going beyond the requirements of the Order could be a desirable adjunct as long as it was kept wholly distinct from, and secondary to, the contractual obligation (Fleming, 1965:933).

The e

leader

exten

The l

hand

readi

cont

2000

the e

equ

reco

end

req

Tu

rig

the

em

ob

to

The emphasis on preference or race-conscious affirmative action, however, led many leaders to speculate that a quota system was in operation. On June 23, 1963, in order to extend jurisdiction over the construction industry, Executive Order 11114 was issued. The PCEEEO was given stronger enforcement backing and a larger budget to assist in handling the growing number of complaints. Order 11114 was the first official statement reaffirming that contractors should find qualified blacks to employ at their agencies.

In sum, in spite of the Kennedy efforts, discrimination in employment continued. Persistent discrimination was attributed to government's passive emphasis on good-faith efforts which were typically ignored by both the public and private sectors of the economy. Benokraitis and Feagin (1978) summarized the Kennedy efforts to achieve equal employment opportunity in suggesting "besides the emphasis on active minority recruitment, the value of President Kennedy's executive orders was their broader enforcement powers, strong presidential backing, larger budget and more stringent requirements for reporting" (p. 10).

Title VII of the Civil Rights Act of 1964

Consistent with the Kennedy efforts, and within a year of the momentous civil rights "March on Washington," President Lyndon B. Johnson was instrumental in enacting the nation's first comprehensive response to the problem of racial discrimination in employment. In Title VII of the Civil Rights Act of 1964, Congress extended the obligation of nondiscrimination to private employers without government contracts and to unions and employment agencies. Title VII was the chief legislative plank for efforts

to implem

unlawful

discrimin

practices

employe

twenty-f

prohibit

Equal

implem

concep

and w

resolv

cond

Emp

prac

Stat

fou

act

rei

to

w

to implement equal employment opportunity. A key section of Title VII makes it unlawful for employers, employment agencies and labor unions to make certain discriminatory action based on race, color, religion, sex or national origin in employment practices, including hiring, firing, promotion compensation, and other terms of employment. Moreover, Title VII also prohibits discrimination by employer's unions with twenty-five or more employees, labor unions, and employment agencies. This latter prohibition includes a large segment of the labor force. Title VII further established the Equal Employment Opportunity Commission (EEOC) as permanent body to help implement the law.

Key obstacles were faced by the commission in its attempts to operationalize such concepts as equality and discrimination, and to differentiate between what was remedial and what was preferential. The Civil Rights Act of 1964 was, in part, responsible for resolving issues in the relationship between quotas and affirmative action. Under conditions of the civil Rights Act of 1964, an employee or a member of the Equal Employment Opportunity Commission could officially charge that unlawful discriminatory practices were occurring in a particular company. The Attorney General of the United States could also intervene at the discretion of the courts. If the courts, for example, found that unlawful conduct had occurred, it could order that the appropriate affirmative action was to take place to compensate for the injustices. Federal courts could order the reinstatement of employees with or without back pay. One of the most difficult problems to address at the time was the admission or reinstatement of an individual to a union, which the court had no power to redress. Conciliation appeared to be the primary

strategy used by t

Newport Shipbuil

The Newp

employment prac

hiring and prom

supervisory and

number of prece

employees, elim

to a nondiscrim

ailed, the court

affirmative acti

victims with or

matter to the A

behalf of the

discrimination

The so

compliance a

according to

Commission's

In the

Easter

of dis

suffici

senior

mainta

strategy used by the EEOC. One of the earliest conciliation agreements was with the Newport Shipbuilding and Drydock Company signed in 1966.

The Newport shipbuilding and Drydock Company agreed to change its employment practices when it was cited by the EEOC for violation of Title VII in its hiring and promotions practices as indicated by the limited number of blacks in supervisory and skilled job categories. The EEOC's Newport News agreement set a number of precedents including the promotion of blacks, opening job categories to all employees, elimination of segregated facilities, revision of promotion policies, in addition to a nondiscrimination policy as a part of the conciliation agreement. If conciliation failed, the court could require that the unlawful practices be discontinued, and appropriate affirmative action measures could be enforced, including reinstatement or hiring of the victims with or without backpay. In addition, the Commission could have referred the matter to the Attorney General of the United States, who was authorized to file suits on behalf of the federal government, particularly in cases where patterns or practices of discrimination were involved.

The solutions provided by both the EEOC and the contract compliance agencies were generally addressed on an ad hoc basis. For example, according to Richard Nathan (1969), several cases were taken to court involving the Commission's interpretation of seniority in relation to affirmative action.

In the Quarles v. Phillip Morris, Inc, the United States District Court of the Eastern District of Virginia upheld the EEOC opinion that mere cessation of discriminatory hiring patterns of segregated departments was not sufficient to constitute compliance with Title VII where a departmental seniority system which had its genesis in racial discrimination was maintained. The court ordered that in such cases special adjustments in

sen.
who
issu
for
dis
into
dis

This action

alleged d

decision

and the g

of Title

T
t
P
a
C

The C

and qu

sancti

lacke

effort

discr

main

seniority would have to be made for all current minority group employees whose seniority was acquired during a period of discrimination. The Court issued an order in Phillip Morris cases which contains explicit directions for the integration of seniority systems. While the court rejected 'reverse discrimination' as not required by Congress, it added that 'Congress did not intend to freeze an entire generation of Negro employees into discriminatory patterns that existed before the act' (p. 61).

This action was instrumental in the establishment of plans involving the remediation of alleged discriminatory practices, based on employment seniority. The impact of the decision demonstrated that the courts generally favored Title VII of the Civil Rights Act and the general efforts of the Equal Employment Opportunity Commission. In defense of Title VII, the Justice Department responded to claims of preferential treatment:

There is no provision either in Title VII or in any other part of this bill, that requires or authorizes any Federal agency or Federal Court to require preferential treatment for any individual or any group for the purpose of achieving racial balance. No employer is required to maintain any ratio of Negroes to whites, Jews to gentiles, Italians to English, or women to men. The same is true of labor organizations. On the contrary, any deliberate attempt to maintain a given balance would almost certainly run afoul of Title VII because it would involve a failure or refusal to hire some individual because of his race, color, religion, sex, or national origin. What Title VII seeks to accomplish, what that civil rights bill seeks to accomplish is equal treatment for all (Bureau of National Affairs, 1964:327).

The Civil Rights Act was generally meant to resolve issues related to affirmative action and quotas by moving away from preference based on race. Although Title VII did not sanction the use of preferential treatment, it was clear that the EEOC, even though it lacked such powers, pressured employers to engage in preferential practices. In spite of efforts imposed on employers by the EEOC, the most serious problem of job discrimination still involved the construction industry and affiliated unions, who maintained control over the hiring and admission into apprenticeship programs. Richard

Nathan (1969). for

discrimination inv

trades, where unio

Skilled jobs are th

as a result becam

Craft union resiste

in the federal gov

in apprenticeship

realized that dis

contractors in th

changes in their

personal and ov

be denied. Thus

was needed to

Presidential E

In respo

also a liberal I

prohibited dis

continued the c

Order 11114.

(1) Th

for em

Nathan (1969), for example, indicated that "the most serious problems of job discrimination involving unions arise in the skilled trades, particularly the construction trades, where unions control the hiring hall and admission into apprenticeship programs. Skilled jobs are the next step up on the ladder for many members of minority groups and as a result became a symbol of the success or failure of the drive for fair employment. Craft union resistance to government activities to promote job equality was most prevalent in the federal government programs to ban discrimination on government contracts and in apprenticeship programs" (p. 62). By the end of the 1960s, enforcement officials realized that discernable indicators of progress were needed to ensure that federal contractors in the construction trades and building trades and unions made necessary changes in their employment practices. There was a growing recognition that even if personal and overt discrimination were ended, equal employment opportunity could still be denied. Thus a color-conscious approach, emphasizing results of employment practices, was needed to overcome the effects of past discrimination.

Presidential Executive Order 11246

In response to the demands to strengthen contract compliance, President Johnson, also a liberal Democrat, issued Executive Order 11246 in September, 1965. The order prohibited discrimination on the part of all employers with federal contracts, and continued the coverage of federally aided construction contracts consistent with Executive Order 11114.

- (1) The contractor will not discriminate against any employee or applicant for employment because of race, creed, color, or national origin. The

contracte
employee
regard to
but not
transfer
or other
apprenti
availabl
provide
nondisc
sponsori
be exte

According to

President of the

In part
Willis
1944.
agency
Kenne
by con
appro
under

There were

11246. The

race, creed,

affirmative

in the Labor

tasks was to

to the sanc

Act of 196-

sanctions a

contractor will take affirmative action to ensure that applicants are employed, and that employees are treated during employment, without regard to their race, creed, or national origin. Such action shall include, but not be limited to the following: employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; or termination; rates of pay or other forms of compensation and selection for training including apprenticeship. The contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices to be provided by the contracting officer setting forth the provisions of this nondiscrimination clause with contracts exceeding 10,000 federally sponsored dollars to take affirmative action and required that such action be extended to all contractors (Federal Register, 1971:340).

According to Nathan (1969), the order took the responsibility away from the Vice President of the United States and delegated the function to the Secretary of Labor.

In part, this was a response to Congressional opposition led by Senator Willis Robert of Virginia. As in the case of the Russell amendment of 1944, Robertson's opposition was focused on the financing of the inter-agency committees headed by the Vice President under Eisenhower and Kennedy. Specifically, Robertson opposed having the Committee funded by contribution from the various participating agencies rather than from an appropriation by Congress as must be provided for the Labor Department under Executive Order 11246 (p. 89).

There were two major obligations placed on government contracts in Executive Order 11246. The first was employers should not discriminate against an employee based on race, creed, color, sex, or national origin. The second required employers to take affirmative action. The Office of Federal Contract Compliance (OFCC) was established in the Labor Department to supervise and coordinate contracting agencies. One of its main tasks was to assign Federal agency responsibility for individual contractors. In contrast to the sanctions and penalties available to the EEOC, under Title VII of the Civil Rights Act of 1964 involving conference, conciliation, and persuasion, the OFCC had very broad sanctions and penalties. The OFCC had specific sanctions and penalties which could be

applied by the

(5) Can
suspend
the con
provisio
suspend
a progr
(Federa

Previous order

debar sparingly

nor what was

In 1966

Contract Com

I don't
satisfy
situati
to day
the na
of peo
have.
that y
prefer

This was the

approach, wh

to implemen

contractors h

upon the ava

Richard P. N

contractors c

applied by the Secretary of Labor or the contracting agency.

(5) Cancel, terminate, suspend, or cause to be canceled, terminated, or suspended, any contract, or any portion or portions thereof, for failure of the contractor or subcontractor to comply with the non-discrimination provisions of the contract. Contracts may be canceled, terminated, or suspended absolutely or continuance of contracts may be conditioned upon a program for future compliance approved by the contracting agency (Federal Register, 1971:344).

Previous orders only allowed for the debarment of contractors or otherwise threatened to debar sparingly. Executive Order 11246 neither defined what affirmative action entailed nor what was required in the contract order.

In 1967, Edward C. Sylvester, Director of the Office of Federal

Contract Compliance defined affirmative action as results:

I don't pretend to have a definition of affirmative action that is going to satisfy everybody here, particularly when viewed in light of our special situation. Affirmative action is going to vary from time to time, from day to day, from place to place, from escalation to escalation. It depends on the nature of the area in which you are located, it depends upon the kinds of people who are there, it depends upon the kind of business that you have. I would say that in a general way, affirmative action is anything that you have to do to get results. But this does not necessarily include preferential treatment. The key word is results (Nathan, 1969:93).

This ~~was~~ the first evidence that affirmative action required more than a simple color-blind approach, which was acceptable under the previous executive orders. The first regulations to **implement** Executive Order 11246 were not issued until May, 1968. For example, **contractors** had to prove that they were actually trying to integrate the workforce based upon the availability of blacks within the general geographical location. According to Richard P. Nathan (1969), in practice, the concept of affirmative action for government **contractors** comes very close to embodying, if it does not actually do so, two principles

in the field of civ

The two a
are not q
or implic
their prop
has fewer
judges to
on affirm
considers
complan
how har
employ

If employers we

such an objecti

satisfactory, the

select the less q

comply with th

officers to ans

appears, howe

although it was

the NAACP, c

by accepting t

according to C

instances of u

present under

it was necess

emotional reac

in the field of civil rights which have been resisted--quotas and preferential treatment:

The two are closely related, contract compliance officials insist that there are not quotas. The usual procedure is to set as a goal--either explicitly or implicitly--that minority groups be "fairly represented" in relation to their proportion of the total labor force in the community. If an employer has fewer minority group workers than the contract compliance specialist judges to be 'fair representation,' he is likely to press that employer harder on affirmative action than he would an employer who has what he considers a satisfactory minority group employment record. In effect, the compliance specialist often applies a form of subjective quota in deciding how hard to push a given contractor on the fulfillment of his equal employment commitment (p.96).

If employers were viewed as lax in their employment goals, they were asked to pursue such an objective as a quota measure. If an employer's results were not judged as satisfactory, the question arises, according to Nathan (1969), "[d]oes this mean I must select the less qualified man because he is Negro as between two applicants in order to comply with the executive order " (p.96)? This question was difficult for compliance officers to answer because they typically tried to avoid the issue of preference. It appears, however, that preference was strongly emphasized by compliance officers, although it was not overtly recognized by officials. Robert L Carter, General Counsel of the NAACP, contended that "civil rights leaders have allowed themselves to be 'outfoxed' by accepting the present unfavorable connotation of the word, preference. Preferences, according to Carter, are only possible when there is equality to begin with. "Where instances of unequal treatment in the past were involved, favoring minorities in the present under government contracts is not preference, only fairness. Carter argued that it was necessary to face this issue directly and not allow what he characterizes as emotional reactions to the term preference to stand in the way of action that should be

taken" (Nathan

Labor u

were treated di

were required

state and local

incorporate th

Executive Ord

of the order.

the Secretary

The O

the en

volunt

repeat

establ

the eq

are en

and b

take e

new b

One of the m

the pre-awar

11246 to str

In the

a comprehen

government

Executive C

be in compl

taken" (Nathan, 1969:97- 98).

Labor unions under the direction of Executive Order 11246 were treated differently than under Title VII of the Civil Rights Act of 1964. Contractors were required to secure compliance from labor unions who had contracts. In addition, state and local governments receiving federal aid to construction were also required to incorporate the provisions of Executive Order 11246 into their contract. Moreover, Executive Order 11246 made the Secretary of Labor responsible for the administration of the order. The Office of Federal Contract Compliance was established in 1966, by the Secretary of Labor.

The OfCC entered this picture in 1966 with an announced preference for the enforcement routine as opposed to continuation of the emphasis on voluntarism as under the then prominent Plans for Progress approach. In repeated statement, OFCC officials insisted that credibility had been established under Plans for Progress and that now the job was to enforce the equal employment clause in the same way that other contract clauses are enforced. In the words of one Labor Department official, 'if the nuts and bolts are the wrong size, you send them back. Now, we are going to take exactly the same approach on equal employment opportunity. It's a new ballgame' (Nathan, 1969:102-103).

One of the more important decisions made by the OFCC occurred in June, 1966, when the pre-award action or government-wide program was established under Executive Order 11246 to strengthen the contract compliance program.

In the pre-award action, all contracts of \$1 million or more were required to have a comprehensive review of the would be contractor's employment system, prior to a government awarding contracts to the company. If the employer had not complied with Executive Order 11246, the contract was not awarded until the contractor was judged to be in compliance with the order. Subcontractors of \$1 million dollars or over were also

a part of the ag

responsive to str

for periodic rev

In May

Secretar

bidders c

segregat

standing

compliance

legal gr

noncom

assuranc

well as

1969:10

The pre-award

compliance pro

a contractor is

he will agree

reviewed is al

programs wer

These program

construction v

The C

1967, by the

minority gro

contractor m

skilled worke

a part of the agreement. Officials maintained that contractors were more likely to be responsive to stronger affirmative action requirements if their procedures were scheduled for periodic review.

In May of 1967, one year after the pre-award order was issued, the Secretary of Labor issued a related order requiring 'assurances' by all bidders on Federal contracts of \$10,000 and over that they do not maintain segregated facilities. Actually, the ban against segregated facilities is long-standing. It is one of the first and most obvious items checked on a compliance review. The significance of this directive is that it lays the legal groundwork for applying sanctions quickly against contractors in noncompliance for this reason. Violators (i.e., persons who file fraudulent assurances) are subject to criminal prosecution for false representation as well as to other penalties prescribed under the executive order (Nathan, 1969:107).

The pre-award approach was supported by those in favor in strengthening the contract compliance program. "The government's experiences so far are said to indicate that when a contractor is placed in a position of wondering whether he is going to be found eligible, he **will** agree to stronger affirmative action than in situation where the employer being reviewed is already engaged in government contract work" (Nathan, 1969:107). Special programs were implemented in Philadelphia, San Francisco, St. Louis and Cleveland. These programs were designed to increase the number of minority workers employed as construction workers.

The Cleveland Operational Plan for Construction Compliance, adopted in March, 1967, by the Ohio Supreme Court, required an affirmative action program which assures minority group representation in all trades and in all phases of the workforce. "The contractor made a specific proposal in the form of a manning table on the number of skilled workers he would use on the job and the number in each trade who would be

minorities"

committed to

required rep

strong objec

and illegal.

success by C

table approo

In at

cont

pileo

impe

was

right

wor

the

In Weiner

to enjoin th

argument t

Cleveland

Philadelph

constructio

Plan.

In

action pla

the Phila

employme

minorities" (Nathan, 1969:109). This procedure was required of other contractors committed to hiring a specified number of black workers. Although the Cleveland Plan required representation, it did not specify quotas. The manning table concept elicited strong objection from labor movement officials, who considered it to be both a nuisance and illegal. Nevertheless, the Cleveland area program resulted in such an overwhelming success by OFCC representatives, Secretary of Labor Wirtz decided to use the manning table approach as a general policy:

In at least two cases--in Cleveland and in Philadelphia--the Government contract situation had gotten so bad, with antagonism and recrimination piled on top of each other, to the point where symbolism was more important than substance, evidence more important than equity, that there was probably no effective alternative to that kind of ruling. But it isn't right as a general policy, and it won't work. Even if it drags someone who worships his prejudices into line, it demeans somebody else who had done the right thing for the right reason (Nathan, 1969:111).

In **Weiner v. Cuyahoga Community College District**, however, a contractor brought suit to **enjoin** the affirmative action requirement of a manning table. The court rejected the **argument** that the program required a racial "quota" plan and subsequently upheld the **Cleveland** plan and its manning tables under Title VII and the Ohio law. Similarly, the **Philadelphia** Plan required the use of a representative number of minority workers in each **construction** trade rather than a generalized number of workers used in the Cleveland Plan.

In 1968 the OFCC required contractors to submit written affirmative **action** plans, it also imposed minority hiring goals on the construction industry. By 1969, the **Philadelphia** Plan was the major force giving rise to the controversy about **employment** strategy. Political opposition to quotas was responsible for leading the

OFCC to

Pennsylvania

within the

of federal

'exclusion

effect up

[Court]

Supreme

Federal

governm

1968.

Reput

tables.

Cleve

Congr

yet it

At t

ann

OFCC to pursue more voluntary measures. However, the Third Circuit Court of Pennsylvania upheld the Philadelphia Plan and concluded that the "revised plan was within the implied authority of the President to protect federal interest in the expenditure of federal funds. The federal interest protected by the plan was monetary, since the 'exclusion from the available labor pool of minority tradesmen is likely to have an adverse effect upon the cost and completion of construction projects...' Moreover, the Circuit [Court] determined that the plan did not contravene Title VII and other statutes. The U.S. Supreme Court declined to grant review" (Citizens Commission on Civil Rights, 1984:50). Federal courts also upheld the legality of using goals and timetables as required by the government to correct racial practices used by the construction industry. In November, 1968, the Comptroller General, as requested by Congressman William Cramer (Republican from Florida), issued a pronouncement against minority group manning tables. Congress had also expressed concern about both the lack of specificity in the Cleveland and Philadelphia plans, and the affirmative action requirements in general. Congress argued that both plans were inconsistent with the rules of competitive bidding; yet it did not act to eliminate the use of pre-award bargaining.

During consideration of the Federal Highway Act of 1968, Congressman Cramer, who had originally requested that the Comptroller General's opinion on the Cleveland Plan, proposed an amendment prohibiting the imposition of conditions precedent to the award of the contract 'unless such requirement or obligation is otherwise lawful and is specifically set forth in the advertised specifications.' His amendment was adapted (Citizen's Commission on Civil Rights, 1984:46).

At the encouragement of President Nixon, a Republican, a revised Philadelphia Plan was announced by the Department of Labor in June 1969. The intent of the Philadelphia Plan

was to attac

years. "Th

discriminati

neutrality w

Civil Right

minorities i

more effect

if color bli

contractors

manpower

governmen

the emplo

Th

racial hiri

George S

required a

with Con

quotas.

supplem

contracts

threaten

Senate.

was to attack systemic discrimination in employment practices that had existed for many years. "The premise of the post - 1961 Executive Order program was that systemic discrimination in employment existed and had existed for many years, and that mere neutrality would undo the present effects of such practices" (Citizen's Commission on Civil Rights, 1984:47). The Philadelphia Plan required a representation of a number of minorities in each trade. After approximately eight years of operation it became clear that more effective modifications were necessary in the construction trades located in the area if color blind equal opportunity were to become a reality. The order went on to require contractors to commit themselves to self-determined numerical goals of minority manpower utilization, with a range of acceptable numerical standards set by the government. The Philadelphia Plan eventually required employers to reach goals to meet the employer's affirmative action obligation.

The Comptroller General deemed the Philadelphia Plan constituted racial hiring in violation of Title VII of the Civil Rights Act of 1964. Secretary of Labor George Schultz responded to this objection with a revised Philadelphia Plan which required an employment goal system. Although Attorney General John Mitchell disagreed with Comptroller General's contention that the revised Philadelphia Plan also established quotas. The Senate Appropriations Committee, nonetheless, attached the rider to a supplemental appropriations bill prohibiting any government funds from being spent on contracts disapproved by the Comptroller General. President Nixon opposed the rider and threatened to veto the measure which was eventually vetoed by the both the House and Senate. The defeat led many observers to speculate that when the president protected

quota preferen

toward legaliz

genuine supply

"along with th

equal employ

House Minor

service affirm

would in eff

be advanced

attempt to d

in violation

On

Executive

It is

nity

the

reli

This was

to nondisc

Order 11

governme

later. On

should e

quota preferences through the auspices of the Philadelphia Plan, it was a decisive step toward legalizing preferential treatment. The Plan actually reinforced Nixon's strong and genuine support for preferential treatment. In 1969, as Herman Belz (1991) explained, "along with the Philadelphia Plan, he [President Nixon] revised the federal government's equal employment opportunity policy in the direction of preferential treatment. White House Minority Affairs Advisor Robert J. Brown, a black businessman, proposed a civil service affirmative action plan involving 'quantitative targets' and 'agency quotas' that would in effect make it possible to create a 'test class' of minority employees, who could be advanced rapidly to supervisory positions" (p. 39). Congress had earlier defeated an attempt to destroy the Philadelphia Plan, which opponents argued advocated quota hiring in violation of Title VII of the Civil Rights Act of 1964.

On October 13, 1967, Executive Order No. 11246 was amended by Executive Order No. 11375 which stated the following:

It is the policy of the United States Government to provide equal opportunity in Federal employment and in employment by Federal contractors on the basis of merit and without discrimination because of race, color, religion, sex or national origin (1971:684).

This was the first time women had been included in presidential executive orders related to nondiscrimination in employment. In October, 1967, President Nixon issued Executive Order 11478, amending 11375, affecting equal employment opportunity in the federal government, which still governs the federal contract compliance program. Sometime later, Order No. 4 was issued, giving guidelines on what an affirmative action program should entail.

Order NO.4

Order No

affirmative action

An analysis
utilization
the content
deficiency
at all levels
(McGuire)

Order No.4 set

timetables for e

50 or more em

to produce resu

have resulted

debarment. In

were indeed in

one thing was

* Goals may

reasonably an

the entire affi

Belz (1991).

in 1970:

The c
over c
union
clashes
it dro

Order NO.4

Order No.4 gave contractors guidelines for administering an affirmative action plan:

An analysis of areas within which the contractor is deficient in the utilization of minority groups and further, goals and timetables of which the contractor's good faith efforts must be directed to correct the deficiencies and thus to achieve prompt and full utilization of minorities at all levels and in all segments of his work force where deficiencies exist (McGuinness, 1977:20).

Order No.4 set forth procedures requiring a utilization analysis and setting goals and timetables for each establishment of a non-construction contractor or subcontractor with 50 or more employees and a contract of \$50,000 or over. The aim of Order No.4, was to produce results. Theoretically, sanctions for noncompliance were severe. They could have resulted in cancellation, termination, or suspension of the contract including debarment. In practice, however, there were few cases, if any, where these sanctions were indeed imposed. Although Order No. 4 was as vague as previous executive orders, one thing was clear: quotas were not to be used to bring about equality of opportunity. " Goals may not be rigid and inflexible quotas which must be met, but must be targets reasonably attainable by means of applying every good faith effort to make all aspects of the entire affirmative action program work" (Federal Register, 1970:2589). According to Belz (1991), businessmen did not pay much attention to Order No. 4 when it was issued in 1970:

The construction industry was the focus of concern in the early battles over quotas in the Philadelphia Plan; it continued to be as controversial as unions, contractors, civil right organizations, and government officials clashed over the hometown plans instituted by the Labor Department after it dropped the Philadelphia plan as a prototype. In fact neither the

Philae
in the
work
succe
rights
sugge
impro
police
No. 4
requi
contu
93).

In response

action obliq

issued Rev

Fin.

Compliance

Herbert H

on the fe

A

p

o

s

(

In Dece

contra

requir

expla

The

Philadelphia plan nor the hometown plans achieved much minority hiring in the construction trades. However, the Philadelphia plan did not have to work in any practical sense in order to achieve its goals. It had only to succeed in a political sense: it had to acquire symbolic value as a 'civil rights' program sufficient to establish the legality of racial hiring quotas to suggest that its critics were opposed to civil rights and economic improvement for blacks. Ineffectual as social policy, the OFCC quota policy accomplished this political purpose and prepared the way for Order No.4. By broadening the application of numerical racial hiring requirements, the OFCC's expanded affirmative action policy in turn contributed to the national debate over quotas that occurred in 1972 (p. 93).

In response to the criticisms suggesting that contractors' affirmative action obligations were insufficiently specific, the Secretary of Labor, J.D. Hodgson, issued Revised Order No.4.

Finally, the Department of Labor's Office of Federal Contract Compliance issued Revised Order No.4 in the Federal Register of December 4, 1971. As Herbert Hammerman (1984) explained, the revised order resulted from pressures placed on the federal government:

At the same time, there were strong pressures in the government to produce results. Urban riots, increasing civil rights militancy, the promises of the 'Great Society' programs all contributed to a sense of urgency to show immediate results, not just to engage in bureaucratic exercises (Citizen's Committee on Civil Rights, 1984:14).

In December, 1971, Order No. 4 was revised to include women in the contractors' affirmative action agreement. Another additional effort included the requirement of an analysis of all major job categories at the contractor's facility with explanations if minorities are currently being underutilized in one or more job categories. The following factors were to be considered by employers to determine underutilization:

The order stated that where deficiencies exist and where numbers or

percenta
shall est
timetabl
contract
each est

In early 1972.

Rights Act of

federal, state a

Equal Employ

1984:51). Co

employment i

responsible fo

women. Vete

Vietnam era

In the

its efforts to

foster emplo

implemented

The Civil Se

the more in

(OPM), to c

that each ag

various cate

Rights, 198-

percentages are relevant in developing corrective action, the contractor shall establish and set forth specific goals and timetables. Such goals and timetables with supporting data and the analysis thereof shall be part of the contractor's written affirmative action program and shall be maintained at each establishment of the contract (Federal Register, 1970:2588).

In early 1972, Congress passed a comprehensive amendment to Title VII of the Civil Rights Act of 1964. "These amendments expanded the coverage of Title VII to include federal, state and local employment, and for the first time authorized civil suits by the Equal Employment Opportunity Commission" (Citizen's Commission on Civil Rights, 1984:51). Congress expanded the coverage of federal affirmative action to include employment in the federal government itself. The amendments made federal agencies responsible for implementing affirmative action programs to employ racial minorities and women. Veterans and disabled veterans were later included along with veterans of the Vietnam era and handicapped persons.

In the mid-1970s the Office of Federal Contract Compliance continued its efforts to open the construction industry by using the Philadelphia Plan as a model to foster employment opportunities for minorities and women. A number of acts were implemented in the 1970s as race conscious measures issued by the federal government. The Civil Service Reform Act, Section 310 known as the Garcia Amendment was one of the more important ones. The program required the Office of Personnel Management (OPM), to conduct a continuing program for recruitment for minorities. "It also requires that each agency undertake a program to eliminate underrepresentation of minorities in various categories of federal civil service employment" (Citizen's Commission on Civil Rights, 1984:62).

In

deeply re

it becam

complex

quite un

suited f

giving

blacks.

institut

Hamilt

willing

dejure

related

of hu

Amer

as th

these

be a

to ra

awa

ideo

prac

In sum, by the end of the 1950's, it was apparent that discrimination was more deeply rooted in the very fabric of the society than had been originally perceived. And it became clearer that the nondiscrimination employment policies had to face some very complex social realities. Employers were escalating discriminatory hiring patterns, often quite unconsciously, by relying on unexamined assumptions regarding which jobs were suited for black Americans. Companies operated covert quota systems which, while giving the appearance of nondiscrimination, actually concealed unequal treatment of blacks. Dejure segregation practices served to maintain a racial division in the major institutions of the society. By the 1960s', however, Americans, according to Charles Hamilton (1992), a black historian, found dejure segregation unacceptable and were thus willing to "support a civil rights movement that was aimed at ending the most glaring dejure aspects of the dilemma, very likely because they saw that movement in some way related to the overthrow of the remaining vestiges of that thoroughly unacceptable system of human slavery" (p. 15). In spite of the rhetoric opposing dejure segregation, most Americans willingly accept the imperfections of our defacto segregated society. "As long as they were not too blatant and abusive" (Hamilton, 1992:15). Many believed that if these attitudes were carefully examined, changes in racial discriminatory practices could be achieved. It became clear in the 1940s, however, that the structural problems related to race entailed much more than individual actions. As a result, white liberals moved away from the view of American society as being and self-correcting to a prevalent ideology where the system was to blame for racial discrimination and its resulting practices. Thus, many white liberals began to argue that government intervention would

be necessary

efforts were

goals, and

denied men

conversely

and strong

United Sta

and the ge

Constitut

A:

grounds.

Protection

(1971) w

prohibite

fair in t

Burger's

central p

to actual

have a

employ

receive

be necessary in eliminating institutional discrimination and its effects. Government efforts were met with criticism as neoconservatives argued that the strategies imposed-i.e., goals, and timetables perpetuated the use of quotas and preference and subsequently denied merit as an important value of the American capitalist system. Black liberals conversely argued, that the strategies imposed by affirmative action are indeed required and stronger enforcement is necessary if racial equality is to become a reality in the United States. The Supreme Court has begun to take a closer look at racial classification and the general constitutional rules governing the use of race to benefit minorities.

Constitutional and Statutory Challenges to Proportional Representation.

Affirmative action has been challenged on both constitutional and statutory grounds. The constitutional challenges have been primarily centered on the Equal Protection Clause of the Fourteenth Amendment. The decision of *Griggs v. Duke Power* (1971) was the first Title VII case to reach the Supreme Court. Title VII not only clearly prohibited overt discrimination but also implicated discriminatory practices that appeared fair in form but discriminatory in operation. In a sweeping opinion, Chief Justice Burger's Court unanimously adopted the disparate impact theory of discrimination as the central principle of Title VII. That is, if the job requirements were not specifically related to actual job performance, the Supreme Court struck down the requirement that employees have a high school education or pass a standardized intelligence test as a condition of employment, transfer or promotion. Given the inferior education that most blacks received in North Carolina, the required tests served to keep them confined to the least

skill

guide

suit

char

emp

time

pre

in b

reve

pre

Gr

disc

the

as

wo

a p

bag

all

Se

the

Sup

skilled and lowest-paid ranks within the company. Several blacks, in keeping within the guidelines established under Title VII of the Civil Rights Act of 1964, filed a class action suit charging that the tests had no relevance to the job skills. In agreement with the charge, the Court ruled that the tests, although administered to both white and black employees, had a disparate impact in that they resulted in job discrimination. At the same time, federal contract agencies were literally forcing contractors to give minorities preference under Executive order 11246. Race conscious policies were widely established in both the public and private sectors of the economy. As a result, by the mid-1970s reverse discrimination law suits were submitted by white males in their opposition to preferential treatment. Susan M. Liss and William L. Taylor (1991) point out that "the Griggs principle, also known in the law as disparate impact theory, held that unintended discrimination may have a discriminatory impact which reduces equal opportunity and therefore violates the law. Griggs resulted in a transformation in the American workplace as many companies, in response to Griggs, began to provide more job opportunities to women and minorities" (p.17).

In 1971, the case of DeFunis V. Odegaard, Marco DeFunis challenged a preferential admissions program at the University of Washington Law School, on the basis that he had been denied admission in favor of a less qualified black. DeFunis alleged that he had been discriminated against by the University of Washington Law School in violation of the equal protection clause of the Fourteenth Amendment. While the case was in litigation, DeFunis was allowed to enroll in the law school. Although the Superior Court of Washington ruled in favor of Marco DeFunis, five justices of the

Supre

later

begin

discr

which

Com

with

dolla

pract

discr

prov

cons

collie

How

have

selec

gene

of a

conc

issu

Supreme Court joined in a per curiam decision dismissing the case as moot. Four years later the issue of racial preference was still being challenged by white males who were beginning to establish precedence for the argument that the utilization of quotas ultimately discriminated against qualified white males.

In 1973, in the case of American Telephone and Telegraph (AT&T), which was based on disparate impact theory, the Equal Employment Opportunity Commission (EEOC), the Secretary of Labor, and the Department of Justice negotiated with the company to pay 15 million dollars in back wages and raises, totaling 23 million dollars to minorities and women employees who had suffered from discriminatory practices. Blacks held few professional jobs and the EEOC charged AT&T with discrimination against blacks and women. By terms of the decree, AT&T agreed to provide improved opportunities for minimally qualified minorities in an effort to meet the consent decree's requirement of goals and timetables. This provision was contrary to the collective bargaining agreement which required promotion of the best qualified. However, if the company failed to meet the required goals within a given year, it would have to abandon normal job selection standards and use affirmative action criteria to select minority members over non-minorities with greater qualifications or seniority. In general, one could argue that up until the mid-1970s, the Supreme Court evaded the issue of affirmative action. In the 1970s, however, the court chose to deal with the policy concerning preferential admission plans for schools rather than address the controversial issue of employment programs.

In 1974, the Supreme Court ruled against the use of quotas in the case of the

R

T

by

PI

Co

se

So

ad

de

mi

Co

Fou

med

Bur

were

ruin

The B

which

Regents of the University of California v. Bakke. Herman Belz (1991) explained that "the case commanded extraordinary attention; 115 organization filed 51 amicus curie briefs seeking to influence the outcome. And although it dealt with federally funded programs under Title VI of the Civil Rights Act, Bakke could be expected to reflect the Court's view of preferential policies under Title VII" (p. 148). Alan Bakke, a thirty-seven-year-old white male, applied for admission to University of California Medical School and his admission was denied. Bakke contended that the University's special admissions program favoring racial minorities, particularly blacks, was responsible for his denial. The medical school had set-aside sixteen slots in a class of one hundred for minority students. Bakke alleged that he was denied his rights under the California Constitution, Title VI of the 1964 Civil Rights Act, and the equal-protection clause of the Fourteenth Amendment. Moreover, Bakke argued that minorities accepted into the medical school had much lower entrance test scores than he had. According to the Bureau on National Affairs (1986), the Court was so divided that when the seven opinions were pieced together, they were so inconsistent with one another that the bottom-line ruling served as dubious guides for any other case:

On the one hand, five Justices denounced the medical school's minority group preference as unconstitutional because it provided members of certain groups with set-asides, even though there had not been any finding of prior discrimination by the school. On the other hand, five Justices--Justice Powell being the swing vote--said that the school could take race into account as a 'plus' factor in selecting qualified applicants for admission (1986:24).

The Bakke decision left many unanswered questions on the issue of reverse discrimination which the court would have to address. As opposition to quotas continued in the 1970s,

CO

CO

est

Un

has

no

Tru

rese

to

Tras

whi

den

Tide

after

affir

that

the

Bure

too s

courts had to decide the balance between the equal rights principle and the demand for compensatory group preference.

In the *United Steelworkers of America v. Weber* the Supreme Court was able to establish a definitive statement that would last for the next several years. In 1974, the United Steelworkers and the Kaiser Aluminum and Chemical Company signed a collective bargaining agreement that included a voluntary affirmative action plan. Since there were no blacks employed in higher-paying positions in the skilled crafts at the company, a training program was instituted to correct the disparity. The in-plant training programs reserved 39 percent of the slots in these programs for blacks. The goal was for blacks to hold a percentage of the skilled craft positions in the local labor force. Thus, management set up a training program that accepted thirteen people, seven blacks and six whites. The most senior black person had less seniority than Brian Weber, who had been denied acceptance, and subsequently filed a class-action suit charging discrimination under Title VII of the Civil Rights Act of 1964. Section 706 (g) of Title VII authorizes courts, after finding discrimination in suits brought by the EEOC or private parties, to order such affirmative action as many be appropriate. Although the lower courts in Louisiana ruled that the plan granted preference based solely on race, and thereby violated Title VII of the Civil Rights Act of 1964, the Supreme Court reversed the lower court's order. The Bureau of National Affairs (1986), argued that the Supreme Court was careful not to be too specific about its standards for what constituted lawful affirmative action:

It said that Title VII's prohibition against race discrimination did not forbid 'all' race-conscious affirmative action plans, but it refused to 'define in detail the line of demarcation between permissible and impermissible affirmative action plans.' Instead, the Court decided only that the plan

under
Title
segreg
not un
create
elimin
balanc
discret
affirm
in trad

The Court sug

affirmative ac

with the issue

programs inte

somebody had

labor pool. T

(1974) case. fo

black craftwo

apparently bas

which of cour

In the

discrimination

constitutional

for local publi

owned by min

quotas for bla

majority opinio

under examination fell on the permissible side of the line. The plan, like Title VII itself, was designed to break down 'old patterns of racial segregation and hierarchy,' the Court stated. Next it noted, the plan did not 'unnecessarily trammel' the interests of white employees--it did not create an absolute bar to the advancement of whites, and was intended to eliminate a manifest racial imbalance rather than to maintain racial balance. The Court's conclusion was that the plan fell 'within the area of discretion left by Title VII to the private sector voluntarily to adopt affirmative action plans designed to eliminate conspicuous racial imbalance in traditionally segregated job categories' (pp.24-25).

The Court suggested that a literal meaning of Title VII would only serve to prohibit any affirmative action plan. The intent of the plan, from the position of Congress, was to deal with the issue of discrimination against black Americans, while not foreclosing voluntary programs intended to remedy past effects of bias. In *Weber* there was evidence that somebody had discriminated, namely the craft unions from which the employer drew its labor pool. The Supreme Court held in the *United Steelworkers of America v. Weber* (1974) case, for example, that an employer's program designed to increase the number of black craftworkers in the aluminum plant did violate Title VII. The decision was apparently based on the assumption of the stigmatic harm done by societal discrimination, which of course, had little, if any, precise meaning.

In the 1980 decision of *Fullilove v. Klutznick*, the thrust of the reverse discrimination cases decided by the Supreme Court, involved the question of the constitutionality of a statute requiring that at least 10 percent of the federal funds granted for local public works projects be used to procure services or supplies from businesses owned by minority-group members. Race was indeed the classification used to impose quotas for blacks. Although the Supreme Court upheld the statute, it did not issue a majority opinion on the case. As Herman Belz (1991) points out, "in a 6-3 decision, the

Supre

annou

an op

societ

gener

the m

of rac

admini

admini

pract

was l

suit

withi

unde

modi

but n

its se

Circu

rank

as a

Supreme Court upheld the minority set-asides as constitutional. Chief Justice Burger announced the judgement of the Court and, joined by Justices Powell and White, wrote an opinion justifying the quota partly on the basis of a remedial rationale aimed at societal discrimination. But Burger also justified the act by reference to a prospective general legislative rationale unrelated to past discrimination" (pp. 173-174). Viewed as the most important of the reverse discrimination cases, Fullilove broadened the principle of race conscious affirmative action as a government requirement.

Affirmative action was in part strengthened during the liberal administration of President Jimmy Carter's administration, but the conservative Reagan administration opposed the idea of racial preference and set out to destroy the federal practice. The Department of Justice, for example, started an anti-quota campaign and it was hoped that court ordered quotas might be regarded as illegal. Launching one judicial suit after another, the Justice Department pressured local and state governments to withdraw their support of preferential hiring programs. The first Supreme Court decision under the Reagan administration was case of Firefighters Local Union No. 1784 v. Stotts.

In Memphis Fire Department v. Stotts involved a Federal District Court's modification of an affirmative action consent decree that referred to hiring and promotions but not to layoffs. The decision prevented the City of Nashville, Tennessee, from using its seniority system when making economically based layoffs. In Stotts, the 6th and 1st Circuit Courts of Appeals had upheld District Court orders which modified the seniority ranks governing layoffs in order to preserve some of the gains in minority employment as a result of imposed affirmative action plans. The Supreme Court resolved the issue

in

in

se

pe

co

as

Sup

a b

Neit

subse

city.

it to

categ

had b

of the

lower

of disc

in favor of white employees with seniority in the Memphis Fire Dept. v. Stotts decision. In June, 1984, the Supreme Court by a vote of 6-3 upheld the vested rights of a valid seniority system against the rights of affirmative action plans. Title VII specifically permitted bona fide seniority plans as justification for differences in compensation and conditions of employment and discharge, and the district court could not ignore the plan as a remedy against discrimination. According to Bureau of National Affairs (1986), the Supreme Court pointed out that the city's planned use of seniority in making layoffs was a bona fide application of its seniority system:

It said that a court could override a seniority system only by finding that the system was adopted with discriminatory intent or by determining that such a remedy was necessary to make whole a proven victim of discrimination. Because there was no finding that any of the blacks protected from layoff had been a victim of discrimination, the Court, relying on its decision in *Teamsters v. U.S.* (1977), ruled that the lower court imposed on the parties something that could not have been ordered if the case had gone to trial and the black employees had proved that a pattern or practice of discrimination existed (p. 26).

Neither the union nor white workers had been parties to the consent decree, and subsequently had not agreed to give up their rights under the system negotiated with the city. The Justice Department agreed with the Supreme Court decision on Stotts, and used it to establish precedents for other similar federal cases. The Stotts decision would categorically deny the provision of benefits to anyone who could not prove that he or she had been a victim of discrimination. More importantly, however, following the dictate of the Reagan administration, Stotts raised serious concerns over the extent to which lower courts could use their jurisdiction to extend benefits to persons identified as victims of discrimination; secondly, the opinion indirectly challenged the validity of the Weber

decision

justified

imbalanced

it appears

both T

admin

position

Supre

focus

Unite

of co

The

senior

mine

time

plan

rema

dec

ben

poli

decision.

In the Weber decision, the Court stated that affirmative action was justified when the measures taken were designed to eliminate conspicuous racial imbalance in segregated job classifications. Following the Weber and Fullilove decisions, it appeared that the Supreme Court would endorse affirmative action as consistent with both Title VII and the equal-protection clause. Congruent with the assault the Reagan administration placed on the policy, the Supreme Court ironically began to change its position.

In the comparable case of Wyant v. Jackson Board of Education (1986), the Supreme Court dealt with a situation somewhat different from that of Stotts. The case focused on the rejection of preferential treatment by a public employer acting under the United States Constitution. In 1972, the school board in Jackson, Michigan, in the face of considerable racial tension in the community, negotiated an agreement with the union. The provision held that "if it became necessary to lay off teachers, those with the most seniority would be retained except at no time would there be a greater percentage of minority employees laid off than the current percentage of minorities employed at the time of the layoff" (Greene, 1989:108). The Supreme Court argued in favor of the layoff plan in Weber, based on the voluntary nature of the plan. In the Jackson plan, the Court remained divided over the role of voluntary action. According to the Supreme Court's decision, the Jackson plan had not shown that identified victims of discrimination would benefit from the program. In Wyant, "the Supreme Court struck down the school board's policy--which had been included in a collective bargaining contract--of maintaining the

racial

justice

howe

action

decisi

exten

as by

discr

follo

alter

held

coun

dist

197

state

app

pro

cha

the

not

racial proportion of the faculty unchanged in making economic-based layoffs. Enough Justices wrote opinions favorable to various aspects of the concept of affirmative action, however, that it could be said that the case was a victory for supporters of affirmative action that was wrapped in a defeat" (Bureau of National Affairs, 1986:27). In the Wyant decision, Kathanne W. Greene (1989) argued, "the Reagan Administration hoped to extend their seniority holdings to voluntary and court-ordered goals and quotas as well as by using the compensatory arguments limiting relief to the identified victims of discrimination. The Court, however, did not oblige them. Instead, several months following Wyant, the Court upheld both court-ordered and voluntary goals that did not alter the operation of a seniority system" (pp 119-120).

In the case of Local 28, Sheet Metal Workers v. EEOC (1986) the Supreme Court held that district courts had the power to order affirmative action when necessary to counteract egregious discrimination. Prior to this decision, the state and then a federal district court had charged the union with discrimination. The union was found guilty in 1975. The sheet metal workers had originally had a white-only clause. Even after the state civil rights commission ordered the clause eliminated, the union denied black applicants membership. The Federal District Court ordered the union to implement a program consisting of a 29 percent representation of non-white members. The union challenged the decision, joined by the United States Department of Justice, in arguing that the membership goal and certain other provisions requiring membership preference for non-whites were prohibited by Section 706(g) of the Civil Rights Act of 1964:

This section, which defines the remedies available under Title VII, states that no court order 'shall require the admission or reinstatement of an

i
P
t
c
c
In favor

Reagan

victim

the ess

membe

(p.126

consci

repres

emplo

goal.

used

argue

Title

of dis

inten

again

individual as a member of a union, or the hiring, reinstatement, or promotion of an individual as an employee, or the payment to him of any back pay, if such individual was refused admission, suspended, or expelled, or was refused employment or advancement or was suspended or discharged for any reason other than discrimination (Bureau of National Affairs, 1986:30).

