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## Affirmative Action from Below: Civil Rights, the Building Trades, and the Politics of Racial Equality in the Urban North, 1945–1969

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In April 1963 it was impossible to ignore the tragic events in Birmingham, Alabama, where civil rights protesters faced fire hoses and attack dogs. The clash between unchecked police brutality and nonviolent protest marked a watershed in the battle against Jim Crow. Television news crews and print journalists from around the world descended on Birmingham. Their reports and photographs provided indelible images of the black freedom struggle. A thousand miles to the northeast, overshadowed by events in Alabama, an equally momentous wave of protests swept through Philadelphia, as activists from local chapters of the Congress of Racial Equality (CORE) and the National Association for the Advancement of Colored People (NAACP) began a two-month-long siege of city-sponsored construction projects. Beginning in early April, protesters marched in front of Mayor James Tate's modest North Philadelphia row house, staged a sit-in at city hall, shut down construction of the city's Municipal Services Building, battled with police and white unionists at the site of a partially built school, and unleashed an intense debate about racial politics, discrimination, and employment. The Philadelphia protests had national resonance. On June 22, 1963, President John F. Kennedy issued Executive Order 11114, calling for a still vaguely defined "affirmative action" in government-contracted construction employment. Later that summer, activists in Harlem and Brooklyn in New York City; Newark and Trenton, New Jersey; and Cleveland, Ohio, staged similar protests at construction sites. For the next several years, building trades unions remained a major target of northern civil rights protesters.<sup>1</sup>

Just a little over six years after the Philadelphia protests, on June 27, 1969, the administration of Richard M. Nixon announced the Philadelphia Plan, an administrative order designed to open jobs in the white-dominated construction industry to members of minority groups. The Philadelphia Plan, first applied to construction contractors in the City of Brotherly Love, became the blueprint for federally mandated affirmative action in employment. In a terse, jargon-laden memo, Assistant Secretary of Labor Arthur Fletcher denounced the "exclusionary practices" of

several nearly all-white trades—the ironworkers, plumbers and pipe fitters, steam fitters, sheet metal workers, electrical workers, roofers, and elevator construction workers. It would take "special measures" to open jobs in those trades to nonwhite workers. Specifically, the Philadelphia Plan required all contractors bidding on government-funded construction projects to submit an "affirmative action program" that included "goals" and "targets" for "minority manpower utilization." The most controversial element of the plan, finalized in September 1969, established numerical targets, defined as a percentage range of minority workers to be employed from a particular trade on each contract. Employers were required to provide statistical evidence of their compliance. Noncompliance could lead to the loss of federal contracts or litigation and legal penalties under federal civil rights laws.<sup>2</sup>

Affirmative action has been the most fiercely contested legacy of the civil rights era. The policy has been the subject of polemical books and articles for over thirty years. The conventional narratives about affirmative action emphasize its role in the fragmentation of an interracial New Deal coalition, its entanglement with growing black racial consciousness, and its challenge to an allegedly long-standing policy of "color blindness." Nathan Glazer, one of the most prolific commentators on the policy, argued that with the rise of affirmative action, "we shifted from being color blind to color conscious." Affirmative action, it is argued, led to the collapse of integrationist liberalism and the rise of identity politics, culminating in an unprecedented expansion of notions of "rights" and a substitution of the principle of equality of outcome for that of equality of opportunity. It jettisoned "merit" for the preferential hiring of historically underrepresented minority groups, regardless of their qualifications. Affirmative action, Stephan Thernstrom and Abigail Thernstrom have contended, was "racial engineering of a new and radical sort" that grew out of a "racism implicit in the notion that blacks were too crippled to be judged on their individual merit." Working-class whites, others argued, had "to absorb the penalties for past discrimination by other whites, ceding opportunities for employment and promotion to competing blacks." Embittered by affirmative action, disaffected whites embraced the New Right.<sup>3</sup>

Such views of affirmative action are insufficiently historical. The best histories of affirmative action, part of a rich literature on bureaucracy and policy formation, have taken an inside-the-beltway perspective. In these accounts, grass-roots activism is a distant backdrop. Hugh Davis Graham saw affirmative action as part of "the quiet revolution in the American regulatory state," as government bureaucrats fashioned an "equal results approach" that rested on statistical measures of group representation. In a nod to the importance of protest, John David Skrentny interpreted affirmative action as a tool for "crisis management" in the riot-torn 1960s but, like Graham, emphasized "administrative innovation" and "pragmatism" and downplayed protest. However important the role of federal bureaucrats in shaping affirmative action, policy formation is not simply a top-down process. As Steven F. Lawson has powerfully argued, we need civil rights histories that "connect the local with the national, the social with the political."<sup>4</sup>

The history of affirmative action is part of the still-incomplete history of the northern freedom struggle. Affirmative action emerged amid a great and unresolved contest over race, employment, and civil rights that played out on the streets, in the union halls, and the workplaces of the urban North—a conflict that began well before the 1960s and resonated long after. Turning back to the decades that preceded the development of a national policy of affirmative action complicates our understanding of this most controversial policy. Adopting a local vantage point, this article will

trace the struggle over employment-discrimination policy from its origins in World War II through the racial liberalism of the postwar years to the militant protests and counterprotests in the 1960s. The key actors in this story were racial liberals who shaped antidiscrimination policies in the postwar years, civil rights activists who chafed at the limitations of liberalism, and white construction unionists who fought to maintain the status quo. Their stage was Philadelphia, Pennsylvania, where protesters and counterprotesters set the terms of the ongoing debate about affirmative action.<sup>5</sup>

## Jobs and Freedom: From Militancy to Gradualism

The protests that rocked Philadelphia in the spring of 1963 grew out of an unfinished quest for "jobs and freedom" in the North that had begun during the Great Depression and World War II. In the 1930s local activists led "Don't Buy Where You Can't Work" campaigns to break down the barriers of workplace discrimination. The coming of World War II accelerated civil rights protests. In 1941, facing the threat of a "march on Washington" led by the Brotherhood of Sleeping Car Porters president A. Philip Randolph, President Franklin D. Roosevelt signed Executive Order 8802, creating a Fair Employment Practices Committee (FEPC), the first federal agency since Reconstruction to handle matters of civil rights. Despite the FEPC's weakness, trade union and civil rights activists used it as a tool to challenge workplace discrimination. Leading the push for equal employment opportunity in Philadelphia were left-labor activists, in the local chapter of the NAACP and in key trade unions such as the National Alliance of Postal Employees, the Transport Workers Union, and the Industrial Union of Marine and Shipbuilding Workers of America, who challenged discrimination in the city's post offices, shipyards, telephone company, and, in the face of violent white resistance, the Philadelphia Transit Corporation. World War II unleashed great expectations about the possibility of racial equality in the North. Black war workers and returning veterans alike demanded that the federal government live up to the rhetoric of democracy and equality that it had deployed against fascism. Increasingly, they couched their demands in a new, powerful rhetoric of "rights," drawing in particular from the conception of positive rights eloquently articulated in Franklin Delano Roosevelt's wartime "Second Bill of Rights." Roosevelt's promise of "economic rights," such as the right to a remunerative job, security, and equality, spoke to the aspirations of blacks who demanded equal employment opportunity.<sup>6</sup>

Yet for blacks in Philadelphia and their counterparts throughout the urban North, war and the postwar economic boom had mixed results. At the end of the war, blacks' economic opportunities had improved, particularly in unskilled and semiskilled industrial work. But a 1945 state-sponsored study found that Pennsylvania's blacks continued to experience "employment marginality" and were "disproportionately concentrated in the most unremunerative and insecure occupations" where "upgrading [was] slow." Efforts to challenge that marginality moved to the forefront of the postwar civil rights agenda. But as the Cold War chill descended on Philadelphia, the militant wartime demand for jobs and freedom gave way to a restrained integrationism. Whereas wartime activists had targeted discriminatory employers with protests and walkouts, postwar activists adopted the quieter tactics of moral suasion. Radical activists were purged from trade unions and from Philadelphia's NAACP branch. In place of an economic analysis of racial inequality emerged an understanding of racism as at root an individual pathology, an anomalous

