

# "YOU AIN'T THE RIGHT COLOR, PAL"

## White Resentment of Affirmative Action

FREDERICK R. LYNCH AND WILLIAM R. BEER

One of the sleeper political forces in America is the growing sense of grievance among younger working-class and middle-class white males most affected by affirmative action preferences. These policies were originally designed to ensure equal opportunities for blacks. Now, in the name of proportional representation for an expanding list of minority groups, they have created new forms of discrimination. A growing body of public opinion data, newspaper reports, anecdotal evidence, and sociological research suggests that whites feel frustrated and unfairly victimized by affirmative action preferences. The political and social consequences of such frustration are uncertain, but they may be contributing to racial polarization on many campuses, in workplaces, and in political life.

Public opinion polls consistently show that whites favor affirmative action in the form of compensatory training but overwhelmingly oppose preferential treatment and quotas for minorities in hiring and school admissions. According to a CBS/*New York Times* poll in 1977, 68 percent of whites favored government help for people who had suffered from a history of discrimination. This approval has continued into the Reagan-Bush years. A 1984 Harris poll found that 67.6 percent of whites accepted the idea of "affirmative action" when it excluded quotas.

On the other hand, whites reject anything less than equal opportunity for individuals. In March 1988, a *Newsweek*/Gallup poll asked: "Because of past discrimination, should qualified blacks receive preference over equally qualified whites in such matters as getting into college or getting jobs or not?" In results consistent with 20 years of polling data, 80 percent of whites (and 50 percent of blacks) responded, "should not."

In a 1984 telephone survey of registered voters by Gordon Black Associates, 1 out of 10 white males said that they had personally experienced reverse discrimination. The 1986 National Election Study by the University of Michigan's Institute for Social Research discovered that well over half of whites believed whites have been hurt by affirmative action in hiring and school admissions. When whites were asked if a white person would be refused admission to a school while an equally or less

qualified black was accepted, 27.6 percent responded "very likely" and 41.4 percent said "somewhat likely," for a positive total response of 69 percent. A similar question was asked about hiring; 26.6 percent of whites responded "very likely" and 48.3 percent said "somewhat likely"—a total of 75 percent—that a white would lose out.

The National Election Study also asked whites what they estimated the chances were that they or someone in their family would suffer reverse discrimination. In school admissions, 12.5 percent thought this very likely and 30 percent thought it somewhat likely, while in hiring and promotions, the percentages were 12.4 and 28.7 percent, respectively—for a total of more than 40 percent in both categories.

White responses to affirmative action quotas are patterned in part by social class, union membership, and education level. Working-class whites have been more overt and organized in articulating responses. Many of the definitive cases decided by the courts have involved challenges brought by unionized police, fire fighters, and correctional officers. Response among middle-class whites, especially those with some college education, has been more muted and fragmented.

A related factor affecting response of whites has been their institutional location. Affirmative action preferences have most affected younger whites in public sector organizations and corporations with government contracts. Preferences have also been implemented with increasing candor and aggressiveness in universities and colleges.

### Campus Standards: Separate and Unequal

Andrew Hacker has joined many other analysts in observing that affirmative action has a bold new look on university campuses. As he wrote in the *New York Review of Books* last October, universities are admitting blacks and Latinos with substantially lower academic qualifica-

FREDERICK R. LYNCH, *author of Invisible Victims: White Males and the Crisis of Affirmative Action*, is research associate at the Salvatori Center of Claremont McKenna College in California. WILLIAM R. BEER is professor of sociology at Brooklyn College.

tions than many of the whites and Asians they are turning away. A dean of admissions told Hacker: "We take in more in the groups with weaker credentials and make it harder for those with stronger credentials."

Hacker and others have spotlighted major ethnic changes in the undergraduate enrollment at the University of California's Berkeley campus. Under pressure from the state legislature, Berkeley administrators quadrupled the percentage of blacks and Latinos in the freshman class in less than a decade—from 8 to 31 percent. There has been a corresponding, dramatic decrease in the percentage of whites—from over 60 percent to 32 percent.

According to Hacker, University of California administrators realized that "the only way to raise [black and Latino] representation would be to waive the admission rules, and this was done." Most whites and Asians were admitted on the basis of grades and test scores—about 50 percent of each freshman class. The other 50 percent (including most blacks and Latinos) were admitted in a second category stressing "other criteria"—mainly race and ethnicity. About 6 percent of each incoming class consists of "special action," less-than-qualified students. A similar transformation has occurred at UCLA.

Some Asian groups have openly and vigorously protested these arrangements. White protest has been more fragmented and subtle. Some parents of whites reportedly threatened *Bakke*-style lawsuits. But other whites may be "voting with their feet"—as whites did in busing battles—and going elsewhere. Applications from potential white students at Berkeley were down 15 percent from last year.

