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# TROTTER INSTITUTE

**Affirmative Action:  
Problems and Prospects**

**James Farmer**

**OCCASIONAL PAPER**

**WILLIAM MONROE TROTTER INSTITUTE**

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**Affirmative Action:  
Problems and Prospects**

**James Farmer**

Transcript of presentation made on March 5, 1986, as part of the William Monroe Trotter Distinguished Lecture Series on Affirmative Action. James Farmer is the founder and former national director of the Congress of Racial Equality and has devoted his life to civil rights activism and social reform.

We live in complicated times, and one of the sparks that flies off from difficult issues in such complicated times is that words develop all kinds of meanings, and they tend to confuse. I was astonished to hear our president, Ronald Reagan, say that if Dr. King were alive today he would agree with him in opposing affirmative action, because King was colorblind and so is Ronald Reagan. This was a stopper, really a stopper. It reminded me of the lady who had inherited several million dollars, and because of her good fortune, she quickly engaged a historian to do the story of her family tree. The historian went right to work, did his research, returned shortly to the woman, and said, "Lady, I have some bad news for you. I have run into complications. I have discovered that one of your grandfathers was electrocuted at Sing-Sing." She said, "Oh, that's horrible, but you are a historian; you're a scholar. Just cover that up—you know—conceal it so that it cannot be recognized by the reader." So the good doctor went back to his study for further labor. A week later he returned to the woman and read her the following paragraph concerning her errant grandfather: "One of her grandfathers occupied the chair of applied electricity at one of American's well-known institutions. He was very much attached to that position, and he died in the harness."

Well, I usually run into that kind of confusion over words. Affirmative action has had an interesting history. I, with no attempted modesty, claim to have proposed the idea to Lyndon Johnson in either late 1962 or early 1963 when he was vice president. The only person I know who would disagree with me on that is the late Whitney Young, and he is not present to voice his disagreement now. When I reported to the Council on United Civil Rights Leadership, the group that was called the "Big Six" or the "Big Four" by the media, that I had had such a meeting with Vice President Lyndon Johnson and had proposed this idea, to which he gave the name "affirmative action," Whitney said, "Well, I discussed the same idea with Jack Kennedy." So perhaps we, in contemplating the same set of facts, had reached the

same conclusion that something new was needed to deal with the terrible job situation that minorities found themselves in. We were making progress, it is true. Blacks were getting better jobs and black income was increasing but—that was in absolute terms, not in relative terms. We were not closing the gap. As we (blacks) rose, the majority rose faster; the gap widened, and so we had to do something else. Well, that was one indication of the complex days we were entering then.

The simple days were in the early sixties when the issues were hot dogs at the lunch counter, cups of coffee, front seats of the bus, being able to check into a hotel, eat in a fancy restaurant in Birmingham, Jackson, Montgomery, or New Orleans. That was so simple. It separated the sheep from the goats, good from evil, right from wrong. When those four black college freshmen from North Carolina A & T sat in at the lunch counter at Woolworth's in Greensboro on February 1, 1960, and asked for coffee, it was very simple. Anybody with any decency any place in the world would have argued that, of course, they should have that coffee if they had the money to pay for it. They were not dirty; they were not drunk; they were not boisterous; they were not creating any disturbance whatsoever. Anybody who said that they should not have been served the coffee had to be a racist. This separated good from evil, separated right from wrong—it was so simple in those days. And furthermore, you could tell at that time when you were winning a battle: if they got the coffee, they had won; if they did not get the coffee, then victory had been deferred if not completely lost.

The same was true with the front seat of the bus. If blacks sat on the front seat of the bus and were not brutalized or savaged, were not jailed or thrown off, then they had won, and anybody of any decency would have agreed that they should have been allowed to sit wherever they wanted to sit. They had paid the same fare that other passengers had paid and if the bus was going where they had intended to go and they

were creating no disturbance, then they should sit where they wished on a first-come, first-serve basis. So it was simple. That's the way it was in the sixties.

Sometimes you become nostalgic for the simplicity of that time when the youths of that day were shouting our slogan—ah, how well you must remember it: “Freedom now.” The youths believed that freedom would come by Monday morning if they did certain things: if they went to jail, if they blocked bulldozers or climbed cranes, if their heads were battered in the South, then somehow by mystic means, freedom would come. Those were the simple days, and we looked for simple answers.

