Affirmative Action Under Siege

Bob Holmes

Southern Center for Studies in Public Policy

Follow this and additional works at: http://digitalcommons.auctr.edu/enda

Recommended Citation

This Article is brought to you for free and open access by the Journals of Clark Atlanta University at DigitalCommons@Robert W. Woodruff Library, Atlanta University Center. It has been accepted for inclusion in Endarch: Journal of Black Political Research by an authorized administrator of DigitalCommons@Robert W. Woodruff Library, Atlanta University Center. For more information, please contact emcclenney@auctr.edu.
AFFIRMATIVE ACTION UNDER SIEGE

Bob Holmes, Director, Ph.D.
Southern Center for Studies in Public Policy

This article examines the conditions and need for affirmative action in America. The author conceptualizes the struggle over affirmative action as first and foremost a struggle over power. This article is also a revised version of a speech presented to the Annual Conference of the Illinois Committee on Black Concerns in Higher Education held at the University of Illinois at Springfield, October 16-18, 1996.

INTRODUCTION

During the 1980s beginning with the Reagan administration and continuing until the present day, affirmative action has come under constant attack by Republicans, the Christian Coalition, conservative Black intellectuals, and generally “angry white males.” The debate has been fierce and the activities have been continuous in an effort to reject the remedy of affirmative action as a way of compensating African Americans for the more than three centuries of racism, oppression and discrimination that Blacks have endured in the United States because of their skin color. This long history of public and private discrimination was made possible by governments at all levels sanctioning it and their political and legal arms enforcing it. California’s adoption of proposition 209 to end preferential treatment in college/university admission and the federal court upholding the challenge to the resolution has already been reflected in swift efforts in other states to follow the precedent.

One black student was admitted to the Medical College of Georgia in 1997, and one each was accepted for the first year of law schools at the University of California and University of Texas. Similar efforts are underway in Georgia led by Republican minority whip, Representative Earl Ehrhart, to eliminate existing local county and municipal programs and to prohibit the state from instituting such a program. The ball is rolling and picking up speed as a central element in white America’s effort to deny Blacks even a small portion of the American Pie. The urgent and critical question for Blacks at this moment in our history, to quote the title of Nicoli V. Lenin’s famous pamphlet, “What is to be done?” In order to answer this question, it is imperative that we first understand the historical, political, economic, social
Affirmative Action Under Siege

and legal context for affirmative action and why it has been under siege for two decades. Only by having such an understanding can African Americans then formulate a strategy that frames our position in the most favorable light and enables us to mobilize and maximize our resources to ensure the survival and enhancement of this public policy remedy. A caveat to remember is that affirmative action is not the "silver bullet" or solution to the Black condition in the US, but it can play a vital role as a bridge to assist us in gaining access into heretofore denied opportunities in jobs, businesses and educational institutions.

We are very much aware of the growing number of Black "Trojan Horses" in our midst who are identified by their white admirers and mentors as conservative scholars. Many of them, whether they admit it or not, are the beneficiaries of affirmative action, yet they have joined with whites to try to undermine this valuable tool that has benefited hundreds of thousands of minorities and females. To summarize a classic essay, "The Purpose of Political Science," written by Hans Morgenthau in 1948, the truth about political science is the truth about power, its origins, its manifestations and its uses. The elite in every society seek to conceal these facts about power from the masses, but the role and responsibility of scholars is to uncover these facts and tell society about many things it does not want to hear. However, they have a choice of pulling away the veneer of the myths that are being perpetrated and incur the wrath of the power elite or support the status quo and reap the rewards provided by the dominant group. The Black conservative scholars have decided to opt for the latter and have received lucrative speaking fees, prestigious faculty and judicial appointments, and kudos for being great Americans. At every opportunity, these Trojan Horses need to be exposed for what they are: opportunistic prostitutes who say what their masters want to hear and receive their "pieces of silver" and other rewards for assisting in perpetuating the oppression of their brethren. They are similar to the good "house slaves" who were willing to court the favor of their masters by selling out the "field slaves."

We have heard about Black brothers who have taken this route, such as Clarence Thomas, Glen Loury, Walter Williams, Thomas Sowell, Robert Woodson and Shelby Steele, but recently some sisters have jumped on the "gravy train." For example, Carol Swain wrote a book titled, Black Faces, Black Interests and Representation in Congress in which she asserts that African Americans don’t really require/need Blacks to represent them in
Congress because whites can represent them just as well as or better than Blacks. There were numerous methodological flaws in her samples of Congresspersons and roll call votes on legislation, and her omission of white polarized voting patterns, racial gerrymandering, centuries of legal and denial of Black political rights by a white controlled Congress. Despite these many shortcomings, the text has been hailed as a tour de force and set off a bidding war to hire this new expert on Black representation which was finally won by Princeton University.