A cover story in the April 26, 1989, *Chronicle of Higher Education* observed that, on many campuses, white "students believe that minority group members today enjoy unfair advantages and that whites are being victimized by efforts intended to correct past discrimination." Said Michael L. Davis, director of the University of Texas Minority Information Center: "There is an undercurrent of antagonism, maybe even frustration, with programs and monies specifically set aside for minorities." Paul Bartley, the chairman of the Young Conservatives of Texas, argues that it is "inherently racist" to single out blacks or Hispanics for special treatment. At Pennsylvania State University, blacks not only get special preference in admissions, but they are also eligible for \$500 "Black Achievement Awards" for maintaining a "C" average and \$1,000 for maintaining a "C+" average. "When I hear stuff like that, it really angers me," said a white female student at the school.

Affirmative action quotas have become a central issue of a newly formed white students association at Temple University. University of Michigan students and alumni have registered vigorous objections to lowering admission standards for minorities as well as proposals to recruit out-of-state minority undergraduates to fill quotas. Among white graduate students at many institutions, there is growing irritation at clear favoritism in financial aid for minority students. For instance, the California State University system offers minorities and a few white females loans of up to \$30,000 to pursue

doctorates at other institutions, which are forgiven if they return to teach in the CSU system for five years. White males are ineligible; Asian males are also excluded in most instances.

### Quiet Alienation

Frederick R. Lynch conducted 32 in-depth interviews with mostly middle-class white males who considered themselves reverse discrimination victims. Most avoided open complaint or protest out of fear of not being believed or that they would be labeled racist. The majority simply acquiesced in their treatment with varying degrees of resignation and anger.

Most of Lynch's subjects voiced temporary, if not long-term, frustration and cynicism about social institutions. "A lot of us were sold a bill of goods," complained a California state middle-management worker. "We were told if you went to college you could write your own ticket. But...affirmative action has lowered standards to the point where education almost counts against you." Many felt alienated from a society that refused to ac-

---

**The persistent white racism in many American communities deserves condemnation. But it is inappropriate to attribute to old-fashioned prejudice all of whites' unhappiness with affirmative action.**

---

knowledge their victimization. A white teacher, transferred to a distant school in a racial balancing plan, bitterly commented: "My friends couldn't handle this. They experienced cognitive dissonance. They didn't want to be seen as racists." Although victims of reverse discrimination were cynical or angry toward social and political institutions, almost no one in Lynch's study expressed hostility towards minorities *per se*.

Six of Lynch's subjects quit or resigned from the organizations that discriminated against them. Three circumvented affirmative action barriers within their organizations by various means. Only three filed lawsuits. (None were successful.) No government agency offered redress.

### Firehouse Suits

In contrast to the disorganized response of middle-class whites, working-class white police and fire fighters in Cleveland, Detroit, Los Angeles, San Francisco, Birmingham, and a host of other cities have taken legal action against quotas imposed by courts or administrators. Several key Supreme Court decisions on



UPI/Bettmann Newsphotos

**Dallas, 1956. Today many whites believe that, solely because of their skin color, they are being sent to the back of the bus.**

affirmative action have involved police and fire fighters (notably *Memphis Fire fighters v. Stotts* [1984], *Local 93 of the International Association of Firefighters v. City of Cleveland* [1986], *Local 28 of the Sheet Metal Workers v. Equal Employment Opportunity Commission* [1986], and *Martin v. Wilks*, [1989]). Correctional officers have also launched such lawsuits. Many disputes involved attempts by administrators to negate or adjust minority test-score results on entry-level or promotional exams. For example, 200 minority candidates who failed a 1983 sergeants exam in the New York City Police Department were nonetheless promoted to boost the proportion of minority officers. New York state correctional officers sued when administrators adjusted test scores of minority officers to increase the pass rate on a promotional exam. (Such practices were accidentally uncovered in the Boston Police Department when it was recently discovered that two white police officers had falsified their racial identities and obtained entry to the force with scores approximately 20 percentile points below the level required for whites.)

Unions have also been active in contesting reverse discrimination in layoff situations. Teachers' unions in Boston and Michigan have entered reverse discrimination cases when whites with greater seniority were laid off, while blacks with less seniority were retained.

Availability of union legal staffs may have been one

reason for more active and effective blue-collar response. But another is that police, fire fighters, correctional officers, and teachers have borne much of the sacrifice of affirmative action. New hires and those seeking their first promotions have been most severely affected.

