

AFFIRMATIVE ACTION AND TRANSFORMATION



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CHAPTER TEN

THE FIGHT FOR FREEDOM AS A PUBLIC POLICY DEBATE: THE CASE OF AFFIRMATIVE ACTION IN THE UNITED STATES

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The plight of the African American has always been one of the most important contradictions of social life in the United States. There is no doubt that the experience of the African American, perhaps more than any other, reveals fundamental limitations of the political (democratic), economic (capitalist), and moral (Christian) traditions of the US.

On the other hand, it is also true that within this context the historical fight for freedom by African American people and their allies has given great hope and meaning to the potential for the realisation of a truly democratic society.

At the centre of this controversial summary statement is the difference between democracy, freedom and equality in theory, and their realisation as material historical fact. This contradiction is discussed in relation to the affirmative action policy debate.

The most general and universal meaning of affirmative action is the implementation of any anti discriminatory (especially anti racist) policy, toward objective change and/or specific goals. This includes current patterns of discrimination within specific institutional contexts and the cumulative structural result of past forms of discrimination. In other words, affirmative action covers the broad policy debate about forms of what we can call domestic reparations as well as specific social engineering to eliminate particular forms of current institutional racism. So the affirmative action debate is concerned with how to change the present to create equality now, and at the same time to overcome past inequality. The policy crisis is how to do both, fairly and equitably.

Historical background

The fight for affirmative action raises basic questions about political rights that reside at the heart of constitutional democracy in the US.

An examination of the historical origin of the US helps one grasp the basis for the current situation. The US was created by uniting settler colonies that had been formed by European trading companies. These Euro-American settlers waged their war of national liberation against British colonialism.

Subsequent wars were fought, especially against the native peoples of North America. In fact, the legitimacy of the US government's claim to North American land was secure only after a policy of genocide was carried out against the indigenous population, and treaties with Indian nations were signed but never honoured.

In addition, the origins of industrial capitalism involved the intensive exploitation of white child labour in the textile mills of the north, working on cotton produced by black slaves in the south. In sum, national oppression and class exploitation were essential aspects of the origin of the US.

The United States Constitution is a document that can only be fully understood in relation to this history. It defines the rights and responsibilities of the 'individual citizen' as the fundamental political unit of democracy. It constructs a tripartite structure (executive, legislative, and judicial branches of government) that governs a national federation of states. However, at the time of its adoption the Constitution excluded three key groups — native peoples, African Americans, and all women — from being full citizens.

The US Constitution covered its silence on the exploitation of these groups by codifying an ideology of individuals. United States law does not recognise group rights, although the country was founded on the systematic exploitation and oppression of just such groups. It is also important to note that while the Constitution established a somewhat democratic process for those included within the polity as citizens, it did the opposite for black people.

Blacks were not only denied civil rights, they were denied human rights. Here one need only mention that the Constitution did not outlaw the slave trade but merely put a tax on each of the imported 'persons', did not outlaw slavery, did not protect fugitive slaves who escaped from 'slave states' to 'free states,' and for the purposes of taxation and political apportionment counted black people only as 3/5 of a person! It is important to state these basic flaws in the US Constitution because they disqualify it as the definitive document for democratic government.

Further, these racist flaws have shaped the attitudes and political disposition of black political forces. In large part it explains why black political thought is in opposition to more conservative thinkers who call upon people to uphold the intentions of the founders of US democracy. Black people have had no option but to be in opposition to an approach that defers to the intentions of the 'founders'.

The early history of the US was dominated by a south based on the slave system. The economy was southern based and the federal government was

dominated by the interests of the cotton planters. This historical situation led black people to adopt a dual focus: to fight for individual rights and opportunities as defined by the 'best' aspects of the US Constitution, while also fighting for group advancement through destruction of the slave system.

This was a rational approach to historical conditions. To the extent that black people fought for individual rights as outlined by the Constitution, they have been on the road to a political revolution, but to the extent that their demand has been for resolution of their collective problems then they have been on the road to an economic revolution in that the latter aim was to transform fundamentally the economic structure of society, the social relations of production and exchange.