In favor of the union, as Michael Small points out (1991), the Solicitor General of the Reagan administration contended that race conscious action would only benefit specific 'victims' of discrimination. That principle--which the Court rejected--would have gutted the essence of affirmative action, which is intended to benefit individuals through their membership in groups, even if the individuals themselves have not been disadvantaged (p.126)." The decision that lower courts could indeed order relief through the race conscious doctrine, found the Supreme Court divided over the necessity of proportional representation as a strategy to challenge discriminatory practices in private sector employment. When the union, according to Herman Belz (1991) "failed to achieve its goal, it was found in civil contempt and ordered to pay a \$15,000 fine, which could be used as a fund for increasing minority membership. In the Supreme Court, the union argued that the membership goals and fund exceed the scope of available remedies under Title VII by giving race conscious preference to persons who were not identifiable victims of discrimination" (p. 255). As Michael C. Small (1991) describes it, the plan was not intended 'simply to achieve and maintain racial balance, but rather [acted] as a benchmark against which the court could gauge the [union's] efforts to remedy past discrimination':

In dissent, Justices O'Connor and White claimed that irrespective of the fine-tuning, what the majority labeled a 'goal' actually operated as a 'rigid membership quota,' because it required the racial composition of the union to mirror the relevant labor pool without any possible deviation (p.137).

The

(19

Cle

198

fire

on

Br

con

clai

disc

trou

redi

affi

Var

affi

requ

invo

the

open

to br

The case of local Number 93, International Association of Firefighters v. Cleveland (1986) involved a Title VII challenge to the firemen's union by the Vanguard of Cleveland, an organization of black and Hispanic firefighters employed by the city. In 1980, the Vanguard filed a complaint on behalf of a class of blacks and Hispanic firefighters employed with the city. The complaint charged the city with discrimination on the basis of race in its hiring, promotion, and assignment of firefighters. Justice Brennan put together a 6-3 coalition that gave lower courts broad discretion in fashioning consent decrees that included hiring programs with explicit racial preferences. Brennan claimed that the plan in Cleveland, designed to eliminate past patterns of racial discrimination, was a true consent decree.

All the cases examined to this point show that the Supreme Court was deeply troubled by affirmative action. In *Weber*, the Court accepted affirmative action on redistributive grounds. In *Stotts and Wyant*, the Court appeared to have rejected affirmative action beyond the compensatory paradigm. In *Sheet Metal Workers*, and the *Vanguards*, the Supreme Court upheld affirmative action, again on redistributive grounds.

In 1986, *United States v. Paradise* expanded the scope of race conscious affirmative action when the Supreme Court upheld a federal judge's 1983-84 order requiring Alabama to promote one black state trooper for each white officer. "The case involved an equal protection challenge to a court-ordered promotion quota that required the Alabama Department of Public Safety (State Troopers) to fill 50% of its promotional openings with qualified blacks" (Greene, 1989:138). The quotas were ordered as a means to break down employment practices that excluded blacks from employment with the

Alab

enga

poli

prom

prom

and

Para

2201

judg

to co

it cl

and

num

repo

and

each

to th

The

in p

char

Alabama state police. The court ordered a hiring quota and enjoined the troopers from engaging in discrimination in its employment practices, including promotions. Black police officers were subsequently hired by the Alabama state police but they were never promoted. Belz (1991) argued, "a district court in 1983 therefore ordered a 50 percent promotion quota for qualified blacks until 25 percent of the police corporals were black and until the state developed a promotion plan free of disparate impact on minorities. In *Paradise*, the Supreme Court affirmed the district court's quota order by a 5-4 margin" (p. 220). In a sense, rejecting the Reagan administration's position, the court ruled that a judge could order employers to temporarily use racial quotas in promotions and in hiring to counter past discrimination against blacks. In this decision, the Supreme Court made it clear that courts, in extreme cases, were allowed to order racial preferences in hiring and promotions. The lower courts were subsequently able to use highly specific numerical racial preference in hiring. Stuart Taylor (1987) of the New York Times reported that by 5 to 4, the Supreme Court upheld a Federal district judge's orders in 1983 and 1984 requiring Alabama to promote one black state trooper, based on availability, for each white state trooper until the state could develop a promotion procedure acceptable to the judge:

The decision reinforced and partly expanded three major rulings last year in which the Court rejected the Administration's broad attack on all use of racial preferences to remedy past job discrimination and approved use of temporary, limited hiring preferences (February, 26:1).

The decision made it clear that in extreme cases the court may order racial preferences in promotions as well as in hiring, and may use highly specific numerical quotas to change the composition of an intentionally segregated work force. Belz (1991)

summ

strugg

The

prefe

quot

Sma

rack

well

wer

St

af

summarized the 1986 affirmative action decision, as marking a major turning point in the struggle to define American equality:

More clearly than in school desegregation and voting rights cases, the Court accepted the proposition that individual rights are contingent upon racial identity. Although the Court rejected the argument of the civil rights lobby that societal discrimination was a sufficient justification for affirmative action, it firmly defended preferential measures against the anti-quota policy of the Reagan administration. In that respect, the decisions were politically as well as legally clarifying (p. 219).

The Paradise decision made it clear that in extreme cases the court may order racial preferences in promotions as well as in hiring, and may use highly specific numerical quotas to change the composition of an intentionally segregated workforce. Michael Small (1991) indicated that in both Paradise and Sheet Metal Workers, the court-ordered racial classifications at issue were predicated on a 'compelling interest,' because of the well-documented egregious discrimination and resistance of those on whom the orders were imposed:

In Paradise, however, the majority and dissenters disagreed on the degree of deference owed to a district judge's choice of means to remedy that discrimination. The specific dispute in Paradise centered on the question of the availability of race-neutral alternatives. The Paradise majority reasoned that, in light of the Alabama Highway Department's legacy of discrimination and abstinence in responding to previous court orders, the series of post-hoc alternative remedies proposed by the dissenters would not have worked. For Justice O'Connor, however, if strict scrutiny had any meaning, alternatives to racial classifications should have been explored. Thus what 'disturbed' her most about the race-conscious order in Paradise was that 'the District Court imposed the [remedy] without consideration of any of the available alternatives (p.139).

In *Johnson v. Transportation Agency, Santa Clara County, California* (1987), the Supreme Court considered a reverse discrimination charge which raised the question of affirmative action for women. While women represented almost 25% of the agency's

emple

Trans

hiring

agenc

were

appli

appli

were

high

min

as fa

6-to

pass

of s

The

son

at

at

employees, most of the skilled craft jobs were restricted to men. In 1978, the Transportation Agency adopted an affirmative action plan, involving set-asides, for the hiring and promotion of minorities and women. Provisions of the plan required the agency to make promotions in traditionally segregated job classifications in which women were underrepresented. In such jobs, the agency could consider the sex of a qualified applicant. In 1979, the agency announced an opening for a road dispatcher. Nine of 12 applicants were deemed qualified. Seven applicants scored above 70 on an interview and were certified as eligible. A white male lost the position in favor of a woman despite his higher qualification rating. Although the agency had not specified the number of minorities and women it wanted to hire, it authorized gender and race to be considered as factors in the ratings.

Stuart Taylor (1987), of the New York Times, explains that the Supreme Court's 6-to-3 decision, rejecting a sex discrimination suit filed by a California man who was passed over for promotion in favor of a woman, was its most sweeping endorsement ever of special preferences for women and members of minorities:

The ruling does not by itself require any employer to institute an affirmative action plan, but it removes much of the remaining legal doubt about the validity of thousands of such programs and could foster the adoption of new ones. Large employers generally welcomed it today as laying legal doubts to rest (March, 27:1).

The Court required that where government avails itself of such remedies, there must be some prior finding of discrimination by any appropriate judicial, legislative or administrative body. The Court interpreted Title VII of the Civil Rights Act of 1964 as allowing it to grant immunity for employer discrimination, a significant change from the

Cou

poir

was

step

Tre

mu

ser

Su

CO

F

W

a

C

C

C

C

v

Court's interpretation guaranteeing the right of the individual. As Michael Small (1991) points out, in Johnson, "five justices stated that Title VII of the 1964 Civil Rights Act was not intended to extend as far as the Constitution. Nonetheless, the same basic two-step approach determines the validity of affirmative action under the Constitution and Title VII: (1) It must have legitimate factual precedence, and (2) the means to its ends must be reasonable" (p. 136). Moreover, according to Small, Johnson provided somewhat more guidance for distinguishing goals from quotas. There, the Court found sufficient flexibility because gender was only one of many factors the employer considered in making promotion decisions:

Furthermore, the employer's plan in Johnson set 'modest short-term goals' of promoting a small percentage of women to a certain skilled job, and took into account demographic and economic variables that could have made compliance with the plan's long-term objectives impractical (Small, 1991:136).

Following Johnson, it was not clear for lower courts what direction the Supreme Court would take in its attempts to separate goals from quotas.

In the city of Richmond, Virginia in 1983, the city council enacted an ordinance aimed at helping construction businesses owned by racial minorities. "The Richmond City Council enacted the Minority Business Utilization Plan ('the Plan'), which was designed to last five years, it required prime contractor to whom the city awarded construction contracts to subcontract at least 30% of the dollar amount of the prime contract to one or more MBE's. The Plan defined 'MBE' as a business at least 51% of which was owned and controlled by minority group members (Small, 1991):126." Prior to enacting the plan, the city council "relied on the findings of nationwide discrimination

in t

tha

Ne

con

ME

In

an

the

ou

di

pe

q

a

m

(C

S

O

C

in the construction industry on which Congress had predicated a similar MBE program that the Supreme Court upheld in *Fullilove v. Klutznick*" (Small, 1991:126). Nonetheless, A. Croson Company of Ohio, a non-MBE firm, bid on a construction contract, Croson sought a waiver of the subcontracting requirement, alleging that not MBE's were available:

The city denied Croson's waiver application and rebid the project. Croson then sued the city, claiming that the MBE plan violated the Constitution. The Reagan Judicial Department filed a brief in support of Croson, which came as no surprise. The administration had previously urged the Court to strike down other affirmative programs, and had done so in a very high profile manner (Small, 1991:126).

In the city of Richmond, blacks comprised approximately 50 percent of the population and had less than 1 percent of the city's prime construction contracts. Moreover, five of the nine seats on the city council were held by blacks.

As, the New York Times reporter, Linda Greenhouse (1989) points out, "Justice Sandra Day O'Connor wrote the majority opinion stating the statistical disparities in Richmond fell far short of proving the specific acts of discrimination in a particular industry. Therefore, they could not justify the use of any unyielding racial quota" (January, 24:12). Later Justice O'Connor stated that classifications on race carry a danger of stigmatic harm. "Unless they are strictly reserved for remedial settings, they may in fact promote notions of racial inferiority and lead to a politics of racial hostility" (Greenhouse, New York Times, January 24, 1989:12). Justice O'Connor maintained that set-asides were rigid racial quotas unrelated to individual injury. This decision led many observers of the evolution of affirmative action to argue that the decision was a considerable victory of the Reagan administration, which had tried for years to persuade

th

at

wa

at

at

So

to

At

off

the

con

the Court to set a high threshold of justification for affirmative action programs. Some argued that the Croson decision emerged as a result of a conservative Supreme Court that was hostile to affirmative action. The Court's intent was to strike down a municipal affirmative action program to give some indication of what may be store in the future of affirmative action. Michael Small (1991) contended that before the Croson decision the Supreme Court had never reached a definitive resolution on the constitutional challenges to affirmative action:

The more conservative members argued that 'benign' racial classifications designed to remedy discrimination against minorities should be subject to strict scrutiny, the same rigorous standard of constitutional review given 'invidious' racial classifications that discriminate against minorities. The premise here was that any use of race--even for assertedly 'benign' purposes--is inherently suspect and tends to stigmatize racial minorities. As it violates the principle of color-blindness that had compelled the Court (beginning in the 1950s with *Brown v. Board of Education*...) to strike down laws that categorized individuals on the basis of race...The liberals agreed that some level of heightened scrutiny should be required when governments use race, even for benign purposes. But strict scrutiny was too high a level of review for uses of race that 'do not fit neatly into [the] prior analytic framework for race cases.' Accordingly, affirmative action plans should be reviewed under the more relaxed intermediate scrutiny, and would be constitutional if they serve an 'important'--rather than compelling--interest, and were 'reasonably related' to that interest--rather than narrowly tailored to fit it. Again, these distinctions in terminology were not just mere semantics. The success of an affirmative action could rise or fall on the standard review (pp.127-128).

Affirmative action has been thought to be at odds with the notion of equality of opportunity, which is fundamentally based on individuals rather than treating people on the basis of belonging to a particular group. According to Small, "that 'collectivist' conception of the Constitution elevated equality of outcome to supreme importance:

This was wrong, said opponents of affirmative action, because the Constitution is [a] negative charter of liberties that only guarantees equality

As

is

cla

futu

wh

pop

info

min

cate

prop

pub

Mon

pers

of o

blac

of opportunity. For these reasons, it was said that when government resorts to racial classifications, the most exacting constitutional review was necessary. And under that standard--strict scrutiny--an affirmative action program must be (1) supported by a compelling interest, and (2) narrowly tailored to ensure that the program fits that interest. The 'compelling interest' prong addresses whether the ends of the program are permissible. The focus is on the underlying factual predicate of the program--the nature and extent of evidence justifying it. If the ends are permissible, the 'narrowly tailored' inquiry focuses on whether the means selected to achieve the ends are reasonable. Here, the focus is on the necessity of the law, its impact on nonminorities, and whether it is flexible or rigid (p.127).

As Michael Small (1991) described, "the strict scrutiny in Croson indicates that the Court is concerned that 'absent searching judicial inquiry into their justification', race-based classifications may be a product of simple 'racial politics.' It also suggests that in the future, the Court will look particularly closely at racial classifications that benefit groups whose members comprise a political majority of the enacting legislature and local population" (p.128). The Croson decision, also raises questions on whether statistical information can be used to reveal the actual effect of discrimination on the number of minorities qualified to perform a certain job, and their representation in that particular job category.

In sum, the position of the Supreme Court on the subject of proportional representation remains unclear, but the current composition of the court, and public opinion, suggest that the principle of merit will be given serious consideration. Moreover, recent court findings seem increasingly compatible with a neoconservative perspective on affirmative action. As the hallmark of the civil rights movement, equality of opportunity called for individual merit as essential to upward mobility of middle class blacks in the more lucrative positions traditionally monopolized by white males in the

Americ

parado

that wa

based

equalit

Revise

strong

a valu

witnes

enforc

American economy. As the idea progressed along with the movement, however, the paradox was clear: how could equal opportunity provide equal access in a social context that was basically unequal? Affirmative action moved away from equality of opportunity, based on Executive Order 10925, and began to focus on what many opponents termed equality of results. With the issuance of Executive Order 11246, Order No. 4 and Revised Order No. 4., involving proportional representation, Jewish neoconservatives strongly resisted the measure. Accordingly, proportional representation rejected merit as a valued principle in the American capitalist system. Black liberal intellectuals after witnessing some positive effects of proportional representation, supported even stronger enforcement of the measure to address the problem of discrimination in employment.

Belz, F
Brun

Benoki
Actio

Bernar
Colur

Bureau
Rocky

History

Citizens
Oppor
D.C.C.

DuBois.

Fleming
1975).

Greene.
Green

Greenho
York

Hamilton
Orland
and Sc

Hammer
Washin

Ham. Her
(July 4

Bibliography for Chapter 2

- Belz, Herman. Equality Transformed: A Quarter-Century of Affirmative Action. New Brunswick: Transaction Publishers, 1991.
- Benokraitis, Nijole and Joe R. Feagin. Affirmative Action and Equal Opportunity: Action, Inaction, Reaction. Boulder: Westview Press, 1978.
- Berman, William C. The Politics of Civil Rights in the Truman Administration. Columbus: Ohio State University Press, 1970.
- Bureau of National Affairs. Affirmative Action Today: A Legal and Practical Analysis. Rockville: The Bureau of National Affairs, Inc., 1986.
- The Civil Rights Act of 1964: Text, Analysis and Legislative History. Washington, D.C.:BNA Incorporated, 1964.
- Citizens' Commission on Civil Rights. Affirmative Action to Open the Doors of Job Opportunity. A Policy of Fairness and Compassion that has Worked. Washington, D.C.:Center for National Policy Review, 1984.
- DuBois, W.E.B. "Postscript". The Crisis (October 1953):236-237.
- Fleming, Harold. "The Federal Executive and Civil Rights 1961-1965" 4(Daedalus 1975):921-948.
- Greene, Kathanne W. Affirmative Action and Principles of Justice. New York: Greenwood Press, 1989.
- Greenhouse, Linda. "Court Bars a Plan Set up to Provide Jobs to Minorities." The New York Times (Tuesday, January 24, 1989):1,12.
- Hamilton, Charles. "Affirmative Action and the Clash of Experimental Realities" in Orlando, Harold and June O'Neill (eds.) The Annals of American Academy of Political and Social Science (September 1992)10-18.
- Hammerman, Herbert. A Decade of New Opportunity. Affirmative Action in the 1970s. Washington, D.C.: The Potomac Institute, 1984.
- Hill, Herbert. "Preferential Hiring: Correcting the Demerit System" Social Policy (July/August 1973):96-102.
- "Patterns of Employment Discrimination" The Crisis (March

1962):137-147.

- Kesselman, Louis C. The Social Politics of FEPC: A Study in Reform Pressure Movements. Chapel Hill: The University of North Carolina Press, 1948
- Kirby, John B. Black Americans in the Roosevelt Era: Liberalism and Race. Knoxville: The University of Tennessee Press, 1980
- Kruman, Marc. "Quotas for Blacks: The Public Works Administration and the Black Construction Worker" Labor History 16(Winter 1975):37-51.
- Liss, Susan M. and William L. Taylor (eds.). Lost Opportunities: The Civil Rights Record of the Bush Administration Mid-Term. Washington, D.C.: Report of the Citizens' Commission on Civil Rights, 1991.
- Matusow, Allen J. The Unraveling of America. The History of Liberalism in the 1960s. New York: Harper Torchbooks, 1984.
- McGuiness, Kenneth. Preferential Treatment in Employment--Affirmative Action or Reverse Discrimination? Washington, D.C.: Equal Employment Advisory Council, 1977.
- McKee, James B. Sociology and the Race Problem: The Failure of a Perspective. Urbana: University of Illinois Press, 1993.
- Nathan, Richard P. Jobs and Civil Rights: The Federal Government in Promoting Equal Opportunity and Training. Washington, D.C.: United States Commission on Civil Rights by the Brookings Institution, 1969.
- Orlans, Harold and June O'Neill (eds.). "Affirmative Action Revisited" The Annals of the American Academy of Political and Social Science (September 1992).
- Powers, Thompson. Equal Employment Opportunity: Compliance and Affirmative Action. Washington, D.C.: National Association of Manufacturers and Plans for Progress, 1969.
- Roberts, Thomas N. "The Negro in Government War Agencies" The Journal of Negro Education 12(Summer 1943):367-385.
- Ruchames, Louis. Race, Jobs, and Politics: The Story of FEPC. New York: Columbia University Press, 1953.
- Scott, Emmett J. "The Coming Presidential Campaign" Opportunity (March 1936):71-72.

Small, Michael. "The New Legal Regime: Affirmative Action After Croson and Metro" in Liss, Susan M. and William L. Taylor (eds.). Lost opportunities: The Civil Rights Record of the Bush Administration Mid-Term. Washington, D.C.: Report of the Citizens' Commission on Civil Rights, 1991.

Taylor, Stuart. "High Court Backs Basing Promotion on a Racial Quota" The New York Times (Thursday, February 26, 1987):1-14.

United States Executive Order 8802, Code of Federal Regulation. CFR 1941-1943:957.

United States Executive Order 10577. Amending the Civil Service Rules and Authorizing a New Appointment System for the Competitive Service Washington, D.C.: Office of Federal Register, National Archives and Records, Eisenhower, 1954.

United Executive Order 11246. Equal Employment Opportunity. Washington, D.C.: Office of federal Register, National Archives and Records, Johnson, 1965.

United States Executive Order 11375. Amending Executive Order No. 11246, Relating to Equal Employment Opportunity. Washington, D.C: Office of Federal Register, National Archives and Records, Johnson, 1967.

United States Order No.4. Department of Labor, Office of Federal Contract Compliance Programs, Equal Employment Opportunity. Washington, D.C.: Office of Federal Register, National Archives and Records, Nixon, 1970.

United States Revised Order No.4.Department of Labor, Office of Federal Contract Compliance Programs, Equal Employment Opportunity. Washington, D.C.: Office of Federal Register, National Archives and Records, Nixon, 1971.

Urofsky, Melvin I. A Conflict of Rights: The Supreme Court and Affirmative Action. New York: Charles Scribner's Sons, 1991.

Weaver, Robert C. Negro Labor a National Problem. New York: Kennikat Press, 1946.

_____. "The Employment of the Negro in War Industries" The Journal of Negro Education (Summer 1943):386-396.

_____. "An Experiment in Negro Labor" Opportunity 10(October 1936):295-298.

Wilkins, Roy (ed.) "The New FEPC" The Crisis (August 1943):231

Willis, Virginia. Affirmative Action: The Unrealized Goal. Washington, D.C.: The Potomac Institute, Inc., 1973.

Wolters, Raymond. Negroes and the Great Depression. The Problem of Economic Recovery. Westport: Greenwood Publishing Corporation.

Young, Whitney M. Jr. "Should There Be 'Compensation' for Negroes? The New York Times Magazine, 6 October 1963 43.

Chapter 3

Neoconservative Perspective on Affirmative Action

This chapter examines the neoconservative attack on proportional representation as an affirmative action strategy and the black liberal support for the strategy. By the 1970s the term neoconservative had gained recognition in many intellectual circles, particularly on many elite college campuses throughout the United States. Alphonso Pinkney (1984) recognizes that most of the conservative scholars, writers, and academicians of the period were identified as neoconservatives. "Like the new Right, the leaders were usually white males. However, unlike their tenuous ally, the neoconservatives were older, better known and less strident in their crusade for conservative change" (p. 37) Norman Podhoretz (1989) in defining neoconservatism contended that the prefix 'neo,' of course, means new, and two decades ago neoconservative was indeed something new under the American sun:

It was new, first and foremost, in its adherents all of whom were intellectuals who (like the vast majority of intellectuals everywhere), had begun their political lives somewhere on the left. Some of them were former liberals who had been shocked by the failure of the poverty programs of the '60s, which they had in many instances helped to design. This was the group famously described by one of its leaders, Irving Kristol, as liberals who had been mugged by reality (p.96)

Irving Kristol (1983), in his definition of contemporary neoconservatism, suggested that neoconservatives "do not bond in the sense of a formal school of thought; rather, 'it is an impulse that ripples through the intellectual world; 'persuasion', to us a nice old-

fashioned term; a mode of thought (but not quite a school of thought)" (p. 74). He further stated that neoconservatives were "reformationists trying to 'reach beyond' contemporary liberalism in the way that all reformations, religious or political, do--by a return to the original sources of liberal vision and liberal energy so as to correct the warped version of liberalism that is today's orthodoxy" (p. 75).

One of the more comprehensive studies of neoconservatives, presented by Peter Steinfels (1979), is The Neoconservatives: The Men Who are Changing America's Politics. Steinfels argues that the term neoconservative has been attached to some of the most influential people of our time, particularly in intellectual circles and politics. The author also acknowledges that these leading neoconservatives are perceptive and literate social thinkers who tend to produce critiques and provocative analyses of liberal and radical thought. The author locates the origins of neoconservatism in the liberalism of the 1950s, where liberals supported pluralism and consensus, while skeptical of mass movements and moralism. However, the events of the 1960s were responsible for liberals who supported the sentiment and orthodoxies of the American left.

As the concerns of the leftist movement turned toward issues related to racial justice, the war in Vietnam, attacks on the inequalities existing in capitalism, liberals who found themselves opposed to the liberal democratic values and the attack on prevailing institutions swayed some of their sentiments toward neoconservatism.

Steinfels analyzes neoconservative attitudes in both general categories and detailed discussion of the 121 leading neoconservative thinkers: Irving Kristol, Daniel Moynihan, and Daniel Bell. Also included in this group was Nathan

Glazer and Norman Podhoretz. As Steinfels described, this party of intellectuals originally thought of themselves as traditional liberals and radicals committed to the struggle of social justice. Ironically, many of them still consider themselves committed to liberalism, but they reject many of the ideas held by liberals today. Ideologically, they are too far right for liberals and too far left for conservatives. Yet, they have been responsible for the revitalization of the older traditions of laissez-faire individualism that has for so long dominated the American rights. Through their presumed transition from liberalism to neoconservatism, some of them remain faithful to theories of classical seventeenth-and eighteenth century liberalism; these are the same theories frequently used as tenets of American conservatism. Gary Dorrien (1992) explains that in addition to taking over the American Enterprise Institute, the Heritage Foundation, and the Hoover Institute, neoconservatives were also preventing conservatives from obtaining positions they deserved:

Clyde Wilson expressed the conservative's resentment at this injustice. "We have simply been crowded out by overwhelming numbers,' he cried. 'The offensives of radicalism have driven vast herds of liberals across the border into our territories. These refugees now speak in our name, but the language they speak is the same one they have always spoken....Our estate has been taken over by an imposter, just as we were about to inherit (pp. 12-13).

The conservatives charged that the neoconservatives were ideological, obnoxious, imperialistic, boring and opportunistic.

Unlike conservatives, neoconservatives generally favor the welfare state, particularly New Deal politics, which are currently under attack by political conservatives and the religious right, but reject redistributive schemes imposed through

govern

on ma

state.

welfar

Moyn

'the p

was pe

of pla

social

to opp

period

welfar

anti-bi

gripin

silver

liberal

family

concep

ability

charac

the A

government policies. Neoconservatives, however, differ from American conservatism on many fundamental assumptions such as those related to the liberal ideal of the welfare state. Neoconservatives have traditionally favored the welfare state, particularly the welfare state of the Roosevelt era, but, with the exception of Daniel Bell and Daniel Moynihan, were less than enthusiastic about the Great Society. Steinfels argues that "the predominant neoconservative stance is one of critical dismissal: the Great Society was part of the 'decade of rubbish'; it proved that the negative, unintended consequences of planned social intervention usually outweigh the positive, intended ones; it increases social conflict without relieving social ills; the burden of political commentary should be to oppose any movement toward similar programs rather than revive the spirits of that period" (1979:219). Because of the neoconservative skepticism about government welfare and intervention, however, their views have been characterized as "anti-poor and anti-black; and their arguments dismissed as essentially those of the guy down the street griping about cheats on welfare and the blacks getting everything served to them on a silver platter" (1979:20). Germane to this position is neoconservative's reaction to the liberal idea of egalitarianism.

Contrary to today's liberals, neoconservatives are sympathetic to family values, equal opportunity and the maintenance of meritocracy. They respect the concept of free market and their commitment to intellectualism has resulted in their ability to establish a body of respectable conservative thought in America. Steinfels characterizes neoconservatives as "publishing in Commentary, the monthly published by the American Jewish Committee which has been one of a mere handful of leading

intellectual forums; until the rise of the New York Review of Books, probably no other journal of serious and extended discussion of politics and culture had as wide a readership. The Public Interest, on the other hand, is a relative newcomer, founded in 1965 and oriented toward the analysis of public issues in the 'nonideological' perspectives of the social sciences" (1979:4) While many liberals and leftist may not like the ideological direction a journal like Commentary may have taken, they nonetheless have to pay it serious attention.

Peter Steinfels indicates that one of the more perplexing aspects of neoconservatism is its apparent belief that America is in the grip of implacable egalitarianism:

Nathan Glazer gloomily contemplates the 'awesome potency' of 'the revolution of equality...the most powerful social force in the modern world.' It 'not only expresses a demand for equality in political rights and in political power; it also represents a demand for equality in economic power, in social status, in authority in every sphere...' 'Everywhere, equality is the cry,' declares Daniel Moynihan, meaning by 'everywhere' the world outside our borders but soon indicating that the insidious emery (British socialist notions) is within as well...Irving Kristol warns against those who 'prize equality more than liberty,' a point of view 'especially popular in some circles--mainly academic ones--in the United States today.' 'The kind of liberal egalitarianism so casually popular today will, if it is permitted to gather momentum, surely destroy the liberal society' (1979:214).

Neoconservatives question whether egalitarian principles are indeed attainable in the American bourgeois capitalist system where inequality is a fundamental characteristic. Like conservatives, neoconservatives argue that discrimination between race and sexes has diminished. Yet among neoconservatives the desired outcome is equity, not equality:

Minorities and women should have an equal chance of achieving the patterns of inequality existing among white males. Neoconservatives are quick to point out the traditional nature of this development and to attribute as little of it as possible to devices like affirmative action, reputed to depart from the old norms. With the exception of the intellectuals, writes Norman Podhoretz, 'very little resentment exists anywhere else in this country over discrepancies of wealth and condition....It would be hard to find anyone in this country who believe, or at least professes to believe, in equality of condition as a desirable social goal (1979:215).

Equality of condition, according to Steinfels, is not a popularly held ideal. Thus, following the liberal tradition, neoconservatives and most Americans alike uphold the notion of equality of opportunity. Consequently, Peter Steinfels points out that some strategies of affirmative action are viewed as problematic. That is, "(1) the shift from equality of opportunity to equality of results; (2) the shift from equality between individuals to equality between groups" (1979:217). According to the neoconservative perspective, this transition occurring in affirmative action also meant a shift from equality of opportunity to equality of condition. "Equality of opportunity allows and encourages 'every individual to better himself by means of his own exertions' and honors the distinctions based on those exertions. Equality of condition, on the other hand, rejects all such distinctions, in terms both of authority and of rewards. It rejects the meritocracy" (Steinfels, 1979:233).

Although Steinfels never actually defines equality of condition, Bryan Turner (1986) suggests that equality of condition assumes that all competitors in the race should start at the same point with appropriate handicaps (p. 36). Moreover, according to Turner, individualism tends to emphasize the moral benefit of competition and competitive relationships:

Consequently competitive individualism requires institutional arrangements of equality of opportunity in order to maximize the effectiveness of differential talent. Radical individualism does not, however, necessarily advocate the importance of equality of condition, since this type of equality tends to ameliorate or minimize the aggressive character of competition. Equality of condition lessens the impact of a competitive race on the individuals involved and therefore what we might call rugged individualism prefers naked competition without social intervention or regulation (1986:91).

Equality of condition would mean a reform movement that would ultimately impact the society at large.

Liberty for neoconservatives is a guaranteed right for all American citizens and is available through the major institutions of the society. This leads to an ideological disapproval of government regulations for business, especially regulations involving racial categories such as the ones existing in affirmative action programs. According to Steinfels, the opposition between liberty and equality, then can be translated into several specifics:

Negatively, it is a useful rhetorical gambit that portrays the advocates of equality as the enemies of freedom. Positively, it is a warning against the excesses of affirmative action; the championing of entrepreneurial freedom against government regulation; and the demand that well established institutions, particularly those envisioned as providing social cohesion, be free to keep their own houses in order without government interference on the side of dissatisfied minorities (pp.232-233).

The real problem for neoconservatives, however, was the relative conflict they have between equality and liberty, and equality and meritocracy, which the author suggested is related to their own self-interests. Steinfels argues, for example, that "the neoconservative attitude toward inequality and 'merit' is even more vulnerable to charges of self-interest and no less concerned about finding a justification for an order of things

they feel will always be unequal and hierarchial" (p. 26).

On the subject of affirmative action, Steinfels (1979) suggests that many neoconservatives have declared themselves in favor of 'genuine' affirmative action, that is, the attempt to search out qualified minority candidates for job openings, widening the pool of applicants as much as possible:

But they have militantly opposed most of the steps devised to institutionalize and compel such an effort on a large scale--the gathering of racial information about job holders and applicants; the establishment of goals and timetables that, if not met, place the burden of proving a good-faith effort upon employers; a systematic skepticism toward job tests that disproportionately disqualify minority applicants; and the prescription of definite remedial measures (the hiring of a given number of minority candidates, the transfer or promotion of employees identified by race or sex) once discrimination has been found (p.225).

Neoconservatives generally support the concept of affirmative action, but challenge the liberal strategy of proportional representation based on quotas, goals and timetables. Neoconservatives, however, differ from American conservatism on many fundamental assumptions such as those related to the liberal ideal of the welfare state. Neoconservatives tended to oppose the use of racial data as a remedy for discriminatory patterns in employment, because such practices involve a redefinition of equality. Thus, they declared themselves against strategies which required the use of goals and timetables. This numerical approach, according to the argument, represented a shift from equality of opportunity to equality of condition, which is the basis for neoconservatives opposition to affirmative action.

In summary, Steinfels contends that most neoconservatives reject affirmative action programs because they vastly overestimate the degree to which meritocratic

standards are an intricate part of both private and public employment institutions. The ideology of meritocracy clouds their vision to the pervasiveness of discriminatory practices aimed specifically at blacks and other racial minorities in American society. The reliance on social networks and other procedures related to hiring and selection procedures are all but ignored because of neoconservatives' reliance on the meritocratic position. In addition to providing relevant information on the distinctive features related to neoconservatives, Steinfels also provided an excellent biographical profile on some of the leading neoconservatives showing their transition from liberalism to neoconservatism. The author did not clearly distinguish between equality of opportunity and equality of condition, which resulted in a more descriptive analysis of affirmative action. Steinfels also neglected to discuss the historical conditions under which affirmative action developed and the issues related to antagonism existing between Jews and blacks over the strategy of proportional representation.

Gary Dorrien (1993) presented one of the more recent and comprehensive analyses on neoconservatism consistent with the research of Peter Steinfels a decade or so earlier. The author examines the political rhetoric and movements associated with neoconservatism and neoconservatives. Neoconservatism, he argues, is rooted in the movement of the New York intellectuals, in the 1940s when it was heavily engaged in Marxism. "Neoconservatism is unarguably rooted, however, in the factional politics of Harold Rosenberg's fabled 'herd of independent minds':

In 1937, William Phillips and Philip Rahn refashioned the formerly Communist Partisan Review as an independent marxist journal. Though the magazine's political militancy steadily diminished over the next two decades, this attempt to blend an anti-Stalinist politics with a modernist

aesthetic marked nearly all of the New York intellectuals long after they gave up Marxism (Dorrien, 1993:8).

Dorrien explains that neoconservatives are a group of intellectuals who, until the 1970s, were an assortment of liberals and leftists who moved to the Right. Ironically, their philosophical position was of such that it did not fit well into traditional conservatism, which was neither intellectual nor liberal. Neoconservatives opposed the Vietnam War, energetically embraced the civil rights movement of the 1960s, denounced capitalism, and most were Democrats who supported a limited welfare state. However, they were less than supportive of the Great Society Programs implemented by the Johnson administration. The Great Society, according to the neoconservative perspective, created a New Class of parasitic bureaucrats and social workers, which neoconservatives opposed. The New Class were non-property owning managers, bureaucrats, and intellectuals, including academicians, whose living conditions are determined by their relation to the corporate order. Taking a clue from Michael Harrington, neoconservatives argued that the New Class masked its own drive toward power and prestige under the banner of compassion:

The ranks of the New Class were massively expanding as the sixties generation came of age. Huge numbers of newly educated baby-boomers were entering the professional middle class. Harrington wanted to recruit them to progressive politics. Though he conceded that Bazelon's fears about the New Class were amply founded, he argued that the new generation's experiences of the civil rights and antiwar movements predisposed them to an egalitarian, anti-imperialist politics. The children of the sixties were receiving a distinctive education. They were now presented with the opportunity to use their education to build a good society-- or to protect their own new privileges. Rather than become the sophisticated enemy of the poor and working classes, Harrington argued, the New Class's next generation could become the 'conscience constituency' for a new American progressivism (Dorrien, 1993:14).

Neoconservatives attacked the position of the New Class and launched a war against them which, Dorrien argued, comprised the essence of neoconservatism. Accordingly, throughout the 1980s, neoconservatives opened their publications to social policy conservatives because, though they continued to distinguish themselves from America's antigovernment Right, their own grievances against the New Class were overwhelming in their identification with Keynesian economics:

Neoconservative disquisitions on the evils of welfare dependency, busing, affirmative action, progressive taxes, and (sometimes) even the minimum wage became increasingly difficult to distinguish from traditional conservative rhetoric against social engineering. Though they repeatedly reaffirmed their support for the welfare state, neoconservatives during the 1980s increasingly claimed that the chief consequences of government action were the unintended ones. The New Class not only was obstructing America's effort to fight communism, it was sapping America's vital entrepreneurial energies. The New Class wanted government to be strong and America to be weak (Dorrien, 1993:16-17).

Neoconservatives' skepticism of government, particularly the Great Society, resulted in Moynihan and Daniel Bell distancing themselves from the movement.

As Dorrien explains, neoconservatives had established a viable network through the Reagan administration. "Podhoretz's son-in-law, Elliott Abrams, was named assistant secretary of state for international organizations, then moved to the Human Rights division, and later directed Reagan's Central America policy as assistant secretary of state for inter-American affairs...Though Podhoretz failed to get the post he wanted at the U.S. Information Agency (USIA), his book The Present Danger was rewarded with a glowing endorsement from the new president, and he was subsequently appointed chairman of the USIA'S New Directions Advisory Committee. Neoconservatives filled numerous lesser positions as well" (pp. 10-11). Their involvement in federal

government, their training as social scientists and tenure holders in elitist higher education institutions, speaks for the power many of these individuals had in influencing the direction of public policy.

Gary Dorrien further explains that neoconservatives, as liberals and radicals supported the early civil rights moment. But as Dorrien explains, "former freedom-riders were repudiating the black nationalist 'degeneration' of the civil rights movement" (p.1). The involvement of black nationalists in the civil rights moment was in part responsible for these former liberals and radicals reevaluating their involvement. They repudiated the civil rights movement because of its affiliation with the Left. According to the author, many of these neoconservatives are Jews. When black nationalists fostered a movement against Zionism, some Jews equated the struggle for black civil rights with anti-Semitism. The only thing left on the civil rights agenda was affirmative action. Neoconservatives are modernists who opposed feminism, affirmative action, multiculturalism and modern liberalism. Dorrien explains why Podhoretz opposed affirmative action: "His magazine [Commentary] later amplified the case against affirmative action, but the fundamental test was the Jewish interest. Affirmative action schemes to employ or promote racial minorities failed the crucial test because Jews would not benefit from them" (p. 191). Thus, in their opposition to affirmative action, according to the author, neoconservatives argued that affirmative action helped those who didn't deserve their attainments and stigmatized those who did deserve them:

Much of neoconservatism's considerable rhetorical power was attributable to its appeal to the fears of being stigmatized or reversely discriminated against. Though affirmative action policies theoretically forbade reverse discrimination, neoconservatives contended that the practice of affirmative

action led inexorably, however, to racial, gender, and ethnic quotas (p.354).

Thus, the issue of quotas remains an overriding concern for neoconservatives.

In conclusion, Dorrien presents an able analysis of neoconservatism and neoconservatives. His work complements the work presented by Peter Steinfels, published earlier. Dorrien serves to show the changes occurring with neoconservatives both politically and ideologically since Steinfels' significant work. While Steinfels spent more time examining neoconservative ideological reaction to affirmative action, Dorrien focused instead on multiculturalism and feminism, topics that many would argue are the current emphases of affirmative action. The actual arguments presented by neoconservatives in their opposition to proportional representation were never discussed by Dorrien. Thus, he did not relate the ideological differences between opponents and proponents of proportional representation.

By definition, according to Winchell, "neoconservatives belong to the tradition of liberal democratic modernity, the tradition of Montesquieu, Madison, and Tocqueville...

The principles of neoconservatism are individual liberty, self-government, and equality of opportunity. Adhering to the classical liberal doctrine of equality of opportunity, neoconservatives supported the early civil rights movement but now oppose attempts to achieve equality of outcome through reverse discrimination...On balance, neoconservatives regard themselves as the true heirs of a liberal tradition abandoned by the radical left...Because the Old Right sees the liberal tradition itself as an enemy, it is occasionally willing to make common cause with neoconservatives without fully trusting them (p.41)

Of the three neoconservatives discussed by Winchell, Norman Podhoretz, as editor of *Commentary*, in addition to other affiliations, has done more to make neoconservatism

a focus of the intellectual community. Mark Winchell (1991) used an entirely different approach from Steinfels and Dorrien in distinguishing between what he refers to as distinctive neoconservative criticism. He bases the analysis on the works of Norman Podhoretz, Kenneth S. Lynn and Joseph Epstein. Each of these neoconservatives is presented by the author as being a longtime cultural traditionalist critical of cultural radicalism. As Winchell explains, intellectuals known as neoconservatives are "recent converts to laissez-faire economics and have been cultural traditionalists from the cradle; however, their present commitment to the Right is primarily an out growth of the struggle between pro-Communist and anti-Communist intellectuals during the middle decades of this century" (p.2). Although Winchell neglects to discuss the issues, there is little doubt that neoconservatives are anti-communist in their views.

In (1979) Norman Podhoretz once held that the job of public policy was to do away with the discrimination experienced by blacks "in every area or institution it touched--schools, employment, housing, and so on. Here Podhoretz spends time discussing his traditional liberal views which, from all accounts, is more self-serving than useful to the black struggle. He says, for example, "once the barriers of discrimination were down, an integrated society would naturally emerge" (p. 118). However, in "My Negro Problem--And Ours", while he believed that miscegenation was in theory a desirable ideal for integration, Podhoretz stated that "if I were to be asked today whether I would like a daughter of mine "to marry one," I would answer: 'No, I wouldn't like at all" (Podhoretz, 1963:101). Clearly, while Podhoretz fosters racial equality, it should not impact his social world.

One of the stronger emphases of Winchell's work was his ability to focus on the ideas presented by Norman Podhoretz. The unfortunate consequence, however, is that he only reiterates what is commonly known about Podhoretz. For example, according to Winchell, as a young enlightened liberal, Podhoretz affirmed the idea that blacks were innocent victims of white racism. Moreover, according to the liberal philosophy of the 1960s, "American society could not be whole until that happy day when integration was not only law of the land but a social reality as well. Jews, who had been the victims of so much persecution, could do no less than champion the cause of racial equality" (Winchell, 1991:17). Podhoretz, with respect to his friendship with James Baldwin, "gradually came to see that the racial problem in the United States was more complex than liberal integrationists cared to believe" (Winchell, 1991:17). Baldwin, a black writer with international acclaim, convinced Podhoretz that most blacks were less than enthusiastic in their relations with whites, including white liberals. Anti-white groups such as the Black Muslims were not far removed in their racial ideology from other blacks, even black integrationists, at one point. "Baldwin's passionate exposition of black rage in The Fire Next Time suggests that, for the ostensible progress made in civil rights, America was on the brink of a race warfare" (Winchell, 1991:16). For Podhoretz, Baldwin, more than any other black intellectual, represented the living embodiment of integration as an ideal.

In sum, Winchell presented a descriptive analysis of neoconservatism in contrast with paleconservatives. "Paleconservatives are the heirs to the Christian and aristocratic Middle Ages, to Augustine, Aquinas, and Hooker" (Winchell, 1991:4). More attention

is paid to neoconservatives with focus on Norman Podhoretz. From all accounts the information on Podhoretz and neoconservatives in general is more aptly presented by neoconservatives themselves. Nevertheless the research does have some merit, particularly in examining the cultural ramifications of neoconservatism.

In 1979, Podhoretz explained, "Worse still, it [white liberalism] came uncomfortably close to saying that Negroes were by nature more primitive and more instinctual than whites--a notion traditionally associated with racial myths and one used to justify both slavery and Jim Crow" (1979:127). Podhoretz further contended that the urban riots in the mid-sixties emerging from the black ghettos of many northern cities came as a traumatic shock to the white liberal community.

Up to that point the general liberal assumption had been that the progress toward racial justice and harmony was being registered all the time, Yet now, in spite of the Civil Rights Act of 1964 and the Voting Rights Act of 1965 and the dozens of poverty programs that had spawned a whole new acronymic language--OEO, VISTA, CETA, et cetera--things suddenly seemed to have grown worse rather than better (1979:246).

Alternatively, a different strategy existed for many blacks who were, as James Baldwin had suggested, disenchanted with white America. The alternative was sometimes known as Black Power and frequently referred to as community control. Ironically, many white liberals favored this approach in openly supporting the concept of black destiny. The concept of destiny ultimately meant that white involvement in the black movement would be excluded. According to Podhoretz, socialists like Bayard Rustin and liberal integrationists like Roy Wilkins saw the new prominence being given by the white liberal establishment to such people and their separatist ideas as a sinister maneuver designed to frustrate any further progress toward integration:

They also thought that it was a way of pacifying the black community on the cheap, community control being so much less expensive than the \$100 billion 'freedom budget' that the great black leader A. Philip Randolph, Bayard Rustin, and their allies were recommending as the only possible solution (1979:248).

Some time later, Podhoretz appeared with Lionel Trilling at Harvard College to discuss the subject of racial quotas. ‘

On the subject of affirmative action, Norman Podhoretz informed the participants at an informal round table discussion that he supported special efforts to recruit qualified blacks and supported special efforts to help unqualified blacks compete on an equal footing:

What I opposed was the admission of unqualified persons in order to fill a predetermined quota. Such a system meant to fight racism, was itself implicitly racist in assuming that blacks would never be able to compete with whites on equal footing. I myself did not believe this, and if I were black, I would feel insulted by it. But I was not a black and I would talk rather as what was--is a liberal, a Jew, and an intellectual. In each of these capacities, I said, I had a strong reason for opposing quotas. As a liberal I believed in the strong principle of treating individuals as individuals and not as members of a group; as a Jew, I feared that a quotas system designed to overcome discrimination against blacks would almost certainly result in discrimination against Jews (1979:300).

Podhoretz reacted to the idea that Jewish success had been achieved and was being maintained by a conspiracy of mutual help and promotion....

Yet even many people who resisted the conspiracy theory now seemed to feel that the Jews had perhaps grown too rich and too powerful and that their wealth and their power, if not acquired at the expense of blacks, was somehow holding back black advancement. For such people the new system of racial quotas seemed not only a quick but (by comparison with vast training programs, which were in any case of dubious effectiveness) a relatively inexpensive way to do something about both sides of a troublesome social imbalance (1979:333).

