

THE ~~67 YEAR OLD~~ MAN PICTURED ABOVE IS ART FLETCHER,

SOME PEOPLE CALL, ^{HIM} THE HUMAN CAPITAL EVANGELIST,

OTHERS CALL HIM THE TORCH BARRIER AND

STILL OTHERS CALL HIM THE KEEPER OF THE FLAME.

HOWEVER, IRRESPECTIVE OF THE LABEL PEOPLE APPLY TO HIM, HE'S AN ORIGINAL SOURCE WHERE THE CIVIL RIGHTS LEGISLATIVE REVOLUTION IS CONCERNED. COUPLED WITH THAT, HE'S RECOGNIZED AS THE FATHER OF THE EMPLOYMENT AFFIRMATIVE ACTION ENFORCEMENT MOVEMENT. WHATEVER PEOPLE CALL HIM HE'S A LIVING LEGION AND IS STILL VERY MUCH WITH US.

BUT MORE IMPORTANTLY HE'S PLANNING A 40 STATE TOUR, THAT WILL INCLUDE VISITS TO COLLEGE CAMPUS, PLUS PRESENTATIONS BEFORE SECONDARY SCHOOL STUDENT BODIES AND FACULTIES, CHURCH ORGANIZATIONS, PROFESSIONAL AND TRADE ASSOCIATIONS AND CIVIC ORGANIZATIONS. HIS PURPOSE! TO SHARE HIS EXPERIENCES AS A CIVIL RIGHTS TRENCH FIGHTER, BOTH IN SIDE AND OUTSIDE THE GOVERNMENT, AS WELL AS HIS VISION OF THE FUTURE AND THE CHALLENGE FACING THE CURRENT ADULT WORK FORCE, AND THE ONE BEING DEVELOPED RIGHT NOW

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BEING DEVELOPED RIGHT NOW IN OUR EDUCATIONAL AND TRAINING
SYSTEMS.

TO BE SPECIFIC, NO MATTER WHAT RACE, GENDER, ETHNIC BACKGROUND, OR PHYSICAL HANDICAP, ECONOMIC CIRCUMSTANCE MUST NOT BE ALLOWED TO STAND IN THE WAY, NOR FURTHER DIVIDE US, ETC. WE MUST SEEK AND DISCOVER THE COMMON GROUND, AND PURSUE A COMMON DESTINY IN SPITE OF OUR DIFFERENCES. AS WE STRIVE TO IDENTIFYING THE ESSENTIAL COMMON GROUND, AND PURSUING OUR VITAL COMMON DESTINY, EVERY INSTITUTION THAT CONSTITUTES OUR POLITICAL, ECONOMIC AND SOCIAL SYSTEM WILL UNDER GO THE SEVEREST OF SCRUTINY.

THE PURPOSE OF THIS DETAILED EXAMINATION WILL BE THAT OF PRESERVING, ENHANCING, AND SUSTAINING THE PROCESS THAT HAVE SERVED THE NATION WELL THROUGHOUT ITS PAST AND THE PRESENT, AS WELL AS HOLD OUT PROMISE FOR THE FUTURE. THOSE SYSTEMS, PROCESS, ETC., THAT FAIL TO MEET THAT TEST WILL BE ELIMINATED, DISBANDED, OR GOTTEN RID OF. BECAUSE IT IS CONTROVERSIAL IN NATURE, CIVIL RIGHTS AS A WHOLE, AND AFFIRMATIVE ACTION IN PARTICULAR WILL HEAD THE LIST IN RECEIVING SUCH MINUTE DETAIL SCRUTINY AND IT WILL SUFFER AND/OR SURVIVE ACCORDINGLY.

IF AND WHEN AMERICA SURVIVES ITS CURRENT CRISIS OF CONFIDENCE THAT IS CONFUSING ITS LEADERS, FRIGHTENING ITS CITIZENRY, DIVIDING ITS PEOPLE AND SAPPING IT ENERGIES WE AND THE WORLD WILL KNOW. HOW WILL THEY KNOW? BECAUSE IT WILL BE A STRONG, SECURE, STABLE, AND PROSPEROUS, NATION STATE AGAIN. AND WILL STAND AS A COUNTRY WITH A BRIGHT AND SHINING FUTURE, AS WELL AS ONE WITH A HIGHER CALLING. BY HIGHER CALLING, I MEAN AN AMERICA WITH A REASON FOR BEING THAT EXTENDS BEYOND COUNTRY