The social and political revolution came in the form of the Civil War which was the basis for the final emancipation of black people from slavery. The achievement of emancipation was stated as official government policy in post war amendments to the US Constitution: the 13th Amendment (1865) ended slavery; the 14th Amendment (1868) extended citizenship rights to former slaves; and the 15th Amendment (1870) established the right of former slaves to vote. These political changes established the right to be a citizen, but not necessarily the means to be one.

In order to enable former slaves to be secure, it was necessary to establish an economic basis for their survival as new citizens. The possibility for this change was based on the fact that black people had fought actively in the Civil War. In fact, 21% of all black men (slave and free) aged 18 to 45 in 1860 fought against slavery in the Union army; and 71% of black men specifically from 'free' states joined the Union army and fought to end slavery!

In some instances abolitionist generals in the Union army began to distribute 'free' land to the former slaves, and it appeared that a serious economic revolution based on a transformation of land ownership was possible.

In fact, the demand for each former slave to get '40 acres of land and a mule' was a demand for economic freedom. The 40 acres was to come from the lands seized from former slave owners who had committed treason against the US. However, the political and social revolution was subverted by the failure of this economic revolution. Black people were forced to face nearly another century in a second class status, and the southern region was locked into backwardness and poverty.

Federal troops pulled out of the south in 1877, based on a political deal trading southern political support for a northern presidential candidate. The price was the restoration of the political dominance of the former plantation slave owners in the southern region. The slave owners got their land back.

In sum, black people were forced into a US form of apartheid. By 1896 the Supreme Court (in *Plessy vs Ferguson*) was to argue that:

"The object of the 14th Amendment (to the US Constitution) was undoubtedly to enforce the absolute equality of the two races before the law, but in the nature of things it could not have been intended to abolish distinctions based on colour, or to enforce social, as distinguished from political equality, or a commingling of the two races upon terms unsatisfactory to either."

This decision led to a network of laws that enforced rigid patterns of racial segregation. The privileges thereafter enjoyed by white people exceeded any known affirmative action programme devised to this day.

A half century later, the Supreme Court issued a ruling (*Brown vs Board of Education*, 1954) that turned expectations back to the political revolution of the 13th, 14th, and 15th constitutional amendments:

"We conclude that in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the 14th Amendment."

The Supreme Court ruled only against racial segregation in education, but it set in motion a powerful movement that challenged segregation in all walks of life. It is essential to ask why the Supreme Court would make one ruling in 1896 and an opposite ruling in 1954, why it would construct the legal basis for segregation and then dismantle it, based on the same constitutional amendment.

In 1896 black people were the basis of cotton production, much like they had been under slavery, though now as sharecropping tenant farmers. The material economic conditions of southern agriculture changed radically, and thereby altered the relative economic security of black people. The technological innovation of the mechanical cotton picker in the 1940s and the introduction of chemical fertilisers and insecticides in the 1950s led to a dramatic reduction in the demand for unskilled black labour in the south. Tenant farming was soon replaced by capital intensive farming on a large scale.

Black people were virtually driven off the land by the new machines. The 1896 ruling was for a particular kind of economy, but once the social character of that economy changed then the law had to be changed as well. The actual historical motion for the new politics did not happen overnight, however, and certainly was not an act of benevolence.

Racial segregation was deeply rooted in the political culture of the US, north and south. The armed forces and defence industries were segregated. The federal government was dominated by southern politicians who had long seniority because of the disfranchisement of the black voter.

The opportunity for change ripened with the challenge of World War Two. The government needed national unity for the war effort. Virtually all African American leaders agreed that this unity should not be based on the existing segregation.

There was a consensus among blacks that the armed forces had to be integrated. Further, in opposition to white trade union leadership, black workers advanced the demand to end segregation in industry as well.

President Franklin D Roosevelt was faced with these militant demands as put forward by Phillip Randolph, head of an all black railroad workers union.

In the midst of the war Randolph threatened to bring 100 000 angry black workers to Washington DC on July 1, 1941, unless the President acted. Roosevelt waited until June 25, and then issued Executive Order 8802. It banned racial segregation and religious discrimination in defence industries and government training programmes.

