

**The Continuing Significance of Race:
Racial Conflict and Racial Discrimination in Construction***

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January 1991

* Thanks to Norman Fainstein, Greta Gilbertson, Eli Ginzberg, William Kornblum, Michael Lapp, and the editors of *Politics and Society* for comments on an earlier draft of this paper, which was previously presented at the 1990 meetings of the American Sociological Association. Special thanks are due Jim McNamara, who gave the paper an incisive reading and shared his experience and knowledge with us. This paper is joint work of the authors. Please address all correspondence to them, respectively, at Department of Sociology, UCLA, Los Angeles, CA 90024 and CHR, 2880 Broadway, New York, NY 10025.

forthcoming, *Politics and Society*

This paper is concerned with a single question, one that is simple and straightforward, and yet almost always ignored: Why don't blacks get their fair share of good jobs when educational barriers don't stand in their way?

That this question does not get asked reflects the conventional wisdom about urban change and its impact on minorities, as well as the assumptions about black-white conflict that underlie that view. In this perspective, the root problem is the mismatch between the skills of black city residents and requirements of urban employers. Manufacturing was earlier the staging ground of unskilled migrants who moved to the city and then moved up. But as mismatch proponents like John Kasarda or William Wilson have repeatedly emphasized, central-city manufacturing is now a sadly declining enterprise.¹ Growth has shifted to the white collar sector: employers in the city of information processing and the transaction of high level business deals require advanced schooling and college degrees, not muscles or a willingness to do hard, menial work. In the equation between the city's economic function and its population base, the unlettered, no matter how willing have irrevocably lost out. The decline of the industrial city has left minorities high and dry.

While the force of repetition and the prestige of its proponents have undoubtedly done much to reinforce belief in the skills mismatch, the relentless press of events has also helped. Virtually any report on the urban economy will show the significant growth in white-collar positions, especially those at the apex of the job hierarchy, and the decline of blue-collar jobs for workers with no more than a high school degree.

But there are still some very well-paying goods producing jobs to be had in the post-industrial city. They can be found in construction, the one urban blue collar sector that has thrived during the years of manufacturing decline. The urban revitalization of the 1980s changed the landscape of downtown. In New York City, alone, the value of construction contracts doubled in real terms between 1976 and 1987, which in turn doubled the size of the local construction labor force.² The workers who put up these buildings, though working with more sophisticated equipment than in the past, brought little more than secondary level schooling to crafts that they essentially learned on the job. In 1980, no other industry sector in New York City, except personal services, depended as heavily on workers with a high school education or less.³

Good times and abundant work for those with manual skills notwithstanding, the building boom of the 1980s left black workers out in the cold: construction remains an industry in which the force of long-established exclusionary practices has not yet been spent. Moreover, the persistence of discrimination in construction is not simply an unpleasant exception to the general case. By attracting such intense scrutiny, the flagrant discriminatory practices in the construction union have obscured the severe barriers to employment gains that confront blacks throughout the skilled trades. Blacks have not done much better in entering skilled manufacturing occupations -- or for that matter, skilled blue-collar non-manufacturing occupations -- than they have in the building trades.

Empirically, construction is thus the most visible example of a widespread problem. It is also significant in another and deeper sense. Much of the debate has been focussed on whether or not discrimination has in fact declined. But by demonstrating the continued virulence of discrimination in the construction case makes us ask why and under what conditions discrimination would persist or decline. From the point of view of public policy, this is a question that needs more attention, given that discrimination persists in at least some sectors.

To be sure, the proponents of the skills mismatch perspective have an explanation for why discrimination has declined. Whites' fear of low-wage competition from minorities, they contend, led to discriminatory actions. But in recent decades, the American state's expanded role in regulating industrial and race relations diminished wage competition between blacks and whites, thereby reducing white workers' motivations to discriminate against blacks. With these shifts in place, class, or to put it somewhat closer to the terms of the empirical debate, educational attainment, replaced race as the principal influence on blacks' labor market experience. Blacks' deepening employment problems reflect their educational and skill deficiencies relative to the demands of the new, service-based economy -- not their vulnerability to discriminators.

But this theoretical perspective runs against the stark reality of the construction case. Neither tenet of the skills mismatch story applies. Low black employment in construction persists even though skills or education are not at issue. And while black-white wage competition may have declined, the low levels of black penetration into construction's skilled

trades are prima facie evidence of continuing discrimination -- with many supporting details to be shown in the pages that follow. Thus, the persistence of employment barriers bearing little relationship to school-acquired skills raises theoretical questions about accepted explanations of discrimination's decline.

How can we understand blacks' continuing exclusion from an industry to which they have struggled for access over many decades? In this paper, we argue that the answer lies in the shifting balance of power between black and white workers and in changes in their relative ability to affect state policy-making. Construction has been the locus of continuing racial conflicts that date back to the early days of civil rights protest in the northern cities and are on-going as we write. Those conflicts have yielded modest and disappointing job gains for blacks. For the past thirty years, white workers and union have continued to oppose black employment in construction. Two factors, the importance of informal hiring and training practices, and the political power of construction unions, have prevented blacks from achieving parity within the industry despite strenuous efforts to reach that goal.

The industry's reliance on informal social networks for both recruitment and training makes it very difficult for newcomer groups to break into construction. Even in the unionized sector, which seems dominated by formal labor regulations and institutions, employment is largely based on informal relationships and mechanisms.

Informality not only creates natural barriers to outsider groups, but it thwarts public policies designed to counter discrimination. Since anti-discrimination policy proceeds through formal regulations, enforcement is more difficult and less effective in industries dominated by small firms that hire and promote through informal mechanisms.⁴ Thus, the greatest gains in black employment and mobility have occurred in industries that have been within the reach of public policy influence. The most conspicuous example of this success can be found in the public sector, where blacks are significantly overrepresented above parity and the level of black employment in managerial or professional occupations is far higher than in the private sector.⁵

The contemporary state's role in expanding employment for blacks represents an historic reversal: for many decades after the Civil War the state was instead used to block

black progress.⁶ In the 1960s and 1970s the growing political power of blacks and their allies brought about a proliferation of government anti-discrimination policies aimed at the construction industry. As in other sectors of the economy, organizational characteristics of the industry affected the scope of government's involvement. With its array of formal institutions and regulations, the union, rather than the non-union, construction sector provided the more appropriate vehicle for equal employment efforts. Consequently, the battle to open the industry to blacks has taken place almost entirely on union terrain.

In this situation, black workers and civil rights organizations found themselves pitted against labor unions that possessed considerable political muscle. The unions successfully used that power in the conflicts that ensued, with the result that policy responses on all fronts reflected the unions' underlying interests. Continuing black exclusion from skilled construction jobs, therefore, is not so much the consequence of skill deficiencies, but of power differences. Our analysis brings issues of power and conflict back to the study of the employment problems of blacks.

We develop this argument through a case study of racial conflict and discrimination in the New York construction industry. Case studies of one city or locality always raise questions about the limits to their generalizability, but in this instance the concern need not be great. On the one hand, a continuing history of racial conflict over construction jobs is one that New York shares with virtually all major cities. The existing, mainly descriptive literature on Chicago, Boston, Philadelphia and other cities provides no hint that the argument developed in this paper would not easily fit the developments beyond New York.⁷ On the other hand, the turn of events in New York, which we shall detail and analyze, had particularly significant consequences for the developments in these other cities. Of the two major federal anti-discrimination policies in construction, one originated in New York and the second was effectively thwarted by the opposition it provoked from the New York building trades. And on the legal front, New York produced more than its share of important judicial decisions, with one case of outstanding importance for anti-discrimination law.

This paper has its origins in our work in developing an affirmative action strategy in construction for a large regional transportation agency, which was then planning its long-

term capital spending strategy. In the course of this work, which took place episodically over a five year period between 1984 and 1989, we undertook more than 120 interviews with union leaders, directors of apprenticeship programs, trainers, government officials, and contractors. Since then, we have undertaken additional, lengthy interviews with key informants involved in earlier policy developments. We have also consulted a wide body of primary and secondary documents, of which we make use here when relevant.

We have written this paper as an essay of historical retrieval. Piven and Cloward wrote two decades ago that while blacks wanted a halt to urban renewal, integrated schools, and apprenticeship opportunities, few of these demands were conceded; instead "what they did begin to get was more relief benefits."⁸ It is what blacks got -- welfare -- that has been the focus of so much scholarship; how hard was the struggle for what they didn't get, and why they didn't get it, has been largely forgotten. It is that story that we seek to bring out in the open here.

This is a story that the scholarly literature has largely ignored. Both the protests over racial discrimination and the troubled policies implemented to overturn those practices were the subject of substantial scholarly work in the 1960s and 1970s. Much of this research was heavily influenced by the pragmatic orientation of the institutional economists who undertook it, and by their involvement with or ties to the institutions they studied.⁹ The scholars proved to be advocates of the most modest of reforms; as important, if not decisive players in the policy-making process, they abjured analysis of the policies that were chosen and of their determinants. Moreover, their interest, and that of the research community at large, faded when the protest movements lost their steam in the late 1970s. Yet it is precisely during the 1980s that the crucial chapters in the construction story were written.

As we shall argue, power is the key to that story. But power, as a vast literature attests, can rarely be directly observed. Moreover, part of the exercise of power is to obscure the traces of conflict. That memory of racial conflict in construction is faded, and that its history is unwritten, offers testimony to who won and who lost. In this essay, we seek to penetrate power's normally hidden abode; to do that convincingly, we need to document the details of power and its use.

Black Employment Trends in Construction

Opening up skilled construction jobs for minorities was a top priority for civil rights groups throughout the 1960s and early 1970s. Though the fires of civil rights protest have died down, the embers remain: in virtually every city, expanding minority employment in construction remains a hotly contentious, politicized issue.