Podhoretz strongly believed that "whatever its purpose, a system based on proportional

representation according to race would inevitably lead to the forcing out of Jews from areas in which they were now 'overrepresented' and to discriminate against them in the future to make sure that the same 'overrepresentation' did not occur again" (p. 334). In denying his affiliation with the neoconservative perspective, Podhoretz, although holding true to assumptions claimed by Steinfels, argued that he and Daniel Moynihan both owed their existence to the traditional liberal idea:

Others might call us conservatives or neoconservatives, and we certainly had no desire to be identified with the views of many of the people usually known as liberal today. In looking for convenient alternatives to use in public, we wondered what to call ourselves, the invariable answer was: a liberal (p. 356).

However, sometime later in Conservative Digest, Podhoretz (1989) admitted his ideological affiliation with contemporary neoconservatism when he declared that "it [neoconservatism] was news, first and foremost, in its adherents all of whom were intellectuals who (like the vast majority of intellectuals everywhere) had begun their political lives somewhere on the left" (p. 56).

In sum, while the book had little to do with neoconservatism, and affirmative action, with the exception of a few brief thoughts, its true appeal was the evolution of ideas expressed by Podhoretz as a political memoir. The major emphasis of the book is focused on the political development of Podhoretz from the beginnings of his career starting as student at Columbia College in the 1940s and concluding with the problems he encountered with the New Left in the 1970s. Ironically, the vast majority of writings on neoconservatives are restricted to biographical or autobiographical information on specific individuals associated with contemporary neoconservatives.

Norman Podhoretz gives little information on how neoconservatives think as a group nor does he explore the conflict occurring between other groups as a result of the neoconservative philosophical position.

Irving Kristol (1983) presents a brief analysis on collective ideas generally held by neoconservatives. While these ideas tend to hold the neoconservative ideological premise they differ in context for each neoconservative. Nonetheless, Kristol presented a collection of essays explaining his evolution from youthful socialism to neoconservatism. In the chapter related specifically to neoconservatism, Kristol argued that he is probably the only living and self-confessed neoconservative, at large or in captivity. In his acknowledgement of some of the more valued portions of Steinfels' commentary on neoconservatism, Kristol argues that "neoconservatism....is indeed reformationist 'as Mr Steinfels' suggests: It tries to 'reach beyond' contemporary liberation in a way that all reformations, religious or political do--by a return to the original sources of liberal vision and liberal energy so as to correct the warped version of liberalism that is today's orthodoxy" (p. 75). Kristol discusses what he maintains are the distinctive features of neoconservatism.

1. Neoconservatism is a current of thought emerging out of the academic-intellectual world and provoked by disillusionment with contemporary liberalism. Its relation to the business community--the traditional source of American conservatism--is loose and uneasy, though not necessarily unfriendly.

2. Unlike previous such currents of thought--for example, the Southern Agrarians or the Transcendentalists of the nineteenth century--neoconservatism is antiromantic in substance and temperament. Indeed, it regards political romanticism--and its twin, political utopianism--of any kind as one of the plagues of our age. This is but another way of saying it is a philosophical-political impulse rather than a literary-political

impulse. Or, to put it still another way: Its approach to the world is more 'rabbinic than prophetic.'

3. The philosophical roots of neoconservatism are to be found mainly in classical--that is, promodern, preideological--political philosophy. Here the teaching and writing of the late Leo Strauss (never mentioned by Mr. Steinfels) are of importance, though many neoconservatives find him somewhat too wary of modernity. Neoconservatives are admiring of Aristotle, respectful of Locke, distrustful of Rousseau.

4. The attitude of neoconservatives to bourgeois society and the bourgeois ethos is one of detached attachment. In the spirit of Tocqueville, neoconservatives do not think that liberal-democratic capitalism is the best of all imaginable worlds--only the best, under the circumstances, of all possible worlds. This modest enthusiasm distinguishes neoconservatism from the Old Right and the New Right--both of which are exceedingly suspicious of it.

5. Neoconservatism is inclined to the belief that a predominantly market economy--just how 'predominant' is a matter for some disagreement--is necessary if not sufficient precondition for a liberal society. (Daniel Bell, as the theoretician for what may be called our 'social-democratic wing,' would presumably take issue with this judgment.) It also sees a market economy as favorable to economic growth.

6. Neoconservatism believe in the importance of economic growth, not out of any enthusiasm for the material goods of this world, but because they see economic growth as indispensable for social and political stability. It is the prospect of economic growth that has made it possible to think--against the grain of promodern political thought--of democracy as a viable and enduring sociopolitical system.

7. Neoconservatives, though respecting the market as an economic mechanism, are not libertarian in the sense, say, that Milton Friedman and Friedreich A. von Hayek are. A conservative welfare state--what once was called a 'social insurance' state--is perfectly consistent with the neoconservative perspective. So is a state that takes a degree of responsibility for helping to shape the preferences that the people exercise in a free market--to 'elevate' them, if you will. Neoconservative, moreover, believe that it is natural for people to want their preferences to be elevated. The current version of liberalism, which prescribes massive government intervention in the marketplace but an absolute laissez-faire attitude toward manners and morals, strikes neoconservatives as representing a bizarre inversion of priorities.

8. Neoconservatives look upon family and religion as indispensable pillars of a decent society. Indeed they have a special fondness for all of those intermediate institutions of a liberal society which reconcile the need for community with the desire for liberty (1983:75-77).

It is important to note, however, that the intellectuals referred to here as neoconservatives typically adhere to the distinguishing features in varying degrees.

In sum, it appears that Irving Kristol wrote part of this book in response to assumptions held by Peter Steinfels that he found to be problematic. Although Kristol does not directly approach the subject of affirmative action, the information related to the neoconservative perspective was of the utmost significance in providing fundamental understanding of neoconservatism.

In The Prodigal Son, Alexander Bloom (1986) studies the historical development of the New York intellectual community, a label affixed to a certain intellectual style in the 1950s. Characteristically its members, from Jewish immigrant ghettos, moved toward intellectual life through left politics and the avant--garde cultural life of the 1930s. By the 1960s many of these intellectuals had established an intimate connection with the federal government and subsequently became politically well established. They were generally writers and scholars who had regularly published in the liberal New York Review and Commentary. As New York intellectuals, who for the most part were Jewish, they were financially supportive of the early civil rights activities, with the common goal of attacking discrimination. Bloom indicated that it is usual to chart the development of neoconservatism as a reaction to the tumultuous days of the 1960s, whether among steadfast opponents of the New Left like Irving Kristol or among reborn ex-radicals like Norman Podhoretz.

Alexander Bloom (1986) pointed out that neoconservatives disapprove of preferential quotas and affirmative action programs, supporting instead economic hierarchies; they seek equal access, not equality:

'Human talents and abilities....distribute themselves along a bell-shaped curve', Irving Kristol concluded, as do incomes and power. Elsewhere Kristol remarked, 'Nobody cares about equality as long as everything is getting better.' Inappropriate commitment to equality led only to populist leveling or, as Bell argued, a resentment against, 'the authority represented in the superior competence of individuals'....All through the 1950s they pressed for intellectuals' involvement in government. In the 1960s a number received the opportunity. During the 1970s this trend continued, only now they advised admittedly conservative presidents (p. 370).

Many of these liberals, modernists, and avant-gardes, were also New York intellectuals who had established intimate connections with the federal government, beginning with President John F. Kennedy's administration in the 1960s. According to Bloom they searched for a new meaning for their vaunted avant-gardism:

In academic disciplines they helped develop explanations of the historical process and social dynamics which praised consensus over conflict, status anxieties over class antagonism. Their ideas took hold, established themselves, became fashionable. They were 'in,' 'chic.' The public came courting. Having spent so many nights at home alone the New Yorkers could not resist the advances. As Norman Podhoretz later concluded, 'while intelligence, learning, wide knowledge, and even wisdom were in abundant supply with the intellectual community of New York worldliness was not one of its salient qualities.' 'For all their gloss of sophistication, they had not really moved very far into the world,' Irving Howe concluded. 'The immigrant milk was still on their lips (Bloom, 1986:326).

Nonetheless, they became the intellectuals of New York with enough influence to sway the thinking of a number of their American readers. Moreover, as intellectuals involved both directly and indirectly with the functions of the federal government, they were also

instrumental in directing public policy.

In Beyond the Melting Pot, Nathan Glazer and Daniel P. Moynihan suggested that the black community institutions, save for churches, presented one serious problem for blacks:

Daniel Bell, noting this finding, offered the example of an alternative system. "A cursory acquaintance with Jewish community life in New York City, for example, reveals the dense network of community organizations and services set up by the Jewish community itself....and the reason [the black community lacks this structure] is that these tasks have been skirted or ignored by the Negro middle-class.' Irving Kristol seconded these notions, arguing that blacks merely represented the latest in the line of urban immigrants (Bloom, 1986:330).

For black intellectuals, if they are going to succeed in the same way in which Jews had before them, assimilation was key. As Bloom explained, for blacks the focus on Jews was not as pathfinders but on the contrary as antagonists:

The slow emergence of these two themes marked the running of a significant segment of New York intellectuals away from a main current of civil rights activities. In 1964, a decade before the Supreme Court began to face the question, Daniel Bell sounded a warning about preferential quotas. Making a special place for less qualified Negro students [at the city college] may eliminate an equally poor Italian or Jewish boy. What then? 'The problem with quotas--what Nathan Glazer later called 'affirmative discrimination'--was not only their unfairness but also their threat to Jews (1986:332).

As more blacks moved from supporting integration to supporting racial isolation, based on the separatist or community control approach, black and white liberal relations, particularly those with Jewish liberals, were strained. Nathan Glazer, according to Alexander Bloom, said it was by accident that Jews were able to advance themselves ahead of blacks. The success of Jews had more to do with achievement than with presumed cultural values and characteristics. That is, some Jewish immigrants were

fairly skilled when they arrived to America, while others acquired academic degrees and high levels of performance on civil service examinations. In a final warning to Jews, Glazer contended, in Bloom's work, that many Negro leaders are now beginning to expect that the patterns of their advancement in American society will take quite a different form from that of the immigrant ethnic groups:

In response, 'the white community into which the Negro now demands full entrance is not actually a single--community it is a series of communities. And all of them feel threatened by the implications of the new Negro demand for equality.' The underlying thrust of this presence by blacks is to declare that 'the sub-community, because it either protects privileges or creates inequality, has no right to exist. This is why these demands pose quite a new challenge to the Jewish community, or to any sub-community (Bloom, 1986:334).

With the rise of black consciousness and the black power movement, blacks further antagonized Jews in their rejection of the assimilation position.

Rather than following the traditional path of gradual assimilation into American society, on the strength of particular ethnic characteristics, this latest group of 'newcomers' wanted to rewrite the rules in such a way as to threaten the place and security of other groups who had recently assimilated--especially Jews. This troubled the New Yorkers throughout the 1960s and united individuals who otherwise saw themselves as widely scattered on the political spectrum: Norman Podhoretz, thinking himself the champion of new radicals; Nathan Glazer, calling himself a democratic socialist; Daniel Bell, the more traditional liberal; and Irving Kristol, already moving rightward in advance of many of his contemporaries (1986:335).

Because of the New York City's schoolteacher strike in the fall of 1968, the ambivalence the New York intellectuals had about the civil rights movement turned to contempt. The issues raised during the strike, however, reflect the continuing concerns of a number of these individuals over questions of race and the widening cracks between former friends.

The strike was complex for these intellectuals because it required the choice between two causes both previously assumed to be attractive to liberals. On one side stood the city's blacks and educational reformers, happy to decentralize the massive school system and institute community schools. On the other side stood the city's teachers and their union, many of them the Jews Nathan Glazer described, who had poured out of City College and into the educational system, 'the system where Jews had done so well' (1986:335).

The debate over the New York teacher's strike not only divided the New York intellectuals along ideological lines but it also further perpetuated increasingly strained relations between Jews and blacks. As Nathan Glazer warned his fellow Jewish intellectuals, the 'expansion and inflammation of anti-semitism among blacks was abetted and assisted and advised by white, predominantly Jewish, intelligentsia':

As an example, Glazer cited an advertisement in the Black Panther, supporting Eldridge Cleaver and signed by Allen Ginsberg, Norman Mailer, Edgar Friedenberg, Susan Sontag, Jules Feiffer, Noam Chomsky, and Robert Silvers, among other. The same issue of the Panthers publication had run an article on Al Fatah, entitled 'Palestine Guerrillas versus Israel Pigs.' The crucial concern which turned many Jews against the New Left--Israel--now entered the already knotted world of black-Jewish relations (1986:336).

Even without the explosive question of Israel, the once harmonious relations between Jews and blacks underwent severe strain in the 1960s, as various individuals reassessed the impact of further steps in American race relations. "As the New York teachers' strike so clearly demonstrated, Jews, intellectual journals, and even old friends would split sharply over these issues. Now, however, the rift became more permanent" (1986:337).

In conclusion, Alexander Bloom presented a strong biographical analysis on the historical development of many of the individuals were currently referred to as

neoconservatives. Much of the information presented by Alexander Bloom, is key to understanding how neoconservatives pragmatically formed as a group. The conflict over the New York City schoolteacher's strike is important because it sheds more light on neoconservative views on pluralism, the civil rights movement, and the question over affirmative action in general. What Bloom does not explain, however, is that the conflict between blacks and Jews existed long before affirmative action came into being.

In an article written by Ella Baker and Marvel Cooke (1935), "The Bronx Slave Market," the authors described how Jews were exploiting black domestic labor. In the heavily Jewish Bronx, existed a street corner market for domestic servants where black women were essentially rented by Jewish women at rates well below the market for house work. Baker and Cooke contended, "the exploiters, judged from the districts where this abominable traffic flourishes, are the wives and mothers of artisans and tradesmen who militantly battle against being exploited themselves, but who apparently have not scruples against exploiting others" (p.340). The publication of this article, according to Louis Harap (1942), was in part responsible for a great deal of black resentment toward Jews.

The so-called 'slave market' was the source of great antagonism. In the Bronx, most of whose inhabitants are Jewish, Negro girls and women used to stand around at certain street corners where they would be hired for temporary domestic work at very low rates, and this practice aroused hostility toward the employers, who largely were Jewish. Although New York City provided regular employment agencies that did away with this practice in May, 1941, the period of the 'slave market' was responsible for a good deal of anti-Jewish feeling that was unscrupulously exploited by extreme Negro nationalists and axis agents (p.106).

Harap suggested further that although both blacks and Jews were victims of oppression

in American society, even though Jews were reluctant to envision their minority group status on an equal basis with that of blacks.

Nor have organized Jews in the past presented a solid front with Negroes against the failure of American society to grant equal rights to the Negro. Indeed, as a presumed measure of protection against anti-Jewish whites in cleaving to the color line. Before anti-Semitism became a major American problem--a condition which revealed clearly and indefeasibly that the Jew shared a minority status with the Negro--many Jews continued to act upon the false presumption of white superiority (pp. 107-108).

Ironically, many American Jews, on the one hand, had compared their oppression in Nazi Germany with aggressive de jure segregation practices that existed in the South. On the other hand, many Jews behaved as part of the oppressor class, making it difficult for blacks to accept Jews as a similar oppressed group. As Jacob J. Weinstein (1934) explained, "Jews resented classification with the Negro in a minority group, the most thoughtful of them are taking a keener interest in the Negro problem out of the conviction that prejudice once defined toward one group is easily transferred to another" (p.178). Many liberals felt that Jews and blacks should have combined their political alliances for the benefit of both groups. As L.D. Reddick (1942) suggested, blacks and Jews had much to offer each other:

In this country as elsewhere, Jews have a strategic position in the economic and social order which should prove most helpful in joint struggle. Both peoples have a rich cultural tradition with different dominant tones which would seem to complement each other. But the question is how, concretely, may these two groups be brought together? The first essential seems to be the need for the Jewish and Negro peoples to identify their struggles as one (pp.119-120).

Kenneth Clark (1946), however, differentiated between the Jewish struggle and the black struggle, emphasizing apprehensions of some blacks regarding their relations with Jews.

Many Jews have won economic and political eminence. Jews have become Supreme Court Justices, presidential advisers, etc. Jews have been able to establish some sort of economic stability in spite of severe discrimination. These facts are known to the Jewish people at large and afford them some basis for positive group self-respect. Negroes too are aware of these facts and are not likely to see the Jewish plight as 'identical' with their own. Accordingly, many Negroes view with suspicion any Jewish appeal to them that argues 'we are both in the same boat.' This they consider unrealistic, and probably insincere (p.12).

Similarly, James Baldwin (1948) contended that the Jew has been taught--and, too often, accepts--the legend of Negro inferiority; and the Negro, on the other hand, had found nothing in his experience with Jews to counteract the legend of Semitic greed...

The Negro, facing a Jew, hates, at bottom, not his Jewishness but the color of his skin. It is not the Jewish tradition by which he has been betrayed but the tradition of his native land. But just as society must have a scapegoat, so hatred must have a symbol. Georgia has the Negro and Harlem has the Jew (p. 170).

Although blacks and Jews established coalitions among themselves to address problems related to Jews' perceptions of black anti-Semitism and blacks' perceptions of Jews as white racists, the relations between the two groups remained fairly tenuous but steady. In the 1960s, however, the relation between Jews and blacks began to deteriorate. Jewish liberals for the most part were of East European descent and related their successes to their educational attainments. Jewish philanthropy was subsequently restricted to black organizations associated with middle class blacks, including the NAACP, CORE and the National Urban League where they actively engaged in leadership roles. Nathan Glazer (1962) argued, for example, that white liberalism affiliated with the black civil rights movement was frequently viewed as synonymous with Jewish liberals.

The 'white liberal', who is attached as a false friend unwilling to support demands which affect him or his, and is probably prejudiced to boot, is generally (even if this is not spelled out) the white Jewish liberal--and it could hardly be otherwise, in view of the predominance of Jews among liberals, particularly in major cities like New York, Chicago, Philadelphia, and Los Angeles. This Jewish resistance, however, is often based not only on the demands themselves, but on a growing awareness of the depths of Negro antagonism to the world that Jewish liberalism considers desirable (p.30).

In the 1960s, according to Glazer (1962), Jews felt it was their responsibility to remain on good terms with blacks for both economic and political reasons. Economically many Jews relied on black patronage. Politically, Jews represented an active voice in the black struggle that frequently echoed their own sentiments, regarding the Jewish experience in America. Blacks regarded Jews as liberals who understood the impact of discriminatory practices, which ultimately served to lead affected groups to a secondary status. What occurred, however, as James Baldwin suggested is that blacks eventually equated Jewish success with the white power structure which had a history of racial exploitation, particularly in the labor economy. Moreover, an ideological split occurred between the two groups, which is discussed in chapter 6.

In summation, there is a wealth of information on neoconservatives, and some of the literature even includes affirmative action. Unlike my research, however, none of the sociological and historical literature, and documents refers specifically to proportional representation and its threat to the meritocratic principle. In addition to the neoconservative perspective, this analysis also includes the perspective of black liberal intellectuals' defense of proportional representation as a strategy to address the problem of discrimination in employment.

Bibliography for Chapter 3

- Baker, Ella and Marvel Cooke. "The Bronx Slave Market" Crisis (November 1935):330- 340
- Baldwin, James. "The Harlem Ghetto: The Vicious Circle of Frustration and Prejudice" Commentary (February 1948):165-170.
- Bloom, Alexander. Prodigal Son: The New York Intellectuals and Their World. New York: Oxford University Press, 1986.
- Clark, Kenneth. "Candor About Negro-Jewish Relations" Commentary (February 1946):8-14.
- Dorrien, Gary. The Neoconservative Mind: Politics, Culture, and the War of Ideology. Philadelphia: Temple Press, 1993.
- Glazer, Nathan. "Negro and Jews: The New Challenge to Pluralism" Commentary (December 1964):29-34.
- , "City Problems and Jewish Responsibilities" Commentary (1962):24-30.
- Harap, Louis. "Anti-Negroism Among Jews" The Negro Quarterly (Summer 1942):105-111
- Kristol, Irving. Reflections of a Neoconservative: Looking Back, Looking Ahead. New York: Basic Books, 1983.
- Pinkney, Alphonso. The Myth of Black Progress. Cambridge: Cambridge University Press, 1985.
- Podhoretz, Norman. "New Vistas for Neoconservatives," Conservative Digest 15(January/February 1989):56-57.
- Breaking Ranks. New York: Harper and Row, Publishers, 1979.
- "My Negro Problem--And Ours," Commentary 35(February 1963):93-

101.

Reddick, L. D. "Anti-Semitism Among Negroes" The Negro Quarterly (Summer 1942):112-122.

Steinfels, Peter. The Neoconservatives: The Men Who are Changing America's Politics.
New York: Simon and Schuster, 1979

Turner, Bryan. Equality. London: Tavistock Publications, 1986.

Winchell, Mark R. Neoconservative Criticism: Norman Podhoretz, Kenneth S. Lynn and Joseph Epstein. Boston: Twayne Publishers, 1991.

Chapter 4

History of Black Americans

The presence of black labor in what is now the United States was first recorded in 1619 when twenty blacks were introduced to Jamestown by a Dutch trading vessel. The initial status of black labor was the position of servitude, which frequently preceded and sometimes followed the system of slavery. At the outset, black servants typically had privileges similar to those granted to indentured white servants and they were both granted liberty after their term of service had expired in the colonies. Sometime later, before there was any official documentation of slavery in the colonies, according to John Hope Franklin (1956), "[blacks] were listed as servants in the census enumeration of 1623 and 1624; and as late as 1651 some Negroes whose period of service had expired were being assigned land in much the same way that it was being done to white servants. The records of Virginia contain many indentures of Negro servants during the forty-year period following their introduction" (p. 70). By the mid-seventeenth century, according to Eric Williams (1966), the status of servitude had developed into a situation resembling chattel slavery.

Servitude, originally a free personal relation based on voluntary contracts for a definite period of service, in lieu of transportation and maintenance, tended to pass into a property relation which asserted a control of varying extent over the bodies and liberties of the person during service as if he were a thing...In Maryland servitude developed into an institution approaching in some respects chattel slavery. Of Pennsylvania it has been said that 'no matter how kindly they may have been treated in particular cases, or how voluntarily they may have entered into the relation, as a

class and when once bound, indentured servants were temporarily chattels' (p.16).

More specifically, as T.R. Davis (1923) explained, 'servant' becomes 'servant for life' and 'perpetual servant' in colonial laws:

The progress of extending the Negro servant's term is generally observed in the language of the laws of the colonies. It appears that as the servants went into slavery, 'what is termed perpetual was substituted for limited service, while all the predetermined incidents of servitude, except such as referred to ultimate freedom, continued intact.' Later the terms 'servant' for life, 'perpetual servant' and 'bond servant' were used interchangeably with 'slave' and the words 'servant' and 'slave' and their liabilities were joined in the same enactments. It was some time before the word 'slave' was clearly and definitely used, and the servant who became slave lost all the earmarks of a servant (p. 277).

The similarities of the two systems made the transition much easier than one would have imagined. Under the system of servitude, the conduct of the servant necessarily bore a close relation to the interests of the master. Davis asserted that when the servant stole, ran away, 'unlawfully assembled' or 'plotted,' indulged in fornication, spent unusual time in social intercourse, or was secretly married, the master as a rule suffered some loss:

And for the protection of the master, methods of punishment were resorted to, the character, definiteness, and attendant circumstances of which tended to reduce the servant to the status of a slave. As the servant had no money with which to pay fines, some other method of punishment had to be used. Corporal punishment of a harsh character appears to have been established. Practiced at first by individuals, it soon became a general custom, and finally found its way into the laws of the colonies. (p. 269).

One of the more lucrative forms of punishment was the practice of extending a servant's time. According to Jordan Winthrop (1971) this practice was first evidenced in 1640 in the colony of Virginia.

The General Court pronounced sentence on three servants who had been retaken after absconding to Maryland. Two of them, a Dutchman and a

Scot, were ordered to serve their masters for one additional year and then the colony for three more, but 'the third being a negro named John Punch shall serve his said master or his assigns for the time of his natural life here or elsewhere.' No white servant in any English colony, so far as is known, ever received a like sentence. Later the same month a Negro (possibly the same enterprising fellow) was again singled out from a group of recaptured runaways; six of the seven culprits were assigned additional time while the Negro was given none, presumably because he was already serving for life (1971:75).

The practice of holding the servant after the expiration of his/her term was more characteristic for black and/or Indian servants than it was for white servants. In Virginia during the latter part of the seventeenth century a fugitive servant could have the service extended from as much as two to seven years. As white servitude declined, the extension to the black servant's term was longer and frequently extended to a life term. In Maryland, for example, laws passed in 1641 and 1642 made running away punishable by death.

Throughout the seventeenth century slavery made little progress in the colonies. Fewer than 25,000 slaves were taken to the southern colonies to work in the tobacco and rice fields and the northern colonies to serve as maids, butlers, and coachmen. Because it was more easily controlled and economical, black labor increasingly became more desirable. Eric Williams (1966) argued further, both Indian slavery and white servitude were to decline before the black man's superior endurance, docility and labor capacity.

The features of the man, his hair, color and centrifice, his 'subhuman' characteristics so widely pleaded, were only the later rationalizations to justify a simple economic fact: that the colonies needed labor and resorted to Negro labor because it was the cheapest and the best. This was not a theory, it was a practical conclusion deduced from the personal experience of the planter (p.20).

Masters were allowed to import and convert black laborers without fear of their emancipation. To the southern colonists, slavery was at first an economic institution to be used to advance the economic position of the South.

In the United States, since slaves came from all parts of Africa and lacked a common culture, there was little knowledge about the black slaves. As Robert E. Park (1919) explained "there was less opportunity in the United States than in the West Indies for a slave to meet one of his own people, because the plantations were considerably smaller, more widely scattered and, especially, because as soon as they landed in this country, slaves were immediately divided and shipped in small numbers, frequently no more than one or two at a time, to different plantations. This was the procedure with the very first Negroes brought to this country. It was found easier to deal with the slaves, if they were separated from their kinsmen" (p. 117). Moreover, explained Park, in his discussion with a black gentlemen who was mindful of slavery, "he said that a missionary who had been in the country and spoke their language had visited them at one time. This missionary offered to send them back to Africa and even urged them to go. 'I told him,' said the old man, 'I crossed the ocean once, but I made up my mind then never to trust myself in a boat with a white man again'" (p.118). In all the southern colonies slavery grew slowly in the seventeenth century. The colonists were frequently less than thrilled with black slave labor, because it was frequently hostile and conspired and plotted against the planters. E. Franklin Frazier contended that during the remainder of the seventeenth century several slave plots were reported in Virginia as the slave status of Negroes became fixed:

Leg

ma

co

ei

in

co

N

st

By the

a conti

A significant increase in the number of slave plots and revolts took place during the first half of the eighteenth century throughout the country. There were slave conspiracies in Virginia in 1709 and 1723. There was a recurrence of slave plots in Virginia in 1730 (p. 86).

Legislation was enacted to confine movement of both slaves and indentured blacks, making black labor more accessible to the agricultural producers, while simultaneously confirming the subordination of blacks.

Although slavery made little progress during the seventeenth century, the eighteenth century, with the exception of Massachusetts and Maine, marked a substantial increase in the number of slaves from 23,000 to well over 600,000 in most of the colonies. Sometime later, however, with the development of various industries in the North, slavery was almost exclusively restricted to the South. Frances Hunter (1922) suggested that there were several explanations for slavery leaving the North.

In the first place, the colonies of the North were settled by people from the lower and middle classes, who had been accustomed to working for themselves and who thus had no use for slaves. While the South was settled largely by adventurers, who had never worked and who looked upon labor as dishonorable. In the second place, the North had a temperate climate in which any man could safely work, while the heat of the South was so intense that a white man endangered his life by working in it, whereas the Negro was protected by facility of acclimation. Another cause was the difference in soil. The soil of the South was favorable to the growth of cotton, tobacco, rice, and sugar, the cultivation of which crops required large forces of organized and concentrated labor, which the slaves supplied. On the other hand, the soil of the North favored the raising of cereals, which required neither organized nor concentrated labor; for one man working alone was able to produce more than one man working in a group; and thus slave labor was of little or no advantage to the North (pp.1-2).

By the mid nineteenth century, slaves showed an even higher increase in the South and a continued decline in the North, particularly in the immediate or gradual abolition states

north of Maryland, with the exception of New Jersey. In areas like Maryland, social distance was well established in the slave society. Even while the colonies were independent of British rule, slavery in the United States, in addition to being an integral part of a maturing economic system, was quickly become a legal system. By the time the colonies became independent of British rule, the legal slave system was instituted.

The Institutionalization of Slavery in the United States

The invention of the cotton gin led to increased production of cotton and the demand and exploitation of black slave labor in the cultivation of the crop. James A. Geschwender (1978) proclaimed cotton production was expanded at a tremendous rate which stimulated corresponding demands for more land and more slaves.

Cotton became the center of southern agriculture, existing on a slave base and setting the cultural tone for the South. The tremendous demand for cotton stimulated corresponding demands for more land and more slaves...Census figures on the growth of the slave population in the United States from less than three-fourths of a million in 1790 to almost four million in 1860. The rate of growth for the decade between 1790 and 1800 was 28.1 percent, and it ranged between 23.4 and 33.3 percent for the succeeding six decades (132-133).

The immediate effect of the invention of the cotton gin increased the value of slavery, particularly in the South. The demand for labor in the cotton fields gave many planters a definite economic motive for the preservation and spread of slavery. Well over a half million slaves were taken to the South legally before the turn of the nineteenth century, and thousands of these were also taken there even after the international slave trade became illegal on January 1, 1808. By this time, the system of slavery had been institutionalized. Slaves became a vital part of the American agrarian economy, an

important source of cheap labor and private property. Henceforth, slavery was held the indispensable economic instrument of southern society. In the first half of the nineteenth century, slavery was at its height with well over 3 million slaves located in the southern economy. By the 1830s, as Kenneth Stamp (1956) explained, a fateful decision was made relevant to the institutionalization of slavery.

Slavery, now an integral part of the southern way of life, was to be preserved, not as a transitory evil, an unfortunate legacy of the past, but as a permanent institution--a positive good. To think of abolition was an idle dream...Finally, by the 1830s slavery had assumed the rigidity of an entrenched institution. It no longer had the plasticity--the capacity to modify its shape--that it had in the colonial period. Slavery had crystalized; its firmness fixed. In 1860 the peculiar institution was almost precisely as it had been thirty years before (p.28).

The exploitation of black labor became one of the fundamental characteristics of the institutionalization of slavery in the United States.

An elaborate hierarchical division of labor was established on large plantations to increase levels of efficiency and productivity. Some slaves were assigned to the less desirable positions restricted to the fields, others were artisans or carpenters, while others were assigned to the highest status of household servants. On smaller plantations the division of labor was less complex as slaves performed a series of different tasks, including some of the specialized skills often seen on the larger plantations. E. Franklin Frazier (1930) discussed the fundamental distinction between the house slave and the field slave in the slave structure.

The house and personal servants were on a higher social plane than the field slaves, while the colored person, who would associate with the 'po' white 'trash' were practically outcasts, held in very great contempt. The slaves belonging to the lower class of white folks, were not considered on the same level as those belonging to the 'quality folk,' and the slaves of

St

co

e

P

v

e

e

i

e

ci

Slav

whi

assem

plantat

these families were always proud of, and bragged of their connection with the better families. Thus we had our social distinctions, which were based largely on the social standing of the masters, and within the inner circles, on the position occupied in the plantation or home affairs (p. 209).

Slave owners, in keeping with the developing racial ideology of the society, sought to convey the impression that their human chattels were docile and happy. To further express the inferior status of slaves, planters abandoned the principles of democracy and proclaimed that the Declaration of Independence was designed for white men alone.

The dominant racial ideology of the South had little trouble in conveying the idea of the inferiority of blacks; slaveholders had an irrational contempt for slaves as creatures who were less than human. According to W.E.B DuBois (1966), for example, "the espousal of the doctrine of Negro inferiority by the South was primarily because of the economic motives and the inter-connected political urge necessary to support slave industry; but to the watching world it sounded like the carefully thought out result of experience and reason; and because of this it was singularly disastrous for modern civilization in science and religion, in art and government, as well as in industry:

The South could say that the Negro, even when brought into modern civilization, could not be civilized, and that, therefore, that he and other colored peoples of the world were so far inferior to whites that the white world had a right to rule mankind for their own selfish reason (p.39).

Slaves had no guaranteed rights and they were commonly required to step aside when a white man approached.

Slave codes forbade blacks to carry firearms, to hunt, to possess liquor and to assemble in groups of more than four. Blacks were also forbidden to leave their owner's plantation without a written pass and were subject to early curfew. Many of the slave

codes developed as systems for social control, serving to permanently fix blacks in a subordinate position in the social order, and to reduce the amounts of insurrectionary plots. Marriages were to be arranged at the owner's pleasure and blacks were restricted in their access to education. Frances Hunter (1922) indicated the education of the slaves was very displeasing to the planter:

North Carolina, Georgia, Alabama, and Louisiana passed laws forbidding slaves being taught to read or write, although North Carolina slaves could be taught arithmetic. It was said that if they were educated they would read abolition papers and would be discontented. On the other hand, some of the planters contended that they should be taught to read in order that they might understand the Bible. The majority of Negroes, however, were illiterate (p.8).

Brutality to slaves was characteristic of the southern system. Further, according to DuBois (1962), never in modern times has a large section of a nation so used its combined energies to the degradation of mankind:

The hurt to the Negro in this era was not only his treatment in slavery; it was the wound dealt to his reputation as a human being. Nothing was left; nothing was sacred; and while the best and more cultivated and more humane of the planters did not themselves always repeat the calumny, they stood by, consenting by silence, while blatherskites said things about Negroes too cruelly untrue to be the world of civilized men. Not only then in the forties and fifties did the word Negro lose its capital letter, but African history became the tales of degraded animals and sub-human savages, where no vestige of human culture found foothold (p.39)

Furthermore, in 1857 the United States government declared in the Dred Scott decision that blacks were not citizens of the United States.

Since free blacks were denied franchisement in the South, an elaborate system of social control made it virtually impossible for them to move from one state to another. If blacks left their home state, for example, they were, in most cases, denied the right to

return to that particular state. Although free blacks could own property, and few had what we now refer to as civil rights, a number of white southerners were threatened by their presence and suggested that they be either expelled or enslaved. DuBois (1962) contended that the hatred toward the Negro as a freeman is intense among the low and brutal, who are the vast majority:

Murders, shootings, whippings, robbing and brutal treatment of every kind are daily inflicted upon them, and I am sorry to say in most cases they can get no redress. They don't know where to complain or how to seek justice after they have been abused and cheated. The habitual deference toward the white man makes them fearful of his anger and revenge (p.144).

The American Colonization Society was founded in 1816 with the aim of promoting emancipation by sending freedpersons back to Africa. Moreover, as Charles H. Wesley (1919) explained, some of the slave states had laws compelling the freedmen to leave the State in which they had formerly resided as slaves:

With an increasingly large number securing legal manumission, the problem caused by their presence became to the slaveholding group a most serious one. The Colonization Society, therefore, sought to colonize the freedmen on the west coast of Africa, thus indefinitely removing the problem which was of such concern to the planters in slaveholding States. The colony of Liberia, on the west coast of Africa, was chosen as a favorable one to receive the group of freed slaves. Branches of the Colonization Society were organized in many States and a large membership was secured throughout the country. James Madison and Henry Clay were among its Presidents. Many states made grants of money and the United States Government encouraged the plan by sending to the colony slaves illegally imported. But to the year 1830 only 1,162 Negroes had been sent to Liberia. The full development of the cotton gin, the expansion of the cotton plantation and the consequent rise in the price of slaves forced many supporters of both emancipation and colonization to lose their former ardor (p.7).

Abraham Lincoln clearly demonstrated his interest in the colonization of both black slaves

and freedpersons. Although Lincoln believed in the destruction of slavery as an internal economic system, he also held that blacks were inherently inferior to whites and subsequently supported the separation of the races. Although he was the Emancipator, contended W.E.B. DuBois (1962), Abraham Lincoln, too, in many respects, was looking backward:

Lincoln's solution for the Negro problem was colonization. In this respect he went back to the early nineteenth century when the American Colonization Society was formed, with what proved to be two antagonistic objects: The first was the philanthropic object of removing the Negro to Africa and starting him on the road to an independent culture in his own fatherland. The second and more influential object was to get rid of the free Negro in the United States so as to make color caste the permanent foundation of American Negro slavery. The contradiction of these two objects was the real cause of the failure of colonization, since it early incurred the bitter opposition of both Abolitionists and Negro leaders. The result of the movement was the establishment of Liberia in an inhospitable land and without adequate capital and leadership (pp. 145-146).

In his message to Congress, Lincoln referred to the economics of colonization, as cited by Charles Wesley (1919), 'I cannot make it better known than it already is, that I strongly favor colonization and yet I wish to say there is objection urged against free colored persons remaining in the country, which is largely imaginary, if not sometimes malicious:

It is insisted that their presence would injure and displace white labor and white laborers. Is it true then that colored people can displace many more white labor by being free than by remaining slaves? If they stay in their old places they jostle no white laborers; if they leave their old places they leave them open to white laborers. Logically then there is neither more nor less of it. Emancipation even without deportation would probably enhance the wages of white labor and very surely would not reduce them. Reduce the supply of black labor by colonizing the black laborer out of the country and by precisely so much you increase the demand for and wages of white labor' (pp.14-15).

When Lincoln's dream failed, he went ahead with his plan for emancipation. Black and white abolitionists were jubilant on January 1, 1863, when Lincoln issued the Emancipation Proclamation. It did not take them long to discover, however, that the abolition of slavery meant not the complete abolition of legal ownership of the slave; it meant the uplifting of slaves and their eventual incorporation into the fundamental institutions of the society. The Emancipation Proclamation applied only to the slaves of those states, or parts of those states, still in rebellion against the United States government. The proclamation did not even claim to free the slaves of the Border States or those working on plantations in areas like the Mississippi Valley, for that matter. It was not until the Thirteenth Amendment, approved by Congress in February, 1865, and ratified in December of the same year, that the actual emancipation of all the slaves took place. Up until this time, however, black people in America struggled to confirm their status as humans and citizens of American society. With emancipation, blacks had hoped to raise their political--economic status in American society.

Civil Rights legislation began with the passing of the Civil Rights Act of 1866, stating that all persons born in the United States and not subject to any foreign power, excluding American Indians, were citizens. A year later, came the first in a series of Reconstruction Acts. The First Reconstruction Act provided for black suffrage; the second provided for the Fourteenth, and Fifteenth Amendments of the United States Constitution. The Fourteenth Amendment declared that no state shall make or enforce any law which would deny the privileges or immunities of citizens of the United States, nor shall a person be denied the right of their liberty, property or due process of the law--

it was essentially interpreted as equal protection of the law. The Fifteenth Amendment prepared by Congress and ratified in 1869, reinforced the Reconstruction Act and the new southern state constitution. It also gave blacks the right to vote in the northern states, where they had been disenfranchised. Black Reconstruction was made possible because northern businesses and politicians supported enfranchising the ex-slaves. A supplementary Civil Rights Act of 1875 was the last piece of federal civil rights legislation until 1957. The Act specifically guaranteed blacks equal accommodations and if they were not granted, blacks were given the right to sue. Most of these amendments and acts were resisted by whites, as segregation persisted in transportation, schools, and both public and private accommodations. To offset the political power of the South, blacks were subsequently given the right to vote. As a consequence, blacks were elected to public office in southern states and it looked, prematurely, as if blacks would be provided with the equality they had so long struggled to achieve.

One of the major problems for planters following emancipation was the unreliability of black labor. Young black free labor frequently moved to villages and cities, as black women had completely removed themselves from the fields. As some blacks migrated toward rich soils seeking work in areas of the lower Mississippi River Valley, where new lands were being opened for the production of cotton, the older plantations were experiencing a scarcity of labor. Since many of the farmers were reluctant to give up the idea of slavery, attempting to hold on to as much of the old regime as possible, the process of actual emancipation remained slow. As C. W. Tebeau (1936) explained, planters were not convinced that the Negro would work unless

compelled to do so:

The Negroes were uncertain and somewhat distrustful. 'One say dis, an' one say dat, an' so we hol' off till Janewary,' said an old Negro at Macon, Georgia. The ignorance of the freedmen made them childlike in the hands of planters who were adept at the management of slave labor. Employers sometimes took advantage of the credulity of the Negroes to cheat them or to offer better working conditions and induce them to break their contracts with another employer in order to take advantage of higher wages. Indeed, so common was the latter practice that the Freedmen's Bureau provided that planters should be fined from \$100 to \$500 for the offense. The Freedmen's Bureau reports indicate that quite a number of laborers were driven off without pay after the crops were made. It is difficult to evaluate the facts in these reports. Certainly the crop failure in 1866 and 1867 made settlements with the freedmen difficult (pp.143-144).

As the need for black labor continued on the plantations, work contracts were frequently made and broken. Shortly thereafter, the contract labor system evolved into a sharecropping arrangement. The freedpersons instead of working for a wage, rented a plot of land and paid the plantation owners a certain proportion of revenue from the cotton crop. The sharecropping system made blacks even more dependent on planters. For example, when the crops failed and cash was not available, the sharecropper was indebted to the planter for an undetermined period of time.

The Freedmen's Bureau

After the Civil War, Congress created the Freedmen's Bureau, an agency to help the former slaves in the immediate transition from slavery to freedom. The Freedmen's Bureau was established to protect the interest of blacks from the abuse and exploitation traditionally associated with the antebellum slave system. According to C.W. Tebeau (1936) one of the first ideas that the Negro cherished was that the land of their former

masters would be divided among them at Christmas time in 1865:

Each former slave was to have forty acres and a mule; at least, so ran the rumor. Just where the idea originated in undetermined. The settlement of the Negroes on the sea islands with possessory titles to forty acres did much to confirm it. In spite of the efforts of the Freedmen's Bureau to rid their minds of the notion, they clung to the illusory hope. In 1875 the fantastic idea was still current; and as a fit accompaniment, there were planters who hoped to be paid for their losses in the war. All of which meant that the freedmen were uncertain what to expect and adopted an attitude of hopeful waiting that meant serious demoralization of the labor system (pp. 131-132).

The Freedmen's Bureau assisted many freedmen in finding work, even if it meant working on plantations. Tebeau (1936) contends that General O.O. Howard, Commissioner of the Freedmen's Bureau, looking back upon his experiences with the newly emancipated Negroes, wrote:

'They drifted into nooks and corners like debris into sloughs and eddies; and were soon to be found in varied ill conditioned masses, all the way from Maryland to Mexico and from the Gulf to the Ohio River. An awful calamitous breaking up of a thoroughly organized society; dark desolation lay in its wake. In the towns they lived in the most wretched manner. Their homes were often only rude huts that they themselves had erected; sometimes by removing cabins from the old slave quarters. Abandoned buildings of every sort provided others with shelter. The 'Little Liberas,' now so common to the outskirts of Southern towns, had their origin in this period. There the Negroes lived, by working a little, begging, stealing, or in some cases, drawing rations from the United States Government. Skilled artisans and plantation mechanics did not find so much difficulty in making a living in the towns and cities, but there was not a sufficient demand for the unskilled labor of the field hands to give them employment in great numbers (pp.132-133).

Following emancipation, education was first and foremost on the minds of freedmen. One of the strengths of Reconstruction was the establishment of public education. Although many planters had established schools for the freed slaves on plantations, it was clear such efforts were restricted to keeping a fixed supply of labor. According to Louis Lomax

(1963) the Freedmen's Bureau unified its efforts toward education, which became one of its major concerns.

Although the Bureau lived only five years and was faced with stiff Southern opposition every day of its life, Bureau agents set up more than four thousand schools for Negroes in the South. These schools employed upwards of ten thousand teachers and were responsible for the primary education of a quarter of a million Negroes. The federal government contributed three and half million of the project, philanthropic societies added another million and a half, while Negroes themselves contributed a million dollars in gifts and school fees (p. 44).

Black freedpersons wanted a literary education, similar to the one experienced by whites. Most blacks, however, had not learned the distinction between working as a slave and working as a freedperson. As Loretta Funke (1920) suggested, "by 1860 the total number of free Negroes was 487,970, or about one ninth of the entire Negro population; but the majority of these freedmen were in rural districts, whereas the educational opportunities were in the cities, so that in 1863, with only 5 per cent of the Negro population literate the problem was indeed difficult, as far as the education for the black race was concerned" (pp. 4-5). Whites, in keeping with their tradition of white supremacy, were, at best, unhappy with these arrangements. Since blacks were relegated to an inferior status in South, they were thus regarded as unworthy of any formalized training.

The Reconstruction Period

Norman Andrews (October, 1920) argued in The Crisis, the Reconstruction period was one of corruption and if the Negro governments were not of a lower order than a few others, they were not far out of accord with the times:

The white people, who assumed control of the government on

overthrowing the Reconstruction regime, instituted in several States a rule of corruption surpassing even that of their predecessors. Coming back into office like hungry persons who had been exposed to the cold atmosphere of an exile, the radical whites filled their purses from the coffers of the public treasury and defaulted to the amount of thousand of dollars which the tax payers have had to replace in the years thereafter. The disgraces of Reconstruction, therefore, have been exaggeratingly flaunted by the South for the same purpose that it proclaims the widespread false charge of rape of the present day to justify the persecutions of the Negro for being 'unusually criminal' (pp. 425-426).

Blacks were essentially driven from southern politics with the help of such white supremacist organizations as the Ku Klux Klan. White Southerners terrorized blacks in violent forms of beating, murders and even race riots. During Reconstruction, efforts of the leaders in national labor unions to include blacks had little success because of the hostility and resentment exhibited by skilled white workers. The Knights of Labor was one of the first unions to recruit blacks. According to August Meier and Elliott Rudwich (1976) in 1886 it was estimated that the Knights had 60,00 Negroes in a total membership of 700,000:

In all sections of the country they formed both mixed and all-black assemblies. A few of the latter admitted white members and became interracial....In the fall of 1887, nine thousand blacks and one thousand whites, in a mixed union, struck against the Louisiana sugar planters for higher wages. Except on a few plantations, the effort failed after a long and bitter conflict (pp. 207-208).

By 1881 the Knights of Labor, which placed little emphasis on skills, was superseded by the American Federation of Labor. It was fairly lenient with its antidiscriminatory policy, even though a number of its affiliates barred blacks from the trade unions in particular:

In Nashville, where blacks out-numbered whites as artisans in 1880, whites joined the unions, often learned the skills from the black members, and then having achieved a commanding majority, voted to eliminate the Negroes from membership as rapidly as possible. By 1910 control of the

crafts in the city had passed to the whites. By the turn of the century most unions excluded blacks to a greater or lesser extent--a dozen openly, the majority by subterfuges. Some unions, most notably perhaps the railroad brotherhood, eliminated Negroes from certain types of work by striking against their employers (p.209).