One month later, Roosevelt created the Fair Employment Practices Committee (FEPC) as an advisory body to monitor this policy. The FEPC was a watchdog committee without real power, but it could advocate change.

This was the beginning of a recognition that the labour force was changing and that the laws would have to be adjusted. Presidents Truman and Eisenhower went no further, merely appointing advisory committees to monitor events.

In sum, in response to the collective denial of rights to all black people, most policy measures were designed to address the grievances of individual complaints. However, black leadership has always had to uphold both the individual complaint and their rightful claim to group redress.

We can find these themes in the famous 'I Have A Dream' speech by Martin Luther King in August, 1963. King said:

"I have a dream that my four little children will one day live in a nation where they will not be judged by the colour of their skin but by the content of their character."

This hope for individual freedom was contained within his commitment to fight for group advancement:

"...we have come to our nation's capital to cash a check ... America has given the Negro people a bad check, a check which has come back marked 'insufficient funds'... So we have come to cash this check — a check that will give us upon demand the riches of freedom and the security of justice."

Affirmative action as public policy

Affirmative action policy had a two phased beginning over the decade from 1961 to 1971.

The first phase began in 1961 when President Kennedy issued Executive Order 10925, which used the phrase 'affirmative action' to spell out a voluntary anti discriminatory civil rights policy. The phrase had been used in the 1935 Wagner Act of Congress to protect the rights of workers to organise a union, and to empower the federal government (that is, the National Labour Relations Board) to get workers rehired if they had been unfairly dismissed for union activity.

Kennedy used the term to mean only that government employers and contractors should not discriminate, and should hire workers 'without regard to their race, creed, colour, or national origin.'

The major legislative initiative was the passing of the 1964 Civil Rights Act. This law spelled out in more detail than ever before a commitment to follow through on the post Civil War Constitutional amendments regarding voting and the desegregation of public life and schools, including employment by government agencies and government contractors.

Key sections of the Act were Title VI, which stipulated nondiscrimination in federally assisted programmes, and Title VII, which stipulated the policy of equal employment opportunity and created the Equal Employment Opportunity Commission (EEOC).

The comprehensiveness of the Civil Rights Act was in part due to the swing of public opinion following the massive civil rights struggles, and in part due to the necessity of the black vote to secure the electoral base of the Democratic Party. Kennedy had won the presidential election in 1960 only with the overwhelming support of the black vote. He had actually lost the white vote in key states like Illinois. After Kennedy was assassinated, President Lyndon Johnson supported the Civil Rights Bill as a memorial to the late president and as a way to place himself at the head of the civil rights movement.

Following its enactment, in June, 1965, President Johnson gave a speech at Howard University, a historically black institution in Washington DC, in which he said:

"We seek... not just equality as a right and a theory but equality as a fact and equality as a result."

Then, in September, Johnson issued Executive Order 11246, directing the Labour Department to set up machinery to put teeth behind the contract compliance provision of Title VI of the 1964 Civil Rights Act. This led to the Office of Federal Contract Compliance (OFCC). Thus, the second phase of the affirmative action policy initiative was started.

The black freedom struggle has always been the vanguard for expanding the broad democratic rights of all other sections of the US population. In Executive Order 11246 Johnson had included groups such as Orientals, American Indians and Spanish Americans in addition to 'Negroes'. These terms reflect the confusion in US law when dealing with nationality groups. The ambiguous term Oriental was not defined further, but Spanish American was broken down into Latin American, Mexican, Puerto Rican or Spanish origin, and subsequently clarified as all people with Spanish surnames.

In 1967, Executive Order 11375 extended coverage to all women. By May, 1968, the OFCC had issued comprehensive guidelines that spelled out the official interpretation of the law. Each contractor was required to prepare and submit a written affirmative action plan if he had 50 or more employees and was bidding for a contract of at least \$50,000.

The first major campaign was launched against racial discrimination in the construction industry. This was a vital area of the economy, as construction involved so many facets of industrial activity. The trade unions were vulnerable because the skilled trades recruited using guild like procedures usually limited to ethnic or familial networks.