Well, we expected answers that were far too simple; things weren't as simple as they appeared. We won the victories, the short-term victories we sought. We got the Civil Rights Act of 1964, and we got the Voting Rights Act of 1965. But before those victories came, many of us realized that they were short term, not long term, and that the time would come when many of our folk would have the right to sit on the front seat of the bus or buy a hot dog at a lunch counter but they would not be able to pay for it or buy the ticket and that would turn out to be a dirt victory!

So in the meeting with Johnson (he was vice president and chairman of President Kennedy's Commission on Equal Employment Opportunity), which a committee of the Congress of Racial Equality (CORE) had requested, I told the vice president that we had been studying statistics that showed that while we were moving ahead in some senses—blacks were getting better jobs, getting promoted, being hired into some nontraditional jobs in small numbers, smaller than we had hoped for—we were not closing the gap. The income gap remained as large and indeed was widening a bit. And he said, “Yes, I've seen the same statistics; I am just as much upset about them as you are, but what do you suggest we do?”

We in CORE had discussed it at some length. We had had what we called bull-sessions about it and had come up with an idea; the idea was suggested by one of my staff and not by me. He suggested that the back wheels of the car are not going to

catch the front wheels of the car as long as we are moving at the same rate of speed. So those back wheels somehow have got to be speeded up if they are going to catch the front wheels of the car. As long as minorities—black people particularly (and that was the major concern at that time; our sights broadened later on as we went along)—were the built-in rear wheels of the car, we would continue to be a gap behind others. And so, what we had to do was to speed up the progress of the rear wheels.

I said to Johnson that the concept is not really different from the concept of veterans preference. The idea here is that when young men go into the armed services they step outside of the economic mainstream of the nation's life for whatever period of time—a year, two years, three years—so upon reentering civilian life they are at a disadvantage. We have to give them a shove to help them back into the mainstream, to help them catch up. Therefore, veterans receive preference in civil service exams and other things: if you are a veteran then you get higher on that list. And I said blacks have been out of the mainstream forever; they had never been in it. So we need an even bigger boost to get us into that mainstream, which we had never yet experienced. He nodded his head and narrowed his eyes, so I went on to say that what we are proposing is something that we call—this is a terrible term—“compensatory preferential treatment.” Johnson winced. He said, “Great idea—because we got to do something like that.”

Then he used another analogy. He said, “If two men are running a race and one of them has a ball and chain around his ankle, and he is there at the starting line fussing with that ball and chain while his opponent is half way around the track running like mad, you can't cut those chains off and say ‘Now you're free, you're free and equal. Run the race.’ That's not fair,” said Johnson. “The other man's half way around the track. Somehow we have got to start them at the same place or get this fellow up where he can catch up with the other man, then say run the race as equals.” He said “But don't call it . . . What did you call it? Compensatory what? That's

awful; that's calculated to raise a hackle on everybody—get everybody mad at you. No, what you're going to call it, call it—let's see—we got to move forward, we got to move forthrightly, be positive about it, move positively, move affirmatively . . . Yes, that's it—'affirmative action!'"

Shortly thereafter Vice President Johnson made a speech at Howard University using his analogy of the runners. Affirmative action became official policy of the federal government. Shortly after that they told a story about President Kennedy stepping off a plane one day, looking at the Honor Guard there to meet him, and observing that there were no blacks there. He called the officer over and commented on that fact. The officer smiled and said "That's correct, Mr. President; you see, none have applied." The president said "Well, go out and find some." That was affirmative action. That flew in the face of the old concept of colorblindness. What we had been saying to employers and to other decision makers in the society, including educational administrators in institutions of higher education, was: "Be colorblind, be absolutely colorblind. Don't see color when you see an applicant for a job or admission. Just hire the best qualified person who happens to apply for that job. That's all you need to do; you will fulfill your duty, fulfill all the requirements. And do not discriminate; do not refuse to hire or admit anybody because of his or her color." That's all we asked of them; we asked them to be colorblind.

