

## CHAPTER 10

# The Color-Blind Bind

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*Government cannot make us equal; it can only recognize, respect, and protect us as equal before the law.*

Associate Justice Clarence Thomas,  
opinion in *Adarand Constructors v. Peña*, 1995

*If one race be inferior to the other socially, the Constitution of the United States cannot put them upon the same plane.*

Associate Justice Henry B. Brown,  
opinion in *Plessy v. Ferguson*, 1896

What role does U.S. anthropology play in racial formation processes in the late 1990s? It is certainly not the same as it was a hundred years ago, but some of the dynamics and relationships persist. The intersection and convergence of racial politics and discourses produced by the media and social scientists remain integral to the processes that form and reform racial constructs. Similarly, specific interest groups selectively appropriate certain aspects of social science to help further those interests. Whether it is *The Bell Curve*, informing restrictive welfare reform, or a race-evading multiculturalism, reinforcing the Supreme Court's interpretation of a "color-blind" Constitution, anthropology looms.

## From Radical to Reactionary: Denying Racial Difference

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Anthropologists have long been at the forefront of criticizing ideas about race, and, for successive generations, anthropologists have challenged the meaning of the actual concept of race.<sup>1</sup> There is a rich and important history with regard to how generations of anthropologists have moved to a “no-race” position. Although it perhaps began with Boas’s earliest critiques, it took on practical political significance during World War II. During the war U.S. anthropologists played important roles in asserting notions of racial equality in the international arena. Gene Weltfish and Ruth Benedict, for example, wrote a pamphlet entitled *The Races of Mankind* (1943) to educate military personnel about the lack of racial differences. Congress, however, denounced the publication as subversive and recalled it after its initial distribution.<sup>2</sup> In the wake of the Jewish Holocaust, M. F. Ashley Montagu chaired the first of two committees of “Experts on Race Problems” for the United Nations Educational, Scientific, and Cultural Organization (UNESCO). The initial committee of scholars issued a *Statement by Experts on Race Problems*, published in 1951. It was a clear and striking declaration, from the foremost authorities, that there was no scientific basis for making racial distinctions. The UNESCO scientists recommended that “it would be better when speaking of human races to drop the term ‘race’ altogether and speak of ethnic groups.”<sup>3</sup> In addition to Montagu, contributors to the UNESCO statement on race included the now-familiar E. Franklin Frazier, Gunnar Myrdal, and Otto Klineberg, as well as other notable scholars such as Claude Lévi-Strauss and Theodosius Dobzhansky.<sup>4</sup>

During the early 1960s politically engaged anthropologists began to team up with population geneticists, like Dobzhansky, to claim that “the employment of the term ‘race’ [is] inapplicable to most human populations as we find them today.”<sup>5</sup> The assertion of racial equality couched in ideas of population genetics became a dominant discourse in anthropology. It is perhaps best typified by Sherwood Washburn’s presidential address to the AAA on November 16, 1962. Washburn followed Montagu’s position that new studies on population genetics challenged the very idea of biologically based racial distinctions. He concluded by stating: “All kinds of human performance—whether social,

athletic, intellectual—are built on genetic and environmental elements. The level of the kinds of performance can be increased by improving the environmental situation so that every genetic constitution may be developed to its full capacity. Any kind of social discrimination against groups of people, whether these are races, castes, or classes, reduces the achievements of our species, of mankind.”<sup>6</sup> Although many anthropologists were articulating a strong position with regard to racial equality, Washburn warned that some anthropologists still regarded races as biological types. He suggested that “this kind of anthropology is still alive, amazingly, and in full force in some countries; relics of it are still alive in our teaching today.”<sup>7</sup> This was a subtle way of admonishing people like Carleton Coon, who still employed racial taxonomies positioned in something like the “Great Chain of Being.”<sup>8</sup> As population geneticists began to question the biological basis for racial classification and cultural anthropologists began to focus on “ethnic groups,” the social and historical significance of racial categories was sorely undertheorized.

This movement in anthropology away from race, even as an analytical and conceptual category, led many anthropologists to use ethnicity as the chief organizing principle for exploring human diversity.<sup>9</sup> The use of ethnicity as a surrogate for race tended to euphemize, blur, and even deny how racial categories emerge and persist. More important, by evading race and racism as integral aspects of the United States’ experience, it allowed conservatives and well-meaning liberals to advance a romantic ideal of a color-blind society. In chapter 3 I outlined how politicians and pundits appropriated turn-of-the-century anthropology to advance claims about Negro inferiority in a way that reinforced the Jim Crow legislation and the denial of Black men’s voting rights. In an interesting way, one hundred years later, an analogous dynamic of appropriation continues.

### Fifteen-Cent Monthlies or \$2.50 Weeklies: What Difference Does Difference Make?

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The cover story of the February 13, 1995, issue of *Newsweek* was entitled “What Color Is Black? Science, Politics and Racial Identity.” In a provocative set of articles, the writers and editors of *Newsweek* described race as a “notoriously slippery concept that eludes any serious attempt at definition.”<sup>10</sup> Although the authors mentioned that *The Bell*

*Curve* revived an old controversy about racial inequality, they correctly concluded that “the bottom line, to most scientists working in these fields, is that race is a mere ‘social construct’—a gamey mixture of prejudice, superstition and myth.”<sup>11</sup> They identified race as a social construct, but they only detailed how biological ideas of race are not appropriate categories and did not adequately illustrate how the social category of race still dictates peoples’ lives. In one article, an author suggested that racial categories will eventually not matter by explaining that “what we call people matters a lot less than how we treat them.”<sup>12</sup> With articles that discussed the joys and tragedies of biracial families, the end of affirmative action, and a summary of scientists denouncing race as a biological category, the unmistakable editorial position was that racial categories are not particularly useful and that the United States, as a whole, should become more color blind or race neutral.

