

March/April 2006

Volume 15: Number 2

When Affirmative Action Was White

by Ira Katznelson

Hurricane Katrina's violent winds and waters tore away the shrouds that ordinarily mask the country's racial pattern of poverty and neglect. Understandably, most commentators focused on the woeful federal response. Others, taking a longer view, yearned for a burst of activism patterned on the New Deal. But that nostalgia requires a heavy dose of historical amnesia. It also misses the chance to come to terms with how the federal government in the 1930s and 1940s contributed to the persistence of two Americas.

In "To Fulfill These Rights," a June 1965 graduation address at Howard University, President Lyndon Johnson asked why the black population of the United States had fallen even further behind the country's white majority during the two decades since the end of the Second World War, despite the era's sustained national prosperity. Conceding that "we are not completely sure why this is," he stressed the need to adopt bold new policies of affirmative action to remedy the disabilities following from two centuries of oppression.

Johnson missed the chance to assay how the major policies of the New Deal and Fair Deal of the 1930s and 1940s, inflected by the preferences of the Southern wing of the Democratic Party, had massively advantaged American whites while often excluding African Americans, especially the majority who still lived in the 17 states

that mandated *de jure* racial segregation. Southern members of Congress used occupational exclusions and took advantage of American federalism to insure that their region's racial order would not be disturbed by national policies. Farmworkers and maids, the jobs held by most Southern blacks, were denied Social Security pensions and access to labor unions. Benefits for veterans were administered locally. The famous GI Bill adapted to "the Southern way of life" by accommodating to segregation in higher education, to the job ceilings local officials imposed on returning black soldiers who came home from a segregated Army, and to an unwillingness to offer loans to blacks even when they were insured by the federal government. Of the 3,229 GI Bill-guaranteed home, business and farm loans made in 1947 in Mississippi, for example, only 2 went to black veterans.

Together, these policies transferred more than \$100 billion to create a modern middle class during the first decade after the Second World War, a sum more than six times the amount spent on Marshall Plan aid in war-torn Europe. Without attention to this history, the ambition to create affirmative action for the black poor and the dispossessed was made difficult. Without attention to this history today, it is hard to know how to proceed.

Affirmative action, as it came to operate, focused mainly on opportuni-

ties for middle-class blacks seeking access to higher education and top-tier jobs. This affirmative action has worked to great effect, creating a more racially-just and diverse society than otherwise would have been the case. But the black affirmative action programs instituted since 1965 in fact were paltry in their scope and scale compared to the massive governmental transfers that disproportionately aided whites in the previous three decades, 1935-65.

Questioning Affirmative Action

Presently, many US politicians and much of the wider public are questioning the effectiveness of any kind of
(Please turn to page 2)

CONTENTS:

Affirmative Action for Whites	1
Katrina and Political Representation	3
Race, Poverty & Pesticides	5
PRRAC Update	7
Apologies/Reparations	11
Resources	12

affirmative action in the face of continuing black disadvantage and the wider impact of globalization on the population as a whole. Many view affirmative action as an expensive exercise that violates principles of merit and equal opportunity and that, in any event, has not achieved its original goals as enunciated by President Johnson in 1965. Further, there is no agreement or clarity about what, if anything, should be put in its place.

Current policy possibilities become clearer when we take into account not just the affirmative action policies that have been called by that name, but the full range of affirmative action—including affirmative action for whites—that marked much of American social policy in the key formative period that preceded the civil rights revolution.

The almost exclusively white-targeted nature of this extensive federal legislation has largely been ignored by policy analysts, just as it was by Lyndon Johnson.

Thus, often without realizing it, the United States has practiced what, in effect, was white affirmative action on a highly generous and widespread basis, followed by a much more modest program of black affirmative action. By understanding this history, we can come to terms with the widening gap between blacks and whites noted by

Lyndon Johnson and with the incapacity of many blacks to be able to make good this gap in the following four decades.