Well, that colorblindness really did not work. We longed for colorblindness. I remember in the early days of CORE—and there are very few people here old enough to remember 1942 when we were organizing CORE in Chicago—the white CORE members who were as dedicated as I, more dedicated if that were possible, believed passionately in colorblindness. I remember Bernice Fisher, who was one of the founders of CORE. She was a good friend of mine. We would get together and argue and debate the ideas that went into the formation of CORE, and she talked about colorblindness. She would tell us the story about the kid in first grade who came



home one day—he was a white kid—and told his mother about this wonderful new friend he had in school in the first grade. He came home the next day talking about this marvelous new friend. The mother said, “Well, where does he live?” “He doesn’t live around here; he doesn’t live around us; he lives a long way from here.” And the next day he talked about the friend again. The mother asked him rather suspiciously, “Is your friend a Negro?” The boy looked up and thought, “Gosh, I don’t know, I forgot to look.” He said, “I’ll look tomorrow and let you know.” We told ourselves that story over and over again. How Bernice laughed and how all of us laughed. We told ourselves that that was the way we were: we were colorblind, and the nation was going to become colorblind; we were going to make it colorblind. And so what we were saying to employers prior to affirmative action was: “Be colorblind.”

Indeed the first Fair Employment Practices legislation was colorblind legislation. There was that executive order extracted from Franklin Delano Roosevelt by the late great A. Phillip Randolph, who was, in my judgment, one of the greatest black leaders this nation has produced. Randolph had proposed a march on Washington way back in 1941 before Pearl Harbor. It was to take place early that year, and he, in his thundering voice, held mass meetings at parks throughout the country. He packed them in. He was the premier black leader in those days. Randolph said, “In my opinion discrimination in employment, in government or industry will not cease until the president and the Congress of the United States see 5,000, 10,000, 25,000 (petitioners).” Big terms then, unprecedented terms, and when it caught fire, people applauded so much that Randolph pursued the idea of the march in his speeches. He got the backing of Walter White of the NAACP and Lester Granger of the Urban League and continued to talk about it. Roosevelt was upset because America was the “arsenal of democracy.” We were defending democracy and freedom against the tyrants, fighting against the master race theory of Adolph Hitler and against fascist Italy. And if the whole world saw 25,000 black Americans coming

as close to the lawn of the White House as they could get, probably protesting discrimination in employment in defense industries as well as the government of this arsenal of democracy, how embarrassing that would be!

Roosevelt, of course, was upset. Eleanor Roosevelt made a trip to New York, met with Randolph, White, and Granger, and asked them what they wanted her to do to facilitate the matter. They wanted a meeting with the president, face to face. The meeting was set up by Mrs. Roosevelt. At the meeting Roosevelt said, "Gentlemen, you must not march on Washington; you cannot do it." "What, Mr. President," asked Randolph, "would you be prepared to do to persuade us to call off our plans?" "What do you wish me to do, Mr. Randolph?" "We want an executive order outlawing discrimination in employment in government and industry on grounds of race, creed, color, or national origin." Said the president, "You shall have it." That was Executive Order 8802; and the first Fair Employment Practices Commission (FEPC) was set up to oversee it.

Various states passed FEPC laws after that. They were colorblind laws. The laws said to employers: be colorblind, be oblivious to race, to color, to nationality for anyone who applies; just hire the best qualified. Now, the idea of colorblind laws assumed—and we were not really conscious of this at the time—a colorblind society in order to work. It assumed that the employer would act in good faith; it assumed too that blacks would apply in reasonable numbers, feeling confident that they would have the same chance as anyone else to get the job. It assumed that they would know about the job, that it would be publicized through media that reached them as well as it reached others at the time. Well, it didn't work. We'd go back to an employer after a while and say, "Now Mr. Employer, you had a year of Fair Employment Practices Commission activity. How many blacks did you hire?" His answer would be: "How the hell should I know. I'm colorblind like you told me to be." We'd take a visual check and find out he had hired none. He'd say "So what. Have you proved that I

refused to hire somebody who was better qualified than those who I hired. If not, you have no complaint—dry up.” Obviously it wasn’t working.

One other illustration. CORE in the early 1960s had a campaign against job discrimination in a chain of hamburger joints in the Bronx—White Tower or White Castles, something like that—at which the only blacks and Puerto Ricans that they employed were janitors in the janitorial service. We had investigated carefully; we tried to negotiate. They said, “We have nothing to talk about with you.” So we picketed. This wasn’t in Birmingham; it was in the Bronx. We had garbage thrown at us, a cross was burned in the window. We continued picketing. We persevered.

Finally, management sat down to talk, and what the manager said to me was, “Mr. Farmer, you are absolutely right. You have pointed out in your leaflets that the only blacks and Puerto Ricans in our employ are in the janitorial service, that is correct.” He said, “We would like to correct it, but we can’t because we project that we would have need for about 75 sales personnel within the next 60 days,” (sales personnel were counter people), “and we would like to hire blacks and Puerto Ricans to make up for the deficit of the present and past, but we can’t do it.” “Why can’t you?” I asked. The manager smiled and said, “Because it would be against the law. We are told by the law to be colorblind, and we get our employees from the State Employment Services. If we go to the State Employment Service and ask them to send us 75 black and Puerto Rican applicants, they will immediately charge us with violating the state’s Fair Employment Practices Law, which says that we may not consider race or color in seeking job applicants or workers.” He smiled—rather triumphantly, I thought.