The persistence of contention is a sign that protest has reaped limited rewards. A quarter century after the Civil Rights Act, blacks have not yet gotten their fair share of skilled, construction jobs. In 1970, as Table 1 shows, blacks were slightly over-represented in construction in the United States as a whole. That blacks held so many construction jobs was the result of their extraordinary concentration in the low-skilled, "trowel" trades of hod carrier and laborer that historically employed blacks. By contrast, in the skilled crafts of electricians, plumbers, operating engineers, employment fell well below parity.

The next twenty years brought little progress. On the whole, the black presence in construction actually declined. By the late 1980s, as blacks' concentration in the trowel trades diminished, the black share of total employment in the industry shrank from over- to under-representation. While the skilled trades did not see retrogression, neither were they witness to any significant advance. In 1987, blacks averaged less than 80 percent of parity for all skilled trades, with even lower levels of representation in the most highly paid crafts like electricians and plumbers.

Though the national picture looks dismal, the trends in New York City are still worse. Given New York's proportionately larger black population, blacks have also made up a substantially larger proportion of the local industry's workforce. But over the past three decades their level of activity in the industry has steadily declined. In the 1970s, when building in the city virtually ceased, black representation fell. And when New York's economic revival boom times in the 80s triggered a construction boom -- with an expansion that outpaced every industry but business services -- black employment dropped almost 15 percent. By the end of the 80s, blacks were even more under-represented in the industry and in its skilled trades than they had been in 1970.¹⁰

Ownership is common in an industry like construction, where firm size is small, and one can do well working on one's own or with a helper or two. Moreover, movement from

craftworker to owner and back again is common in construction, making the level of self-employment a good indicator of the acquisition of higher-level construction skills and contacts. But the data on black self-employment in the industry just add to the dismal record. Despite two decades of efforts to spur black business by providing set-asides on government contracts and other forms of business assistance, ownership remains much less common among blacks than among whites. Blacks have persistently been more under-represented among the ranks of self-employed persons in construction than they have been in the traditionally discriminatory skilled crafts.

Table 1 about here

Formal and Informal Organization in the Construction Industry

The outsider's image of the construction industry is a world of unchanging work rules, jurisdictional regulations, formal licensing and training requirements, and byzantine provisions for contract bidding. But the insider knows otherwise. Beneath the complicated regulations and proliferation of collective bargaining contracts lies a different reality, one dominated mainly by personal contacts and informal networks.

The industry's employment system mainly results from the small size of construction firms and the nature of construction markets.¹¹ In 1982, when the industry nationally did about \$300 billion in business, one million construction contractors employed approximately five million workers.¹² Seasonality, the unique and short-term nature of construction projects, as well as, the industry's extreme sensitivity to the business cycle make fragmentation and decentralization the industry's salient traits.

These characteristics create special problems for recruiting and training workers. Many construction jobs require extensive training and experience, but the industry's uncertainty and volatility complicate the acquisition of skills. Only the very largest firms can make stable commitments to a substantial number of employees. Usually, a contractor will have a small core of foremen and skilled craftsmen, but even these workers are periodically

Table 1: Black Employment in Construction, 1970, 1980, 1987

(Males only, ages 16 and over)

	United States						New York City					
	Percent of Employment			Index/Representation			Percent of Employment			Index/Representation		
	1970	1980	1987	1970	1980	1987	1970	1980	1987	1970	1980	1987
All industries	9.1%	8.3%	8.8%	1.00	1.00	1.00	14.8%	22.5%	20.0%	1.00	1.00	1.00
Construction	9.4%	7.2%	7.0%	1.04	0.87	0.79	13.9%	17.4%	12.5%	0.94	0.77	0.62
1970 classifications												
Skilled	7.0%	5.9%	7.0%	0.77	0.71	0.79	13.2%	16.5%	11.2%	0.89	0.73	0.56
Laborer	24.6%	14.3%	12.0%	2.71	1.72	1.36	22.8%	25.1%	12.3%	1.54	1.11	0.61
1980 classifications												
Precision product Const. laborers		5.0%	6.6%		0.60	0.75		16.6%	11.9%		0.74	0.60
Detailed occupations		17.2%	12.3%		2.07	1.40		24.6%	12.3%		1.09	0.61
Carpenter	5.4%	4.1%	6.0%	0.59	0.49	0.68	13.9%	17.4%		0.94	0.77	NA
Electrician	2.1%	3.6%	4.2%	0.23	0.43	0.48	5.4%	14.9%	NA	0.36	0.66	NA
Painter	8.2%	7.7%	6.6%	0.91	0.92	0.75	13.3%	15.8%	NA	0.90	0.70	NA
Plumber	3.6%	4.4%	4.9%	0.40	0.53	0.56	11.4%	16.2%	NA	0.77	0.72	NA
Self-employed	5.0%	4.0%	4.4%	0.55	0.47	0.50	8.8%	11.4%	6.7%	0.66	0.51	0.34
Non-construction skilled												
1970 classifications	6.1%	7.4%	7.4%	0.67	0.89	0.84	15.2%	18.8%	23.0%	1.03	0.84	1.15
1980 classifications		6.3%	7.2%		0.76	0.82		17.5%	22.4%		0.78	1.12

Note: Index of Representation = share of emp't in industry

Source: United States -- 1970: 1970 Census of Population, Occupation by Industry, PC(2)-7A, Tables 6 & 8
 1980: 1980 Census of Population, 2/1000 Public Use Microdata Sample (merged A & B samples)
 1987: merged 1986 and 1988 June Current Population Survey

New York City -- 1970: 1970 Census of Population, 5% Public Use Microdata Sample
 1980: 1980 Census of Population, 5% Public Use Microdata Sample
 1987: merged 1986 and 1988 June Current Population Survey

laid off. For most workers, the employer's commitment lasts only the length of a specific task.

These conditions impede institutionalized skill acquisition. Although the industry needs skilled workers, individual employers can benefit if they let others do the training. Free riding employers can anticipate gaining access to workers who previously acquired skills, since those craftspersons are unlikely to be permanently attached to the employer who first provided the training. But if every contractor follows this same strategy, no one will be trained.

Traditionally, family and kinship relationships have been used to counteract the disincentives caused by the uncertainty and volatility of the construction markets. The family relationship alters the investment calculus. In place of an employer worried about losing an investment when a worker moves on to another job, the investor is now a parent interested in assuring a child's livelihood, of which both the level and stability of remuneration are key. The employer's interests lie in the production and maintenance of the minimally skilled labor force capable of executing required tasks. By contrast, the parent's interest tends toward the creation of a polyvalent worker capable of working on many jobs and able to ride out cyclical swings in the industry by moving from one specialization to another. These same considerations make the employer desire a larger, and the parent a smaller workforce.

While young workers acquire training and experience with the help of relatives and acquaintances, contractors draw on the same relationships to staff their projects. Given the short-term nature of the employment relationship, the contractors try to minimize screening and recruitment costs, and information about relatives and friends of friends who are potential recruits is easy to obtain.¹³

This informal system works effectively when the projects are small. When jobs are too large to be handled by the individual journeyman and his helpers, a key worker can add to a crew by recruiting among his friends and acquaintances. Thus, close ties from contractors to key workers, and from key workers to other skilled craftspeople provide the channels by which members of a particular community gain entry into the industry. Because the skills required for success in any one of these positions come from prior employment,

the training system creates very strong barriers to outsiders. On the one hand, the industry's fragmented structure encourages contractors to rely on kin- or kin-type networks to efficiently mobilize reliable, productive workers. On the other hand, the nepotistic nature of recruitment, which yields the incentive for training, provides an equally strong motive to exclude workers not associated with the core network.

But there are limits to the completely informal training system. Serious strains develop when jobs become larger. Individual connections are not likely to be adequate to mobilize the large numbers of specialized craftsmen necessary to complete big jobs according to complicated schedules.¹⁴ A variety of institutions have emerged as mechanisms of raising and mobilizing the workforce; of these various institutions, the construction trade unions have historically been the most important.

The unions' training/mobilizing function has two key components. The first is a "joint", i.e., labor-management training program. Since the program is financed by contributions from all union contractors, no contractor runs the risk of paying the costs of training for competitors. The second component is a referral system, which can mobilize labor for short term jobs when informal methods would be inadequate under conditions of constantly shifting demand.¹⁵

Despite rules and formal procedures, informal relationships still dominate the union sector's employment processes. Thus, training may go on within the union sector without any formal training arrangements. For example, the operating engineers have historically done without an apprenticeship program: experienced operators passed on their knowledge about the various pieces of equipment to younger workers known as "oilers". Whether training is formalized or not, family connections are still important for passing on skills, particularly since much of the training must go on informally on the job. A high proportion of skilled workers report having fathers or relatives in the trade.¹⁶ Though apprenticeship is the most important entry route for the industry's key workers and future foremen, only a minority of union members have previously served as apprentices.¹⁷ Many workers become sponsored for journeyman status without ever having learned their skills or graduated from a formal apprenticeship training program; social connections to journeymen is even more important for workers who attempt to enter the industry

through this route.¹⁸ Construction training in the armed forces has provided a frequently used launching pad for civilian careers in the union sector;¹⁹ work in the suburban residential housing market has been an alternative route of access, though one that is even more discriminatory against blacks than the central-city union sectors.²⁰

The union's recruitment institutions operate in a similarly flexible fashion, emerging from and then collapsing back into the underlying informal networks as conditions change. Even at a formal level, the requirement that workers be recruited from among union members is by no means universal.²¹ Whether mandatory or not, the hiring hall is often "a source of workers only at the margin," to be used when employers can "not recruit sufficient help on their own".²²

The workings of the apprenticeship system demonstrate how firmly embedded are institutional arrangements in underlying social networks. By creating a structure that channels the flow of entrants into the industry and regulates the characteristics of new workers accepted into the training system, apprenticeship fulfills the basic needs of the core, skilled workforce. While the apprentice system is at once more restrictive with respect to numbers admitted, and more intensive with respect to training required, than most employers might desire, it is accepted because it works and appears to do so better than the alternatives. First, the financing of apprenticeship programs socializes the costs throughout the industry: every contractor is equally at risk of paying the costs of training a competitor's crew. Second, formalization counteracts the effect of fragmentation on the incentive structure facing workers acquiring skills. Uncertain and unstable employment prospects make workers reluctant to absorb the costs of skill acquisition. Apprenticeship keeps down competition for vacancies, and reduces recruitment during down periods. These conditions improve the chances that young workers will find employment for their new skills, thereby increasing their incentives to devote the time and expense needed to become a skilled craftsworker. Third, union control of apprenticeship keeps journeymen involved in the training process. Even apprenticeship programs depend on the journeymen to provide on-the-job training, especially since the most important skills are acquired on small jobs where apprentices work on a one-to-one basis with journey-level mechanics. Consequently, as long as the apprentice stream converges with nepotistic networks and never threatens to

supplant journeyworkers with cheaper, less trained workers, the apprenticeship system reproduces the familial system in providing incentives for journeyworkers to train new entrants.

