

serve in the first government of national unity.

Though each leader has maintained his own militia, their differences were never reflected among the Kurdish population. The KDP and the PUK were never split along ideological, ethnic or religious lines. So to call this dispute a "civil war" is an even more egregious cop-out than in Bosnia, where the Serbian campaign of ethnic cleansing did ultimately bring about sectarian resentments that are by now the sentiments of a civil war. When Western officials insisted they were witnessing a civil war in Kurdistan, they did so as much out of convenience as out of ignorance. While this rhetorical sleight of hand allowed the West to feign toughness without risk, it actually strengthened Saddam's rule, as well as surrendered the precedent set forth by U.N. Resolution 688 that originally established the "safe haven" in northern Iraq.

U.N. Resolution 688, proposed by the French and American governments in April 1991, allowed the international community to override the hallowed United Nations principle of territorial sovereignty to protect a persecuted minority. Iraq's right to rule over its population was abrogated, and the Kurdish region became a virtual United Nations protectorate. Of course, there were no illusions about why this particular minority in this particular state was the beneficiary of the world's newfound concern for persecuted minorities. Saddam was a weak, isolated and easily vilified figure whose hegemonic ambitions threatened the flow of oil to the West. Nevertheless, the decision offered a glimpse of a more effective U.N., one able to act in a world marked by intra-state rather than inter-state conflicts. The recent collapse of the Kurdish safe haven, and the West's unwillingness to take the action which Resolution 688 allowed, makes it unlikely that the world will soon again be mobilized to save a persecuted minority within a state's boundaries.

This is not only a matter of morality in foreign policy. A strong, stable and lasting Kurdish enclave would not only have secured the Kurdish population; it would have permanently crippled Saddam's rule as well. The world and the region would be safer with a regime in Baghdad whose outward ambitions were limited by challenges from within.

The Clinton administration, however, after initially sponsoring the creation of a Kurdish parliament and the trappings of democratic rule, largely ignored the deterioration of the internal Kurdish situation. Allowing the Kurdish factions to descend into petty fighting—monumentally petty given their historic chance to secure their own land—the U.S. only sent minor diplomats on minor missions, without applying sufficient pressure to win a truce and without bringing home to Kurdish leaders what was truly at stake in their squabbling. Instead the U.S. concentrated its efforts on a hopelessly naïve \$100 million CIA plan to support dissidents, supply weapons and train Kurdish and Iraqi agents to overthrow Saddam. This effort, we know now, ended with the emergency evacuation of all CIA operatives—leaving their Kurdish "students" to a grim and certain death at the hands of Saddam's security services.

A unique opportunity for Kurdish self-rule has been lost. With no sense of duty to their own people, and with little encouragement from their Western patrons, the Kurdish leaders of the Iraqi "safe haven" have committed an act of folly, unprecedented even in their own tortured history. A "Kurdistan" carved out of three such powerful and ruthless states as Iraq, Iran and Turkey was never plausible. What was possible was a sanctuary, a place where Kurds could escape persecution. That small, and yet very great accomplishment, is now lost.

NADER MOUSAVIZADEH is a former TNR associate editor.

Can the Golden State go color-blind?

ABSOLUTE CALIFORNIA

By Glenn Loury

The California Civil Rights Initiative (CCRI), which would end race- and sex-based preferences in state contracting, employment and university admissions, appears likely to pass. Both women and men support it, and even the margins of black and Hispanic opposition are small. As a long-standing critic of such preferences, I should be pleased, and I am, sort of. The complex of policies and prac-

tices known as "affirmative action" has been in need of reform for many years now. Preferences emerged, and have grown, within public and private bureaucracies rarely held accountable under the democratic process. Measures billed as temporary have become permanent crutches for people who are implicitly assumed to be incapable of competing. And the reaction to criticism of affirmative action has been, by turn, angry,

hysterical, demagogic or simply inane. The opponents of CCRI have done nothing to redeem this shameful record.

Moreover, the Clinton administration's cynical (though deft) handling of the issue—first declaring amid much fanfare that affirmative action should be “mended” but not “ended,” then dragging its feet on serious “mending”—has done little to elevate the debate. Thus, it should come as no surprise that many Californians who might have supported reasonable and modest public efforts to reduce racial inequality now stand ready to climb on the anti-preference bandwagon.

