

Christopher  
Edley, Jr.

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Affirmative Action  
*and* American Values

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AFFIRMATIVE ACTION  
AND AMERICAN VALUES

***Christopher Edley, Jr.***



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*for*  
*Christopher F. Edley III*  
*and*  
*Christopher F. Edley, Sr.*

*from father to son . . .*

## PREFACE

**W**hy yet another book on race? This extended essay is about hard choices and how to think about them, not just about my own conclusions or those of a President for whom I worked. I believe that thoughtful people seeking a deeper understanding of what affirmative action is all about, deciding for themselves how America ought best to achieve racial justice, will profit from a rigorous effort to think about the hard choices and first principles, in much the same way that President Clinton and his advisors did during 1994 and 1995. By thoughtful people, I certainly mean anyone who is reading this book; I also mean people who believe that one need not embrace absolutism in order to be principled, and need not avoid strong value commitments in order to be tolerant.

From classrooms to boardrooms, from dinner tables to Capitol corridors, when our values are in doubt or in conflict, we often shrink from the hard work of understanding each other, of searching for the truth in what each side believes and moving toward something shared. The doubts and conflicts concerning race in America are many and deep. It has ever been so. Still, now and again the earth moves, and then the possibilities of the moment—today's moment—are at once exciting and frightening.



Consider the drama of Colin Powell. The phenomenon suggests a number of points that concern my general theme:

Colin Powell is a product of affirmative action.\* When President Jimmy Carter appointed Clifford Alexander to serve as Secretary of the Army, Alexander was the first African American to hold so high a post in the national security establishment. One of Alexander's heroic accomplishments was to manage the transition of the largest branch of the armed services to an all-volunteer force. Another was to put equal opportunity at the center of the Army's human resources strategy. And he gave personal attention to integrating the senior officer ranks with minorities and women. Colin Powell owes a considerable debt to Cliff Alexander, who looked down a list and singled him out for promotion and advancement. According to Alexander, race was of course a consideration in the decision. Months ago, when I heard the (white) customers at the dry cleaner around the corner from my apartment talking excitedly about the possibility of Powell being a presidential candidate, race was a factor. And it was a factor when I and so many others wondered, nervously, how much special danger from assassins Powell might face in a national campaign, or how much hostility to him the radical right would register, or whether the pack-dog journalism unleashed by the inevitable first whiff of scandal (My Lai?) would be ordinarily color-blind, or rabidly resentful.

The whole thing makes me wonder how much we really understand about race in America. Maybe the central lesson is less about ignorance than about the fluidity and contingency of politics and the social situation. I sense almost overwhelming perils in race relations at the moment, but maybe everything is much more fluid and changeable than I recognize. Things can get better fast.

\* Based on a conversation with Clifford Alexander, former Secretary of the Army, in which Alexander described efforts to promote equal opportunity in the Army by seeking out qualified minority and women officers for promotion. In his autobiography, General Powell says he opposes "preferences" but favors "affirmative action," which shows him to be a skillful politician. He continues: "I benefited from equal opportunity and affirmative action in the Army, but I was not shown preference." Colin L. Powell, with Joseph E. Persico, *My American Journey* (New York: Random House, 1995), p. 608. This formulation answers, as we will see, none of the difficult questions.



For thirty years I've used the phrase "exception syndrome" to define the application of the "Some of my best friends are Negroes" expression that whites often used (past tense?) to establish their bona fides on racial matters. Not so long ago, the phrase would often be followed by some politely expressed bigotry. In the exception syndrome, one can hold on to a prejudice about a group and treat individual counterexamples as mere exceptions to the rule, possibly exceptions that prove the rule. So, Colin Powell's exceptional qualities leave admirers simultaneously pleased with their personal capacity for racial tolerance while confirmed in their sense that most blacks certainly aren't like Powell. That's what I fear.

More optimistically, the emergence of a widely admired African American as a crossover political leader on the national stage might have a transformative effect, encouraging us toward tolerance, comparable to the effect that John F. Kennedy's presidency had on tolerance for Catholics. Religious denomination has all but disappeared as a factor in polite conversation about political candidates—or at least until the recent rise of the strident radical religious right. Might Colin Powell accomplish a similar transformation? That's what I believe.

Yet modern American political debate is often consigned to a sewer of negativity. The political valence of racial policies—especially affirmative action, the subject of this book—has been heightened in 1996 in two respects. First, there is a battle for the soul of a resurgent GOP. Some GOP strategists see Republican opposition to affirmative action as a way of driving a wedge between conservative and liberal Democrats while cementing the GOP's electoral gains among white male voters. Others want to broaden the party with strategies of inclusion; this group is genuinely thrilled by Colin Powell's decision to join their ranks, not threatened by it. Newt Gingrich seems ambivalent: he echoes an antipreference mantra, but he doesn't want the party of Abe Lincoln to become the party of David Duke. (He wants it to be the party of Newt Gingrich.) Second, battles over legislative and ballot initiatives will challenge the civil rights orthodoxy of the past quarter-century and force candidates and officeholders to declare their views, though many politicians would just as soon avoid or defer those battles.