Since the rising unionism was based more upon specific skills than unskilled labor, black workers were generally excluded. As a result, the AFL began to charter locals composed solely of blacks, after meeting approval from white workers. It eventually became impossible for blacks to participate to any meaningful degree in the great industrial activity that was taking place. Norman Andrew (October, 1920) suggested that after the complete undoing of Reconstruction the Negroes were at a loss politically:

A number of the foremost politicians, among them Frederick Douglass, John R. Lynch, B.K. Bruce, John M. Langston, John C. Dancy, and a few others, were given positions in the service of the Federal Government of high sounding titles and little importance such as Registrar of the Treasury, Recorder of Deeds, Auditor of the Navy and diplomatic posts in Negro countries. A greater number of Negroes found an outlet in the civil service. Even up until the present day it is an ardent desire of the Negro to obtain a civil service appointment (p. 433).

As a consequence of racial barriers in employment against blacks, poverty became widespread. Reconstruction was not able to provide adequate economic security for the freed blacks; they therefore had little choice but to submit to the demands of the old masters, making it easier for southern whites to overthrow Reconstruction and reinstate white supremacy.

White southerners were able to overthrow Reconstruction by identifying it in the public mind with the Republican enemies in the North. With the overthrow of Reconstruction, blacks lost much of the equality previously granted to them. With the rise of the populist movement, blacks were once again relegated to a subordinate status in the

South. It wasn't long, however, before the North also abandoned blacks and their fate was handed over to the white conservatives of the South. Robert Allen (1974) termed these white southerners as the most racist elements in the South. Previously they had launched a campaign of terrorism designed to disfranchise blacks or subject them to the political domination of the Bourbons (a consecrative faction) who controlled the Democratic Party.

The Southern Democrats who played several roles in destroying Reconstruction and redeeming the South were credited with saving white supremacy from the threat of black domination. On this basis the Southern white population rallied around the Democrats and their racist idea of a 'Solid South'(p. 57).

With the collapse of Reconstruction, which was more politically based than economically based, blacks were essentially placed, once again, in the hands of their white masters whose allegiance served the Democratic party. Although blacks literally outnumbered whites in the Black Belt area, the Bourbon landlordism intimidated them to vote Democratic or be disfranchised. As a result, Blacks were denied their constitutional rights and the vision of a just and democratic society during the Compromise of 1877.

The Compromise revealed that the Republicans were opposed to the Reconstruction legislation in the South. In part, according to Richard Bardolph (1970) the Compromise of 1877 meant "the withdrawal of federal troops from the South, the end of radical Reconstruction, and the inauguration of a conciliatory policy toward that section, in exchange for the South's acceptance of a Republican president and for her pledge that she would treat the Negroes fairly" (p.26). Black voters were required to show literacy qualifications to vote. Other restrictions involved the ability to acquire property and

taxes, which were arbitrarily administered. Blacks were increasingly finding themselves victims of blatant racial discrimination in the South. Between 1896 and 1915, for example, all southern states passed legislation that permitted the Democratic party to declare whites only eligible for voting. Moreover, the United States Supreme Court continued to uphold the validity of the separate-but-equal clause that resulted from the Plessy v. Ferguson case in 1896. Accordingly, the Supreme Court continued to subscribe to the doctrine that legislation was powerless to eradicate "racial instincts", and subsequently laid down the separate but equal rule as a justification of segregation.

Education

In the twentieth century, as C. Vann Woodward (1965) indicated, "dawned a new era of harmony between the dominant whites of the North and South, East and West. Civil rights beyond the color line became virtually a dead letter, Negro disfranchisement enjoyed federal approval, segregation was the law of the land, and progressivism was for whites only. The Southern way had become the American way" (p. 129). That is, patterns of disfranchisement, segregation and racial subordination were brought to the forefront. This racial system had existed for a number of years, much of it rooted in the antebellum period as defacto segregation. Even in employment, blacks were suffering because of the effects of discrimination. They were described as inferior and incapable of taking advantage of the educational opportunities provided for them.

A policy was implemented restricting public support for black education. This action resulted in increasing the number of black schools which received financial support

from philanthropic foundations in both the South and North. Working with the General Education Board, both black and white philanthropists provided financial support to black schools. Industrial education was introduced with the founding of Hampton Institute in 1875. Loretta Funke (1920) argued, "the purpose of such education was to give Negro children 'combined mental, moral and industrial training.' Following the founding of Hampton, Tuskegee Institute was established; it was also an industrial school. With these two institutions as centers, the ideals of industrial propagandists radiated in all directions finally permeating the whole education system, not only that of the Negro, but the education system of the school for white children as well" (pp. 6-7). The idea of industrial education did not exist without a controversy developing between two black leaders: Booker T. Washington and W.E.B. DuBois.

Booker T. Washington advocated industrial education, believing strongly that the method would lead to an increase of the economic wealth of blacks, allowing them to eventually acquire higher education. Although DuBois believed in the efficiency of industrial training, he also felt blacks should not wait to educate leaders, for black leadership was a vital source to the independent development of the black community. Washington advocated a gradualist approach, which became the hallmark of the civil rights movement through the 1960s. As it related to industrial education, gradualism fit the moral-economic ideology of the decade, which was actually an accommodation platform between the North and South. Other militant black organizations resisted gradualism, iterating instead their demand for full social and political equality. DuBois counterimposed Washington's accommodationist approach with one that emphasized higher

education with a special emphasis on the "Talented Tenth", an elite group which DuBois felt should inspire and lead the black masses.

The National Association for the Advancement of Colored People

The Niagara Movement was one of the more militant of the period, calling for back male suffrage, full civil rights, economic opportunity and education of black youths according to ability. According to Manning Marable (1986), in June 1905, DuBois secretly circulated a call 'for organized determination and aggressive action on the part of men who believe in Negro freedom and growth':

A conference would be held to organize those Negro leaders who opposed 'present methods of strangling honest criticism.' Fifty-nine Afro-Americans signed the statement, and in early July twenty-nine black men from fourteen states caucused at a hotel in Fort Erie, Ontario. They decided to create militant civil rights formation to be called the Niagara Movement. Its stated objectives included: 'freedom of speech and criticism'; 'manhood suffrage'; 'the abolition of all caste distinctions based simply on race or color'; 'the recognition of the principle of human brotherhood as a practical present creed.' (p.55).

Refusing to accept the dominant ideology relating to the inferiority of blacks, the group aimed to raise political consciousness, to educate blacks, to campaign against segregation and to lobby for civil rights legislation while appealing Jim Crow laws in the court. The movement ran into problems and in 1910, however, DuBois urged its members to join the newly formed NAACP--a watered-down version of the Niagara program--a more moderate approach to racial change. W.E.B. DuBois also helped to organize the National Association for the Advancement of Colored People (NAACP) which was already

chartered by Progressives of the decade, mainly Jewish Americans. "All of the national officers elected at May 10 conference were white, except DuBois. Liberal reformer Moorfield Storey was elected national president; Walling, chair of the executive committee; Milholland was named national treasurer; and Villard was disbursing treasurer. Although there was no formal merger between the NAACP and the Niagara Movement, most of the Niagarites joined the interracial formation from the beginning" (Marable 1986:73). The NAACP spoke out against lynching, segregation, and disfranchisement. The organization, without question, became the dominant voice in the challenge against white supremacy in this country.

Jim Crow laws were predicated on Social Darwinism, a scientific explanation attesting to the inferiority of blacks. Robert Allen (1974) contended that Social Darwinism became a rage among America's upper classes, including businessmen, politicians and scholars:

Its great virtue was that it provided 'scientific proof' that (1) those who were on top of the social and economic ladders deserved to be there, and (2) the domination of the white over darker races was ordained by nature. As might have been expected, Social Darwinist thinking gave a distinctly racist tinge to emerging behavioral sciences as represented by the writings of such men as Herbert Spencer, William Graham Sumner, Madison Grant, William A. Dunning and William McDougall. Interestingly, even those scholars who opposed Social Darwinism and its implicit selfish individualism did not oppose Social Darwinist racism (p. 85).

The Jim Crow system served to perpetuate the social construction of black inferiority through a de jure system of racial segregation. Jim Crow laws meant the legal separation of white and blacks in both public and private facilities and accommodations. Public and private facilities had separate entrances, exits, and seating arrangements, although much

of the arrangement did not require legal sanctions for enforcement. For social norms, following folkways and mores, upheld the system that was frequently protected through lynchings and other acts of violence. Robert Allen (1974) explained that the Jim Crow system was predicated on the notion of white superiority and a racist ideology that substantiated its claim.

The turn of the century was a time of excited debate and agitation, and although white supremacy shaded and slanted every debate, it was so intrinsic to white thinking that it was seldom itself the subject of debate. It was as though white supremacy had been absorbed into the very atmosphere--always present but infrequently noticed (p. 87).

Blacks were viewed as less industrious, less thrifty, trustworthy and less self-controlled. They were considered the white man's burden and were frequently portrayed as totally dependent on whites for their survival. As a result, blacks were a product of separate school systems, and school books emphasized that the races should be kept separate. Since blacks were relegated to the lowest position on the economic scale, the black communities were typically slum areas in both the North and South.

As the Southern economy began to decline in the early twentieth century, blacks moved to the North in large numbers and were faced with similar racial animosity in the attitudes of northern whites. New hope arose in blacks during World War I, however, as they began migration to the North in quest of high wages in the war industries. This new prosperity gave blacks hope in attempts to free themselves from the prejudice and discrimination that continued to dominate their lives. Although blacks had moved to cities in the decades preceding World War I, residential segregation nevertheless became a manifestation of the migration trends as black Americans were concentrated in specified

sections of the city.

World War I Economy

The great migration of the World War I era showed the dissatisfaction of blacks with the arrangements in the South, which was in part exacerbated by the declining agricultural production. According to August Meier and Elliott Rudwick (1976) cotton agriculture was suffering from the ravages of the boll weevil, which had entered the United States from Mexico and gradually moved eastward through Texas:

Then in 1915 disastrous floods in Alabama and Mississippi increased the misery of hundreds of thousands of rural blacks. At the same time, Northern industry, fed by the demands from the Allies in Europe, greatly needed unskilled and semiskilled labor. Since the war cut off immigration from Europe, some Northern manufacturers encouraged poverty-stricken Negroes to leave the South (p.235).

Northern industry was flourishing. Louis Lomax (1962) maintained that foreign migration dropped from one million in 1914 to about three hundred thousand in 1915:

This created a Northern labor shortage, which Negroes were more than willing to fill. The North became the 'Promised Land' for thousands of Negroes who responded to the lures of Negro newspapers and agents from Northern industries. The Chicago Defender headlined: 'It Is Better To Die From Frost Bite Than At The Hands of A Mob.' The Christian Recorder suggested, 'If a million Negroes leave the South for the North and West during the next year, it will be the greatest thing since the Emancipation Proclamation.' (p. 52)

Black migration led to a significant increase in the number of migrants living in areas of Chicago, Cleveland, Detroit and other urban areas. According to Lomax (1962), it was then that a Negro world within the white world came into being:

This Negro world was peopled by masses, most of whom could not read; it was led by poorly trained professionals who had translated their

humiliation into the positive faith that theirs would be separate but a equal world; it was serviced by Negro businessmen who depended upon that community for their income, but who were forced to compete with white businessmen who had no qualms about selling a Negro woman a dress, provided, of course, she didn't wish to try it on before making the purchase (p. 53).

When the United States entered World War I in 1917, black Americans typically encountered racial discrimination in industry, government, the armed forces, coupled with the effects of poverty and rampant lynchings. The industrial expansion occurring during the war, however, advanced blacks to the position of gaining relative acceptance in the industrial reserves located in northern industrial centers throughout the country. The war economy was essentially responsible for the employment of blacks in other occupations besides service industry and domestic service jobs inherited from earlier migrants. Blacks were increasingly becoming employed in iron, steel, meat packing, shipbuilding and automobile related industries. As Morroe Berger (1952) indicated, "it was generally during a crisis that Negroes found it possible to obtain jobs from which they had been excluded, thus in the nineteenth century they entered the meat packing, iron and steel, and other heavy industries as strike breakers, and the shortage of labor in World War I enabled them to make further gains in these industries and in newer fields of mass production" (p. 23). The war economy was one such crisis that resulted in a substantial increase in black employment in more diverse unskilled jobs.

During World War I, the bulk of the labor unions were organized for the most part on a craft basis. Since few blacks were considered for skilled jobs, few were eligible for membership in such organizations as the American Federation of Labor (AF of L), one of the dominant labor unions in the country. Louis Ruchames (1953) explains the

position of black labor during the period:

To add to the economic woes of Negro labor, many trade unions affiliated with the American Federation of Labor maintained an official policy of excluding Negroes from membership and jobs. In 1913, the constitution of nine national unions, affiliates of the AF of L, barred Negroes from membership. Other unions used less obvious methods, such as tacit and unwritten agreements, to exclude them (p. 7).

These exclusionary practices were responsible for the marginal employment status of blacks in the labor workforce, which ultimately contributed to the establishment of an occupational color line. The Department of Labor itself, like other departments of government, maintained rigid color lines in its own employment practices. W.E. B. DuBois (1933) suggested, "the United States Civil Services Commission required the filing of a photograph with each application which makes and was designed to make the systematic exclusion of successful Negro applicants easier. Government trade-unions, like the postal clerks, segregate Negroes and thus disfranchise them into negotiations" (p.60).

In spite of the war economy, the percentage of blacks in various government departments actually declined during the period. Efforts to combat this discriminatory trend met with discouragement rather than encouragement from the government, thereby contributing to only sporadic aid for blacks from a few concerned liberal whites. The debarment of blacks from many occupational opportunities was motivated by the desire to keep them on a lower social level. Where state laws failed to effectively restrict blacks, in their struggle against systematic discriminatory practices, violent organizations such as the Ku Klux Klan willingly took over the task. Post-World War I America saw intensified competition between blacks and whites over the jobs, with the exception of the service, or "nigger jobs", blacks had acquired during the war. As a consequence, racial

antagonism continued and resulted in a significant numbers of unemployed blacks. Although many blacks protested against the prevalence of discrimination and segregation, their efforts were counteracted by a continued series of institutional practices.

The 1920's witnessed race riots, more lynching and more unemployment as the Jim Crow system matured and flourished throughout the country. In this First World War period, regardless of the country's needs, the federal government, and the dominant group alike, refused to make concessions to the demand for economic opportunity in the interest of black Americans in the racially segregated society. Following World War I, black Americans were plagued with the persistence of racial exclusionary practices in labor unions. Blacks lacked the political power required to persuade the federal government to challenge the discriminatory practices in the employment sector, including the practices supported by the government. Moreover, the Great Depression contributed to further lowering the economic status of the vast majority of Americans, which was proportionately greater for blacks.

The slight gains blacks had been made as a result of the War were lost with the advent of the depression. According to Robert Weaver (1946) by the early 1930's, occupational shifting was fairly evident:

Almost half of the skilled Negro males in the nation were displaced from their usual type of employment during the period 1930 to 1936; a third of those outside their usual occupations were unskilled work, and over 17 per cent were unemployed. The degree of shifting varied from region to region, reflecting sectional differences in job opportunities for colored workers (p.9).

With the depression, blacks lost many of the jobs and most of the occupational progress that had occurred during the war economy. In a few heavy, dirty industries, the

proportion of blacks tended to remain constant, but in most branches of manufacturing there were serious declines. The debarment of blacks from many occupational opportunities was motivated by the desire to keep them on a lower socio-economic level. It was traditionally held that when there was general unemployment, black workers with skills and seniority were often assigned to unskilled and service jobs. During the Depression, however, black workers were displaced in disproportionately large numbers. The mass unemployment of Negroes, contended Thyra J. Edwards (1936), became acute by 1927 and by 1929 there were 300,000 employable Negroes separated from employment:

A number which has continued to rise. The percentage of Negroes in the category usually exceeds the white from 30 per cent to 60 per cent. There is a similar disproportion in the relief population. Negroes constitute 9.4 percent of the relief cases, 17.8 per cent of all the Negroes in America being maintained by Public Relief funds. At present the Negro Relief population is 3,864,000 (p. 213).

Organizations such as the NAACP and the Urban League attempted to encourage the federal government to combat discrimination through the war years, but their attempts were relatively weak and inconsequential. In short, it appears that the black worker, whether employed in private industry or in government, was without any real assistance to combat patterns of discrimination and segregation. Skilled black workers found their positions to be less than secure during the depression. As Robert Weaver (1950) described it:

Colored building trades artisans were adversely affected by the rapid decline in house building, the branch of the construction industry in which they had been traditionally concentrated. At the same time, many of the government-financed construction projects, which increasingly dominated activity in the building industry during the depression, employed materials

and methods which were often unfamiliar to colored craftsmen. Then, too, much of the government-financed construction involved use of union labor, and certain trades in almost every community did not include Negroes among union members, while many unions actually barred Negroes from participation. These factors were quickly reflected in the employment status of Negro skilled workers. Almost half of this segment of Negro labor was displaced during the period 1930-1936. A third of those outside their usual types of occupations were unskilled work, and over 17 per cent were unemployed. Displacement was greatest in the North where the Negro craftsman had little tradition and only a relatively short past (pp. 22-23).

Moreover, in the South violence and coercion were used to drive blacks from employment. Black farmers in the South stood to lose their farms by foreclosure and black businessmen, relying solely on black patronage, stood to lose their investments. Blacks generally represented the highest proportion of sufferers during the depression years. As George F. McCray explained in the Crisis. "In industry the Negro is simply a marginal laborer whose margin of employment had continually narrowed since [World War I]" (p.129). As the status of black workers continued to deteriorate, black leaders, although skeptical of the reforms proposed by Franklin D. Roosevelt, found themselves with little choice.

Also in the 1930's, the Republican and Democratic parties had to reckon with the reality of the growing power of the black vote. Blacks were previously taught to believe that it was the Republican party had in part been responsible for their manumission. As a consequence, blacks not only felt grateful to the Republican party, but also felt duty bound to express that gratitude. Republicans, however, did not entertain any reciprocal feeling of gratitude for the support blacks had given the party. In the 1920's, the Republicans had little need for the black vote to maintain their power base; therefore, few

efforts were made to reverse the racist trends in employment. The Republican party was not only one of the main supporters of economic exploitation of blacks, but they also contributed to the political exploitation of the group. The only time Republicans were said to be friends of the black minority group was when votes were indeed necessary. Beyond that point there was little, if any, concern regarding the welfare of blacks. In 1932, however, black voters reluctantly favored the Democratic party as an alternative even though the party had previously extended little more, if not less, opportunity to the group than its political counterpart. In 1932, as a result of Mr. Hoover's general neglect of blacks, an even greater number flocked to the Democratic Party and helped elect Franklin D. Roosevelt. According to Bostic Franklin (1936) the Democratic and Republican Parties represent the ruling financial oligarchy of the United States:

Both parties offer nothing to white and black workers. Both parties are geared to the mechanism of American capitalism. Neither party is willing to make any fundamental change in the American capitalist economy. Both parties are charged with the task of protecting propertied interests and both are making good (p.170)

The 1930's was also a period when the federal government began to focus its attention on changing the systematic discriminatory practices aimed at black Americans in the employment sector. Several factors were the impetus for this change: because of the nation's increasing visibility across the globe, its race problem was something few world powers were willing to ignore, particularly Germany; blacks escalated demands for more equal opportunities in employment; and the Democrats were interested in the growing empowerment of the black vote. Thus, it is not surprising when scholars argue that although the New Deal legislation assisted in the economic progress of blacks by

providing employment opportunities, and unemployment insurance, the intent of the aid programs was to benefit all Americans, regardless of race, creed, or color. Morroe Berger contends that "it cannot be shown that President Roosevelt had the Negro in mind when he developed his aid programs. It was clear that his administration on the whole meant to carry out this program [New Deal] without regard to the color or creed of the beneficiaries" (1952:15).

When Franklin D. Roosevelt became president of the United States in 1933, and inaugurated the New Deal, blacks were ambivalent about both the president and his proposed reforms. Being economically weak, blacks had to look at legislation for the removal of the social and economic disadvantages from which they suffered. When President Roosevelt proposed a national recovery with the National Industrial Recovery Act, most Americans assumed prosperity was nearby. President Roosevelt hailed the National Industrial Recovery Act as "the most important far-reaching legislation ever enacted by the American Congress. 'Henceforth, he said, American workers would be guaranteed living wages...By living wages I mean more than a bare subsistence living--I mean the wages of decent living'" (Foner, 1974:200).

Title I of the act created the National Recovery Administration. The goal of this new agency, explained John P. Davis (1933), who was a young black attorney, was to organize the Joint Committee on National Recovery. Davis observed that another goal of NRA was to bring back prosperity to industry and the industrial worker:

The plan is to increase the buying power of workers in industry by increasing wages. Further by reducing the number of hours worked by each industrial wage earner, there will be created surplus man hours to be parcelled out to unemployed men and women. Naturally industry cannot

take on more men and pay higher wages unless it increases the cost of products of their labor. This increase in price will be passed along to the consumer of the product. But this, it is said, will not be detrimental since the consumer will have more with which to buy. Thus in the scheme of things a circle of higher wages and higher prices leading to prosperity will take place of the downward spiral of lower prices and lower wages (p.271).

The establishment of a uniform wage system was premised to abolish the racial system and effectively address the race problem. Actually the wage system sanctioned by the NRA produced a wage differential system that served to perpetuate the inferior status of black labor. While the equal wage ruling was written on paper, in reality it was difficult to enforce. Moreover, discriminatory practices in federal relief projects coupled with Jim Crow policies of the trade unions brought little comfort to black Americans. While many white workers, for example, were better off as a result of New Deal policies, most black were still experiencing unemployment, underemployment and economic deprivation.

In retrospect, therefore, the National Recovery Administration, the administrative agency, only served to legalize patterns of discrimination that were characteristic of American industry in the South. As Foner (1974) explained, thousands of blacks were fired and replaced by white workers on jobs where blacks were being paid less than established minimum-wage scales; by August, 1933, blacks were calling it the 'Negro Removal Act.' NRA wage minimums were considered 'too much money for Negroes'" (p. 200). Most of the important industries were involved in providing blacks with wages different from those paid to white workers. For example, the Scripto Company, manufacturer of pencils in Atlanta, Georgia, warned blacks about their concern over wage differentials. " 'To All Colored Employees,' it warned them: 'If false friends' of the

colored people do not stop their propaganda about paying the same wages to colored and white employees this company will be forced to move the factory to a section where the minimum wage scale will produce the greatest production. Stop your friends from talking you out of your job'" (Foner, 1974:201).

Blacks and Labor Union Affiliation

In the private and industrial sector of the economy, the perilous conditions experienced by black workers frequently led them to take jobs as scab labor. When labor strikes occurred throughout the country, black labor usually replaced white labor in spite of white resistance. Unions such as the American Federation of Labor (AF of L) had well over four million members and only a few of them were black. Despite the fact that the union claimed to encourage blacks into its membership, it appears that it did everything possible to keep blacks out of the organization. Black labor leaders argued that white unions were ultimately responsible for black scabs because of their refusal to admit blacks to their trade unions. In their attempts to be included in the economic prosperity occurring in the country, black leaders attending the 1935 American Federation of Labor (AF of L) convention and protested the union's discrimination against black workers. Led by A. Philip Randolph, black leaders presented some demands to the union on the behalf of black workers, who were largely absent from the membership. The AF of L's leadership ignored the modest demands presented by the black labor leaders. Failure of the organization to modify its predominantly craft structure to accommodate the new membership composed of semiskilled and unskilled labor led to the

establishment of the Committee of Industrial Organization (CIO). At the 1935 convention of the AF of L the CIO was born. Unlike its predecessor, the CIO was willing to unify whites and blacks in the mass-production industries. Interestingly, blacks also formed a united front organization. The united front called the National Negro Congress, helped solve problems related to communist infiltration in issues involving blacks. It was to draw blacks into labor organizations and to break down the color bar existing in the trade unions. Nevertheless, the CIO was viewed by black leaders as one of the most important single developments in the struggle for equality since the Civil War. In spite of the skepticism, the CIO remained one of the few industrial unions in many contracts with a clause barring discrimination based on race and religion. "During World War II, the AF of L was threatened by CIO's domination in the mass production war industries, in addition to threats from FEPC and other government agencies, began to widen the scope of black participation in the craft unions of the building trades. In these and some other unions of the AF of L which had discriminated against colored labor in the pre-war years, work permits, separate Negro locals, and full membership were achieved for black labor during the war" (Weaver, 1950:31). However, the independent Railroad Brotherhood continued to discriminate throughout the war.

In the 1940s, as the nation's defense build-up got underway, the demand for workers in the defense industries soon absorbed all of the available white workers. Many black workers, since the separate-but-equal principle had a stronghold in the education of blacks, lacked the skills required for defense jobs. In addition to black workers, a number of white workers also lacked relevant skills, prompting the federal

government to establish training programs to remedy this situation. The training programs discriminated against blacks, and those who were able to complete the training were not assured employment. This angered the black community who were convinced that they were doomed to an reinforced inferior economic status. Black leaders protested through such organizations as the Urban League, the NAACP, the Negro National Congress and the black churches of all denominations. Because of similar ideology, black churches were always at the forefront for the black masses. In the 1930s and 1940s, the black church struggled without much success to find a vehicle for its latent power, but its leadership had lost touch with the struggle for equal rights. Nonetheless, although New Dealers such as Harold Ickes and Eleanor Roosevelt had struggled with the problem of discrimination in New Deal agencies, the problem of black exclusion by employers with defense contracts was foremost in the civil rights struggle. Some white groups, in their desire to involve blacks in the war effort, took up the struggle on their behalf. In addition, Jewish, alien and nationality groups joined the forces, since they were experiencing similar employment problems. In 1941 it was ascertained that the majority of war plants did not employ any black workers. Philip S. Foner (1974) described the situation as a vicious cycle.

Many labor unions in the defense industries would not admit Negroes. Management that had closed-shop agreements with unions would turn down applicants for being non-union. Training schools would not accept black applicants because, without the training, they were not qualified. Little wonder that, while unemployment was declining among whites, among blacks it grew. As the Depression for white America was officially ended, the federal government drastically cut welfare appropriation, even though most blacks remained unemployed or underemployed (p. 239).

All defense agencies were challenged by black leaders on the basis of their discriminatory

practices.

The Fair Employment Practices Committee

A. Philip Randolph, in his dissatisfaction with the racial practices of labor unions, private and public employment sectors and New Dealism in general, proposed a March on Washington Movement (MOWM). Although it foreshadowed the civil rights movement, it was a militant challenge to the status quo that could not be ignored by the Roosevelt administration. Though Eleanor Roosevelt engaged in a campaign to stop the proposed march, and President Roosevelt, after narrowly carrying the black vote in his last election, met with MOWM leaders to discourage them, preparations for the march continued. Finally, in exchange for the march, MOWM obtained an executive order banning discrimination in the defense industries.

The Fair Employment Practices Committee (FEPC) was born from Executive Order 8803 in 1941. Despite the Committee's handicaps, primarily from both the lack of enforcement powers and funds, blacks still heralded its conception as a major commitment in getting the federal government involved in their plight. The Committee charged discrimination practices against some of the major industries in the country as companies were willing to reduce production rather than employ skilled black labor. As a result of a national labor shortage, some companies were willing to employ women and children and teach them the trade skills required for the jobs as an alternative to black labor. When white colleges received funds for training programs, they excluded blacks who attended black colleges with inadequate training equipment. According to Louis

Kesselman (1946), few labor unions which had discriminated against minorities before the war abandoned their policies:

The defense training program failed to prepare Negroes for industrial employment on an equal basis with whites. According to one observer, in March 1941 only 4,600 of 175,000 trainees were Negroes. From June 1941 to January 1942, fewer than three hundred of ten thousand trainees placed in New York defense jobs were members of this minority group. While the National Defense Training Act had prohibited discrimination, local authorities often found it more expedient to conform with local employment patterns. Representative of many Negro groups petitioned and conferred with governmental officials with disappointing results (p.37).

Unless compliance was voluntary, the Committee was forced to call upon the president for compliance. The FEPC could require hearings for companies accused of discriminatory practices but it had to consult with the War Manpower Commission. As Louis Kesselman (1946) contended, "the Committee was taken from the War Manpower Commission and reconstituted in May, 1943, as an independent committee with somewhat augmented powers by Executive Order No. 9346 under which it operated for the rest of the war although the basic character of the agency remained substantially the same" (pp.39-40). The FEPC was closely scrutinized by southern Congressmen and other opponents who prevented any expansion of the Committee's jurisdiction.

Blacks and proponents of the Committee complained fiercely about its inadequacies, but their complaints were directed toward strengthening the agency. As a matter of fact, "on December 30, 1943, a national conference in Washington of Negro and white, civic, labor and religious leaders resulted in the establishment of the Council for a Permanent Fair Employment Practice Commission with A. Philip Randolph and Dr. Allan Knight Chalmers as working co-chairmen" (Kesselman,

1946:41). The chief aim of the council was to promote federal legislation and local councils to advance state laws for the protection of minority rights. Support for a permanent FEPC was strong among civil rights activists. It lasted well into the 1960s, but never became a reality since the Civil Rights Act of 1964 was used as an alternative legislation. As was the case in the 1930s and 1940s, states voluntarily enacted FEPC legislation aimed at non-discrimination principles. Meanwhile, blacks, who were aware of the attitude of Congress on the FEPC as an emergency war measure, began to fight for a permanent FEPC. According to Ina Sugihara (1945), the Committee never had free reign or authority necessary to do its job:

It has no power to appeal to the courts and, being a government agency, it cannot look for cases--the cases must come through complainants on the United State Employment Service which refers instances of discrimination against applicants and of employers requesting 'Christians', 'white', etc...As a federal agency the Committee's scope is not complete, for it has no jurisdiction over the armed forces, nor does it have jurisdiction over all inter-state commerce--only over those industries and businesses that are considered war plants or have contracts or sub-contracts with the government. This leaves about some of our biggest businesses. For example, the Committee does not touch the major portion of the garment industry not producing clothes for the armed forces; it cannot work on banks or insurance houses, five-and-ten-cent stores, movies, department stores or mail order houses (p. 14).

During 1944 and 1945 several bills were passed in Congress calling for the creation of a permanent Fair Employment Practices Committee, but the sponsors were defeated in each attempt.

According to editors of Ebony Magazine (1966), late in 1947, A. Philip Randolph and Grant Reynolds, who was New York State Commissioner of Corrections and former minister, organized 'The League of Non-Violent Civil Disobedience Against Military

Segregation':

On March 22, 1948, Randolph and a delegation of Negro leaders conferred with President Truman at the White House. Mr. Randolph declared that he was convinced that 'Negroes are sick and tired of being asked to shoulder guns in defense of democracy abroad until they get some at home. They are prepared to resort to civil disobedience and refusal to register for the draft if it means serving in a Jim Crow Army.' The President was obviously angered by Randolph's outspoken statement (p. 206).

War industries began to cut back workers and although some progress had been made in semiskilled and skilled jobs for blacks during the war, the vast majority had not risen above unskilled labor. The unskilled jobs were quickly eliminated following the war. In addition, the FEPC had lost its importance under the direction of President Harry S. Truman. Ironically, as The Negro Year Book (1952) revealed, "employers argue that FEPC laws haven't caused near the fuss that opponents predicted (p.121). For example, the railway unions continued their resistance to black workers and the discriminatory provisions by other industries kept other doors to employment closed. A report from President Truman's Civil Rights Committee entitled "To Secure These Rights," affirmed that in all areas of employment blacks had encountered and continued to encounter job discrimination. To add fuel to the fire, although between 1940 and 1950 a significant number of black men and women left farm employment in the South to industrial employment in the North, they nonetheless experienced the same racial prejudice experienced by their predecessors. Moreover, black migrants also experienced the same racial patterns of wage and job differentials that existed prior to World War II.

As a result of the efforts of the Truman administration, discriminatory practices in various branches of the military service were reduced, making

it possible for black Americans to pursue military careers with complete integration in the armed forces. Also, under Truman's leadership all public facilities in Washington, D.C., were for the first time desegregated. Robert Weaver (1950) indicates that between 1940 and 1944 over a million Negroes entered civilian jobs, often moving from farm to factory:

The number of Negroes employed in skilled jobs doubled, as did the number of single-skilled and semi-skilled colored workers. These workers entered new industries and plants, where, prior to the war, few of any Negroes had been employed, thereby effecting in a period of a few years more industrial and occupational diversification for Negroes than had occurred in seventy-five preceding years (pp.26-27).

Most of these blacks were situated in areas where there existed acute shortages of labor. At the end of the war, blacks, as an indicator of their marginal status, were the first employees to lose their jobs. Housing and job discrimination nonetheless persisted as major barriers faced by blacks in the North. Thus, by 1950 blacks were once again disproportionately represented among the more impoverished groups of the country. By the early 1950s the NAACP began to increase its battles in the federal courts to acknowledge racial equality in the areas of labor, housing, education and the use of public facilities.

Black Civil Rights and the Courts

The 1930s was actually the first time that the United States Supreme Court demonstrated some concern about civil rights. The issue of segregation was foremost when the court began to evaluate whether separate-but-equal was really equal. With this in mind, the Supreme Court addressed a number of issues involving voting, but it wasn't until the 1950s when the court made its momentous Brown decision. The NAACP had

previously tried to challenge Plessy separate-but-equal decision but to no avail. However, with the help of Thurgood Marshall and his strategy to challenge segregation, rather than the separate-but-equal principle in the public schools, the NAACP legally challenged the fundamental structure of racial segregation. In Charleston, South Carolina, on behalf of sixty-seven black children, Thurgood Marshall along with his legal team asked that the children be admitted to the public schools of Clarendon County without regard to race. This case along with four similar ones, eventually found its way to the highest court in the land under the name of Brown v. Board of Education. Although education was believed to be key to integration, it was not clear until the Brown decision how equal educational opportunities would become available for blacks.

On May 17, 1954, the nine Supreme Court Justices rendered a unanimous decision: segregated schools based completely on racial definitions were unconstitutional. The decision reversed the Plessy decision of 1896, finding that separate educational facilities were inherently unequal, since separate facilities had deprived the segregated persons of equal protection of the law as guaranteed by the Fourteenth Amendment. The Brown decision had created a sense of urgency in the South. Public schools were closed and replaced by private segregated schools. In Little Rock, Arkansas, for example, public schools remained shut from 1957-1958. The Brown decision took a revolutionary step in American race relations. As a result of the Topeka decision in 1954, the civil rights movement began to focus attention on the liberal courts, especially the Supreme Court, to advance its cause. President Eisenhower, a Republican who generally favored segregation responded to public awareness, sending federal troops to the city.

In 1955, Rosa Parks was instrumental in sparking the civil rights movement. The Montgomery boycott hailed Martin Luther King Jr., president of the Southern Christian Leadership Conference as the leader of the movement. In the meantime, the economic conditions for blacks remained much lower than the conditions for whites as the struggle for social and economic equality remained the central focus of the black struggle in the American capitalist system. By this time, many people understood the connection between poverty and poor education. Most blacks suffered from educational deficiencies, which served as an additional handicap when they were seeking employment. If blacks were to function in the economy of the 1960s, as unskilled jobs began to diminish, their access to education would have to be upgraded substantially.

In conclusion, blacks were involuntarily brought to the United States as a cheap source of slave labor. Their servitude status resulted in a developing ideology of racial inferiority, which, in some instances, remains in place even in contemporary America. After Emancipation, oppressed blacks for the most part struggled as freedpersons to move into the wage system. Structural discrimination led to the development of a dual labor system where blacks were restricted to lower and undesirable job categories and classifications. As a result of black subordination, their economic mobility was severely restricted. Moreover, institutionalized discriminatory patterns denied blacks access to educational and subsequently individual achievement. The growing empowerment of blacks in the political system in the 1940s was in part responsible for attempts on the behalf of federal and state governments to address the

problem of discrimination in employment. These efforts led to the development of affirmative action policy in the 1960s.

Bibliography for Chapter 4

Allen, Robert. Reluctant Reformers. The Impact of Racism on American Social Reform Movements. Washington, D.C.: Howard University Press, 1974.

_____. Black Awakening in Capitalist America: An Analytic History. New York: Doubleday Anchor Book, 1969.

Andrew, Norman P. "The Negro in Politics" The Journal of Negro History 5(July 1920):420-436.

Bardolph, Richard. The Civil Rights Record. Black Americans and the Law, 1849-1970. New York: Thomas Y. Crowel Company, 1970.

Baron, Harold M. The Demand for Black Labor: Historical Notes on the Political Economy of Racism. Somerville: New England Free Press, 1971.

Berger, Morroe. Equality by Statute. Legal Controls over Group Discrimination. New York: Columbia University Press, 1952.

Brooks, Tom. "Negro Militants, Jewish Liberals and the Unions" Commentary (September 1961):209-216.

Brown, W.O. "Racial Inequality; Fact or Myth?" The Journal of Negro History 1(July 1931):43-60.

Carmichael, Stokely and Charles V. Hamilton. Black Power. The Politics of Liberation in America New York: Vintage Book, 1967.

Davis, T.R.. "Negro Servitude in the United States" The Journal of Negro History (July 1923):247-283.

DuBois, W.E.B. Black Reconstruction in America 1860-1888. New York: Meridian Books, 1962.

----- "N.R.A. and Appointments" The Crisis (October 1933):236-237.

Ebony Magazine (eds.). The Negro Handbook, 1966. Chicago: Johnson Publishing Company, 1966.

Edwards, Thyra. "Attitudes of Negro Families on Relief" Opportunity Magazine 4(July 1936):213-215.

Fishel, Leslie H. Jr. "The Negro in the New Deal Era" Wisconsin Magazine of History (Winter 1964-1965):111-126.

Foner, Philip S. Organized Labor and the Black Worker 1619-1973. New York: Praeger Publishers, 1974.

Franklin, Bostic. "The Political Future of the Negro" Opportunity Magazine (June 1936):166-170.

Frazier, E. Franklin. The Negro in the United States. New York: MacMillen Company, 1957.

_____. "The Negro Slave Family" The Journal of Negro History 15(January 1930):198-259.

Funke, Loretta. "The Negro in Education" The Journal of Negro History 5(January 1920):1-21.

Geschwender, James. Racial Stratification in America. Dubuque: WM C. Brown Company Publishers, 1978

Hunter, Frances L. "Slave Society on the Southern Plantation" The Journal of Negro History 7(January 1922):1-10.

Ickes, Harold. "The Negro As a Citizen" The Crisis (August 1936):230-51.

Kesselman, Louis. "The Fair Employment Practice Commission Movement in Perspective" The Journal of Negro History (January 1946):30-46.

Kruman, Marc. "Quotas for Blacks: The Public Works Administration and the Black Construction Worker" Labor History 16(Winter 1975):37-51.

Lomax, Louis E. The Negro Revolt. New York: Signet Books, 1962.

McKee, James B. Sociology and the Race Problem. The Failure of a Perspective. Urbana: University of Illinois Press, 1993.

Marable, Manning. W.E.B. DuBois: Black Radical Democrat. Boston: Twayne Publishers, 1986.

Meier, August and Elliott Rudwick. From Plantation to Ghetto. New York: Hill and Wang, 1976.

Murray, Florence (ed.). The Negro Handbook, 1942. New York: Wendell Mallet and

Company, 1942.

Negro Year Book. "Employment and Labor" Negro Year Book (1952):114-124. New York: WM. H. Wise & Co., Inc., 1952.

Park, Robert E. "The Conflict and Fusion of Culture with Special Reference to the Negro" The Journal of Negro History 4(April 1919):111-133.

Ruchames, Louis. Race, Jobs, and Politics: The Story of the FEPC. New York: Columbia University Press, 1953.

Stampp, Kenneth. The Peculiar Institution. Slavery in the Ante-Bellum South. New York: Vintage Books, 1956.

Sugihara, Ina. "Our Stake in a Permanent FEPC" The Crisis (January 1945):14-15,49.

Tebeau, C. W. "Negro Membership in the Society of Friends" The Journal of Negro History 21(January 1920):1-21.

Weaver, Robert. "Negro Labor Since 1929" The Journal of Negro History (January, 1950):20-38.

----- Negro Labor. A National Problem. Port Washington: Kennikat Press, Inc., 1946.

----- "An Experiment in Negro Labor" Opportunity, Journal of Negro Life (October 1936):295-298.

Wesley, Charles H. "Lincoln's Plan for Colonizing the Emancipated Negroes" The Journal of Negro History (January 1922):7-21.

Wolters, Raymond. Negroes and the Great Depression. The Problem of Economic Recovery. Westport: Greenwood Publishing Corporation, 1970.

Woodward, C. Vann. The Strange Career of Jim Crow. New York: Oxford University Press, 1974.

----- "The South Today...100 Years After Appomattox" Harper's Magazine (April 1965):127-133.

Wilkins, Roy. "What the American Negro Wants" The Crisis (June/July 1963):333-346.

Williams, Eric. Capitalism and Slavery. New York: Capricorn Books, G.P. Putnam's Sons, 1966.

Chapter 5

Jews and Ethnic Groups

In 1654 a group of Jewish families, fleeing Portuguese persecution in Brazil, landed in New Amsterdam. When the Jewish refugees arrived at the American colonies they immediately experienced difficulty. According to Goldstein (1930) their material condition was so poor that their goods had to be sold at auction in order to pay for their passage:

The Governor of the new Amsterdam colony, who was Peter Stuyvesant, was hostile from the beginning. He wrote to the Dutch West India Company in Amsterdam, whose agent he was, urging the exclusion of the Jews. The reply which he received, however, checked the carrying out of his intention. He was informed that in consideration of the losses which Jews had sustained in the defense of Brazil against the Portuguese, and because of the large Jewish shareholders in the Dutch West India Company, the Jewish settlers must be permitted to live and trade in New Netherlands, 'provided that the poor among them shall not become a burden to the community or to the company, but be supported by their own nation' (p. 30)

The Governor reluctantly promised that the Jews could remain in New Amsterdam as long as they did not become wards of the state. They had to provide for their poor and indigent for the duration of their colonial experience. Colonial Jews were denied the right to employment in public service and although they were ineligible for military service, they were not exempt from taxation. More importantly, however, Jewish immigrants were limited to the extent to which they could exercise their religion, even in their own homes. Although the Jews were not physically distinguishable from the colonists, culture remained the overriding determinant in the economic development of the Sephardim.

According to Nathan Glazer (1957), in the seventeenth century, the European Jews would be described as a people of merchants and traders and some scholars:

The Jews who came to the American colonies were drawn from the merchant and trader, not the scholarly, element. Some were storekeepers, artisans, doctor, even landowners; but the dominant tone of the Jewish communities was set by the merchants. They traded with Indians, the Caribbean Islands, Europe, and the other American colonies, and they furnished supplies for the armed forces (p. 16).

The Jews were stratified economically from those who were debtors, who frequently appealed to the charity of the more prosperous Jewish merchants. The congregations offered help in the difficulties experienced by poorer Jews. Since the synagogues were run by the richest and most powerful, they considered themselves responsible for the unfortunate including merchants many of whom suffered from the misfortunes of trade. Although, the Spanish Jews eventually assimilated to the external life of the colonists by easily transferring from Spanish culture to English culture, they still remained primarily Spanish, both in the privacy of their homes and when in the congregation with other Jews. Nathan Glazer (1955) estimated "there were certainly no more than 2,500 Jews in the United States in 1790, and, as Jacob Marcus writes, they formed only one class, 'a middle class'. Many intermarried and became Christians, proportionately more it would appear, than did so in the nineteenth and twentieth centuries" (p.4).

In establishing a new community, Jewish settlers traditionally first purchased their own burial grounds. But more important, they would always follow the tradition of building synagogues. The presence of synagogues attested to the idea that the Sephardim, in addition to expressing allegiance to the Spanish and Portuguese cultures,

maintained a distinct religious life and adhered to many of the Jewish traditions that were based on orthodoxy. The largest centers of Jewish population were New York in 1654, Newport in 1657, Lancaster in 1730, Savannah in 1733, Philadelphia in 1734, Charleston in 1741 and Richmond in 1785. These were the only towns in the colonies with synagogues prior to the American Revolution.

Jewish population centers shifted in the colonies from place to place, until 1775 when Newport was the most important Jewish center. During the Revolutionary War, Philadelphia held this distinction and by the end of the eighteenth century, the Jewish community of Charleston became the focus. Nathan Glazer (1955) indicated by that time "there were between two and three thousand Jews in the United States, and Charleston, the largest Jewish community in the United States, numbered about five hundred souls" (p. 14-15). During the nineteenth century, however, New York succeeded to the position of being the greatest center of Jewish population in America. In areas like New York, Jews began to gradually assert their rights and eventually won their complete emancipation in the colonies.

The Sephardim or Spanish Jews

Forming the dominant stream of Jewish immigrants during the century and a half after their arrival, the Sephardim, in an unwritten hierarchy of the Jewish world, considered themselves to be the most noble of all Jews because as a culture they claimed the longest unbroken history of unity and suffering. As Nathan Glazer (1955) asserted, "it is now believed that Sephardim-Portuguese and Spanish Jews who had spent some time

in Holland or England or the West Indies--predominated among the American Jews until about 1735" (p. 5). Not long after the first Jews arrived in the American colonies, the Sephardim were joined by their coreligionists the Ashkenazim. They were the offspring of German Jews of central and eastern Europe who had historically migrated to Poland and elsewhere. In the seventeenth and eighteenth centuries, for example, most Ashkenazic Jews lived in Poland; in Amsterdam and in London, where they were rigidly separated from the Sephardim. This division was carried over into the colonies where the Sephardim, as the first arrivals, differentiated between themselves and their coreligionist the Ashkenazim. In the eyes of the Sephardim, because the Ashkenazim were a German-Judean community from central and eastern Europe, they constituted a lower caste. Max I. Dimont (1978) argued that although the post-Revolutionary Ashkenazi Jews were greeted with contempt by the Sephardim, they were quickly absorbed into Sephardim institutions.

The new arrivals did not dare change these institutions, even though they were different from those they had been accustomed to in Europe., They stood in awe of the Sephardim, whom they viewed as their social and intellectual superiors. But when this immobilizing sense of inferiority finally vanished, so had the desire to remodel the Sephardi institutions. The Ashkenazi immigrants found that these American-Jewish institutions perfectly suited their new way of life (p. 82).