The policy implications of a full appreciation of these features of modern US history, in short, are the opposite of currently popular views. Properly designed and funded, affirmative action policies can work very effectively, but the ingrained bias in a white direction has to be acknowledged and transcended. If American politicians and public opinion are serious about racial equality, this history indicates the need to implement an affirmative action program as ambitious as that delivered to whites during the three decades before President Johnson

Nostalgia for the New Deal requires a heavy dose of historical amnesia.

spoke out in 1965. It is important to consider both the principles that could animate such an effort and to imagine the form it might take.

The Roosevelt and Truman Administrations

Although no single period can account for why race and class continue to be so closely entwined today, such a critical moment lies just behind us, during the Administrations of Franklin Roosevelt and Harry Truman, when such great progressive national policies as Social Security, protective labor laws and the GI Bill generated what I have called "affirmative action for whites." As a historian, I have tried to set this record straight. As a political scientist, I have sought to understand the mechanisms that made this history possible. As a citizen, I have sought to comprehend the implications of these past policies for possibilities today.

During Jim Crow's last hurrah in the 1930s and 1940s, when Southern members of Congress controlled the

gateways to legislation, policy decisions dealing with welfare, work and war excluded or differentially treated the vast majority of African Americans. Between 1945 and 1955, the federal government transferred unprecedented sums to support retirement and fashion opportunities for job skills, education, homeownership and small business formation. Together, these domestic programs dramatically reshaped the country's social structure by creating a modern, well-schooled, home-owning middle class. At no other time in American history had so much money and so many resources been targeted at the generation completing education, entering the workforce and forming families.

Imagine two countries, one the richest in the world, the other among its most destitute. Then suppose a global program of foreign aid transferred well over \$100 billion, but to the rich nation, not the poor. This is exactly what happened as a result of the cumulative impact of the most important domestic policies of the 1930s and 1940s. Social Security began to pay old age pensions in 1939. By the end of the 1940s, its original provisions had been impressively improved. The GI Bill was the largest targeted fully national program of support in American history. The country passed new labor laws that promoted unions and protected people as they worked. The Army was a great engine of skill training and mobility during the Second World War. None of these was a marginal or secondary program. To the contrary, individually and collectively they organized a revolution in the role of government that remade the country's social structure in dramatic, positive ways.

But most blacks were left out. The damage to racial equity caused by each program was immense. Taken together, the effects of these public laws were devastating. Social Security, from which the majority of blacks were excluded until well into the 1950s, quickly became the country's most important social legislation. The labor laws of the New Deal and Fair Deal

(Please turn to page 8)

Poverty and Race (ISSN 1075-3591) is published six times a year by the Poverty & Race Research Action Council, 1015 15th Street NW, Suite 400, Washington, DC 20005, 202/906-8023, fax: 202/842-2885, E-mail: info@prrac.org. Chester Hartman, Editor. Subscriptions are \$25/year, \$45/two years. Foreign postage extra. Articles, article suggestions, letters and general comments are welcome, as are notices of publications, conferences, job openings, etc. for our Resources Section. Articles generally may be reprinted, providing PRRAC gives advance permission.

© Copyright 2006 by the Poverty & Race Research Action Council. All rights reserved.

(AFFIRMATIVE:: Continued from page 2)

created a framework of protection for tens of millions of workers who secured minimum wages, maximum hours and the right to join industrial as well as craft unions. African Americans who worked on the land or as domestics—the great majority—lacked these protections. When unions made inroads in the South, where most blacks lived, moreover, Congress changed the rules of the game to make organizing much more difficult. Perhaps most surprising and most important, the treatment of veterans after the war, despite the universal eligibility for the benefits offered by the GI Bill, perpetuated the blatant racism that had marked the affairs of a still-segregated military during the war itself. Comparatively little of this largesse was available to black veterans. With these policies, the Gordian Knot binding race to class tightened.