### **Shocker for Democrats**

Blue-collar whites' outrage over use of preferences for blacks and immigrants was discovered by Stanley Greenberg in research sponsored by the Democratic Party in 1985. The purpose of the research was to discover the roots of Democratic defection to Ronald Reagan in the 1980 and 1984 presidential elections. The moderator of a discussion group of blue-collar whites asked them "Who do you think gets the raw deal?" The answers:

"We do."

"The middle-class white guy."

"The working middle class."

"Cause women get advantages, the Hispanics get advantages, Orientals get advantages. Everybody but the white male race gets advantages now."

From another section of Greenberg's report:

"I have been here all my life working, paying taxes and the whole shot, and I can't start my own business unless I have 30 percent down on whatever I want to buy. I have experience on the job, I have put in for openings, and they have come right out and told me in personnel that the government has come down and said that, 'I can't have the job because they have to give it to the minorities.'"

"I know what you are talking about. I tried to apply for a business loan and yesterday they said, 'No go. Forget it, you just ain't the right color, pal.'"

Greenberg and his Democratic sponsors reported being stunned by these results. Much to their chagrin, fury over affirmative action was one of the top concerns of white, working-class voters. Similar data were obtained from a "Democrats Listening to America" poll of 5,500 voters in 1985.

After the 1988 elections, influential Democrats began to speak more openly of the threat posed by affirmative action quotas to the traditional Democratic Party alliance of white working classes and minorities. In the *New York Times Magazine* Joseph Califano, President Carter's Secretary of Health and Human Services, warned that whites view affirmative action as "unfair pandering to black constituents. They view such a permanent commitment as founded not on need or social justice but on a guilt they refuse to accept....Continued support of programs that are not achieving their goals may aggravate rather than ease racial tension."

### **Angry at the System**

Racial incidents in male-oriented organizations—such as college fraternities and police departments—are perhaps the result of racial prejudices, combined with the verbal jousting and hazing common in such "macho" environments. But they also may be the expression of frustration with affirmative action. Such incidents have occurred in northern, liberal universities with vigorous commitment to affirmative action preferences—such as the Universities of Michigan, Wisconsin, and Mas-



sachusetts. Police and fire departments in some "progressive" cities—such as San Francisco and New York—have also experienced such incidents in the context of affirmative action disputes.

We do not dismiss the possibility that in some of these incidents old-fashioned racial prejudice may be masquerading as opposition to affirmative action. The recent murder of a black man in Brooklyn's Bensonhurst section is a reminder of the persistence of conventional racism. Nonetheless, we would suggest that white anger over affirmative action preferences can be examined independently of old-fashioned racism with elementary tools of behavioral science.

Treating people differently because of their race, origin, or gender violates what Harvard's George Homans termed the law of distributive justice. According to this principle, people feel that their rewards should be proportional to their "investments"—educational level, grades, test scores, seniority, experience, and other measurable qualities. If others with less training, ability, or education are granted equal or superior rewards, frustration and anger are the likely outcomes.

That arbitrarily assigned group preferences might result in anger and hostility toward favored groups was confirmed in a social psychology experiment conducted by Stephen Johnson of Ball State University. In a small group laboratory setting, Johnson asked 32 white male college students to solve a puzzle. The game was rigged: all subjects would lose. Half of them were told they had lost to a fictitious competitor because the latter's solution of the puzzle was deemed better by the experimenter. The other half were told after they had solved the puzzle that the competitor had been assigned a bonus score based on economic deprivation. In addition, half of the subjects were told they had lost to a black competitor, half to a white competitor. Subjects expressed little hostility when they lost to blacks or whites whose performance was superior. They expressed considerable hostility, however, toward victors who had been assigned a bonus because of their backgrounds, with the greatest hostility toward blacks—a classic "reverse discrimination" situation.

On the other hand, all middle-class white males interviewed by Lynch, and most working-class white males studied by Greenberg, directed their anger toward a system of unfair rewards—not minorities *per se*. Johnson did not measure hostility toward the experimenter or the system of rewards, so we do not know what those results would have been.

### **Legitimate Grievances**

Most civil-rights leaders championed affirmative action on the grounds that it was necessary to overcome persistent discrimination against blacks in the workplace. The goal was nondiscrimination.

However, analysts have increasingly recognized that affirmative action programs have changed. Race-consciousness, not race neutrality, is encouraged. Many corporations, government agencies, and universities are allocating positions on the basis of race and ethnicity in order to achieve proportional representation for a variety of minority and immigrant groups. The *New Republic's* Hendrik Hertzberg last summer bared an underlying assumption of group-preference policy when he argued that an entire generation of white males must be sacrificed for the hope of future racial peace and social stability.