By the early nineteenth century, many of the Ashkenazim had been assimilated by the Sephardim whose numerical superiority had led to cultural and institutional predominance.

The overall position of Jews in the American colonies was one of useful participation in the general life of the people. As Goldstein (1930) explained, the place of the Jews in the commercial sphere was recognized and admired:

Their experience in Spain and Portugal, and Holland, had endowed them with gifts of the highest order. A great part of the shipping trade of the colonies, was in Jewish hands. They were responsible also for the introduction of new industries, such as the manufacture of spermaceti in Rhode Island, and the establishment of vine culture in Georgia. Possessed of education and culture, gifted with a keen sense for commerce and trade, industrious in the pursuit of their vocations, and alert to their civic and religious duties, the Jews in the early colonial times held a position of dignity and usefulness in the various communities of which they became a part (1930:41-42)

In colonial America, the chief economic contribution of the small Jewish community appeared to be in both internal and foreign trade, a vital necessity in the predominantly agricultural economy. As Eli E. Cohen (1950) indicated, because they were prohibited from engaging in retail enterprises, the Jews in New York were especially active in the inter-colonial trade:

In early America, Jews also played an important role in the sperm oil and candle industry. There were Jews who were bankers, butchers, tailors, shoemakers, braziers, soap boilers, brass workers, goldsmiths, watchmakers, saddlers, and distillers. Others were shipowner and brokers. Some of the Jews in the South were vine growers, while others raised rice, cotton, corn, tobacco, and indigo (pp. 53-54).

As Nathan Glazer (1955) pointed out, from 1800 on the few German Jews already settled were being supplemented by small numbers of migrants from Germany and the parts of Eastern Europe adjacent to it:

But in 1836, the first of the mass emigrations that were to characterize European Jewish history for the next one hundred years began; the impoverished Jews of the small towns of Germany, particularly Bavaria, finding it impossible to live under the galling load of special taxes and restrictions and affected by a general slump in trade conditions, began to emigrate to America (p.6).

The largest of the German Jewish groups seeking freedom in a vigorously expanding economy were from Bavaria, where the anti-Jewish laws were more severe. They were

followed by other emigrants from Austria, Hungary, Bohemia and Rumania. The aftermath of the Napoleonic war found Germany and the surrounding areas with fewer opportunities for Jews to earn a living. In some areas of Germany, leaders were beginning to revive Medieval anti-Semitic laws, aimed at the persecution of Jews. Restrictions imposed on Jews were partly responsible for the continuous stream of German Jews emigrating to the United States.

The Ashkenazim or German Jews

The Ashkenazim or German Jews came from countries where centuries of degradation had served to keep them in an economic position of dire poverty. These Jewish immigrants were as poor as the millions of Gentiles from Germany and Ireland, who were also coming to America, but as Arthur Hertzberg (1989) explained, they were quite different:

They were better prepared in advance to rise quickly in America. Many of the German Gentiles and the majority of the Irish were farmers. The Jews were peddlers and middlemen. The Germans and the Irish were mostly illiterate; even the poorest of the Jewish men could usually read, for they had been taught to read the Hebrew prayer book. Such literacy could--and was--transferred to German, and soon to English. Consequently, many of the Jews were ahead, on arrival, in the race for success in the New Land (p. 104).

The immigration of the Ashkenazim occurred at a time when America was experiencing vast territorial expansion where economic opportunities were available. While some Jewish immigrants sought out Hebrew benevolent societies, others, as Nathan Glazer (1957) explained, became peddlers, in the cities and through the countryside, and many left the seaboard cities to strike inland:

They peddled in the South, beyond the Appalachians, in the Midwest, and the Far West, where Jews were among the first settlers in many towns. Where they could, they established clothing and dry goods and general stores. They arrived when the country was expanding, and they followed the routes of expansion. Most of the Jewish communities of this country were established by these small groups of German Jewish peddlers (1957:24).

The new immigrants, unlike their predecessors, did not concentrate in a few large cities, but participated in the great westward movement.

The German Jews moved along the Erie Canal, the Ohio, and Mississippi Rivers and founded new Jewish settlements in such cities as St. Louis, Chicago, and dozens of smaller towns and Cincinnati. The Jewish population in the United States was experiencing growth simultaneously with the leading commercial industrial centers in the eastern part of the United States, New York, Philadelphia and Baltimore. Areas in the southern parts of the United States showed little concentration, however, since most immigrants were not attracted to the prospect of competing within the slave ridden economy, although some Jews did manage to settle there. Werner Cohn (1958) pointed out that "in those years American Jews were still few and far between; until about 1870, they probably never numbered more than one-third of one per cent of the population. To a very large extent they were thought of--and thought of themselves--as individually functioning participants in American politics; no one was much concerned over any possible relevance of their Jewishness to their voting" (p.620). After the Civil War, the Jewish population increased when a relatively small flow of German Jews arrived to the United States.

German Jews brought with them the experience of buying and selling and as the

demand for middle men accelerated after the Civil War, they were able to develop and prosper in the United States. Nathan Glazer (1955) indicated that "the German Jewish immigrants had characteristically been the traders and, to a small degree, the artisans of the small towns of Germany (an artisan was also a merchant). While some of them were emigrating to America to continue as merchants and peddlers, others were emigrating to the burgeoning German cities to transfer their trading and merchandising activities to a more promising environment" (p. 13). However, as Oscar Handlin and Mary F. Handlin (1949) described, a few Jews were among the representatives of European banking houses that extended their operations to America in a period that included the Civil War:

But most Jews, like most other immigrants, were not so fortunate; they rarely came with substantial stores of capital, and seldom had direct personal or business connections in America. How well off they were at the start may be gauged by the fact that in the 1850s between 10 and 20 per cent of those in New York were assisted by the Jewish charities. For all these people the first concern had to be that of finding a way to earn a livelihood. All had quickly to cope with the problem of how to adapt the skills and training of the Old World to the need of making a living under the strange conditions of the New (pp. 13-14).

Most burgeoning midwestern cities offered opportunities for a few Jews to make fortunes in merchandising and to make a decent middle-class living as shopkeepers.

The Jewish peddler became a familiar figure among the pioneers in the western frontier towns as well as among the residents of the smaller towns in the East. Thus, according to Oscar and Mary Handlin (1949), "the peddler found his market, in the first instance, among other immigrants, who were accustomed to dealing in this manner with itinerant traders in Europe, and who were reluctant to enter into complicated relationships" (p. 14). It wasn't long before the peddling soon accumulated surplus

enough to transform the pack into retail establishments. Moreover, the westward movement, coupled with the expansion of cities, brought about new opportunities for peddlers over a period of time. As Oscar and Mary Handlin (1949) pointed out further, as the heart of the city became more densely populated and as the city itself spread outward, engulfing suburb after suburb, the whole pattern of retail trading changed, and immigrant shopkeepers played an important role in the change:

Some commodities--dry goods, for instance--had always been distributed through retail establishments; there was now more demand for dealers in such products. But many other articles had not been exchanged in this manner. Food and fuel were thus brought by farmers directly to markets where consumers could come and buy. Most articles of clothing and furniture were made to order. For such commodities only the poor, who were willing to wear and use second-hand goods and who could not afford either the money or the storage space to buy in quantity, went to a shop where the cast-off, the misfit and the second-hand were stored. Since the poor were mostly immigrants who preferred to trade with other immigrants and since, in any case, natives shunned such peripheral trades, the shops were kept by immigrants, the Jews among them (pp. 15-16).

The expansion of the cities made other people dependent on the shops. Between 1845 and 1855, a good majority of Jews were peddlers. Since farmers had more difficulty going to the market, the businesses of the shopkeepers increased enormously. There were a variety of basket peddlers, custom peddlers, pack peddlers, wagon barons, and jewelry counts. Eli E. Cohen (1950) recognized that many carried packs on their backs; the more successful used horsedrawn wagons:

In time, they opened stores in the settlements in which they had peddled. In addition to their contribution to the development of American commerce at that time, these stores provided the modest beginnings of many of today's leading department stores. Some of these successful merchants subsequently became brokers and bankers. Others became manufacturers of clothing, underwear, cigars, and many other articles. With very few exceptions, Jewish manufacturers and merchants were engaged either in the

production or distribution of consumer goods (p.54).

The immigrants involved themselves in the clothing business, particularly in urban centers like New York.

By the late 1840s, for example, Jewish shops extended on the major streets of New York. Actually the 1840s marked the high point of development in creating opportunities for the arriving Jews. Forty years later the opportunities had all but disappeared as greater sums of capital were required to start a business. There was rapid expansion in new industry after 1870 and Jews were a part of the enterprise. As a result, the second and third generation German immigrants were able to move into a number of lucrative positions. Max I. Dimont (1978) cites a statistical survey of 10,000 German Jews who arrived in the United States between 1850 and 1880. The survey shows that by 1890, 1,000 of the 10,000 had three or more servants, 2,000 had two, and 4,000 had one, leaving but 3,000 without a servant:

Of the 10,000, half were businessmen. One out of every 20 was in a profession, including banking. One fifth were accountants, bookkeepers, clerks, agents. One out of every eight was engaged in such occupations as tailor, jeweler, cigar maker, butcher, or the like. Less than 1 percent were farmers, common laborers, or servants. The German-Jewish peddlers had done well by 1890. Only one out of every hundred was still a peddler. On the average, there were five children per family (p.129)

In 1880, New York's 60,000 Jews made up 25 percent of the Jews in the country--the same proportion as in 1848. A hierarchy of German Jewish society developed, headed by a few wealthy families in banking and merchandising, and comprising a large and prosperous middle class which included many lawyers, doctors, and persons in public and intellectual occupations. Prior to this time, as Oscar and Mary F. Handlin (1949)

suggested, the last two decades of the nineteenth century saw for the first time the emergence of an extensive Jewish proletariat in the United States to take its place beside the Irish, German, English and native laborers:

Earlier there had been a number of artisans who had transplanted their skills from the Old World to the New. But the wage-earning unskilled worker was a stranger to American Jewry until well after the Civil War. This development was a product of the increased rate of immigration. The enormous numbers, rising steadily after 1870, could be absorbed in no other way. Moreover, the nature of the arrival encouraged the tendency to take employment in factories. In these years, a noticeable concentration in shipping routes and shipping lines brought an ever-larger proportion of Jewish newcomers to the single port of New York who were less able to break away from the place in which they landed (p. 17).

In the thirty or forty years following the 1840s, Jewish immigrants were regarded by other Americans as members of a nationality group, largely identifiable by language, which was for the most part German. To some degree, one could argue that they were uniformly considered Germans.

The Ashkenazim initially lived the nontraditional Jewish way of life based more on Judeo-German culture than Shtetl culture. Oscar and Mary F. Handlin (1949) stated that of course, those who came to the Atlantic seaboard cities by 1840 found well-established synagogues which they were expected to join:

But these had a character of their own, not always acceptable to the new arrivals. Such places of worship were controlled by native American Jews whose customs diverged significantly from those of Jews in the Old Country. American congregations were accustomed, from colonial times, to follow the lead of the English co-religionists; they used the Sephardic rituals, received advice on most questions from London and wrote there for recommendations when they sought a minister. Furthermore, the Americans had a consistent reputation for impiety among immigrants, at whatever date the latter arrived; in the United State, it was supposed, people did not observe the Sabbath in its full strictness; they gave up European dress too quickly; they shaved; they were careless as to the

dietary laws of Kashrut, and they were ignorant of the Torah, had not even rabbis to guide them. No wonder the newly arrived Jews were suspicious of them (pp. 30-31).

It should be noted that the German Jews, at the risk of losing familiarity with traditional Judaism, had pretty much assimilated to the German culture, at the risk of losing familiarity with the rituals and customs associated with traditional Judaism. Although they were never accepted on an equal basis with their German counterpart, assimilation allowed them partial opportunity to advance in Germany. German schools were open to Jews, and the education they received in Germany was usually restricted to German literature and life.

The German assimilation of Jews was partly responsible for their secularization, which was transplanted to the United States. Nathan Glazer (1957) argued that Reform Judaism in the United States began as a movement of Jews of high social status who wished to dignify Jewish religious services and make them decorous:

They did not like the idea that the traditional Jewish service was (among the Ashkenazim) a rather cacophonous Hebrew outpouring by the congregation, dressed in hats and prayer shawls, and led by a cantor (prayer-leader) using a decidedly un-Western and un-Germanic mode of singing, or rather chanting. And then, too there was nothing that might be understood as edification in this service, for there was no sermon; twice a year the rabbi (generally drawn from Poland, that great well of Talmudic learning) would deliver a barely intelligible discussion of some Talmudic problem (p. 27).

In the 1840s and 1850s a number of rabbis who had played a significant role in the German reform movement came to America. The rabbis added some intellectualism to the movement and were instrumental in strengthening Reform Judaism in American society. According to Oscar and Mary Handlin (1949), "in the Old Country the role

played by the rabbi, was not primarily that of a minister, but rather the ecclesiastical head of the community and the judge on matters of ritual and law; his function was to study and interpret the law. Normally, worship in the synagogue could proceed without his assistance and many American congregations likewise got by without the expense of maintaining a rabbi" (p. 33).

In line with Sephardim tradition, the Ashkenazim eventually founded a community of their own and established a German Jewish congregation. As leaders in Reform Judaism, German Jews felt it necessary to reject the particularist character of the ancient faith and the national restoration of the Jewish people. These Jews denied many of the teachings of the past and relied on reason, in their respect for the French Enlightenment, or nineteenth century rationalism, as a guiding force in their decision making. The chief changes demanded by the modern age, as Nathan Glazer (1957) described, were the rejection of all those Mosaic laws which 'are not adapted to the views and habits of modern civilization' and the rejection of any national aim or national character for Judaism:

'We consider ourselves no longer a nation, but a religious community, and therefore expect neither a return to Palestine, nor sacrificial worship under the sons of Aaron, nor the restoration of any of the laws concerning the Jewish state'(p. 42).

A struggle ensued between the German Jews who favored orthodoxy and those who were the adherents of Reform in American society. But as Dimont (1978) demonstrated, by 1880 American Reform reigned supreme in the land. It had subdued the Orthodox, organized its own [decorous] congregations, established the first successful rabbinical college, and ringed the continent with a string of magnificent Reform temples:

Of the two hundred largest congregations, only eight were Orthodox, and Reform did not even aspire to 'convert' them, for, in their eyes, they were insignificant, lacking in money and manners. Like the Sephardi Jews in Colonial America, the German Jews regarded themselves as social leaders and arbiters of culture. They had made it (p. 138).

The Reform movement involved the Jews who felt comfortable living in a society where they could be accepted by non-Jews and could attain the status of a solid middle class. As a result, and for the first time, American Jews began to play a significant role in American political life.

Although Jews were considered too few and too scattered to constitute a voting group prior to the twentieth century, toward the end of the nineteenth century, many became congressmen and judges. As Nathan Glazer (1955) explained, Reform Judaism, which for a while seemed on the way to unifying American Jewry, was in tune with developments in upper-class Protestant sects:

Jews had no important special interests in those years that marked them off from the rest of the population. They did not spend much time worrying about and combatting discrimination and anti-Semitism, because these did not become a problem until the end of the nineteenth century. Nor of course, were they agitated by Zionism and anti-Zionism until well into the twentieth century. On the whole, Jews lived comfortable lives, had larger families and servants, entered professions, and met with little discrimination (pp. 8-9).

Toward the end of the century, however, eastern European Jews were entering the United States in significant numbers. The great migration of these Jews was to transform the idea of American Jewry, in addition to challenging the position held by the dominant Jewish group.

Eastern European Jewish Immigrants

From 1881 to the early twentieth century the salient fact in the story of American Jewry is its massive growth by immigration from Eastern Europe. In May, 1882, when the violence had run its course, the Czar's government in Russia replaced violence with a pogrom. It took the form of the infamous May Laws which barred Jews from the villages known as the Pale of Settlement and forced Jewish traders in towns to keep their shops closed on Sundays. The Pale of Settlement, according to Arthur Leibman (1979), consisted of 10 Polish and 15 adjoining Russian provinces:

In square miles, the Pale constituted about five percent of the empire; in terms of natural resources and the fertility of the soil, it was one of its poorer areas. At the turn of the century Jews in the Polish section constituted 14 percent of the population, the Russian section, 11 percent. This meant that Jews represented only 12 percent of all inhabitants of the Pale. Economic life for Jews in Russia throughout the nineteenth century was generally harsh. Large proportions of this community subsisted at a poverty level. In this arena of life, the hand of the state was quite visible. Despite more than a fourfold increase in the Jewish population in Russia from 1800 to 1880, Jews were still almost totally contained within the Pale (p. 71).

The pogroms of 1881 called for the emigration of a significant number of Russian Jews from the country. A large number of refugees fled to the Austrian border, where they gathered in the town of Brody. Almost at once Jewish societies in England, France and Germany mobilized their resources to help, and a coordinating Russian Refugee Aid Committee with branches in New York, Chicago, Philadelphia and other large cities prepared to receive the newcomers in America. Thus, East European Jewish immigrants, according to Max I. Dimont (1978), "came by thousands, at the rate of thirty-five thousand a year for the next twenty years, a total of seven hundred thousand bedraggled

souls almost quadrupling the Jewish population in the United States" (p. 138).

East European Jewish immigrants differed from most of the other immigrants of both the nineteenth and early twentieth centuries. As Glazer (1957) explained, "these immigrants did not, like many of the contemporary immigrants from Italy and southeastern Europe, come to make their fortunes and return to the homeland. They did not consider Russia, Rumania, and Austria homelands. Exile was exile, and if America was a better place for making a living than Russia had been fine, let it be America. They came with wives and children, and they came to stay" (p. 61). Moreover, Eli E. Cohen (1950) stated, the American economy was at that time undergoing some important changes:

The westward moment was coming to an end; large urban and metropolitan centers were beginning to develop as millions of immigrants began to stream to American shores; new inventions were making a larger variety of goods available and changing the habits of American consumers; the output of commodities was increasing at the same time as the cost of production was declining; better means of transportation were facilitating the widespread distribution of goods, while the number of those in manufacturing, trade, transportation, communication, and in clerical and professional occupations was steadily increasing; and department and chain stores, corporations, trusts, and monopolies were beginning to play an important role in American life (p. 55).

The East European Jews nevertheless encountered an unreceptive American response to their cultural patterns, and it took them a while to accustom themselves to American ways. Prior to 1881 it was neither easy nor fruitful to draw a line between German and East European Jews in the United States. They had a tendency to come from the German influenced parts of eastern Europe, and followed the same economic pursuits as the German Jews. The East Europeans arrived to America with little money. This group of

immigrants constituted the great part of the dissenters, the poor and underprivileged, the unlearned and those more familiar with political movements like Zionism and socialism, as well as the labor movement.

As Eli Cohen (1950) pointed out, the Eastern-European Jewish immigrants preferred to remain where they had landed or to settle in some other large city:

At the beginning of this mass immigration, the large cities on the Eastern coast in particular already had relatively large Jewish communities. New immigrants apparently felt more at home and more secure among their own, and probably thought that they had a better chance of finding employment in factories and stores owned by Jews. Orthodox Jews actually preferred to work in places where they could observe the Sabbath and other religious customs and traditions and to live where it was possible to observe the dietary laws. Others remained in the large cities because of the colleges and professional schools which they wished to attend or because of their general interest in the arts and sciences (p. 55).

The great majority of the Russian Jews settled in New York City, where they were at first crowded together owing to their poverty, in their desire to be with other eastern European Jews. Sometime later, they expanded throughout New York City and the various cities such as Philadelphia, Baltimore, and Boston. Other European Jewish immigrants scattered throughout the great industrial cities of the nation-Chicago, Pittsburgh, and St. Louis, where considerable work was available.

Most of the work they were able to find consisted of wage labor.

These recent immigrants were employed at low wages and typically unskilled labor, which was characteristic of discriminatory patterns in employment that were aimed at many European immigrants. Many Jewish immigrants were able to move independently within the wage system. As Nathan Glazer (1957) contended, "these East European Jews, like some of the German Jews, rapidly formed a proletariat in American cities, a working

class, just as the East European Jews who were pouring into Lodz and Warsaw and Odessa formed a working class" (p.62). The response from many non-Jewish Americans was of little significance compared with the response they received from their coreligionist German Jews.

The initial response to East Europeans was not only negative and hostile, but consequential as well. German Jews not only looked down on the new arrivals, but aligned themselves in displaying the same negative attitudes exhibited by non-Jews. Max I. Dimont (1978), for example, contended the German Jews in America watched with incredulity as the Russian Jews stepped off the boat:

Were they apparitions from the Middle Ages, these wild bearded, earlocked, blackhatted, caftaned, Yiddish-speaking Jews? The Russian Jews stared with equal incredulity at the well-groomed, clean-shaven, English-speaking German Jews wondering if they were bona fide Jews or apostates. As the German Jews continued to watch this ambulant mass of poverty, reeking of oppression, descend upon the land, their incredulity turned into fear, then into apprehension, and finally into pity (pp. 162-163).

The Eastern European Jews threatened the security of the German Jews, who saw themselves as assimilated to the American cultural system. According to Bernard D. Weinryb (1958), the philosophy of Americanization propounded in the society at large became part and parcel of the philosophy of the German Jewish leadership group. This was to serve two ends:

(1) to assure recognition as a part of the larger community and thus avoid anti-Semitism, and (2) to facilitate acceptance among the higher American prestige groups by 'civilizing' the 'awkward and alien' religious Jews. The same motives lay behind the German-Jewish opposition to the influx of East European Jews, behind their attempt to remove and disperse them from the large cities, and behind the Americanization--assimilationist trend given to the whole system of assisting immigrants when the tide of

immigration could no longer be stemmed. Philanthropic activities were, however, also motivated by the Jewish heritage of welfare, by the feeling of kinship and group ties, as were also the attempts to help in defense of Jewish rights abroad (pp. 14-15).

The Americanized German Jews felt no kinship with the newcomers, consciously fearing their presence would not only cause a burden on the dominant society but would also stimulate an outburst of anti-Semitism. Fearing anti-Semitism, assimilated German Jews supported the anti-immigration tendency existing in the country. As Bernard D. Weinryb (1958) pointed out, "in April, 1880, a bill was introduced in Congress to limit entry of paupers and other undesirable, and it passed two years later. In 1884, New York State voted restrictive immigration of the federal exclusion of immigrants on grounds of health and morals; in 1896 a literacy test bill was passed but vetoed by President Cleveland. The general public saw in those and similar measures means of preventing (or limiting) the immigration of East and South Europeans--the 'new immigrants' who were regarded as engulfing the country" (p.17). Crucial to the discussion of the social division that existed between the East European and the assimilating German Jews was that the latter had chosen not to attempt to sustain a unique and vibrant Jewish culture; instead they chose to emulate the customs and manners of their fellow middle-class Germans and later, American Christians. Glazer (1957) argued that to the established, middle-class, Americanized German Jews of the 1880s, the East European immigrants were a frightening apparition:

Their poverty was more desperate than German Jewish poverty, their piety more intense than German Jewish piety, their irreligion more violent than German Jewish irreligion, their radicalism more extreme than German Jewish radicalism. It is not surprising that the American Jews viewed this immigration, initially, with mixed feelings, and some even suggested the

possibility of deflecting or preventing it (p.66)

The eastern European Jews were not only unfamiliar with the environment in the United States, but they were also confused by the appearance of the German Jews and the reform temples.

The German Jews' orientation toward Reform Judaism in America was modeled to conform both to the middle class status of the Germans and the country's assimilation demands. Their services were in German and English. The religious symbolism was more closely associated with Christianity than the traditions practiced by Russian Jews. In eastern Europe, the conversion and assimilation process was quite different for most Jews. They did not convert, assimilate or attempt to transform their religious orthodoxy. East European Jews instead built their own Shtetl or orthodox institutions and continued to live in the Russian spirit. According to Bernard B. Weinryb (1958), "the immigrants had brought with them the image of their institutions, their way of life and ideas. The religious Jews made every effort to keep up these observances. The organized synagogues and Chassdic Shtiblech (prayer or study houses). Frequently there was some form of mutual help organization and landsmanschaft connected with these institutions" (p.19). German Jews thought it essential to Americanize their Russian coreligionists, particularly if they were to succeed in an alien society. They organized all sorts of religious schools, while simultaneously following the tradition of placing a high value on education and intellectual development. One of the important value of Judaism is the high valued placed on learning and intellectuality. According to Lawrence H. Fuchs (1958), "the importance given to learning and knowledge finds expression among contemporary Jewry in many

ways. The learner, or student, or rabbi has always been given the highest status in Jewish community life...In this country, settlement workers in immigrant quarters have always noticed the exceptional value which Jewish parents put on schooling of their children" (p.599).

Assimilation Patterns

In an effort to Americanize the Eastern European Jews, the German Jews provided charity and relief funds for the Russian Jews. As followers of Reform Judaism, the German Jews established the Education Alliance, an educational center, where the speaking of Yiddish was forbidden. As an alternative to the dense population of Jews in New York, the German Jews also attempted to disperse Jews throughout the United States. The East Europeans accepted the charity and the leadership provided by the American Jewish Committee and they were eventually able to provide their own network of charitable and welfare organizations.

Discrimination Against Jewish Immigrants

The idea of religious education over public education was important in relating the history of Jews in American society. Yet, as Oscar and Mary F. Handlin (1949) explained, parochial institutions, could not stand their ground against the competition from the public schools:

Like all the similar schools that sprang up later, they labored under serious handicaps. Many immigrants could not afford to pay their fees. The best teachers could make better careers elsewhere. Most important of all, their schools were not as likely to lead to the social and economic advancement

which depended on contacts outside the Jewish group. In this respect attendance at a sectarian school was a liability rather than an asset (p.52).

Many eastern European Jews had to rely on public education for their children for financial reasons. Their incomes were low and many children were subsequently engaged in the labor force. Many families could not spare the loss of income when their youngsters became unproductive. So, to compensate for the income, many students worked during the day and attended school in the evenings. Although financing higher education was difficult for Jewish immigrants, we find that by the first World War, 15,000 Jews enrolled in public and private schools throughout the country. That total was more than one-tenth of the national total. "For many years the most pressing need seemed to be preparation for some mechanical trade. To the philanthropists concerned with the settlement of the Jew, it seemed that far too many lacked usable skills and were dependent upon such uncertain means of support as peddling" (Oscar and Mary Handlin, 1949: 53).

Technical training was stressed among immigrants, particularly during the nineteenth century. Because of their low economic status, free higher education institutions, such as City Colleges of New York, appealed to many of the immigrants. In the tradition of elementary and secondary schools, parents struggled to have their children trained in the professions in an effort to attain the mobility patterns observed in the German Jews. In his analysis of Jewish history, Nathan Glazer (1955) pointed out that we can see that, hard pressed as they were, the Russian Jewish immigrants were storing up virtues for the future:

Thus we find more of them than of other groups were learning English. Even more significant as a sign of Jewish preparation for the future was the large numbers that were going to college. When the Immigration

Commission surveyed seventy-seven institutions in 1908, no less than 8.5 per cent of the male student body was composed of first-and -second generation Jews (Jews at this time made up about 2 per cent of the American population). Jewish students already make up 13 per cent of those studying law, 18 percent of those preparing for pharmacy. But at this time they dared not, as yet, think of such expensive studies as dentistry or medicine. Only 6 per cent of the potential dentists and 3 per cent of the potential doctors were Jews in 1908 (p. 15).

However, by the turn of the century, serious exclusion of Jewish student enrollment was observed in the medical profession.

There were complaints that the medical societies and the hospitals were refusing to admit qualified Jewish doctors. In order for Jewish students to get a medical degree, many students were forced to go abroad to various countries in Europe, especially Italy. Upon graduation from the European schools, Hertzberg (1989) contended that problems nonetheless remained for Jewish doctors.

Even after they graduated, Jewish doctors were still in trouble; the Gentile-controlled hospitals allowed very few Jews to join their staffs. In the 1920s and 1930s, Jewish hospitals expanded not so much to take care of Jewish patients as to provide places in which Jewish doctors could practice. There were so few Jewish professors in the American medical schools that medical education and research were essentially closed to Jews (p. 246).

Jewish doctors and Jewish lawyers could only establish themselves in private practice. Jews were generally considered outsiders who could be assimilated only in small dispersed numbers. This form of anti-Semitism was also present in American elitist eastern colleges. A few years later, as the enrollment of Jewish students began to increase, the situation changed. According to Hertzberg (1989), before the early 1920s Jews who applied were admitted quite freely to Ivy League schools:

The Jewish proportion at Yale rose from two percent in 1901 to thirteen percent in 1925. At Harvard the proportion was seven percent in 1900 and

twenty-one and a half percent in 1922. In 1922, it leaked from Harvard that a Jewish quota was being imposed. Jews had become so prominent that they were changing the character of colleges and challenging Gentile Supremacy (246).

At Yale, students were no longer to be admitted on scholarship alone: character was also to be a consideration. Oscar and Mary Handlin (1955) asserted, "many liberal arts colleges formally or informally adopted the same practice of restricting the admission of Jewish students to a fixed quota. Like a running sore, discrimination and exclusion had come to infect broad areas of American life. And the means of cure seemed limited indeed, for these areas had all come to be considered private, affected by and affecting no interests but those of the fortunate members of the association involved" (pp. 76-77). Lionel Trilling, for example, one of the founders of the modern neoconservative movement, described how he was discriminated against when working at his alma mater, Columbia University, as an instructor of English between 1932 and 1936:

The spokesman of the department explained to him that he would not be happy there 'as a Freudian, a Marxist, and [a] Jew.' It took the personal intervention three years later of Columbia's formidable president, Nicholas Murray Butler, to force Trilling's appointment as assistant professor at Columbia's English Department. Even so, Trilling's painful victory was rare.(Hertzberg, 1989:242).

Jews were a competitive force that Americans were not willing to deal with. Jewish quotas in higher education began in the 1920s and became more rigid during the depression years of the 1930s. As late as 1945 the president of Dartmouth College defended regulations which kept Jewish students out of his school. In sum, at the beginning of World War II, with the growth of the economy, state laws were passed forbidding discrimination in employment and in entry to universities.

Employment Patterns of the Jewish Immigrants

The industrial Revolution treated Jews as individuals and it allowed them to find new opportunities in business that brought them closer in equality to Gentiles. As an urban people, Jews had developed skills appropriate for the expanding industrialized economy in the United States. As Glazer (1955) demonstrated, the Jews of East Europe had begun as the traders and artisans of the small towns, but with the coming of the industrial revolution became in ever larger measure workers:

For one thing, the Czarist state kept Jews out of some of the most rapidly growing Russian cities, where the best business opportunities existed. For another, the Jews were so impoverished that when they migrated to cities they could only take work as wage workers. Many East European Jews were thus clothing workers before they came to America. According to the Russian Census of 1897, almost one-fifth of the Russian Jews in cities over 100,000 were already working in the clothing industry (p. 12).

Moreover, according to Glazer, "in addition to the opportunities offered by the economic landscape which the immigrant is entering and the economic experience with which he arrives, there is another factor--the individual's economic capacity" (p.12). Most of the East European Jewish immigrants worked in light industry of the rapidly growing cities. "For the clothing trade in America offered an opportunity for an unskilled man to make what was in those days a living wage, even if it was earned under conditions that, by American standards, were inhuman. On this wage the Russian Jewish immigrant saved, and brought over wife and child" (Glazer, 1955:13). Ironically, Jews occupied a unique position in the clothing trade, despite a common belief that their physical strength was not fit for manual labor. Jews were therefore virtually absent from the basic heavy industries like mining, the railroads, and building construction. An alternative explanation of this

belief, however, rests on the assumption that their concentration in urban areas resulted in legalized discrimination, which was ultimately responsible for the non-physical labor explanation. Nevertheless, there was an apparent concentration of Jewish immigrants in the apparel industry in America. According to Eli E. Cohen (1950) the apparent concentration of Jewish immigrants in the apparel industry may be explained by several factors:

A relatively large number of these immigrants were originally needle workers; it was also possible to learn this kind of work in a short time. Also, many of the clothing manufacturers were Jews who had successfully entered an industry which happened to be located in the large cities where Jews had settled. But not all were satisfied to remain in the garment industries. Those who were able to save enough succeeded in becoming owners of small stores or shop in a Jewish neighborhood. Others were determined to become physicians, dentists, lawyers, engineers, teachers, or artists. Virtually all tried to improve the status of their children. Thus, even in 1900, according to the United States Census Bureau, the American-born sons of the 'Russians', most of whom were Jews, had six times as many lawyers and seven times as many bookkeepers and accountants, but only one-third as many garment and millinery workers and cap makers, as the Russian-born immigrants. Similarly, there were five times as many stenographers and typists among the native-born daughters of the 'Russians', three times as many clerks and copyists, and about twice as many saleswomen, but only about one-half as many garment workers, as the 'Russian-born' women (p. 56).

By the twentieth century, East European Jews had just about displaced the German and Irish from the garment industry. Moreover, Russian Jewish immigrants from 1900 to 1925 constituted approximately two out of three Jews arriving in America. Those who reported an occupation listed the category of skilled labor. Nathan Glazer (1955) argued that more American Jews were engaged in a difficult struggle for existence than at any time before or since:

As a result of a long continued and heavy immigration of the impoverished

element, the more prosperous part of American Jewry, which had bulked so large in 1880, was, statistically-speaking, submerged. Even when expanded, the philanthropic services that had been able to ameliorate the condition of a relatively small number of poor Jews could do little for very large numbers. The Jewish immigrants still maintained a small advantage, in weekly and annual earnings, over other immigrants, but it was a very small advantage indeed. The Jews were scarcely distinguishable from the huge mass of depressed immigrants, illiterate and impoverished, that was pouring into the United States at a rate of 1,000,000 a year before the first World War (p. 15).

Upon their arrival to this country, a significant number of eastern European Jews were able to find employment in their desired trades, particularly in the needle trades. Thousands of the newcomers worked hard at skills involving sewing machines, flat irons, in cigar making, tinsmithing, at carpentry, watch repairing, etc. From New York, Jewish immigrants spread to other cities. In New England they worked in the shoe industry and construction, in the middle West mostly in the garment trades. America was generally being rapidly forged into a great and modern industrial society with a vast number of workers concentrated in new factory areas. The demand for ready-made garments, on which the industry was based, had grown considerably since the early decades of the nineteenth century. Like the Irish, and other earlier immigrants in a similar position, the Jews turned to a rapidly expanding industry, the garment trades.

In addition to the needle trades, in areas like New York, the Jews were, according to Moses Rischin (1962), experiencing the growth of the modern department store, clothing store and crockery shop:

Altman's and Stern's came first, followed by the Strauses at Macy's the brothers Ehrich, and the brothers Bloomingdale, creating a consumer's mecca that energized every aspect of the city's economy (p.51).

In New York City, the clothing industry constituted a large segment of the city's

industries and employed slightly under one-half of the employees in the city at the time. According to Leonard Dinnerstein (1987), in 1890, 60 percent of the employed immigrant Jews worked in the garment industry and on the eve of the First World War more than half of all Jewish workers, and two thirds of Jewish wage earners, were still to be found in the industry:

The Jewish influence was so great that the manufacturing of wearing apparel in the United States came to be regarded as a Jewish endeavor. Hebrews not only labored in the garment factories; they also worked their way to supervising positions and the bolder ones opened their own establishments. Before the Second World War it was estimated that Jews controlled 95 percent of the women's dress industry, 85 per cent of the manufacturing of men's clothing, and 75 percent of the fur industry (pp. 22-23).

These businesses were so successful that within a single generation it was not unusual for German Jewish immigrants to have achieved moderate prosperity.

Although the sweatshop system entailed much of their daily life, Jewish laborers did not, however, allow their job requirements to interfere with their religious responsibilities, which were frequently shared with their employers. By the turn of the century the mechanization of factories was completed; New York City provided the gateway for labor and the nation's cotton and woolen textiles. According to the Handlins (1949) low wages were characteristic of the industry. For that matter, they were characteristic of all branches of manufacturing that employed unskilled labor:

Still, the harsh fact was that before 1910 a man's work in the garment trades was not likely to bring him more than twelve dollars a week--when he worked. And then there were the long period when he did not work, the slack seasons and the weeks of unemployment. It was an inescapable condition of the new life that the earning of a single breadwinner could not be depended upon to keep a household going; the women had to work and the children too (p. 18).

The availability of eastern European labor assisted in the revolution of the organization of the factory system in the United States. Prior to this time a contracting system existed whereby skilled labor operated out of their homes. Thus, their homes became production centers for many in the garment and clothing trades. Rufus Lears (1972) recognized that the most skilled workers in the needle trades were the German or Irish stock who considered themselves a superior caste:

Contractors competed for business from manufacturers by lowering the bids and depending on one thing only for profit; exploiting the workers they employed by lowering wages and raising the hours of work. in the slums of the large cities where the immigrants concentrated--as Chicago, Philadelphia, Boston and especially New York--the contractors multiplied and as a rule used their woven wretched living quarters as the shops where the bundles were worked into garments. The sewing machine operators, basters and finishers worked in the 'front rooms,' and in the kitchen irons were heated on the stove and the pressers performed their backbreaking labor (p.154).

The factory system in contrast, required unskilled labor and characteristically exploited new recruits through its tiny division of labor. In the factories, workers frequently experienced high incidence of tuberculosis and other diseases. As in the task system, workers were also required to work long hours, frequently beginning at four in the morning and continuing until ten at night or later. This proletariat labor worked as a family unit and women generally worked at lower wages than men. Families worked under horrible conditions in the clothing industry. For the immigrant Russian Jews who had lived in abysmal poverty in the Old Country, the clothing industry was the first step towards economic mobility:

They could earn wages high enough to permit a very large number of them to leave the industry, or at least to keep their children from entering it; and they could afford to educate their children. Just as peddling was no trap

for the German Jews, but rather the first rung on a ladder to established middle-class security--similarly, for the Russian Jews, the sweatshop was the first step on their way up (Glazer, 1955):13.

As a response to these deplorable conditions, the East European Jewish workers formed their own collectives for protection against for the most part, German Jews, who owned the sweatshops.

The eastern European Jews "ventured into politics, organized Jewish unions, and ennobled life by affording the disinherited a glimpse into the heritage of the ages. They saw in the labor movement an instrument for redeeming Jews from humiliating occupations, for straightening ghetto-bent backs, and for refashioning the downtrodden into men equal in spirit as well as in law with other men. 'Neither wealthier nor more pious but more of a man,' was the cause they championed for their fellow immigrants" (Rischin, 1962:149. After more than three decades, eastern European Jews organized themselves into stable and powerful labor unions, which proved strong enough to impose decent standards on the needle industries. "In earlier organizations such as United German Trades, United Hebrew Trades, and in similar associations in Chicago, Philadelphia and Baltimore, Jewish immigrants were led into the primitive unions that were then springing up among the tailors and cloakmakers, the shirtmakers and cap operators, the printers and barbers:

Even Samuel Gompers, an immigrant Jew himself, who disapproved of such an organization based on religious affiliation, perceived that 'to organize Hebrew trade unions was the first step in getting those immigrants into the American labor movement.' By 1890 there were already a considerable number of Jews in the craft unions that had taken shape during the preceding ten years. They formed a considerable bloc along with the Englishmen, German and Bohemians in the Cigar-makers International Union. Some of the garment crafts particularly the

cloakmakers, were sufficiently organized to conduct a series of successful strikes between 1888 and 1911. By 1919, however, well over eighty-nine unions were affiliated with the United Hebrew Trades, boasting of a membership of 100,000 and War World I increased it to one-quarter of a million (Oscar and Mary Handlin, 1949: 46-47).

These unions not only achieved better working conditions, they also achieved shorter hours and higher wages, the goals which all labor unions pursued.

There were two giants in the apparel industry: the International Ladies Garment Workers's Union and the Amalgamated Clothing Workers of America. By the middle of the twentieth century, however, most of the members in the major Jewish unions were non-Jews, but the largest single ethnic group was indeed Jewish. Oscar and Mary Handlin (1949) argued there were significant reasons for the success of the Jewish labor movement, success that was measurable not only in terms of degree of organization but also better living and working conditions:

The nature of the industries involved contributed to this success. The Jewish working force was concentrated in light manufacturing, much easier to organize than the heavier industry. Their employers were not coal and steel barons, but the proprietors of small cigar making shops and contractors in the garment trades. The larger clothing factories employed several hundred heads, but the problem of uniting them into a union was not comparable to that of organizing an iron mill or slaughterhouse. The fact that both owners and employers were Jews also often contributed to the relative ease of organization. There was, indeed, no love lost between the 'German' boss and the 'Russian' proletarian; common religion at first actually heightened friction. But they could at least talk with one another (pp. 48-49).

The unions served as a means through which the immigrant became familiar with American society. They learned how to get along in the society, while making a way for themselves. As Nathan Glazer (1955) pointed out, while the German Jewish immigrants had risen in the social scale rapidly, and without any apparent difficulty; the East

European Jewish immigrants for the most part, had to leave it to their children to move beyond the position of wage workers:

In many cases, of course, an immigrant could earn enough money to go into business himself. In many cases, the small financial advantage that he held over other immigrants permitted him only to keep his wife out of the factory, or to keep his children in school for a longer time. So, while the proportions of Jewish needle-trades workers fell, it remained very substantial, on the whole; we do not find the majority of them moving out of the occupation in a single generation, as did the German Jewish immigrants who began as peddlers. Most of the Jewish clothing workers of the first decade of the twentieth century remained clothing workers until their death. But their children had advantages, in terms of better home care and longer period of education, that permitted a great advance in the second generation (p.16).

Eastern European Jews struggled to establish their own communal institutions instead of relying on the institutions already in place, which did not reflect their cultural traditions.

By the mid-century the Jewish immigrants and their offspring had made an enormous advance in their economic status in American society. At least two-thirds of the five million Jews in the United States were native-born and the need for Americanization programs had lessened. They had wiped out the foul sweatshop system and established labor unions which, in some respects, were serving as pathfinders for the labor movement of the country as a whole. Many had risen from the stage of wage earners to become large or small entrepreneurs and employers of labor. American Jews had moved up the economic ladder along with most Americans, and as a group had achieved a middle class status. Their children and grandchildren were occupying positions in the commercial, industrial and professional life of the country. Despite their enormous success, however, few Jews could be counted among the manipulators of the American

capitalist system that involved such industrialists as the Rockefellers, Mellons and Vanderbilts. One would have to wonder, however, if anti-Semitism was a plausible explanation for their exclusion. For no other white group in America has suffered a broader range of stereotypes for as long a period of time as Jews. For centuries Jews have been called "Christ Killers" and the like. Jews have been targets of negative attitudes and feelings. Some scholars such as Hasia R. Diner argue that anti-semitism began with the initial contact with Peter Stuyvesant in the seventeenth century. However, the first signs of anti-Semitism in American society occurred in the nineteenth century when the Native American Movement was sweeping the country.

Anti-Semitism in the United States

In the mid-nineteenth century, anti-Semitism had been mildly endemic, but it was not immediately threatening to American Jews. The Native-American movement of the 1840s culminating in the Know-nothing Order of the early 1850s was leveled against the Irish in particular. The Jews of America watched the movement with growing anxiety as the anti-immigration sentiment converged in America. With the political backing of German Jews, the first federal immigration law was enacted in 1882. The law imposed a moderate poll tax on immigrants and excluded contract laborers, mental defectives and others likely to become public charges. Jews had already experienced what was thought to be anti-Semitism when Joseph Seligman, a banker and the most prominent American Jew of his time, was excluded from the Grand Union Hotel in Saratoga Springs, New York, then the most famous resort in the country. Jews were kept out of clubs and other

social organizations that were owned and frequented by Gentiles. The German Jews were accepted by most Americans as not being too different from them, partly because of the German Jews' pro-American ideology. With the advent of the Russian Jews, however, anti-Semitism became a social problem of major proportions. As Lee Levinger (1931) described, although the religious persecution of the Jews, so common in the Middle Ages, stopped in the nineteenth century in western Europe, but many people still hated the Jews:

So they looked for a new excuse or for a new manner to express their hatred. This was invented in Germany about 1870 and was called anti-Semitism. The name explains it well enough; it was the theory that the Jews were Semites, a different race from the Teutons, latins and other Aryan races; then that they were inferior, that they could never mix with the ruling aristocratic Nordic or Latin race (whichever was attacking them, a German or a Frenchman), and ought to be driven out of the country or repressed by severe laws. As religious persecution was out of fashion, the anti-Semites turned to racial prejudice. Of course, the whole point of view is based on a fallacy. No race is pure or unmixed in Europe; every nation is made up of dark and light people, tall and short ones, with different shapes of heads on the outside and different ideas and emotions on the inside. The Jews are just one of many elements in a mixed nation like Germany or France or the United States; by their patriotism in war, their activity in peace, their participation in the business, literature and politics of the nation in which they are citizens, they prove that they really belong to it (p. 358).

Like the Catholics before them, the Yiddish speaking Jews became the center of the controversy. The small number of Jews became the victims of xenophobic attacks by nativists, populists and labor organizations. According to Arthur Hertzberg (1989), these attacks were directed against all foreigners, not primarily against Jews, but Populism did have its anti-Semitic element:

Ignatius Donnelly, a former Congressman for Minnesota, published a novel in 1891, called Caesar's Column, in which he warned against 'Jewish bankers' who were helping 'to turn the farmers into serfs.' Other Populists were even more violent. Those who demanded freedom from Wall Street

bankers very often identified these bankers as Jews. Even the very Gentile firms of investment bankers, J.R. Morgan and Company which had no Jew on its staff even as an office boy, was slurred as a Jewish houseboy. The poor immigrants arriving from Eastern Europe could be imagined, in anti-Jewish fantasy, as recruits for ever more powerful and more dangerous Jewish forces. Yet, despite the anti-Semitic fringe among the Populists, and the specific attacks on Jews by some of the nativists, Jewish immigrants were not the sole target or even the principal one, in the era of mass migration (190-191).

