

Affirmative Action and Liberal Capitulation

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It may seem strange or self-contradictory to say, but racists get too much of the blame for racism. As a system of institutionalized beliefs and practices, racism does not depend only on the virulent hatred of fervid racists (who are usually few in number). It also depends on the apathy and passivity of nonracists and on the equivocation and bad faith of those who profess commitment to the cause of racial justice. Conversely, the struggle against racism ultimately will flounder without the steadfast and vigorous support of those who repudiate racism, at least in principle. This is why it is appropriate, indeed crucial, to scrutinize not only the racists who perpetrate wrongs but also the nonracists and antiracists who, often through acts of omission, play a role in the perpetuation of the racial status quo.

This was an underlying premise of my 1995 book, *Turning Back: The Retreat from Racial Justice in American Thought and Policy*, as can be seen by looking at one passage:

As is often argued, liberals are not *the* enemy. However, this enemy depends on the so-called liberal to put a kinder and gentler face on racism. To subdue the rage of the oppressed. To raise false hopes that change is imminent. To modulate the demands for complete liberation. To divert pro-

test. And to shift the onus of responsibility for America's greatest crime away from powerful institutions that *could* make a difference onto individuals who have been rendered powerless by these very institutions.¹

The comedian Dick Gregory put it more succinctly: "The moderate is a cat who would hang me from a low tree."

In this chapter, I again subject liberals to critical scrutiny, this time on the specific issue of affirmative action. Assuming that recent headlines are correct, and we are today witnessing "the end of affirmative action," it behooves us to ask what went wrong. Does this policy reversal reflect a liberal failure to protect the hard-won gains of the civil rights movement? To what extent have liberals been implicated in the dismantling of affirmative action policy? It is one thing to blame racists for racism. But whom are we to blame for the failure of antiracist public policy?

It is ironic that the most vehement opposition to affirmative action comes not from the corporate world—not from the companies actually subject to affirmative action mandates—but from the world of politics. At a time when even liberal journals like *The New Republic* and *The American Prospect* are trouncing affirmative action policy, one finds

far more favorable treatment on the pages of *Business Week*, *Personnel Journal*, and *Fortune*. Corporations tout their success with affirmative action not only because it projects the “right” image but also because they have come to appreciate the importance of expanding the pool of talent and of diversifying their workforce in a global economy.

Given the contentious public debate over affirmative action, one might think that affirmative action failed as policy. On the contrary, affirmative action achieved its overriding policy objective: the rapid integration of minorities and women into occupations in which they had been excluded throughout American history. Why, then, the fierce debate? The simple answer is that affirmative action has become politicized. It is being used to deflect attention away from problems that neither political party wants to address: declining wages, a widening wage gap between more and less educated workers, and massive layoffs related to new technology and globalization. The message is: “Blacks are cheating you of jobs and opportunity. End affirmative action and your problems will be solved.”

This is scapegoating, pure and simple. Ironically, all of the problems of a declining empire are being blamed on the very group that benefited least from empire. And whereas anti-affirmative action discourse always focuses on blacks, the gutting of affirmative action will have dire consequences for white women who have been the primary beneficiaries. In short, affirmative action is the sop that politicians are throwing at white men who are wracked with economic insecurity.

It would be easy to go on assailing the rogues on the right who have used affirmative action in a thinly veiled attempt to appeal to racism in their assault on the welfare state. However, I address a more thorny issue: the capitulation of liberals to the anti-affirmative action backlash. Here we are dealing not with people who have racist and reactionary tendencies but with those proverbial “friends of

the Negro” who purport to be committed to the cause of racial justice.

The liberal default on affirmative action began even before the words “affirmative action” entered the political lexicon. As the civil rights revolution approached its triumphant climax in 1965, protest leaders began to realize that winning civil rights would not by itself assure racial equality. The words “compensation,” “reparations,” and “preference” already had crept into the political discourse, and white liberals were beginning to display their disquiet with this troublesome turn of events. In *Why We Can't Wait*, published in 1963, Martin Luther King, Jr., observed, “Whenever this issue of compensatory or preferential treatment for the Negro is raised, some of our friends recoil in horror. The Negro should be granted equality, they agree; but he should ask nothing more.”²

Later, when affirmative action evolved as policy, liberals were in the vanguard of the attack. One of the first was Nathan Glazer who, in 1976, wrote a book mischievously entitled *Affirmative Discrimination*.³ On the premise that rights devolve to individuals, not to groups, Glazer accused the proponents of affirmative action of engaging in a racial classification reminiscent of the Nuremberg Laws. Note the rhetorical sleight of hand as antiracist policy is portrayed as the quintessence of racism itself. In opposing affirmative action, Glazer then sanctimoniously projected himself as the champion of a colorblind society even as so-called color blindness functions as a spurious justification for maintaining the racial status quo.