ART FLETCHER
THE FATHER OF AFFIRMATIVE ACTION IS STILL ON THE CASE

When I had finished writing this essay I gave it to my editor to proof read and suggest a title, and she suggested the one that appears above, Art Fletcher, The Father of Affirmative Action is Still on the Case. By father of affirmative action she was speaking of the following: namely that I was the only official serving in the United States government to sign the document that started the employment affirmative action enforcement movement. How by applying legally binding standards for hiring black, other minorities, and women on construction contracts that were financed by federal tax payers dollars. The enforcement plan was called "The Revised Philadelphia Plan." It applied to the Philadelphia Pennsylvania. And mandated that all construction industry contractors who bided on construction work to be performed in that area, must include, as a bid specification, the employment of African Americans, other racial minorities and women in each craft, that would be performing work under the provision of the contract in question. The plan did not specify the number of racial, ethnic and racial minorities to be hired, it simply specified that a specific number of manhours (person hours today) would be allocated for the latter to work in each involved craft. There were other significantly pertinent specifications in the regulation spelling out how to achieve the agreed upon contractual commitment, but the allocation of person hours for minorities and women to work was the ground breaker. This was a new contractual requirement. And to say that neither the contractors nor the construction industry unions like

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it, would be the understatement of the 20th century. Not only were the furious, but together they generated a national political, economic and social fire storm, that is still rowing, 20 plus years after the fact. Witness the recent congressional battles of the 1990 and 91, Civil Rights Acts. These bills were concerned with restoring the remedial effective and positive impact of affirmative action programs at the work place. They were needed because, during the 80s the current conservative united states supreme court, had handed down rulings that all but destroyed the positive impact that equal employment affirmative action programs had had and were having at the nation's work places. Also, witness the success that David Duke, has had and is having campaigning against the use of employment affirmative action programs. Likewise with respect to James Buchcannon. Both he and Duke are hoping to be the Republican Party Candidate for president in 1992. They both are running racist campaigns, and have made their opposition to affirmative action the center peace of their respective campaigns. As a result, they are developing a considerable national following and raising millions of dollars in the process. In short the war for economic equity and social equality is anything but over. Before proceeding, I should point out that there was an original Philadelphia Plan in place when I arrived on the national scene, to serve as the Assistant Secretary of Labor for Employment in 1969. However, it had no enforcement provisions. It was a volunteer program. By volunteer program, I mean upon being awarded a contract, construction

Page 2.

industry contractors, negotiated each of the specification contained in the bid package, and then signed the agreement. At that point the agreement is firm and the contract was signed sealed and delivered. Only then was there a discussion of specific volunteer out reach program that would us to find and employ qualified minorities to work on the contract. It goes without saying the volunteer out reach program was not a binding part of the contract. Thus, the contractor could not be found in non-compliance, and in default, for breach of contract should the firm fail to hire any minorities or women to perform work on the project. Making the utilization of minorities and women, a bid specification, and thus a binding part of the contract, that would have standing in law and be sanction by the courts, changed the rules of the game altogether. Specifically it meant that each contractor had to submit, an affirmative action programs as part of the firms bid package, and the latter had to specify the number of person hours to be worked by minorities and women during the life of the contract. If the commitment in the affirmative action program fell short of realistic expectation, the firm could be declared a non-responsive bidder. And, after the work began, should continuous audits of the contractors performance, indicated that he had not or was not making a good faith effort to hire enough minorities and women to consume the person hours allocated to them in the contract, a stop work order could be issued, and a suite filed for breach of contact. When, the federal government, and in this case, I as the

1 assistant secretary of Labor signed and issued the Revised 9.
 2 Philadelphia Plan, and flew to Philadelphia and announced it, the 10
 3 nation's federal government contractors, know the an era had come 10
 4 to an end, and that in-so-far as federal government contracting 12
 5 was concerned the days of overt and/or covert employment 10
 6 discrimination against minorities and women was fast coming to 10
 7 and end.

8 Over the years people in the so-called know have credited 10
 9 me, with opening up employment opportunities for minorities and 9
 10 women in the construction industry only. What they failed to 10
 11 realize is that although, Revised Philadelphia Plan, targeted the 9
 12 Philadelphia area construction industry, in point of fact it was 10
 13 tied to the spending of federal taxpayers dollars, regardless of 10
 14 whether it involved a construction contract, a service contract, 9
 15 a supply contract or a facilities, equipment and materials 9
 16 contract. If federal dollars were involved in anyway, an 9
 17 affirmative action program, was a bonified requirement for 8
 18 contracts of a significant dollar value, regardless of purpose. 9

h. w.
 11 = 10

9 = 9 19 I should make another critical point while I am at it. The 12
 3 = 12 20 reason, for the title, The Revised Philadelphia, is because in my 10
 21 capacity as the Assistant Secretary for Employment Standards, I 9
 22 could only make rules, set standards for a specific labor market. 10
 23 I could not make a general rule, set standards, etc., for a 10
 24 region, or the nation as a whole. Only the President of the 12
 25 United States and/or the Secretary of Labor. But, I could make 9

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