Beyond politics, there are the frightening portents of sharper di-

vision and declining civility in matters of race. The Million Man March, the Simpson verdict, congressional redistricting, a rising incidence of hate crimes at the same time that overall crime declines, the sentencing disparities between the larger number of black defendants in crack cases and the white ones convicted of crimes relating to powder cocaine—every month the United States has faced racial issues that are like Rorschach tests, painfully revealing our national neurosis. For the most part, leaders, analysts, and just plain folks note all this with concern but are unable to prescribe the needed therapy and uncertain about the prognosis for healing.

My focus in this book is on hard choices about race that must be made in our national policies and private practices, and how to think carefully about those choices. My ambition is to face the choices squarely, not make them appear easier than they are. I can't be objective, but I've tried to be as probing and fair as I can without (too often) becoming abstruse. My most important conclusion can be set forth right here: when you think carefully about hard choices, they turn out to be very hard indeed.

People generally fall into two camps: some who are comfortable with complexity, nuance, and qualified propositions, even revel in the play of multifaceted arguments; others who prefer sharp resolution and clear conclusions. It's the intellectual equivalent of the contrast between those whose eyes linger over a wildscape of forest, crag, and brook and those who are drawn to an orderly English countryside of trim fields, prim cottages, and stone walls. The choice between these two intellectual styles is fundamental. There are geniuses and bores in both schools. And each has pitfalls. A taste for complication can lead you to overlook some fundamental, essential truth and the broader understanding to which that leads. The taste for simplicity can lead you to a reductionism that bleaches away inconvenient or confusing details and dissolves the truths that challenge simplification. Both of these pitfalls have snared politicians who face the color question.

In government, I saw plenty of officials and politicians who were loath to make difficult decisions. Sometimes they would sit through a

long meeting, listen to the evidence and the arguments for and against a proposal, and at the end would ask for more information, and perhaps another meeting, though the difficulty of the decision had little to do with missing information. The decision was difficult because the problem was hard. More information wouldn't make the problem easier; it would just make the list of pros and cons longer. This kind of decision maker wants to find a way to make hard decisions easier and, if that doesn't work, to make no decision until a crisis forces one, or the issue is overtaken by events. But there were other decision makers who made sure they understood a hard problem on its own terms and, having satisfied themselves of that, comfortably made a decision and a leap to action.

My initial instinct was to think of the first kind of decision maker as analytical and the second as intuitive, or "instinctive." But that is inaccurate. People facing complex decisions use a mix of analysis and intuition which varies from episode to episode and problem to problem. I suspect it matters how one reacts to messy confusions of competing values, predictions, and goals. This depends not only on an intuitive sense of the terrain (experience helps) but also on some kind of ineffable aesthetic: if you don't groove on the complexity, you worry the problem to death or duck it; the more at home you are in the wild policy jungle, the more likely you are to see and accept a hard choice for what it is, decide, and then move on, hunting for more big game.

In my aesthetic, the first order of business is not to pick a side and mobilize arguments in support of it, but rather to investigate why an important policy debate has the structure that it does and why the choice is hard. If we can illuminate the empirical propositions and value commitments underlying the competing points of view, we will be in a better position to choose sides and participate in the debate. Sometimes we conclude that the debate is ill conceived, the framework mistaken, and a fresh way of considering the problem more sensible. But in any case, the method is to search for the values at stake and at the same time to avoid turning the disputants into caricatures and their deep commitments into platitudes.

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Some tensions recur, and they are familiar from countless settings:

*Idealism v. Pragmatism.* One of the great themes in America's race story is the tension between the ideals we preach and those we practice. In the original sin, the Founders wrote "unalienable rights" for all people into the Declaration of Independence while preserving in the Constitution the "peculiar institution" of slavery. From then until now, Americans have been able to sing a hymn of opportunity and equality while living in or near communities where the nation's mythic dreams are fractured by inherited, endemic despair. We have a rich set of social, political, and cognitive strategies for mediating this tension, the most common being ignorance of and indifference to those whom we think of as not really "one of us." But this tension nevertheless is powerful when it comes time to shape public policy.