Recently, Glazer has recanted his blanket opposition to affirmative action. In a recent issue of *The New Republic* (April 6, 1998), he noted that the abolition of affirmative action is already leading to sharp declines in black enrollment at major universities and concluded that the costs of ending affirmative action are “too grim to contemplate.” However, this is, at best, an equivocal position. Instead of arguing that affirmative action is a

necessary and just remedy for past and present discrimination, Glazer implied that blacks lack the qualifications to compete unless they are accorded preference. Nor does Glazer explain why he was able to see in 1998 what advocates of “compensatory programs” were able to see in 1965: that civil rights legislation alone would not be enough to level the playing field and to integrate blacks into jobs and universities where they have been excluded historically.

Other liberals concede that affirmative action is right in principle but that it is too costly politically. For example, in 1992 Paul Starr published an article in *The American Prospect* titled “Civic Reconstruction: What to Do without Affirmative Action.” The trouble with affirmative action, according to Starr, is that it triggers a popular backlash and fragments the coalition between minorities and labor that is necessary to elect Democrats to the White House. Starr went so far as to suggest that the gutting of affirmative action might be “a blessing in disguise,” in that it will allow “the formation of bi-racial political alliances necessary to make progress against poverty.”⁴

This logic continues to pervade liberal discourse. In the October 1997 issue of *Mother Jones*, a progressive journal, Jeffrey Klein contended that “affirmative action has eroded liberals’ moral credibility and driven away many natural allies.” Like Starr, he holds that “progressives need to reassess their commitment to affirmative action and find better alternatives that can re-establish racial healing as a national priority.”⁵ If self-identified progressives are willing to throw in the towel on affirmative action, what can we expect of people who make no claim to racial justice?

Indeed, liberal capitulation on affirmative action is reminiscent of what happened as Reconstruction unraveled at the end of the nineteenth century. Congress and the Supreme Court had turned back the clock on rights supposedly secured by the Reconstruction amendments, and Southern “redemp-

tionists” gloated that “all the fire has gone out of the Northern philanthropic fight for the rights of man.”⁶ Then, as now, liberal capitulation meant that a last line of defense had crumbled and that the redemptionists could proceed with political impunity.

To make matters worse, liberal capitulation is predicated on false assumptions concerning the history, purpose, and significance of affirmative action policy. In the pages that follow, I offer a rejoinder to five arguments that are commonly advanced by liberals to justify the withdrawal of support for affirmative action.

1. Affirmative action was cooked up by Richard Nixon in order to drive a wedge into the coalition between the civil rights movement and the labor movement.

True, the Nixon Administration implemented the Philadelphia Plan, which was the key initiative in the development of affirmative action policy as we know it today. It is also true that contemporaneous critics of the Philadelphia Plan—notably the civil rights leader Bayard Rustin—accused Nixon of a cunning ploy to destroy the liberal coalition. This allegation has received further credence by historian Hugh Davis Graham, who claims that “Nixon wanted to drive a wedge between blacks and organized labor—between the Democrats’ social activists of the 1960s and the party’s traditional economic liberals—that would fragment the New Deal coalition.”⁷ I would submit, however, that this is a distortion of historical fact—one that has assumed mythical proportions and is invoked time and again to provide political cover for liberal capitulation to the affirmative action backlash.

The Philadelphia Plan initially was developed in President Lyndon Johnson’s Department of Labor but shelved after Hubert Humphrey’s defeat in 1968. It was Arthur Fletcher, the black Assistant Secretary of La-

bor during the first Nixon Administration, who maneuvered to resurrect the Plan. The other “unsung heroes” of affirmative action are George Shultz, then Secretary of Labor, who gave Fletcher indispensable backing; Attorney General John Mitchell, who successfully defended the Plan before the Supreme Court; and Nixon himself, who expended considerable political capital heading off a Democratic challenge to the Plan in the Senate. One of the great ironies of racial politics in the post-civil rights era is that the Philadelphia Plan was implemented by Republicans over the opposition of the famed “liberal coalition” and without notable support of the civil rights establishment.⁸

There is obvious reason for doubting Nixon’s motives. Nixon got elected on the basis of a Southern strategy that appealed to popular racism, and he subsequently nominated two Southern racists to the Supreme Court. Nevertheless, there is reason to doubt Graham’s account of why Nixon threw his support behind the Philadelphia Plan.