The authors of this collection of articles turned to biological anthropologists to support this editorial position. Sharon Begley, in “Three Is Not Enough: Surprising New Lessons from the Controversial Science of Race,” quoted senior anthropologist C. Loring Brace, who stated that “There is no organizing principle by which you could put 5 billion people into so few categories in a way that would tell you anything important about humankind’s diversity.”<sup>13</sup> Begley also cited Alan H. Goodman, a biological anthropologist and critical race theorist. Begley first explained how “the notion of race is under withering attack for political and cultural reasons. . . . But scientists got there first. Their doubts about the conventional racial categories—black, white, Asian—have nothing to do with a sappy ‘we are all the same’ ideology. Just the reverse. ‘Human variation is very, very real,’ says Goodman. But race, as a way of organizing [what we know about that variation], is incredibly simplified and bastardized.” *Newsweek* concluded this article by stating that race does not matter and that the best way to understand the meaning and origin of humankind’s diversity is to use “a greater number of smaller groupings, like ethnicities.”<sup>14</sup>

At one level the editors of *Newsweek* and *Discover* (which ran a similar cover story with an identical editorial position in its November 1994 issue) must be commended for tackling these issues head-on and in a particularly sophisticated manner.<sup>15</sup> In many respects public discourse is catching up with what anthropologists have been writing since the 1940s. *Newsweek* even credits Montagu with pioneering the concept that assuming biological differences have anything to do with racial categories is, as the title of his book suggests, *Man’s Most Dangerous Myth* (1942).

In other respects, however, the editors of these magazines are selectively appropriating particular aspects of the anthropological discourse on race to bolster the popular ideal of a color-blind, meritocratic society. This particular line of thought is difficult to criticize, yet it has emerged as the rationale for the conservative bloc of the Supreme Court, the so-called California Civil Rights Initiative, and the erosion of minority-majority voting districts.

Although biological categories of race do not exist, social categories persist, and it does not follow that U.S. society is color blind. Advocates for a color-blind society must somehow grapple with the racial disparities that include the fact that a Black baby in 1996 was almost three times as likely as a White baby to be born with no prenatal care and twice as likely to die before it was one year old. Or a Black college graduate was as likely, in 1996, to face unemployment as a White youth who never attended college. During 1996—on any given day—14 Black children under the age of twenty-five were killed by guns, 31 Black babies died before their first birthday, 723 were born into poverty, and virtually half of all Black children were living in poverty. As well, between 1995 and 1996, thirty-nine Black churches were torched.<sup>16</sup> I could, of course, trot out disparities in wages, prison sentencing, unemployment, and many other social indexes, or I could reflect upon the O. J. Simpson trial and the Million Man March to demonstrate that the United States is simply not a color-blind society.

One of the more prominent ways in which high-profile advocates of a color-blind society have been able to explain these racialized disparities in the 1990s is to revive the IQ debate. The gross disparities are putatively explained by the fact that racism has abated (as evidenced by the growing Black middle class), but the reason many individuals have not succeeded is that they have been endowed with bad genes.

## Like a Bad Dream: The IQ Debate Is Back

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In the early 1970s Arthur R. Jensen was labeled a racist by many members of the academic community because he argued that Black-White differences in IQ scores were caused by genetic differences between the races. Jensen explained that the allegations of racism were misguided because he was only dispassionately and empirically exploring “the scientific theory that there are genetically conditioned mental or

behavioral differences between the races.”<sup>17</sup> He resigned himself to the fact that his views simply ran counter to public opinion and the political climate of the late 1960s and early 1970s. He even evoked the relationship between *An American Dilemma* and *Brown* to explain: “the civil-rights movement that gained momentum in the 1950s ‘required’ liberal academic adherence to the theory that the environment was responsible for any individual or racial behavior differences, and the corollary belief in genetic equality in intelligence.”<sup>18</sup> In 1994 the scenario was different: Jensen’s advisees, Richard Herrnstein and Charles Murray, repackaged his ideas and published *The Bell Curve: Intelligence and Class Structure in American Life* (1994). Although charges of racism were leveled, Herrnstein and Murray were not marginalized the way Jensen had been in the early 1970s. Talk-show hosts and magazine editors afforded Murray (Herrnstein had died) exceptional latitude for expressing his views that racial and class inequalities could be explained by the quality and inequality of genes.

