

AFFIRMATIVE ACTION IS NO CIVIL RIGHT

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Affirmative action affects the low-income people whom I care most about and whose needs I have devoted much of my adult life to addressing. In the 1960s, I was active in the civil rights movement, but I ended my involvement because I opposed forced busing. I came to realize that many of those who suffered and sacrificed the most in the struggle for civil rights did not benefit from the changes it wrought, and that merely removing racial barriers insufficiently addressed their problems.

Bill Raspberry, a reporter for *The Washington Post*, described this in an article headlined, *Civil Rights Gains Bypassing Poorest Negroes*.¹ His conclusion was supported by a study conducted twenty years later by *The Washington Post* in which the *Post* interviewed hundreds of low-income blacks in Washington, D.C. and found that although some blacks were better off, those who were at the bottom had not improved their position.² Continued emphasis on race-specific policies never could address the needs of these low-income people, because blacks who are best prepared will be the main beneficiaries of policies based on race alone, rather than on economic and social disadvantage.

We ignored that reality in the black community and concentrated on race-specific policies and politics. As a result, we can boast eight-thousand elected black officials running large cities, school systems, and housing programs. Despite these gains, the living conditions of poor blacks are worse now than when those cities were run by whites. For it is not the gender or race of the ruler that determines winners and losers in the marketplace, but the nature of the rules of the game. Simply replacing a woman for a man, a black for a white, or a white for a black, but main-

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1. See William Raspberry, *Civil Rights Gains Bypassing Poorest Negroes*, WASH. POST, Oct. 31, 1965.

2. See William Raspberry, *Looking Beyond Racism*, WASH. POST, July 1, 1983, at A17.

taining the same structure, does not change the consequences for those at the bottom.

We also failed to distinguish between the goals of desegregation, on the one hand, and integration, on the other. I went to jail in the fight against segregation. I fought for the right to go anywhere I chose, but I also fought for the right to stay wherever I was. I fought for pluralism, not integration. Integration is an individual matter, not the business of government. The failure to understand that distinction has led us into civil rights adventurism.

My primary concern about affirmative action is not that white males are injured, but that it has helped to spread an entitlement mentality based on a culture of victimhood and that it has done little to help blacks who are most in need. If the black community is to progress substantially, we must move beyond the role of victims and revive our tradition of self-determination and self-sufficiency. This must be done carefully, because civil rights is to blacks what the state of Israel is to Jews and abortion is to the religious right. It is very difficult to explain a pro-choice position to the religious right or opposition to the existence of Israel to a Jew. Similarly, criticizing the civil rights movement—even indirectly—will cause a reaction.

There are two ways to deny people an opportunity to achieve and to compete. One is to deny them this opportunity by law, which is how it was done prior to the passage of the civil rights laws and the *Brown* decision.³ The other way is to tell people that they do not have to compete, because they were victimized in the past by the existing system and now all they have to do is sit back and wait to be given a gift for past suffering.

We must decouple affirmative action from civil rights. We need to prosecute those who violate civil rights through discrimination. Affirmative action, however, is not a remedy for discrimination. Affirmative action only helps those in the upper two tiers of the workforce: the highly professional and the highly unionized. It does nothing to aid the poorest minorities. Affirmative action has become a classic case of the bait-and-switch game: we use the condition of all blacks and Hispanics as the bait, but when the remedies arrive, we only assist those at the top.

3. See *Brown v. Board of Educ.*, 346 U.S. 483 (1954).

Consider the response of Operation PUSH in Chicago, a civil rights organization founded by Jesse Jackson, to the news that kids in the inner city were blowing each others' brains out for Nike sneakers, or paying \$150 to \$200 for them.⁴ What were the demands upon Nike? PUSH threatened a national boycott unless Nike recruited more blacks for its board of directors and as vice-presidents and spent more money on black advertising.⁵ How does this remedy address the problem? How do low-income blacks benefit from Vernon Jordan serving on another board? Or some other rich black person serving on it? Nevertheless, this type of response is accepted by most people. From 1967 to 1990, the percentage of black households with incomes above \$50,000 increased dramatically, from 6.9 percent to 14.5 percent. During this same period, the portion of black households with incomes under \$5,000 also increased, from 7.9 percent to 11.5 percent.⁶ If race is the sole culprit, why are not all blacks suffering equally? I emphasized this point when I was on the *MacNeil/Lehrer News Hour* with John Jacobs of the Urban League, just after the Urban League released a report on the state of black America.⁷ The host asked, what is the state of black America? I replied that for those of us on the panel, life was not at all bad. Our income had not gone down regardless of which white man had been in the White House.⁸ However, the same was not true of all blacks.

The solution for low-income people must involve resources, training, opportunity, and, above all, choices so they can make informed decisions for themselves. For example, we need to empower people through school vouchers. Dennis Doyle and Terry Hartle conducted a study with the American Enterprise Institute in 1986 of where different segments of the population sent their children to school. They found that public school teachers send their children to private schools at twice the rate

4. See Bill Brubaker, *Athletic Shoes: Beyond Big Business; Industry Has a Foothold on Defining Societal Values*, WASH. POST, Mar. 10, 1991, at A1.