Had I a ballot to cast at the California polls this November, I would probably vote “yes” on CCRI—but with reservations. Its proponents have both better arguments and cleaner hands than its critics. As experience at the federal level shows, we cannot rely on those who administer government affirmative action to end set-asides for the wealthy owners of “disadvantaged” businesses or to close the near 300 point gap in SAT scores between whites and blacks at elite state universities. Were CCRI to fail, these outrages would continue without scrutiny.

But the initiative is flawed both in letter and spirit. Since its underlying premise is that a citizen's racial identity is wholly irrelevant to any proper state interest, CCRI implicitly denies that racial justice is a legitimate public goal. For this reason, I hope it will not frame the national debate on racial preferences in the coming years.

Ideally, racial identities should be irrelevant to our dealings with one another. Yet clearly they are not. As a result, all kinds of circumstances, having nothing to do with “racial preferences,” require government to depart from the strictly “color-blind” treatment of its citizens in order to discharge its legitimate functions. A front-page story in the October 28 *San Francisco Chronicle* makes the point nicely. Reporting on an FBI investigation into excessive fighting among inmates at the Corcoran California state prison, the story traces the trouble to “an obscure prison edict issued during the 1980s—the integrated yard policy . . . [which] required all prison yards to be integrated by race and gang affiliation.” The article quotes a veteran prison guard calling that policy “naive and stupid. . . . [A]nybody that's worked inside a prison would say that.” Yet for a prison warden to allocate exercise time among inmates so as to minimize racial conflict, he would have to behave in something other than a color-blind manner.

This example is not trivial. Last summer, the conservative federal judge Richard Posner upheld the preferential hiring of a black prison guard in an Illinois boot camp for young offenders. He argued that, with an inmate population that was three-quarters black, and given that “aversive training” methods familiar to Marine enlistees were to be employed at the boot camp, the state might have a compelling and thus constitutionally justifiable interest in providing for some

racial diversity in the camp's officer corps. Similarly, would we insist that a black person using public mental health benefits for counseling about a race-related anxiety not be permitted to choose a black therapist?

Faced with such examples, supporters of CCRI invariably reply that race here simply serves as a proxy for some non-racial trait—like the ability to win the trust of the black inmate or patient. But this response is insufficient, for the crux of the matter is not the state's use of race as a proxy for some desirable characteristic in an employee, but rather the client's racial perception of it. In boot camp, a young inmate will be bullied mercilessly by guards who either have his best interest at heart or do not. If enough black youths find it easier to believe that this bullying is for some useful purpose when at least one of the guards is black, and impossible to believe it when they are all white, then the success of the training technique requires racial diversity on the staff. And this is true no matter how sophisticated the prison personnel office is at discovering, without using race, whether an applicant “truly cares” about his prospective charges.

Targeted outreach and recruitment efforts intended to increase the number of black applicants for some position are another non-color-blind practice that most people would accept but CCRI would outlaw. CCRI proponents argue that other kinds of recruitment that happen to yield relatively more black applicants would still be allowed. But an employer could not solicit with the overt intent to generate more black candidates. Thus no academic recruiting committee could include in a job letter the familiar phrase, “We are particularly interested in hearing about any outstanding women or minority candidates”—even if the blacks ultimately appointed were as well or better qualified than the whites rejected.

The aggressive recruitment of black candidates in the face of a manifest imbalance in, say, a police force—sending recruiters to heavily black high schools—clearly involves racial discrimination. It bestows benefits (better job information, a greater number of alternative job offers) on some black persons, and burdens (not being aggressively recruited) on some whites. Yet it is sensible when, for example, there is no shortage of white applicants, and aggressively recruiting at every school, rather than largely black ones, could raise costs by a factor of ten. Why should such a practice be outlawed?