In the 1890s, for example, there was a marked increase in virulent remarks about Jews. The Populist crusade sensitized southern and midwestern farmers to the outrageous behavior and colossal indifference of the nation's industrialists. As Oscar and Mary F. Handlin (1955) contended, anti-Semitism did not find its way into the practical program of the populists or the reformers associated with them until the turn of the century:

But after the turn of the century, some of the defeated Populists, striving to save their careers by demagoguery, found anti-Semitism a useful tool. In Georgia, for instance, Tom Watson, for whom the world seemed to be plunging hellward, clutched at one object of hatred after another, turning first against the Negro, then the Catholic, and finally the Jews. Watson did not hesitate to preach open violence; and his inflammatory words led to the lynching in 1915 of Leo Frank, a young Jew held on a trumped-up charge of murder (p.79)

Throughout the nation the specter of the Jew as Shylock haunted those who felt oppressed by the maintenance of the gold standard and the Wall Street Bankers. Jewish Shylocks, Jewish money and Jewish mortgage holders were blamed for all the troubles besetting the nation. The prevalent fear of racial pollution added to the woes created by the economic crises. The idea of Anglo-Saxon superiority pervaded the United States at this time, and prominent individuals warned of mongrelization of the race. In the South, where many people had nothing more to be proud of than the color of their skin and their Protestant, Anglo-Saxon heritage, these people feared being subdued by an allegedly inferior breed

like the Jews. The Ku Klux Klan, a clandestine organization, founded in 1915 in Georgia, emulating the old Ku Klux Klan of Reconstruction days, but with a far different platform, opposed the presence of blacks, Catholics, Jews and foreign-born in American society. Only white, Protestant, gentile, American-born men and women were accepted as part of the white supremacy doctrine that they supported. While the Ku Klux Klan had been active in the South during the nineteenth century, it had been going through a dormant period. The massive emigration from Europe, in addition to the nation's employment ills, revised the Klan's activities. The Klan opposed Jews, as did other groups, by business boycott, political opposition, sometimes active violence. Oscar and Mary Handlin (1955) affirmed that "the local merchants and lawyers donned masks and hoods to meet in secret conclaves. As they exchanged the ritual greeting that gave them unity, they found a momentary satisfaction in the belief that they were assembling the weapons to drive their foes out of American life--by whatever means were necessary" (p. 82).

Immigration Policies

The Ku Klux Klan helped in the movement to enact legislation to limit immigration into the United States. As Oscar and Mary Handlin (1955) explained, restrictionist set themselves the long and difficult task of proving that the immigrants then entering the country were different from, and inferior to, those who had come before 1880:

The earlier, the 'old' arrivals, had sprung from stocks that were close kin to those of the original settlers who had made America what it was. The latter, the 'new' immigrants were of an altogether different breed alien and therefore incapable of mixing happily with the existing residents or of

living satisfactorily under existing institutions. The demonstrator took the form of a persistent stream of arguments that proved not only that the immigrants from Southern and Eastern Europe were responsible for every national ill, but also that their deficiencies sprang from ineradicable traits that originated in the heritage (p. 80).

As a result of these beliefs, even the optimists recognized the threat to the economic welfare of large numbers of American Jews that lay in the practice of anti-Jewish discrimination in employment. Propaganda and scientific studies alike, attested to the picture of the ghetto Jews as incapable of conforming to American life. Exclusionary patterns confined Jews to separate residential districts and institutions. These were later used to confirm the clannishness of Jews, another rationalization to further justify their so-called inassimilable state. Racial and religious discrimination in employment, of which Jews were not, of course the only victims, were denounced by liberal groups and individuals as a violation of democratic principles and an obstruction to the economic progress of the country. Some demanded that the practice be banned by law; others maintained that fairness and tolerance could not be legislated into existence.

To protect the rights of Jews, one of the older American Jewish fraternal organizations, B'nai B'rith, which was founded in 1843, established its Anti-Defamation League in 1914, explicitly dedicated to the struggle against prejudice and discrimination. In the 1920s, the American Jewish Congress also began to assist in their endeavor. The means available to these groups were limited: they could make their position known on issues which had broader public appeal. The threat became more serious with the decline in opportunities for self-employment. In times of economic crises or when the poor felt particularly victimized, the predatory Jew reappeared in public discussion. It was assumed

that the Aryans from Northern and Western Europe, as the superior people, could read and the inferior people from other parts of the world were at best illiterate. The first limitation on immigration had been passed in 1818, but from then until 1921 the exclusions were few and for definite reasons; criminals were excluded, as were persons with infectious disease, paupers, contract laborers, and finally those who were illiterate and could not read even their own language.

In 1921, with the urging of the Ku Klux Klan, the American Federation of Labor, and others who agreed with them, a law was passed by Congress cutting down the numbers of foreigners to be admitted to America, and in 1924 a still more stringent law was adopted. The Johnson Act of 1924 further restricted immigration. Immigrant quotas were based on figures from 1890, when the foreign-born from Southern and Eastern Europe were fewer, resulting in fewer Jews from Eastern European countries being admitted. The Johnson Act was viewed as racist by its opponents because of its restrictions. According to Dimont (1978), "the Johnson Act limited the number of each nationality to 2 percent, rolled the census back to 1890 and reduced the total immigrants for any one year to 164,000. Most Western European nationals had arrived before 1890, and most Eastern European nationals after that date, the Johnson Act achieved its intent--the preservation of America's Anglo-Saxon character" (p. 188). By taking that year as the basis, the Germans, English and Irish who had been coming before 1890, were allowed to continue coming if they wished; but the Russian Jews, Italians and Polish Catholics were largely excluded.

As Rufus Lears (1954) explained, "the effect of the Johnson Act on

Jewish immigration may be gaged by the following figures. In the seven years before the First World War the number of Jewish immigrants admitted into the United States was 656,397; in the seven years that followed the adoption of the Act the number was 73,3798. In terms of human hope and despair the figures mean that, given the same pressure upon the Jews of East Europe to migrate, only 11 were admitted into the haven of America where 100 had been admitted before" (p. 271).

By the 1930s, many of the children of eastern Europe migrants entered the labor market during the Great Depression. Eli Cohen (1950) contended there were significant differences between immigrant and native-born Jews:

A larger percentage of the former were in manufacturing and trade; not many of the American-born Jews became garment workers or proprietors of candy and cigar stores, groceries, and similar undertakings. Native-born Jews were more heavily represented in public service, clerical occupations and the professions. The distribution pattern of Jewish entrepreneurs was presented in the well-known Fortune study of 1935 which indicated that Jews had appreciable interests only in textiles, scrap iron, apparel, liquor, and cigar manufacturing. They were represented to a lesser extent in the entertainment industry, particularly radio broad casting and motion picture distribution. According to Fortune, they were also important in the wholesale and retail trades dealing in these goods (pp. 58-59).

Nevertheless, even the optimists recognized the threat to the economic welfare of large numbers of American Jews that lay in the practice of anti-Jewish discrimination in employment. According to Rufus Lears (1972) "the threat became more serious with the decline in opportunities for self-employment as a result of the trend towards big industrial units and the rise of large networks of chain stores particularly in food, drugs and tobacco. Racial and religious discrimination in employment, of which Jews were not, of course, the only victims, were denounced by liberal groups and individuals as a violation of

democratic principles and an obstruction to the economic progress of the country. Some demanded that the practice be banned by law, others maintained that fairness and tolerance would not be legislated into existence, and that only an aroused public opinion could correct the evil" (pp. 165-166). Accordingly, the Roosevelt administration was quick to act to form a more economically secure, social and capitalistic system able to provide thousands of new jobs. The New Deal, from all accounts, helped reverse the downward spiraling economy by implementing economic reform through federally funded projects. A number of young Jewish lawyers were hired by government agencies under the New Deal, while the older traditionally WASP agencies remained the same. For the first time, Jews had made an entry into federal government.

In 1941, President Franklin Roosevelt created the Committee on Fair Employment Practices that sought to insure the fullest utilization of the country's manpower by preventing discrimination in the execution of government contracts. In 1946, however, Congress voted the Committee out of existence, and President Truman's efforts for a permanent Federal Fair Employment were balked in Congress by the southern Democratic bloc. By the mid-century, the Jewish immigrants from eastern Europe and their offspring had made enormous advances in their economic status. Following World War II, cultural differentials between American Jews disappeared as they all joined the struggle for Zionism in support of founding the state of Israel.

By the end of World War II the terms Spanish, German, and Russian Jews began to lose their former social distinctiveness. Although some German Jews frequently considered themselves the social elite of American Judaism, intellectual

superiority was supposedly passed to the children and grandchildren of the Russian Jewish immigrants. Between 1933 and 1939, the Johnson Act provisions were waived to permit 157,000 Jewish refugees from Hitler's Europe to enter the United States. "After World War II came the shattered, orphaned, widowed, maimed, and tortured remnants of the concentration camps and ghettos, the survivors of the incredibly ruthless extermination of 6,000,000 of their brethren" (Stein, 1958:192). The lessons had been learned from the previous immigrant experience, and resources were quickly mobilized. "Resettlement and 'Americanization' proceeded amid hardships, but with full awareness of the implications for communities and the needs of the newcomers. The consensus is that, despite crises and pressures from all sides, the effort to help the newcomers, keeping their best interests in mind, and without overburdening any particular community, was successful" (Stein, 1958:192). They came with nothing, or less than nothing, but they came to a community that was able to spend tens of millions of dollars to help establish them. From 1944, until 1959, immigration restrictions were again waived for an additional 192,000 Jewish refugees and other displaced persons from devastated Europe. The third and smallest of these post-Johnson Act Jewish immigrants occurred between 1960 and 1979, this time 73,000 Jews fleeing Castro's Cuba and the Arab Near East. Eli Cohen (1950) argued that reports from Jewish Vocational Service agencies in various parts of the country disclosed a definite trend in the direction of training and employment in war production industries, although the extent of this movement was difficult to measure:

In the war centers, the agencies reported that a large number of placements were made in the factories, shipyards, and airplane production plants. Many of these jobs previously considered 'closed' to Jews were filled by Jewish salesmen, office workers, and insurance agents. For the first time,

a number of non-Jewish employers hired Jewish workers, and learned to recognize that individual Jews were perfectly capable of handling skilled and technical jobs....Thus, because of war production needs and the removal restrictions upon many employment opportunities, Jews became draftsmen, machinists, physicists, etc. (p. 59).

While President Roosevelt was eager to assist in the plight of Jews, anti-Semitism, for a number of reasons, still remained a problem for the vast majority of Jews. Jews were beginning to disproportionately appear in the upper level professional, managerial and self employed categories.

Political Zionism

Political Zionism drifted into the United States in the 1880s with the advent of the Russian-Jewish immigration. The Ideology of Zionism was generally opposed by both the Orthodox and Reform Jews. According to Max I. Dimont (1978), "their stand against Zionism is similar to that taken by the Vatican against recognition of Israel. For close to two thousand years the Church has held that the Jews would not possess their homeland until they converted to Christianity. But in 1948 the Jews established the state of Israel without having converted" (p. 209). The arrival of Hitler and holocaust changed the minds of many opponents to Zionism, even the radicals. The experience of Germany, Austria, and Czechoslovakia as the Nazis assumed power was ample evidence of the urgency of the time. The old organizations renewed their efforts and now found support from even wider sectors of the Jewish community. With the passage of time, the immigrants had come both to see the relevance of discrimination in their lives, and in the lives of their children, and also to have a clearer understanding of the ideals of equality

that anti-Semitic practices contradicted. The American Jewish Congress, the American Jewish Committee, and the Anti-Defamation League all began, for the first time, to acquire some degree of mass following.

Many American Jews wanted a Jewish state that they could identify with as a homeland and claim to be authentic Jews, rather than being just a European or American Jew. They were ultimately responsible in getting the U.S. Congress and the United Nations to take up the Zionist case, in the restoration of Israel in Palestine. As a result, President Harry S. Truman became the first head of state to recognize the state of Israel. According to Max I. Dimont (1978), American Zionists, by and large were motivated by altruistic impulses and a sense of justice:

Zionism as a return to Israel was not for them but for other Jews, the unfortunate ones. It was not the intention of American Zionists to settle in Israel, but they would fight for its right to exist and help those who wanted to go there. Thus we see that the Western European Zionists were motivated by a desire to escape anti-Semitism and to live with dignity; the East European Zionists were motivated by a desire to create a place where they could be 'authentic Jews'; the American Zionists were motivated by a desire to help both achieve their aspirations (p. 217).

As Zionism was a lifesaver for the European Jews, to the American Jews it was an emotional stimulant that awakened them to the centrality of Israel to Judaism. Though Zionism did not obliterate the divisions in America among the Orthodox, Conservative, Reform and the unaffiliated, the catalytic effect of Zionism did accelerate the trend toward unification. Following World War II, cultural differences between American Jews disappeared as they all joined the struggle for Zionism in support of Israel.

The decade of 1940s witnessed a unity of action for the group which helped in "the fight for equality of opportunity and equality of rights. They had learned

there was a unity of interest and ideals among all minorities, and no longer sought security on their own behalf alone, but rather the affirmation of general rights, and the elimination of ethnic prejudices" (Oscar and Mary Handlin, 1955:87). The Displaced Persons Act of 1948 discriminated against Jews, while favoring the ethnic Germans, who either had fled, or been expelled from Eastern Europe after World War II. When the Act expired in 1951, however, the refugee problem persisted in the Western world. In 1953, Congress passed the Refugee Act under which 200,000 refugees, mostly from the Iron Curtain, were admitted among an unlimited number of immigrants in the ensuing three years. The national origins quotas system was eventually eliminated with the replacement of the McCarran Walter Act, during the Johnson administration in the 1960s. In the late 1960s, and early 1970s, reports indicated that there were perhaps a quarter of a million poor Jews living in New York City alone, and a large segment of this group still lived on the East side, in old tenement and modest housing projects. Other Jews, however, were able to change their class position in the American social structure during this period.

In short, the East European Jews followed in the footsteps of the German Jews, who nearly a century earlier, had prospered in the United States. Many European Jews left the big cities and established themselves in suburbs. Part of the reason for moving to suburban areas was the wish to get away from the notice of constricting old Jewish neighborhoods in addition to having available resources to support the move. Although American society was prejudiced against Jews, it nevertheless tolerated the Judaism as hundreds of new synagogues were built in the suburbs. From all accounts, anti-Semitism was declining but Jews were still troubled by existing discrimination at the top of the

American economy, in executive suites. Very few Jews occupied positions of genuine power with the corporate economy; few held major posts as executives in basic industries. The late Irving Howe (1976) explained that "in the great banks, insurance companies, public utilities, railroads, and corporate head offices that are located in New York, and in the Wall Street Law firms, few Jews are to be found. An American Jewish Committee study of graduates of Harvard Business School shows that the non-Jewish graduates proportionately outnumber Jewish graduates in executive positions in the leading American corporations by better than 30 to 1" (p. 611). This discrepancy was largely attributed to disguised or half-disguised policies of social exclusion policies that served to keep Jews away from the center of power in the United States. Yet, as Norman Podhoretz (1979) explained, Jews are a competitive force in the American capitalist system, particularly in the public sector of the economy.

[N]o matter that Jews have played no part in establishing the system of apportioning jobs in the teaching profession and other branches of the civil service by competitive examination (it had been instituted by reformers seeking to undermine the 'spoils system' of political patronage which had existed before; no matter that Jews could take no credit for the extension of the merit system to the colleges and universities (it had been done mainly in order to enhance the capacity of the United States in competing against Soviet science and technology (p.333).

Many American Jews, however, are still experiencing problems in discriminatory practices in private clubs that frequently deny them membership. Although Title II of the Civil Rights Act of 1964 gave groups access to public accommodation, such as restaurant, hotels, and recreational facilities, it exempted private clubs from the government's reach. Social club discrimination is ultimately related to hiring and promotion to higher-level jobs and decision-making. In areas of employment in the private sector of the economy,

American Jews, from all accounts, still remain excluded from many of the corporate executive suites.

In summation, Jewish Americans voluntarily immigrated to the United States in search of political asylum and economic freedom to establish themselves as free persons and quickly moved into the wage system. The vast majority of Jews were both urban and skilled. Their skills were useful in frontier expansion, and then later industrialization and eventually capitalism. Many Jews were independent business people who could invest in various enterprises depending on the changing market. As a religious ethnic group, based on cultural rather than racial definitions, their physical attributes were frequently undistinguishable from the dominant group, allowing a much freer excess to the economic system. Most Jewish children are taught at an early age the significance of education, not only as a vehicle for mobility, but as a way of also understanding the complex history of the Jewish diaspora. Jewish schools, communities and social groups reaffirmed that the Jewish diaspora is not forgotten, reinterpreted or completely left out of the history books. Thus it is not surprising that much of Jewish history is written by Jews and interpreted accordingly. While it is generally assumed that Jews have succeeded both economically and politically, they are still threatened by the historical effects of a quota system, particularly in education. Since Jews are disproportionately represented in many professional and skilled occupations, the implementation of a national quota system means that they could lose the gains that they have made in the society. As Norman Podhoretz (1979) explained, "a system based on proportional representation according to race or ethnic origin would eventually lead to forcing out Jews from areas in which

they are now 'overrepresented' to make sure that the same 'overrepresentation' did not occur again" (p. 333-334).

Bibliography for Chapter 5

Cohen, Eli. "Economic Status and Occupational Structure" American Jewish Year Book 50(1950):53-70.

Cohn, Werner. "The Politics of American Jews". In The Jews: Social Patterns of an American Group, Marshall Sklare (ed.). Glencoe: The Free Press, 1958, pp. 614-626.

Dimont, Max I. The Jew in America. The Roots, History, and Destiny of American Jews. New York: Touchstone Book, 1978.

Diner, Hasia R. In the Almost Promised Land. American Jews and Blacks, 1915-1935. Westport: Greenwood Press, 1977.

Dinnerstein, Leonard. Uneasy at Home: Antisemitism and the American Jewish Experience. New York: Columbia University Press, 1987.

Fuchs, Lawrence. "Sources of Jewish Internationalism and Liberalism." In The Jews: Social Patterns of an American Group. Glencoe: The Free Press, 1958, pp. 595-63.

Glazer, Nathan. American Judaism. Chicago: University of Chicago Press, 1957.

_____. "Social Characteristics of American Jews, 1654-1954" American Jewish Year Book 56(1955):3-41.

Goldstein, Israel. A Century of Judaism in New York. New York: J.J. Little and Ives, 1930.

Handlin, Oscar and Mary F. "The Acquisition of Political and Social Rights by the Jews in the United States" American Jewish Year Book (1955):43-98.

_____. "A Century of Jewish Immigration to the United States" American Jewish Year Book 50(1948-1949):1-84.

Hertzberg, Arthur. The Jews in America. Four Centuries of an Uneasy Encounter: A History. New York: Simon and Schuster, 1989.

Howe, Irving. World of Our Fathers. New York: Harcourt Brace Jovanovich, 1976.

Learsi, Rufus. The Jews in America: A History. New York: The World Publishing Company, 1954.

Liebman, Arthur. Jews and the Left. New York: John Wiley & Sons, 1979.

Levinger, Lee T. A History of Jews in the United States. Cincinnati: Department of Synagogue and School Extension of the Union of America Hebrew Congregation, 1931.

Podhoretz, Norman. Breaking Ranks: A Political Memoir. New York: Harper & Row Publishers, 1979.

Rischin, Moses. The Promised City. New York's Jews 1870-1914. Cambridge: Harvard University Press, 1962.

Stein, Herman. "Jewish Social Work in the United States: 1920-1955". In The Jews: Social Patterns of an American Group. Marshall Sklare (ed.). Glencoe: The Free Press, 1958, pp.173-204.

Weinryb, Bernard D. "Jewish Immigration and Accommodation to America." In The Jews: Social Patterns of an American Group. Marshall Sklare (ed.). Glencoe: The Free Press, 1958, pp. 4-22.

Chapter 6

Reactions of Neoconservatives and Black Liberals on Proportional Representation.

On the topic of affirmative action, Jewish neoconservatives have declared themselves in favor of genuine affirmative action, involving attempts to encourage contractors to widen their pool of applicants but against any special measures that involve preference--preferential treatment. One of the foremost conclusions espoused by neoconservatives, was articulated by Earl Raab (1972), when he argued in opposition to the changes occurring 'in affirmative action policy in the early 1970s.

As it developed in the 1960s, affirmative action in employment took on a number of working definitions all designed to give members of historically disadvantaged groups an edge in the process of competition: (1) Seeking out qualified applicants among disadvantaged groups; (2) Giving 'preferential treatment' to applicants from disadvantaged groups whose qualifications were roughly equal to those of other applicants (this is similar to the older principle of 'veterans' preference,' recompense for a competitive disability imposed by society in the past); (3) Eliminating cultural bias in determining the nature of relevant qualification; (4) Providing special training and apprenticeship for qualifiable applicants to bring them 'up to mark'(p.41).

Jewish neoconservatives contend that with the implementation of Executive Order 11246, however, affirmative action shifted its emphasis from equality of opportunity to equality of results. It also shifted from equality between individuals to equality between groups. With the issuance of Order No. 4 came the requirement of goals and timetables which led neoconservatives to argue that goals were synonymous with quotas, and quotas had

historically served to discriminate against Jews in keeping them out of elitist colleges, universities and professional schools of this country. Moreover, the idea of proportional representation, according to the neoconservative position, denied merit as an essential and valued principle of the advanced capitalist system.

As William J. Wilson points out (1987), "it was assumed that government could best protect the rights of individual members of minority groups not by formally bestowing rewards and punishment based on racial or ethnic categories, but by using antidiscrimination legislation to enhance individual freedom of choice in education, employment, voting, and public accommodations. The individual, therefore, was 'the unit of attribution for equity considerations,' and the ultimate goal was to reward each citizen based on his or her merits and accomplishments" (p. 112). Thus from the 1950s-1970, " emphasis was on the equality of individual opportunity, or freedom of choice; the approved role of government was to ensure that people were not formally categorized on the basis of race" (Wilson, 1987:112). Antidiscrimination legislation was pretty much acceptable to black and white liberals alike. Civil rights groups were seeking the notion of a color-blind society whereby class would ultimately become more significant than race. Wilson (1987) recognizes that "antidiscrimination legislation was designed to eliminate racial bias without considering the actual percentage of minorities in certain positions. These actions upheld the underlying principle of equality of individual rights, namely, that candidates for positions stratified in terms of prestige or other social criteria should be judged solely on individual merit and therefore ought not be discriminated against on the basis of race or ethnic origin" (p. 113). While middle class blacks largely

found benefit from the antidiscrimination legislation, working and lower class blacks were less fortunate as the significance of race continued to impede their economic progress. To the extent that affirmative action was effective in the 1970s, it tended to aid those who had the education, training and skills to take advantage of the opportunities. As Herbert Hammerman (1984) explained, "[e]qual employment opportunity is not an anti-poverty program and must not be confused with such" (p. 28). The growing militancy of the civil rights movement, coupled with the growing empowerment of the black vote, was responsible, according to the neoconservative perspective, for equality of opportunity being forsaken for equality of condition or results. This change led to the idea of merit, or individual achievement, being replaced with emphasis on the groups or outcomes. As Raymond S. Franklin (1991) points out, "between 1972 and the election of Ronald Reagan in 1980, civil rights groups activated their concern for affirmative action. A new stratum of black college students had risen who were seeking entry into profession schools and middle positions in the bureaucracies that ran public and private enterprises" (p. 10). Neoconservatives attacked proportional representation, a strategy imposed by affirmative action on the assumption of providing economic opportunity for black Americans as a group. According to neoconservatives, since blacks are generally less skilled and trained than the vast majority of white males, using statistical data to assess an applicant's qualification denies individual achievement as a fundamental principle of the American value system. Moreover, they argued that legislation occurring in the 1960s was responsible for discriminatory practices in employment being eliminated. Accordingly,

the economic problems experienced by blacks may have resulted from cultural determinants rather than economic determinants.

In 1961, as a response to the civil rights movement, President John F. Kennedy issued Executive Order 10925. The order linked the phrase affirmative action to civil rights enforcement policy. The phrase had been used in the Wagner Act of 1935, which had authorized the National Labor Relations Board (NLRB) to redress unfair labor practices by ordering offending parties "cease and desist from such...practices, and to take such affirmative action, including reinstatement of employers with or without back pay, as will effectuate the policies of this act" (Citizens' Commission on Civil Rights, 1984:29). President Kennedy had actually passed the order to compensate for his unwillingness to ask congress for a significant civil rights legislation. Since it was based on a color-blind approach to equal opportunity, the president and many liberals assumed that the significance of color would be replaced by significance of social class. The order unsuccessfully sought to aggressively involve the federal government in assisting in presidential attempts to further combat discriminatory practices in employment. Executive Order 10925 meant that employers were to recruit aggressively to include minorities into an applicant pool, while decisions on hiring and promotions remained fairly much intact. The governing principle of the Executive Order 10925 was classical liberalism's command not to discriminate. With Executive Order 10925 lacking the power of enforcement, it did not take long for the Kennedy administration to determine the ineffectiveness of the order. Foremost, the order had little jurisdiction over labor unions. In addition, the employment effort coincided with the growth of automation and the resulting decline in

the less-skilled blue-collar jobs. One of the major critics of the order was the national Association for the Advancement of Colored People (NAACP), which like many liberal organizations of the decade, favored the advances put forth by the Roosevelt administration, particularly the Fair Employment Practices Committee (FEPC). Roy Wilkins (1963), for example, who headed the NAACP, argued the need for a permanent Fair Employment Practices Committee (FEPC).

The 1960 platform was the best civil-rights platform ever adopted by the Democratic Party or any party, although the Republican platform came very close to it in 1960. Both of them were very good platforms. The Democrats promised to work for a Fair Employment Practices Act to put the Civil Rights Commission on a permanent basis; they promised to use legislation, if necessary, to bring about school desegregation; they promised a number of other things...But some of their pledges remain wholly unredeemed. The idea of a Fair Employment Practices Commission has gone by the board. If you reread the 1960 platform, you can pretty well check off what has been done and what has not (p.345.)

Moreover, by the time President Kennedy had issued Executive Order 10925, there were some rumblings of change occurring within the civil rights movement.

The Civil Rights Movement

On May of 1961, when it appeared that the civil rights movement was unified behind the principle of equality of individual opportunity, the Congress of Racial Equality (CORE) held a Freedom Ride via interstate bus through the Southern states. The Ku Klux Klan, with collusion of local police, met the riders with violence in both Birmingham and Montgomery; although the FBI was aware that the violence was planned, they did not interfere. Then Attorney General Robert Kennedy actually requested the Freedom Riders to disperse with the rides and to concentrate instead on voter registration.

With the promise of financial support through white philanthropic organizations, in addition to federal support from President Kennedy, some civil rights agencies agreed to unite in conducting a Voter Education Project. Headed by SNCC the Voter Education Project was formally launched in March 1962. Voting workers, however, were faced with the same violent confrontations from southern whites that they had experienced as Freedom Riders. Although the Justice Department sought injunctions to prevent intimidation of voting workers, civil rights workers decided that this was not enough. The presence of federal marshals in the South did little to assure voting workers that they would be protected from their vulnerability to white violence. At the other end of the spectrum, however, James Farmer, who headed CORE, ignored the Attorney General's plea and continued to insist that direct mass action was the only way for black Americans to realize any practical results. At the time, the CORE membership tended to be more youthful, action and result-oriented, while the NAACP membership was drawn from a more conservative and traditional element of activists. Using the mass-action approach, the organization's aim was to open up interstate travel to blacks through the elimination of the Jim Crow system, particularly in the South.

On May 11, of the same year, two bombs exploded in black areas of Birmingham, Alabama. More than 2,500 Birmingham blacks took to the streets and formed the social protest of the decade, the urban riot. The riot in Birmingham prompted revolutionaries, such as Robert Williams and Malcolm X, to further their strategy of black nationalism against the fading appeal of nonviolence among young blacks. This "radical"

element had little appeal for both black and white liberals who continued to support the ideology of integration and the strategy of nonviolence.

Integration vs. Black Nationalism

As John A. Morsell (1962) explained in The Crisis, "black nationalism was an extremist manifestation which rises out of deep and ancient fear and suspicion and which is nourished by contemporary frustration at the persistence of racial discrimination" (69-70). According to Morsell, however, black nationalism is not a new phenomenon:

In organized form, it reached its peak in the Universal Negro Improvement Association, founded and led by Marcus Garvey just after World War I. There may have been as many as 300,000 American negroes who enrolled as members or made contributions looking toward the establishment of an African state to be populated by black American emigres. Although the organization and its program failed to survive, it's likely that fond memories have sent at least a few of its veterans into the present-day black nationalist camp...the rebellion against the sense of personal inferiority, bred of generations of inferior status and fed by the constant exclusions, disabilities and humiliations characteristic of the segregated society in which the basic orientations of most Negroes are formed. To escape it is virtually universal; many seek release in what is, in all logic, the most direct way--namely, by creating an image of racial superiority in which the bruised personality can find solace (p.70).

The demand for constitutional rights was no longer the major focus of the emerging nationalists; they believed full equality of citizenship with the white majority would never be attained in American society. The idea of self-determination was gaining strength among black activists in the civil rights movement, while the integrationist persisted in restricting themselves to the more conservative approach of gradualism. Harold R. Issacs (1962), in Commentary examined the idea of gradualism as one that was less than satisfying to young black civil rights activists.

A reluctant white liberalism clings to 'gradualism' in a situation where slowness has become failure. The longer the process stretches out the more stubborn the resistance within pockets of the white society, the more the issue gets wrapped up in the nation's embattlement for survival as a power in the world, the greater the disarray and disorientation, the greater the cynicism rising hard and ugly, especially among young Negroes who emerge to find their fruit of the struggle rotten (p.489).

The young black activists lacked the patience and endurance expressed by the old guard of the civil rights movement and were unwilling to wait for new opportunities to come their way:

But a certain despair visibly rises now not only among some youthful newcomers but also, far more poignantly, in older men weary of having to continue a struggle that they thought, for a brief time in the 1950s, might really at last be coming to an end. Here, spread thinly but meaningfully along several layers of the population, one comes upon the feeling that effective integration for Negroes in the American society is unlikely impossible, or even no longer desirable. Many of the individuals who share this mood also begin to feel, like the Black Muslims (Issacs, 1962):490.

As Issacs (1962) further explained, "the goal of 'integration' like 'freedom' for the anti-colonists, stands like a great shining blur down at the far end of the struggle road, drawing and inspiring all who fight for it, but becoming not clearer but blurrier the closer one gets to it...'integration' plainly enough means the free and open access by Negroes to the common rights of all citizens. But what then? In the ex-colonies freedom from alien rule has marked only the beginning of the struggle for freedom. Here the conquest of civil rights carries us toward those vague and shadowy places where all the new questions about the future of the Negro group identity wait for us" (p. 94). Harold R. Issacs (1962) further argued that the black conception of integration simply meant being included in everything that everybody else is included in:

The rest would be up to the free interplay of the society, group, and individual, for this is what the American society ideally offers and must finally offer in fact to all its members: free scope for individuals to develop by their own gifts and for groups to exist within the society by their own vitality and the needs they serve. This is the open society, this is pluralism (p. 496).

The basic premise still held that the most amenable blacks will be individually assimilated into the mainstream of American society. According to Robert Allen (1969), a black historian, integration operates in the individual self-interest of middle-class blacks:

Racial integration promises to fulfill their dream of assimilation. Though integration they hope to be given high-status, high-income jobs held by whites, to be allowed to move into predominantly white suburban neighborhoods and to be accepted as full participants in the social life of their white peers. In short, racial integration offers middle-class Negroes the pleasurable prospect of shedding their blackness (p.119).

The idea of integration was slowly being challenged by black nationalists who were increasingly becoming discouraged with the white liberal approach of gradualism.

Young blacks were becoming disenchanted with the NAACP because it did not engage itself in the mass action supported by the youths. They were moving away from de jure legislative means, based on morality, to a more conflict-filled approach oriented toward direct confrontation with white America, including white liberals. Meanwhile, the Congress for Racial Equality (CORE), in continuing to attract a more militant black middle class, was advocating black only involvement in its organizational structure. This "militant" force was not willing to wait for the most amenable blacks to move forward in the system. Thus, black nationalists argued that the reliance on the judicial system served in the interests of white segregationists who were more than willing to work with the courts. The court actions and the formation and implementation of legislation were

time-consuming processes prompting frequent delays and lack of action, all of which served the interests of segregationists. Moreover, segregationists claimed civil disobedience strategies were infringements on their personal and property rights.

As Loren Miller (1962) described in the Nation, the liberal dilemma does not spring solely from doubts as to the advisability of direct action or the disobedience doctrine:

The hard core of the difficulty lies in the circumstance that in the eighty years since the failure of Reconstruction, racial discrimination has become deeply rooted and thoroughly institutionalized in governmental agencies (local, state and federal), in the civil service and in churches, labor unions, political parties, professional organizations, schools, trade associations, service groups, and in that vast array of voluntary organizations which play such a vital role in our society. Racial discrimination can't be uprooted unless governmental agencies are administered with that purpose in mind and unless voluntary organizations exert constant and consistent pressure to that end on local, state and federal governments, and at the same time accord Negroes all of the privileges and benefits that accrue from membership in such organizations. Those requirements aren't being met. Negroes are dismayed as they observe that liberals, even when they are in apparent control, not only do not rally their organization for an effective role in the fight against discrimination, but even tolerate a measure of racial discrimination in their own jurisdictions (p.236).

Ironically, it was discovered in places such as the United States Civil Service, job discrimination and segregation continued in spite of President Kennedy's efforts.

Struggles Within the Civil Rights Movement

Whites were increasingly viewed as spies in the civil rights organizations, who would report potential civil rights strategies to the white power structure. Black activists were troubled by their inability to differentiate between the vestiges of powerful whites perceived as allies, and whites who were betraying new advances of the movement. Some

black civil rights' activists subsequently moved in a direction aimed solely at the exclusion of white liberals as strategists within the formation of the movement. As Loren Miller (1962) described, white liberals were bid a farewell from the civil rights movement:

It would not be accurate to say that the direct actionists speak for all Negroes under all circumstances. It is fair to say that their philosophy is ascendant, that their influence is becoming pervasive and that their voices are harsh and strident, and jarring to the liberal ear. The message is plain: To liberals a fond farewell, with thanks for services rendered, until you are ready to re-enlist as foot soldiers and subordinated in a Negro-led, Negro-officered army under the banner of Freedom Now (p. 238).

Louis Lomax (1962), a black writer and civil rights activist, explained that many Negroes argued against the presence of white people in Negro organizations on the grounds of racial pride:

This is particularly true when white people rise to positions of leadership in Negro organizations. The Jews would die before they would let a Negro rise to the leadership of one of their organizations; so why should we let Jews or any white man for that matter, head our organization ? ' This precise argument was rampant late in the fall of 1961 when it was announced that Jack Greenberg had been named to succeed Thurgood Marshall as head of the NAACP Legal Defense and Education Fund. There was nothing covert or anti-Semitic about these protests; but they were terribly pro-Negro (p.195).

Although Jews historically contributed the most money to the civil rights movement, this situation was beginning to change as blacks increased their own financial support. White involvement was increasingly being perceived by the radical civil rights activists as a vehicle serving to keep the movement's focus on gradualism, at the expense of working-class and impoverished blacks. Moreover, White liberals, for the most part, remained intellectually unaware of the magnitude of the black experience and how little they knew

about blacks in general. The knowledge most white liberals had of blacks was based on racial stereotypical portrayals confirming the superior status of white America. A short time later, however, it was revealed that some Jews welcomed defacto segregation in their suburban communities. Louis Lomax (1962), for example, contended that Jews are not just white people. Orthodox, or conformist, Jews are more than just white; they are a people with a tradition which, as both a theoretical and practical matter, offends Negroes:

The point I am belaboring was certified by a study of Negro integration into suburbia conducted by the University of Chicago in 1959. The study concluded that Negroes were getting into suburbia but that they were finding it extremely difficult. Of all the ethnic suburban ghettos, the study concluded, the Jewish communities were the most adamant about keeping Negroes out. Jewishness, not prejudice, is the explanation for this. Jews in these gilt-edge ghettos opposed integration not because they hated or discriminated against Negroes; rather, they were seeking to realize that element in their tradition which calls for togetherness (pp. 200-201).

In essence, Lomax argues that although blacks attempted to persuasively differentiate between Jews and whites, the Jewish power structure, the older Jews rather than the younger ones, upheld segregation out of traditional motivations.

In their quest for political power, Jews tended to restrict themselves to Jewish institutions located in Jewish communities where blacks, regardless of social status, were excluded from participation. In response to stereotypes referring to Jews as clannish, the idea of cultural pluralism, was frequently used by ethnic immigrants including Jews in defending their defacto segregation practices. Nathan Glazer (1964) contended that churches, one of the major means by which group identities maintain themselves, are challenged by the insistent Negro demand for entry into every church:

And if the Jews, because their church is so special, are for the moment protected against demands for entry on equal footing into other institutions

which are the true seats of Jewish exclusiveness--the Jewish business, for example, the Jewish union, or the Jewish (or largely Jewish) neighborhood and school. Thus Jews find their interests and those of formally less liberal neighbors becoming similar: they both have an interest in maintaining an area restricted to their own kind; an interest in managing the friendship and educational experiences of their children; an interest in passing on advantages in money and skills to them (p. 34).

The idea of pluralism too frequently explains why Jews were likely to interact frequently with Jews rather than with other groups. Lomax, however, like many other blacks of the decade, felt that the presence of Jews, particularly liberal Jews, was still necessary to advance the black struggle towards the fundamental goals of American democracy.

Conversely, however, as a liberal, prior to embracing neoconservatism, Norman Podhoretz (1963) was encouraged by James Baldwin to write about his own experiences as a boy growing up in a racially mixed neighborhood. Although the story did not reflect particularly well on blacks, it did give black intellectuals some indication of how white liberals actually perceived blacks as primarily monolithic. According to Podhoretz (1963), "in my own neighborhood, a good deal of animosity existed between the Italian kids (most of whose parents were immigrant from Sicily) and the Jewish kids (who came largely from East European immigrant families):

Our parents, to be sure, had nothing to do with one another and were mutually suspicious and hostile. But we, the kids, who all spoke Yiddish or Italian at home, were "Americans, or New Yorkers, or Brooklyn boys: we shared a culture, the culture of the street, and at least for a while this culture proved to be more powerful than the opposing cultures of the home. Why, why should it have been so different as between the Negroes and us? How was it borne in upon us so early, white and black alike, that we were enemies beyond any possibility of reconciliation? Why did we hate one another so (p.96)?

This contention is that color based hatred is a contagion to which white Americans seem susceptible even when there is nothing in their background to account for the susceptibility.

Thus everywhere we look today in the North, we find the curious phenomenon of white middle-class liberals with no previous personal experience of Negroes--people to whom Negroes have always been faceless in virtue rather than faceless in vice--discovering that their abstract commitment to the cause of Negro rights will not stand the test of a direct confrontation (p.98)

More middle and working class whites fled to the suburbs, and working and middle class blacks continued to grow in urban areas; whites who stayed in the cities chose private schools for their children over integrated public schools. It was clear in urban school districts that whites were not receptive to integrated schools in their communities and neighborhood. White middle class liberals, according to Podhoretz (1963), questioned whether blacks were pushing too hard to achieve their recent aim to achieve full equality.

We find them clucking their tongues over Negro militancy; we find them speculating on the question of whether there may not, after all, be something in the theory that the races are biologically different; we find them saying that it will take a very long time for Negroes to achieve full equality, no matter what anyone does; we find them deploring the rise of black nationalism and expressing the solemn hope that the leaders of the Negro community will discover ways of containing the impatience and incipient violence within the Negro ghettos (p. 99).

Some liberals, however, romanticized about blacks, and suffered from white guilt, a guilt Podhoretz deplored. "And there are all the white liberals who permit Negroes to blackmail them into adopting a double standard of moral judgment, and who lend themselves--again assuming the responsibility for crimes they never committed--to cunning and tempestuous exploitation by Negroes they employ or try to befriend"

(Podhoretz, 1963:99). The issue of skin color is central to Podhoretz' argument: " his [black man's] past is a stigma, his color is a stigma, and his vision of the future is the hope of erasing the stigma by making color irrelevant, by making it disappear as a fact of consciousness. I share this hope, but I cannot see how it will ever be realized unless color does in fact disappear: and that means not integration, it means assimilate, it means--let the brutal word come out--miscegenation" (Podhoretz, 1963:101). Nevertheless, Podhoretz (1963) readily admits that he would not want his daughter to marry a black person.

Not so long ago, it used to be asked of white liberals 'would you like your sister to marry one?' When I was a boy and my sister was still unmarried, I would certainly have said no to that question. But now I am a man, my sister is already married, and I have daughters. If I were to be asked today whether I would like a daughter of mine 'to marry one,' I would have to answer: No, I wouldn't like it at all. I would rail and rave and rant and tear my hair. And then I hope I would have the courage to curse myself for raving and ranting , and give her my blessing. How dare I withhold it at the behest of the child I once was and against the man I now have a duty to be (p. 101) ?

Ironically, Podhoretz was generally surprised to find that many young blacks had mutual feelings in relation to white liberals. Nevertheless, beyond the issue of racial distinctions it was clear that liberals like Podhoretz were resentful of blacks, particularly young black "radicals", who were perceived as pushing too hard too soon. Like other liberals of the period, Podhoretz' position in the racial distinction argument, which is based on white supremacy, overshadowed his concern with the economic conditions experienced by blacks in racist America.

The importance of the economic position of blacks had clearly been filtered into the civil rights movement as it continued to spread North. In a previous year, Herbert Hill (1962) indicated that black workers were trapped in a vicious cycle of discrimination.

We know that problems of racial discrimination are not limited to any one region of our country. I realize that civil rights represent the great unresolved social problem of the whole American society, and there can be no doubt that in the southern states there currently exists the most extreme, rigid, and systematic pattern of employment discrimination to be found anywhere in the United States. Whatever the problem may be elsewhere, in the South the Negro worker continues to be the victim of a tradition of white supremacy which is deeply rooted and gives way but slowly to the forces of social change and to the requirement of a modern industrial society (p. 137).

Alfred Baker Lewis (1963), once treasurer of the NAACP, moved to examining blacks in the North in The Crisis when he argued that "evidence of the severe economic exploitation from which Negroes suffer is found in their higher unemployment rate, two and one-half times higher than that of whites, and in their very high proportion of persons on public welfare relief. There is the further fact that the median income for Negroes in the North and West is only about 70 per cent of that for whites, and in the South it is below 45 per cent of that for whites" (p.535).

The Struggle for Equality

In an effort to address the poor and yet deteriorating conditions experienced by blacks, in the early 1960s, Whitney Young (1963), once executive director of the National Urban League, proposed what he termed a 'Domestic Marshall Plan', a strategy designed to address the problems related to racial discrimination in employment.

It is essential that there be conscious preferment to help them catch up. This does not mean the establishment of a quota system--an idea shunned by responsible Negro organizations and leaders. But, because we are faced with the hypocrisy of "tokenism," where the presence of two or three Negro employees is passed off as integration, we are forced, during the transitional stages to discuss numbers and categories. We demand, in all fairness, that the Negro not be expected to bear the brunt of unemployment (p.129).

Many white liberals opposed the proposal and argued that the demand for preference was simply not a demand for equal treatment. Some white liberals argued that rather than focusing on compensatory treatment, it would be much more beneficial to focus on equality of opportunity as an elemental civil right, by first eliminating racial discrimination and its component racial segregation. As the civil rights demonstrations spread to northern urban areas, black leaders began to concern themselves more directly with the problem of employment.

Seeking legislation similar to the Fair Employment Practices Committee, civil rights organizations pressured President Kennedy to submit a strong civil rights bill to Congress. Their work was to no avail. The weak civil rights bill submitted by the President encouraged disillusioned civil rights leaders to have a March on Washington, D.C., on August 28, 1963. The march was a giant demonstration in support of civil rights legislation. The Kennedy administration literally took over the march and stationed four thousand soldiers close by to defend the capital. In 1964, however, the civil rights movement sponsored Freedom Summer: the Mississippi Summer Project, a concentrated effort at voter registration and organization in both Mississippi and Louisiana which resulted in the death of three civil rights workers. During the period, civil rights organizations underwent considerable internal dissension and friction about their goals,

strategies, and tactics. Nationalist moods among black leaders were intensified and considerable segments of the civil rights movement were radicalized. Black riots also occurred in the Harlem community of New York City and urban rioting spread to a number of other cities outside the South. Since most of the properties were owned by Jews, many Jewish leaders expressed a growing concern about black anti-Semitism in both the black communities and the civil rights movement. In Philadelphia, for example, Jews estimated that 80 percent of the wrecked and looted businesses were owned by them and the losses and damages suffered amounted to several millions of dollars. Black civil rights leaders minimized the significance of anti-Semitism among blacks, which only served to infuriate Jewish leaders even more.

Following the riots, David Danzig (1964) caused some alarm among his liberal colleagues when he described the civil rights movement in Commentary as a radical departure from the traditional conception of civil rights as the rights of individuals.

This departure lies at the heart of the 'Negro Revolution,' and may, indeed, almost be said to be that revolution. Today, in America as elsewhere, the Negro has made us forcefully aware that the rights and privileges of an individual rest upon the status attained by the group to which he belongs--that is to say, by the power it controls and can use...To the extent that power is available to him, the Negro is now responding in kind. And in the American pluralistic pattern, where social power is distributed by group, the Negro has perforce come to recognize that he can achieve equal opportunities only through the concerted action of the Negro community (Danzig, 1964:42).

As Danzig further contended, what is now perceived as the 'revolt of the Negro' amounts to this: the solitary Negro seeking admission into the white world through unusual achievement has been replaced by the organized Negro insisting upon a legitimate share of the goods of American society for his group:

The white liberal, in turn, who--whether or not he has been fully conscious of it--has generally conceived of progress in race relations as the one-by-one assimilation of deserving Negroes into the larger society, finds himself confused and threatened by suddenly having to come to terms with an aggressive Negro community that wishes to enter en masse (Danzig, 1964:43).

What developed from black activism, according to the author, was a new Negro strategy of attempting to fix responsibility on the management level--housing authorities, trade-union officials, corporations executives, boards of education, and so forth:

Such an approach to the objective of increasing vocational, housing, and educational opportunities must sooner or later involve a discussion of numbers. However, insistence that the number of Negroes in some industries, housing projects, and schools be increased to a proportion reasonably related to Negro incidence in the population has been misrepresented, sometimes intentionally, as a demand for a rigid quota that would be imposed for the benefit of Negroes and at the expense of whites. Both Governor Rockefeller and President Kennedy received strong support from the white community when they condemned quotas (Danzig, 1964:44).

Liberal opinion in both the North and in the South, nevertheless, continued to stand upon its tradition of gradualism and to reject the idea that in order to help blacks, white liberals must also help the black community. For the fact remained that blacks belonged to an economic and racial group.

David Danzig inquired, should liberal Jews still insist upon holding the Negro to an extreme and outmoded doctrine of individual merit?