One must begin by putting this decision in historical context. In 1969, the Vietnam War was reaching a critical stage, and Nixon had to worry about an escalation of racial protest “on the home front.” This was a period when memories of the “riots” following the assassination of Martin Luther King, Jr., were still fresh, when black militancy was at its height, and when there were strident job protests in Philadelphia, Chicago, and numerous other cities against racism in the construction trades. Consider Graham’s own account of the job protests in the summer of 1969:

In Chicago, job protests launched by a coalition of black neighborhood organizations shut down twenty-three South Side construction projects involving \$85 million in contracts. . . . The demonstrations in Pittsburgh were more violent than in Chicago, but were similarly organized and focused on job discrimination in construction. One clash in Pittsburgh in late August left 50 black

protestors and 12 policemen injured. . . . Racial violence over jobs also occurred in Seattle, and black coalitions announced job protest drives for New York, Cleveland, Detroit, Milwaukee, and Boston.⁹

This was the context in which Fletcher and Shultz seized the opportunity to resurrect the Philadelphia Plan, whose main objective was to enforce the hiring of blacks in building trades controlled by lily-white unions. From the perspective of the White House, there was little political liability in “sticking it” to the mostly Democratic unions. On the other hand, there was clear political advantage in neutralizing black protest and in preempting the liberal agenda on civil rights with a policy predicated on contract compliance.¹⁰

Whatever tangle of motivations were at work, Nixon actively fought off a congressional attempt to pass an anti-affirmative action rider that had the support of many Democrats, and John Mitchell successfully defended the Philadelphia Plan before the Supreme Court. Subsequently, the Department of Labor issued a new set of rules that extended the Philadelphia Plan to all federal contractors, including colleges and universities. Thus, the scope of affirmative action policy expanded beyond anything contemplated when the Philadelphia Plan had been disinterred in 1969. Furthermore, the Philadelphia Plan embodied none of the “liberal” elements that were ideologically anathema to Republicans. It envisioned no new government programs, no make-work schemes, no major public expenditures.¹¹ However, as the backlash against affirmative action mushroomed, Nixon did an about-face and, as Graham pointed out,¹² railed against the very “quotas” that he had put into place.

2. **Affirmative action has not worked. At best, it has helped the black middle class. Therefore, we are not giving up very much.**

This argument is based totally on false premises. Affirmative action is the most important policy of the post-civil rights era, in that it went beyond civil rights to attack institutionalized inequalities on the basis of race and gender. Nor was affirmative action the invention of “a Marcusean left coalition of feminists and minorities,” as Michael Lind has claimed.¹³ On the contrary, affirmative action was a policy of last resort. It evolved only after it became clear that the 1964 Civil Rights Act, which proscribed discrimination in the workplace, had failed abysmally to alter entrenched patterns of racial and gender discrimination.

Furthermore, affirmative action has been a dramatic success. This is widely acknowledged in the case of women, but it is also true of blacks. Most of the black middle class is directly a product of affirmative action programs that have been in place for over 20 years in both the public and private sectors. It is simply not accurate to say, as William Julius Wilson has done, that affirmative action primarily helps the middle class.¹⁴ Listening to the affirmative action discourse, one might think that affirmative action exists primarily for brain surgeons and literati trained at Yale. In point of fact, affirmative action has had a great impact throughout the occupational world—not only in the ranks of corporate management but also in major blue-collar industries that, for the first time in American history, have opened craft and production jobs to blacks and women.

For blacks, the impact of affirmative action has been greatest in the public sector. For decades after World War II, the only jobs open to blacks in the vast federal workforce were in the postal service. Today, 1.6 million blacks, constituting one fourth of the black labor force, are employed by government, mostly as social welfare providers in areas such as education, welfare, health, employment, and public housing. Most of these supposedly middle-class people have few assets

and are only a pink slip away from poverty. To say that affirmative action mainly helps the middle class misses the point. One wants to scream: “That’s *how* they came to be middle class!”