George Curry, editor of *Emerge* magazine, has written that the downsizing of personnel and declining wages in corporations, which has occurred simultaneously with rising business profits, created the opportunity for the frontal assault on affirmative action and a scapegoat was readily available. A three pronged strategy was adopted. First, opponents say the program was designed for incompetent/unqualified people, just as admission to achieve diversity in colleges was attacked using the same logic. It’s clear that when given the opportunity to perform, minorities have succeeded almost to the same degree as the privileged white males. Second, they said it was a quota system, not based on merit. Third, they argue that such programs are no longer needed because racism is no longer either a private or public policy in America. Of course, they ignore the facts and numerous studies which document not only racism’s dogged persistence, but white male privilege and status based on money and family ties, and inter-generational wealth transfer are continuing without any criticism from either white or Black conservatives.

Stephen Carter writes in *Confessions of An Affirmative Action Baby* that affirmative action causes one to have lower self-esteem and self-doubt about whether one got their positions because of their color or their capabilities. It’s the silliest thing I’ve ever heard. I’ve never heard of a white child of an alumnus at any of the top 25 universities have pangs of conscience of self-doubt because the basis of their admission was being born to a graduate of one of these institutions. They have their quotas which no one criticizes. They simply accept it as their right or privilege and make the most of the opportunity presented them by accident of birth.

Black conservative academicians are unique creatures who either have forgotten or deliberately discounted the 350 years of slavery/oppression and discrimination perpetuated by white America against people of African American ancestry. In contrast, the Jewish community has no problems asking the US, which provides economic and military assistance to Israel on a scale
that far exceeds that given to any other nation on the face of the earth, over $8,000 per person. They take every opportunity to keep the holocaust in the public mind. On the other hand, Black and white conservatives tell us that 20 years of civil rights legislation and affirmative action are more than enough time and now such programs should be eliminated. None have proposed ending aid to Israel, farm subsidies, preference to alumni children, cattle grazing on public land for $1 per acre or any other preferences that are 50-100 years old which benefit non-Black segments of the population.

Georgia Republican State Representative Earl Ehrhart reflect this perspective in a debate with the author, “Is Affirmative Action Obsolete?” South Magazine, August 1997, when he said “what’s wrong with that concept to me is that we’re asking for reparations against people who had nothing to do with the policies of the past. I refuse to have a guilty conscience for something I did not do.” He also indicated that affirmative action was a “wrong headed policy. It’s a special preference, it’s a special advantage, a quota.” Also, he indicated that reverse discrimination was rampant under affirmative action. In response, the author cited data which showed that 96 percent of the Fortune 500 corporations were headed by white males, that only approximately 2 percent of all complaints filed with the Equal Employment Opportunity commission involved allegations of reverse discrimination and that white males have benefited by virtue of their skin color and they want to revert back to the period when discrimination by private individuals and groups will be allowed to run rampant again.

Claud Anderson, author of Black Labor, White Wealth, provides one of the best historical and political analyses of how/why Blacks were enslaved, how their uncompensated labor was used by whites to accumulate wealth which has been transferred to current generations, how public policies excluded Blacks from being able to own land or engage in certain occupations, how whites have used Congress to acquire virtually free valuable land, subsidies and other benefits over the centuries while denying former slaves their 40 acres and a mule and excluding them from such programs as the veterans land program and Homestead Act of 1862. While President Andrew Johnson vetoed the 1868 legislation which would have provided Blacks some compensation for 250 years of slavery, the U.S. government has provided Japanese and Jews with compensation/reparations for World War II incarceration and for actions perpetrated by another country, Germany. Thus,
even in recent times Blacks continue to be treated differently from other minorities.

Associate Supreme Court Justice Ruth Bader Ginsburg gave one of the most succinct and cogent defenses of affirmative action in her dissenting opinion in the Supreme Court case of *Adarand Constructors v. Pena* in June 1995. She wrote, in part, that the Court recognized the persistence of racial inequality and Congress’s authority to act affirmatively to end discrimination and counteract its lingering effects:

The effects, reflective of a system of racial caste only recently ended, are evident in our work places, markets and neighborhoods. Job applicants with identical resumes, qualifications and interview styles still experience different receptions, depending on their race. White and African American consumers still encounter different deals. People of color looking for housing still face discriminatory treatment by landlords, real estate agents and mortgage lenders. Minority entrepreneurs sometimes fail to gain contracts although they are low bidders and they are sometimes refused work even after winning contracts. Bias both conscious and unconscious, reflecting traditional and unexamined habits of thought, keeps up barriers that must come down if equal opportunity and nondiscrimination are genuinely to become this country’s law and practice. Given this history and its practical consequences, Congress surely can conclude that a carefully designed affirmative action program may help to realize, finally, the equal protection of the laws the Fourteenth Amendment promised since 1868.