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feature of American society, which could be eradicated through education and persuasion. "The Negro problem," wrote Gunnar Myrdal, in his pathbreaking *An American Dilemma*, the single most influential guide for postwar integrationists, "is a problem in the heart of the American. It is there that the interracial tension has its focus. It is there that the decisive struggle goes on."<sup>7</sup>

Myrdalian rhetoric pervaded the postwar struggle for black employment opportunity in the North. From the mid-1940s through the early 1960s, Philadelphia's major civil rights groups—the NAACP, the Committee on Equal Job Opportunity (CEJO), the Armstrong Association (Philadelphia's Urban League affiliate), and the American Friends Service Committee (AFSC)—set out, through hundreds of behind-the-scenes meetings, to persuade employers to hire blacks for "breakthrough" jobs, primarily ones involving contact with whites, such as those of department store salesclerks, telephone operators, secretaries, and bank tellers. The presence of black pioneers in formerly all-white occupations would demonstrate that blacks were capable of work in any sector of the economy. If white co-workers or customers had face-to-face contact with blacks in nonstereotypical situations, they would face the irrationality of their prejudices and eventually jettison their belief in white superiority.<sup>8</sup>

The breakthrough job campaigns eschewed the militant tactics of depression-era and wartime civil rights activists. When thirteen civil rights organizations launched an effort in 1953 to open department store jobs to blacks, they kept a low profile, "avoiding all publicity and keeping clear of any coercive action such as picketing and boycotts." Activists returned their monthly bills emblazoned with stickers that read, "I should like to see qualified Negroes included in your sales force," while leaders met behind the scenes with employers and enlisted the aid of the prominent white judge Curtis Bok, who held a dinner party for department store officials to persuade them to hire blacks. The AFSC launched "merit employment" projects, using the increasingly influential rhetoric of meritocracy to persuade employers that discrimination was irrational and immoral. CEJO activists reached out to business groups and churches, screened *Fair Play*, a film that depicted the travails of a frustrated black job seeker, and distributed civil rights publications to employers. The results were meager. The department store campaign led to a few black hires, mainly in temporary positions. In 1954, a typical year, Armstrong Association conferences with 89 employers yielded about 150 jobs, primarily for "those with above average skills." After hundreds of meetings with employers between 1951 and 1955, the AFSC staffer Jacques Wilmore conceded that "placements are not outstanding."<sup>9</sup>

While breakthrough employment efforts faltered, civil rights activists pushed for the creation of a permanent FEPC after Congress disbanded the antidiscrimination agency in 1946. On the federal level, it proved impossible to pass FEPC legislation, since southern members of Congress thwarted all efforts. Increasingly, pro-FEPC forces turned to state and local governments, which they hoped would be more hospitable.<sup>10</sup> In 1948 Philadelphia's city council enacted a fair employment practices (FEP) ordinance in the context of an intense partisan struggle for the loyalty of black voters, still only tenuously attached to the Democratic party. The revised City Charter of 1951 created a Commission on Human Relations (CHR) and empowered it to investigate violations of Philadelphia's FEP law. The law, like its counterparts throughout the North, mandated nondiscrimination in all employment in the city. The CHR approached discrimination on a case-by-case basis, placing the burden of proof on individual complainants. A firm might completely exclude minorities, but unless a single worker came forward and documented his or her claim, that firm's discriminatory practices went unchallenged. The CHR

lacked the staff and funding to investigate civil rights violations systematically. In addition, the CHR had no enforcement powers. Its charge was to "seek to adjust all complaints of unfair employment practices." Any employer who did not comply could be fined up to \$100, if successfully prosecuted by the city solicitor, which seldom occurred. The primary strategy of the city FEP law was "the use of education to reduce prejudice and fears." In its first five years, the CHR processed 1,172 employment discrimination complaints, but it found that only 389 cases (about 33 percent) were grounded, and it prosecuted no employers.<sup>11</sup>

On the state level, civil rights advocates battled for a decade to create an FEPC. In Pennsylvania, as in most northern states, the FEP law was the product of compromise. Fearful that a law that would interfere with managerial prerogative, Republicans thwarted efforts to pass a state FEP law five times between 1945 and 1955, before a tepid version passed in October 1955. Liberals, already inclined toward gradualism, watered down FEP legislation to win over moderate Republicans. The FEP law was passed in a non-election year (as were similar laws in most northern and western states) in a session marked by unusually high absenteeism.<sup>12</sup> Underfunded and understaffed, the state FEP program made only a small dent in the problem of work-place discrimination. Adjudication was time-consuming and difficult. Under Pennsylvania's FEP law, the Pennsylvania Human Relations Commission (PHRC) handled 1,416 employment discrimination cases in its first seven years and ruled on behalf of the complainants in 564 cases. But the agency did not use state power to compel employers to stop discrimination. It issued no cease and desist orders, took no employers to court, and held only 19 public hearings. Instead it "adjusted" most cases through "informal conference [with employers] and persuasion." Under such constraints, it was virtually impossible to attack the systematic exclusion of blacks from certain jobs. At best, the PHRC accomplished the placement of a token number of blacks. But however ineffective state FEP laws were, they raised expectations that job discrimination would soon be a thing of the past. FEP made the state an ally—however weak—of civil rights groups in the struggle for equal employment opportunity.<sup>13</sup>

## The New Militants

The postwar years witnessed real gains for black workers, particularly in industrial employment. But in an increasingly affluent, suburbanizing region, they remained disproportionately poor, unemployed, and confined to the least secure jobs. Relative to their share in the population, blacks were overrepresented in unskilled industrial and service jobs and underrepresented in sales, management, and the professions—those jobs targeted by the breakthrough campaigns. The number of blacks in the skilled trades rose significantly, but most of the gain came in traditionally black crafts, such as brick laying and roofing, and in non-unionized construction. As a result, skilled black construction workers earned on average only \$3,792 per year, whereas whites earned \$5,192. Stuck overwhelmingly in the lowest-level jobs, blacks were vulnerable to layoffs, particularly when firms moved to overwhelmingly white suburban and rural areas. The rate of black unemployment in Philadelphia mirrored a nationwide trend: it hovered at one-and-a-half to double that of whites in the boom years from 1946 to 1953 and double that of whites from the 1954 recession through the late 1960s.<sup>14</sup>

By the late 1950s civil rights activists in Philadelphia had grown increasingly frustrated with the limitations of gradualist liberalism and the persistence of workplace discrimination. In 1959 a newly formed group of black Philadelphia ministers, the Committee of 400, launched a four-year "selective patronage" campaign against discriminatory employers. Impatient with the glacial pace of racial change in the work-place, they revived the tactics of the "Don't Buy Where You Can't Work" protests, using their churches as the base of operations. "We just felt that government wasn't fast enough," charged one campaign supporter. Their goal, recalled Rev. Leon H. Sullivan, a founder of the committee, was nothing short of "breaking down [a] company's entire pattern of discriminatory practices." To that end, Sullivan and the rest of the 400 defended what he called "discrimination in reverse," that is, upgrading blacks ahead of whites with seniority. "Black men have been waiting for a hundred years," argued Sullivan, "white men can wait for a few months."<sup>15</sup> **13**

Their first target was the Tasty Baking Company, makers of the sugary Tasty Kakes. Tasty had many black employees, but mainly in inferior jobs. Rather than demanding the hiring of a token black or two, as breakthrough advocates had, the 400 demanded that sizable numbers of blacks be hired at every level in the firm, including for work as bakers, delivery people, chemists, and clerical staff. When Tasty's management refused to cooperate, the ministers launched a boycott. One newspaper estimated that 80 percent of black Philadelphians joined the campaign. Signs reading "We don't sell it and we don't buy it" replaced displays of Tasty's desserts. After six months, the Tasty Baking Company capitulated and hired 2 black truck drivers, 2 black clerical workers, and 4 black women production workers, the first women on a racially mixed but gender-segregated shop floor. Emboldened by their victory, the ministers launched successful boycotts of twenty-nine other firms, including Pepsi-Cola, Sun Oil, Gulf Oil, A&P, the *Philadelphia Bulletin*, and Breyers Ice Cream.<sup>16</sup> **14**