In their controversial book Herrnstein and Murray explained that a high IQ corresponds with “the commonly understood meaning of *smart*.”<sup>19</sup> They argued that general intelligence is reflected by Spearman’s *g*, which is defined as “a person’s capacity for complex mental work” and constitutes the “broadest conception of intelligence.” They suggested that *g*, IQ, or intelligence can be accurately measured by standard intelligence tests, that IQ is 40 to 80 percent heritable, and that results of IQ tests are relatively stable over an individual’s lifetime. They reported that African Americans’ IQ scores are significantly lower than White Americans’ but then linked those numbers to ideas that low IQ is the cause of social problems such as poverty, crime, unemployment, illegitimacy, welfare dependency, and that high IQ is the only means to success. Alan H. Goodman devised a useful syllogism to summarize the particular logic that underscores the authors’ argument:<sup>20</sup>

GENES MAKE BRAINS.

BRAINS MAKE THOUGHTS.

THOUGHTS MAKE BEHAVIORS.

BEHAVIOR MAKES SOCIETIES AND ECONOMIES.

Finally, Herrnstein and Murray posited, the world is rapidly dividing into a cognitive elite and a not-so-cognitive underclass. Persons of low IQ, they suggested, are outbreeding persons of high IQ, and measures, such as the denial of welfare benefits, must be taken to limit the population of people with low IQs in the United States. Their dire warnings

are focused as much on class as on race, and they specifically target poor women as virtually the sole culprits for the burgeoning “underclass.” For example, they cautioned that: “Three-quarters of all white illegitimate births are to women below average in IQ, and 45 percent are to women with IQs under 90. These women are poorly equipped for the labor market, often poorly equipped to be mothers, and there is no reason to think that the outcomes for their children will be any better than the outcomes have been for black children.”<sup>21</sup> They also claimed that nothing can be done to raise IQs and that social programs such as Head Start, Affirmative Action, and AFDC (welfare) are useless.<sup>22</sup> Although they suggested that environmental factors may exist, they stated: “if a culture of poverty is at work, it seems to have influence primarily among women who are of low intelligence.”<sup>23</sup> They concluded, “*putting it all together, success and failure in the American economy and all that goes with it, are increasingly a matter of the genes that people inherit.*”<sup>24</sup>

The authors’ style made the reader feel entitled to claim membership to the cognitive elite by slowly seducing him or her into their nativism, racism, sexism, and classism—cultivating an us-versus-them rhetorical stance. In dozens of places throughout the text they employed the pronoun “we” as a divisive tool. For example, they actually instructed the readers to look at themselves for an example of a person who is a member of the so-called cognitive elite. “You—meaning the self-selected person who has read this far into this book—live in a world that probably looks nothing like the figure [a bell curve that runs from Class V, ‘the very dull’ to Class I, ‘the very bright’]. In all likelihood, almost all of your friends and professional associates belong in that top Class I slice.”<sup>25</sup>

Herrnstein and Murray were careful not to use outrageous stereotypes, although the researchers they used to support their arguments did not hesitate to do so. The authors’ sweeping national policy proposals rested on bold claims fashioned from fragile arguments gleaned from marginal racial theorists and eccentric eugenicists. The authors drew many of their conclusions from racist research conducted by William Shockley, Arthur Jensen, J. Philippe Rushton, and Robert Gordon.

Rushton is a professor of psychology in Western Ontario and author of *Race, Evolution, and Behavior: A Life History Perspective* (1995). In this book he focused on sexual characteristics, including breast, buttock and genital size, all of which, he stated, are largest in African Americans, middling in Whites, and smallest in Asians. He paid particular attention to penis size to argue that African American men evolved large penises

to facilitate "indiscriminate sexuality," which, in an evolutionary scheme, apparently makes up for African Americans' lack of parental care.<sup>26</sup> In an interview with *Rolling Stone Magazine*, Rushton summed up his evolutionary theory: "it's a trade off: more brains or more penis. You can't have everything."<sup>27</sup> Herrnstein and Murray devoted two pages and eleven citations in *The Bell Curve* to defending Rushton: they argued that the Canadian researcher "has strengthened the case for consistently ordered race differences" in intelligence, sexual drive, and levels of parental affection.<sup>28</sup>

Herrnstein and Murray also used the contemporary work of sociologist Robert Gordon at Johns Hopkins University. They supported Gordon's conclusion that "virtually all of the difference in the prevalence of Black and White juvenile delinquents is explained by the IQ difference, independent of the effect of socioeconomic status."<sup>29</sup>

According to Michael Lind, a senior editor of *Harper's*, Shockley, Jensen, Rushton, and Gordon each received hundreds of thousands of dollars from the conservative Pioneer Fund, and, between 1986 and 1990, Rushton alone received \$250,000 for his research. In the October 31, 1994, issue of the *New Republic*, Lind explained that the Pioneer Fund had been founded in 1937 with money from textile tycoon Wickliffe Draper, who also underwrote the translation of eugenics texts from German into English. Additionally, the Pioneer Fund provided annual grants to the Federation of American Immigration Reform.<sup>30</sup> In 1994 the federation waged a successful campaign to pass California's Proposition 187, denying public services to undocumented immigrants.

The initial purpose of the Pioneer Fund was to promote "race betterment" through the reproduction of descendants of "white persons who settled in the original thirteen colonies prior to the adoption of the Constitution and/or from related stocks." One of the fund's founders, Frederick H. Osborn, former president of the American Eugenics Society, described Nazi eugenic policy in 1937 as the "most important experiment which has ever been tried."<sup>31</sup> Hiding behind the guise of science, many of the studies the authors of the *Bell Curve* used to support their arguments were not awarded funding by an academic panel of peers.