Some “discrimination” against whites (through racially targeted outreach) may be the inevitable—and defensible—consequence of measures to identify and limit discrimination against blacks. Any effective anti-discrimination enforcement strategy will rely upon quantitative measures of racial hiring to trigger deeper scrutiny when there is a manifest imbalance, or to lend credence to an individual's complaint. The same kind of techniques are routinely undertaken when enforcing, for example, tax laws, anti-trust statutes and security exchange regulations. But, faced with this

type of enforcement, a prudent manager will target his recruitment resources toward blacks when they are sharply underrepresented. This will spare his firm scrutiny, and, if it doesn't, he can at least tell auditors, "True, we don't have many black employees. But we tried aggressively to recruit them and found none qualified." Thus, the economic logic of anti-discrimination law enforcement can impel employers to "discriminate" against whites by targeting blacks for recruitment.

The broader point is that an ahistorical, racially symmetric, notion of governmental non-discrimination may be impossible in practice. Given the open defiance already exhibited by some administrators to last year's Regents decision to scrap affirmative action at the University of California, university admissions committees may try to pursue affirmative action covertly. But, since it is impractical to monitor every committee meeting or review every admissions decision, detecting non-compliance with CCRI—that is, discovering continued preferential admissions for blacks—will require monitoring the rates at which various groups of students, defined by race and by academic qualifications, are admitted. Schools with an unusually high number of black admittees, controlling for grades and test scores, will certainly draw scrutiny. The state, willy-nilly, will find itself counting students by race—only now it will be looking to make sure that not "too many" blacks are being admitted.

Anticipating the new regime, educators in California are busy devising alternative admissions formulas based upon non-racial "background" factors—Did they come from a single-parent family? Did they go to high school in an economically deprived neighborhood? Without explicitly using race, college administrators hope to retain some level of diversity. But the new process would be extremely subjective, and, since universities will try to hew as close as possible to the status quo, they will be tempted to adjust the formula to maintain current racial proportions. (How much weight, for instance, should be given to "single-parent household" relative to "low-income high school" in the index of disadvantage? The more weight on "single-parent" the greater the relative benefit to blacks.) This, too, the state would have to monitor for hidden benefits to blacks and Hispanics.

But even if color-blind absolutism were a coherent principle, I still doubt whether it would be consistent with social justice. Opponents of preferences point to the Vietnamese and other low-income, non-white populations who are doing reasonably well, saying in effect, "You see, race per se has nothing to do with the problem." This seems to me obviously false. The disparities between the life chances of a black versus a white or Asian youngster born today into households of similarly modest means in South-Central Los Angeles constitute a social justice problem with a racial dimension. Because of cultural differences, differences in opportunities afforded by the sur-

rounding social environment and differences in the reactions of outsiders (employers, for instance), the black youngster faces objectively more disadvantage, and that disadvantage is deeply related to the social fact of race in America.

What I mean by "the social fact of race" is captured in patterns of intermarriage (much higher between whites and Asians, and between Anglo whites and Hispanics, than between whites and blacks), patterns of interracial adoption (much less likely to favor black infants, even allowing for the indefensible obstruction of interracial adoptions by some misguided blacks) and patterns of residential segregation (much more likely to isolate low-income blacks than low-income whites).

For example, there is growing evidence that younger, unskilled black males experience labor market discrimination. Many employers view these slum-dwelling youths as unreliable, unwilling to accept supervision and prone to crime. This is true of some, and not of others, and, given the limited information at hand, it may be rational for an employer to simply avoid these young black men altogether. But this creates a vicious circle—denied a chance to show themselves worthy, dispirited young blacks behave in ways that make them appear unworthy. Some subsidy to, or pressure on, low-wage employers to give these kids a chance to prove themselves, despite the terrible (and, too often, deserved) reputation which "their kind" brings to the workplace, can, I think, be justified.

The tragedy of extreme black poverty does not justify racial preferences, which overwhelmingly benefit the black middle class, but it gives the lie to the color-blind absolutists' claim that government can dispense social justice without taking note of race. All the talk about "aiding the poor regardless of race," seems fatuous when set alongside the reality of many millions of ghetto-dwelling blacks, whose race is clearly part of their disadvantage, since it lies at the root of their social isolation.