This is an unsettling history, especially for those of us who keenly admire the New Deal and Fair Deal. At the very moment a wide array of public policies were providing most white Americans with valuable tools to insure their old age, get good jobs, acquire economic security, build assets and gain middle-class status, black Americans were mainly left to fend on their own. Ever since, American society has been confronted with the results of this twisted and unstated form of affirmative action.

Despite the prosperity of post-war capitalism's golden age, an already immense gap between white and black Americans widened. Even today, after the great achievements of civil rights and affirmative action, wealth for the typical white family, mainly in homeownership, is ten times the average net worth for blacks, and a majority of African-American children in

our cities subsist below the federal poverty line.

Retrieving LBJ's Ambitious Project

By contrast, Lyndon Johnson depicted policies for racial equity that would target "the poor, the unemployed, the uprooted, and the dispossessed." He famously noted that "freedom is not enough," because "you do not take a person who, for years, has been hobbled by chains and liberate him, bring him to the starting line of a race and then say, 'you are free to compete with all the others,' and still justly believe you have been completely fair." The past four decades have not been kind to this vision. It is impor-

Farmworkers and maids were denied Social Security and access to labor unions.

tant now, in the early 21st century, to retrieve Johnson's ambitious project by connecting the goals and precepts he enunciated to the history of racial bias that was deeply embedded in American social policy.

Johnson had in mind the kind of comprehensive effort the GI Bill had provided to most returning soldiers but without its exclusionary pattern of implementation. But that form of assertive, mass-oriented affirmative action never happened. By sustaining and advancing a growing African-American middle class, the affirmative action we did get has done more to advance fair treatment across racial lines than any other recent public policy, and thus demands our respect and support. But as the scenes from New Orleans vividly displayed, so many who were left out before have been left out yet again.

Rather than yearn for New Deal policies that were tainted by racism, we would do better in present circumstances to return to the ambitious plans President Johnson announced but

never realized in order to close massive gaps between blacks and whites, and between more and less prosperous blacks.

The Bakke/Justice Powell Standards

In the 1978 Supreme Court case, *Regents of the University of California v. Bakke*, Justice Lewis Powell, a quite conservative Republican, offered clear and strict standards for racial rectification. These guidelines can help guide such a program. Powell argued that modifications to color-blind policies could be undertaken to remedy race-based disadvantages when two conditions are met. There must be a clear and tight link connecting affirmative action's remedies to specific historical harms based on race. This tie between past action and present policy has to be strong and precise. More general claims about racism in the country's past are not enough. Neither can the goal to be pursued by affirmative action be vague or only of moderate importance. It must be sufficiently valuable as a social good to justify suspending rules that ordinarily must be blind to race. Further, if there is a non-racial way to pursue a given goal, that course should always be preferred. Powell insisted on these two principles—that racial injuries be specific and clear; and that a compelling public purpose must be identified when racial remedies are applied—because a color-blind society is desirable and color-coding is inherently susceptible to misuse.

Building on these principles has significant advantages. First, Powell's demand for strict scrutiny appropriately sets the bar high, but not beyond reach. It balances a widely shared desire to make color-neutrality the dominant norm with the cheerless recognition that this goal cannot be achieved if the role race has played in American life is downplayed or, worse, ignored. As settled law, Powell's deeply historical approach has been applied to the type of affirmative action developed during the Johnson and Nixon

**Be sure to visit
PRRAC's website at:
www.prrac.org**

Administrations, but it also can shape and motivate a considerably broader effort that might target affirmative action at those who are less well-off.

Powell's distinctions placed the onus of proof on the character of the historical evidence that is deployed to justify rectification. A focus on the policies about welfare and work, as well as war and post-war, which the Southern wing of the Democratic Party successfully imposed during the New Deal and Fair Deal, is consistent with this requirement. They provide the content Powell requires to justify acts of official rectification.