More than half of all Negro men have not even graduated from primary school, and the continuing process of discrimination makes a bad situation increasingly worse. Between 1952 and 1962, the average Negro income dropped from 57 per cent to 53 per cent of the average white income, and the future looks even darker than the present. Negroes are heavily over-presented in unskilled labor where jobs are decreasing daily, and heavily under-represented in the white-collar fields, which accounts for nearly all

new jobs nowadays and where the rate of Negro unemployment is already about twice as high as the white rate (Danzig, 1964:45).

The reason why merit is important to Jews, according to Nathan Glazer (1964) is that merit and money have been the major Jewish weapons in overcoming discrimination. Political power and pressure was effective only in exceptional cases (New York City is one of them) where they had the numbers to make these latter means of advancement effective:

The ideologies that have justified the principle of measurable individual merit and the logic of the market place, where one man's money is equal to any other man's have always appeared to Jews, even more than to other Americans almost self-evidently just and right (p. 52).

Moreover, according to Glazer (1964), "We are moving into a diploma society, where individual merit rather than family connections and group status will be the basis for advancement, recognition and achievement. The reasons have nothing directly to do with the Jews, but no matter--the Jews certainly gain from such a grand historical shift. Thus Jewish interests coincide with the new rational approaches to the distribution of rewards" (p. 52). In his criticisms of the full equality based on the group as the new emphasis of the civil rights movement, Glazer (1964) stated his opposition to the approach.

But there is another and more subtle side to the shift of Negro demands from abstract equality to group consideration, from color-blind to color conscious. The Negroes press these new demands because they see that the color-blind policies do not lead rapidly enough to the entry of large numbers of Negroes into good jobs, good neighborhoods, good schools. It is, in other words, a group interest they wish to further. Paradoxically, however, the ultimate basis of the resistance to their demands, I am convinced--certainly among Jews, but not Jews alone--is that they pose a serious threat to the ability of other groups to maintain their communities (p.32).

Just as these white liberals were moving from the paradox of race to class, based upon their notion of equality of individual opportunity; black radicals were aggressively pushing for economic advancement and opportunity, based on the concept of race on the status of the group.

As a response to both the positions of Whitney Young (1963), and Danzig (1964), a round table discussion took place consisting of such participants as James Baldwin, Nathan Glazer, Sidney Hook, Gunnar Myrdal and moderated by Norman Podhoretz (1964), then editor of Commentary, where liberals were inquiring about the relationship between blacks and liberals. Podhoretz asserted that over the past two or three years, a new school of liberal (or perhaps it should be called radical) thought has been developing which is based on the premise--to quote Danzig again--that 'the rights and privileges of an individual rest upon the status attained by the group to which he belongs':

From this premise certain points follow that are apparently proving repugnant to the traditional liberal mentality (if one can judge by New York Times editorials and the statements of presumably liberal politicians like Governor Rockefeller and the late President Kennedy). For the traditional liberal mentality conceives of society as being made up not of competing economic classes and ethnic groups, but rather of competing individuals who confront a neutral body of law and a neutral institutional complex. At any rate, the newer school of liberal thought on race relations maintains that the Negro community as a whole has been crippled by three hundred years of slavery and persecution and that the simple removal of legal and other barriers to the advancement of individual Negroes can therefore only result in what is derisively called 'tokenism.' This school of thought insists that radical measures are now needed to overcome the Negro's inherited disabilities. Whitney Young of the national Urban League, for example, has recently spoken of a domestic Marshall Plan, a crash program which he says need last only ten years, in order to bring the Negro community up to a point where it can begin to compete on equal terms with the white world. Other Negro leaders have similarly talked about 10 percent quotas in hiring, housing, and so on. Negroes, they say, ought to be represented in all areas of American life

according to their proportion in the population, and where they are not so represented, one is entitled to draw an inference of discrimination. The slogan 'preferential treatment for Negroes' is the most controversial one that has so far come up in this discussion (pp. 25-26).

The idea of preferential treatment became paramount as white and black liberals alike, struggled over the necessity of the process to foster racial economic change. A few months later Stanford Lyman (1964), a black sociologist, warned that the issue of preferential treatment has not gone away, because many people questioned how the notion of qualifications was actually being used.

I predict that civil rights leaders will begin to say the whole notion of qualifications for jobs might seriously be re-examined. Qualifications for jobs have become a never-ending gap, with the Negro here, and the job qualification there. I suspect, I, predict, that the notion, the 'sacred' notion, of job qualification many soon come under criticism (p. 650).

Dr. Lyman (1964) also attacked the white liberal viewpoint that only people who have 'earned' their rights deserve them.

The whole promise of American society has been the establishment of rights because one is a human being, not because one has gone to college. One doesn't gradually acquire rights. Yet this notion of 'earned' rights is so powerful today, the notion that one must earn his rights first and enjoy them second, that it becomes the argumentative line that shears off many people who have been sympathetic to the civil rights movement for a long time. They insist the Negro must 'earn' their respect before he can enjoy his Constitutional rights (p. 650).

Moreover, many liberals were beginning to question whether whites should actually be involved in the civil rights movement. According to Stanford Lyman (1964), the most pressing problem seems to concern who heads the civil rights movement:

And why is he there? We hear a great deal of talk today about who is in the civil rights movement and a great deal of castigation of those who are in it. After the Sheraton Palace demonstration, for instance, the newspapers, the Mayor of San Francisco, the Governor of California, a

Rabbi, a Priest, and a Minister all, in various ways and with certain degrees of qualification concurred, it seems, that the demonstration was something less than right because most of the demonstrators were white. This was striking comment to me. The argument was, presumably, that the demonstrators should be black, and if they were not black it meant that the Negro was not interested, and that this movement is unrepresentative. Such an argument, it seems to me, must be met head-on (p. 653).

This approach adds to the complexity of the movement. It appears that many white liberals were beginning to agree with black nationalists on white involvement in the civil rights movement, but for different reasons. White liberals were beginning to complain about a noticeable absence of blacks in the integrationist part of the civil rights movement. This angered Dr. Lyman, who was supportive of the integrationist (or color-blind) approach. He said that civil rights was a struggle for rights, not a struggle for power. Dr. Lyman (1964) further states that the civil rights movement is a movement having to do with rights, not colors:

That is to say, guarantees of the American constitution are, in the words of one of the justices of the Supreme Court, color-blind, and therefore those who seek to ensure these rights in America do not have to justify their thinking after the fact by being a certain color. The advancement of rights is the advancement of something that is, on its face, correct and legitimate, and it is not tainted because the persons who advocate it happen to be of a different color than the group most likely to be affected. Again I say, to put it very bluntly, that I was deeply disturbed by the attitude of the mayor, the governor, the rabbi, the priest, and the minister. It is a shocking distortion of the central concept of civil rights to claim that civil rights must be advocated only by black men in order to be enjoyed by them. To argue this distorted position is to assert not a struggle for rights at all, but a struggle for power, and that since it is a struggle for power, it ought to be black people struggling for black power. But as I said in the earlier part of this lecture, this is not a struggle simply for power; it is not a revolution but a movement seeking to enter the Negro into American society as it is. It is not a power struggle in which the blacks are seeking to subvert the whites. Therefore, one should expect that the people who participate in it will not be black necessarily (p. 654).

What prompted this discussion was the fact that SNCC had begun excluding whites from positions of leadership in the organization.

Even in the NAACP, young blacks were arguing that whites should not be in a position of power in the civil rights organization. Although whites were still involved in the national leadership of the NAACP, CORE, SNCC, and SCLC, their numbers were rapidly declining. Blacks were destined to run their own organizations in their own interests with little, if any, support from whites. For as Harold A. Nelson (1965) contended in The Crisis, "the belief that equality of opportunity exists is a comfortable belief and one which permits the majority of persons to condemn those who are poor. Every effort must be expended to deny the validity of this belief and to demonstrate the extent to which the discriminatory society continues to exist today" (p. 559). By this time President Johnson issued the Civil Rights Act of 1964, the Voting Rights Act of 1965 and the War on Poverty. The War on Poverty, as Allen J. Matusow (1984) described, was destined to be one of the great failures of twentieth-century liberalism:

Most of its programs could be grouped under two strategies. One of these emphasized opening new opportunities for poor people either by investing in their education or by investing in areas like Appalachia, where they were heavily concentrated. The other strategy, recognizing that mere opportunity would not be enough for many of the poor, provided subsidies to increase their consumption of food, shelter, and medical care. The administration hastened to assure that the cost of the new subsidies would be paid painlessly from expanding federal revenues generated by existing tax rates. Taken together, the programs spawned by these two strategies did little to diminish inequality and therefore, by definition, failed measurably to reduce poverty (p.221).

It has generally been accepted that as a result of these programs, the black middle class gained strength, those with higher education were able to move in the public sector in

federally sponsored jobs, while the black poor remained constant. Thus, middle class blacks were able to move to the periphery of central cities and some to their suburbs, leaving behind the destitute conditions so characteristic of the black underclass. Nonetheless, as a result of the failure of the "War on poverty," conservative academics began to utilize biological determinist theories as an explanation for black poverty. As Raymond S. Franklin (1991) explained, Arthur Jensen, education professor at the University of California Berkeley provoked a storm in his 1969 article on differences in IQ between blacks and whites:

After 'proving' through a vast array of statistics that roughly 80 percent of an individual's intelligence is inherited, Jensen concluded that contemporary education for blacks had failed because of their inferior biological endowment. Blacks are not educable in the same way as whites, and therefore, investment in their intellectual development is a waste of time" (pp. 8-9).

Cultural Explanations for Racial Inequality

In 1965 racial disorder exploded in the cities of Rochester, New York, Philadelphia and the Watts area in Los Angeles. Many observers suggested that the racial disorders were related to discriminatory practices in business and industry which created a hopelessness and despair among a large segment of blacks, especially among teenagers and adults. Herbert Hill (1965) asserted that the "outbreaks of violence in many communities can only be understood within the context of the deepening economic crisis for Negroes in the major urban cities of the North. In light of the Negroes's economic plight, optimistic assumptions about the progress of the race requires re-examination. The great mass of Negroes in these cities is trapped in debilitating poverty, suffering from

underemployment and long-term unemployment. The working poor in these ghettos know only a marginal economic existence, dangling perilously on the brink of unemployment. In some cities the rate of unemployment has reached the general level of unemployment during the great depression of the 1930s" (p. 565). For many blacks, shut out of the mainstream of American life, there was little chance of becoming engaged in the market. Some white liberals, and neoconservatives alike, however, argued that blacks were a special pathological case. This pathological assumption is fairly race-based, although it is presumably directed at lower and underclass blacks. It suggests that blacks must undertake the same assimilation process forced on other ethnic groups. Moreover, the pathological assumption ignores endemic racism, and its collective indifference to the plight of black Americans.

Irving Kristol (1966), a leading neoconservative explained that blacks constitute the immigrants of yesterday and suggested, " the word 'pathological' turns up with such surprising frequency in sociological literature today--on slums, on poverty, on education--that one might suspect a racist slur, were it not for the fact that those who use it most freely clearly intend to incite the authorities to corrective action by presenting the Negro's condition in the most dramatic sense'" (p. 125). Kristol is obviously making reference to Daniel Moynihan's report on the black family alleging the disorganization of the black family structure resulted in a tangle of pathology experienced by blacks. Daniel Moynihan attributed the lower-class black family weaknesses to slavery and rapid urbanization. He assumed the black family was so unstable in many urban areas that it was approaching a complete breakdown. The primary culprit for the dilemma was

depression-level unemployment among black men, so humiliated by their failures, they chose to desert their families. Moynihan concluded with a call for national action, jobs and money, to strengthen the black family. He prompted the government to provide jobs for the unemployed and family allowances for all parents who lived with their children.

Although there were virulent attacks against Moynihan's analysis by both liberals and radicals, it appears that Moynihan, based on his data, was striving to educate the Johnson administration about the need for stronger family policy to assist the black underclass. Black and white liberals alike, nevertheless took the argument to the forefront of politics and argued white liberals had no business discussing the negative conception of black life when they did not understand the nature of the black experience, particularly the vestiges of racism. Black liberals viewed the report as an example of the new ideology of victim-blaming. As William Julius Wilson pointed out, "studies of ghetto pathologies, even those organized in terms of traditional liberal theories, were no longer welcomed in some circles" (p. 15). Blaming the plight of the victim on his own defect legitimated popular ideas of blacks as promiscuous savages, but were no longer acceptable explanations for some sociologists.

In the late 1960s, neoconservatives and liberals were convinced that black civil rights no longer required redistributive strategies to foster racial change. Nathan Glazer and Daniel Moynihan, for example, expressed the viewpoint that the civil rights movement had finished its work and artificial barriers to equal opportunity had been successfully removed. Future emphases were to be centered on poverty, racial pride, and strengthening the black family structure. According to Glazer (1967), there are more

Negroes in elected office; the shame of Negro disenfranchisement in the South is wiped out; there are vastly greater numbers of Negroes in secure jobs in the civil service, the mass production industries, in white collar and professional jobs; there is better housing for Negroes throughout the North and West:

Public discrimination against Negroes in Northern and Western cities is all but non-existent, and indeed in some areas such as admission to good colleges--we now have a good deal of leaning over backwards to favor Negroes. But all this has made little difference. Indeed, quite the contrary. What appears to the whites as 'considerable progress' has taken place alongside a steady increase in measures of social disorganization. The numbers of broken families, of illegitimate children, of juvenile delinquents, of families on welfare steadily increase, and (as Daniel Moynihan argues) with no relationship to the objective economic circumstances as given by the state of the economy and the rate of unemployment (p. 18).

In their transition to neoconservatism, these white liberals continued to advance this position in spite of the fact that there had not been an significant improvement in the conditions most blacks were experiencing. A couple of years earlier, Harold A. Nelson (1965) argued in The Crisis, the belief that discrimination is at an end must be challenged:

If a truly non-discriminatory society is to be created, there must be the continued presentation of evidence that a significant part of the population continues to be denied, by formal or informal methods, an equal chance at attaining the good things of life. The belief that equality of opportunity exists is a comfortable belief and one which permits the majority of persons to condemn those who are poor. Every effort must be expended to deny the validity of this belief and to demonstrate the extent to which the discriminatory society continues to exist today (p. 559).

While Dr. Nelson maintained that institutional barriers are obstacles to black economic advancement, Glazer still supported his social disorganization or cultural assumption that objective conditions for blacks had indeed improved. Dr. Nelson (1965) nevertheless concluded that " although many argued the economic conditions faced by blacks were a

result of cultural disadvantages, there was little doubt that blacks were also the victims of corporations, craft unions, and even governments that refused to hire, pay or promote without regard for race" (p. 559).

The Political Ideology of Black Power

By 1966 the civil rights movement was divided across ideological lines: some favored individual rights', others, equality of individual opportunity; others, preferential treatment of minority groups based on the presupposition of equality of group rights. CORE and SNCC attracted many civil rights activists who would have joined the practitioners of nonviolence. SNCC, and to some extent CORE, became all-black organizations. As James Meredith (1966) indicated, it is the conflict between the civil rights movement (which is rightly the concern of whites and Negroes) and the Negro movement that led to some of the dissensions on the march:

For one thing, the pretensions of the N.A.A.C.P. to being a mass Negro organization were crumbling with every step the marchers took. The NAACP is not a mass Negro organization: It does not command the emotions or respect of most younger Negroes, and the older Negro is becoming more and more disenchanted. People are tired of the way every American President uses the NAACP national office as the 20th-century house Negro, and the way the NAACP is a civil rights organization with a white president. I fully support it as a civil rights organization, but I cannot support its claim to be a Negro organization (p. 26).

White liberals argued that the NAACP was an extremist organization that had outlived itself and the militant black leadership was to be abandoned if any progress in desegregation was to be made. Ironically, a decade prior to this occurrence, the NAACP was labeled a moderate or conservative organization. The NAACP steadfastly held to its basic commitment to the attainment of its goals through constitutional means--legal,

legislative, political, educational and the exercise of First Amendment rights, including peaceable picketing and demonstrations. The concept of black power was drawing attention from both black and white liberals. Roy Wilkins (1966), then executive director of the NAACP, argued that black power advocates were responsible for a division developing in the civil rights movement:

No matter how endlessly they try to explain it, the term 'black power' means anti-white power. In a racially pluralistic society, the concept, the formation and the exercise of an ethnically tagged power means opposition to other ethnic powers, just as the term 'white supremacy' means subjection of all non-white peoples. In the black-white relationship, it has to mean that every other ethnic power is the rival and the antagonist of 'black power.' It has to mean 'going it alone.' It has to mean separatism...The only possible dividend of 'black power' is embodied in its offer to millions of frustrated and deprived and persecuted black people of a solace, tremendous psychological lift, quite apart from its political and economic implications. Ideologically it dictates 'up with black and down with white' in precisely the same manner that South Africa reverses that slogan. It is a reverse Mississippi, a reverse Hitler, a reverse Ku Klux Klan (p. 354).

Because of growing dissatisfaction with the NAACP coupled with continued disillusionment with white liberalism, more and more young blacks endorsed the concept of 'Black Power'.

The concept of black power, which was first introduced by Floyd McKissick, executive director of CORE, at a CORE convention in 1965, was drawing attention to the civil rights movement. Stokely Carmichael (1966), a black separatist, argued that black power meant control over the black communities in American society.

Where Negroes lack a majority, black power means proper representation and sharing of control. It means the creation of power bases from which black people can work to change statewide or nationwide patterns of oppression through pressure from strength--instead of weakness. Politically, black power means what it has always meant to SNCC: the

coming-together of black people to elect representatives and to force those representatives to speak to their needs, it does not mean merely putting black faces into office. A man or woman who is black and from the slums cannot be automatically expected to speak to the needs of black people. Most of the black politicians we see around the country today are not what SNCC means by black power. The power must be that of a community, and emanate from there (p. 5).

What was not generally known about black power advocates was their attempts to establish a coalition between poor blacks and poor whites. "That is the only coalition which seems acceptable to us, and we see such a coalition as the major internal instrument of change in American society. SNCC has tried several times to organize poor whites; we are trying again now, with an initial training program in Tennessee" (Carmichael, 1966:5). Advocates of black power were fundamentally concerned with the racist nature of American society. Carmichael (1966) stated, for example, as for white America, perhaps it can stop crying out against 'black supremacy,' 'black nationalism,' 'racism in the reverse,' and begin facing reality:

The reality is that this nation, from top to bottom, is racist; the racism is not primarily a problem of 'human relations'; but of an exploitation maintained--either actively or through silence--by the society as a whole. Camus and Satre have asked, can a man condemn himself? Can they stop blaming us, and blame their own system? Are they capable of the shame which might become a revolutionary emotion? We have found that they usually cannot condemn themselves, and so we have done it. But the rebuilding of this society, if at all possible, is basically the responsibility of whites not blacks. We won't fight to save the present society, in Vietnam or anywhere else. We are just going to work, in the way we see fit, and on goals we define, not for civil rights but for all our human rights (p. 7).

For the greatest part of its history, civil rights was the white liberal cause.

White liberals continued to advance a moral basis for human rights in politics and developed the theory of human equality in the social sciences. Liberals led the intellectual

offensive against racism, and took the initiative in founding some civil rights organizations. The goals of liberals had been to change the formal social order as a necessary part of a moral democratic order. Black power was an attack upon the civil rights agencies. It presupposed the elimination of discrimination and prescribed to the Herculean task of creating equality of opportunity. Ironically, both integration and equality of opportunity could only have relevance for a few blacks, while the vast majority remained on the outside of mainstream America. Thus, the black power ideology called for an attack on black liberals who were marginally located in the middle class strata and also on their white counterparts whose vested interests blocked the entrance of most blacks into the American economic system. These blacks discovered that those who dominated the neighborhoods were not simply whites, but they were Italian, Jews and Irish. Blacks moving to the Lower East Side of New York City found that Italian and Jewish controlled political clubs blocked their entrance. In the powerful building trade unions, the Irish leadership was not about to dilute its strength with new and distrusted members. The problem here is ethnic solidarity.

Tensions Between Blacks and Jews

In June, 1965, President Johnson, according to Daniel Moynihan (1967), in his address to a graduating class at Howard University, demonstrated his advanced commitment to the cause of black equality.

To move beyond opportunity to achievement. To shatter forever not only the barriers of low and public practice, but the walls which bound the condition of man to the color of his skin. This is the next and more profound stage of the battle for civil rights. We seek not just freedom but

opportunity--not just legal equality but human ability--not just equality as a right and a theory, but equality as a fact and as a result (p.34).

Following riots in Watts, Newark and Detroit, in September, 1965, President Johnson implemented Executive Order 11246, which was actually the basis for today's contract compliance program. In spite of this effort, black Americans took the position that white liberal strategies for abolishing discrimination and establishing equal opportunity had not solved the systematic problems related to the economic plight of blacks.

Some time later, urban rebellions occurred during the long hot summer of 1966. The riots were touched off by tensions between blacks and police and between blacks and white teenagers. Serious racial outbreaks took place in New York, Michigan, California, Minnesota, Nebraska, Illinois, Maryland, Ohio, and Pennsylvania. The worst riot erupted in Detroit, when an incident between blacks and the police resulted in massive breakdown of public order. Rioters looted both black and white-owned stores, burned businesses, and homes. The National Guard was called in to maintain some semblance of law and order. While rioters attacked retail stores, they left untouched such public institutions as schools, hospitals, banks, and government buildings. Moreover, they did not invade white neighborhoods or manifest the slightest interest in developing a struggle against the governments. Many argued that the riots occurred because of rising expectations, while others saw them as another indication of growing black anti-Semitism.

As a result of the urban rebellions, Henry Lee Moon (1967) published in The Crisis that "within the American Jewish community there is a growing concern about Negro anti-Semitism" (p. 146). Jews had withdrawn much of their support for the civil rights movement and felt there was a backlash by blacks. Jews gave both economic and

moral support to civil rights organizations, "and were probably the most important source of income for CORE and SNCC until these organizations embraced the invidious 'black power' slogan and undertook to downgrade all white participation" (Moon, 1967:149). Moreover, Moon (1967) contended that 'Negro anti-Semitism' is anti-white sentiment which has been fanned increasingly within the ghetto:

In most of the huge urban black residential areas, the white person most commonly seen (other than police officers) is a Jew--merchant, agent, landlord or salesman. Thus the Jew is most exposed and vulnerable to the rising ghetto anger. Unlike European anti-Semitism, the Negro's attitude is purely economic, devoid of any religious or cultural bias. To the Jewish merchant whose store has been looted and destroyed in a riot, the motivation of the wreckers, whether religious or economic, is, understandably, irrelevant (Moon, 1967:159).

Jews continued to complain that blacks were pushing too hard and fast; they wanted to invade white neighborhoods, thus depreciating property values; they wanted their children, who tended to be slower than whites, to attend white schools; they were primarily viewed as irresponsible; they sought special privileges for themselves and most importantly, many blacks were declared anti-Semitic. Black power advocates were beginning to move in directions that alarmed many Jews who alleged a growing black anti-Semitism.

Milton Ellerin (1968) indicated that in the wake of the Israel-Arab June war, a vicious attack on Zionism and Israel, with anti-Semitic cartoons and photographs of alleged Israel atrocities appeared in the June-July issue of the Student Non-violent Coordinating Committees' Newsletter:

At a press conference in August several SNCC leaders repeated that 'Jews were imitating their Nazi oppressors' and committing 'some of the same atrocities against the Arabs.' SNCC, they said, was not against all Jews, 'only Jewish oppressors' those in Israel and 'those...in the little Jew shops in the ghetto.' At the National Conference of New Politics (NCNP), in

Chicago on the 1976 Labor Day Weekend, a resolution sponsored by the so-called Black Caucus 'to condemn the imperialist Zionist (Arab-Israel) War,' which, it said, 'does not imply anti-Semitism,' was carried over the protest of many delegates, who walked out of the convention. Reactions from both Jewish and Negro leaders was quick and sharp. They indicated growing misgivings about increasing anti-Semitism among Negroes, as well as concern among civil-rights leaders over what effect this hostility might have upon continued Jewish support of their cause (p. 242).

Jewish leaders, such as Nathan Perlmutter, of the American Jewish Committee, Benjamin Epstein, of the Anti-Defamation League of B'nai B'rith and Will Maslow, of the American Jewish Congress, expressed their concerns over the comments made by SNCC.

Nathan Perlmutter, referring to the SNCC statement said it was 'interesting and ironical and sad that this outrageous attack is of a piece with a similar attack in the current issue of Thunderbolt, the official organ of the racist nation States Rights Party (NSRP). Benjamin Epstein revealed that a study, conducted by his organization, found SNCC and NSRP publications sharing the same Arab sources of antisemitic hate materials. SNCC, he said, is 'no longer a civil rights group, 'but one seeking the radical overthrow of American political, social and economic institutions by an means necessary, including violence.' Will Maslow asserted that SNCC had disqualified itself from any claim to be taken seriously in the struggle for human decency. There is no room for racists in the fight against racism ' (Ellerin, 1968):242.

Some black leaders also critically responded to the actions taken by SNCC. According to Ellerin, Whitney Young Jr., of the National Urban League, maintained that 'Negro citizens are well aware of the contributions made to the drive for equal rights by Jewish citizens:

Negroes have been the victims of racism for too long to indulge in group stereotypes and racial hate themselves.' A. Philip Randolph and Bayard Rustin of the A. Philip Randolph Institute made a joint statement, saying they were 'appalled and distressed by the antisemitic article' in the SNCC Newsletter. Rustin later elaborated: 'One of the more unprofitable strategies we could ever adopt is how to join the history's oldest and most shameful witch-hunt, antisemitism.' The late Dr. Martin Luther King, Jr., in a letter to American Jewish Committee President Morris Abram, put the

Southern Christian Leadership Conference (SCLC) on record as having 'expressly, frequently and vigorously denounced antisemitism and will continue to do so. It is not only that antisemitism is immoral--though that alone is enough. It is used to divide negro and Jew, who have effectively collaborated in the struggle for justice (Ellerin, 1968:243).

The attack on Jews from the more extremist element of the civil rights movement nevertheless continued. As Seymour Martin Lipset explained, intellectually, Jews were justified in their concern about the sentiments being expressed by black radicals against Jews. He contended that increasing numbers of Leftists, black militants, and advocates of the Palestine cause and not only anti-Israelis and anti-Zionists, more, and more, are moving toward--or have already achieved--full-fledged anti-Semitism using fighting words:

When one draws on the age-old hostility to Jews to strengthen a political position, when one gives credence to the charge of a worldwide Jewish plot to rule, when one attacks those with whom one has political and economic differences as Jews, when one implies that Jews are guilty of some primal evil, then one is guilty of anti-Semitism, and one is engaged in the same racism that all decent men insist on eliminating (Lipset, 1971:6).

In his attack on the Black Panthers, Lipset was convinced that they have reoriented their international priorities to identify the heroes as the Arab terrorists and freedom fighters, and the villain as Israel and its American ally. In identifying with the white New and Old Left, Pro-Arab terrorists views, the self-described Marxist-Leninist Black Panther Party expressed resentment toward Jews. This resentment was rooted in the exploitation of blacks by Jewish landlords and merchants. As Lipset (1971) explained, in the United States, the integrationist movement was largely an alliance between Negroes and Jews (who, to a considerable extent, actually dominated it):

Many of the interracial civil rights organizations have been led and financed by whites, and the majority of their white members and big financial contributors have been Jews. Insofar as a black effort emerged to break loose from involvement with whites, from domination of the civil rights struggle by white liberals and radicals, this meant concretely a break with Jews (p. 27).

Black anti-Semitism, accordingly, goes far beyond that of any of the Leftist white organizations, although the white Left may be just as guilty, because it did not challenge black anti-Semitism. In 1968, however, tensions existing between Jews and blacks escalated over the use of preferential treatment in the New York City schools.

In 1968, a series of New York City school strikes and the events surrounding them further exacerbated tensions existing between Jews and blacks. As Edward Gogowsky (1969) explained, "the strikes pitted the United Federation of Teachers (UFT) against the governing board of the Ocean Hill-Brownsville experimental district. The sides in the dispute coincided in large measure with ethnic alignments: The union was largely Jewish in its membership, and the Ocean Hill-Brownsville district was predominantly Negro, with large Puerto Rican minorities" (p. 79). On the one side stood the city's blacks and educational reformers, hoping to decentralize the massive school system and institute community control. On the other side stood the city's teachers and their union, many of them Jews who had poured out of City College into the educational system, the system where Jews had done extremely well. The struggle was over community control or decentralization of schools in the Ocean Hill-Brownsville district. As Maurice J. Goldbloom (1969) explained, the union was constantly referred to as Jewish, and the Ocean Hill district was always called a Negro ghetto:

There were charges and countercharges of racism and anti-Semitism. On a more fundamental plane, the charge was made that the merit system, which the union claimed to be defending against a patronage grab by the mayor in collusion with local power seekers, was actually a device for protecting the ethnic status quo--Jewish predominance in the schools, Irish in the police, Italian in the sanitation department--an obstacle to Negro advancement. In fact, the reverse has been historically true. The merit system has served one minority after another in its struggle to circumvent the barriers of discrimination. Negroes, too, are finding the civil service a relatively smooth road to advancement; they are already proportionately more numerous in the post office and many other federal departments than in the population as a whole (p. 58).

From this point on, tensions between blacks and Jews were further heightened as charges of racism and anti-Semitism were alleged by both groups. Norman Podhoretz (1971) suggested that the "New York school teacher's strike was responsible for bringing black anti-Semitism into widespread public view, and second, that it exposed in certain elements of blacks of what blacks themselves like to call the white power structure and apparent readiness to purchase civil peace in the United States--I do not say social justice--at the direct expense of the Jew" (p. 7). Although surveys indicated that black anti-Semitism is no more prevalent in the society than white anti-Semitism, Podhoretz (1971) indicated, it was nevertheless still anti-Semitism. According to Podhoretz, those who apologize for black anti-Semitism are apologizing for anti-Semitism:

Those who explain black anti-Semitism with reference to the behavior of Jews--who attribute it to Jewish merchants or Jewish landlords or Jewish teachers or Jewish school principals--are simply practicing the age-old technique of blaming the victim if bigotry for bringing bigotry down upon his head; and this is in itself anti-Semitic tradition (p. 8).

In support of the merit tradition, Podhoretz (1971) claimed, "Jews prospered under its arrangement whereby persons were treated on the basis of merit as individuals regardless of race, color, creed or place of national origin. Daniel Moynihan

had warned years earlier that if the merit system were to be replaced by a system of proportional representation according to race or ethnic origin, the Jews, who constitute a mere 3 per cent of the population, would be driven out" (Podhoretz, 1978:8). The liberal coalition thought it was correcting an injustice by repairing the New Deal's failure to include blacks. Many liberals found the problem of employment could no longer be dealt with by the normal policy processes related to non-discrimination. While some liberals subsequently supported the black demand for compensatory hiring and preferential treatment, others found the demands totally unacceptable because they conflicted with the traditional ideas of equal opportunity based on individual merit.

In 1970, when the protest against racism was at its peak and the Black Power movement was having a significant impact on the black community, the Department of Labor's Office of Federal Contract Compliance issued Order No. 4. It stipulated that an affirmative action program must have an analysis of the areas. If the contractor was deficient in the utilization of minority groups, goals and timetables must be implemented to correct the deficiencies. The struggle between white liberals and blacks over this strategy showed that old friends could split over issues related to equality, particularly proportional affirmative action. It has been argued that one of the reasons that President Nixon issued such an aggressive affirmative action strategy was as a smoke screen aimed at the busing controversy. Americans were extremely hostile to the busing of black children into white communities and neighborhoods. As Raymond S. Franklin (1991) noted, [b]using was viewed as an invasion by blacks into white turf, which included not only 'their' school, but also 'their' communities, 'their' parks, and 'their' shopping areas:

'Their' constituted an invisible territorial sovereignty assumed in each white neighborhood when blacks moved into it. The whites most affected by these alleged black invasions were the more affluent blue-collar workers and lower-middle-class white-collar ones. It was the stratum immediately above the black community not the upper-middle-class professionals residing in the much richer suburbs, that felt most threatened by busing orders from the courts (p. 9).

At this point, it can be also argued that government policy tended to focus on the equitable distribution of group rights. This focus, according to the neoconservative position, prompted a shift from equality of opportunity to equality of condition, based on results. In their opposition to the notion of equality of results, neoconservatives began to advance arguments such as the one presented by Daniel Moynihan, suggesting that blacks had made significant progress in the 1960s. As a result there was little need for government sponsored programs based on preference.

As an advisor to President Nixon, Daniel Moynihan, a white liberal, published an article in the New York Times stating that blacks had made extraordinary progress in the 1960s and the time may have come when the issue of race could benefit from "benign Neglect." Blacks had made significant progress in employment as young black families were achieving income parity with young white families, particularly outside the South. "Outside the South, young husband-wife Negro families have 39 per cent of the income of whites: For families headed by males age 25 to 34, the proportion was 87 percent. Thus, it may be this ancient gap is finally closing" (Moynihan, 1970:69). Although blacks continued to have twice the unemployment rate of whites, this was not considered problematic, for many whites who were also experiencing unemployment. Other blacks tended to stay in school more than previous reports had suggested but the problem of

female-headed families continued. Moreover, antisocial behavior was extraordinarily high among black males. Apart from liberal attitudes, the biggest problem faced by blacks is the anti-social behavior of young black males. According to the argument, a form of social pathology existed among elements of the black population. "Black Americans injure one another. Because blacks live in defacto segregated neighborhoods and go to defacto segregated schools, the socially stable element of the black population cannot escape the social pathological ones. Routinely, their children get caught up in the antisocial pattern of others" (Moynihan, 1970:69). Moynihan was actually referring to what was considered the more extreme element of blacks, namely the Black Panthers, who white liberals associated with the lower-class. and the lower-class. Moynihan, for example, stated, "hatred--revenge--against whites is now an acceptable excuse for doing what might have been done anyway. This was bad news for any society, especially when it took to the forms that the Black Panthers seem to have adopted. This social alienation among the black lower classes is matched and probably enhanced, by a virulent form of anti-white feeling among portions of the large and prosperous black middle class. It would be difficult to overestimate the degree to which young, well-educated blacks detest white America" (Moynihan, 1970:69). The solution to the problem, according to Moynihan, was "benign neglect", that is, by simply ignoring the pathological elements of the black community, they will eventually lose their significance. "If we get the Madhouses [Gov. Lester G. Maddox of Georgia] and the Cleavers [Eldridge Cleaver], a leader of the [Black Panthers] to shut up, or pay less attention to them, and really try to solidify the gains of the sixties. Making absolutely certain they are not lost in the

readjustment after the Vietnam War, we might look up at the end of the nineteen-seventies and say, 'This has kind of worked'" (Moynihan, 1970:69). Conversely, as Daniel C. Maguire (1980) pointed out, however, " '[b]enign' neglect clearly was not a chance comment of a Daniel Moynihan but rather a phrase that captured the mood of retrenchment that has gripped quite a few of our contemporaries:

Those who buy into the ideology that goes with the mood are optimistic about the problems of the disempowered and the poor and are pessimistic about government intervention in those problems. Old Lockean individualism plays a large part in this ideology. And, quite naturally, there is a repugnance for anything like preferential affirmative action, which would seek to change the patterns of distribution and challenge white male monopoly that has long enjoyed hegemonic control of the principal centers of power and privilege (pp. 12-13).

The NAACP in coalition with a number of liberal organizations and scholars finally reacted to liberal white claims refuting the idea that blacks had made extraordinary occupational and income progress in the 1960s. The authors contended that Daniel Patrick Moynihan's call for 'benign neglect' of the plight of black American was a flagrant and shameful political document:

But its real tragedy is that it is symptomatic of a calculated aggressive and systematic effort in the present national administration to wipe out all the civil rights gains made in the 1950s and 1960s. While Mr. Moynihan talks of benign neglect, what the black man had actually been suffering from in the last year or so is malignant neglect. This had the effect of strengthening the boast of black and white extremist that our own government does not intend to try to solve the race problem. This attitude is rapidly building up social dynamite in America's black ghettos (NAACP, 1970:156).

The NAACP argued, well after the fact, that blacks had not achieved enormous gains nor had they made extraordinary progress in the last two decades. However, there were significant gains made, despite the fact that the gains were not by any means monumental.

Accordingly, a large segment of blacks continued to suffer from the effects of poor housing, inferior education, hunger and a high rate of unemployment. Ironically, this response from the NAACP neglected to challenge the "tangle of pathology" thesis which appeared to be the most damaging part of Moynihan's essay. Nevertheless, the idea of preferential treatment remained in the center of relations existing between Jews and blacks.

The black demand for compensatory hiring and preferential treatment, formulated to meet the need for employment, turned out to be totally unacceptable to some liberals and neoconservatives, for it conflicted with the traditional liberal idea of equal opportunity and equal treatment of people according to their individual merits. Accordingly, demands for preferential treatment were condemned as 'reverse discrimination' and rejected as public policy. Nevertheless, an unofficial policy of deliberately seeking black applicants in a ratio relative to their numerical proportion in the community was adopted whenever blacks applied strong pressures. John Kenneth Galbraith et al., for example, argued that white males monopolized upper level positions in employment, particularly in jobs with an annual salary of \$15,000 or more. They proposed that Congress enact legislation declaring it a national policy that employment of women, blacks, American Indians and Spanish-speaking minorities be according to their proportion of the population, throughout the various salary brackets in industry and government, with the numbers in the work force:

To enforce this we propose that there be created a competently staffed body, fully representative of the minority groups to be assisted, called the Minorities Advancement Commission (MAC). The law would empower the commission to require any firm that had employed more than 5,000

people during the previous five years to submit a plan for bringing the distribution of women, blacks and Spanish-speaking workers in its salary hierarchy into conformity with the representation of these groups in the working force of the community or communities in which it operates. The time allowed for full compliance would be 10 years. (Galbraith et al., 1971:35).

Merit was not an overriding consideration of the plan as much as sex, color, and ethnic origin. "We do endorse promotion by merit, but we do not have promotion by merit so long as women, blacks, Indians, Puerto Ricans and Mexican- Americans are excluded from the competition" (p. 40). The Galbraith Plan was similar contextually both to the domestic Marshall Plan proposed by Whitney Young in 1963 and to the NAACP's approach to discrimination in employment. As tensions between blacks and Jews continued to escalate, a controversy in Forest Hills New York served to advance the strain.

In 1971 tensions erupted over the Forest Hills controversy in New York. New York City government planned to build a 24-story low-income housing with 840 apartment units in the white middle-class section of the Forest Hills section of Queens. The area was of particular attraction to higher-income Conservative and Orthodox Jews, who required special religious and cultural facilities, such as synagogues to which they could walk and day schools where they could teach Hebrew. Many of the residents had once lived in Brooklyn and the Bronx of New York. While there were a small number of blacks living in the areas, residents felt that the housing structure would attract blacks who were a part of the urban areas from which the Jews were escaping. Many white residents who feared an increase in crime in the low-income housing opposed the development of the housing complex. Nathan Glazer (1972) in his opposition to blacks

moving into the community stated that " safety, not racism, was the key issue, however. The question 'black equals crime, ' if we put it that way simply, is wrong. Poor blacks, however, provide a breeding ground for crime--and anyone who values his safety, white or black, is going to try to distance himself from the tangle of pathology" (p. 27). The Jewish community was sharply divided over the issue, as explained by Murray Friedman (1973):

Both the American Jewish Congress and the Anti-Defamation League of B'rith supported the project, though the latter qualified that such housing should be 'according to the character and needs of the community.' The American Jewish Committee's New York Chapter tried to bring the parties to the dispute into direct negotiation. Opposition was led by the Queens Jewish Community Council which was joined by most Orthodox rabbis. A few Conservative and reform rabbis supported the project (p. 118).

The NAACP and other civil rights organizations were requested to determine the degree of racism involved among those resisting the project. Although the housing eventually went under construction, the controversy over the housing contributed even more to strained relations between blacks and Jews.

In the course of 1971 a major public debate began over the use of quotas, preferential treatment, and other affirmative action strategies and techniques, for broadening the involvement of minorities in employment and the attainment of higher level jobs. Efforts to discuss, and develop, affirmative action plans provoked charges of reverse discrimination from some opponents, while others, such as neoconservatives, argued that the idea of proportional representation denied merit as a valued principle of the American capitalist system. From the perspective of neoconservatives, merit was essential as a requirement in the promotion of productivity and efficiency. The

affirmative action strategies evolved from voluntary measures based on good-faith efforts with the issuance of Presidential Executive Order 10925, to the use of goals and timetables with the issuance of Order No. 4. It stipulated that an affirmative action program must have an analysis of the areas. If the contractor was deficient in the utilization of minority groups, goals and timetables must be implemented to correct the deficiencies. Order No. 4 also stated that an affirmative action program is a set of specific and result oriented procedures to which a contractor commits himself to apply every good effort.

Neoconservative Opposition to Proportional Representation

In the first of neoconservative reaction to proportional representation as an affirmative action strategy, Nathan Glazer, in his opposition to the strategic changes that occurred in the evolution of affirmative action, argued that federal agencies, such as the Civil Rights Commission, were moving from equal opportunity to an attempt to ensure full equality of achievement for minority groups. "It uses a new measure--the achievement of full equality of groups. Concretely, this means the test is not: Are members of minority groups discriminated against? It is: Are they to be found in employment, at every level, in numbers equal to their proportion of the population?" (Glazer, 1971:109). This essentially means discriminatory measures were to be instituted once more against Jews in American society. This position on proportional representation began when President Johnson implemented Presidential Executive Order 11246 which

focused on goals and timetables and the extended version existing in Order No. 4 and its revision.

Irving Kristol (1972), in his attack on liberalism and its egalitarian principles explained that Americans, mostly professors, with obvious reference to Galbraith, were constantly seeking ways to make a more equitable distribution of income a matter of concern in the society. Yet there has not been a reasonable definition of what actually constitutes equality. Accordingly, economists and sociologists were adamant about defining equality through the controversial issue of social stratification i.e., the proper degree of intergenerational social mobility instead of income distribution. This was problematic since neoconservatives were not egalitarian and were threatened by any groups advocating such a position.

Moreover, as Earl Raab (1972), then executive director of the Jewish Council of San Francisco, and co-author with Seymour Martin Lipset of The Politics of Unreason, contended that in the 1960s, the groups that have achieved, have done so in adapting to the competitive standards of the capitalist system which is ultimately based on achievement, not statistical measures. Keep in mind that for neoconservatives, since inequality is a reality in the American capitalist system, the Civil Rights Act of 1964 brought about opportunities for many individual blacks. Thus, as Earl Raab (1972) described, one of the marks of a free society, so the argument goes, "is the ascendance of performance over ancestry--or, to put it more comprehensively, the ascendance of achieved status, based on class, over ascribed status, based on race. Aristocracies and racist societies confer status on the basis of heredity. A democratic society begins with

the cutting of the ancestral cord" (p. 42). For Raab, the principle of ascribed equality would be just as invidiously destructive to the individual as would a principle of ascribed inequality. Based on this assumption, one could subsequently argue, the lines between affirmative action and ascriptive action were not firmly drawn. As Raab (1971) pointed out, to the extent affirmative action describes an active search for qualified applicants, or the bringing of tests for merit closer to occupational reality, or the training of qualifiable applicants, then the situation is not one of imposing competitive disadvantage, but of removing it:

However, to the extent that affirmative action also includes the principle of 'veterans' preference' for members of specified minority groups, then obviously there is created a competitive disadvantage for all individual members of 'others' as a class. Whether it is a reasonable or unreasonable disadvantage will depend on the concrete circumstances of the given case and will under no circumstances be easy to determine (p. 44).

This situation would ultimately create a closed society in which Jews would find little, if any, justice. Noticeably, Earl Raab is focused more on what could ultimately happen to Jews, while giving little or any consideration to blacks.

Paul Seabury (1972) argued that affirmative action was altered by the Department of Labor with the implementation of Order No.4. Here, he moves the argument to a different level in focusing on federal involvement in the economy to foster economic change for black Americans. The Department of Health Education and Welfare (HEW) was responsible for enforcement procedures by delegation of authority from the Labor Department. The directives of the order were applicable through HEW which established the requirement of hiring goals based on race and sex. That is, to remain eligible for federal contracts, universities had to devise proposals, containing stated targets for

preferential hiring based on these categories. Officials argued a successful affirmative action program redressed inequities HEW had previously found in question. Although many universities were found to have deliberately excluded racial minorities and women from their programs, Seabury nevertheless spoke of the atrocities related to affirmative action strategies. He argued, for example, it was hard to say how widely such pernicious practices had been institutionalized in other colleges and universities. "But were they to be generalized across the nation, one thing is certain: "either large numbers of highly-qualified scholars will pay with their careers simply because they are male and white, or affirmative action will have failed in its benevolent purposes" (Seabury, 1972:44).

According to Paul Seabury, when the director of HEW, J. Stanley Pottinger was told affirmative action might discriminate against white males, he reported replied, 'This is balderdash. This is the biggest crock I have ever heard. It is the kind of argument one expects to hear from a backwoods cracker'. Seabury (1972) replied, "indeed, backwoods cracker farmers are making this argument--though for reasons other than those Pottinger had in mind, and which have much to do with the things great universities require in order to survive in their greatness" (p. 44).

Robert E. Smith (1972), assistant director for Public Affairs, Office for Civil Rights of HEW, responded to Seabury's article in arguing that "the Fair Education Practices Act was responsible in at least nine states, for the opening up of academia to racial minorities. Accordingly, this type of legislation was necessary because of the biases in existence in higher education. The effects of HEW policy were to assure increased participation of women and minorities throughout the country" (p. 11). Smith (1972) further responded

in stating, "my main hope is to set to rest any ideas that Commentary readers may have that the affirmative action requirement imposed on universities is something HEW bureaucrats devised, that HEW is the only federal agency insisting upon these requirements among its contractors, and that our activity in any way threatens the quality or integrity of institutions of higher education" (p. 11).

Shortly afterwards, Paul Seabury attacked the principle of equality of results, frequently referred to as equality of condition, which does thrust at the heart of the principle of equal opportunity and merit. According to Seabury (1972) "equality of opportunity establishes the rules of the game, which have never been wholly free from discriminatory impediments. Barriers to access have always existed in American society. Certain minority groups have been denied access to employment, or rendered incapable of benefiting from jobs or training because of past social evils" (p. 44). Equality of opportunity too often does not produce equality of results, as some people wished. "The consequence is that those who value equality of results over equality of opportunity, and over the principle that all men should be judged and treated according to their individual merits, are attempting to lead us into a new era of discrimination on the basis of race, creed, and color" (Seabury, 1972:44). Seabury (1972) concluded in suggesting that "the use of quotas or goals can ultimately mean examinations will be abolished; test of skill eliminated or downgraded; IQ tests eliminated--the argument being that if tests do not produce the required sociological results they are defective and should go" (p. 44).