Thus, formal regulations and processes play a less prominent role in the union sector than appears at first glance. Because groups not already integrated into networks within the industry find it difficult to firmly establish themselves in construction work, the industry's continuing informality has affected blacks with particular force.

But in the union sector, these informal barriers are also embedded in institutions. The institutionalization of the union sector has paradoxical consequences for government's responsiveness to black protest. On the one hand, a tight nexus links the state, at all levels of government, to the union sector. Government is a big spender of construction dollars and plays an important role in regulating construction industrial relations. Consequently, the potential for altering existing institutional arrangements politicizes the industry's employment process. Moreover, government's levers can indeed be wielded with some effect. By contrast, the organizational characteristics of the non-union sector -- its greater fragmentation and its disconnection from the state -- makes it a less attractive policy target. And where the non-union sector has developed training institutions, its employment practices compare unfavorably with the union sector.²³

On the other hand, the very fact of skilled worker organization and mobilization has given the crafts powerful levers in the political conflicts over training system control. When confronted with heightened black protest, and governments mobilized to provide some response to blacks' demands, the craft unions have made strategic retreats. But the unions' have been unrelenting in their efforts to maintain control over the training system; in the end, the weight of informal barriers, and the unions' ability to influence policy-making sharply contained the black drive for equal employment in construction.

In the next section, we review the various policies they have been used to try to open the industry to blacks and other minorities and show how most of these measures have been turned aside, throwing up programs and policies that appear to address the issue, but in fact never attacking the core of the problem.

Racial Conflict and Anti-Discrimination Efforts in New York City

Until the 1960s, New York's building trades were virtually impenetrable to blacks. Blacks had made some gains in construction jobs after World War I, but these were soon undone by the impact of the Great Depression, as craft union policies became more rigid. Powerful Local 3 of the electrical workers simply refused to admit blacks. Plumbers Local 2, George Meany's home union, resorted to a different tack, enforcing racial exclusiveness through control of the licensing program--which barred black plumbers who might have gained experience or completed programs in other states. The Carpenters, a less skilled craft in which blacks could make good use of proficiencies acquired on the farm, segregated its membership by race. The District Council assigned all black members to Local 1888, a mixed local based in Harlem; the white members gradually transferred membership to other locals; and as a final stroke, the District Council made Harlem the sole jurisdiction for which Local 1888 members could work. Not surprisingly, black membership in the carpenters plummeted from 440 members in 1926 to 65 in 1935.²⁴

Although World War II helped redress the damage suffered during the depression, black workers remained on the margin of the industry. Not only did most black construction workers labor in the trowel trades; even in these lower level occupations, they enjoyed few opportunities to do more than low-unskilled, "rough work". The black members of Carpenters Local 1888 found themselves confined to the hardest, low-paying jobs; until the 1960s, each New York City Carpenters Local had its quota of 2 blacks who were allowed to do "finish work". Plumbers Local 2 now had 3 black members holding journeymen's cards who were rarely allowed to work with other journeyworkers. Sheetmetalworkers Local 28, where resistance to integration proved to be the most entrenched, was strictly a father-son local, with no black members at all.²⁵

Contrary to William Wilson's claim that racial conflict in the post-New Deal era shifted out of the labor market, these job barriers became a lightning rod for black protest in the 1960s. The initial steps were relatively quiet: in the late 1950s, the New York State Commission Against Discrimination (SCAD) published a scathing report that drew attention to the industry's discriminatory practices. Around the same time, the Urban League began efforts to work with employers and unions. But once protest engulfed New York's black

community, as it increasingly did in the early 1960s, it was inevitable that the construction industry would explode.

It was not just a legacy of blatant discrimination or the prospect of obtaining good jobs that made construction such a tinderbox. In those days of urban renewal, when the black ghettos of New York and other cities contained numerous construction sites, the persistence of a lily-white workforce was something that everyone could see. And so in May 1963, the Joint Committee for Equal Employment Opportunity announced plans to picket a construction site at Harlem Hospital. Picketing at the site led to violent clashes and suspension of work; pickets, demonstrations, and violence then spread to other construction sites throughout the city. The spring's protest activity led to daily sit-ins in the Mayor's office (lasting ultimately for 44 days), sit-ins at the Governor's offices in the city, clashes with police and more than 650 arrests.²⁶

The following year saw another bitter fight, though this time with the protagonists cast in opposite roles. In April 1964, Astrove Plumbing, which had just received a large city contract for work on the new, public fruit and produce market being constructed in the Hunts Point section of the Bronx, succumbed to pressure from the City Human Rights Commission and agreed to hire four minority plumbers. Though these four minority plumbers were not members of Plumbers' Local 2, Astrove's contract with Local 2 allowed him to hire qualified workers in the geographic area of the union, regardless of membership status. This fact notwithstanding, Local 2 decided to call a strike as soon as the four minority workers appeared for work. The plumbers walked off the job on April 30; within the week, the strike spread to other crafts. On May 15, then Mayor Robert Wagner announced a settlement: the plumbers would return to work in return for which the four minority employers would be allowed to take a test; if they passed the test they would be hired and admitted into the local. But the four minority plumbers failed the examination. And though National Labor Relations Board and court decisions found the union's strike illegal and discriminatory, the four minority plumbers never made it into Local 2.²⁷

These conflicts which were sparked in the heydays of civil rights protest in New York, and have remained an enduring part of the construction scene, produced policy responses. Those responses, which are the subject of the remainder of this section, fall into four

categories: (1) changes in formal, state regulation of apprenticeship programs; (2) equal employment strategies, which in turn can be distinguished into separate supply- and (3) demand-side efforts; and (4) court-imposed remedies. Examination of each case reveals the combined ability of the informal/formal power nexus in the union system to avert effective integration.

(1) State regulation of apprenticeship programs: The apprenticeship system in the United States is part of a broader set of legal relations that binds the construction industry to the state. Modern apprenticeship was born under the New Deal, a product of the little known National Apprenticeship Act of 1937 -- the Fitzgerald Act --which established standards for apprenticeship programs and set up an agency of government, the Bureau of Apprenticeship Training in the Department of Labor, to make sure that these standards were met. The law also gave states the option of establishing their own State Apprenticeship Councils (SACs), which, if approved by the BAT can take over the regulatory responsibility. New York is one of the approximately 30 states with SACs, making the New York State Labor Department the designated agency for regulating apprenticeship programs.

Another New Deal progeny, the Davis-Bacon Act is the source of further influence over apprenticeship programs. Davis-Bacon was yet another New Deal effort to keep a floor under wages and prevent the rounds of wage-slashing that many consider a prime cause of the depression. Under Davis-Bacon all workers on jobs funded by the U.S. government must be paid the prevailing wage -- which in practice has meant the union rate. Little Davis-Bacon's are a common feature at the state and local level. In New York State, Section 220 of the New York State labor law stipulates that any projects funded by the state or any of its subdivisions, which include municipalities, must pay labor at the prevailing rate. One class of worker is exempted from the prevailing wage requirement for journeyworkers: apprentices enrolled in government-approved, registered programs. Keeping a program registered is the only way that unions can provide contractors doing government work with a source of cheap, but union labor. And thus the linkage between Davis-Bacon-type provisions and apprenticeship regulation is a potential hook that government can use to pry open apprenticeship doors.

Yet in fact, this is a strategy that government regulators have never employed. Ever since the inception of protest over discrimination, regulators in the New York State Departments of Labor have resisted every effort to influence the programs they were mandated to oversee. Prior to passage of state and federal civil rights statutes, the regulators did their best to oppose extending anti-discrimination protections to apprenticeship programs. Thus, in the late 1940s, the New York State Apprenticeship Council and its director opposed amendments to the standards for apprenticeships that would have prohibited discrimination. In the mid-50s the Council, in response to pressure for action from the New York State Commission Against Discrimination (SCAD), claimed that it knew of no discrimination in registered apprenticeship programs. And in the late 1950s, when SCAD undertook a study of the industry, the Council explicitly disassociated itself from the study, its procedures, findings, and recommendations and withdrew any cooperation.²⁸

In the 1960s, the regulators finally bowed to pressure from protesters, legislators, and the courts. In 1964 closed apprenticeship programs were prohibited; instead programs had to undertake open and publicized recruitment drives, using a variety of objective and subjective criteria by which to admit candidates. While the introduction of tests made it somewhat more difficult for relatives to be guaranteed an apprentice slot, there was no direct payoff for blacks. The main beneficiaries, ironically, were those white applicants whom nepotistic barriers had previously shut out.²⁹

In the post-civil rights era, regulators are specifically charged with increasing minority participation in apprenticeships, and have tools with which to do so; nonetheless, their basic approach remains unchanged. Federal regulations require that apprenticeship sponsors develop affirmative action plans to end the underutilization of minorities and women in their programs.³⁰ Furthermore, the agencies can require the apprenticeship programs to develop a plan to achieve that goal. If the agencies decide that the program is not making a good faith effort to achieve the plan, then they can deregister the program.