As *The Bell Curve* hit the stores, the academic community immediately denounced it as a political tract, or what Stephen Jay Gould called a "dreary and scary drumbeat of claims associated with conservative think tanks."<sup>32</sup> Although it never represented the academic discourse on race, it masqueraded as the scientific discourse on race in the mass media.



In important respects, the tremendous response to the book reflected the fact that the “science” of race which influences public opinion does not come solely from the academy. Popular “science” is emerging from privately funded think tanks that are dedicated to formulating policy and shaping public opinion in order to reinforce particular agendas.

*Nightline*, the morning talk shows, and National Public Radio all featured Charles Murray. The nation’s leading newspapers and magazines reviewed the book, and dozens of op-ed pieces and magazine articles explored the merits and mediocrities of the research. Although much of the media was critical of it, the authors’ stark portrait of American class structure loomed as a consideration and was given a hearing. *Newsweek* called it “frightening stuff” and explained that it “plays to public anxieties over crime, illegitimacy, welfare dependency, and racial fiction.” *Time* reported that the book was “845 pages of provocation-with-footnotes” and a work of “dubious premises and toxic solutions.” Support was found along narrow partisan lines. The *National Review* called the book “magisterial” and reported that it “confirms ordinary citizens’ reasonable intuition that trying to engineer racial equality in the distribution of occupations and social positions runs against not racist prejudice but nature, which shows no such egalitarian distribution of talents.” *Forbes* and the *Wall Street Journal* both gave it positive marks; the Heritage Foundation policy studies, written explicitly for members of Congress, used it to justify welfare reform.<sup>33</sup>

The authors’ arguments were not particularly novel: they simply recycled ideas Otto Klineberg had refuted in the 1930s. Nor did they have much influence on the Supreme Court or on Capitol Hill. During the fall of 1994 and the spring of 1995, *The Bell Curve* dominated the public discourse on race at the same time the major parties were defining their respective positions on affirmative action, welfare reform, and minority-majority voting districts and the Supreme Court was deciding on the constitutionality of virtually identical issues. The Court did not cite the work, and Congress did not use it on the House or Senate floor. In this respect *The Bell Curve* was not similar to *An American Dilemma*.

If I had to choose a historic analog for *The Bell Curve*, it would be the film *Birth of a Nation*. In a period of virulent racism, D. W. Griffith cast his narrative about White supremacy as an “authentic” reflection of the historic record for White Americans who were groping for answers about the current state of affairs. Both works should be viewed as pieces of American popular culture that resonate with contemporary fears about people of color.<sup>34</sup>

From the family-friendly Wal-Marts in the U.S. heartland to the tony bookstores in Harvard Square, the Free Press (its publisher) aggressively marketed this provocative book. Herrnstein and Murray pitched it not to the academic community or government officials but to the self-identified cognitive elite. The Free Press targeted a market (coveted by conservative talk-show hosts) of individuals hit hard by taxes and downsizing and looking for easy answers to explain a complicated social landscape. This same market defined the electorate in November 1994.

The *Bell Curve* hit the stores a month before the 1994 midterm congressional elections, in which Republicans won control of Congress for the first time in four decades. Successful Republican campaigns were waged under the banner of the "Contract with America," which included pithy-sounding legislation like the "Personal Responsibility Act" and the "Take Back Our Streets Act." The Republicans also gained nineteen House seats across the eleven states of the old Confederacy plus Oklahoma and Kentucky. Of all the White men who voted, 62 percent supported Republican candidates.

*The Bell Curve* and its logic acted for the electorate as an added justification for restrictive welfare reform. Although the Republican Party framed its reform in terms of engendering family values and lowering taxes, its welfare reform was explicitly designed to remove the subsidy and incentives for so-called illegitimacy, punishing poor women and children. This illegitimacy tactic was inspired by political strategist Charles Murray, before he wrote *The Bell Curve*.<sup>35</sup>

Although a sizable but largely uninformed swath of the American public used *The Bell Curve* rationale to explain racial disparities, the more powerful (in terms of policy and legislation) ideas that were used to explain racial disparities during the mid-1990s came from sociologists who advanced ideas about the declining significance of race and the increasing significance of class.<sup>36</sup> Again, the idea that race is somehow declining in significance bolsters or resonates with agendas that call for a "color-blind" society by eroding affirmative action, dismantling minority-majority voting districts, and impeding efforts to desegregate schools. Social scientists like Faye Harrison, Manning Marable, and Howard Winant, who argue that although race is changing in significance, racism persists and that is why we need affirmative measures to ensure that opportunities continue, are simply not ceded the same authority. The anthropologists who are ceded some authority are the biological anthropologists who argue that races do not exist. The com-

panion thesis that racism persists is jettisoned—in a way (politically very different) similar to what the cultural anthropologists experienced in the 1940s.

As a way of concluding this book, I want to cautiously extend my argument that during periods of racial realignment in the United States particular approaches for understanding race come to the fore and shape public opinion, public policy, and laws and that these approaches tend to justify or quicken the realignment. I am especially intrigued by the way in which notions as diverse as multiculturalism, the declining significance of race, and the IQ redux can all be marshaled under the banner of moving toward a “color-blind” society that erodes the legislative gains made during the Civil Rights movement, which in turn quickens the current realignment.