Selective patronage advocates repudiated gradualism. "TOKENISM IS NOT ENOUGH," read one poster at protests outside the *Bulletin's* offices. In their campaign against Philadelphia-based Sunoco, they demanded a "crash program" for hiring black workers and, stopping just short of a call for quotas, a "minimal acceptable standard" for the number of blacks hired. One boycottter argued, "We're tired of hearing times are changing. How long is long? And how gradual is gradual?" The selective patronage boycotts were more effective than earlier breakthrough campaigns. Leon Sullivan estimated that two thousand blacks moved into new jobs as a result of the boycotts. But even more important, the Committee of 400's increasingly militant language and confrontational strategy emboldened a younger, more working-class cadre of activists to push even harder for change.<sup>17</sup> **15**

Inspired by the selective patronage campaign, established civil rights groups refashioned their strategies. Philadelphia's CORE chapter, started in the 1940s, dormant through most of the postwar years, and revived in 1960, was a quiet band of interracial activists, many of them Quakers, who advocated peaceful persuasion and education rather than confrontation and protest. In the wake of the selective patronage campaign, the chapter took a more militant tack. A small organization without the connections and legitimacy of the ministers who formed the Committee of 400, CORE met with limited successes at first, but the chapter became more visible when a group of predominantly working-class blacks joined. Beginning in 1961, CORE activists picketed stores and restaurants and vocally entered the debate about workplace discrimination in the city.<sup>18</sup> **16**

Philadelphia's NAACP chapter also attracted a new generation of militants. By the late 1950s 17 Philadelphia's NAACP was a relatively conservative organization, largely committed to fund raising for national civil rights efforts. Its middle-class leadership was steeped in 1950s-era racial liberalism, preferring behind-the-scenes negotiation to confrontation. In 1959, after the election of the lawyer A. Leon Higginbotham as president, the organization began to shift to a more activist stance. Higginbotham was barely thirty and a top Yale Law School graduate. His establishment credentials were reassuring to the old guard in Philadelphia's NAACP. But because he was too young to have taken part in the factional disputes that had cleaved the NAACP in the late 1940s and early 1950s, Higginbotham was free to push Philadelphia's branch in a more militant direction, without the taint of Communism. Under Higginbotham's leadership, the Philadelphia branch began to repudiate the gradualism of its earlier antidiscrimination campaigns. In 1962 Higginbotham's handpicked executive director, Thomas H. Burress, expressed frustration with "past approaches" that had challenged employment discrimination on an "individual, case-by-case basis." Burress demanded "accountability" on the part of employers. The burden of responding to racial inequality should be borne by firms, he argued, not by aggrieved workers.<sup>19</sup>

Philadelphia's NAACP chapter underwent even more sweeping changes in 1962 when 18 Higginbotham resigned to take a Kennedy administration appointment. Waiting in the wings were black insurgents who had tried to wrest control of the chapter from its middle-class leadership in the late 1950s. Impatient and suspicious of the cautious reformism of the city's black bourgeoisie, the insurgents staged a coup. In the fall of 1962, the irascible Cecil B. Moore, a North Philadelphia lawyer, was elected Higginbotham's successor. Moore pledged to turn the NAACP into an aggressive, protest-oriented organization. Moore, a loquacious orator, earned the enmity of racial liberals by his rough language (including anti-Semitic and antiwhite comments), his defiance of authority, and his imperious style. Moore reserved particular vitriol for black moderates. CHR members Sadie Mossell Alexander and Christopher Edley were "little Uncle Toms" and "occasional Negroes." But Moore's streetwise demeanor boosted his popularity in poor and working-class neighborhoods. A Moore supporter from North Philadelphia frankly acknowledged that the NAACP president was "an arrogant foul mouth radical" but praised Moore for his interest in the "rank-and-file negro," an approach "much needed ... among a restless people." It was Moore's brashness and concern for what he fondly called his "barbecue, porkchops, and collard-green-eating people" that won the support of blacks who bore the brunt of racial discrimination and whom the cautious racial liberalism of the 1950s had only alienated.<sup>20</sup>

The newly militant civil rights organizations took a bold step in 1962 and 1963. They turned 19 to protest to challenge building trades unions and their allies in both local and federal governments. Their strategy was ingenious. They targeted an industry notorious for racial homogeneity at its most vulnerable point: its dependence on government largess. By the late 1950s, national civil rights organizations had begun to complain about discrimination in construction work. A 1957 Urban League report documented barriers to black employment in the construction industry. In a 1960 report the NAACP labor director, Herbert Hill, criticized discrimination in union-run apprenticeship programs. And in 1960, when A. Philip Randolph launched the Negro American Labor Council, he lambasted the building trades and lashed out against "tokenism and gradualism." Local activists moved a step further. They decided to tackle the problem through direct action. By protesting discrimination in government contracts, they attacked the very core of postwar Keynesian economics: businesses and unions reliant on

government spending. In so doing, they unleashed what would become the affirmative action debate.<sup>21</sup>

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Standing at a construction site across the street from Philadelphia's city hall, the insurgent National Association for the Advancement of Colored People (NAACP) leader Cecil B. Moore (with microphone) speaks to protesters demanding the inclusion of blacks in the building trades, May 15, 1963. In the aftermath of the Philadelphia protests, local civil rights activists in other cities, including New York, Trenton, Cleveland, and St. Louis, demanded the hiring of black skilled workers on government-funded construction projects. *Courtesy Temple University Libraries, Urban Archives, McDowell Bulletin Collection.*

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## The Building Trades

CORE and the NAACP went after the building trades at one of the best moments in American history to be a construction worker. Historically, construction work in the United States had been insecure, sensitive to economic fluctuations, dangerous, and seasonal.<sup>22</sup> In the aftermath of the New Deal, building trades work grew more secure. Few sectors of the economy benefited more

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from state support. Federal and state prevailing-wage (or Davis-Bacon) laws guaranteed high wages and benefits in government-funded construction. Beginning in the New Deal, the federal government had supported apprenticeship training programs, with the Philadelphia school district paying instructors' salaries and providing classrooms.<sup>23</sup> Above all, the construction industry profited from the New Deal's pro-growth policies. Congress created the Federal Housing Administration, the Home Owners' Loan Corporation, and the Federal Public Housing Authority in large part to revitalize the flagging construction industry. Federal, state, and local tax incentives also spurred new construction. Shopping malls supported by government-built infrastructure sprawled across former farmlands alongside new suburban housing developments underwritten by government loan guarantees; both were accessible via federally funded expressways. An expansive government channeled billions of dollars into airports and military bases, federal offices, urban renewal projects, hospitals, universities, and schools. Big government was the health of the building trades.<sup>24</sup>

By the early 1960s, Philadelphia was in the midst of a federally subsidized construction boom. In Center City, several new office towers, projected to cost \$45 million, were rising, including the new Municipal Services Building that civil rights protesters would target. Federal urban renewal funds supported the new Penn Center complex and a regional IBM headquarters. As federal education spending skyrocketed under President Kennedy, new public schools went up in neighborhoods throughout the city. And that was just the beginning. In 1963 construction began on the East-wick Project, slated to be the largest urban renewal site in the country. The city built new public housing; announced plans for the revitalization of the declining Market East shopping district; cleared a "blighted" district in Society Hill to make way for an apartment complex designed by I. M. Pei; broke ground for a new U.S. Mint; and launched several federally subsidized hospital and university expansion projects.<sup>25</sup>