Norman Podhoretz (1972) explained that quotas have been in existence since the 1920s. Then they were used to restrict the number of Jews admitted into elite colleges

and better professional schools. At one point in history, for example, measures outlawing discrimination in employment and housing--which established that an applicant must be judged as an individual without reference to race, creed or color--were instituted with blacks more so in mind than Jews, although Jews benefitted as well. Podhoretz argues that when government hiring is based on merit as measured by anonymous examination results, the purpose was not to help Jews become schoolteachers or principals or social workers or hospital administrator, although this was certainly a result. The purpose was to do away as far as possible with the spoils system, with nepotism, a system dropped by many colleges and universities in the 1950s and replaced with a reliance on admission scores and the like.

The intention was not to rectify the injustice which had been done to qualified Jewish applicants who, simply because they were Jewish, had once been passed over in favor of less qualified applicants; the intention was to upgrade the academic and intellectual standards of higher education in America lest the Russians outstrip us in technological advance, as their launching of Sputnik at a time when we were still unable to do the same, seemed to suggest they might. Still, whatever the purpose of these measures was, they did benefit the Jews and the fact that they did could only have been considered in a climate as friendly to Jews as the climate was then, a climate which was thoroughly anti-Semitic, so to speak, an additional and most welcome bonus (Podhoretz, 1972:12).

The idea of hiring people in universities and the civil service based on proportional representation, with sex and ethnic group was increasingly gaining ground. These practices were not only seen in the public sector, where universities are included, but they are also applicable to the private sector as well. One example, suggested Podhoretz (1972) was the so-called Minority Advancement Plan put forth by Kenneth Galbraith, Edwin Kuh and Lester C. Thurow:

By the terms of his plan all firms of a certain size would be required by law to put a stated percentage of people drawn from 'minority groups' into jobs paying \$15,000 per year or more. Jews, although some might consider them a minority group, since they after all add up to a more than 3 per cent of the population, are not defined as such in the Galbraith Plan; nor are Italians or Poles or any other of the predominantly Catholic ethnic groups: only non-whites and women are minorities in the quaint and original concept (p. 12).

Were Jews to be fired from their positions of employment under the Galbraith Plan? "Or will they simply be phased out gradually by the adoption of an anti-Jewish quota hiring and promotion? Galbraith and his colleagues do not say. Perhaps their idea is to replace the Jews in question with their wives, thereby killing at least two birds with one stone, and maybe even one or two more" (Podhoretz, 1972:12). Although it may not have been the intention of government to discriminate against Jews, their representation in certain job categories may require such a position thereby posing problems for Jews.

A merit system, Podhoretz argued, was viewed much more favorably among Jews themselves for some very obvious reasons. He believes it is the duty of Jews to persuade others of its value. "They have a duty to themselves to persuade as many people as they can that the principles of the merit system are sound even if some of its practices have to be performed in the name of the principles themselves; that such a system is neither a racket nor a Jewish invention but a way of realizing certain precious personal and social values which cannot be realized as well under any other set of arrangements" (Podhoretz, 1972:12). The question that remained, however, is whether proportional representation was actually good for Jews? Wherever the Jewish interest may or may not lie, there can be no question that much of it lies in the mainstream of the merit system. Jews as an

ethnic group, would inevitably be damaged by a system of proportional representation according to the group.

Daniel Bell (1972), although he has since reverted to his earlier liberalism, continued the argument. Although his approach was different, he nevertheless upheld the notion of meritocracy. The American capitalist system, according to Bell, is an open competitive society and the individual with qualifications will generally attain employment. The first years of affirmative action were directed at the skilled trades, especially the building trades, where there had been a deliberate policy of racial exclusion. The initial purpose of affirmative action was to eliminate discrimination in employment. In the 1970s, however, HEW extended the program to universities. Past discrimination was changed to bring about representation of women, blacks and Chicanos. These groups were employed as a matter of right in proportion with their numbers. Individual achievement became subordinate to the ascriptive principle and subsequently was not as important as the possession of credentials. Open admission policies at universities throughout the country attempted to assure representation of disadvantaged groups. Bell argued, however, the use of quotas and preferential hiring meant that standards were to be either bent or broken. "The inescapable assumption of the ascriptive criterion in regards to tenured university positions is that minority persons are less qualified and could not compete with others, if given a sufficient margin" (Bell, 1972:37). Bell contended that representation as an ascriptive principle was a complete reversal of radical and humanist values. What is really at stake is a redefinition of equality. "A principle which was the weapon for changing a vast social system, the principle equality of opportunity,

is now seen as leading to a new hierarchy, and the current demand is that the 'just precedence' of society, in Locke's phrase, requires the reduction of all inequality, or the creation of equality of result--in income, status and power--for all men of society" (Bell, 1972:40). The principle of equality of opportunity denies the precedence of birth and other important individual characteristics that are not related to competition. "In social fact, the meritocracy is thus the displacement of one principle of stratification with another, of ascription by achievement" (Bell, 1972:42).

A meritocracy had traditionally been perceived as evaluation based on such measures as I.Q. It assumed a class correlation "between achievement and intelligence and between intelligence and its measurement on the Intelligence Quotient scale" (Bell, 1972: 31). When class privilege was included as an additional variable, the idea of equality of opportunity was in question. For the purpose of Daniel Bell's analysis, however, initially equality of opportunity was the main preoccupation. "The explicit fear created by post-industrial society is that its failure to get on the educational escalator means exclusion from the privileged places in society. A meritocratic society is a 'credential society' in which certification of achievement--though the college degree, the professional examination, the license--becomes a condition of higher employment. The aim of the social policy thus has to be equality of result--by sharing and redistributive policies--rather than equality of opportunity" (Bell, 1972:47). This kind of equality is based upon a dogmatic egalitarianism and has little to do with the issue of meritocracy. "If we define the meritocracy as those who have an earned status or have achieved positions of rational authority by competence. Contemporary populism, which in the

1970s was raising demands for greater equality, in its desire for wholesale egalitarianism insists in the end on complete leveling. It is not for fairness, but against elitism; its impulse is not justice but resentment" (Bell, 1972:65). A meritocracy is made up of those who have earned their authority. An unjust meritocracy is one which makes these distinctions invidious and demeans those below. Bell concludes in suggesting that the principle of merit, achievement and universalism are extremely important in assuring that the society is a genuine open one.

Black Liberals and Proponents of Proportional Representation

Herbert Hill (1972), a proponent of proportional representation, responded against the principle of merit in his support of the use of quotas. He argued, using the struggle with building trades, "in reality the so-called merit system in education operates to give preference to mediocre or incompetent whites at the expense of mediocre and incompetent Blacks...To argue that there is a merit system in the building trades as spokesmen for organized labor frequently do, is to depart from all reason and reality. As has been demonstrated in many lawsuits throughout the country, the worst form of nepotism and favoritism prevails" (p. 97). Informal quotas had been used for years to discriminate against black workers in craft occupations. Thus, Hill was convinced "under the guise of opposition to racial job quotas the opponents of preferential treatment are in fact attempting to maintain the unstated but traditional racial quota system that has resulted in the exclusion of Black workers from desirable high-paying jobs" (Hill, 1972:97). History has shown that voluntary compliance and good faith efforts do not work in

eliminating job discrimination. Thus, new standards based on the manning table concept, or numerical quotas are justified. In examining Hill's position, it is clear that volunteer efforts in implementing affirmative action resulted in non-compliance making stronger enforcement measures necessary. These measures came with the issuance of Executive Order 11246 and Order No. 4. By the time these executive orders were issued, however, neoconservatives had already proclaimed the notion that black economic progress was already occurring for worthy blacks.

In response to the rhetoric of black progress in 1970s, John A Morsell (1973) noted that Kristol, Glazer, Moynihan and Bell had been uttering a rhetoric of black progress. They argued it was time to halt agitation on behalf of blacks and Puerto Ricans. These neoconservatives believed that the focus should be instead on the status and perquisites of those black and Puerto Ricans who already have it made. Morsell rejected the rhetoric of neoconservatives, arguing that economics still was significant for numerous poor blacks and Puerto Ricans. This idea was further explained by Vivian W. Henderson (1976) in The Crisis, when she argued that the chasm that divides the haves and the have-nots has grown wider and, with it, the depth of suspicion and misunderstanding that has beclouded American's relations for generations:

'Busing,' 'forced integration,' and 'quotas' are new code words that replace the harsher language of earlier times but mean the same thing--that blacks are and shall be a people apart from the rest of the nation. Our nation remains in danger of becoming the divided society prophesied in the report of the National Advisory Commission on Civil Disorders. The gains achieved in the 1960s are meaningless unless the endemic problems that affect black communities all across this nation are addressed. To do this requires new strategies and new techniques (p.26).

Black liberal intellectual and supporters were arguing that the economic situation of blacks, viewed from the position of the opponents, were very different from the ideology they were expressing. Racial discrimination is a reality in American society and while some blacks have moved into the middle class, a large segment of blacks remained in the underclass.

In keeping with the sentiments expressed by Herbert Hill, Solomon Finebert (1975) raised the question "wasn't discrimination expected to accomplish the purpose of 'giving opportunities and openings to the previously deprived and thus inevitably making those opportunities somewhat scarcer for the groups that previously had the best spots on the range?" (P. 291). In quoting Roy Wilkins, Solomon Finebert (1975) explained that "the essence of affirmative action is to help minority groups and women overcome accumulated and current disadvantages. Affirmative action recognizes the need to do more than merely removing barriers to discrimination" (p. 291).

On the issue of merit, Nathan R. Jones (1975) explained in The Crisis that Jews have a deep-seated aversion to 'quotas.' Blacks have a deep seated hatred of 'paper and pencil' tests which have been used, not to measure their potential, but to gauge the effects of previous wrongs done to them" (p. 26). Black liberal intellectuals began to examine more closely the arguments put forth by neoconservatives.

Buell G. Gallagher (1975), a black liberal scholar, argued that cultural pluralism, melting pot and other assimilation theories engaged in by neoconservatives, needs to be kept in proper perspective, as a highly desirable but subordinate goal:

In philosophical terms, it means that the escape from dependence must not end in independence: it must go on to interdependence. In ethical and

political terms, it means that Freedom and Equality will destroy each other unless a reconciling Fraternity embraces both. In practical terms, it means the NAACP together with all organizations and agencies which have been created to advance the welfare status of any part of the nation's people must acquire again a common and congenial and indefatigable purpose to eradicate the last vestige of tribalism among us, to the end that we may all be one. Neither the Melting Pot nor the Tossed salad are proper descriptive simile for a nation whose people's future is to be found only in the Family (p. 421).

The cultural explanation is an alternative explanation and ultimately serves to support the notion of white supremacy, according to Gallagher.

Black Liberals and Proponents of Proportional Representation.

Sometime later, Irving Kristol (1977) addressed the concern for equality in America in stating that the poor are poor for reasons other than what liberals tend to suggest. While he believes in fairness, redistribution of resources is not a solution to the problem of poverty. He argued, "in New York we have tried to abolish poverty through a generous welfare program, and have therewith rediscovered the truth of an old adage: dependency tends to corrupt and absolute dependency corrupts absolutely. Our welfare population, statistically lifted out of poverty, has actually and simultaneously sunk to various depths of social pathology" (p. 37).

On the subject of equality, Herbert Hill (1977) argued, "organized labor had succeeded, through the Nixon Court in creating Title VII. The major institutions of the society were reverting to discriminatory patterns of the past with the support of the courts" (p. 23). To challenge this situation, Hill argued that blacks would have to battle

the court and define the principle of affirmative action even if it means that blacks lose fair-weather friends.

A coalition that can only exist on the basis of sacrificing the most vital interests of the black community is not worth preserving. The opponents of affirmative action are ahead in presenting their case to the public, and we must be prepared to answer effectively all the lies about 'quotas' and reverse discrimination'. The campaign against affirmative action is legitimizing new racist attacks and is stimulating antiblack attitudes (p.23).

A campaign aimed at stronger enforcement must offset the current campaign against affirmative action.

Seymour Martin Lipset and William Schneider (1978) raised the fundamental question about affirmative action:

What do Americans really believe about racial equality and what steps are they willing to take in its pursuit?' White Americans remained split on the issue, the author argued. Many whites resented forced integration because it violated individual freedom or liberty not because they oppose racial equality. 'Affirmative action policies have, of course, forced a sharp confrontation between egalitarian and individualistic values...Most Americans, including many blacks, oppose the notion of 'preferential treatment,' since such treatment precisely violate the notion of open and fair individual competition' (p. 44).

Preferential treatment for the vast majority of whites is equated with equality of results. Thus, Nathan Glazer (1978) argued that "affirmative action should be a temporary measure for a multi-ethnic society. While we would not want government to prescribe the degree of such consideration by imposing quotas and goals, we would want individuals and institutions to take these factors into account voluntarily and by their own light" (p.412). Glazer (1985) saw goals and quotas as a travesty of what America was supposed to be. He hoped both President Carter and Congress would be more specific on

the use of racial and ethnic categories to ensure Americans would not be discriminated against on grounds of race and ethnicity.

During the Reagan years, Herbert O. Reid, Sr. and Frankie M. Foster-Davis (1984) noted in The Commentary that the Justice Department had positioned itself against affirmative action and minority set-asides as remedies. Benjamin Hooks, once CEO of the NAACP, called for defunding the U.S. Commission on civil Rights in response to the Reagan administration's attempt to turn back the clock on issues related to civil rights. A year later Glazer (1985) argued that goals and timetables were inherent in spite of the administration's strong denials of preferential affirmative action. He argued for the 'abandonment of the goals-and-timetables, approach, the statistical effort to determine a 'fair' rate of minority and/or female utilization and the requirement to make 'good faith efforts' to reach such rate within a specific time period.

None the arguments up to this point has the appeal of the neoconservative position as argued by Arch Puddington in his defense of meritocracy in Commentary. As Puddington (1995) explains the campaign against testing and merit in turn gave rise to a series of myths about the economy, the schools, the workplace, about America itself. Thus, lowering job standards as a means of hiring enough blacks to fill a quota was justified on the grounds that merit had never figured prominently in the American workplace; that the dominant principles had always been nepotism, back-scratching, and conformism. To explain the racial gap in Scholastic Aptitude Test scores, the concept of cultural bias was advanced, according to which disparities on results

derived from the tests' emphasis on events and ideas alien to urban black children" (pp. 23-24).

In summary, in the late 1960s and 1970s a number of important events were in part responsible for the transformation of Jewish intellectuals from liberalism to neoconservatism. Prior to engaging in the neoconservative perspective, neoconservatives actively involved themselves in issues related to the elimination of discrimination. Key to the neoconservative assumption is the traditional liberal view that if discriminatory barriers were eliminated, blacks could individually compete with their white counterparts. As a result of this equal opportunity approach, blacks would eventually become fully integrated into the mainstream of the economic system. After their transformation to neoconservatism, however, they began to adhere to ideas associated with sixteenth-and-seventeenth century liberalism, which were counter to the liberal position they had once endorsed. Hence, equality became secondary to individual freedom or liberty.

Blacks conversely argued that discriminatory practices were indeed related to their lack of achievement as a racial group in American society. The historical effects of discriminatory practices have resulted in blacks being denied the opportunity to effectively compete with whites for employment opportunities. Discriminatory practices in employment had served to perpetuate black inferiority through systematic exclusionary practices. A key assumption of black intellectuals is the idea that because of the cumulative effect of generations of past discrimination, many blacks lacked necessary employment qualifications and were excluded from the better paying jobs and occupations.

Moreover, blacks were denied jobs as a class, not as individuals; thus proportional representation was viewed as essential in the struggle against racial inequality. In spite of the position presented by black liberal intellectuals, Neoconservatives continued to reject the idea of proportional representation on the basis that it denied the principle of merit, which they believed was an essential element of the American capitalist society.

Jews had been supportive of the civil rights movement from its inception, both financially and as activists, but more importantly administratively. And yet, from the neoconservative perspective, according to Robert Blauner (1995) there was a tendency of some African Americans to target Jews as especially powerful and racist segment of America this stance has evoked fear, anger, puzzlement, and perhaps above all a sense of betrayal in Jewish America:

Many Jews have been almost as angry at prominent African Americans who have failed to speak out against Black anti-Semitism as they were at the perpetrators. But above all they cannot understand why Blacks, of all people, would be turning against them (p. 27).

For example, the rhetoric of the civil rights movement up until the early 1960s reflected the ideas related not only to the plight of blacks but to that of Jews as well. From the perspective of neoconservatives, equality of opportunity is an ideal based upon the notion of merit. From the perspective of black intellectuals, it is clear that discrimination has historically served to keep blacks from fully participating in the dominant institutions of American society. Their exclusion from full participation in the educational system had precluded many from attaining economic advancement in American society. Black liberals argued that although the America economy was experiencing some recovery from economic decline in 1974-1976, the recovery had not reached blacks. A renewed

commitment to full employment for all Americans who wanted to work was vital. The federal government had also reduced requirements for federal fair hiring in contracts. This led the Urban League to conclude that attempts were being made to undercut the already limited effectiveness of affirmative action programs. It appears that the neoconservative and black intellectual perspective, because of the nature of the historical developments of the two groups, are diametrically opposed to each other's position. The affirmative action strategy of proportional representation has been attacked by neoconservatives on the premise that statistical measures of group employment rates deny merit as a valued principle of the American capitalist system. Accordingly, proportional representation violated the rules of merit by putting less qualified blacks into employment positions that otherwise would have gone to whites. While black liberal intellectuals and proponents of proportional representation favor proportional representation to assure that a larger number of blacks will be given opportunities to seek employment positions and achieve greater mobility.

Bibliography for Chapter 6

- Allen, Robert. "The Bakke Case and Affirmative Action." The Black Scholar (September 1977):9-16.
- Black Awakening in Capitalist America: An Analytic History. New York: Anchor Books, 1969.
- Baldwin, James, Nathan Glazer, Sidney Hook and Gunnar Myrdal. "Liberalism and the Negro: A Round-Table Discussion" Commentary (March 1964):25-42.
- Bell, Daniel. "On Meritocracy and Equality" The Public Interest 29(Fall 1972):29-68.
- Bickel, Alexander. "The Civil Rights Act of 1964" Commentary (August 1964):33-39.
- Blauner, Robert. "The Black-Jewish Thing: What's Going On?" Tikkun (September/October 1994):27-103
- Bonacich, Edna. "The Limited Social Philosophy of Affirmative Action." Insurgent Sociologist (1987):99-116.
- Bratlinger, Ellen A. The Politics of Social Class in Secondary School: Views of Affluent and Impoverished Youth. New York: Teachers College, Columbia University, 1993.
- Brooks, Tom. "Negro Militants, Jewish Liberals and the Unions" Commentary (September 1961):209-216.
- Carmichael, Stokely. "What We Want" The New York Review (September 22 1966):5-7.
- Citizens' Commission on Civil Rights. Affirmative Action to Open the Doors to Job Opportunity: A Policy of Fairness and Compassion that has Worked. Washington, D.C.: Center for national Policy Review, Catholic University, 1984.
- Danzig, David. "The Meaning of Negro Strategy" Commentary (February 1964):41-46.
- Ellerin, Milton. "Intergroup Relations and Tensions in the United States" American Jewish Year Book (1969):233-270.
- Franklin, Raymond S. Shadows of Race and Class. Minneapolis: University of Minnesota Press, 1991.

Friedman, Murray. "Intergroup Relations in the United States" American Jewish Year Book (1972):120-153.

Galbraith, John K, Edwin Kuh and Lester C. Thurow. "The Galbraith Plan to Promote the Minorities." The New York Times Magazine (August 22 1971):9-40.

Gallagher, Buell G. "The American Dream: Hypocrisy or Hyperbole?" The Crisis (December 1975):417-421.

Glazer, Nathan. "Affirmative Action as Remedy for Discrimination" American Behavioral Scientist (July/August 1985):829-840.

----- "When the Melting Pot Doesn't Melt" The New York Times Magazine (January 2, 1972):25-31.

----- 'The Crisis in American Jewry" Midstream (November 1970):3-11.

----- "The Ghetto Crisis" Encounter (November 1967):15-21.

----- "Negroes and Jews: The New Challenge to Pluralism" Commentary (December 1964):29-34.

-----"City Problems and Jewish Responsibilities" Commentary (1962):24-30.

Goldbloom, Maurice. "The New York School Crisis" Commentary (January 1969)43-58.

Granger, Lester B. "Does the Negro Want Integration?" The Crisis (February 1951):73-77.

Greve, Frank. "Minorities Fired Twice as Often from Federal Jobs." Detroit Free Press (December 14, 1995):1,10A.

Henderson Vivian. "Economic Dimensions of the Continuing Dream" The Crisis (January 1976):20-26.

Hill, Herbert. "Preferential Hiring:Correcting the Demerit System" Social Policy (July/August 1973):96-102.

----- "Job Crisis in the Urban North" The Crisis (November 1965):565-572.

----- "Patterns of Employment Discrimination" The Crisis (March 1962):137-147.

Issacs, Harold R. "Integration and the Negro Mood' Commentary. (December 1962):487-497.

Johnson, Guy. "Segregation vs. Integration" The Crisis (December 1953):591-598.

Kristol, Irving. "Thoughts on Equality and Egalitarianism" in Colin D. Campbell (ed). Income Distribution Washington, D.C.: American Enterprise Institute for Public Policy Research, 1977.

----- 'About Equality" Commentary 54(November 1972):41-47.

----- "The Negro Today is Like the Immigrant Yesterday" New York Times Magazine (September 1966):50-142.

----- "A Few Kind Words for Uncle Tom" Harper's Magazine (February 1965):95-99.

Lewis, Alfred Baker. "The Importance of Economics in the Civil Rights Struggle" (November 1963):535-572.

Lipset, Seymour Martin. "The Socialism of Fools" The New York Times Magazine (January 1971):6-34.

Lyman, Stanford M. "Cherished Values and Civil Rights" Commentary (December 1964):645-655.

Lomax, Louis E. The Negro Revolt. New York: The New America Library, 1963.

Maguire, Daniel C. A New American Justice: Ending the White Male Monopolies. New York: Doubleday & Company, 1980.

Matusow, Allen J. The Unraveling of American: A history of Liberalism in the 1960s. New York: Harper & Row, Publishers, 1986.

Meredith, James. "Big Changes are Coming" Saturday Evening Post (August 13 1966):23-27.

Miller, Loren. "Farewell to Liberals: a Negro View" The Nation (October 20 1962):235-238.

Moon, Henry. "Of Negroes, Jews and other Americans" The Crisis (April 1967):146-160.

Morsell, John. "The Meaning of Black Nationalism" Crisis (February 1962):69-74.

Moynihan, Daniel. "Benign Neglect" New York Times Magazine (March 1 1970):1-69.

----- "The President and the Negro: The Moment Lost" Commentary
(February 1967):31-45

National Association for the Advancement for Colored People (editorial) "Semantics of the Civil Rights Movement" The Crisis (June-July 1966):298-300.

----- "Benign Neglect Proposed" The Crisis (April 1970):156-157.

Oats, William R. Jr. "Affirmative Action: A Question of Educational Deprivation" The Crisis (May 1978):172-178.

Podhoretz, Norman. Breaking Ranks, A Political Memoir New York: Harper and Row, 1979.

----- "Is It Good For Jews?" Commentary (February 1972):7-14.

----- "A Certain Anxiety" Commentary (August 1971):4-10.

----- "My Negro Problem--And Ours" Commentary (February 1963):93-100.

Puddington, Arch. "What To Do About Affirmative Action" Commentary (June 1995):21-28.

Raab, Earl. "Quotas by Any Other Name " Commentary (January 1972):41-45.

Reddick, L.D. "Anti-Semitism Among Negroes" The Negro Quarterly (Summer 1942):112-122.

Reid, Herbert O. Sr. and Frankie M. Foster-Davis. 'Three Decades of 'All Deliberate Speed'" The Crisis (May 1984).

Rogowsky, Edward. "Intergroup Relations and Tensions in the United States" American Jewish Year Book (1969):71-100.

Seabury, Paul. "The Idea of Merit" Commentary (December 1972):41-45.

-----, "HEW and the Universities" Commentary (February 1972):38-44

Smith, Robert. "The Pottinger Papers" Commentary (April 1972):10-12.

Steinberg, Stephen. Turning Back: The Retreat from Racial Justice in American Thought and Policy. Boston: Beacon Press, 1995.

------. "How Jewish Quotas Began" Commentary (September 1971):67-76.

Weinstein, Jacob. "The Jew and the Negro: A Comparative Study in Race Prejudice" Crisis (June 1934):178-179.

Wilkins, Roy. "Whither 'Black Power'?" The Crisis (August/September 1966):353-354.

------. "What the American Negro Wants" The Crisis (June/July 1963):333-346.

Wilson, William Julius. The Truly Disadvantaged: The Inner City, the Underclass, and Public Policy. Chicago: The University of Chicago Press, 1987.

Young, Whitney. "Should There be Compensation for Negroes?" The New York Times Magazine (October 6 1963):43-131.

Conclusion

The beliefs of blacks and Neoconservatives about affirmation action are rooted in the historic experiences of both groups. The first assumption neoconservatives held was that blacks today are the immigrants of yesterday; therefore blacks should take the same assimilation path followed by earlier immigrant groups. This immigrant position, according to neoconservatives may, in fact, explain why blacks have not been completely integrated into the economy. Close examination of this assumption revealed that European immigrants arrived to this country on a voluntary basis, frequently seeking both political asylum and economic opportunity. Historically Jews began arriving to the United States in the seventeenth century and although they were not readily accepted, they were able to move within the international economy as merchants. By the time the East European and Russian Jews arrived, German Jews were well established. Although there was intra-conflict between the two groups , religion served as a key unifying factor. There were indeed different interpretations of religious beliefs based upon cultural differences, coupled with different historical experiences but both groups had been oppressed in their native lands. German Jews were fairly adamant about East European and Russian Jews assimilating to the American value system, particularly those related to the economy. Since they generally expected to live permanently in the United States, East European Jews realized that they would have to struggle to gain entrance to American wealth and society and were willing to compromise many of their values. Moreover,

German Jews benevolently provided the necessary resources to assist in assimilating East European and German Jews to the economic sector, while frequently exploiting their labor as well. And the gap that existed between the two groups was removed over issues related to Zionism in the 1940s. Also, when German Jews arrived to the United States at the time of frontier expansion, and East European and Russian Jews arrived during the periods of industrialization and capitalist expansion. Thus, the German Jews were able to move into property accumulation as a means for attaining wealth, while the East European and Russian Jews, those with adaptable skills, were able to move within the wage system and provide educational opportunities for their children. Unskilled Jews were protected by Jewish unions against the deplorable and exploitative conditions which they experienced in the sweat shops and other related employment. While Jews were gaining property and declaring themselves an intricate part of the American economy, blacks were still considered property to be bought and sold in the market place.

Blacks were forcibly brought to the United States, placed in chattel slavery and legally declared as three-fifths human, relegating them to an inferior status. A racial ideology emerged followed by scientific theories supporting this ideology of inferiority. The Plessy decision served to promote a racial system based on skin color and other biological attributes. This racial system was based on skin color with blacks at the bottom of the political, social and economic hierarchies. Biological explanations of racial inferiority were eventually replaced with cultural explanations of black inferiority. These explanations helped to prevent economic change for many blacks Americans. After emancipation blacks struggled to be defined as human and to be franchised in American

society. As Stephen Steinberg (1995) explains, when blacks finally arrived in Northern cities, they encountered a far less favorable structure of opportunity than had existed for immigrants decades earlier:

For one thing, these labor markets were captured by immigrant groups who engaged in a combination of ethnic nepotism and unabashed racism. For another, the occupational structures were themselves changing. Not only were droves of manufacturing jobs being automated out of existence, but a reorganization of the global economy resulted in the export of millions of manufacturing jobs to less developed parts of the world (pp. 182-183).

Thus, black history in the United States has been a history of racial conflict as blacks struggled to sustain themselves as a viable group, but always against formidable odds. Even today neoconservatives are using the immigrant assimilation thesis against blacks: if they weren't caught in a tangle of pathologies, they would assimilate.

Using this cultural explanation, Neoconservatives have rigorously focused on the notion of black pathology as a more plausible explanation for the economic conditions experienced by blacks. Black pathology appears to be monolithic and inescapable for ghetto residents, where, because of discrimination in housing and banking, some middle class blacks also resided. Ghettoes were characterized by high incidence of crime, illegitimate births, black male unemployment and family disintegration. Neoconservatives treat these as important values held by blacks which worked against blacks. If blacks, according to the argument, held the values articulated by neoconservatives, blacks would have a much better chance to survive the odds without federal intervention into their lives. Other than the focus on the importance of values, the neoconservative argument has little to say about blacks who, against all odds, have

succeeded in the United States.

Neoconservatives argued that equality of opportunity was transformed to equality of results. The latter, according to neoconservatives, is based upon group status rather than individual achievement. A closer look at the ideal of equality of opportunity reveals much more about the concept than what neoconservatives presented on the subject. As Bryan Turner (1986) explains, equality of opportunity is closely related to and some what inseparable from the notion of equality of condition:

Equality of opportunity rewards those who have ability and who are prepared to exercise their skills in the interest of personal achievement in a competitive situation. However, where parents can pass on advantages to their children, then the starting-point for achievement is unequal since for example, working-class children will start with disadvantages which they have inherited from their parents...In order for equality of opportunity to have any significant content it is essential to guarantee equality of condition, that is, all competitors in the race should start at the same point with appropriate handicaps (p. 36).

Turner (1986) further contends that the most radical notion of equality is equality of result or outcome:

The aim here is through legislation and other political means to achieve equalities of result regardless of starting point and natural ability. A program of equality of result would seek to transform inequalities at the beginning into social equalities as a conclusion. Social programs of positive discrimination in favor of disadvantaged or disprivileged groups (such as women, children or ethnic minorities) are meant to compensate for significant inequalities of condition in order to bring about a meaningful equality of opportunity to secure an equality of result (p. 36).

Nonetheless, a notion of equality of result was in well place in the 1980s and both Nathan Glazer (1985) and Supreme Court Justice Sandra Day O'Connor, in the City of Richmond v. Croson (1989) contended that racial "classifications based on race carry a danger of stigmatic harm. Unless they are strictly reserved for remedial settings, they may in fact

promote notions of racial inferiority and lead to a politics of racial hostility" (The Bureau of National Affairs, 1989:4137). In exploring the positions on equality of opportunity and merit the focus would have to shift to the institution of education. As Ellen A. Brantlinger (1993) points out, American schools distribute rewards based on merit of children; thus they have been called 'meritocracies':

Students who conform and achieve according to official standards thrive in meritocracies; they earn good grades, which allows them access to advantaged positions in school, and ultimately, they get the credential they need to advance to lucrative and prestigious positions in society. Meritocracies, however, create contexts between their constituencies. For there to be winners (high achievers), there must also be losers (low achievers). Winners in American schools have been predominantly white middle class. Losers are often poor and/or of color. Moreover, because of mandatory school-attendance policies, the losers are compelled to be part of the contest regardless of their chances of winning or the strain of losing. The liberal tradition idealistically presents school as politically neutral, but schools can also be seen as biased and divisive--as having a dark side. Rather than being a common ground where all groups meet on an equal footing, American schooling, in reality is essentially stratifying (p.1).

This approach supports the notion of institutional racism, as a more plausible explanation of black failure to achieve. This concept frequently used by black liberal intellectuals and proponents of proportional representation in their defense of the strategy. As Raymond S. Franklin (1991) indicated, if the dominant groups have the differentiated power; if color has a sufficiently pejorative connotation; and if a double standard is in operation, institutionalized discrimination is in place. Blacks generally lack the opportunity to reverse dominant and subordinate relations or to even establish empowering relations with whites in the employment sector. "The impulse on the part of whites to maintain dominant-subordinate patterns generates the overcrowding of blacks in particular

occupations within general occupational categories, sectors of the economy, or residential sections of the metropolitan area" (Franklin, 1991:71). Blacks with abilities to go beyond expectations with an occupational category are frequently prohibited from upward mobility if "such mobility requires occupying positions of authority that reverse dominant-subordinate relations" (Franklin, 1991:71).

Arch Puddington (1995) with the same ideological fervor of other neoconservatives, indicated that the Americans are 'unimpressed by the contention that a university's excellence is enhanced by the mere fact of racial and ethnic diversity in its student body, especially when entrance requirements must be lowered substantially to achieve the goal" (p. 21). This type of rhetoric has been very instrumental in providing a case for neoconservatives in their position on merit. This position appears to be limited to self interest on the part of neoconservatives rather than a reliable explanation for the conditions experienced by a significant number of black Americans. As declared by Paul Seabury (1972), Norman Podhoretz (1972), and Daniel Bell (1972) the merit principle has indeed favored Jews, which might explain why neoconservatives are attempting to use it as a universal criterion in a society where minority groups and women suffer as a result of economic disempowerment. It is assumed, nonetheless, that all things are equal, based on a litmus test for the survival of the brightest and best. Neoconservatives presuppositions about meritocracy enable them to rationalize that those who have deserve and those who do not have are less deserving, which is the basis of the class position in American society. For example, beginning with the civil rights movement of the 1960s, there is little doubt that the marginal black middle class was willing to work within the

system to achieve a more solid class position and subsequently adhered to a universal notion of equality of opportunity, particularly for those black who desired to fulfill the dream of racial integration within a racially segregated society. These blacks in retrospect displayed an incredible faith in a system, as if that system promoted genuine fairness. They seem to have convinced themselves that equality of opportunity could actually exist in a capitalist system where most resources were monopolized by the European groups and the remaining resources were also sought by the new urban immigrants. As David Danzig (1964) pointed out, Americans still tend to accept the American frontier ideology of resourceful individualism in positing the requirements for success in our society, just as we still accept the classical liberal ideology of laissez-faire as the backbone of our economic system:

The truth is that this frontier ideology has as little relation to the actual routes to advancement in our highly developed technocracy as the laissez-faire ideology has to the actual operation of our federally subsidized and highly integrated economy. The individual who is adequately equipped to meet its demands usually has the backing of community and family achievement, which motivates him to seek a college education and orients him in making use of it. Why then should we still insist upon holding the Negro to an extreme and outmoded doctrine of individual merit? More than half of all Negro men have not even graduated from primary school, and the continuing process of discrimination makes a bad situation increasingly worse (p. 45).

White liberals, along with black integrationist, continued their goal of the one-to-one assimilation of the most deserving blacks into the periphery of the social system.

In sum, neoconservatives, like most European immigrants that have achieved economically, tend to deliver self-serving explanations pertaining to their success. As is the case for neoconservatives, most of these explanations emphasize

cultural values as the characteristic supporting most individual achievements. While cultural values are plausible explanations related to the neoconservative social experience, there are other fundamental assumptions to be addressed to explain the social experiences of a racial group such as black Americans. Stephen Steinberg (1995) speaks well on the immigrant thesis, in suggesting that sociologists thought they were being liberal when they held that blacks were only white American in white skins:

Their intention, of course, was to reject the racist canards that equated difference with inferiority. However, this conceptualization also tended to negate what was culturally unique about African Americans. Similarly, when liberal sociologists compared blacks to other immigrants, they thought they were projecting a hopeful scenario that in time blacks would follow in the footsteps of European immigrants on the road to success. However, this conceptualization obscured the ways in which the black experience was fundamentally different from the experience of other ethnic groups. It also obscured the ways in which racist structures prevent blacks, from following in the footsteps of other immigrants, and the need, therefore, to develop alternative paths to mobility (p. 86).

The second assumption claims that barriers to economic activity have been lifted as a result of the civil rights struggle and such legislative efforts as the Civil Rights Act of 1964. Racial discriminatory practices have been historically characteristic of the American economy. Discriminatory practices have served to restrict economic mobility for the vast majority of American blacks. Some Americans have witnessed attempts on the behalf of the federal government, particularly in the 1940s and 1960s to passively address this endemic problem through voluntarism in a system where institutional discrimination is well established. Voluntarism meant that companies having government sponsored contracts could voluntarily decide if they were going to implement antidiscrimination policies and hire blacks in their workforce. Presidential executive

orders were issued by several presidential administrations to alleviate discrimination in employment. Unfortunately, most of the legislation was aimed at either attaining a significant number of black votes for a political party, or as a means to address the compelling problem of racial rebellions.

In the 1960s, voluntarism developed a coalition of major companies that adopted voluntaristic policies to promote minority employment. These "Plans for Progress" were eventually exposed as a farce and they were replaced by yet another voluntary program, the national Alliance of Businessmen. Twenty years of this toothless approach left American blacks just about where they were at the end of World War II in income, occupation distribution, and unemployment ratios. Soon blacks drifted from the ideal of a color blind society to espousing more aggressive measures involving preferential treatment. With the advent of the Civil Rights Act of 1964 and other relevant legislation, where blacks were assumed primary beneficiaries, neoconservatives challenged Title VII of the act on the grounds that it permitted racial preferences. Federal officials, mostly white, were in fact responsible for the more aggressive pursuit of preference rather than affirmative action involving more passive measures like job posting. To move beyond these superficial measures, however, would require a form of institutional change. The cumulative effect of generations of past discrimination confines the vast majority of black Americans to a declining unskilled labor force. Beginning with slavery, white society in the South was able to shape its laws, religion and institutions around the peculiar institution of slavery. Following emancipation, blacks struggled to engage themselves in a wage system while the propertied classes, under the guise of white

paternalism, struggled to collectively exploit black labor in systems of peonage, sharecropping and finally Jim Crow. One of the important effects of World War II was to bring into focus the gruesome reality of racism in this country.

The Brown decision of 1954, served to challenge the separate-but-equal practices. Although remnants of the separate-but-equal doctrine remain, the decision served as an indicator that blacks would be able to work for racial change within the U.S. court system. As the civil rights movement heightened during the 1960s, white liberals emerged to verbally challenge black conditions. Frequently these white liberals consciously or unconsciously ignored their economic vested interests in the system. Most middle class blacks willingly followed the dominant group's ideology of racial integration, originally based on a gradualism that emphasized individual equality of opportunity. Working class and marginal middle class blacks, with some success, struggled to attain the opportunities which they had always envisioned in their observations of middle class whites. They were supported by the rhetoric coming from white liberals as these liberals continued to orchestrate the ideology of the civil rights movement. As economic equality became a more idyllic ideology for civil rights activists themselves, particularly college students, white liberals outwardly attacked the movement and were in part responsible for a split between civil rights activists.

While it is reasonable to argue that some blacks have made economic gains in the economy, since affirmative action came into effect, blacks still remain considerably behind whites in income and employment levels. On the one hand, as Stephen Steinberg (1995) explains, it was affirmative action that opened up access to

mainstream occupational structures:

Studies have found that companies subject to EEOC requirements have raised this EEOC scrutiny. The occupational spheres where blacks have made the most progress-- in government services, in government services in major blue-color occupation, in corporate management, and in the professions--are all areas where vigorous affirmative action programs have been in place over the past two decades (p. 197).

On the other hand, however, as Steinberg warns, this is not evidence that the racial equality in American society is overstated, since a new class of jobs has been created:

They are not the dirty, menial, and back breaking jobs of the past. On the contrary, they are coveted jobs that offer decent wages and job security. Nevertheless, they are jobs that are pegged for blacks and that function within the context of racial hierarchy and division (pp. 187-198).

Ironically, because they lack knowledge of the black experience, neoconservatives are convinced that civil rights legislation is indeed responsible for changing the condition of blacks. On the perceptions of blacks presented by such neoconservatives as Irving Kristol, Nathan Glazer and Norman Podhoretz, some of these liberals were less than tolerant. As Podhoretz contended, white liberals lacked knowledge of the black experience and did not seem too enthusiastic in analyzing the situation. Rather many white liberals relied on racial stereotyping as an information source. Most neoconservatives are economically privileged and have not experienced disadvantage. Moreover, they lack the ability to communicate with black life or culture. It is clear that black problems are for the most part not understood by whites. Although some white liberals relied on black intellectuals and activists as an information source, few liberals actually systematically studied the black experience. In the employment sector blacks still face discrimination. Even the United States government still maintain discriminatory

practices. The Department of Agriculture continues to restrict the number of black employees and those who are employed at the department are confined to low-level blue-collar and clerical positions. By contrast, the Department of Commerce has one of the highest concentrations of black workers at all levels of agency. Moreover, as Frank Greve (1993) revealed, "the federal government, America's biggest employer, fired minority workers at more than twice the rate of white workers last year, according to official personnel records obtained by Knight Ridder newspapers. This disparity between whites and minorities existed at every pay grade and for every occupation group, but was the greatest among low-level, blue collar and clerical workers, the Office of Personnel Management statistics showed" (Detroit Free Press, December 14, 1995:1). Further, black blue-collar workers continue to decline as the number of working poor continues to increase. In sum, there is little evidence available to conclude that blacks have made it economically as a result of social policies and legislation implemented in the 1960s.

The final assumption of neoconservatives, differentiates the significance of race and ethnicity in American society. Historically, Jews were defined as a racial group. Later this addition was restricted to cultural rather than biological distinctions. East Europeans and Jews nonetheless experienced racial antagonism and hostility upon arrival to the United States. They were able to assimilate themselves, however, to the dominant values of the society, following Milton Gordon's notion of structural assimilation. Since East European and Russian Jews were seeking permanent residences in the United States they were willing to assimilate and move within the dominant institutions of the society, while maintaining a sense of religiosity within their

Jewish dominated and controlled communities. Although anti-Semitism continues to be a significant part of the Jewish experience in this country, neoconservatives are the first to proclaim economic success for Jews. Economic success eventually led to political empowerment whereby Jewish interests are well represented in American society. While Jews have indeed suffered from the effects of racial ideology, they were never defined as inherently inferior and sanctioned to function on that basis. Racial discrimination permeates the American structure to the extent that blacks are denied the option of being anything but black. Phenotypical traits such as skin color have maintained blacks at the bottom of the hierarchical structure of the American capitalist system. Both social class and race explain the historical traditions of black reality in the society. While the concept of ethnicity is indeed useful in explaining the historical experience of Jews as a group, particularly in the nineteenth century, it is not applicable in explaining the historical experience of black Americans at a later time.

In sum, the neoconservative perspective, in opposition to proportional representation, expresses the view that individual merit is in part responsible for American Jews attaining the economic stability and advancement that most have acquired. Neoconservatives are overwhelmingly convinced that in placing a stronger emphasis on individual merit, while forsaking proportional representation, affirmative action would be more acceptable to the vast majority of Americans. However, as evidence has shown in this research, anti-discrimination laws are minimally effective unless they have strong and enforceable measures are in place to back them up. Proportional representation, under the guise of federal intervention, is representative of the collective action strategy engineered

to ensure black economic mobility in the society. The civil rights movement, for example, coupled with the racial rebellions occurring in the 1960s and 1970s, was ultimately responsible for affirmative action strategic development into measures involving proportional representation. Although many white liberals were more comfortable with the color-blind approach to racial change. This approach did little to offer economic opportunities for the growing number of blacks, who, after completing baccalaureate degrees, were ready to compete for the equal employment opportunities promised in the liberal ideology. According to the black intellectual perspective, once the opportunities were not available for those blacks with credentials, it was clear that, because of the racial hierarchy, and frequently a less than stable economy, liberals had to include a more aggressive racial strategy. Statistical measures involving proportional representation infuriated neoconservatives who felt that their positions in the academy would be challenged if the strategy gained a stronghold in the economy. Neoconservatives such as Norman Podhoretz, Irving Kristol and Nathan Glazer strongly opposed proportional representation, in favor of merit, a strategy used by Jews historically in this country, which resulted in a disproportionate representation of Jews in professions and occupations related to economic mobility. As Stephen Steinberg (1995) contends, however, "the problem is stated falsely when it is suggested that we must choose between merit or preference, or between the rights of individuals or the rights of groups, or between color-blind or a conscious society. Rather, the paramount choice is between a racial program or turning the clock back on the gains wrung from white society over the past decades" (p. 174).

There is little doubt that Jews have certainly used individual merit to succeed in the American economy. There is also little doubt that racial groups such as blacks, were systematically denied access to major white colleges and universities, which, when compared with Jewish entrance to these institutions, is fairly recent. As a result, it appears that blacks have also relied on such strategies and collective action, and because of their lack of political empowerment, they have also relied upon the efforts of the federal government to advance their mobility in the economy. According to Mannheim (1936), "[Individuals] act with and against one another in diversity organized groups, and while doing so they think with and against one another. These persons bound together into groups, strive in accordance with the character and position of the groups to which they belong to change the surrounding world of nature and society or attempt to maintain it in a given condition" (p. 4).

In conclusion, after examining the history of both Jews and blacks, with some attention directed to the black liberal response, it is clear that in using the sociology of knowledge that Jewish neoconservatives and black liberal intellectuals reached different interpretation on the strategy of proportional representation as a result of their experience. Jewish neoconservatives, for example, are willing to solve the problem of proportional representation in suggesting that a new strategy should revert back to old practice of cease and desist measures. Black liberal intellectuals suggest that stronger enforcement of proportional representation measures are a necessary solution to the problem of discriminatory practices in employment. The solutions offered by both groups will ultimately only serve to heighten the conflict existing between them. Resolution of this

situation remains unclear. It appears, however, that fewer and fewer blacks are benefiting from the strategy of proportional representation as the definition of minority changes and extends itself to address the needs of diverse groups in the society.

Bibliography for Conclusion

Bratlinger, Ellen A. The Politics of Social Class in Secondary School: Views of Affluent and Impoverished Youth. New York: Teachers College, Columbia University, 1993.

Bureau of National Affairs. Affirmative Action Today: A Legal and Practical Analysis. Rockville: The Bureau of National Affairs, Inc., 1986.

Danzig, David. "The Meaning of Negro Strategy" Commentary (February 1964):41-46.

Franklin, Raymond S. Shadows of Race and Class. Minneapolis: University of Minnesota Press, 1991.

Greve Frank. "Minorities Fired Twice as Often From Federal Jobs" Detroit Free Press (December 14, 1995): 1, 10A.

Mannheim, Karl. Ideology and Utopia: An Introduction to the Sociology of Knowledge. New York: Harcourt, Brace and World, 1936.

Puddington, Arch. "What To Do About Affirmative Action" Commentary (June 1995):21-28.

Turner, Bryan. Equality. London: Tavistock Publications, 1986.

MICHIGAN STATE UNIV. LIBRARIES



31293015553310