Since the 1980s the United States has been going through another racial realignment in the way in which people view and experience racial categories. This period has been dominated economically by rapid deindustrialization and equally rapid growth in service, information, and technological production. It is also plagued by fears of downsizing, immigration, crime, and the “underclass.”

## Images and Realities: African American Race and Class Formation

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In the context of a U.S. economy moving from an industrial and manufacturing base to one motored by finance, information, and service, all people of color have been engaged in various processes of class formation that have been influenced by desegregation, affirmative-action programs, and rising numbers of college graduates.<sup>37</sup> As the economy has become increasingly deindustrialized, cities have lost hundreds of thousands of manufacturing jobs and billions of dollars in federal funds. These trends have been augmented by a general pattern of uneven development that has systematically decimated many inner cities and led to an increase in violent crime, infant-mortality rates, high-school dropouts, and drug trafficking.<sup>38</sup> The combination of decomposing inner cities and the loss of high-paying union, manufacturing, and industrial jobs has driven an invisible wedge between the more mobile clerical and professional people of color and the structurally underemployed, underpaid, and unemployed in the inner cities.<sup>39</sup>

Within the African American community a structural rift has devel-

oped, accompanied by the construction of two competing images perpetuated primarily in the media. The first image—a positive one—has been formed primarily on prime-time television sitcoms such as *The Cosby Show* and through genuinely positive media personalities such as Oprah Winfrey or newscasters. In addition to television, a myriad of elected and appointed African American public officials are ensconced in popular culture and thus contribute to the idea that “Blacks have made it.” This image is reified by an even larger number of upwardly mobile African Americans who are part of the so-called professional middle class.<sup>40</sup>

The second image of African Americans—a negative one—is framed by crime and ideas of the “underclass.” This image is produced at movie theaters, on nightly newscasts, and by pundits and politicians who view illegitimacy and crime in terms of an individual’s lack of family values.<sup>41</sup> This image of the underclass is almost always couched in terms of the criminal activity of people of color.<sup>42</sup> As a *Time Magazine* cover story put it, “The universe of the underclass is often a junk heap of rotting housing, broken furniture, crummy food, alcohol and drugs.”<sup>43</sup> To round out this image, one merely needs to envision the Black male gang member contemplating his next carjacking on a dimly lit street corner riddled with graffiti and littered with garbage, forty-ounce beer bottles, and crack vials—and, of course, listening to rap music lyrics pounding “Fuck tha Police!”

These two opposing images—successful assimilated minority and “gangster-welfare mother”—serve to bifurcate prejudice along class lines, which allows individuals to circumvent specific allegations of individual racial discrimination.<sup>44</sup> This circumvention occurs because the construct of race that is signified by and for poor Blacks is often juxtaposed with the construct signified for and by the amorphous “Black middle class.” If one begins to isolate racial inequalities in the criminal justice, welfare, and education systems along racial lines, one need only look to the burgeoning Black middle class to conclude that members of the so-called underclass can pull themselves up by their bootstraps.<sup>45</sup> Nevertheless, the appearance of more people of color in the professions and universities, coupled with growing numbers of unemployed or underemployed Whites due to the shrinking manufacturing and defense industries, creates an illusion that unqualified Blacks and Hispanics are stealing contracts, jobs, and admission spots from more qualified Whites, which of course makes the idea that the United States should move to color-blind contracts, applications, and admissions even more attractive. The complementary illusion is that marginally affluent African

Americans are comfortably middle class. Journalist Leanita McClain, however, explains that she is, like many, “uncomfortably middle class.” McClain illustrates the tensions and incongruencies that abound in the lives of many middle-class Blacks: “Sometimes when I wait at the bus stop with my attaché case, I meet my aunt getting off the bus with other cleaning ladies on their way to do my neighbors’ floors.” She captures these tensions by lamenting her feeling that “I am a member of the black middle class who has had it with being patted on the head by white hands and slapped in the face by black hands for my success.”<sup>46</sup>

The interracial-intraclass tensions are often compounded by Whites who impatiently point to the recent progress in racial equality, diversity of institutions, and representational curricula and equally impatient Blacks who counter by pointing to all the inequality that remains. The public tug-of-war has left many White Americans more sanguine about efforts to make the United States more inclusive and many Black Americans more skeptical about making democracy work for all Americans. Poor people and people of color, however, cannot reasonably expect a more inclusive democracy when Rush Limbaugh and his ditto-heads, Newt Gingrich and his army of Republicans, and William H. Rehnquist and his Supreme Court majority envision a better America with eroding affirmative-action programs, draconian welfare reform, punitive immigration policies, erasure of majority-minority congressional districts, and sharp reductions in financial aid and school lunches. The U.S. Congress and the U.S. Supreme Court are the two arenas in which the relationship between the discourses that support arguments for a putative color-blind society and the contemporary racial realignment have been most visible.

### Color-Blind Republicans?

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In 1985 Ronald Reagan reconstituted the U.S. Civil Rights Commission by appointing Clarence Pendleton Jr. as chair. Pendleton made the commission’s number-one priority the investigation of “reverse discrimination.” He reassured Reagan that the commission was “working on a color blind society that has opportunities for all and guarantees success for none.”<sup>47</sup> The revamping of the Civil Rights Commission was a benchmark in the erosion of strides made by people of color during the Civil Rights movement.