The OFCC took a plan that had been developed in Philadelphia as its basis for national policy. In Philadelphia the local authority had challenged builders to hire black workers in each job category to match the proportion of blacks in the entire workforce, which in Philadelphia was 30%. However, national resistance developed around the question of whether this goal oriented Philadelphia Plan was in violation of Title VI. Things stalled, but it was clear that there was a policy shift from one of equality of opportunity to one of equality of results.

By the end of the 1960s the EEOC and the OFCC were firmly established and being reproduced in federal, state, and local government agencies. Affirmative action was appearing everywhere as a pervasive policy of the government through which the demands of the black community were being coopted.

The election of Richard Nixon in 1968 changed the direction further, to 'take race into account'. This followed the black movement. In 1966 black militants in Mississippi had raised the Black Power slogan, and then by 1968 the black middle class had accommodated themselves to the new development by interpreting it in their interests as leading to 'Green Power' (green being the colour of money in the US).

The Republican Party began to solicit support from the black middle class by redefining 'Black Power = Green Power' as a new era of 'black capitalism.' For the working class, this new race specific agenda was designed to drive a wedge between the black movement and the white trade unions. The Philadelphia Plan was reinstated in 1970 and affirmed by the Supreme Court in 1971, establishing the affirmative action policy of proportional hiring to overcome a pattern of discrimination.

The Supreme Court clarified matters further in the 1971 *Griggs vs Duke Power Company* ruling by establishing the disparate impact standard by which the plaintiff merely had to show a pattern of statistical disparity. The company in question had the burden of proof that their job qualifications and hiring practices were a 'business necessity,' that they had 'job relatedness', but in no instance were cost based defences allowed.

Given the overwhelming patterns of racial stratification and job recruitment, the *Griggs* ruling unleashed an explosion of legal challenges. One study reports that annual discrimination law litigation increased from 350 cases in 1970 to more than 7 600 in 1989.

However, in less than a decade a counter movement claimed that while affirmative action programmes might help some blacks overcome the disadvantaged state of all blacks in the past, all too often they unduly disadvantaged whites who had nothing to do with crimes committed in the past. In other words, affirmative action was claimed to be 'reverse discrimination' against whites.

The Supreme Court ruled in *Bakke vs University of California* (1978) that the university could have an affirmative action policy to develop a diverse student body but that it had to use the category 'disadvantaged' rather than 'race.' Further, in 1979 the Supreme Court ruled in *United Steelworkers of America vs Weber* that an affirmative action hiring plan based on 'disparate impact' would be supported only to the extent that it did not lead to the firing or displacing of white workers.

On the other hand, while there were fewer actions to redefine discrimination in employment, things began to pick up for minority business activity.

In 1977, when the US Congress passed the \$4 billion Public Works Employment Act, it included a provision for minority business: '... ten per centum of ... each grant shall be expended for minority business enterprises'. This was meant to overcome the fact that minority businesses got less than 1% of federal contracts even though they were at least 18% of the population. The Supreme Court upheld this law in *Fullilove vs Klutznick* (1980).

The high tide of affirmative action took place in the 1970s. Ronald Reagan was elected President in 1980 and 1984, followed by George Bush in 1988, both as opponents of affirmative action. Together they represent 12 years of policy that reversed matters in a dramatic way. The budget and staff of the regulatory agencies related to the EEOC and the OFCC were cut back. Most importantly, anti affirmative action judges were appointed throughout the federal system, including the Supreme Court, in keeping with Reagan's and Bush's ultra conservative views.

One study looked at presidential judicial appointments of judges whose net worth was over \$500 000 (people with such incomes are overwhelmingly conservative and opposed to affirmative action).

Of all their respective appointments, such wealthy appointments made up 17% from Carter, 45% from Reagan, and 75% from Bush! Overall, Reagan and Bush over 12 years appointed 440 of the 837 lifetime federal judges. They have appointed the majority of Supreme Court justices, and a majority on 11 of the 13 federal circuit courts.