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Particularly galling to blacks—26 percent of the city's population in 1960—was that the work crews on Philadelphia's unionized construction sites were overwhelmingly white. Compounding black discontent at "Negro removal" (as urban renewal was derisively nicknamed), projects seldom created jobs in black neighborhoods. More than 10 percent of Philadelphia's black men had experience in construction—most in non-union jobs. From the 1940s through the 1960s, with rare exceptions, Philadelphia's black construction union members were concentrated in a few racially segregated locals of the laborers' and hod carriers' unions, confined to unskilled jobs with little opportunity for advancement. A few blacks belonged to the plasterers', carpenters', roofers', and bricklayers' unions. Even where they had a beachhead of membership, black crafts workers still faced systematic discrimination and harassment. In 1954 and 1955, for example, black carpenters complained to the NAACP that they faced arbitrary layoffs and were turned away at the hiring hall despite their union credentials. Carpenters' union officials, they contended, unhesitatingly accepted contractors' requests not to "send any Niggers to this job." Even the token hiring of blacks faced fierce resistance. William Taylor, the sole black carpenter placed at a construction site after negotiations between the union and the Armstrong Association, faced the wrath of a superintendent who told him, "You forced your way in here, I'll get you out." Even in unions with sizable black memberships, blacks were trapped in the worst jobs. In 1963 nearly one-third of Roofers Local 160 members were black, but every black member was classified as a helper, earning two dollars per hour less than mechanic roofers, all of them white.<sup>26</sup>

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Economics and culture—interest and identity—powerfully combined to keep the building trades overwhelmingly white. The key to high wages and job security in the building trades was the constriction of the labor supply through exclusionary barriers. The shape and form that exclusion took grew out of a deeply rooted culture of race, gender, ethnicity, and family. Building trades unions practiced preferential hiring. Many skilled trades unions perpetuated a father-son tradition, recruiting new workers through family connections. In 1964, for example, all thirty-two apprentices in International Brotherhood of Electrical Workers (IBEW) Local 32 were sons or nephews of union members. Forty percent of Philadelphia's plumbers had sons in the trade. The Operative Plasterers and Cement Masons Local 8 gave first preference to sons of contractors, and second to sons of its members. When the Pennsylvania labor leader James L. McDevitt was first elected an officer of Local 8, fellow unionists joked that "his family vote was enough to elect him." McDevitt's great-grandfather, father, uncle, three cousins, and brother were all plasterers.<sup>27</sup> Some of the larger unions recruited more widely, drawing members from ethnic associations, Catholic parishes, and neighborhood social networks. Most Tile Layers' Local 6 members were Italian; most Sheet Metal Workers Local 19 unionists were of Scottish, Irish, or German descent. Structural and Ornamental Iron Workers' Local 401 required that every apprentice applicant have two sponsors from the union before screening by an interview committee made up of three union officials and three contractors.<sup>28</sup> Exclusive hiring practices reinforced the ties of ethnicity and community. Unionists strengthened their sense of exclusiveness and solidarity through elaborate hazing rituals on the job site. Friendship and kin networks in the building trades were a nearly insurmountable barrier for black workers, since blacks and whites almost never intermarried and, in the heavily segregated city, seldom lived in the same neighborhoods or belonged to the same churches and clubs.<sup>29</sup>

Philadelphia's segregated building trades unions were invulnerable to 1950s-era racial gradualism. Craft unions and contractors simply disregarded civil rights organizations and their breakthrough campaigns. When CEJO held a conference on construction apprenticeship in 1954, only two of thirty invited unions bothered to send representatives. The same year, IBEW Local 98 officials ignored CEJO officials' calls and letters asking for a meeting. In response to mounting accusations that they practiced racial discrimination, contractors and unions denied culpability. Contractors passed the blame for hiring practices to the building trades unions, although in most trades contractors helped select apprentices and screen journeymen through joint union-contractor councils. Unions similarly disavowed discriminatory intent, arguing that their nepotistic hiring practices were race-neutral. They were not prejudiced: blacks simply did not apply.<sup>30</sup>

FEP laws barely affected the building trades. In 1963 a Philadelphia building trades union official proudly noted that only a tiny percentage of FEP cases involved construction work. Few blacks filed grievances against exclusive craft unions because they had no access to information about union construction jobs and apprenticeship programs, not to mention connections at union hiring halls. Success in a FEP case required evidence that a contractor or union had deliberately, consciously discriminated by race. But building trades seldom resorted to overt methods of discrimination. They recruited through word of mouth rather than formal advertisement. Since craft unions and contractors tapped informal networks, their hiring policies escaped legal remedy. But in an era of growing civil rights consciousness, the lack of black faces in the construction industry did not go unnoticed. As black activists began to fashion new strategies in the struggle for racial equality, they moved inexorably toward a collision with the building trades.<sup>31</sup>

## Whose Rights?

In spring 1963 civil rights protests shattered the insular world of the building trades. The battle had been long in coming. In early 1962, as part of his campaign to refashion the NAACP as "an aggressively militant organization," Thomas Burrell called for an "all out attack on discriminatory practices in government agencies." At the same time, Philadelphia's Negro Trade Union Leadership Council, a coalition of unionists mostly from racially mixed industrial unions, demanded the inclusion of blacks in apprenticeship programs and in skilled trades. In 1962 the mainstream CEJO called for cooperation between federal officials and contractors in antidiscrimination efforts. In February 1963 *Greater Philadelphia Magazine*, a boosterish periodical targeted toward white professionals, published a searing exposé of Jim Crow in the city's building trades. Later that month, the Human Rights Committee of the Pennsylvania American Federation of Labor–Congress of Industrial Organizations (AFL-CIO) issued a report denouncing "our failure to break the pattern of segregated locals and to change the discriminatory membership practices of certain unions." In March 1963 the CHR criticized two electrical workers' locals, a plumbers' local, and a steam fitters' local for "Negro exclusion." In April 1963 a group of prominent black Baptist ministers, many of whom had participated in the selective patronage campaign, demanded that the city prohibit discrimination on publicly funded construction sites.<sup>32</sup>

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Philadelphia's CORE chapter became the vanguard of the struggle against construction industry discrimination. Louis Smith, a vacuum cleaner repairman who had become director of Philadelphia's CORE chapter in 1962, accused the city of unjustly channeling "taxpayers' money to builders who hire from discriminating unions" and demanded that the city stop awarding contracts to firms with few or no black workers. The official response was tepid. Mayor James J. Tate, a stalwart of Philadelphia's Democratic machine and a resident of an all-white neighborhood that many skilled craftsmen called home, was silent. Like most northern Democrats, he supported civil rights in the South, but from the mid-1950s through the mid-1960s, as a city council member and in his first year as mayor, Tate had largely ignored race issues in his backyard. CHR head George Schermer reported, "Never once in the seven years I had to deal with him did I get the slightest hint that he had any concern" about civil rights.<sup>33</sup>

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CORE confronted the mayor in April 1963, demonstrating in the narrow street outside Tate's row house, picketing at city hall, and occupying the mayor's reception room in an hour-long sit-in. "Why do you have to do things like this?" the exasperated Tate asked Smith. However annoyed Tate was, the protests jarred him from complacency. As Schermer recalled, Tate "never did anything until the day CORE picketed his house." The sudden appearance of the civil rights movement on his doorstep forced Tate to confront an issue that he had hoped would simply go away. Tate's frustration was common to many other Democrats in the early 1960s. The demand for an end to Jim Crow on city contracts pitted two core Democratic constituencies against each other. As a Democrat in a city that was over one-quarter black, Tate could scarcely afford to ignore civil rights. Yet in a majority-white, heavily working-class city, he feared alienating his most loyal supporters. Tate faced the dilemma of resolving irreconcilable demands: African Americans sought construction jobs; white craftsmen sought to protect the security and fraternity of their trades.<sup>34</sup>

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Tate moved hesitatingly toward a middle ground. Hoping to defuse the protests, he instructed 29 the city's Board of Labor Standards and CHR to investigate the hiring practices of contractors and trade unions working on city contracts. Barnet Lieberman, the city's commissioner of licenses and inspections, criticized civil rights advocates, claiming that Philadelphia officials "had made assiduous effort to protect equal employment opportunities for all persons in our city." To Lieberman, accusations of Jim Crow in city employment were "partisan pleading in its most reprehensible form." The CHR held hearings on employment discrimination in early May while city construction projects continued uninterrupted. Asked about the civil rights protesters, Tate told reporters, "I am in sympathy with them, but I can't do anything." Tate's equivocation and his aides' obstinacy infuriated civil rights activists. CORE accused the mayor of "inaction," charging him with "putting politics before the welfare of the Negro citizens of the city."<sup>35</sup>