5. See Bill Brubaker, *Boycott or Not, Nike Sales Push Upward; Jackson's Troubled Operation No Match for Thompson, Lee and Jordan*, WASH. POST, Mar. 10, 1991, at A19.

6. See BUREAU OF THE CENSUS, U.S. DEP'T OF COMMERCE, *CURRENT POPULATION REPORTS: POPULATION CHARACTERISTICS, THE BLACK POPULATION IN THE UNITED STATES* 15 table K (1991).

7. See Joyce Price, *League urges a Marshall Plan for urban blacks*, WASH. TIMES, Jan. 10, 1990, at A3.

8. See *MacNeil/Lehrer News Hour: Blacks in America; Scriptures in School; Waste Not, Want Not* (PBS television broadcast, Jan. 9, 1990).

of the general population.⁹ Marion Wright Edelman, Jesse Jackson, and Marion Barry do not use the Washington, D.C. public schools; neither does Frank Smith, the schools' superintendent. Why not give poor families the same options that these elites exercise? Low-income people need the opportunity to make these choices for themselves.

Providing these opportunities and resources, however, is only part of the solution. Poverty has several origins. Situational poverty arises from an unexpected death or dislocation from a job. Moral and spiritual poverty is suffered by those who lack the foundation of values needed to make wise life choices, and this spiritual poverty can be found across all racial and income boundaries.

Offering the morally and spiritually poor an opportunity is of little consequence unless there first has been a transformation in an individual's values and vision. These people first must be called to themselves like the prodigal son, who was embraced by his father only after he repented and underwent a change in heart.¹⁰ Faith-based organizations have a unique and powerful capacity to engender that kind of transformation. Belief in a transcendent God can transform a person so that he is able to take advantage of the opportunities before him. It is precisely these religious healing agents in communities, however, that presently are under assault by the state.¹¹ Any civil rights agenda must include protections for those who have demonstrated that they can call people to themselves and make them ready to use the resources available to them.

The civil rights movement has unleashed a virus, an entitlement mentality, that has damaged a rich legacy of self-reliance in the black community. When blacks were released from slavery,¹² the government sent workers from the Freedmen's Bureau

9. In many States, public school teachers send their children to private schools in twice the number of the general population. See DENNIS P. DOYLE, WHERE CONNOISSEURS SEND THEIR CHILDREN TO SCHOOL: AN ANALYSIS OF 1990 CENSUS DATA TO DETERMINE WHERE SCHOOL TEACHERS SEND THEIR CHILDREN TO SCHOOL (Ctr. for Educ. Reform 1995).

10. See *Luke* 15:11-32.

11. See, e.g., *Aguilar v. Felton*, 473 U.S. 402 (1985) (holding that the government may not send workers to parochial schools to provide special services for handicapped children).

12. See U.S. CONST. amend. XIII ("Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.").

to discover what the government could do to help the freed slaves learn to read. The workers returned and reported that the government was not needed because the black church already was making remarkable progress in improving literacy. In the first thirty years after slavery was abolished, the illiteracy rate in the black community dropped from over eighty percent to under forty-five percent.¹³ The black community produced 30,000 teachers. It went from two lawyers to 154, from three physicians to 375, and from two newspapers to 160.¹⁴ When denied access to hospitals, blacks established 135 hospitals of our own and six medical schools. All of this was accomplished without government help.

In 1863, when one-thousand blacks were fired from the docks of Baltimore, Maryland, they did not march on Washington demanding jobs, peace, and freedom. They went to their own burial societies and churches and amassed the capital necessary to establish the Chesapeake-Maine Dry Dock and Railroad Company and successfully operated their own railroad from Baltimore to Maine.¹⁵

In 1943, there were no black naval officers. When Eleanor Roosevelt insisted that the Navy accept black officers, the Navy signed up thirteen men. The normal training period for a naval officer in 1943 was sixteen weeks, but these men were given the same training in only eight weeks. These thirteen men stayed up through many nights helping and tutoring each other. When they were tested, they all scored in the ninetieth percentile. The Navy could not believe the results, so they separated the men and tested them again. This time, the men scored in the ninety-third percentile. Six months later, the Navy finally commissioned them.¹⁶

Today, we would be filing lawsuits. We would be demanding that the threshold be lowered. It is this attitude of entitlement that is destroying us. We must return to our traditional self-reliance and remove this victim label from people. We must say

13. See CLINT BOLICK, *CHANGING COURSE: CIVIL RIGHTS AT THE CROSSROADS* 35 (1988).

14. See *id.*

15. See AUGUST MEIER & ELLIOTT RUDWICK, *FROM PLANTATION TO GHETTO* 214 (1966).

16. See Conservation with John Subley Butler, Univ. of Tex. at Austin Dep't of Sociology.

to the victims that racism and discrimination may have knocked them down, but it is the victim who must get up.