Republicans during the 1980s undertook many initiatives to eliminate

any consideration of race in decisions for hiring, promotion, state-college admissions, and contract procurement as an effort to make up for past inequities. One of the most successful ways they have reinforced these initiatives has been to appropriate the rhetoric of the Civil Rights movement. After all, it was the Rev. Dr. Martin Luther King, Jr. who had a dream that his children would be judged solely on the "content of their character." From Reagan's Civil Rights Commission in the 1980s to the California Civil Rights Initiative in the 1990s, neoconservatives have rearticulated the notion of racial equality by emphasizing equality of opportunity—not outcome.<sup>48</sup> Simultaneously, less conservative interests succeeded in promoting notions of multiculturalism and ethnic diversity, but this has conflated race with ethnicity, blurred racial disparities, and done little for poor people of color. The changing politics of race are not limited to assaults by Republicans; the Democrats have also used the palatable idea of a color-blind society to further their agenda. By itself, affirmative action is a political wedge; however, taken with the challenges of minority-majority congressional districts, it is a political double-edged sword that has eviscerated the Democratic Party along racial lines, adding another dimension to the changing politics of race. If Republicans' vociferous challenges of affirmative-action programs is put alongside their tacit consent to minority-majority voting districts, the true partisan nature of efforts to dismantle affirmative action becomes clear.

Opponents of affirmative action have illustrated its perils with regard to school admissions, contracting, and employment, but they have been conspicuously silent about the so-called perils of minority-majority congressional districts drawn after the 1990 decennial census. The explicit creation of minority-majority districts helped to nearly double the African American representation in Congress, arguably one of the nation's best affirmative-action programs. Although the Republican leadership wanted to achieve a color-blind society by dismantling affirmative-action programs, generally it did not want to dismantle the color-conscious congressional districts—Supreme Court Justice Sandra Day O'Connor declared that it "bears an uncomfortable resemblance to political apartheid."<sup>49</sup>

There are two reasons why Republicans did not link the debates about affirmative action and racial redistricting and did not incorporate the so-called perils of racial gerrymandering into their arguments for a color-blind society. First, the same political and legislative thicket that gave rise, in 1992, to the largest African American delegation to Congress also contributed to the rise of a Republican majority in Congress in 1994

and, specifically, to its stronghold in the South. David Lublin, a political scientist at the University of South Carolina, provides a conservative calculation that between six and nine House seats shifted from Democrat to Republican control since 1990 as a direct result of the creation of safe minority districts in the South.<sup>50</sup> In 1995 Georgia's racially polarized, eleven-member congressional delegation exemplified these dynamics: the eight Republicans were White, and the three Democrats were Black.

The second reason why members of the Republican Party did not address the quotas used for redistricting mirrors the reasons why they attacked so-called quotas with regard to affirmative action. The formation of minority-majority congressional districts formed a wedge issue in the Democratic Party. The Democratic Party was forced to grapple with the harsh reality that minority-majority districts in the South increased minority representation but decreased Democrats' overall representation in Congress.

In most of the redistricting cases the plaintiffs who challenged the constitutionality of minority-majority districts were activists within the Democratic Party. These plaintiffs were motivated by the fact that racial redistricting reduces the number of Democrats in their states' delegation to Washington. They successfully posed legal arguments that drawing congressional districts by "computerized hunting for concentrations of blacks" creates "bizarre and tortured" districts that violate the equal-protection clause. Like the affirmative-action debate, Blacks were pitted against Whites in an already fractured Democratic Party. On the last day of the Supreme Court's 1994–1995 term it ruled 5–4 that using race as a predominant factor for drawing congressional districts was unconstitutional.<sup>51</sup>

## A Color-Blind Court!

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The Court's most activist decisions during its 1994–1995 term concerned how the government could use racial classifications; it also struck down congressional term limits and allowed a veterans' group to deny a gay, lesbian, and bisexual group a spot in its St. Patrick's Day parade. With three disjointed opinions delivered in June 1995, the Court effectively dismantled hard-won measures of the Civil Rights movement. Affirmative action, court-ordered school desegregation, and

minority-majority congressional districts were all hobbled by narrow 5–4 majorities.

The Court's conservative majority, consisting of Chief Justice William H. Rehnquist, Antonin Scalia, Clarence Thomas, and, often, Sandra Day O' Connor and Anthony Kennedy, practiced a form of judicial activism that ostensibly ensured that the Constitution remained color blind. On its face it sounded ideal; however, the effect of this bloc's interpretation of the Fourteenth Amendment proved constitutional scholar Derrick Bell's axiom that "racial patterns adapt in ways that maintain white dominance."<sup>52</sup>

As in 1896 and 1954, in 1995 the Supreme Court used its interpretation of the Fourteenth Amendment to change the significance of race under the U.S. Constitution. Since *Brown*, the Court had held that the federal government should play a special role in redressing past state-sponsored racism—but no longer.

The *New York Times* headlined "Farewell to the Old Order in the Court" and explained how "the birth struggle of a new era is not a pretty sight. It is messy, it is unstable, it is riveting."<sup>53</sup> Many newspapers and magazines noted the sweeping changes the Court made during its 1994–1995 term, specifically with regard to racial issues. The *Atlanta Constitution* headlined "Blacks fear return to 'dark days of the 19th Century'" and declared that the Court "pulled the rug out from under gains they have made from courthouse to Congress in the last 30 years."<sup>54</sup> The *New York Times*' depiction of a "new era" in race relations is particularly cogent because it captured how social and political transformations combined with the actions of the Court and Congress are contributing to a racial realignment.

