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Supreme Court attacks affirmative action

Ruling attacks oppressed nationalities

Cathy Cartright

Staff writer

"Reagan's schedule for destroying civil rights is right on time. If he gets another four years he'll completely mop up," said a Black autoworker in St. Louis, reacting to a June 12 Supreme Court decision upholding the "last hired, first fired" principle in a Memphis affirmative action case involving fire fighters.

The Supreme Court based its decision on Title VII of the 1964 Civil Rights Act which explicitly protects seniority systems not "deliberately put in place for the purpose of discriminating." This narrows the scope of the ruling and avoids a judgement on the validity of affirmative action goals in hiring and promotion.

But Assistant Attorney General William B. Reynolds immediately announced a broad interpretation, to use the ruling as a mandate for the Reagan Administration to review and overturn all affirmative action programs. He challenged the basis for affirmative action by rejecting the view that there should be redress for groups of people who have suffered discrimination. He says redress is only warranted in proven cases of discrimination against an individual. This, in effect, denies that there is discrimination. In searching for "racially neutral civil rights," the Reagan Administration seeks to eliminate affirmative action.

Many observers dispute such a sweeping interpretation. William L. Taylor, director of the Center for National Policy Review at Catholic University of America, said the ruling should not "affect the broad spectrum of affirmative action in the country."

The Supreme Court ruling is, nevertheless, a setback for affirmative action, first developed over ten years ago to redress past discrimination

NEWS ANALYSIS

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The need for a Rainbow Agenda

Force the Democrats to negotiate

Amiri Baraka

Contributing editor

The real test of the Jackson campaign must be in its practical use to Black people and the whole multinational working class. That use is not just feel-goodism and cheerleading consciousness raising. (Though for sho' we need both of those in a desperate way.)

Which way for the Rainbow Coalition?
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Jackson supporters talk to UNITY
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The most important use to the U.S. masses must be not only in raising the issues, mobilizing the people, voter registration, hopefully creating structures and a progressive network to localize the Rainbow Coalition in states

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UNITY PHOTOS

The Jackson campaign has brought into clear relief the absence of democracy in the U.S., especially for Afro-Americans.

Congress pushing through racist anti-immigrant bill

Latino groups warn Democrats of consequences for elections

Bill Flores

Editor

It now appears certain that Congress will pass the Simpson-Mazzoli immigration bill in some form. This will occur because large sections of the Democratic Party have decided that victory in the next election will depend on their ability to out-Reagan Reagan. For all their talk of being the party of minorities and working people, it will be the Democrats who will be held responsible

should Simpson-Mazzoli pass.

The racist immigration bill, which passed the Senate in May of 1983, has been opposed by every major Latino organization in the country. Latinos have argued that the bill — which would penalize employers for hiring undocumented workers — will result in increased discrimination against Latinos by employers. The bill will be one more barrier to Latinos at a time when the Reagan Administration is actively dismantling affirmative action and refusing to prosecute employers with long histories of discrimination. Simpson-Mazzoli would also increase