This brings me to the most basic problem with the logic underlying CCRI. It denies that the government has any responsibility to reduce the gap in development between black Americans and others in the society. To be sure, it is wrong to pursue black representation by setting lower standards. But what is wrong with employers and schools seeking greater black participation by holding up a common standard of excellence while making a concerted effort to enhance black performance? What, for instance, is wrong with the policy of the U.S. Army (as described in the new book *All That We Can Be* by Charles Moskos and John Butler) which tries to increase the number of blacks in the higher ranks? Some of its efforts—like special ROTC scholarships at historically black colleges—are explicitly racial. Others are not explicitly racial but are, and are intended to be, of particular help to blacks—like the military prep school which brings West Point candidates up to academic standards, and which

is responsible for some 40 percent of black admissions to the academy. All evidence indicates that these programs have been successful in producing genuinely competitive black officers, without racially differential standards or quotas of any kind.

I doubt any comparable efforts would survive CCRI. For, like a white police force's targeted recruitment of black applicants, these attempts to improve black performance are not color-blind. They involve—let's put it plainly—racial discrimination. Yet, I believe that many of those in California voting "Yes" on Proposition 209 would agree that, in our society at this historical juncture, undertakings like the Army's are worth the cost. What distinguishes this "developmental affirmative action" from the more familiar "preferential affirmative action" is that it takes black underdevelopment in late twentieth-century America seriously. It deems that underdevelopment a matter of importance to the

entire nation and seeks to address it forthrightly, rather than hiding from it by lowering standards for blacks.

Perhaps those California voters would also agree that a state university system that consumes billions of taxpayers' dollars should not accept with equanimity its virtual exclusion of an important, historically subjugated population. If so, they might consider finding some way, in the post-CCRI environment, to permit programs that provisionally admit a limited number of less-qualified minority applicants to the university, conditional on their raising their math and verbal aptitudes to genuinely competitive levels after a year or two of study (without transferable credit) at a less exclusive institution. For my money, a person more interested in seeing social justice done than in hewing to an ideological line would either seize upon such a proposal, or advance a better one. •

CAMPAIGN JOURNAL

THE SEDUCER

By Michael Lewis

October 25:

Last night my father took a poll in the locker room of the place where he plays tennis and not one of the men there had any idea that either Bill Clinton or Bob Dole was coming to New Orleans today, which they are. The front page of the local newspaper reflects the general apathy. Beneath a huge story about who will be the next coach of the New Orleans Saints is a tiny map showing how traffic will be affected by the candidates. After a brief discussion of the various roads being closed to make way for Clinton's motorcade the story says, simply, "No roads will be closed for Dole."

As it happens one of my old classmates, Bill Kearney, runs the Dole campaign in Louisiana, and another, Jay Batt, is among Dole's most ardent supporters in New Orleans. The three of us agree to have lunch at a restaurant on Canal Street called the Palace Café, which is owned and run by another former classmate, named Ti Martin. Ti and her family are serious Democrats. When Clinton came to town a few months back he descended on the restaurant with only forty-five minutes notice. "Men with large guns wanted to know how to get to the roof," Ti recalls. "The president's dietitian wanted only one person to cook for him and only one person to serve him. By the time I went outside, Canal Street was blocked off in both directions and red velvet ropes were

holding back hundreds of onlookers. When the Secret Service wanted to see the reservation book, I explained that much of our lunch business was walk-in, so he passed. Later we noticed one of the names on the reservation book was Oswald."

In the same way that you don't realize how essentially wrong a newspaper is until you read a story on a subject with which you are intimately familiar, you don't know what is wrong in a political campaign until you see it come to your hometown. The purpose of this lunch was to talk politics; but no one really wants to. I could sit here until Election Day asking questions designed to force them to lock horns and they won't do it. Ti wants Jay to keep coming to her restaurant; Jay wants Ti to keep buying clothes from his store downtown; and in any case they like each other.

I think the main reason most political journalism seems so remote from life as we know it in America is that in life politics is far down on the list of concerns whereas political journalism operates on the assumption that politics is the most important thing in the world. Ordinary people understand they are meant to exhibit a certain tedious seriousness when they talk to a journalist about presidential candidates, and so they do. I don't mean this as an insult to ordinary people. Apathy is a perfectly intelligent response to our current politics.

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