The death knell for affirmative action began to ring in 1989, based on two significant Supreme Court rulings. In *Wards Cove Packing Company vs Atonio*, the Court ruled that merely showing statistical disparity was insufficient to make a case for discrimination. The Court required the plaintiff to show a causal link between policy and discrimination. This was a clear reversal of the Philadelphia Plan, in that it reversed the Griggs ruling and shifted the burden of proof from the company involved to the person being discriminated against.

Also, in the *City of Richmond vs Croson*, the Supreme Court ruled against a minority set-aside case because they held that sufficient evidence had not been presented to make a case of discrimination. However, the ruling did not declare that all such set-aside programmes were ruled out as a matter of principle; it just made them harder to justify.

In general, the trend is away from the Court accepting class actions that assume the legitimacy of claims against past discrimination to deciding individual cases in which the plaintiff has the burden of proof.

In addition to this, the 1991 Civil Rights Act essentially wrote these rulings into law ending at least the current era of affirmative action.

In summary, the affirmative action debate revolves around three theoretical problems or questions:

- ⇒ Do racism and national oppression exist in the US as serious problems to be solved? This is a critical issue as it forces one to rethink the legal terms for democracy. The issue seems to revolve around whether one is focused on *de jure* or *de facto* patterns of oppression. More conservative positions tend to hang on the letter of the law, while more radical critiques point to the lived experiences of the oppressed.
- ⇒ Is it possible to eliminate discriminatory practices and be fair to everyone? This is the issue of whether or not affirmative action is inevitably a zero sum game in which whites lose. Some white people have charged reverse discrimination.
- ⇒ Is it possible to guarantee results, to establish equality as historical fact? This is the controversial question of quotas or goal setting. There are many issues here: Does capitalism require a meritocratic society? Can a meritocracy be fair? What are the unintended consequences of any stigma associated with a position based on special preferential treatment?

Affirmative action results?

As the saying goes, the proof of the pudding is in the eating. So, the utility of an affirmative action policy is whether any real changes take place as a result of the policy. This is a difficult issue as that which impacts change involves the entire scope of political and economic forces at work.

There have always been many claims made against acts of discrimination. The EEOC reports that in 1979 there were 35 275 charges made, and by 1992 the number had gone up to 70 339.

However, one study pointed out that in percentage terms cases dealing with racial discrimination have been declining. In 1970, 85% of discrimination cases dealt with race, in 1980 it was 61%, and in 1992 only 40%. By 1992, 27% of the claims were about age discrimination, and from 1991 on the fastest growing category of claims dealt with sexual harassment. One approach to affirmative action results has been to compare those firms covered by EEOC with those not covered.

In 1966 black men were 8% less likely than white men to work in firms covered by the EEOC, but by 1980 black men were 26% *more* likely to do so. For black men in professional jobs the change was from 41% less likely to be equally as likely as white men to be so employed. It is clear that for many black people the affirmative action policy has meant a job when there would have been none, or a promotion that would have been denied.

However, there are data which indicate that even these findings are unclear. Of all EEOC claims in 1985, only 19% were about discrimination in hiring, while 59% were about discrimination for being discharged. Is the meaning of affirmative action offensive or defensive?

At the same time, wage disparity tended to increase. For college graduates entering the job market in 1971, black incomes were equal to or exceeded those for whites, but by 1989 black college graduates only made 75% as much as their white counterparts.

The overall situation that exists today is summed up in an editorial comment in the *Boston Globe* newspaper (September 24, 1993):

"...The Wall Street Journal reported that between July, 1990, and March, 1991— the official dates of the last recession — three years of gains in black employment were wiped out at companies that provide employment statistics to the Equal Employment Opportunity Commission. While whites gained 71 144 jobs at these companies, Hispanics gained 60 040, Asians gained 55 104, and blacks lost 59 479.

Coca Cola's black employees made up only 17,89% of the company's work force in 1990 but represented 42% of the jobs

lost by 1991. At McDonald's, where African-Americans made up 23% of the workforce, they represented 36,52% of the job losses. Bank America's black workers represented 7,9% of its employees and 28% of its cutbacks. Digital's black employees represented 6,84% of the workforce and bore 11% of the job loss.corporations and the government must own up to racist policies and half hearted commitments to affirmative action that have sunk black America into a depression that will have dire implications for the entire nation."