*Autonomy v. Community.* At the heart of our liberal democratic political culture is a tension between commitments to individual liberty and autonomy on the one hand and collective action through government to advance the commonweal on the other. In race matters, government regulation is a form of interference with personal attitudes and private practices, and the usual range of antistate anxieties and concerns apply: get the government bureaucrats off our backs. Moreover, many remedial measures intended to bring about a measure of racial justice take a form that redistributes opportunity from white men to minorities and women, or at least appears to. It is hard to persuade these white men that they are personally better off as a result of the measures, and an appeal to communal values and needs is often uninspiring, since communal values presuppose community and, as regards race, we don't have it. The complementarity of "rights and responsibilities" becomes dangerously skewed if communal commitments to mutual responsibility wither while strident attachment to personal autonomy flourishes.

*Public v. Private.* A related dichotomy concerns our irrepressible inclination to make a sharp distinction between the spheres of personal or family life and that of civic or public life. Should public schools teach personal *values*? Should public schools instruct children about values of racial tolerance, or evolving models of gender roles, or the

original sin of American racism? One way to start on an answer is to ask, "Are schools an extension of the family, or of the state?" Well, yes. Both. When we view them as the former, of course they should teach values. But when we view them as a bureaucratic and potentially threatening extension of the state, we'd rather leave the values instruction to family and mosque, thank you very much. (And what about dysfunctional families and decayed social institutions? Here again is a tension between idealism and pragmatism.) In deciding policies about race relations and community, the sorting-out of the public and private spheres is both critically important and irreducibly complex. In other words, it's hard.

*Nation v. Community.* Much of the complexity in discussing race relations arises from the fact that we are not just Americans. We are members of many groups, and over time and circumstance the strength of our allegiances will vary, whether to country, race, religion, neighborhood, clan, political party, profession, gender, immigrant heritage, sexual orientation, bowling league, gang, sorority, age cohort, economic class. . . . Some people feel powerfully attached to one or two of these communities; many people feel weak attachments to several and strong attachments to none. So there is a potential for "balkanization" when militant membership in one subcommunity becomes a strategy for creating identity and unleashing the power of collective action; but also there is the challenging but rewarding potential for building the "social capital" or connective tissue that makes communities vibrant and productive. Yet these divided, multicentered loyalties confuse public policies on race and other matters when we debate complementary roles for family, community institutions, and governments.

My method will be to identify the various tensions and difficulties embedded in arguments about affirmative action. I find this activity strangely reassuring: the seeming intractability of our disagreements over affirmative action may concern not simply the inherent difficulty of the American neurosis about race but also the many tensions I have mentioned—difficulties familiar to students of any great social problem.

As regards women and minority groups other than African Americans, my sense is that there are both parallels and distinctions. I focus almost exclusively on the black–white dynamic because that’s the set of issues I understand best, and my healthy respect for the complexity of all this makes me more tentative about matters concerning women, Hispanics, Asians, Pacific Islanders, new immigrants, linguistic minorities, HIV victims, the disabled, and homosexuals. Moreover, the black-white tension is the heart, the principal generator, of the minority-rights controversy in national policy argument and in most areas of the country.

I recoil from exercises in comparative oppression. Something of the sort seems necessary, however, so that the justification for affirmative action, in specific contexts, is sensitive to competing moral claims and ethical views, as it should be. For example, the remedial justification for affirmative action asks about the extent of present discrimination, the risk of future discrimination, and the lingering effects from the past. We acknowledge the power and reach of gender bias, and we also see that the present effects of that bias differ markedly from the inherited disadvantages and ghettoization crippling African Americans and, to varying degrees, other racial minorities; moreover, the social distance between men and women is of a different nature and order than that between most whites and most of the African-American community. Just those two observations alone, each deserving extended analysis, have many implications beyond the scope of my work here: the possible function of income-targeted measures, the optimism we might have for “difference-blind” practices, the potential for developing strategies of community-building, the relevance of contrasts between assimilation and identity politics, and much more.

Comparisons with other racial minorities are also difficult, though needed. The circumstances of Asian Americans and new Asian immigrants defy generalization because some of these subgroups share many conditions and are dissimilar in others. Successive waves of Vietnamese immigrants, for example, differed dramatically in their education and training. For most Japanese Americans the World War II internment looms large in their story of America, while immigrants from the Indian subcontinent may consider the internment largely irrelevant to their own group, and those from Southeast Asia may be

more concerned with Japanese war crimes of that period or with U.S. participation in the Vietnam War. One can similarly dissect the experiences, conditions, and perspectives of Hispanics. Social science confirms there is still discrimination against all these groups, but slavery has made for important differences and for an important element shared by almost all African Americans.

Perhaps I can best leave it this way: I hope my readers will better understand why the affirmative action issue, and racial justice debates generally, are so difficult, and will find that answering some of the questions I pose helps to sort things out. And I hope that what I have written provides a helpful starting point for considering related problems (facing, say, women). But beware reckless generalizations. Experiences differ, and in many situations that matters. Beyond that, as the lawyers say, the deponent knoweth not.

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