

# Affirmative action at risk?

## Challenge to preference law comes in California initiative

**A**FFIRMATIVE ACTION may be an idea whose time has come and gone. The biggest challenge to it may come in California, where a ballot initiative in 1996 is expected to outlaw all preferences based on race or sex. A federal court case in Pennsylvania has already shot down Philadelphia's minority and female set-aside programs, and similar cases are being argued in several other states.



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Perhaps more important, affirmative action is now considered an issue in the mainstream media, where it was once treated as a sacred cow. Even some liberals are saying that perhaps affirmative action has gone on "long enough" — a face-saving way of retreating without admitting that it was a bad idea in the first place, as some of us said a quarter of a century ago.

Defenders of affirmative action almost never want to talk about the facts as to what its actual consequences have been. They want to talk about its moral justification, its symbolic importance, its political necessity — anything except its actual consequences.

Nor is this peculiar to the United States. In countries around the world, extremely little evidence is offered to show that such programs are in fact beneficial. When I did an international survey of affirmative action programs for my 1990 book, *Preferential Policies*, the consequences I found again and again were these:

1. The benefits of affirmative action went overwhelmingly to people who were already better off, while the poorer members of the same groups either did not gain ground or actually fell further behind.

2. Polarization between groups increased, erupting repeatedly into lethal violence in India, Nigeria and Sri Lanka.

3. Frauds became commonplace, whether by false claims of belonging to the group in question or by having a genuine member of such a group become a "front" for people who were not members, but who received government favors anyway.

4. Despite claims that these programs are "temporary" means to advance particular groups, such programs have not only persisted but expanded to include other groups, ultimately encompassing a majority of the country's whole population, as in India and the United States.

No wonder defenders of affirmative action do not want to talk about its consequences but only about its good intentions.

One of the reasons for the popularity of affirmative action has been that it has allowed white liberals to wear blacks like merit badges.

For example, when former NAACP Legal Defense Fund director Jack Greenberg defended affirmative action at a judicial conference some years ago, he stressed that he considered it symbolically important that he hire a black secretary when he became a professor at Columbia University. As he went on and on about this, I recalled that Milton Friedman had a black secretary when I was a student of his more than 30 years ago — and has another black secretary today. But never have I heard him mention the race of his secretary, either in public or in private.

Although I have had dinner with Rush Limbaugh three times, never have I heard him mention the race of his producer, who is black. I learned this much later, when his producer attended a reception given for me by *Forbes* magazine.

Edmund Burke, the 18th century godfather of modern conservatism, devoted a decade of his life to impeaching Warren Hastings, the British viceroy of India whom Burke accused of mistreating the Indians. When a relative of Burke's told him that the British people in India could not understand his crusade against Hastings, Burke replied that he intended to continue defending

the Indians "whether the white people like it or not."

Adam Smith, father of *laissez-faire* economics two centuries ago, dismissed with contempt the idea that Africans enslaved in the United States were racially inferior. He suggested that they were superior to "the refuse from the jails of Europe" who owned them.

The worldwide battle that ultimately destroyed slavery all across the planet was launched in the late eighteenth century by William Wilberforce and Henry Thornton, some of the most conservative people in England. They would be called "the religious right" by today's standards.

Liberals make much of the fact that they were on the "right" side of the civil rights struggles of the 1950s and 1960s. Grant them that. But, historically, both racists and anti-racists have existed in many parts of the political spectrum. Liberals cannot continue indefinitely justifying their current policies by showing old newsreels of themselves marching at Selma.

Moreover, if they are going to take the credit for civil rights, let them also take the blame for the devastating impact of liberal policies on the family, on law enforcement, and on education. Above all, let the coming debate on affirmative action be about actual consequences, not about pious hopes or symbolic gestures.

Thomas Sowell's syndicated column appears Tuesdays in *The Patriot*.