I asked for a recess and called a buddy of mine who works for the State Employment Service and said “Jack, you realize the law is archaic.” He said, “Of course, it’s one of those colorblind laws that you and a lot of people like you fought so hard to get a few years ago.” I explained the problem we had with this chain of

hamburger joints and asked for his suggestion. He said, "Well, I'll tell you what Jim. Go back into your negotiations and ask this manager to call me. Tell him don't write but call and tell me of his needs—within 60 days, 75 people—and he would like blacks and Puerto Ricans. Tell him to tell me that over the phone, and I will then call our office on 125th Street in Harlem and ask them to send him 75 qualified applicants regardless of race, color, creed, or national origin."

Well, here was a recognition that the law was outmoded—the colorblind law—and our seeking to find some way around it. Well, obviously, that's not the way to operate in a society that respects law. We had to find something new. What was new then was affirmative action, which flew in the face of the concept of equal treatment. We were asking for something more than equal treatment for those of unequal status. After my meeting with Johnson, when I reported to the Council on United Civil Rights Leadership, there was no unanimity of approval there. Roy Wilkins, who was a good friend of mine and a man whom I respected highly, raised some questions about it. He said, "Jim, I don't think it would fly in America. I don't think it would fly because here you are moving a step beyond asking for equal treatment; you are asking for special treatment, by whatever name you call it." And he said, "Americans will buy equal treatment but they will not buy special treatment." I argued that asking for equal treatment for those of unequal status would not remove the inequality. Wilkins said, "That may be true, but I am still not prepared to buy your alternative as a workable plan." There were others who disagreed later on, others whose names would be recognizable, others who felt that this just would not go in America.

After it became a federal policy, the government began using it in its contracts with industry, requiring that industry report on the number of minorities in various job categories. If there was inequity, the industry was required to show improvement each year at the risk of possible loss of the contract. This became a policy of the

federal government. Now, it did put hardship on people. There is just no question about it, and I could understand it. I am not one of those who feels that anybody who disagrees with us on the intricacies of affirmative action is automatically ipso facto a racist. It is not true; things are not as simple as they were in the sixties.

Affirmative action didn't work the first couple of years, by the way. We'd go back to an employer and say: "Look, you've been practicing affirmative action for two years, which said that you had to go out and seek members of minorities to fill jobs. How many minorities do you have now?" What was the answer? In more cases than not, the answer was, "Well Jim, God knows I've tried; I've tried hard but I couldn't find any that were qualified." We had affirmative action moving beyond equal treatment, but still this doesn't work. How are we going to prove whether this man, this woman (probably a man then; because of the discrimination against women, there were very few women who were in those decision making spots at that time) has tried honestly? How are we going to prove that he has acted in good faith and could not find a qualified person?

Well, we (by "we" I mean the Movement) came up with the idea of numerical goals and timetables, some way to test man's good faith. If the employer said, "I've tried," we would say, "Look, you've tried but you're gonna have to try harder because you have a goal here and this is a goal that you are going to have to move toward." Not a quota, we argued, because a quota is hard and fixed, inflexible; a goal is something that you move toward, something you must show progress toward. The supervisors, the line managers, those who hire, fire, and promote will prove their efficiency by meeting the other criteria which the company has established and this one additional criterion: how well they have pursued the goal of the affirmative action. We are not asking, of course, that unqualified people apply or be hired. Oh, no. Just know that they are qualified to be hired, and then hire them.

Now we are being told “Yes, but affirmative action has done so much damage; it has made people lazy.” Well, for all of these years white males have had affirmative action; they have had preferential treatment. I haven’t noticed that it has made most of them lazy; they seem pretty aggressive and seem to be moving ahead, in spite of having had preferential treatment, having had affirmative action. I don’t think affirmative action makes people lazy. It happens to have quite the opposite effect. Now, it is quite possible that some persons of less than adequate qualifications have slipped through, but that’s true in any system that is established. I don’t know any system that is foolproof and has not made an error. But the system itself, the affirmative action system, has been good.