Retrospectively, we can also see how Johnson's 1965 speech anticipated Powell's standards. The President's analysis of how the racial gap had widened, though deficient, sought to clarify the facts regarding the present status of blacks in American society. He provided a model of justification for affirmative action by summarizing the racial gap, arguing about causes and spelling out why the divide distinguishing racial groups constitutes a major public concern. By taking these steps, he fulfilled Justice Powell's second stipulation. He also sought to connect his remedies to the causes he had identified. In this approach, he followed Justice Powell's first requirement.

Combining Powell's principles and Johnson's ambitions can push us forward to a framework for public policies that can respond to the injuries inflicted by officially sanctioned racism. Though motivated by a desire to protect Jim Crow, many of the methods and instruments those programs used were adopted on a non-racial basis. A renewed and extended program of affirmative action could offer a reciprocal possibility. Responding to non-racial racism, affirmative action could be established in ways that at least partially transcend race, even while primarily rectifying racial injustice.

Beneficiaries must be targeted with clarity and care. The color-blind critique argues that race, as a group category, is morally unacceptable even when it is used to counter discrimination. But there is an important dis-

tinguishing this view misses. African-American individuals have been discriminated against because they were black, and for no other reason. Obviously, this violates basic norms of fairness. But under affirmative action, they are compensated not for being black, but only because they were subject to unfair treatment at an earlier moment because they were black. If, for others, the policies also were unjust, they, too, must be included in the remedies. When national policy kept out farmworkers and maids, the injury was not limited to African Americans. Nor should the remedy.

On this understanding, it is important to identify the recipients of affirmative compensation who have a direct relationship to the harm being remedied. This does not mean that they

At the very moment public policies were helping white Americans, black Americans were mainly left to fend on their own.

necessarily had to experience a specific act of discrimination directly. To qualify, however, it needs to be shown how discriminatory institutions, decisions, actions and practices have negatively affected their circumstances. This approach does not limit remedies to individuals who have faced injustice directly, one at a time; neither does it justify remedies for African Americans as a unitary or exclusive group that has shared in a history of racism except when the harm, as in military segregation, was created with unambiguously racist categories.

Needed: Corrective Justice

Popular and political support for corrective justice, in short, as well as judicial legitimacy, will depend on the clarity and persuasiveness of the association between harms and remedies.

One of two approaches is possible. A closely-targeted program of rectification would search for identifiable individuals who have been harmed, even at the distance of one or two generations, by the pattern of exclusions and local administration documented in my book (see below). This policy could yield both tangible and symbolic compensation. As examples:

- For the lag in entering the Social Security system, the excluded could be identified and they, or their heirs, could be offered one-time grants that would have to be paid into designated retirement funds.
- For the absence of access to the minimum wage, tax credits equivalent to the average loss could be tendered.
- For the lack of access to key programs under the GI Bill, programs of subsidized mortgages, small business loans and educational grants could now be put in place.

These measures could be targeted to those who stand in a direct line to those who were harmed, but both to keep their costs in check and target spending on those most in need, they would also be available only up to a particular level before being taxed back.

Alternatively, a less administratively burdensome but still exacting approach could be crafted. With this design, the broad target group for assertive federal policies would be poor Americans who face conditions produced by the constellation of the patterns of eligibility and administration the South placed inside the most important New Deal and Fair Deal programs. Although less exact at the individual and family level, this approach would authorize a major assault on inequality and poverty that would be justified by these historical patterns and remedied by policy interventions offering boosts into middle-class status. The major instruments would be the same as those the federal government utilized in the GI Bill: subsidized mortgages, generous grants for education and training, small business

(Please turn to page 10)

loans, and active job-searching and placement. This line of attack on the legacies of exclusion also could deploy an expanded Earned Income Tax Credit, assure generous child care and guarantee basic health insurance.