In early May civil rights protests accelerated. Cecil Moore and his NAACP chapter joined 30 (and tried to co-opt) the CORE effort. At a downtown rally in support of the victims of police brutality in Birmingham, Moore railed against discrimination in city contracts. "The only difference between Birmingham and Philadelphia is geography.... Like in Birmingham, we are willing to go to jail for what is right." Moore also denounced the CHR for holding hearings, voicing militants' impatience at the gradualist tactics of racial liberals. The public hearings were an "unnecessary stalling tactic," shouted Moore. "We're tired of conferring. We're not going to waste time discussing labor unions or cops who beat us up, we're going to do something about it." Moore's threat was not idle.<sup>36</sup>

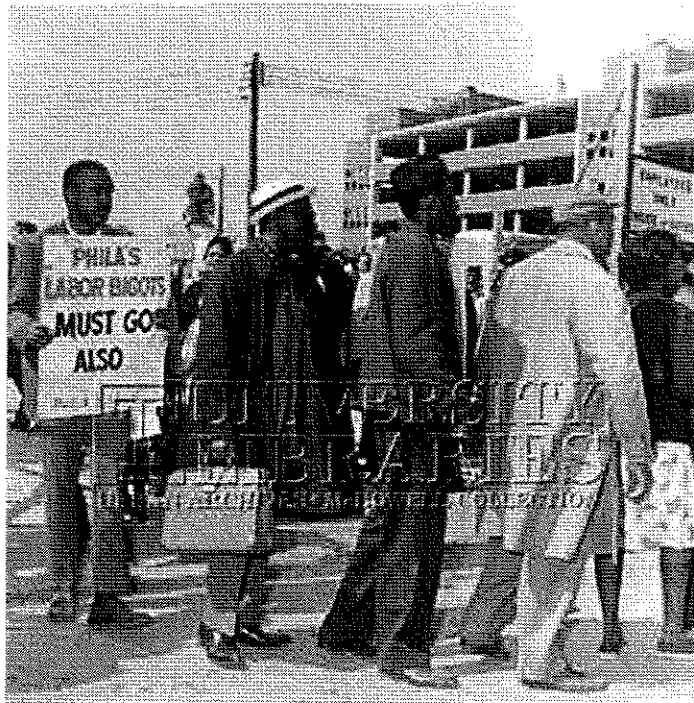
On May 14, fifteen demonstrators from CORE occupied the mayor's offices for twenty-one 31 hours. Singing "Freedom, Freedom" and "We Shall Overcome," they demanded an immediate end to discrimination on city-funded construction. After a meeting with Tate, the protesters left city hall. For the first time, Tate criticized craft unions and asked them to "do their duty and meet their responsibilities as Americans to admit Negroes to membership." In a press conference, Tate again deployed patriotic rhetoric to challenge discrimination in city contracts, citing Philadelphia's "heritage of freedom and equal rights for all men" and calling on "all members of the community to support our efforts to underscore the thought that all men are created equal." Outside protests continued, led by Moore, who demanded an immediate halt to construction work until black craftsmen were hired. Backed into a corner, the reluctant Tate stopped construction on the Municipal Services Building "until all persons are offered employment opportunities." Tate later told reporters that the protests "made us fear another Birmingham, and that's why we shut down work on the project."<sup>37</sup>

That civil rights activists had stopped work on a construction site outraged unionists. 32 Counterprotesters at city hall waved signs that read, "Tate puts men out of work for votes." James Jones, a black steelworker and civil rights activist, took a middle ground, in support of the campaign against discrimination but critical of the work stoppage. He worried that "a lot of good unions" would suffer because of the shutdowns. Emotions were raw. In a dramatic moment of ill timing, building trades workers waiting to meet with city officials faced off with Cecil Moore, fresh from a meeting with Tate, in the corridor outside the mayor's office. Fifteen tense minutes of "shouting, arm-waving, and denunciation from both sides" followed. Angry workers yelled, "Why are you shutting us down?" "Why are you stopping us from working?" Thomas Dugan, business manager of the Steamfitters Union, confronted Moore: "Who says the unions are guilty?" Moore shot back, "Until you put black faces out there, you're guilty." Dugan replied,

"You're depriving men of jobs." Moore rejoined, "You're segregated as Alabama." The "noisy confrontation" continued until police intervened.<sup>38</sup>

The day after the sit-in at the mayor's office, Moore gathered several hundred NAACP members in front of the Municipal Services Building construction site. NAACP and CORE leaders warned government officials that unless blacks were hired in the building trades unions, they would expand their protests to other construction sites. The Committee of 400 pledged to support the protests "to the point of using their own bodies" to shut down construction sites. Ten days after the city hall sit-in, picketers organized by the NAACP surrounded a school under construction in Philadelphia's Strawberry Mansion section. They were joined by neighbors incensed at the sight of white-dominated work crews in the predominantly black community. The crowds were diverse. One rainy afternoon, housewives led "an umbrella-studded procession." A contingent of Philadelphia's most prominent black lawyers joined the protests. In a theatrical inversion of the police brutality in Birmingham, black schoolchildren marched with "ferce-looking mastiffs." The school protest turned violent. Police officers, unionists, and demonstrators clashed. White construction workers leaped over fences to avoid picketers, a teamster drew his shotgun to threaten protesters who blocked a service entrance, and, finally, 140 police officers formed a flying wedge to break the picket line. Altogether, sixteen people were injured in the clashes. Police officers slapped a black schoolgirl and "slugged" a black minister. Two members of the Revolutionary Action Movement, a fledgling black power organization, were arrested when they confronted bricklayers and police.<sup>39</sup>

The protesters couched their demands in an assertive language of rights and citizenship. "We pay as much taxes as everybody else," declared Delores Gordon. "We certainly deserve something for them. We'll keep marching peacefully until we get our rights." Another marcher, Aurelia O'Kedas, was hopeful. "They've got to come around pretty soon. America is waking up to the idea that there can't be any such thing as second-class citizens." Marchers chanted, "We're tired of carrying bricks; we want to lay them," and, "We want freedom now." One activist pointed out the hypocrisy of American Cold War rhetoric, a sensitive topic in the early 1960s: "Man we're just blowing Dixie to foreign countries when we tell them that this is the Land of Opportunity."<sup>40</sup>



National Association for the Advancement of Colored People (NAACP) members picket a school construction site at Thirty-first and Dauphin streets in Philadelphia's predominantly African American Strawberry Mansion neighborhood to protest discrimination against African Americans in the building trades, May 27, 1963. Neighborhood residents and civil rights activists from throughout the city joined the protests. *Courtesy Temple University Libraries, Urban Archives, McDowell Bulletin Collection.*

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## Toward Affirmative Action

Civil rights groups used their newfound clout to push for preferential hiring policies. CORE demanded racial quotas for city contracts and apprenticeship programs "to make up for years and years of exclusion of Negroes from the skilled trades." The group would be satisfied with nothing less than the allocation of 15 percent of construction jobs to black workers. Moore, who had declared victory when a few black construction workers were hired, belatedly joined the call for quotas. Finally, in late June, CORE's national director, James Farmer, echoed the local demand for quotas in testimony before the House Judiciary Committee. Only the CHR refrained from calling for quotas, instead asking contractors to hire a "reasonable number" of black skilled workers.<sup>41</sup>

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As the Philadelphia protests continued, Kennedy administration officials announced a new antidiscrimination initiative that targeted construction unions. From the first months of his presidency, JFK's liberal advisers had advocated an executive order dealing with discrimination in the construction industry, but the president, reluctant to weaken his shaky hold over southern Democrats, had held back. But the wave of unrest in spring 1963 pushed him to act. Worried that the "successes of Birmingham, Philadelphia, and elsewhere" would spur more protests, Kennedy administration officials moved decisively. On June 4 Kennedy announced his opposition to discrimination on federal construction projects, singling out "economic distress and unrest." Unnamed administration sources suggested that the president's statement was "partly in response to violence in Philadelphia."<sup>42</sup> In addition, Kennedy ordered Secretary of Labor Willard Wirtz to enforce nondiscrimination in federally sponsored apprenticeship programs. Wirtz immediately created a task force to survey minority employment by federal construction contractors. Wirtz presented his findings in a memorandum to the president a week later. In twenty cities examined, blacks were wholly unrepresented in nine trades. Seven in ten black construction workers were mere laborers. In mid-June, Kennedy met with union leaders to discuss Wirtz's findings and dispatched cabinet officials to several cities to discuss "greater employment opportunities for Negroes." The destinations included Philadelphia, one of five cities that his advisers singled out as "danger spots." On June 22 the president issued Executive Order 11114, prohibiting discrimination against minorities on government-contracted construction projects.<sup>43</sup>