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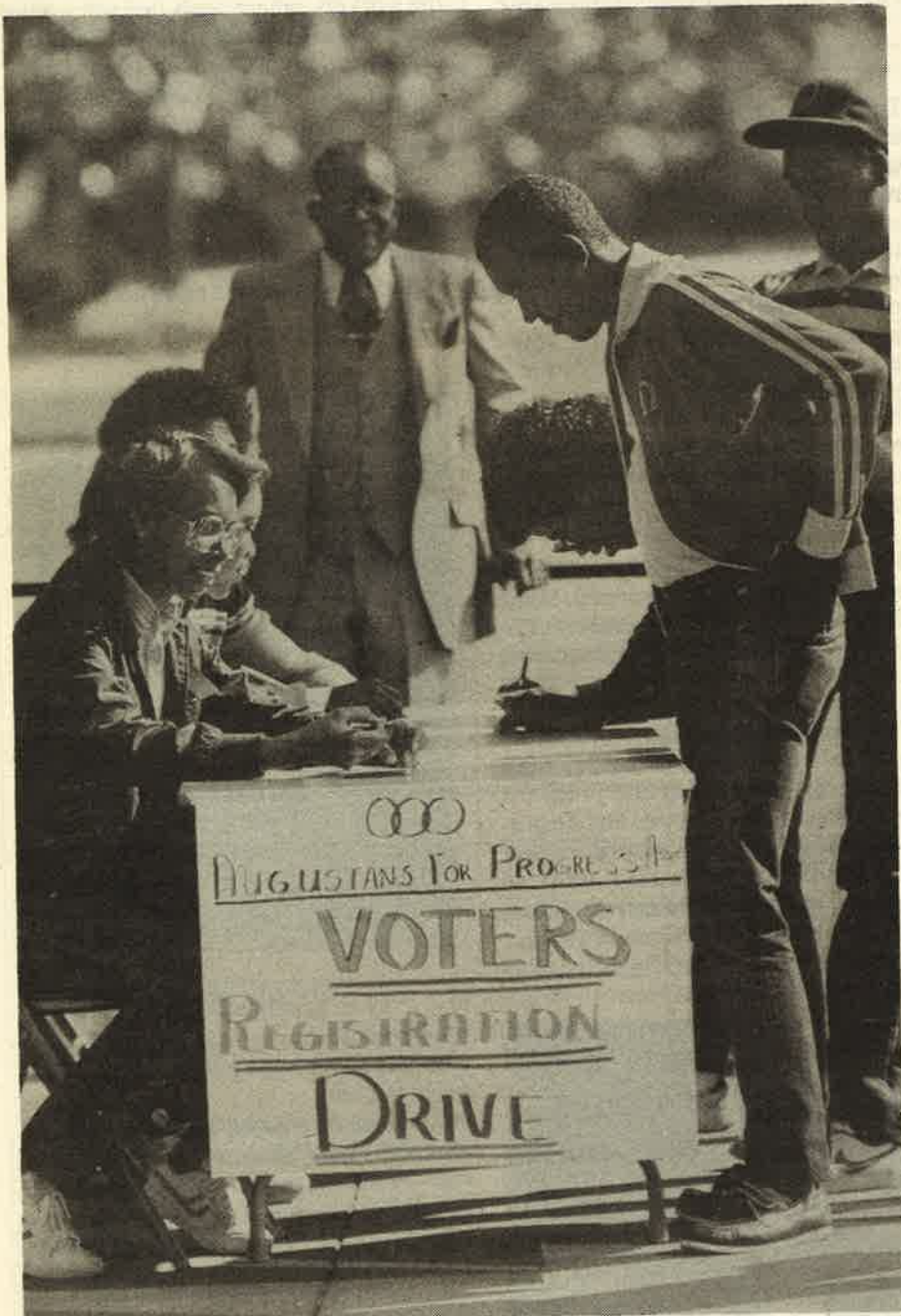
UNITY PHOTOS

The Simpson-Mazzoli bill will mean one more obstacle for Latinos at a time when affirmative action programs are being dismantled.

COMMENTARY

Force the Democrats to
negotiate:

THE NEED FOR A RAINBOW AGENDA



No Democratic candidate can beat Reagan without the Rainbow — the Black masses and progressives of all nationalities mobilized by the Jackson campaign. (Above) Voter registration in Augusta, GA.

Put forward a revolutionary
democratic agenda!

Force the Democrats to negotiate
in San Francisco!!

Defeat Reagan!!!

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and cities across the country, to put progressive candidates into political races after the presidential campaign is over.

But now we must create an *agenda* for negotiation similar to the Black agenda that came out of the National Black Political Assembly in 1972, which was "sold out" by Black petty bourgeois electoral leadership at the 1972 Miami Democratic Convention.

Negotiations with the Democratic Party

The San Francisco Convention must first see changes now in the way delegates are selected. No matter who wins the popular vote, delegates are selected by the old-boy system and corrupt political machine, not the people. (Thus Jesse Jackson received 22% of the popular vote, but only 7% of the delegates. By contrast, Walter Mondale won 39% of the popular vote, but received 51% of the delegates.)

We must also question loud and clear the very method for electing the U.S. President. Simply because to speed the coming socialist revolution, we must constantly demand higher and higher levels of democracy. It is *Democracy* that threatens capitalism most directly!