To be more descriptive of the situation that we find today, it is important to point out that black people remain the main barometer of how far the United States falls short of a democratic society based on 'freedom, justice, and equality.' This point can be made by discussing two major issues, income and crime.

Income

The good news is that from 1967 to 1990 those making more than \$50 000 increased from 7% to 15% of all black families. On the other hand, those families making less than \$5 000 increased from 8% to 12%.

Based on official government statistics, the following racial comparison can be made for people living below the poverty level:

FAMILIES BELOW THE POVERTY LEVEL		
YEAR	WHITE(%)	BLACK(%)
1960	14,9	38,8
1970	8,0	29,5
1980	8,0	28,9
1990	8,1	29,3

Further, overall the distribution of income adds up to slippage in median family income, as each decade blacks fall behind in real purchasing power:

MEDIAN FAMILY INCOME (1990 US DOLLARS)			
YEAR	WHITE	BLACK	DIFFERENCE
1970	34 481	21 151	13 330
1980	34 743	20 151	14 640
1990	36 915	21 423	15 492

Within these data there is polarisation in the black community. In 1967 over 75% of all black families were two-parent families, but by 1990 this had declined to 47,8%. Over 70% of all black poverty was concentrated in the single parent household.

However, the top 20% of black families earned \$61 213, only 64% of the top 20% of white families who earned \$95 042.

Crime

The anti discriminatory progress is that in the largest cities — New York, Detroit, Philadelphia, Chicago, Atlanta, Los Angeles and so on — black mayors have been elected and they in turn appoint blacks as Chiefs of Police.

Most of this is the result of black political power in the cities, and an aggressive use of local affirmative action programmes. This is demonstrated by the fact that there were almost 100 000 new police jobs created from 1970 to 1990 and blacks got over 40% of them. In 1970 there were about 214 000 black police officers in the United States, and by 1990 the number had grown by 63 855. Unfortunately, they were hired to arrest black people.

While blacks make up less than 15% of the urban population in the US, they represent more than 50% of all arrests, and over 60% of all arrests for robbery. On any given day, more than a third of all black men are under some kind of jurisdiction by the criminal justice system. Blacks constitute more than 10% of the workforce but only 3,2% of lawyers. This is an improvement, because in 1960 blacks were only 1,3% of all lawyers.

Within a bad situation one can see some progress, and one can at least hypothesise that the progress came as a result of some kind of affirmative action programme.

The juxtaposition of income and crime helps us to see that there is a real polarisation in the black community. On the one hand, there is the black middle class who has gained from affirmative action and is leading a comparatively comfortable life, but is still discriminated against as compared to its white counterpart. On the other hand, at the opposite end of the spectrum is a growing impoverished class of people who barely have enough to survive.

The middle class is increasingly being brought into police forces to deal with the impoverished section, especially in the cities. So far, black progress is for some, not for all.

The affirmative action policy debate continues

We can sum up the general historical dynamic utilising a schemata developed by Bart Landry in his analysis of the new black middle class. Landry argues that the 1960s was a key period because there was a black movement with a liberal government that created a positive political climate in the positive economic environment of an expanding economy. This is a formula for

clarifying the social process of successful reform politics, and as such we have to repeat that affirmative action is a perfect example.

CONDITIONS FOR BLACK SOCIAL PROGRESS		
	ECONOMIC CLIMATE	POLITICAL CLIMATE
1950s	+	-
1960s	+	+
1970s	-	+
1980s	-	-

However, there is another story to tell. The economic climate in the 1970s and 1980s was not merely a quantitative slowdown as part of the business cycle. The changes of the 1970s were the beginning of a revolutionary qualitative transformation of the production forces.

This economic revolution is polarising class relations in the US and throughout the global economy, and on this basis society is being reorganised.

The first industrial revolution began at the end of the 18th century and utilised the steam engine, mechanised textile production, the railroad, and the systematisation of technology through standardised parts.

The second industrial revolution took place between 1860 and 1910 and represented breakthroughs in electricity, telephone and telegraph, radio and cinema, as well as chemicals, oil and rubber, and automobiles.