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Kennedy's executive order did not, however, curb protests. Construction site pickets continued in Philadelphia throughout the summer. The Philadelphia protests had a ripple effect throughout the North. On June 8 NAACP labor secretary Herbert Hill encouraged New York activists "to stage mass protest demonstrations" at construction sites, using the Philadelphia protests as a model. In June, protesters led a "mammoth demonstration" at Harlem Hospital, still under construction. NAACP activists in Trenton, New Jersey, also targeted government-funded construction projects beginning in mid-June. Inspired by its Philadelphia counterpart, the Newark, New Jersey, CORE chapter blockaded a school construction site in July. In Cleveland, Ohio, CORE and NAACP branches orchestrated a march of twenty-five thousand against building trades discrimination. In August, spurred by the small local CORE chapter, Brooklyn ministers protested at the partially completed Downstate Medical Center.<sup>44</sup>

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In Philadelphia officials struggled mightily to defuse construction site protests. To halt the school pickets, Mayor Tate brokered an agreement with the NAACP to put five blacks on city construction sites right away. But Tate could not keep the lid on. In late June CORE coordinated a thousand-person march and sit-in at city hall, again demanding a shutdown of all city-funded construction sites. Over the summer, both state and city human relations officials entered into prolonged negotiations with building trades unions. State officials examined the statistical representation of minorities in the building trades and other industries and, armed with data, bargained with union leaders over the "voluntary acceptance" of affirmative action plans. In July Philadelphia Board of Education officials pledged to close apprenticeship programs that excluded blacks. And in August the U.S. Department of Labor threatened to withhold its certification of union-sponsored apprenticeship programs if they were segregated.<sup>45</sup>

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Even those relatively mild versions of affirmative action outraged many building trades unionists. Thomas Dugan belligerently told his rank and file that he "was not going to be dictated to by any minority group." Although there were no blacks in Dugan's twenty-two-hundred-

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member local, he claimed, "We never discriminated and never intend to. We want to do everything that is right and just"—with the qualification that "we are not going to be badgered into placing just anybody in the union." Joseph Burke, president of Sheet Metal Workers Local 19, claimed, "I've never discriminated personally or officially against a man because of the color of his skin." But Burke drew a color line when it came to hiring. "They are asking me to say to a working white man, 'Get off the job because I want to put a Negro on.' I can never say that. Nor can I say to people out of work 'I can't put you to work because I have to put a Negro to work.'" Burke's and Dugan's claims were disingenuous. They drew lines all the time—making distinctions between workers, offering a preference to the son or brother of a current member, favoring one worker on a job over another. To tell a worker, "I can't put you to work because I have just given someone else a job" would describe the turn of events on any slow day in the hiring hall. But with the word "Negro" inserted, the ordinary act of turning away a prospective worker became, in Burke's view, an injustice he could not commit. The difference here was racial, pure and simple. At the very core of resentment of affirmative action among workers in the building trades was an unacknowledged white identity politics. White building trades workers had so long benefited from the exclusion of African Americans that they could not conceive of their position as one that reflected patterns of racial separation and privilege. Rather, they saw the racial segregation of craft unions as the outcome of a natural process of group identification and affiliation.<sup>46</sup>



On June 19, 1963, Sadie T. M. Alexander (far left), chairperson of the Philadelphia Commission on Human Relations, and James J. O'Neill (far right), president of Plumbers Local 690, one of the



construction unions targeted by civil rights protesters, met with state officials and a lawyer representing local contractors to hammer out an agreement on the hiring of minorities in union construction jobs. Such meetings continued into the summer and fall of 1963. *Courtesy Temple University Libraries, Urban Archives, McDowell Bulletin Collection.*

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Building trades unionists attacked antidiscrimination policies in the potent language of rights. **40** "The established and well-earned rights of white people are being imperiled in the fight of Negro leadership against unions," argued Burke. Contractors joined in the criticism, denouncing desegregation measures as "discrimination against white persons." At the same time, building trades unionists came to view government as their enemy and fiercely resisted its intervention in their apprenticeship and hiring programs. Plumbers denounced federal antidiscrimination measures as "undemocratic, unreasonable, unwarranted, and unworkable" and pledged that "we will accept no dictation from any government agency." In their view antidiscrimination efforts were part of an insidious expansion of government power that threatened to overwhelm workers' cherished independence. Peter Schoemann, national president of the plumbers' union, echoed local opposition to federal demands for affirmative action. "We resent the use of the equal employment campaign as a reason for a federal takeover in an area where government does not belong." The notion of union autonomy, central to the ideology of the building trades (even if such autonomy was largely fictitious in the heavily subsidized construction sector), was put to the test by government nondiscrimination mandates. That the federal government should regulate the employment policies of the building trades was a logical outgrowth of its already-intense involvement in the construction industry. But building trades unionists built a fire wall around their apprenticeship and hiring policies. Attempts to "force" the hiring of blacks threatened the job security that they expected the government to protect.<sup>47</sup>

After months of civil rights protests, Philadelphia's building trades unions made **41** concessions—on their own terms. At the national level, the AFL-CIO encouraged construction unions to adopt antidiscrimination language in their contracts. Philadelphia locals complied. By summer's end, all but the Sheet Metal Workers had signed an agreement with the CHR that they would "accept Negro journeymen and desegregate their apprenticeship programs." By the following winter, a similar agreement had been reached with the Pennsylvania Human Relations Commission. Those agreements represented a new strategy by craft unions that was imitated throughout the North from late 1963 through the adoption of the Philadelphia Plan in 1969: they pledged nondiscrimination on the basis of race, creed, or color and emphasized the right of individual, aggrieved minority applicants to appeal union hiring decisions. Belatedly, they had embraced the rhetoric of 1950s-style racial gradualism in hopes of avoiding the quotas and targets for Negro hiring that CORE and other activists demanded. Such union antidiscrimination agreements emphasized process, not outcome. They had no mechanisms for measuring progress, for ensuring that building trades jobs were indeed open to black applicants. Adoption of antidiscrimination language allowed building trades unions to emphasize their good intentions

without being held accountable for results. Above all, they hoped that their voluntarism would keep the federal government at bay.<sup>48</sup>

In the face of growing pressure from civil rights protesters, the building trades began to support "outreach" and "pre-apprenticeship" programs that targeted minorities. Unions found allies in black social service groups that eschewed militant protest and instead advocated programs to "uplift" the black poor through job training and education. The Urban League, for example, which had sponsored "job fairs" throughout the postwar years, hosted events where black youth could learn about apprentice opportunities. Agencies such as Philadelphia's Opportunities Industrialization Center used federal job-training funds and foundation grants to prepare blacks for work in the skilled trades. By 1967 and 1968, many building trades unions began to fund those programs from their own budgets in the hope that their outreach programs (which union leaders considered voluntary affirmative action) would deflect protest and dissuade federal officials from intervening in the hiring hall.<sup>49</sup>

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The efficacy of union antidiscrimination policies provoked great debate. In 1966, the AFL-CIO's Building and Construction Trades Department proudly pointed to the fact that only ten complaints involving the construction industry had been filed with the federal government. Again and again, union officials asserted their innocence, snidely dismissing "discrimination" (their quotation marks) as the product of poor black education and disingenuously claiming that "THERE ARE MORE NEGROES in skilled jobs in the construction industry than in most other industries." But those claims rang hollow to most civil rights advocates, who saw union efforts as tokenism. Even with outreach in place, blacks trickled into apprenticeship programs a few at a time. In 1963, there were no black journeymen or apprentices in the plumbers', steamfitters', sheet metal workers', roofers', ironworkers', and elevator constructors' unions in Philadelphia and only 2 electricians' apprentices. In 1964, 2 blacks gained apprenticeships in plumbing and 2 as electricians; the other apprenticeship programs remained all-white. In 1966 the sheet metal workers brought aboard 2 black apprentices. In April 1967, those seven unions, with a total membership of 9,162, had 20 black journeymen and 14 black apprentices. Blacks remained clustered in the trowel trades and as laborers.<sup>50</sup>