Under these circumstances the regulators have opted to publicly proceed with anti-discriminatory procedures, while privately maintaining business as usual. Thus in 1978, the New York State Department of Labor set the minority population percentage as the target

for the minority share of apprenticeships. But these goals could be blithely ignored since the Department has never mandated action or pursued enforcement remedies. While the Department is mandated to conduct regular compliance reviews, these consist of semiannual reports which demonstrate that almost every program is out of compliance year after year.³¹ To pick a typical example, the status reports for Electrical Workers Local 3 show a decline in the minority apprentice share from 27.7 percent in 1982 to 15.3 percent as of May 1989, but the Department's only reaction is to note "AA [affirmative action] discussed." Hence, the years of booming enrollment for apprentices during the 1980s proved to be bad years for minority workers. Between 1980 and 1987, the percentage of new apprenticeship registrants who were black or Hispanic declined -- at a time when the minority population base expanded.³² Not only were apprenticeship opportunities disproportionately redounding to the benefit of whites; only small numbers of minority apprentices ever completed their training. In 1986, only 140 minorities completed apprenticeship programs, in comparison to 130 who dropped out prior to completion.

But this dismal record elicited only a resounding silence from the State Department of Labor. As the Department's Deputy Commissioner admitted in public testimony before the New York City Human Rights Commission in 1991, "There have been a number of [programs] that we have called before us for corrective action, but I think fewer than two or three."³³ In fact, the Department has never moved to deregister an apprenticeship program on grounds of discrimination. The only program to suffer deregistration has been a small electricians union, affiliated with the Teamsters, that engages in bitter competition with the powerful, and politically well-connected Electrical Workers (IBEW) Local 3.³⁴ The Department has also not referred any apprenticeship program to the Division of Human Rights or the State Attorney General for legal action.³⁵ And as for training barriers that may be discriminatory in effect, if not in intent, the Department has explicitly deferred to the unions' predilections:

We do not second-guess industry representatives on what or how much is needed to fully train for the occupation. Clearly, the industry is in the best position to know what it takes to succeed in their trade.³⁶

There are several explanations of why the "watchdogs" haven't watched. First, the regulators are burdened with a contradictory mandate. The charge under the Fitzgerald Act gives them the job of expanding apprenticeships, yet their responsibilities under civil rights legislation turn them away from being promoters into being policemen. Second, the policing mandate gets in the way of bureaucratic imperatives. Expanding apprenticeships yields the by-product of great bureaucratic visibility, importance and personnel. The number of registered programs and the closeness of apprenticeship officials to program operators are the indicators of bureaucratic success. But it is precisely these goals that may vanish if officials push for greater minority employment. The fear that industry and labor might "withdraw from, or not join, in registered apprenticeship programs" has long provided an excuse for regulators to shy away from the issue of minority apprenticeship.³⁷ Third, and most importantly, industry and labor are the regulators' constituents; it is their constituents' views and interests that the regulators represent. The fact that Teamsters Local 363, of all the possible choices, should have been the only program to be deregistered, testifies to just who the regulators' constituency is and how responsive they are to those constituents' views.

(2) Supply-side interventions: the apprenticeship outreach programs: By the late 1970s, a supply-side strategy which sought to increase the number and improve the quality of minority applicants for apprenticeship openings had become the principal weapon in the federal attempt to open up skilled construction jobs for blacks. By fiscal year 1980, the last year of full government support before the Reagan administration eventually closed the program down, the Labor Department was spending over \$22 million for the Targeted Outreach Program (TOP), which in turn subcontracted to local recruiting and training agencies throughout the nation.³⁸

The outreach approach grew out of the protests that erupted in New York City in the early 1960s. Among the various organizations participating in the wave of job-site protests and demonstrations in 1963 was the Workers Defense League (WDL), an offshoot of the Socialist Party with strong ties to organized labor.³⁹ WDL officials concluded that even if apprentice openings were to be made available, finding qualified and interested black applicants would be a major difficulty; recruitment and training were therefore the key. Organizationally, WDL was part of that small cadre of civil rights leaders around

Bayard Rustin that called on the civil rights movement to shift "from protest to politics".⁴⁰ WDL's apprenticeship outreach program embodied the strategic implications of that new thrust. Tactically and programmatically WDL broke with strategies of confrontation. It eschewed protest; it also accepted, as one veteran of the first WDL programs noted, "not only the apprenticeship system, but all of the requirements (based within the apprenticeship law) for entrance into apprenticeship."⁴¹ As the program's early co-directors explained to a Ford Foundation evaluator, "We simply decided that we had to live with the tests and go on from there. Confrontations have not produced any basic changes in the structures of these unions. It was not WDL's job to challenge requirements."⁴²

Financial support for the WDL's outreach approach first came through a small grant from the Taconic Foundation which provided funds to establish a very modest New York City operation. But the program soon gained the eye of the broader policy community. Marshall and Briggs, in their mid-60s survey of The Negro and Apprenticeship, conducted under a grant from the U.S. Department of Labor, recommended the outreach approach as a template for efforts in other cities. In 1967, the Labor Department and the Ford Foundation took up the suggestion, providing \$287,000 and \$44,000, respectively, which was used to expand the Workers' Defense League program from New York to several other cities. Over the next 13 years, Labor's spending on outreach activities grew almost twenty-fold, indicating that the outreach "strategy had been selected by federal officials as the primary method through which they would encourage integration of the skilled construction trades."⁴³

This capsule history of the early WDL experience suggests how to read the broader context in which government policy developed. In construction, the Democratic Party policymakers at all levels were presented with their basic dilemma in particularly raw form. On the one hand, the industry was a particularly egregious and unrepentant violator of equitable hiring practices which Democratic Party politicians had to endorse. Construction activity was visible, public, and very clearly linked to the state. The logic of black demands for construction jobs -- that these represented one of the few sources of good-paying positions for manual laborers -- was hard to resist. And much construction work took place

in black ghettos -- thus increasing the local salience of discrimination and facilitating the protest mobilization.

On the other hand, the workers and the unions were a core element of the party's constituency and one whose political muscle and level of mobilization made them difficult to ignore. George Meany's original political base was in New York Plumbers Local 2 and Meany had previously served as New York State AFL President.⁴⁴ The President of the New York State AFL-CIO during the period was also the business agent of the New York City Ironworkers local. And Harry Van Arsdale, business agent of Electrical Workers Local 3, was also President of the New York City Central Labor Council.⁴⁵ Because the construction unions were so tightly linked to the state, racial conflict on the local job site quickly spread to the national level. Thus, the controversy over the Hunts Point Terminal market, discussed above, engulfed not just Meany, but President Johnson, who instructed Secretary of Labor Willard Wirtz to "see what could be done".⁴⁶ And as we shall see below, the building trades-state connection became even more explicit when the head of the local building trades council moved to Washington as Secretary of Labor under President Nixon.

Focussing on the supply-side offered a convenient, and politically acceptable escape from the Democrats' conundrum. By seeking to modify recruitment patterns, and no more than that, government policy left the institutionalized interests of unions and management unthreatened. In contrast to white workers, for whom entry into the union sector more frequently occurs through direct admission into journeyman status rather than through apprenticeship training, apprenticeship is the only way in for blacks. But apprenticeship serves as the training ground for the industry's key workers and foremen, with the result that its skill demands are far more rigorous than the typical journeyman needs. Consequently, admission standards often bear little relationship to the job requirements of the typical skilled worker.

The outreach programs also served organized labor's interests in both material and organizational respects. The program became instruments for cementing ties to emerging black labor and community leaders. Even unions received outreach funds to initiate their own targeted strategy; in 1980, more than \$2 million in government funds went to the AFL-

CIO's Human Resource Development Institute (HRDI) to run 21 different local programs.⁴⁷ Federal money also provided the glue for formalizing the previously informal connections between the WDL program and the AFL-CIO. In 1967, the WDL Apprenticeship Program became the Joint Apprenticeship Program of the Workers' Defense League/A. Philip Randolph Educational Fund, an entity directed by Bayard Rustin and appropriately characterized as an AFL-CIO "front."⁴⁸

Participation brought political dividends, as noted even in a report written by proponents of the outreach approach prepared for the Department of Labor itself: "In resisting the affirmative action policies of the federal government, the unions pointed to the TOP programs as evidence of their commitment to equal employment opportunity."⁴⁹ Involvement in outreach programs helped deflect potentially far-reaching, and more-damaging policies, as noted by the key black organizers and administrators of what eventually became the Targeted Outreach Program.

In a sense, the fundamental strategic vision behind the apprenticeship outreach approach was responsible for its ultimate demise. By not seeking to effect institutional change, the outreach strategy made itself dependent on its links to external allies and their strength in the political arena. But with the accession of the Reagan administration, the support for even as mild an affirmative action strategy as apprenticeship outreach collapsed. When the flow of Federal dollars dried up, the many outreach programs closed their doors.