We are now in the third industrial revolution, based on the computer and robotics — the information revolution. The technical division of labour and the grouping of skills into job categories must be reorganised in an economic revolution.

Today, whole sets of jobs are being liquidated forever and new ones are coming into being. This is not only happening as a result of the computerisation of industry, including replacing people with robots, but it also involves the computerisation of the computer industry itself.

Thus we get the 'down-sizing' of industry, keeping productivity up based on new technology, but forcing some people to face permanent unemployment. A major example of this is in the steel industry: In 1970 there were 531 000 workers in steel plants; by 1991 the number had declined to 185 000. The automobile industry is another important story. In 1913 Henry Ford started the first modern assembly line. By the 1940s the world's largest auto plant

was the Ford River Rouge Plant in Detroit, which employed more than 60 000 workers. Today, the plant produces more cars but employs fewer than 15 000 workers.

Further, Detroit has changed. It is now 75% black, and an urban disaster. Between 1970 and 1990, the unemployment rate in Detroit nearly tripled, from 7.2% to 19.7%; the poverty rate doubled, from 14.9% to 32.4%; and median household income plunged, from \$25 000 to \$18 700.

What is the role of affirmative action in this kind of economic environment?

The issue could be perceived as one of a diminishing job market in which affirmative action can only be perceived as a zero-sum game by everyone in the job market. That's the best case scenario.

The worst case is permanent unemployment, or no game at all. This is a profound class question, and as such it takes us back to the crisis of emancipation in the middle of the 19th century. The profound possibility is based on the economic transformation that is taking place.

The situation then was whether black people were going to own land and have economic independence. Today, the crisis is about whether people (especially youth) can be part of a new high-tech economy, and whether they have a sufficient income to lead a decent life. This raises the political stakes past reform to the necessity for revolution.

Preliminary notes on a revolutionary alternative

The main premise for any revolutionary change is that sufficient class forces in society face the necessity for revolution as a matter of their survival.

Affirmative action was a policy for the inclusion of black people (and other excluded groups) into the economy for jobs at statistically equitable levels of income and rank. The underlying basis for this was a process of change pressing for their inclusion as a matter of economic expansion and the opportunity to ameliorate social conflict. Black people fought for such change while it was being made. But things are different now.

There is a new class force emerging out of the black experience — people in permanent joblessness or economic marginality (temporary or parttime employment).

The social crisis of this new class is represented by such categories as homelessness, teenage parenting, and urban and rural areas in which there is a 'concentration effect' of all critical social problems. People are more and more likely to live complete lives below the poverty line.

A second premise is that public policy exacerbates and does not improve the plight of this new class. In the US, government policy is turning from welfare or 'benign neglect' to aggressive hostility.

Welfare legislation is being cut back and replaced with crime legislation that targets the poor as criminals and makes their crime more costly than the crime of other classes. Greater sums are being allocated to prison construction than school construction in most states!

Finally, a third premise for revolutionary action is that, on the basis of these objective trends, the new class becomes a subjective force moving in its own interest. Being outside the existing social contract, this new class as a matter of historical trajectory must organise itself. This includes processes of mass mobilisation, forms of class consciousness, organisational leadership, a common strategic orientation for revolutionary change, and the concentration of all of this into decisive battles that culminate in the fight for power.

One of the most difficult problems in understanding this process is that this new class began as a black and Latino force but is rapidly being transformed by the newly emerging forms of white poverty.

The new class has forms of consciousness rooted in the subcultures of rebellious youth and the anti-languages of prison and inner city ghettos. However, the ruling class in the US is launching the new crime initiatives against these very communities.

In retrospect, affirmative action might be the high point of the end of reform, because it was about the inclusion of people who had never had a fair chance to enjoy the fruits of society. Now, with the emergence of a new revolutionary class force, this appears to be a reform that history is passing by.

There are no policies of inclusion for the new class. Perhaps this means reforms have ended.

Our options are the police state or revolution.

We see the police state in preparation. If we look hard enough we can see the beginning of the revolutionary alternative as well.

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