For instance, most people do not understand the electoral system, that the American people do not elect the President. The electoral college *selected* by bourgeois-controlled state legislators actually elects the President. We should point out the insidious hidden denial of democracy this system is, that it is possible to become President of the United States *without* winning the popular vote, and that this has happened nine times. If we go further, we find the bottom line of this evasion of democracy by the bourgeoisie was to deny political power to the Afro American people in the 19th century. Specifically surrounding the Hayes-Tilden compromise, which ended the Reconstruction, and plunged Black people back into near slavery and "separate but equal."

The consistent truth that American history teaches is that the existence and influence of Black slavery, the revolutionary promise of the Civil War, the failure of Reconstruction, have always created a lie as American democracy. The truth is that such democracy has never existed vis-a-vis Blacks, and because of this *literally* has never existed for the *majority* of U.S. citizens!!

This is, on one hand, the function of the Jackson campaign, to expose such consistent lies, and to show that the truth is the *absence* of democracy in the U.S. How could there ever have been democracy in a country based on slavery? A country growing rapidly senile, based on the material and psychological dependence on national oppression (and, of course, imperialism).

The agenda must be created in consultation with all the forces in the Rainbow. Such an agenda must go directly to the main issues at the source of the Afro American people's continuous struggle for democracy and self-determination. Issues like political power, voting rights (voting should be mandatory for citizens — not the draft, just as taxes are mandatory now), employment, education, economic development, foreign policy (the official government *abandoning* of the South African fascists, economically and politically; withdrawal of U.S. troops from Grenada; abandonment of U.S. in-



We must demand
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terventionist policies all over the world — Nicaragua, El Salvador, Lebanon), cabinet appointments, government posts, reinstatement of programs beneficial to the masses, tax restructuring.

An example of a revolutionary democratic agenda is the Minimum Program of Struggle of the League of Revolutionary Struggle (Marxist-Leninist) excerpted on the next page.

These negotiations are the real meat of the Jackson campaign. The majority of people must benefit from these negotiations between Jackson and the Democratic Party.

If such negotiations do not come about, then it is obvious that the amazing political dynamic created by the Jackson campaign will be dissipated and Reagan will win in November. Because there is *no way* that either Mondale or Hart, even with a woman vice presidential candidate, can win without the *Rainbow* that Jesse represents, i.e., to mobilize the Black masses and progressives of all nationalities.

This is the reason why now is the time for all sectors of the Rainbow to put forward collectively a *Rainbow Agenda*. (A national meeting to put such an agenda together would be the best method.) But failing that, the masses themselves must put forward at the local and state levels, the main issues, practical reforms and concessions to be negotiated on at the San Francisco Convention, and to be struggled around in our local and regional communities after the Convention. Particularly, we must now see the national political agenda of those calling themselves Marxists.

A minimum program of struggle

The working class, oppressed nationalities and other peoples in the U.S. are struggling daily to improve their living conditions, defend and expand their democratic rights, and win peace and social progress. The League of Revolutionary Struggle (Marxist-Leninist) supports and raises the following as some of the main immediate demands against the monopoly capitalists and the government. The League understands that these demands are partially realizable under the present social system and that a radical transformation of society, socialism, will be necessary to realize them in a genuine and full way. The struggle for these demands is an integral part of the revolutionary process.

A. Some General Demands for the People

The right to a decent standard of living

- a guaranteed minimum income or jobs for all at standard wages
- comprehensive national health insurance and social security
- decent and affordable housing
 - eviction protection
 - rent control
 - no arbitrary discrimination based on nationality, age, children, marital status, sex, source or level of income, physical/mental disability or religion
 - an end to gentrification of minority and low-income areas
- public ownership of utilities
- low-cost mass transportation

Free high-quality public education at all levels

- equal access to education for all nationalities
- community control with parent and student input
- bilingual and multicultural education

Reform of the income tax system

- reduction of income taxes for working people
- a progressive income tax system for individuals
- no taxation without representation
- raising of corporate taxes

Full and equal political rights

- an end to the two party monopoly
- full voting rights for oppressed nationalities — an end to gerrymandering and dual registration

End legal and extralegal political repression and violence

- an end to police brutality and harassment
- the immediate outlawing of the Ku Klux Klan and Nazis
- the right to legal representation
- the dismantling of the FBI

Protection of the environment

- enforcement, protection and strengthening of environmental protection laws
- no nuclear power and no nuclear waste disposal, especially in Chicano and Native American lands, since capitalism cannot provide or ensure adequate safety
- safe disposal of chemical waste, no chemical dumping in residential areas

Public funds for the arts and for amateur athletics

B. For the Protection and Advancement of the Working Class

The working class has particular demands and needs in its struggle against the monopoly capitalist class and in strengthening the labor movement. These include both legislative and contractual demands.