Obviously, many white males feel the affirmative action sacrifices have already been made. Indeed, as preferences are brought to bear on undergraduates, we are entering a second generation of affirmative action.

Americans must recognize and examine the consequences of these policies. Recent Supreme Court decisions have indicated that quotas or set-asides may not survive constitutional scrutiny. We have argued that the policies are incompatible with concepts of justice and reward deeply rooted in human behavior.


It has been a mistake to ignore the legitimate grievances of whites who believe that affirmative action programs are penalizing them for injustices they personally did not commit. Continued refusal to discuss

---

**Democratic pollsters found  
that fury over affirmative  
action is one of the top  
concerns of white,  
working-class voters.**

---

problems wrought by affirmative action in recognized national forums invites political polarization, exploitation by political opportunists, the growth of fringe politics, and, perhaps, a political backlash.

The persistent white racism in many American communities deserves condemnation. But it is inappropriate to attribute to old-fashioned prejudice all of whites' unhappiness with affirmative action. The claims of unfair treatment, the expressions of injury and personal wrong, the feelings of alienation and victimization are in many cases genuine. They deserve sympathy from all Americans inspired by Martin Luther King's dream of a society where a man is judged by the content of his character, not the color of his skin. 

# AUXILIARY PRECAUTION

---

## The Bill of Rights Is Not the Constitution's Most Important Safeguard of Liberty

LAWRENCE J. BLOCK AND DAVID B. RIVKIN JR.

**G**overnment [is] the greatest of all reflections on human nature. If men were angels, no government would be necessary. If angels were to govern men, neither external or internal controls on government would be necessary. In framing a government that is to be administered by men over men, the great difficulty lies in this: You must first enable the government to control the governed; and in the next place oblige it to control itself. A dependence on the people is no doubt the primary control on government; but experience has taught mankind the necessity of auxiliary precautions.

—James Madison, *Federalist* No. 51

Americans are now embarking on the bicentennial celebration of one of our “auxiliary precautions” in the defense of liberty. The Bill of Rights was enacted by Congress in September 1789 and, upon ratification by the states in 1791, became the first 10 amendments to the Constitution. Those amendments have provided important safeguards of individual liberties ever since.

It is distressing, however, that many Americans, including most members of the bench and bar, look to the Bill of Rights and the Fourteenth Amendment as the *principal* protection of individual rights, while overlooking the all-important safeguards contained in the structure of the Constitution itself. The common view, that only the courts protect individual rights by enforcing the Bill of Rights and by developing ever more expansive interpretations of these rights, ignores the Framers’ carefully considered solutions to the age-old philosophical and political dilemmas of where to draw the balance between societal order and individual liberty, what is the proper role of the courts in this process, and what restrictions, if any, can be placed on the democratic political process in order to safeguard liberty. It misses the salient fact that the Constitution itself was designed to be, in the words of Alexander Hamilton writing as Publius in *Federalist* No. 84, “in every rational sense, and to every useful purpose, a bill of rights.”

The American republican system created by our Constitution balanced liberty and order in six specific ways: first, through the functioning of democratic process, by putting into practice the concept that government may only operate through the consent of the governed;

second, through the horizontal diffusion of power among the executive, the legislature, and the judiciary on the national level, undergirded by the system of functional separation of powers and checks and balances, which prevents the undue accumulation of power while preserving stability and order in the body-politic; third, through limiting the legislative authority of the federal government to explicit enumerated powers; fourth, through actions of an energetic and unitary executive able to administer the laws and defend the nation, yet accountable to the people through elections and prevented by congressional checks from becoming a tyrant; fifth, through the vertical diffusion of power between national and state governments, which protects local traditions, mores, and beliefs from federal encroachment; and finally, through the judicial enforcement of only certain explicit liberties, primarily contained in the Bill of Rights, leaving other controversies to be resolved through the workings of the democratic system.

### Tyranny of the Majority

Representative government—with the consent of the people registered in periodic elections—was for the Framers the primary protection of fundamental rights. As Jefferson put it in the Declaration, to secure rights “Governments are instituted among Men” and must derive “their just Powers from the Consent of the Governed.” However, the Framers also believed that the sole reliance upon elections and the mechanism of public opinion was insufficient, because a tyranny of the majority could be just as pernicious as a dictatorship by the one or the few.

In the Philadelphia Convention, Madison observed that “in all cases where a majority are united by a common interest or passion, the rights of the minority are in danger.” The “only remedy,” for Madison, was “to

---

LAWRENCE J. BLOCK is senior attorney-advisor at the Office of Policy Development, Department of Justice. DAVID B. RIVKIN JR. is legal advisor to the White House Counsel. This article represents solely their personal views and does not necessarily represent the position of the Department of Justice or the White House.