(3) Demand-side interventions: hiring "plans", imposed and voluntary: While policymakers at the various levels of government moved ahead on the supply-side front, they were also pushed into a demand-side initiative. While the outreach programs somewhat boosted the proportion of apprenticeships provided to minorities, the number of apprentice slots was severely limited. Decisions about how many new apprentices are to be admitted lie entirely in the hands of construction management and labor. And vigorously expanding apprenticeship programs is one course of action that these parties are reluctant to pursue, even in the best of times. Thus, programs designed to increase total minority employment in the industry became the focus of a parallel policy track.,

This track took the form of hiring plans for work done under government contract. In September 1969, the Nixon administration launched the so-called Philadelphia Plan,

requiring government construction contractors to commit themselves to goals in six trades (ironworkers, plumbers, steamfitters, electricians, sheetmetal workers, and elevator constructors), in which minority participation was less than 1.6 percent. Philadelphia was the prologue to federally-imposed plans in five other cities -- Atlanta, San Francisco, Washington, D.C., St. Louis, and Camden, New Jersey. To avert a similar fate, and moved by federal persuasion and dollars, unions and contractors in 70 other localities developed "hometown" or negotiated hiring plans. Like the imposed plans, the hometown plans specified minority hiring goals. But these goals were agreed upon after negotiations among unions, contractors, minority groups, and local political officials. Negotiated plans met the satisfaction of officials in the Office of Federal Contract and Compliance (OFCCP), who saw money-saving potentials and the possibilities of greater commitment from unions and contractors as well as more administrative flexibility.

Both imposed and voluntary plans sought to directly increase minority jobs, with any gain in minority union membership coming as an added side benefit. Thus minority workers were to be brought into the plans under a special "trainee" category. This designation qualified them for apprentice, rather than journey-level wages, making it more attractive for employers to hire the relatively unskilled trainees. Though trainees were to work alongside union journeymen and apprentices, there was no obligation on the unions' part to extend union status.

New York was one of the cities where a negotiated plan was hammered out and the vestiges of that original plan still survive. The torturous history of the New York Plan, which we shall recount in summary form, is a lesson in the shortcomings and sources of failure that afflicted this demand-side strategy.⁵⁰

The original New York Plan, unveiled with great fanfare in March 1970, looked like many of the other hometown plans, with one major exception--no community participation. This first plan sought to enroll 800 minority "trainees" to work on government-sponsored or subsidized projects.⁵¹ Though the plan had the backing of such usually antagonistic partners as New York City Mayor John Lindsay and New York State Governor Nelson Rockefeller, as well as the Building Trades Council and the U.S. Department of Labor, it soon ran into trouble.⁵² It took another seven months for Rockefeller and Lindsay to

agree on funding.⁵³ In March 1971 four unions, including the powerful electrical workers, sheetmetal workers, and plumbers unions, announced that they would refuse to accept trainees;⁵⁴ in response, the city froze all construction work for seven months, until all but the recalcitrant sheetmetalworkers relented.⁵⁵ Though the unions were finally pushed into compliance, relatively few trainees moved through the pipeline. Bitter opposition from civil rights and community groups yielded protests, sometimes violent, at job sites; in other instances, union workers walked off the job in disputes over minority employment. In early 1973, the plan lost Mayor's Lindsay support;⁵⁶ later that year, the Mayor issued an executive order which sought to up minority membership in construction unions to 25 percent by 1976 by insisting on a 1:4 minority ratio on all projects undertaken by contractors working on city contracts, including those funded with Federal dollars. Under the new program, all contractors bidding on city work had to submit plans detailing goals and timetables for employing minority workers.⁵⁷ But this plan stumbled into powerful opposition in the form of Peter Brennan, formerly head of the local Building Trades Council, now promoted to Secretary of Labor by then President Nixon.⁵⁸ Brennan froze all Federal funds for building projects in New York City until the city returned to the New York Plan. Brennan's opposition was joined by the State Labor Department, whose then head had been elevated from a previous job working for Harry Van Arsdale.

An incredibly complex succession of lawsuits followed next. After a Federal court decision in favor of the city's new program, Brennan withdrew his opposition and with it, federal recognition of the New York Plan.⁵⁹ The next round of the waltz pitted city against state, with the latter promulgating less stringent hiring plans for its own projects, many of them built in New York City.⁶⁰ Meanwhile, the employers' association was pursuing legal action against the city in state courts, on the grounds that the New York City Mayor lacked legal authority to impose goals and targets. Finally, the whole affair came to a crashing denouement: in 1976, just when the collapse of the local construction industry had made the whole matter moot, the New York State Court of Appeals ruled in favor of the employers' association, finding that the Mayor had exceeded his authority in setting goals and targets in the absence of legislative consent.⁶¹

The training controversy then briefly lay dormant, reviving with the turnaround in the city's economy, which occurred shortly after Edward I. Koch arrived at city hall. While Koch had been the recipient of considerable black support in the 1977 Democratic runoff primary and in the general election as well, he was personally opposed to racially-based quotas, which were prohibited under the earlier ruling of the State Court of Appeals. Koch resolved the conflict by issuing an executive order that reinstated the old 1:4 ratio proposed by Lindsay, but did not stipulate any minority membership requirement. Trainees were to be supplied by the old New York Plan for Training, which had survived by performing a similar function for New York State agencies.

But New York State's support was not to be longlived. Prodded by the powerful electrical workers union, which had always opposed the New York Plan,⁶² the state's Labor Department decided in the mid-1980s that State Labor Law 220 only recognizes two classifications of workers--apprentices and journey-level employees, and not trainees.⁶³ This determination reversed the state's policy on trainees: under the new ruling, government contractors who paid trainees the apprentice-level wage were now in violation of the law and at risk of debarment from state (or municipal) work. In 1984, the State Labor Department fined five electrical contractors, all under contract with Teamsters electrical union Local 363, for employing trainees at the apprentice-level wage. Upon appeal, the New York State Court of Appeals ruled in 1987 that trainee programs served a "compelling policy of eradicating discrimination from our construction industry," but that the wording of State Law 220 indeed provided no legal basis for the trainee program.⁶⁴ This decision left New York State (and its municipalities) without any affirmative action program in construction--a matter which appeared not to discomfit state officials at all. As the 1990s began, the New York Plan limped along through a loophole, providing trainees to contractors working on projects enjoying a New York City tax abatement, and therefore not directly subject to Labor Law 220.

Two decades of conflict have yielded few journey-level jobs for minority workers. The rationale for the training program was provision of a parallel track, yielding jobs in the here and now, and union status in the future. But the two tracks have almost never converged. The training plans don't guarantee a union card and consequently they have

added few completers to the union rolls. The New York Plan placed 5,000 trainees on jobs between 1971 and 1988; only 800 of those trainees were ever accepted into unions.⁶⁵ Even that number is probably too high, since some of these "trainees" were already apprentices who were registered as trainees so that they could be counted towards the trainee goal on city and state jobs.

Thus, the history of the New York Plan is the story of an opportunity squandered. In the conflict over directly swelling minority jobs, protest groups and civil rights organizations never had a real chance. From the start, the unions and contractors froze them out, pushing them to the sidelines where they could picket, demonstrate, and slowly melt away. In contrast to the protest groups, the unions exercised influence through the allies they controlled at higher levels. At an early stage in the conflict, Peter Brennan, head of the New York Building Trades Council and then Nixon's Secretary of Labor, played a crucial role in delaying the start of the New York Plan. Brennan's role was a sign to building trades unions throughout the country to dig in their heels further. And most recently, the New York State Department of Labor, in response to pressure from the electrical workers, successfully moved in court against the New York Plan, leaving New York State without any training or affirmative action program in construction at all. In contrast to the political leaders, the union leaders had the staying power and commitment to see their goals through. While Rockefeller and Lindsay are long gone from the political scene, the union officials remain in place. Tommy Van Arsdale, Harry's son, is business agent of Local 3 and head of New York City's Central Labor Council; Edward Cleary, Van Arsdale's former right hand man, heads the state AFL-CIO; and Peter Brennan remains entrenched in the Building Trades Council. And with time the underlying interest of public officials and building bureaucrats also came to the fore: find enough non-white bodies for the worksites to get the projects built. As we were told by a high state official, "Why pick on the construction industry to solve society's problems?" Why indeed?

(4) Court-imposed remedies: The building trades unions have played a prominent role in employment discrimination litigation, to which New York's construction union's have made a particularly distinguished contribution. Numerous actions were brought against New York locals in Federal courts, including Steamfitters Local 638, Sheetmetal Workers Local

28, Wire Lathers Local 46, Ironworkers Local 40 and 580, Operatoring [TB?] Engineers Local 14 and 15, and Elevator Constructors Local 1.⁶⁶ Of all these cases, the Sheetmetalworkers is perhaps the most notorious; it highlights not only the crafts' tenacious resistance to integration, but also the nexus between formal and informal training systems in impeding minority access to construction jobs.

In 1948 the New York State Commission Against Discrimination (SCAD) ordered Local 28 to desist from "executing and/or maintaining constitutional or by-law provisions which exclude Negroes."⁶⁷ The "caucasian only" clause was removed from the union's constitution, but fifteen years later no progress had been made: not a single black worker had been admitted into membership. In 1963, a black U.S. Air Force veteran initiated a complaint against Local 28 with the state civil rights agency. On March 4, 1964, the Commission ruled that Local 28 had "automatically excluded" blacks during the entire 78 years of the union's existence, in violation of the State Law Against Discrimination and ordered the local to "cease and desist" its racially discriminatory practices. When Local 28 refused to comply with this order, SCAD took the local to court. Later that year, the State Supreme Court upheld SCAD's action and ordered the adoption of a new set of admission standards. Two years later, the New York State Supreme Court issued a restraining order against Local 28 when it rejected the results of a test for admission into the union-controlled apprenticeship program, because, according to the union, blacks received "phenomenally" high scores.