Jobs

- a shorter workweek, 30 hours for 40 hours pay

- no job loss
 - no layoffs without full transfer and retraining rights for comparable positions
 - no replacement of full-time workers with part-time workers
 - no reduction of the work force through attrition (such as retirement)
- income and benefits maintenance
 - job-to-job unemployment benefits, benefits to begin prior to first job when worker reaches age 18
 - a moratorium on all debts for the unemployed
 - no home foreclosures, evictions or utility shutoffs for the unemployed
- no new plants domestically or overseas by a company when existing capacity is underutilized or when workers are on layoff
- amendment of the National Labor Relations Act to outlaw run-away shops and other means of avoiding union contracts by shifting capital or production
- protection from plant closings
 - national legislation to include two-year notification, penalty tax to the community, full retraining paid by the company for comparable employment at union wages
 - contractual agreements for severance, benefits and full payment of dislocation expenses, with ten-to-one penalties if broken

The right to organize

- prompt union representation elections within a specified time
- prompt resolution of unfair labor practice charges and stiff penalties for employers who violate the law

These demands are partially realizable at present, but socialism will be necessary to realize them in a genuine and full way



The Las Vegas hotel workers were on the front line of the fight against union-busting and concessions. (Above) Strikers and labor supporters in Las Vegas, April 15, 1984.



The capitalists' two-party system makes a show of democracy while restricting participation to a few. End the two-party monopoly! Full voting rights for all oppressed nationalities!

- abolition of Section 14-b (the "right-to-work" provision) of the Taft-Hartley Act
- legalization of secondary boycotts as an organizing tool
- repeal of all anti-labor legislation
- the full right to strike, including government employees
- establishment of amalgamated locals in all AFL-CIO unions to facilitate organizing drives on the local level

Full democratization of the trade unions

- right of membership to ratify all agreements
- direct election of officers
- contracts and union affairs conducted multilingually, based on nationality composition of work force

Decent and safe working conditions

- health and safety standards established independently by workers in each industry
- worker health and safety councils in each plant with the power to stop production when standards are not met
- the right to refuse all unsafe job assignments
- no forced overtime
- no rotating shifts

Equality for oppressed nationality and women workers

- no discrimination in hiring, promotion, pay or job assignment, based on nationality or sex
- affirmative action in hiring and promotions
- job recall based on modified seniority to retain the percentage of oppressed nationalities and women based on figures at peak employment, or the percentage of oppressed nationalities in the surrounding population
- full maternity benefits and job security for women
- twenty-four hour child care

C. Demands for the Oppressed Nationalities

The oppressed nations and nationalities must have full democratic rights. The oppressed nations have the right to self-determination, which means the right to determine their political relationship to the United States. This includes the right to secede and form an independent state.

The oppressed national minorities have the right to political power in their areas of concentration. This may take the form of local or administrative autonomy, through which an oppressed nationality has the right to determine its own political, cultural, educational and other social affairs. These forms of autonomy will do away with the present practice where political districts are gerrymandered to prevent oppressed nationalities from holding office or exercising political power, even in areas where they constitute a majority.

Some general demands for democratic rights for the oppressed nations and minority nationalities in the U.S.:

- Recognition by the federal government that the U.S.

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Agenda . . .

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is a multinational country, that is, made up of many different nationalities.