But then, what about the argument of quotas? For years we fought against quotas. Quotas were used in university after university, professional school after professional school, to exclude or limit the number of various minorities: blacks, Hispanics, Jews—and we fought hard. I know. When I was living in New York City during that period, we fought in New York state against those institutions’ quotas. We fought to have those quotas removed, and we won the battle. We got those quotas licked. As far as I know, they’re out. They had quotas, too. Usually they didn’t deny it or couldn’t deny it. They wouldn’t say they had a quota against Jews; they would say they had quotas on New Yorkers because they didn’t want to be swamped with people from New York, but everybody knew what they meant: they had a quota on Jews, and we fought against it.

So you see, now it’s difficult for many people to see. When we turn around, the agendas have changed. Time has moved on, and in order to make additional progress, it is perceived as necessary to have something similar to quotas. In spite of the argument which I made, it’s not a quota; the differences are clear; it’s similar to quotas. Those who say it is a quota—I wouldn’t argue too hard with them on it. We use something like quotas to make further progress. “Quotas were bad then, and

they are bad now,” they would argue. It is hard for some people to see that they may be useful now when they were wrong then. They were wrong when they were used to exclude; now they can be used to include those who have been excluded.

Some great thinkers and people with warm, great, big hearts have been unable to agree with that. To name just one, the late Justice William O. Douglas, great old war-horse of all progressive causes. But in the *Defunis* case, which preceded *Bakke* by some years, Defunis had applied for admission to the law school at the University of Washington State and had been turned down. He took it to court. He finally got it to the Supreme Court, arguing as Bakke had that he was turned down because they had a quota for blacks, and blacks were admitted who were less qualified than he; therefore, he was discriminated against because of his color, white. When it got to the Supreme Court, Defunis had already been admitted to Law School at the University of Washington, and in fact had graduated, it took so long. So the Supreme Court was able to sidestep the substantive issue by ruling it a moot case. But Justice Douglas felt so strongly on this issue that he sat down and wrote a decision of his own, an opinion which was classic liberalism of two decades earlier—New Deal liberalism—with the view that any use of quotas was wrong because it viewed the fight against quotas as a principle, not a tactic. It was a beautifully worded opinion; it would have been a classic document in my opinion had it been written two decades earlier. But written when it was, in my judgment, it was archaic and obsolete. “For time makes ancient good uncouth,” to quote an old poem and a hymn.

The fight against quotas was never an absolute, never a matter of principle, but a matter of tactic. It was not the quota that was bad; it was how the quota was used. If it’s used to keep people out—it’s bad; if it’s used to bring people in—it’s good. Yet there are so many emotions around it, how can we keep it a live concept and keep it going? I raised that question a number of years ago with a group of management interns in a government department (Defense Department). These were college

students. One very bright college student, a management intern at the Department of Defense, came up with an idea. Imaginative, not without flaws, but imaginative and that's what it's going to take today, I think: compromise, dialogue, negotiation, and use of imagination to find some alternatives that are more widely acceptable. He said, "Just a minute, Mr. Farmer, let's take the University of Washington and Defunis." He said, "O.K., we can say that two applicants are highly qualified; A and B are highly qualified. I doubt that we can say A is more qualified than B because A scored 5 points higher than B on a test, but we can say that both are qualified; maybe B speaks better, maybe B improvises more with his clients; maybe B can wheel and deal better with the Honorable Judge in his cloakroom, but we can say that A and B are both qualified. Suppose the University of Washington Law School had had space for 100 applicants; suppose then they had selected 1,000 of the best qualified applicants using all the criteria, and then suppose they would select the 100 they needed out of that 1,000 by random selection, a lottery." He said, "Now if Defunis were in the 1,000 and not in the 100, could he then claim discrimination in reverse? I doubt it," said this management intern.

I thought it was a very imaginative suggestion, not without flaws, because the crux of the matter is how to select the 1,000 or what the criteria are or the assumption is. And it is an assumption that if you pick 1,000 there will be representative sprinklings of minorities and of women and so on. Maybe there won't be. We are supposing only that Defunis is not in that thousand. But suppose no blacks are in it; then blacks couldn't claim discrimination either, could they? And we wouldn't accept that as a substitute for affirmative action. So it's not unflawed, but maybe we are going to have to sit down and work out some way that we can win back some of the allies who have been lost in the struggle.