In 1971, the Federal government began action in District Court, with New York City and New York State joining as plaintiffs. Following a trial in 1975, the court found against the union on several counts: (1) the union had adopted discriminatory selection procedures, including the use of union funds to subsidize special training sessions for friends and relatives of union members taking the apprenticeship examination; (2) it had restricted the size of its members, refusing to administer journeymen's examinations despite demands from the Contractors Associations;⁶⁸ (3) it had instead called in pensioners and permit holders from other locals all over the country, but never admitted workers from a heavily non-white local in New York City; (4) and it had selectively organized nonunion sheet metal shops with few, if any, minority workers and only extended union status to white employees. The

District Court then established a membership goal for the local of 29 percent, to be met by 1981, and empowered an administrator to devise and implement a recruitment and admissions program. Noting that the 29 percent goal had not been met, the City and State sued the local for contempt in 1982; the District Court imposed a \$150,000 fine upon the local. In 1983, the City brought second contempt proceeding, which led to a 1983 District Court ruling affirming the Administrator's proposed "Employment, Training, and Recruitment Fund". This fund, which was designed to pay for special services for minority apprentices, was to be financed by the \$150,000 fine imposed by the court as well as an additional payment of 2 cents for each hour worked by a journeyperson or apprentice. In approving the Administrator's plan, the District Court also extended the deadline for the 29 percent minority membership goal to August 1987; imposed a quota of 3 minority apprentices for every one apprentice; and required that the Joint Apprenticeship Committee assign one apprentice to every four journeypersons. When the union appealed this ruling to the Supreme Court, the court upheld the lower court's ruling and finally put an end to this torturous history.⁶⁹

The importance of this case extends beyond its obvious legal significance. In searching for remedies to discrimination, the courts and their officials provided confirmation for our basic argument: in order to undo discrimination, it was not sufficient to make changes in the formal training system. While the court-appointed administrator was empowered to increase the number of minority apprentices, minority enrollment in the program was difficult to sustain because the minority apprentices lacked access to the informal support system. The particulars of the sheet metal case magnified the importance of these connections: the trade is highly decentralized, with the largest shop employing only 180 people and the smallest employing only 1 mechanic; the typical minority apprentice was likely to work with few other minorities and in considerable isolation from counterparts in other shops; and finally, workers had to find jobs on their own, without assistance from a hiring hall. To remedy these problems, the court-appointed administrator established a surrogate skills training and support system, organized around a tutorial and counseling program financed by federal job-training monies as well as the court-imposed fines.⁷⁰

There is a further lesson to be drawn from the sheet metal case. When faced with the most egregious forms of employment discrimination, state-supported efforts at integration may eventually overcome the informal/formal power nexus in the union system. The keywords are eventually and may. It took almost 40 years to force the white workers in this union to desist. And the record of other litigations provides scant encouragement: where the unions choose not to be as provocative as the sheet metal workers, superficial remedies usually avert further court action. Even severe penalties and the imposition of administrative oversight, such as placing control over a hiring hall in the hands of a court-appointed administrator, may not be sufficient to override the workings of the informal system. And those unions that prolonged their resistance into the 1980s, found that time was not an enemy but a friend. With the advent of the Reagan administration, monitoring the behavior of construction unions under consent decrees was one activity that no longer took high priority.

Conclusion: The Continuing Significance of Race

If the employment problems of blacks result from a mismatch of their skills with the job requirements of urban employers, then construction should be one industry where there should be black workers aplenty. As we have shown in this paper, jobs requiring little schooling there may be in construction, but few go to black workers. That the empirical skills mismatch prediction should be so wrong on this count leads naturally to the question of why. The answer, we suggest, lies in the theoretical underpinnings on which the skills mismatch framework has been built.

The key work is undoubtedly Wilson's (1978) *Declining Significance of Race*. While that work has been controversial, most of the debate has focussed on the status of Wilson's empirical claims, and not on the theoretical synthesis he forged. This is an important omission, since it is the synthesis that provides Wilson's explanation of why class, rather than race, is the dominant factor in determining the life chances of blacks. In the labor market, Wilson follows Edna Bonacich's split labor market theory in ascribing racial conflict to a competitive struggle between two groups with different wage norms.⁷¹ As "low-priced" labor willing to work at rates well below the rates acceptable to whites, blacks lend

themselves to employers efforts to "undercut the white labor force by hiring cheaper black labor." Thus, fear of wage competition fueled white workers' antagonism toward blacks.

According to Wilson's argument, the expansion of the state into labor market regulation altered these racial dynamics. By protecting unions, the New Deal sharply diminished the competitive threat posed by cheaper black labor. Because employers had previously recruited blacks into the mass production industries, unions also had to include blacks in their organizing drives. Passage of equal employment legislation forced employers to equalize pay for black and white workers in similar jobs, further reducing the incentive to use blacks as cheap labor. Therefore,

in the present period, the structural relations between blacks and whites in the labor market have significantly reduced racial competition over jobs...virtually eliminating the tendency of employers to create a split labor market, in which black labor is deemed cheaper than white labor regardless of the work performed, the market that provided so much of the antagonism during the earlier years of the period of industrial race relations.⁷²

Since in construction these conditions prevail, Wilson's argument implies that discrimination should inevitably decline. First, institutional arrangements such as collective bargaining or prevailing wage requirements insulate the labor market from straightforward wage competition. The continuing centrality of skills that are acquired on the job means that the skilled elite of electricians, plumbers, sheetmetalworkers, and others have no worry that unskilled workers might displace them.

Second, even where collective bargaining might not protect white workers from the threat of wage competition, the notion that blacks are willing to work for less than whites has no empirical support. Split labor market theory conditions a "low-priced" orientation on a group's status as migrants, recently recruited from less-developed societies. With time and the advent of the second generation, these wage orientations catch up and converge with those of "high priced" labor. As Bonacich notes, compared to current immigrants, blacks now belong to the class of "high-priced" labor, having "rejected the sweatshop as had whites workers before them." One therefore rarely hears the complaint that blacks are potential strike-breakers who are pushing wages down; the view more commonly expressed

is that blacks, like whites before them, "...are unwilling to work under rough conditions for low wages."⁷³

The construction case shows that conflict between whites and African-Americans cannot be collapsed to wage competition, as Wilson contends. In this industry, where outsiders pose little threat to the wages of established groups, racial conflicts revolve around the allocation of scarce jobs. Established groups attempt to exclude newcomer groups even if the latter share the prevailing wage norms.

Exclusion from skilled construction jobs is a by-product of the formal and informal arrangements that connect craftworkers to one another and to their employers and through which construction workers and their unions control access to the trade. The importance of these mechanisms fosters a high level of ethnic segmentation and conflict for which the industry is famed. Though many groups within the industry have been pitted against one another, for a variety of reasons the effort to exclude outsiders has focussed on blacks.

First, race is a particularly convenient marker, with slightly more subtle, ethnic criteria providing more difficult and therefore more costly, means around which to organize exclusion. Second, in the American context race is far more than a marker: it is a characteristic suffused with meaning, adding an extra-economic dimension to the entry of blacks into a niche dominated by whites. Third, the use of kin and ethnic networks to structure the construction industry makes the matter of who gains access to employment more than a simply money-making affair. And consequently, the non-economic motivations that impel discrimination in housing markets, distance in inter-personal relations, and resistance to integrated schooling operate in the labor market as well.

Finally, blacks have had much less power than other, outsider, but non-black groups; consequently, they have been unable, as other groups have, to circumvent employment barriers without confronting discrimination directly. In construction, the apposite comparison is with Jews in the first few decades of the 20th century. High levels of job competition throughout New York's economy pitted Jews against Irish, then the dominant ethnic group in the building trades.⁷⁴ Though the Irish maintained dominance over most of the unions, the Jewish ethnic economy provided a protected market for Jewish contractors, who in turn hired Jewish employees. Confronted with a growing cadre of

Jewish workers who had found a way into the trades, the unions' swallowed their ethnic dislike and relaxed the criteria they used to control entry.

Thus, consideration of the construction case leads us to a perspective that focusses on the factors that influence and the processes that insider groups use to enhance their power position relative to outsiders. Crucial factors are industry structure, technology, and skill levels. Processes include union organization, outgroup mobilization, and ability to bring pressure to bear on actors' key interests, whether through political action, consumer boycotts, or strikes. Since both processes and factors are variable, so too is the power among contending groups.

Applied to the changing labor market relations between white and black workers, our perspective suggests that Wilson is correct in his description, but wrong in his explanation. The shifts Wilson identified were indeed significant, but not principally because they reduced white incentives to discriminate by weakening the potential black threat to white wages. Rather, the changes Wilson points to reduced the effects of discrimination in some sectors by enhancing the power of blacks relative to whites. The industrial unions organized blacks because they had to: thanks to employers' prior actions, blacks were part of the jurisdictions that industrial unions sought to control.

This point implies that blacks' power will not be as high in industries where there is little or no prior black employment. And that is the lesson of the construction industry case. Though 30 years of protest over discrimination in construction have produced progress, the gains are disappointing and severe barriers remain in place. To the extent that blacks made inroads into the union sector, they did so under conditions of intense community mobilization and alliances to other white interest groups and actors. But the policies designed to respond to black protest were less powerful than those the protesters demanded. As we have argued, the explanation lies mainly in the nexus between the unions and the state. On the one hand, the unions' and the industry's dependence on the state made civil rights policy in construction an intensely political affair: in this context, as the only component of the industry in which hiring and training were institutionalized, the union sector was the only actor on which policy instruments could be brought to bear. On the other hand, the unions were themselves highly political entities, embedded in the political

parties, and with long-established strategies for controlling those state policies that affected the industry. The history of affirmative action policies in construction bears witness to the unions' ability to control those policies to meet their ultimate ends.