- Equal political, voting, cultural, educational and social rights for all nationalities. All nationalities should be able to use their languages in all official dealings including voting, education and government services.
- An end to all racist violence and persecution
- Full redress and reparations for all grievances stemming from unjust acts committed by the federal government
- Unconditional residency for all undocumented immigrants

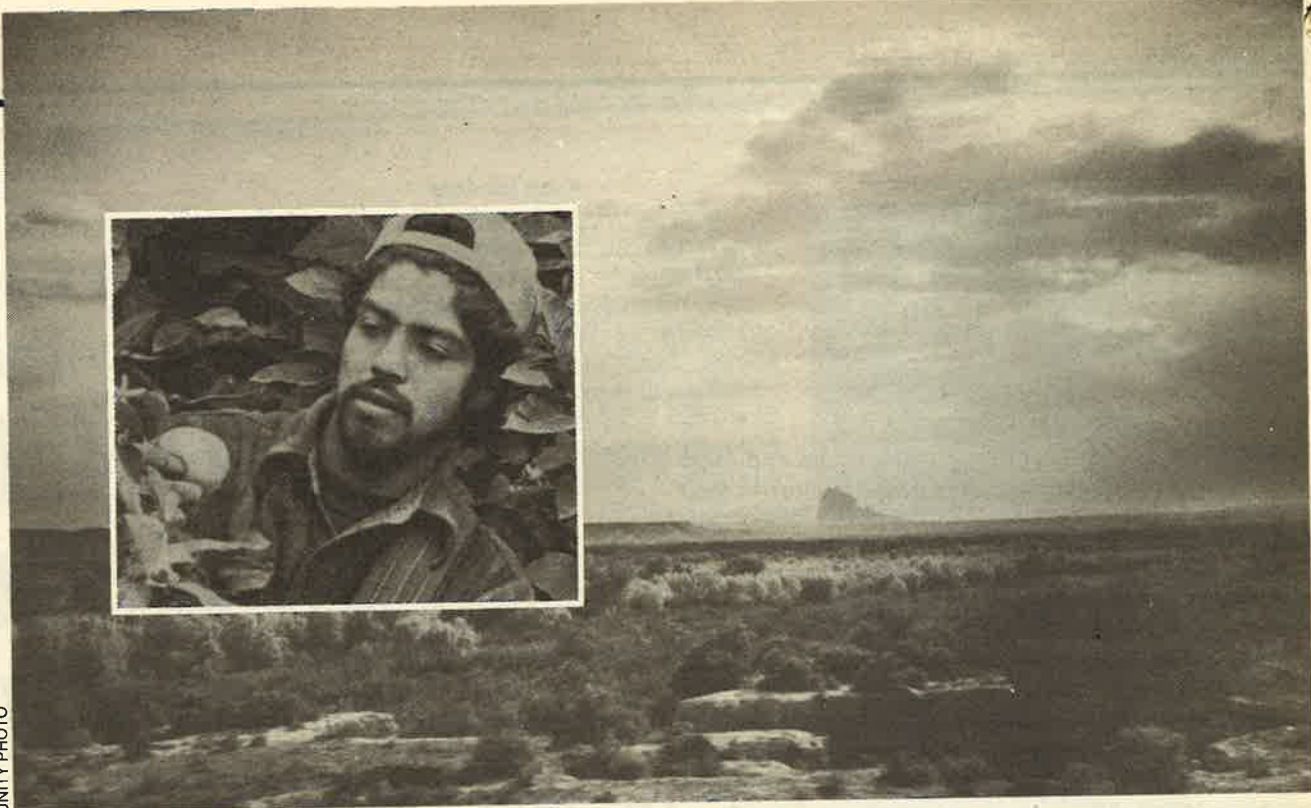
In addition, each of the oppressed nationalities has particular demands:

Afro-Americans: The Afro-American people constitute an oppressed nation in the Black-belt South and an oppressed national minority outside of this area. The Black-belt South is the historic homeland of the Afro-American people and they have a right to claim it. The Afro-American people in the South are a historically constituted nation. They have lived in this territory for over 400 years, and share a common language, culture and economic life. The development of the Afro-American Nation has been marked by the experience of slavery, sharecropping, toil and the systematic denial of the people's political rights. Afro-Americans have developed a distinct class structure and culture. They comprise the majority of the population in this area today, and they should have the democratic right to fully determine the future of this region. The Afro-American Nation is a land of brutal oppression, enforced by racist violence and police repression, and this system is replicated in all areas where Afro-American people live. In their areas of concentration outside of the Afro-American Nation, the Afro-American people should have complete democratic rights and political power.