Representative Major Owens (Democrat from New York) outlined the role of the federal legislative branch in this new era. From the well of the House he explained, "When you combine an assault on affirmative action with a Republican Contract With America, you create a kind of scorched earth approach to the reordering of our society. Government by an elite minority, for the benefit of the elite minority, becomes the driving philosophy. . . . [N]ow they want to spread, use that power to spread a racist, anti-immigrant brew throughout the minds of America, to poison the minds of the American voters."<sup>55</sup>

The Supreme Court's role in this new era of race relations can be viewed by its 1994–1995 term. In *Adarand Constructors v. Peña* (No. 93–1841) the Court ruled that federal affirmative-action programs, specifically a minority set-aside provision in a federal highway-contracting



program, must be held to the same strict scrutiny standard as state and local programs. Writing for the Court, Sandra Day O'Connor declared that her decision to vacate the judgment of the court of appeals was "derive[d] from the basic principle that the Fifth and Fourteenth Amendments to the Constitution protect *persons*, not *groups*."<sup>56</sup> Citing *Korematsu*, she explained: "Any retreat from the most searching judicial inquiry can only increase the risk of another such error occurring in the future."<sup>57</sup> Justice Clarence Thomas wrote a concurring opinion, and he declared that "as far as the Constitution is concerned, it is irrelevant whether a government's racial classifications are drawn by those who wish to oppress a race or by those who have a sincere desire to help those thought to be disadvantaged." He concluded: "In my mind, government sponsored racial discrimination based on benign prejudice is just as noxious as discrimination inspired by malicious prejudice. In each instance, it is racial discrimination, plain and simple."<sup>58</sup> Justice Stevens, in his dissent, blasted the Court's majority: "There is no moral or constitutional equivalence between a policy that is designed to perpetuate a caste system and one that seeks to eradicate racial subordination. Invidious discrimination is an engine of oppression, subjugating a disfavored group to enhance or maintain the power of the majority. Remedial race-based preferences reflect the opposite impulse: a desire to foster equality in society."<sup>59</sup>

Although the *Adarand* decision did not eliminate all federal affirmative-action programs, it outlined that the government is not allowed to develop programs to ameliorate past discrimination. In another Court action, it allowed a circuit court decision to stand that invalidated the University of Maryland scholarship program for outstanding African American scholars.

With the same division, the Court ruled in *Missouri v. Jenkins* (No. 93-1823) that a federal district court in Missouri had improperly ordered the state to pay for a desegregation plan for Kansas City's schools. This case related directly to the social science used in *Brown*. After *Brown*, neither the state of Missouri nor the Kansas City Missouri School District (KCMSD) dismantled its Jim Crow schools. Twenty years after *Brown*, thirty-nine of KCMSD's seventy-seven schools had student bodies that were more than 90 percent Black, and a full 80 percent of Black schoolchildren in the district attended these schools. In 1984, thirty years after *Brown*, the district court found that KCMSD had failed to reform its segregated public schools. The district court concluded that both the state and the school district had "defaulted in their obligation to uphold

the Constitution.”<sup>60</sup> However, during the time it took to finally order desegregation, few White students were left in the inner-city district to integrate the schools. With uneven development and many middle-class Whites and Blacks moving to the suburbs, the court devised a interdistrict desegregation plan to increase the “desegregative attractiveness” of the district by reversing what the court called white flight to the suburbs. The court-ordered plan amounted to creating an entire magnet school district. The Supreme Court ruled in 1995, forty-one years after *Brown*, however, that the district court had exceeded its authority.

Although Thurgood Marshall, Robert Carter, and Kenneth Clark strategically used Gunnar Myrdal’s and E. Franklin Frazier’s ideas about the Negro’s pathological culture during the late 1940s, Clarence Thomas exploited the problematic nature of this research to write a persuasive concurring opinion that forcefully articulated the Court’s color-blind agenda. Thomas outlined how “the [lower] court has read our cases to support the theory that black students suffer an unspecified psychological harm from segregation that retards their mental and educational development. This approach not only relies upon questionable social science research rather than constitutional principle, but it also rests on an assumption of black inferiority.”<sup>61</sup> As I noted in my introduction, by criticizing the work done by the Howard circle some sixty years earlier, Thomas advanced somewhat contradictory ideas that Black people do not need White people, quality schools, or government intervention. Thomas framed this important opinion by stating, “It never ceases to amaze me that the courts are so willing to assume that anything that is predominantly black must be inferior. . . . The mere fact that a school is black does not mean that it is the product of a constitutional violation.”<sup>62</sup>