The executive orders issued by Presidents Johnson and Nixon applied to some 15,000 companies employing 23 million workers at 73,000 installations. Whatever ethereal issues one might wish to raise, there is simply no other mechanism for influencing employment practices and outcomes on a large scale. Affirmative action is no panacea, but its achievements are considerable, certainly far too great to give up in blatant appeasement of the right. As Frederick Douglass once commented, “You sacrifice your friends in order to conciliate your enemies.”

3. Affirmative action is merely a reform. Even worse, it amounts to a form of cooptation designed to buy off dissent.

It must be conceded that affirmative action does little or nothing to alter the basis of power and wealth. Although it alleviates racial inequality, it implicitly substitutes blacks for whites, leaving structures of inequality intact. Nevertheless, affirmative action is no ordinary reform. It has helped to remedy the most grievous of all of the ravages of American capitalism—slavery and racial subordination down to the present. This is not a reform that can be dismissed with a sleight of hand.

Whatever its limitations, affirmative action enhances democracy and erodes racism. No amount of hairsplitting and political calculation can obscure this self-evident truth.

4. Affirmative action is politically divisive, thus playing into the hands of the right. It would be far better politically, and more consistent with the left credo, to base affirmative action on class instead of race.

The argument for a class-based affirmative action is specious on both practical and theoretical grounds. As Andrew Hacker has shown, a class-based affirmative action program would mainly benefit whites, including middle-class whites whose parents are divorced.¹⁵ It would reach few blacks, not only because they constitute only a minority of the poor, but because they are the poorest of the poor. Besides, what evidence is there that a class-based affirmative action can be implemented on a large scale? On closer scrutiny, the argument for class-based affirmative action is only a politically respectable cover for liberal capitulation.

The idea of class-based affirmative action is also conceptually flawed. Affirmative action was designed to address the inequities of caste, not class. It is premised on a recognition that the victims of racial oppression have suffered the impediments of race as well as the disabilities of class. For all their hardships, white workers always have benefited from a system of racial preference. They do not need affirmative action to gain access to the construction trades and other coveted working-class jobs. Blacks and women do.

In arguing his case for a class-based affirmative action, Richard Kahlenberg dregs up the hackneyed argument that it is unfair to give preference to "the son of a black doctor over the son of a white garbage collector."¹⁶ Think about it. How often is it that the son of a black doctor finds himself vying with the son of a white garbage collector? Presumably, Kahlenberg has in mind competition for admission to Berkeley or to Yale. But that son of a black doctor is likely to find himself in competition with, not the sons of white garbage collectors, but the sons of white doctors, who have not had to cope with the psychological liabilities and material disadvantages of being black in a white society. This is the rationale for giving a leg up even to the son of a black doctor.

Now let us think about that son of the white garbage collector. Granted, he has

many liabilities to cope within a society highly stratified by class. On the other hand, as a white man in a racially stratified society, he has access to coveted jobs in the blue-collar world that historically were the exclusive domain of white men. Indeed, in cities where garbage collectors were protected by union contracts, blacks could not even get hired as garbage collectors, much less as policemen or plumbers or assembly line workers.

In short, affirmative action is designed to address inequities of caste, not class. It gives recognition to the fact that, as an oppressed minority, blacks have had to deal with the impediments of race in addition to those of class. This is not to deny that there is a dire need to address the inequities of class as well as those of race. Clearly, we need both class-based and race-based affirmative action, but Kahlenberg asks us to substitute the one for the other.

One also has to beware of the argument that if we could eliminate poverty and unemployment, then blacks would benefit disproportionately. This is a seductive but fundamentally dishonest argument. The first problem, of course, is with the conditional "if." We are being asked to forsake a policy already in place, and one that has been a demonstrable success, for political goals that are unrealistic and unattainable, at least at the present time. All in the name of *realpolitik*!

The second problem with race-neutral programs is that they amount to a leftist variant of trickle-down economics and invariably reach blacks last and least. Race-neutral policy simply does not address the unique problems that blacks confront as a stigmatized and segregated minority that is still subject to pervasive discrimination, especially in the job market.

The significance of affirmative action is that it constitutes a frontal attack on institutionalized racism. It is the only policy that has decisively breached the wall of occupational segregation. Our choice is not between class-based or race-based public policy but

between protecting the gains that have been made under affirmative action or witnessing a gradual return to old ways of doing business.

5. "You are right historically and you are right morally, but you are wrong politically." Affirmative action only triggers a popular backlash that defeats the liberal agenda.