What Is Affirmative Action All About!

The struggle over affirmative action is first and foremost a struggle over power. The minority white males who dominate U.S. society and have a disproportionate share of money/wealth, power and positions are unwilling to give up anything. They are 96 percent of the top CEOs of 500 major
corporations, 97% of School Superintendents, 93% of law firm partners, 92% of Boards of Corporations, 91% mayors and 80% of tenured professors. Manning Marable of Columbia University has noted that white conservatives are appealing to racist sentiments among whites by perpetrating distortions and myths and asserting that affirmative action is based on rigid quotas which require hiring of incompetent, non-white persons and awarding contracts to unqualified non-white firms to the detriment of God fearing, hardworking, family values oriented, abortion hating, taxpaying Americans who happen to be white.

We must be clear that morality, philosophy, privileges/rights as cited in the Declaration of Independence and the Constitution are a sham. The battle over affirmative action is about power and who gets what, when and how! An aphorism which best describes the situation is, "those with power are trying to retain it, those who’ve lost some of it are trying to regain it, and those without it are trying to attain it." Indeed, one would get the impression that unqualified African Americans have gained the lion’s share of the admission to elite universities, the best jobs, a disproportionate share of government contracts and were kicking whites out of top management. In fact, African Americans have been losing ground because in the last 20 years the per capita income disparity between African Americans and whites has actually increased by almost 7% from 61% to 54% and the wealth gap is almost 10-1.

Dr. Linda Williams authored a report in 1995 while she was on the staff of the Congressional Black Caucus Foundation. She documented that more than two decades of affirmative action has not brought about anything approximating parity in this nation and demonstrates conclusively why affirmative action is still needed. Among her most significant conclusions were the following based on what would be necessary for parity to exist in the U.S.

- The aggregate spending of African Americans would be almost $200 billion more than the current $400 billion (10th largest in world)
- The average black family would have an income more than $21,000 higher per year.
- The average black household would have a net worth more than $41,000 higher.
Affirmative Action Under Siege

- There would be:
  - 1.3 million more black men working, full-time
  - 1 million more black executives, administrators and managers
  - 700,000 more black professionals
  - 73,000 more black lawyers
  - 68,000 more black mathematicians and computer scientists
  - 300,000 more black construction trade workers
  - 26,000 more black elected officials, including 11 U.S. Senators and 20 U.S. Representatives
  - The average black person would live to 6.8 years longer

- There would be:
  - 1 million fewer unemployed black adults
  - 6.7 million fewer black people in poverty

The Next Phase

We have made the egregious mistake of being reactive than proactive on the issue of affirmative action. We have allowed the enemies of affirmative action to define the issue for us. Stephen Yates of Auburn University recently completed a study for the Heartland Institute in which he describes affirmative action as “alien to the American concepts” written in the Declaration of Independence and the Constitution, that rights inhere in individuals, not groups, and that affirmative action is not concerned about the rights of individuals. He says affirmative action subordinates the individual’s rights to life, liberty and the pursuit of happiness, seeking instead privileges granted on the basis of group characteristics and entitlement. Yates concludes
by describing affirmative action as “a perversion of the original civil rights movement” which “has fueled the country’s racial tension and reinforced old stereotypes that civil rights leaders ought to eliminate.” Thus, like Speaker Newt Gingrich, Yates gives a 1984 Orwellian twist to language where black becomes white and vice versa and the victim is the perpetrator. We must refute these specious, syllogistical and perverted sentiments and lies which ignore reality and facts. African Americans were excluded as a group from the tenants of the Declaration of Independence and Constitution and they were denied rights as a group, not as individuals. For over 250 years we were viewed not as individuals with inalienable rights, but as property and a race of people not entitled to the political, civil and economic rights given to whites because of the color of their skin. Thus if historically we were unique in being treated as a group under the Constitution then remedies in the form of reparations or affirmative action should logically be distributed to us as a group. As Malcolm X said, white people try to make the victim look like the perpetrator and blame us for racial tension. Remember we are simply operating like any other group in this nation who have sought to secure resources and benefits from the government for this particular group. However, we have a stronger claim because we have sacrificed to build this country with no payment for our labors. Our case for benefits is much stronger than any other group and we should not be bashful about presenting it. We must go on the offensive and attack those who would deny our rightful claims that affirmative action is one of the remedies of how we were treated.