1. John Kasarda, "Jobs, Migration, and Emerging Urban Mismatches," in Urban Change and Poverty, ed. M.G.H. McGeary and L. Lynn (Washington, D.C.: National Academy Press, 1988), pp. 148-188; William Wilson, The Truly Disadvantaged (Chicago: University of Chicago Press, 1987).
2. Thomas Bailey, "Black Employment Opportunities," in Setting Municipal Priorities, 1990, ed. Charles Brecher and Raymond Horton (New York: New York University Press, 1989), pp. 80-117. New York's demographic composition changed drastically between 1976 and 1987; therefore, in the absence of discriminatory practices, one would expect the proportion of black workers in the industry to increase as the industry's workforce came to reflect the composition of the economically active population as a whole. In fact, the opposite occurred, as we shall show.
3. Data for the United States based on calculations from the 1980 Census of Population, 1/1000 Public Use Microdata Sample; for New York City on the 1980 Census of Population, 5% Public Use Microdata Sample.
4. Jonathan Leonard, "The Impact of Affirmative Action Regulation and Equal Employment Law on Black Employment," Journal of Economic Perspectives 4, no. 4 (1990): 47-64.
5. Philip Moss, "Employment Gains by Minorities, Women in Large City Government, 1976-83," Monthly Labor Review 111, no. 11 (1988): 18-24; Gerald Jaynes and Robin Williams, eds., A Common Destiny: Blacks and American Society (Washington, D.C.: National Academy Press, 1989), pp. 241-244.
6. Robert Higgs, Competition and Coercion: Blacks in the American Economy, 1865-1914 (New York: Cambridge University Press, 1977).
7. Raymond Marshall and Vernon Briggs' The Negro and Apprenticeship (Baltimore, MD: Johns Hopkins University Press, 1967), provide a city-by-tour of the early protest activities; William Gould's Black Workers in White Unions (Ithaca: Cornell University Press, 1977) updates their account with considerable detail. Gordon Clark's Judges and the Cities (Chicago: University of Chicago Press, 1985) and Robert Beauregard's article on "Tenacious Inequalities: Politics and Race in Philadelphia," Urban Affairs Quarterly 25, no. 3 (1990): 423-437 treat Boston and Philadelphia, respectively. Beauregard provides further information for Boston, Camden, and Chicago in "Resident Hiring Preference Ordinances: A Comparative Analysis," Economic Development Quarterly 1, no. 2 (1990): 124-135. The incredible story of conflict over vocational education for construction in the Chicago school system resonates perfectly with the argument developed in this paper. See David Green, "Vocational Education in the Black Community: The Case of Chicago and the Building Trades," Educational Foundations 3 (1989): 25-52; and Edward Marciniak, Washburne Trade School (Chicago: Loyola University Center for Urban Policy, 1986).

8. Frances Fox Piven and Richard Cloward, Regulating the Poor (New York: Vintage, 1971), p. 242.

9. Not only were John Dunlop and Ray Marshall the most influential scholars, whose students provided much of the basic research on the industry during the period, but they were also heavily involved in the development and implementation of anti-discrimination policy.

10. Bailey, "Black Employment Opportunities," pp. 95-100. Our 1970, 1980, 1987 comparison provides a rough control for the effects of the business cycle. Though New York City's economy started to decline in 1969, construction activity remained strong until 1973; thus 1970 catches a high level of employment. The reverse pattern held in 1980: though the city began its revival in 1977, construction activity was slow to pick up, and thus 1980 data are close to the bottom of the trough. 1987 data come close to the employment peak for the entire 1960-1990 period, which occurred in 1988. In light of these conditions, a weak version of the declining discrimination hypothesis might predict declining black representation in 1980 due to the feeble economy, but a return to 1970 levels of black representation by 1987, with the building boom. But the trends run in the opposite direction; furthermore, the high levels of black representation in the weakened economic environment of 1980 suggest the political effects of the racial conflicts that we discuss later in the paper.

11. The basic references describing the industrial relations systems in construction and their relationship to industry's characteristics are to be found in John T. Dunlop, "The Industrial Relations System in Construction," in The Structure of Collective Bargaining, ed. Arnold Weber (New York: Free Press, 1961); and D. Quinn Mills, Industrial Relations in Construction (Cambridge: MIT Press, 1972). However, Mills and Dunlop are much more sympathetic to the organized interests in the industry than are we.

12. Business Roundtable, "More Construction for the Money," A Construction Industry Cost Effectiveness Report (New York: Business Roundtable, 1983).

13. Howard Foster, "The Labor Market in Non-union Construction," Industrial and Labor Relations Review 26 (1973): 1071-1985.

14. "We were just getting too big to be non-union," reported one contractor when asked why his firm went union. "You have to be able to make a phone call and get 20 men."

15. See Mills, Industrial Relations in Construction, for a detailed description of training and labor utilization in the industry. Foster, "The Labor Market in Non-union Construction," describes problems in the open-shop sector resulting from the absence of these institutions.

16. F. Ray Marshall and Vernon Briggs, The Negro and Apprenticeship, p. 18; Marc Silver, Under Construction: Work and Alienation in the Building Trades (Albany, NY: SUNY Press, 1986), p. 111. Despite the high proportion of union workers who report having been taught by relatives, the proportion with fathers in the trade is likely to have declined since

the 1960s as a result of the use of objective tests as one criteria for determining acceptance to apprenticeship programs.

17. Former apprentices made up only 40 percent of the 255 union members surveyed by Silver, but comprised 64 percent of the highly skilled workers; see Silver, Under Construction, p. 113.

18. Business Roundtable, "Training Problems in Open Shop Construction," A Construction Industry Cost Effectiveness Report (New York: The Business Roundtable, 1982); Mills, Industrial Relations in Construction. For reasons that will become clear below, apprenticeship programs are historically conservative in their estimates of the number of workers that the union sector can absorb; the industry's needs have almost always exceed the number of new journeymen coming the apprenticeship pipeline. On the other hand, it does appear that the skill levels and earnings of journeypersons who have graduated from apprentice programs exceed those of workers who enter journeyperson status directly. See William S. Franklin, "A Comparison of Formally and Informally Trained Journeymen in Construction," Industrial and Labor Relations Review 26, no. 3 (1973): 1086-1095. Moreover, the apprenticeship is also a route to key worker or foreman, which further embeds the apprenticeship system in the industry's informal training and recruitment system.

19. The contrast in training requirements between the armed forces and the apprenticeship programs suggest how inflated are the latter's skill requirements, a point to which we shall return in much greater detail later. According to testimony provided by the Director of Training Programs for the Office of the Assistant Secretary of Defense for Manpower Affairs:

...military training programs for pipefitting and steamfitting were in the range of eighteen to nineteen weeks. The Navy Seabees train their pipefitters in a fourteen-week course. According to the testimony, a utility man in the Seabees could be qualified to work as a journeyman's partner on a construction site, installing pipe, and cutting, hanging, and screwing pipe--in a fourteen week period. After six months of practical experience he could work as an experienced journeyman.

By contrast, the apprenticeship program in the Steamfitters Union lasts five years. See Gould, Black Workers, p. 332.

20. Mills, Industrial Relations, pp. 171-2.

21. U.S. Department of Labor, Labor Management Services Administration, Exclusive Union Work Referral Systems in the Building Trades (Washington, D.C.: Government Printing Office, 1969).

22. Foster, "The Labor Market in Non-union Construction," p. 1072.

23. In New York, where unions entirely control public and commercial/industrial construction, the non-union sector appears to offer blacks better employment opportunities,

though more to the benefit of Caribbean immigrants than native blacks. Outside New York, where large non-union concerns have experienced considerable growth, the situation looks quite different. Data for those non-union firms that maintain employer-sponsored apprenticeship programs point to much lower levels of black participation. U.S. Department of Labor data for 1978, for example, show that minorities accounted for 21 percent of all apprentices in union programs while they accounted for only 11 percent in nonunion programs. The same data also indicate that the highly skilled, mechanical trades, were more segregated in the nonunion than in the union sector. Other sources support this conclusion. In 1974, black enrollment in apprenticeships in plumbing and the sheet metal trades was 18 and 20 percent in the union sector and 7 and 11 percent in the nonunion sector. Even Herbert Northrup, who is a strong supporter of the argument that the unions keep blacks out of the industry, acknowledges that serious problems for minority employment in the open-shop sector remain in the electrical, plumbing and mechanical trades.

24. New York State Commission Against Discrimination, Apprentices, Skilled Craftsmen and the Negro: An Analysis (Albany: The Commission, 1960); Herbert R. Northrup, Organized Labor and the Negro (New York: Harper, 1944).

25. This description of the post-war situation relies on the discussion in Herman Bloch, The Circle of Discrimination (New York: New York University Press, 1969), pp. 118-126.

26. Marshall and Briggs, The Negro and Apprenticeship, pp. 51-54.

27. This paragraph draws on Herbert Hill's fascinating and detailed account, "The New York City Terminal Market Controversy: A Case Study of Race, Labor, and Power," Humanities in Society 6, no. 4 (1984): 351-391.

28. New York State Commission Against Discrimination, Apprentices, Skilled Craftsmen and the Negro: An Analysis.

29. Marshall and Briggs, The Negro and Apprenticeship.

30. See Title 29 of the Code of Federal Regulations, Part 30. The sponsors are the Joint (Management-Labor) Apprenticeship Committees.

31. This statement is based on an examination of a complete set of reports of the Labor Department's compliance reviews conducted over the past ten years, obtained through a freedom of information request initiated by the N.O.W. Legal Defense and Education Fund, and graciously made available to us by Alison Weatherfield, a staff lawyer with that organization.

32. Bailey, "Black Employment Opportunities," p. 99.

33. Testimony of Vergil Hodges, Deputy Commissioner, New York State Department of Labor, presented to the New York City Commission on Human Rights, Hearings on the Construction Industry, April 25, 1990, p. 1156.

34. United Construction Contractors Association, Inc. et. al. v. Levine, 52 A.D.2d 371, 384 N.Y.S. 2d 509 (3rd Dept. 1976).