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## Protest and Policy Making

Union antidiscrimination efforts did not quell black discontent. Throughout the country, civil rights activists kept the issue of workplace discrimination in the limelight. In 1964, 1965, 1966, and 1967, construction site protests erupted in Philadelphia, Pennsylvania; Newark, New Jersey; New York, New York; New Rochelle, New York; Cleveland, Ohio; Cincinnati, Ohio; Oakland, California; and St. Louis, Missouri, where, in a dramatic act of civil disobedience, a protester chained himself to the top of the Gateway Arch. In 1967 the NAACP announced a national campaign to open up the building trades. Federal officials took note of the protests. "The absence of non-whites among construction trades workers," wrote a Labor Department official in 1967, "has been a focal point for racial unrest" and "a prime symbol of the lack of equal employment opportunity." Officials in the newly created Equal Employment Opportunity Commission gathered volumes of statistical data to document the point. In Philadelphia, Labor Department officials accused construction unions of "dragging their feet" on minority employment.<sup>51</sup>

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Ironworkers, such as those pictured here on the construction site of Philadelphia's Fidelity Mutual Life Building in 1970, belonged to one of the city's most racially exclusive unions. In the summer of 1969, the U.S. Department of Labor found that only 1.4 percent of ironworkers in the Philadelphia area were nonwhite. *Courtesy Temple University Libraries, Urban Archives, McDowell Bulletin Collection.*

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Protests and policy innovations reinforced each other in a feedback loop. In 1965 President Lyndon B. Johnson issued Executive Order 11246, which enabled the newly created Office of Federal Contract Compliance of the Department of Labor to terminate government contracts with firms that did not practice "affirmative action" in employment. What "affirmative action" and "compliance" meant would be defined in 1966 and 1967 in policy experiments in four metropolitan areas that had been rocked by construction site protests. In the aftermath of the Gateway Arch demonstrations, federal officials fashioned a St. Louis Plan that demanded that contractors provide "pre-award" evidence of their efforts to hire minorities—the awarding of a federal contract was contingent on the recruitment of underrepresented minorities. When a St. Louis contractor hired three blacks to comply with the plan, white workers walked out, leading to years of litigation. In California's Bay Area, in the wake of black-led protests against the Bay Area Rapid Transit (BART) system, the 1966 San Francisco Plan obligated contractors to document their efforts to train, hire, and place minority construction workers. But Labor Department officials criticized Bay Area contractors for "paper compliance"; the plan led to

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nominal changes. In 1967, in another city that had been rocked by huge antidiscrimination protests, federal officials mandated a Cleveland Plan that required pre-award "manning tables" specifying how many minority workers would be hired on federally funded job sites and what positions they would hold. Finally, in March 1967, Johnson administration officials announced a Philadelphia Plan requiring "affirmative action" in hiring on all federal contracts in that city, with pre-award manning tables to be enforced by federal officials who would visit job sites and conduct head counts of minority workers.<sup>52</sup>

The Johnson administration had two goals: to stem growing black discontent and to fashion a proposal that would not alienate building trades unionists. Straddling the fence proved difficult. Defending the Philadelphia and Cleveland plans to skeptics at the AFL-CIO, Secretary of Labor Willard Wirtz stated that the government had singled out the two cities for their intense racial tension—and suggested that it would not impose such plans on other cities. The unionists were not convinced; they saw the city plans as the beginning of a federal assault on union hiring practices and continued to protest federally mandated affirmative action. Complicating the scenario was an internecine battle within the Johnson administration over the legality of the Philadelphia Plan. While Wirtz continued to defend the affirmative action proposal as a necessary tool to open construction employment to minorities, Comptroller General Elmer Staats expressed skepticism about the Philadelphia Plan and finally, in November 1968, ruled that it was illegal. The fate of affirmative action would be left to Johnson's successor in the White House. In the meantime, the prospect of a federal affirmative action program with teeth sparked a new wave of protests at northern construction sites. Philadelphia's activists protested at local hospitals, the University of Pennsylvania, the Philadelphia School Board, and, in a reprise of earlier demonstrations, the U.S. Mint site. They demanded immediate remedies, not gradual change. When Richard M. Nixon took office, they pushed again and used the threat of racial unrest as a bargaining chip. In April and May 1969 a delegation of Philadelphia civil rights activists lobbied Nixon officials with the grim prediction of a new outbreak of riots if the administration did not revive the plan.<sup>53</sup> **46**

In June 1969 the Nixon administration resurrected the Philadelphia Plan. The key to the "revised Philadelphia Plan" was specific "goals" and "timetables," that is, percentage ranges of minority workers to be hired on construction jobs, accelerating over time. By deploying percentage ranges, the plan attempted to meet civil rights protesters' demands for quantitative evidence of minority employment while skirting the hot-button issue of quotas that raised constitutional questions and irked trade unions. But with quotas or not, the Philadelphia Plan sparked conflict. Black activists stepped up their protests against construction discrimination in cities across the country, culminating in calls for a "nationwide black walkout" in late September. Many of the protests turned violent as hardhats and picketers clashed. Building trades unionists continued to insist on their good intentions and claimed that they were the true victims of discrimination. AFL-CIO president George Meany (himself a plumber) bitterly denounced those who charged construction unions with discrimination. **47**

We still find the Building Trades being singled out as being "lily white" as they say, and some fellow the other day said it was "the last bastion of discrimination." Now this is an amazing statement, when you figure how small participation of Negroes and other minorities is in, for instance, the banks in this country, the press.... I resent the action of government officials—no matter what department they are coming from—who are trying to make a whipping boy out of the Building Trades.

The Philadelphia Building and Construction Trades Council argued that the plan was "discriminatory against members of building trades unions" and contended that "discrimination because of race, color, religion, and ethnic origin has not existed in our trades for years past." Increasingly, white unionists saw civil rights as a zero-sum game. Sensitive to charges of racism, C. J. Haggerty, the AFL-CIO's top building trades official, inarticulately avoided the word "whites" in addressing the union's annual convention just after Nixon officials had announced the Philadelphia Plan. Haggerty charged that affirmative action "would in effect exclude others or bar others" from construction jobs. Especially unsettling to white unionists was their perception that government had unfairly "sided" with blacks. Above all, they began to view affirmative action as part of a larger cultural attack on the white working-class world, launched by protesters and abetted by "liberals" in the federal government. "We are constantly harassed by bureaucrats and so-called 'liberals,'" lamented the head of the carpenters' union in a speech attacking the Philadelphia Plan. In the thirty years following the election of FDR, government had often been an ally of white workers. Affirmative action weakened that alliance.<sup>54</sup>

By the Nixon years, new, bleak economic realities had raised the stakes in the affirmative action debate. As the Vietnam War progressed, the economy soured. Under Nixon federal spending on construction projects plummeted. The economic pinch was particularly acute in the older industrial cities of the Northeast and Midwest—places such as Philadelphia—which benefited relatively little from defense spending while struggling with capital flight, urban disinvestment, and a diminishing tax base. As they clung to their construction jobs, buffeted by inflation, federal cutbacks, and layoffs, building trades workers blamed civil rights for their fate. Long-term economic restructuring was inscrutable to most white workers. But affirmative action was an easy target.<sup>55</sup>