The district court that oversaw the desegregation order of the Kansas City schools cited *Brown* as its rationale that a racial imbalance in the school system constituted a constitutional violation that harmed African American children. Justice Thomas found this citation inimical to the principles of the Constitution and directly challenged *Brown*—what has come to be viewed as a sacred American text.<sup>63</sup> Thomas assumed that the district court’s position “appears to rest upon the idea that any school that is black is inferior, and that blacks cannot succeed without the benefit of the company of whites.” He substantiated this assumption by purporting: “The District Court’s willingness to adopt such stereotypes stemmed from a misreading of our earliest school desegregation case. In *Brown v. Board of Education* the Court noted several

psychological and sociological studies purporting to show that *de jure* segregation harmed black students by generating 'a feeling of inferiority' in them. Seizing upon this passage in *Brown*, . . . the District Court suggested that this inequality continues in full force even after the end of *de jure* segregation."<sup>64</sup>

Although Thomas was quick to point out that "under this theory, segregation injures blacks because blacks, when left on their own, cannot achieve," he failed to explain that this theoretical perspective is more than sixty years old and that there were various political reasons why the LDEF chose to employ this particular type of social science. He simply explained: "to my way of thinking, that conclusion [in *Brown*] is the result of a jurisprudence based upon a theory of black inferiority."<sup>65</sup> Although I discussed this in my introduction, I want to reiterate it in the conclusion. By only using the term "black," Thomas skillfully blurred the line between race and culture. He sidestepped explaining how that rationale in *Brown* was based on the ideas of racial equality and cultural pathology, and he merely collapsed the concepts of race and culture into a commonsense understanding of "black inferiority."

Finally, by disparaging half-century-old social science, Thomas essentially muzzled contemporary social theorists who attempt to contribute to the juridical discourse on race, even in the lower courts. He decreed with sweeping authority that "the lower courts should not be swayed by the easy answers of social science, nor should they accept the findings, and the assumptions, of sociology and psychology at the price of constitutional principle."<sup>66</sup>

The Court did not stop at affirmative action and school segregation; it ruled to invalidate congressional districts that were drawn to include a majority of racial minorities in its boundaries. In *Miller v. Johnson* (94-631) it invalidated Georgia's 11th Congressional District, which had been created to produce another majority-Black district. Using the same color-blind principle as O'Connor in *Adarand*, Justice Kennedy explained that

the Equal Protection Clause of the Fourteenth Amendment provides that no State shall deny to any person within its jurisdiction the equal protection of the laws. Its central mandate is racial neutrality in governmental decision making. Though application of this imperative raises difficult questions, the basic principle is straightforward: Racial and ethnic distinctions of any sort are inherently suspect and thus call for the most exacting judicial examination. . . . This rule obtains with equal force regardless of the race of those burdened or benefitted by a particular classification.<sup>67</sup>

The principle of a color-blind Constitution that the conservative bloc of the Supreme Court used to challenge district-court desegregation orders, minority-majority voting districts, and federal affirmative action indeed mirrors the editorial position of the special issues of *Time* and *Discover* I discussed previously, and it clearly refracts or resonates with other sources of news and commentary that evade racial constructs and the many forms of racism. Of course this is a difficult and contradictory position to take. One must weigh reifying vacuous categories whose logic stems from a history of dehumanization against the ability to identify racism, and weigh the sloppiness of racial categories against supporting pundits and politicians who promote a so-called color-blind society that rolls back important strides. Although disregarding race is logically accurate and theoretically sound in terms of biological categories, it is historically, socially, and politically problematic. It disregards the complex processes of racial formation and evades racism.

During the 1990s certain anthropologists began to advance critical race theories and began to address the complexity of persisting forms of racialization and racism.<sup>68</sup> However, these anthropologists are rarely featured in *Newsweek* or on *Nightline*. What is fascinating to me is the fact that the news media appropriate or skillfully subvert progressive biological anthropologists' arguments about the inanity of the biological concept of race to advance a vulgar, color-blind agenda. Critical cultural anthropologists are rarely called on to explain that even though a biological category of race is meaningless, the social category of race is very real, meaningful, and still dictates life chances and opportunities.<sup>69</sup> In many respects this is precisely how anthropologists were used in the 1950s. Biological anthropologists were used as influential spokespersons to argue that Blacks were not racially inferior to Whites, but cultural anthropologists were not used to explain how African American culture is rich, unique, and just as "legitimate" as any other culture in the United States.

This historical narrative raises more questions than it answers. What does it tell us about history, culture, and power? How does it help us answer historical and contemporary questions about law and legitimacy for a nation constructed in the image of democratic ideals but characterized by the divisive and explosive politics of race, culture, authenticity, and traditional values? Can anthropologists contribute to a meaningful progressive discourse in the United States? And why have

anthropologists failed to bring the lessons learned abroad home to help expose problems in the United States?

There is one issue that this narrative clearly demonstrates: the scholarly critique of ideas of biological categories of race has not successfully curbed the political force of ideas of racial inferiority, which is evidenced by overwhelming response to *The Bell Curve*. Although fundamentally different, the anthropological discourse on race has been selectively appropriated for various political agendas that have shaped the meaning of race in the United States for the last century.

There are no easy answers. The public, academic, political, and juridical discourses on race converge and overlap, but each is created in political struggle. Such is politics. Anthropology is not exempt. Anthropologists have consistently engaged in advancing a liberating political agenda in the United States even though, as this narrative suggests, national politics often limits their impact. Anthropologists and other scholars must nonetheless continue to advance research that exposes the contradictions in U.S. society in an effort to reconcile the ideal of racial equality with the nagging, persistent, and seemingly perpetual forms of oppression.