I think the basic principle of affirmative action must not be lost. It is not true, Mr. President, Mr. Ronald Reagan, that Martin Luther King would have agreed with



you that affirmative action should go or that numerical goals and timetables, if that is what you're saying, should go. Remember that Dr. King spoke of the colorblind society where a black child and a white child hold hands, play together as brothers, and where a person would be judged not by the color of skin but by the content of character. He put that in the form of a dream of the future, a future nation. He rocked back on his heels and said "I have a dream that one day. . . ." It was a dream of a nation to come, of a nation that we would bring about, not a nation that exists. You do not bring that dream about, you do not create equality by deceiving yourself into thinking that it is already here.

In India they wrote affirmative action into their constitution in the 1950s when the nation was formed after independence from Britain. This was affirmative action to help the outcasts, the untouchables, to move them up. I said, "Well, how did you come to the conclusion that that was necessary?" They said, "It's elementary, Brother Farmer. It is elementary. You do not achieve equality for those of unequal status by treating them equally. You cannot treat those of unequal status equally and hope to achieve equality of status." So true. India accepted that as a foregone conclusion, something that should not indeed be questioned. But it is being questioned here, now, and it will be questioned even more.

Frankly, I do not believe in deceiving ourselves at all. I think we would probably lose a referendum on affirmative action with numerical goals and timetables in any community in the country and in any city in the country except the city that's predominantly black. We would win it in Washington, D.C.; we'd win it in—what's the town in Mississippi—all black? Mount Bayou. We'd win it there. I think we would lose it in Boston; we'd lose it in Chicago; we'd lose it in New York; we'd lose it in Philadelphia; we'd lose it in Atlanta; we'd lose it in Detroit. I think we'd lose it all over.

You see I've talked too long, and I must bring it to a conclusion now. Remember that times have changed. They have changed for the better in many ways. We wrought significant changes in the sixties, the great Movement did. We battled down American-style apartheid and relegated it to the historical scrap-heap. The "For Colored" and "For White" signs now crop up in museums where they should be. But it has changed for the worse in some ways. In 1963, in the fall--this was after the March in Washington--public opinion polls showed that more than 75% of the American people wanted strong, new civil rights legislation with teeth in it and wanted to see it enforced. This was white, black, north, south, east, west. They were on our side. We couldn't lose. We had to win. We had won already because we had swung public opinion to our side.

But public opinion changed. The backlash began developing in the middle sixties. People were frightened by Black Power talk of revolution, by publicity of inner-city crime, muggings, rapes, and murders. They were frightened by political capital made of the busing issue and of the welfare chiselers issue; they were frightened by the summer riots and the riots in the wake of Dr. King's assassination. Those of the lower middle classes were frightened because there was job training for unskilled blacks and Hispanics and Native Americans with modern techniques and modern equipment; and they feared these minority members were being trained for their jobs, and they thought their jobs would be in jeopardy and that the gains they had made might be lost. Those who have one foot up the ladder are terrified when there is motion from below them. So it changed. By the middle seventies, public opinion polls showed that the majority of the American people felt, first, that there was no longer any systemic racial discrimination except in reverse, and second, that blacks had moved too far too fast, had gotten too much too fast. In the sixties we were victims and popular. Nobody would have dared have a cocktail party without having a least one of us there. We were a very popular people then. But in the seventies and

into the eighties, we were viewed more as victimizers, not as victims. We were victims before, victims of oppression—long-suffering, now we are victimizers. We have to change that around. We are going to need the alliance, the friendship, the coalition, the help of all of those of goodwill. If I may close with the words of Hillel, a rabbi of 2,000 years ago: “If I am not for myself, who will be for me? If I am for myself alone, what am I? And if not now, when?”

**Question:** What is your reaction to the report by the Rand Corporation of California that said that the significant progress made by blacks in the past 12 years would have been made without affirmative action?

**Mr. Farmer:** How did they reach this pearl of wisdom, this matchless conclusion? It's like saying we would have gotten the Civil Rights Act of 1964 and Voting Rights Acts of 1965 without the freedom rides, the student sit-ins, Selma, Birmingham, or anything else. How do you reach that kind of conclusion any way? I don't see how that can be proven one way or the other. If one examines the rapidity with which blacks moved into traditional jobs and were promoted upward after affirmative action with numerical goals, as opposed to what was happening before, there would be no question at all but that our progress was speeded up by affirmative action with numerical goals. I love these studies that already have a conclusion and then pay people to arrive at that conclusion.

