Books

Whites and Wrongs

When Affirmative Action Was White: An Untold History of Racial Inequality in Twentieth-Century America, by Ira Katznelson. (Norton, 2005. 238 pages, $25.95)

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Affirmative action is a term as fluid as it is controversial. In the beginning, as Ira Katznelson notes, it described the policy of employers who went beyond a mere refusal to discriminate among applicants by race to seek minority applicants actively. Later, the term came to mean racial discrimination in favor of some minorities in order to compensate for past discrimination favoring the majority.

Katznelson adds, by practice rather than by precept, a third definition: simple racial discrimination. The “white affirmative action” he details, beginning with the New Deal and continuing until very recently, was not compensation, either in theory or in fact, for past discrimination. It was deliberate discrimination in favor of whites and against blacks for no other reason than that powerful national politicians from the South wanted it that way.

This discrimination began with the decisions to exclude domestic servants and farm workers from Social Security and the protections of the New Deal labor laws. Both categories affected far more blacks than whites. As Katznelson shows, southern politicians openly argued that the South could not live with laws that mandated equality in employment for blacks, not even equal pay for equal work. In effect, the New Deal sold out blacks to get major benefits for whites. This can be called realistic or cynical as the observer inclines.

Nor did the New Deal much ameliorate the traditional segregation of the armed forces during World War II. Katznelson provides two stunning vignettes in this regard. In one, the newly minted Harvard PhD John Hope Franklin, at the dawn of his

distinguished career as a historian, responded to a Navy call for merely literate recruits and was rejected on the explicit grounds of his color. In the other, a young welder in a Baltimore shipyard wrote to the arch-racist Senator Theodore Bilbo of Mississippi to say that he would not serve in an integrated army:“I am loyal to my country and know but reverence to her flag, BUT I shall never submit to fight beneath that banner with a negro by my side. Rather I should die a thousand times, and see this old glory trampled in the dirt never to rise again, than to see this beloved land of ours become degraded by race mongrels, a throwback to the blackest specimen from the wilds.”This writer was the future senator Robert C. Byrd (D-WV), still with us and famously carrying with him always a copy of the Constitution that presumably contains the 14th Amendment.

After 1945, Katznelson relates, there were two principal continuations of white affirmative action. One was the highly decentralized implementation of the GI Bill, which allowed discriminatory treatment of black veterans in the South.The other was the Taft-Hartley Act, with restrictions on organized labor that were more onerous in the less-organized South. Aware that the tale of discrimination against African-Americans is not exactly news, Katznelson is at some pains to justify his subtitle. While providing detailed and generous acknowledgments of the historians whose work he follows — he cites 10 by name — he argues that the general public has been ignorant of this history of discrimination. He is probably correct about some of this, especially the skewed implementation of the GI Bill. On the other hand, neither the segregation of the armed forces nor the denial of union protections to farm workers is an untold story even in his sense of the term.

Although Katznelson’s starting point is the New Deal, he reaches back to the turn of the 20th century to argue that the Republicans did little for African- Americans beyond citing Emancipation: “Republicans in the first three decades of the century had offered only abstract solace and reminders of their role in Emancipation and Reconstruction. In fact, the party had withdrawn from southern competition and, by leaving the field, had accommodated to its distinct racial order.”

At a time as politically charged as ours, it behooves a historian to be careful to avoid even the appearance of partisanship. This passage does not quite make it. It is hard to see how the Republicans might have been competitive, either locally or federally, in the South.They were, after all, the victors of Appomattox, and in the South memories were long and unreconstructed. (Vicksburg, which fell to Grant on July 4, 1863, did not celebrate Independence Day until 1944.) The GOP did not carry even a

border state until 1904, when Theodore Roosevelt's unprecedented capture of Missouri prompted John T. McCutcheon's famous cartoon "The Mysterious Stranger."

But the Republicans did more for African-Americans than wave the bloody flag. Civil service reform, the major achievement of the otherwise obscure Republican, Chester A. Arthur, came in 1883 and provided employment for skilled blacks in the federal service. Additionally, there were some symbolic appointments in the diplomatic service, such as the ministry to Haiti and various consulates. These — analogous to the modern-day (67 years and counting) custom of reserving the treasurership of the United States for women, often women with Hispanic surnames — were not a great deal, but they were something.

A symbolic peak was reached when Theodore Roosevelt, just a month into his presidency, invited Booker T.Washington to dine at the White House.The uproar in the South was immense: One senator announced that it would now be necessary to kill hundreds of blacks so that they would once again know their place. Roosevelt did not repeat the experiment. More substantially,African-American representation in the civil service began to decline at the start of the 20th century.

The arrival of the Virginia-born and southern-raised Woodrow Wilson accelerated the decline. As a progressive Democrat, candidate Wilson promised to maintain the level of patronage appointments for blacks maintained by the Republican Taft administration, but once in office, the new administration introduced such novelties as requiring photographs on civil service applications. Worse, the postmaster general, the Texan Albert S. Burleson, started segregating employees, sometimes requiring blacks to work behind screens, and began segregating service windows in post offices. In the face of prompt and outraged protests from the NAACP, which had endorsed Wilson, this resegregation of the federal bureaucracy stopped.

Katznelson's account of the extent to which the New Deal was skewed in favor of whites is an important summary of a shameful era of discrimination that ought to be much better remembered. But calling this discrimination "white affirmative action" leaves us forced to choose, as the French say, of two things, one. Either we dignify the discriminations Katznelson chronicles by aligning them with contemporary antidiscrimination policy, or we demean contemporary affirmative action by implying that it is on all fours with Jim Crow. Not even the severest critics of affirmative action would do that.

The proper role of affirmative action is at the heart of the policy recommendations that Katznelson draws from his historical account. He is as thoughtful, informed, and nuanced a supporter of affirmative action as one is likely to find. He makes short work of the reparations movement and he sees at best limited merit in the "diversity" arguments now advanced for affirmative action in higher education.

Rather, he goes to Justice Lewis Powell's concurring opinion in Regents of the University of California v. Bakke, the landmark 1978 case involving the reservation of places for minority students at the medical school of the University of California at Davis.The Supreme Court was split 4 to 4 between justices who found the California plan flatly unconstitutional and those who found no problem with it. Justice Powell also found the plan at issue unconstitutional and provided the swing vote that struck it down. But he offered suggestions as to how race might, constitutionally, be taken into account by the law.

Powell was concerned, insofar as possible, to set affirmative action in the matrix of tort law: to provide specific remedies to individuals with specific injuries. Katznelson would apply this principle to the injuries he describes as white affirmative action. He would, for example, remedy delayed entry into the Social Security system with compensating grants — payable into retirement accounts — to those victimized (without regard to race) or their heirs. He makes similar proposals with regard to delayed access to the minimum wage and discriminatory application of the GI Bill.

Alternatively, he suggests a sort of GI Bill for poor Americans, most of whom, he suggests, are poor because of the discriminations he has chronicled. Recalling that President Bill Clinton wanted not to end affirmative action but to mend it, Katznelson proposes extending affirmative action in order to end it within a generation.

The details of how this could be done are worth a sequel.

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