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There is no single explanation for Nixon's support for the Philadelphia Plan. The newly elected president hoped to prevent a repeat of the "long hot summers" of urban riots that had plagued Johnson. Moreover, key Nixon administration officials, particularly Secretary of Labor George Shultz and Assistant Secretary Arthur Fletcher, were long-standing supporters of civil rights. Shultz argued that blacks should benefit from \$600 million in federal funds to be spent on thirty-eight projects in Philadelphia. Fletcher hoped the plan would help lift blacks from an ongoing economic "depression" and solve the problem of the "hard-core unemployment" of young blacks. Shultz, a labor economist of the Chicago school, had other motives as well: he hoped to lower construction industry wages by increasing the supply of construction laborers. The exclusion of blacks, he believed, inflated labor costs on government-funded projects. Shultz and Fletcher also shared a suspicion of unions, which they blamed for inflation. Many Nixon aides also saw electoral benefits to the plan: it would mortally wound the New Deal coalition by dividing working-class whites and blacks—a division that had been foreshadowed in the acrimonious construction site protests. When federal courts upheld the constitutionality of the Philadelphia Plan, Nixon's administration, in the words of his aide Laurence Silberman, sowed Philadelphia Plans "across the country like Johnny Appleseed." In January 1970, Order 4 extended the principles of the Philadelphia Plan to all government contracts of \$50,000 or more; in December 1971 it was amended to incorporate women. Affirmative action, Philadelphia Plan-style, now covered a large swath of the American economy.<sup>56</sup>

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Affirmative action was the distinctive product of Johnson and Nixon administration policy makers. But local civil rights activists and construction unionists had thrust the battle over employment discrimination onto the national stage, with lasting consequences. Looking backward and situating affirmative action in the postwar struggle for civil rights helps make sense out of this controversial policy. Affirmative action grew out of the unfinished struggle for racial equality in the workplace after World War II. To cast the history of affirmative action as the story of a radical shift from color blindness to color consciousness effaces the complex lived reality of race in the urban North. There was nothing de facto color-blind about the exclusion of African Americans from Philadelphia's building trades. That the construction industry remained a bastion of white privilege was the consequence of the separation of blacks and whites in nearly every arena of everyday life in the postwar city. Civil rights activists demanded policies that broke open the closed circle of nepotism, friendship, and race that kept blacks out of one key sector of the urban economy. The threat to that closed world sparked a powerful reaction from building trades unionists and their supporters, who belatedly adopted the rhetoric and strategies of postwar racial gradualism to defend their position. Although they lost their battle to thwart the Philadelphia Plan, their arguments—particularly their insistence on their racial innocence, their critique of affirmative action's "discrimination" against whites, and their resentment of government—continue to shape the affirmative action debate.<sup>57</sup> **50**

This account of Philadelphia's battle over affirmative action aims to offer a model for still-to-be-written histories of policy making from the bottom up. It is impossible to explain the timing, the form, and the target of early affirmative action programs without attention to grass-roots politics. Local civil rights activists—Leon Sullivan of the Committee of 400, Cecil B. Moore of the Philadelphia branch of the NAACP, and Louis Smith of CORE—did much to unravel the gradualist racial liberalism of the 1940s and 1950s. They demanded that racial equality in the workplace be measured by results—the number of minority workers on a job site. They would not be satisfied with antidiscrimination statements or token hiring. The protesters who blockaded Philadelphia's construction sites in the 1960s and their counterparts in St. Louis, Oakland, Cleveland, and elsewhere were not, in a strict sense, the architects of affirmative action. They did not draft executive orders and federal regulations. But by taking their grievances to the streets and construction sites, they fundamentally reoriented the civil rights debate. The legacy of their protests continues to shape America's unfinished struggle over race, rights, and politics. **51**

## Notes

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<sup>1</sup> For a detailed discussion of Philadelphia's 1963 protests, see below. George Straus and Sidney Ingerman, "Public Policy and Discrimination in Apprenticeship," in *Negroes and Jobs: A Book of Readings*, ed. Louis A. Ferman, Joyce L. Kornbluh, and J. A. Miller (Ann Arbor, 1968), 313; Exec. Order No. 11,114, 28 Fed. Reg. 6485 (June 22, 1963).

<sup>2</sup> "Memorandum to heads of all agencies from Arthur Fletcher, Subject: Revised Philadelphia Plan for Compliance with Equal Employment Opportunity Requirements of Executive Order 11246 for Federally-Involved Construction, June 27, 1969," reprinted in U.S. Congress, Senate, Committee on the Judiciary, Subcommittee on Separation of Powers, *Hearings on the Philadelphia Plan: Congressional Oversight of Administrative Agencies (the Department of Labor)*, 91 Cong., 1 sess., Oct. 27–28, 1969, pp. 26–30, esp. 26, 27, 28; "Order to heads of all agencies from Arthur Fletcher, Subject: Establishment of Ranges for the Implementation of the Revised Philadelphia Plan, Sept. 23, 1969," *ibid.*, 30–38, esp. 34; John David Skrentny, *The Ironies of Affirmative Action: Politics, Culture, and Justice in America* (Chicago, 1996), 136–38, 193–98; Hugh Davis Graham, *The Civil Rights Era: Origins and Development of National Policy, 1960–1972* (New York, 1990), 322–45.

<sup>3</sup> Nathan Glazer, *Ethnic Dilemmas, 1964–1982* (Cambridge, Mass., 1983), 159; Stephan Thernstrom and Abigail Thernstrom, *America in Black and White: One Nation Indivisible* (New York, 1997), 171–80, 423–61, esp. 172, 179; Thomas Byrne Edsall and Mary D. Edsall, *Chain Reaction: The Impact of Race, Rights, and Taxes on American Politics* (New York, 1991), 124. See also Jonathan Reider, "The Rise of the Silent Majority," in *The Rise and Fall of the New Deal Order, 1930–1980*, ed. Steve Fraser and Gary Gerstle (Princeton, 1989), 243–68; Herman Belz, *Equality Transformed: A Quarter-Century of Affirmative Action* (New Brunswick, 1991); Terry Eastland, *Ending Affirmative Action: The Case for Colorblind Justice* (New York, 1996); and Jennifer Hochschild, "Affirmative Action as Culture War," in *The Cultural Territories of Race: Black and White Boundaries*, ed. Michele Lamont (Chicago, 1999), 343–68.

<sup>4</sup> Graham, *Civil Rights Era*, 462, 468; Skrentny, *Ironies of Affirmative Action*, 67–144, esp. 68, 111, 125; Steven F. Lawson, "Freedom Then, Freedom Now: The Historiography of the Civil Rights Movement," *American Historical Review*, 96 (April 1991), 456–71, esp. 457. Other leading histories of affirmative action include John David Skrentny, *The Minority Rights Revolution* (Cambridge, Mass., 2002); Hugh Davis Graham, *Collision Course: The Strange Convergence of Affirmative Action and Immigration Policy in America* (New York, 2002); Dean J. Kotlowski, "Richard Nixon and the Origins of Affirmative Action," *Historian*, 60 (Spring 1998), 523–41; Paul Burstein, *Discrimination, Jobs, and Politics: The Struggle for Equal Employment Opportunity in the United States since the New Deal* (Chicago, 1985); and Jill Quadagno, *The Color of Welfare: How Racism Undermined the War on Poverty* (New York, 1994).

<sup>5</sup> An important starting point is Jeanne F. Theoharis and Komozi Woodard, eds., *Freedom North: Black Freedom Struggles outside the South, 1940–1980* (New York, 2003).

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<sup>56</sup> "Shultz Defends Minority Hiring," *New York Times*, Aug. 7, 1969; "Construction Job Rights Plan Backed at Philadelphia Hearing," *ibid.*, Aug. 27, 1969; Judith Stein, *Running Steel, Running America: Race, Economic Policy, and the Decline of Liberalism* (Chapel Hill, 1998), 148–52; William Safire, *Before the Fall: An Inside View of the Pre-Watergate White House* (Garden City, 1975); Kotlowski, "Richard Nixon and the Origins of Affirmative Action"; Joan Hoff, *Nixon Reconsidered* (New York, 1994), 90–92; *Contractors Assn. of Eastern Pennsylvania v. Shultz*, 311 F. Supp. 1002 (E.D. Pa. 1970); 442 F. 2d 159 (3d Cir. 1971); *cert denied*, 404 U.S. 854 (1971); William B. Gould, *Black Workers in White Unions: Job Discrimination in the United States* (Ithaca, 1977), 297–362; Steven M. Gillon, *"That's Not What We Meant to Do": Reform and Its Unintended Consequences in Twentieth Century America* (New York, 2000), 147.

<sup>57</sup> Hochschild, "Affirmative Action as Culture War."

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