**Question:** What do you think of black capitalism and black nationalism today?

**Mr. Farmer:** During Malcolm's life, at the peak of his power and prominence, which was 1963 and part of 1964, I had strong differences with him, and we had a series of debates, one at Cornell University that was published in a pamphlet “Integration vs. Separation,” where I had argued for integration, and he had argued for separation. He argued for black nationalism, of course, and I saw very little good in black nationalism then except the pride, the sense of pride that the Muslims were constantly emphasizing. That I viewed as a positive—cleanliness, pride, self-esteem, a

strong family life. It was their emphasis upon those virtues that enabled them to eliminate drug abuse from their numbers, many of whom were recruited from among drug users and abusers and recruited from the nation's prisons as well. So I respected them for that, but I disagreed with the nationalist idea very strongly.

Now, partly as a result of my dialogues with Malcolm (and we became close friends in the last year of his life after he was suspended and then expelled from the Nation of Islam), I came to the conclusion that there needed to be a synthesis between the best that was black nationalism and the best that was integrationism. I view it as a kind of a swing of the pendulum. We of the integrationist persuasion had been overly simplistic. We had, in effect, in the early days of civil rights, the 1940s and the 1950s especially, said to blacks, "Forget that you are a member of a group; think of yourself as an individual; and if as an individual you can get a little money, a little education, then you will be assimilated as an individual, and you, as an individual, will become a white man with an invisible white skin."

That was what the Movement in its early days said to blacks. It was asking for a kind of self-abnegation among blacks. It was asking blacks to be non-Americans. I asked the late Tom Umboya of Kenya, on one of his first visits to the U.S., what he thought of the country. He said: "Funny thing, when I ask any American, any white American, 'What are you?' he says, 'Irish-American.' 'I'm German-American.' 'I'm Russian-American.' 'I'm Hungarian-American.' 'I'm Italian-American.' I asked a black man, 'What are you?' he says, 'I'm American.'" This is back now in the 1950s and in the early 1960s. "I'm an American." He is the only American who is not hyphenated. That was because the Movement, the integrationist Movement, in its early phases was telling the black man to forget that he is a member of a group. Well, that was a swing of the pendulum. It got so bad that in a university dining room, if a black student would walk in and sit down at a table and another black student would come in and sit down at the table by him, everybody would be up in arms. And you

ask why? They'd say, "Well, he came in and sat down by the other Negro. Why should he? Why shouldn't they integrate themselves, one sit here and one sit over there, to be thoroughly integrated?" This wouldn't be asked of anybody else. So that was one extreme.

Then the black nationalists came along with another extreme, a swing of the pendulum, which said "Black is Beautiful" and the implication clearly was "What is nonblack is therefore ugly." If you're not black, you're ugly; and black became superior, and people came to believe it. But that becomes an extreme, and it becomes extremely dangerous. Pride is one thing; coming to terms with one's self is something of great importance—accepting one's self. For example, in the days before we accepted self, can you imagine a man with black skin whose hair was kinky referring to kinky hair as bad hair and straight hair as good hair? Could you imagine him? What I am is bad, what somebody else is is good. This is what led to the straightening of hair and everything else; trying to get good hair that looks like white people's hair. I can't think of anything worse unless it would be Indian kids going to the movies and watching cowboys and Indians and siding with the cowboys. Really, that's what was happening.

So around about the late 1960s, I, along with some friends of mine, came to the conclusion that we had to seek a synthesis between the two: what was good in black nationalism and what was good in integrationism. That led us to—we didn't coin the term or the idea—but it led us to cultural pluralism. In other words, we reached a conclusion that America really was not a melting pot; it was a pluralistic culture and that all of the groups that have come to this land have been hyphenated, at least during their first generation or during the period when there was external pressure put upon them. They had to stick together and maintain a culture for survival. After that external pressure was relieved, then they could move out and become more assimilated and the hyphen tended to be blurred. But that hyphen was there for all

people of the country at one time except maybe the English who were here first. So the black man found that hyphen. It had become African-American. If you would ask what is he first, an African or an American, then the answer to me is simple: he is an American. I really wouldn't waffle on that. I was surprised when Jesse Jackson was asked that question on "Meet the Press." They asked him that and Jesse got angry and shot the question. What he said was "That's the kind of question that put the Japanese-Americans behind barbed wire in World War II." In a sense that's true, but it is a question that deserves an answer. I think we should answer it. I am first an American; I'm an American who happens to be black, but the fact that I am black is important to my existence. I am a black American or an Afro-American—an African-American. I will celebrate my culture, celebrate my heritage, appreciate it, but I will not derogate your heritage, your culture.