The backlash is real, but it has been whipped up by right-wing politicians in an ideological attack on the welfare state. It is unbecoming and hypocritical for liberals to surrender to this kind of race-baiting. Besides, appeasement will not diminish reaction, but, on the contrary, it will only fuel reaction.

Eric Foner has written on the role of the left in *The Nation*:

Since the days of the abolitionists . . . the role of the left has been to put forward utopian ideas, to offer a moral and political critique of existing institutions, to worry less about what is politically possible than about what might be.¹⁷

The left represents a last line of defense against the current racial backlash that has engulfed the nation. A left that surrenders its principles to political expediency loses its most valuable asset: moral credibility. A left that capitulates to racial backlash loses its defining characteristic as a left.

If we are indeed witnessing the end of affirmative action, this is hardly a "blessing in disguise." The gutting of affirmative action signifies the end to the second Reconstruction and imperils the limited progress that has been made over the past several decades. The danger is that we will return to the status quo ante—the period before affirmative action when we salved our national conscience with laws on the books that did little or nothing to reverse centuries of occupational apartheid.

Notes

1. Stephen Steinberg, *Turning Back: The Retreat from Racial Justice in American Thought and Policy* (Boston: Beacon, 1995), p. 135.

2. Martin Luther King, Jr., *Why We Can't Wait* (New York: Harper & Row, 1963), p. 147.

3. Nathan Glazer, *Affirmative Discrimination* (New York: Basic Books, 1975).

4. Paul Starr, "Civil Reconstruction: What to Do without Affirmative Action," *The American Prospect*, 8 (Winter 1992), p. 14.

5. Jeffrey Klein, "The Race Course," *Mother Jones*, October 1997, p. 3. In *Dissent*, another left publication, Michael Walzer also frets about the political costs of affirmative action: "The gains we seek when we support affirmative action programs (which mostly, I think we ought to do) carry real losses with them, and it is crucial to the future of the left that the losses be acknowledged." Editor's Page, *Dissent*, Fall 1995, p. 435.

6. Neil R. McMillen, *Dark Journey: Black Mississippians in the Age of Jim Crow* (Urbana: University of Illinois Press, 1990), p. 7.

7. Hugh Davis Graham, "Race, History, and Policy: African Americans and Civil Rights since 1964," *Journal of Policy History*, 6(1, 1994), p. 23.

8. For a detailed account, see John David Skrentny, *The Ironies of Affirmative Action* (Chicago: University of Chicago Press, 1996), Chapters 4 and 7.

9. Hugh Davis Graham, *The Civil Rights Era: Origins and Development of National Policy, 1960–1972* (New York: Oxford University Press, 1990), pp. 334–335.

10. See Skrentny, 1996, Chapter 4.

11. Perhaps the most germane testimony comes from Arthur Fletcher himself:

I decided to go ahead with the Philadelphia Plan of putting specifications of minority employment goals in all contracts. I did this because my study and experience had convinced me that such targets were essential if we are to measure results in terms of minority employment. Without such targets, the paper compliance, and the indeterminable ineffectiveness of the government programs would go on. I had not come to Wash-

ington to preside over the continuation of the ineffective programs of the past. (Arthur Fletcher, *The Silent Sell-Out*. New York: Third Press, 1974, p. 65)

12. Graham, 1990, pp. 446–447.

13. Michael Lind, “Symposium on Affirmative Action,” *Dissent* (Fall 1995), p. 470.

14. “To repeat, programs of preferential treatment applied merely according to racial or ethnic group membership tend to benefit the relatively advantaged segments of the designated groups. The truly deprived members may not be helped by such programs.” William Julius Wilson, *The Truly Disadvantaged* (Chicago: University of Chicago Press, 1987), p. 115.

15. Andrew Hacker, “Symposium on Affirmative Action,” *Dissent* (Fall 1995), p. 466.

16. Richard Kahlenberg, “Class-Based Affirmative Action,” *New Labor Forum* (Spring 1998),

pp. 37–43. This article derives from Kahlenberg’s earlier book *The Remedy* (New York: Basic Books, 1995); an excerpt was featured as a cover story for *The New Republic* under the title “Class Not Race” (April 3, 1995).

17. “The Great Divide,” *The Nation* 261 (October 30, 1995), p. 488.

Steinberg:

1. What does Steinberg mean when he notes that “racists get too much of the blame for racism?”
2. Discuss the five arguments that liberals use as an argument to eliminate affirmative action.