Either way, it is not only the persons, or group of people, who have to be identified, but the specific qualities of racial discrimination. There is something of a hierarchy. Individual private acts of prejudice and discrimination count for less than more pervasive institutional ones. Injuries dealt by government count for more than private patterns of institutional racism. When government is directly involved, claims for systemic compensation to match systemic harm become most compelling. Public policies, after all, have been the most decisive instruments dividing Americans into different racial groups with vastly different life circumstances and possibilities.

Speaking from the French Quarter in New Orleans last September, President George W. Bush recognized that Hurricane Katrina has revealed "deep, persistent poverty" with "roots in a history of racial discrimination." Any serious search for what he called "bold policies" might begin by taking both the history of affirmative action for whites and Lyndon Johnson's urgency and prescriptions to heart. For without an unsentimental historical understanding of the policy roots of black isolation and dispossession, the response to the disaster in the Gulf states will remain no more than a gesture.

Ira Katznelson (iik1@columbia.edu) is a professor of political science and history at Columbia University. He is the author of When Affirmative Action Was White: An Untold History of Racial Inequality in America (W.W. Norton, 2005), whose chapters – "Welfare in Black and White," "Rules for Work," "White Veterans Only," etc. – provide detailed data supporting his argument. □

(although only for military and overseas voters) a ranked-choice ballot, whereby if the voter's top choice is eliminated and does not advance to the run-off, his/her vote goes to the highest-ranked candidate who is in the run-off. (The system, called Instant Run-off Voting, or IRV, already is used in San Francisco, CA, Burlington, VT, and other places.)

As of this writing, it appears that there also could be several propositions on the ballot concerning shifting land-use and financial accountability authority from the city council to bodies appointed by the mayor. Given the racial implications of the likely election results—a city council with an African-American majority and a white mayor—control over these vital elements may become racially coded as well

Longer-Term Effects on Political Representation

The potential longer-term effects of Katrina on political representation in New Orleans and the State of Louisiana extend beyond the April/May period. The city's eight-term Congressman, William J. Jefferson, is implicated in bribery charges that, combined with what appears to be significant erosion of his electoral base, could well unseat him in the November general elections. As a senior member of the Ways & Means Committee, Congressman Jefferson wields considerable power, and replacing him would weaken the city's clout in Washington.

Congressman Jefferson is not the only politician who has cause to worry about the longer-term impacts. Both Governor Blanco (in 2003) and Senator Landrieu (in 2002) won by relatively small margins—margins that were largely, if not totally, due to the African-American vote. A reduced black electorate in the state could significantly endanger their reelection.

An additional, more worrisome longer-term impact is redistricting

caused by Katrina-related population shifts. Rebuilding/repopulation will undoubtedly be a protracted process, extending beyond November 2006. Existing Congressional districts (especially New Orleans, but perhaps others in the state, as well as in Alabama and Mississippi) may wind up underpopulated, especially if absentee voting procedures are inadequate. Will the "Texas Model" come into play, with a redrawing of Congressional districts in between decennial censuses? One possibility, suggested by civil rights attorney Kristin Clarke-Avery and her late colleague Tulane law professor M. David Gelfand, is postponement of federal elections, possibly throughout

For the first time since 1978, New Orleans may very well have a white mayor.

the Southeast. While a federal statute states that a uniform date is to be set throughout the country for biennial House elections, a 1982 Federal District Court case (*Busbee v. Smith*) held that under certain circumstances—for instance, in the case of a "natural disaster"—they can be held at other times. Given the Justice Department's role in approving voting procedures under Section 5 of the 1965 Voting Rights Act, that may be an avenue to explore.

Katrina, Rita and Wilma had an enormous impact in many areas, not the least of which is on the political front.

Chester Hartman (chartman2@aol.com) is PRRAC's Director of Research. He is a member of the Long-Range Planning Task Force of Governor Blanco's Louisiana Recovery Authority and co-editor (with Greg Squires) of Routledge's forthcoming volume of essays, There's No Such Thing As a Natural Disaster: Race, Class & Katrina. A variation of this article is appearing in Focus, the magazine of the Joint Center for Political and Economic Studies. □