- reorganization of the county lines of the South to end gerrymandering of the Black population, and end all restrictions on Black voting rights
- redistribution of the land of the big landlords and agribusiness in the South to finally realize "40 acres and a mule" for Black people
- an end to racist violence and persecution by police and extralegal terrorists such as the Ku Klux Klan and Nazis
- the right to self-determination for the Afro-



Negotiate immediately with the Soviet Union to freeze, reduce and abolish all nuclear weapons!



The U.S. drove Chicanos off their land and today exploits their labor on corporate farms. Self-determination for the Chicano Nation! Full land rights under the Treaty of Guadalupe Hidalgo!

American Nation, the right to determine its relationship to the U.S. government, up to and including secession, if desired by the Black masses

- regional or local administrative autonomy in areas of concentration outside the Afro-American Nation

Chicanos: The Chicano people were forged into a distinct nation in the Southwest following the colonial annexation of the region by the U.S. in the Mexican-American War. Ever since that time the Chicano people have been brutally suppressed and discriminated against in all spheres of life, and have been subjugated as a people. Large corporations have driven Chicanos from their lands, and the capitalists have polluted and destroyed the environment as they plundered the mineral wealth of the Chicano Nation. The U.S. Immigration and Naturalization Service (INS) has helped enforce a reign of terror over the Chicano people and undocumented Mexican workers.

- the right to self-determination for the Chicano Nation in the Southwest
- the upholding of all land rights of the Chicano people under the terms of the Treaty of Guadalupe Hidalgo
- equality for the Spanish language and Chicano culture
- full rights for immigrants:
 - unconditional residency for all undocumented Mexicans
 - equal jobs and pay for immigrant workers
 - the abolition of the fascist INS border patrol
 - an end to INS raids on communities and workplaces
- local or regional autonomy for Chicanos living in concentrated areas outside of the Chicano Nation

(The League's full Minimum Program of Struggle also includes sections and particular demands for Asian American and Pacific Island peoples; Caribbean peoples; the Hawaiian Nation; Native Alaskan people; Native American Indian peoples; Puerto Rican and other Latino peoples.)

(Section D. of the League's Minimum Program of Struggle includes sections and demands for the following sectors of the people: women; youth; veterans; seniors; cultural workers and intellectuals; farmers; disabled; prisoners; and homosexuals.)

E. Foreign Policy

The current foreign policy of the U.S. government is aimed at preserving U.S. domination over many parts of the world and at competing with the Soviet Union for world power. It is in the interests of the American working people and people in general that the danger of war be reduced in the world, that people and countries advance

toward democracy, genuine independence and equality, and that superpower aggression in the world be opposed.

Colonial Possessions

The U.S. has colonized hundreds of islands around the world. The most prominent of these is Puerto Rico. Most of the others are in the Pacific. The people of these lands are colonial subjects with few rights. The U.S. continues to dominate these areas for its own imperialist economic, political and military reasons.

- sovereign rights and independence for all colonial possessions:
 - independence for Puerto Rico; independence for American Samoa, Belau (Palau), Guam, the Marshall Islands, the Midway Islands, the Northern Mariana Islands and the Virgin Islands
 - no military use of these islands
 - observance of a nuclear-free zone in the Pacific; reparations and free health care to all islanders affected by U.S. nuclear testing
 - return the Panama Canal to Panama

Other Foreign Policy Demands

- major reductions in the military budget
- immediate negotiations with the Soviet Union on the freezing, reduction and abolition of all nuclear weapons
- the closing of all U.S. military bases in the third world; an end to U.S. unilateral domination of NATO; negotiations to demilitarize Europe with the abolition of NATO and the Warsaw Pact
- immediate withdrawal of all U.S. forces from Grenada
- the cutting of economic and political ties to South Africa
- an end to U.S. military occupation of south Korea
- abrogation of the Taiwan Relations Act and an end to all U.S. government support for the Taiwan regime
- recognition of the Palestine Liberation Organization and support for Palestinian self-determination; stopping aid to Israel
- an end to aid to right-wing military dictatorships
- non-intervention in the affairs of other countries; abolition of the CIA
- normalization of diplomatic relations with all sovereign countries, including Cuba, Democratic Peoples Republic of Korea (north Korea), Viet Nam, Albania
- no appeasement of the aggression of the Soviet Union
- beneficial and humanitarian aid to third world countries
- abolition of the third world debt; support of the demands for a new international economic order