35. Neuborne, Helen, Sarah Burns, Alison Weatherfield, Sarah Starrett, and Lisa Morowitz, Report and Recommendations of the NOW Legal Defense Fund to the New York City Commission on Human Rights and the New York City Office of Labor Services on Discrimination in the Construction Trades (New York: National Organization for Women Legal Defense and Education Fund, 1990).

36. Hodges, Testimony, p. 1150.

37. This point was noted by the New York State Advisory Committee to the U.S. Commission on Civil Rights, mimeographed untitled report, 1963, p. 7.

38. U.S. Congress, House Committee on Appropriations, Department of Labor, Health, Education, and Welfare, and Related Agencies: Appropriations for 1981. Part 1: Department of Labor (Washington, D.C.: Government Printing Office, 1980).

39. A detailed, essentially in-house account can be found in Robin Myers and Thomas R. Brooks, Black Builders: A Job Program That Works. The Story of the Joint Apprenticeship Program of the Workers Defense League and the A. Philip Randolph Educational Fund (New York: League for Industrial Democracy, n.d.). Much of the other literature cited in this paper, e.g. Marshall and Briggs or Mills' Industrial Relations, also discuss the WDL program. In addition to these sources, the material in this paragraph and in the next draws on an interview conducted on June 22, 1990 with Dennis Derryck, the program's former assistant director during the late 1960s.

40. This was the title of Rustin's celebrated article, published in Commentary, February 1965.

41. Dennis Derryck, Improving the Retention Rate of Indentured Apprentices Placed by Apprenticeship Outreach Programs (Waltham, MA: Heller School for Advanced Studies in Social Welfare, 1973).

42. R.B. Goldmann, Black Builders: Report on the Workers Defense League-A. Philip Randolph Educational Fund's Joint Apprenticeship Program, unpublished report to the Ford Foundation, New York, 1968.

43. Gerald Poyo, Karen Rowlett, and Sue Mutchler, "Combating Labor Market Underrepresentation Through a Targeted Outreach Strategy: the Targeted Outreach Program," Working Paper (Austin, TX: Center for the Study of Human Resources, University of Texas, 1981), p. 52.

44. See Joseph Goulden, Meany (New York: Atheneum, 1972).

45. Meany's father, Michael Meany, had been President of Plumbers Local 3, and the younger Meany retained his membership in the local until his death. Van Arsdale was an astute and powerful political operative, who had organized a special Unity party to support Robert Wagner, Jr. in the 1961 Mayoralty race.

46. Meany supported his home local in this conflict, stating that it was official union policy to refuse to work with nonunion members. While the National Labor Relations Act allows unions in the construction industry to compel union membership seven days after employment, in contrast to thirty days outside of construction, it clearly forbids the closed shop. Thus, the stated policy of the Plumbers, reaffirmed by Meany, was clearly in violation of the Taft-Hartley Act. See Gould, Black Workers, p. 294.

47. U.S. Congress, Committee on Appropriations, Appropriations for 1981 (Washington, D.C.: U.S. Government Printing Office, 1980), p. 510.

48. Herbert Hill, Labor Union Control of Job Training: A Critical Analysis of Apprenticeship Outreach Programs and The Hometown Plans, Institute for Urban Affairs and Research, Howard University, Washington, D.C., Occasional Paper 2, no. 1 (1974): 44. The characterization of the A. Philip Randolph Institute as an AFL-CIO front comes from Gould, Black Workers, p. 298. This characterization is entirely consistent with our knowledge based on personal observation and first-hand acquaintance with the formal and informal interpenetration of the AFL-CIO and the A. Philip Randolph Institute. The outreach programs also served the contractors' interest in quite the same way, since contractors' associations also received money to run outreach programs. Thus, as Herbert Hill points out, one had the irony of government subsidizing those same contractors associations and unions that it was suing for discrimination.

49. Poyo et al., "Combating Labor Market Underrepresentation," p. 67.

50. In addition to the sources cited in the text, this section draws on interviews with James McNamara, March 21, June 21, July 13, 1990. McNamara has been a key behind-the-scenes player in city and state policy-making and litigation in the construction field for the past two decades.

51. A key selling point, emphasized by the building trades, was continuity of employment. Whereas minority trainees hired under the Philadelphia plan would lose employment once the government-sponsored or subsidized project for which they had been hired was completed, the New York Plan provided an \$80 a week stipend for "trainees" to participate in classroom programs until a new job could be procured. Thomas P. Ronan, "Construction Men Sign Trainee Pact," New York Times, December 11, 1970.

52. The New York Plan was officially recognized by the Department of Labor and the OFCCP as a "hometown" plan.

53. Gould, Black Workers, p. 312.

54. The four unions were Local 3, International Brotherhood of Electrical Workers, headed by Harry Van Arsdale, then also President of the New York City Central Labor Council; Plumbers Local 2; Steamfitters Local 638; and Sheetmetalworkers Local 28. Emanuel Perlmuter, "Building Unions Defend Hiring Policy," New York Times, March 10, 1971.

55. New York Times, September 19, 1971.

56. New York Times, January 14, 1973.

57. New York Times, July 20, 1973. Since Lindsay's executive order mandating specific hiring goals was not to go in effect until 1974, the controversy over the city's new plan became one of the first major crises facing the administration of Mayor Abraham Beame, who succeeded Lindsay in City Hall in January 1974. Beame issued an executive order which set forth the same goals as Lindsay's; this revised plan went into effect on June 25, 1974. New York Times, April 23, 1974, p. 45; New York Times, June 26, 1974, p. 47.

58. This position was a reward for Brennan's services in getting construction workers employed in Wall Street to beat up anti-war protestors during protests following the U.S. invasion of Cambodia in 1970.

59. Federal Judge Morris Lasker first ruled that the city had the authority to impose fair employment rules that are more stringent than those approved by the (New York Times, July 26, 1974); the next month, the city's regulations were declared invaled by the New York State Supreme Court (New York Times, August 8, 1974); finally, in November 1974, Judge Lasker reaffirmed his original ruling (New York Times, November 9, 1973).

60. New York Times, December 3, 1974, p. 20.

61. New York Times, May 12, 1976.

62. Electrical Workers Local 3, which the city sued in 1971 to enforce participation with the original New York Plan, consented to a separate training plan in which it would accept 100 trainees with the goal of making them available for Class A journeyman status. However, the trainees were kept entirely distinct from the apprentices, taught from obsolete textbooks and with a curriculum different from the used for apprentices. Apprentices got a fifth year of classroom instruction essential for passing the union exam for class "A" status, which trainees did not receive. Rather than getting "A" cards after 5 years, trainees were instead put into the "M" , maintenance, division, which required another 5 to 7 years before attaining full journeyworker status. Action begun in 1978 by the New York State Human Rights Commission on behalf of the trainees led to a 1982 finding, by the Commission, that Local 3 was guilty of discrimination; this finding was upheld two years later in Schuck v. SDHR et al., 102 A.D., 2d 673 (1984). As with the rest of our story, the six years required to pursue legal action against Local 3 is another case of the wheels of justice turning too slowly, as by the time of the court's decision in favor the trainees, the political support for

the training program had already collapsed. And in the meantime, many of the trainees who had originally been recruited into the program dropped out in disgust and frustration.

63. Testimony of Jim McNamara, New York City Bureau of Labor Service, submitted to the New York City Commission on Human Rights, Public Hearing on the Construction Industry, April 24, 1990.

64. Matter of Monarch Electrical Corporation v. Roberts, 70 NY 2d 91, 517 NYS 2d 711 (1987). The court further noted that the State Labor Department "has been 'involved in' the trainee program in New York City, and has not challenged the use of 'trainees' on certain projects assisted by federal funds."

65. Interview with James Dooley, Executive Secretary, and Claudius Johnson, Director, New York Plan for Training, Inc., April 22, 1988.

66. New York City, Office of Construction Industry Relations, Problems of Discrimination and Extortion in the Building Trades, Report prepared by the Mayor's Office of Construction Industry Relations, New York, 1982, p. 6.

67. The Sheet Metal Workers' International Union was formed in 1888, under a Constitution which provided for the establishment of "white local unions" and relegated blacks to membership in subordinate locals. Local 28 was established in 1913 as a "white local union". Racial restrictions were formally deleted from the International Constitution in 1948.

68. Local 28 had offered journeymen's examinations in 1968 and 1969 as a result of arbitration proceedings initiated by the Contractors' Association to force Local 28 to increase its manpower. Only 24 of the 330 individuals, all of them white, passed the first examination and were admitted to the union.

69. This paragraph is based on Sheet Metal Workers v. EEOC, 92 L Ed 2d 344, U.S. Supreme Court Reports, 1986, pp. 357-365.

70. Interview with David Raff, Special Master of Local 28, Sheetmetal Workers' Apprenticeship Program and Rob McGonaghy, Director, Local 28 Membership Assistance Program, March 8, 1988, March 10, 1988; for further details see Thomas Bailey and Roger Waldinger, Access and Opportunity: Developing a Skilled Construction Labor Force in the Port Authority Region, Report prepared for the Office of Business and Job Opportunity of the Port Authority of New York and New Jersey, January 1989, pp. 51-7, 68-69.

71. Edna Bonacich, "A Theory of Ethnic Antagonism: The Split Labor Market," American Sociological Review 37 (1972): 547-549.

72. Wilson, Declining Significance, p. 110.

73. Edna Bonacich, "Advanced Capitalism and Black/White Relations in the United States: A Split Labor Market Analysis," American Sociological Review 41 (1976): 48.

74. See Ronald Bayor, Neighbors in Conflict: The Irish, Germans, Jews, and Italians of New York City, 1929-1941 (Baltimore, MD: Johns Hopkins University Press, 1978).