We have allowed the enemies to usurp the colorblind discourse of proponents of the civil rights movement like Dr. Martin Luther King, Jr. They promulgate progressive sounding concepts in describing their reactionary and racist initiatives which are designed to eliminate or reduce programs which may provide some small amount of assistance to African Americans. For example, the recently passed welfare reform bill is called “The Personal Responsibility and Work Opportunity Reconciliation Act of 1996” and the effort to end affirmative action in California (Prop 209) was labeled the “Civil Rights Initiative.” They refer to reverse discrimination and colorblind society in an effort to take control of the debate. A bill to eliminate the minority set aside programs by Congressman Jan Meyers of Kansas is called the “Entrepreneur Development Program Act of 1996.” And Senator Bob Dole sponsored “The Equal Opportunity Act of 1996” to end all federal affirmative
Aflirmative Action Under Siege

action programs. They have redefined merit to reinforce white privilege and caused Blacks to be viewed as racist.

We must take back the high moral ground by demonstrating that it is the white male minority which is the primary beneficiary of the status quo and is the only segment of the population which wins by eliminating affirmative action and turning back the clock. Women and minorities constitute almost 75 percent of the nation and such programs benefit them. In other words, there is a natural commonality of interest between women and minorities which needs to be exploited in the political and economic arena. Women helped to defeat Dole’s bill and Meyers legislation and national opinion polls show that a majority of whites actually support the concept of affirmative action, but not quotas. We have to convince the white female that their interests are at risk if affirmative action is ended by Congress and/or court rulings. We must keep publishing data, which shows the continued existence of racial inequality/disparities in the nation so our allies or potential allies will recognize the continued need for race conscious remedies, not race neutral reforms.

The Journal of Black Issues in Higher Education reported that the ending of affirmative action in admission policies at 25 top universities would reduce the number of Blacks in the freshmen class from 6 per cent to about 1 percent.

A Strategy For Maintaining Affirmative Action And Achieving Community Empowerment

First and foremost we need to build a strong sense of community and stop spending 97 cents of every dollar with non-Black businesses. We use our $400 million unwisely and it doesn’t benefit our community. We must resist privatization because it limits the availability of government resources to assist Blacks as they have been used to help every other ethnic group in U.S. history, now they want to end it. Taxes and public policy are vehicles used by government to distribute services and resources among various interests and groups.

We need to play hard ball politics and learn from the American Jewish Congress and National Rifle Association which use their collective financial resources and votes to reward their friends and punish their enemies among elected officials, Black and white, who are not responding positively to their
agenda. We must do the same. We are too compassionate and forgiving as a people; we must recognize that our very survival is at stake and act accordingly.

We who have benefited from affirmative action have an obligation to reach down and grab hold of our less fortunate brethren’s boot straps and help them up the economic ladder. We must take the lead in creating community development corporations, cooperatives and neighborhood businesses to employ them, to create jobs to keep money in the community and build wealth for reinvestment. We need to focus more on group development, not individual capitalistic ventures.

Led by the Newt Gingrich’s, the new generation of white males seem more determined to make greater cuts in public assistance despite the continued deterioration of families and declining economic conditions. President Clinton stated the importance of the choice between Dole and himself in the 1996 presidential election when referring to affirmative action when he said “mend it, don’t end it.” Remember, the anti-affirmative action, anti-black Rehnquist Supreme Court can be changed with one new appointment which can restore a majority to support to the Voting Rights Act, minority business enterprise programs and affirmative action, which have been negated by several 5-4 decisions.

We must link public commitment to fairness with programs that target patterns of discrimination and show that contrary to William Wilson’s claim regarding the declining significance of race, that race continues to be important in all aspects of American life. We must take the struggle one step further and become more active in eliminating race and gender inequality through building alternative economic and political structures. We need to get out of the mindset of thinking that individual capitalism (I) will help to lift all Blacks out of their predicament and think in terms of collective economic structures (we). There are several models ranging from the Black Family Empowerment Agenda, a concept developed by Peter Grear in North Carolina, to Claud Anderson’s comprehensive group economics and wealth strategy involving vertical production and integration of industry designed to ensure we control the major markets of the products, goods and services which we consume that can serve as guides to future Black group prosperity.

The time for talking must give way to pooling our economic resources. In conclusion, I’d like to say that we would do well to remember the words of Frederick Douglas who said more than a century ago that “power
concedes nothing without struggle," and that we may not get all that we pay for in this life, but we certainly pay for all that we get. Continue the struggle!

Bob Holmes is Director of the Southern Center for Studies in Public Policy and Professor of Political Science at Clark Atlanta University. The author, co-author or editor of 15 books and monographs, he has published more than 40 articles and chapters in journals and books throughout the world. He is editor of the Georgia Legislative Review and the Status of Black Atlanta.
ENDARCH

Paper Submission Guideline

- All papers should be typed

- Papers should not be longer than 20 pages (double-spaced) with at least a 50 word abstract

- A hard copy of the paper should be submitted

- A copy of the paper should also be submitted on diskette using Word or WordPerfect word-processing programs

- Papers should be typed according to Kate L. Turabian’s A Manual for Writers of Term Papers, Theses, and Dissertations for format.