**Question:** How does affirmative action work when there is a minority person qualified for a position and a white candidate who is far superior to the minority candidate, but this particular job category is under-represented by blacks? And basically I'm asking about the argument that in white America's view it is not fair to appoint the minority at the expense of the better qualified white candidate

**Mr. Farmer:** All right, well thanks for the question. Maybe I should start out with that statement made by Jimmy Carter's "Whoever said life was fair?" But your question is a valid one. I would say that even if a white person is better qualified than the black, but the black was highly qualified, if there had been a history of excluding or limiting the number of blacks in the work force in that office, that shop, that factory, or whatever, then that fact should weigh on behalf of the black candidate. Whether it would weigh enough to give him the job would depend upon the other factor: on how great the differences were between their qualifications, how great the pattern of discrimination had been in that job or factory. They would have to work out some form or formula there that would add some weight to his

application. The fact that there were no or very few blacks in the job, that there had been discrimination in the past, would be a strong factor weighing in support of his application.

Now, this is basically what I meant in saying that today it is not a question of right versus wrong; sometimes it is right versus right. I think the white candidate is right when he says he should not be discriminated against because of his superior qualifications. The black candidate is also right because the employers have hired no blacks in the past or very few blacks, and it has hurt the black community immeasurably. It is right and just that that be corrected now. I would say that Bakke was right but so was the University of California Medical School at Bates. They were right too because the black community has a shortage of doctors and the black community is not where most doctors are going. But in complex days like these what you have to do when right comes into conflict with right is exercise judgment and make a decision as to which right is more in keeping with the requirements of public policy at a given time. That means you have to weigh the sociological factors, the psychological factors, and the historical factors. A judge cannot simply open a book and say "It says here that such and such . . . therefore this is right and this is wrong." No, it has to be much more sophisticated than that. You have to weigh right against right and make a judgment as to public policy. That's what Bakke and California University are all about.

**Question:** Did Martin Luther King ever directly address affirmative action?

**Mr. Farmer:** Maybe someone else here knows. I don't. I don't recall that he did. Remember that affirmative action was comparatively new then as a concept. It became more popularly known in the late 1960s and particularly in the early 1970s. It was public policy from 1964 on, but it was not widely publicized until late in the 1960s.

**Question:** I'd like your response to the Reagan administration saying that there is no justification for using statistical disparities as a means of proving discrimination.

**Mr. Farmer:** I think they are wrong as they are in most things. Certainly I disagree with them very strongly on that. This is a line that they have been pushing from the very beginning of the administration. They have been insisting that you have got to prove intent to discriminate. Anyone taking a course on civil rights history knows how difficult it is to prove intent to discriminate. To prove intent you have to read a person's mind. You've got to go into his closet with him when he prays to his god or when he walks through the park with his conscience. You can't do that. We've fallen flat on our face when we have tried to prove intent in court 99% of the time. I think that this is the deliberate eroding and diluting of the advances of the 1960s.

It is a highly sophisticated assault that is being made upon those advances, too. And its coming from various angles—the assault upon the Voting Rights Act, for example. First they talked about not extending it. The White House was opposed to extending it. Strom Thurman was opposed to extending it. But we managed to beat that one back by pouring letters and telegrams into Congress, and even the southern senators like Thurman have one thing in common with other politicians—they can count. A lot of blacks were registered and more got registered than in South Carolina. So, reluctantly, they went along with it. They tried to weaken it in a number of ways. They tried to get the intent clause in there. You have got to prove intent to keep people from voting in the gerrymandering of districts. They aren't going to tell you this is what they had in mind—to discriminate. No. They will find a hundred different reasons for drawing the lines the way they drew them. They aren't going to tell you "Yes, we did this to keep blacks from voting in that district."

They are now assaulting the voting rights of blacks in Alabama. I guess you have been reading that in the paper and following it on T.V. Whites have been using this technique for many years. They have been using absentee ballots to get the aged



and the infirmed registered and have them vote. Absentee registration and absentee ballots. Blacks are now using them. Civil rights workers in the state of Alabama are taking the forms for registration and the absentee ballots to the old people and the sick people who have never registered or voted and are getting them signed up. If they can't write, they get them "Xed" and notarized. The Justice Department has a slew of FBI agents in Alabama looking over their shoulders, following them around, spying on them, and they have filed charges against a number of civil rights works for voting fraud, claiming that some of the people who signed didn't know what they were signing, or that a name was really forged, or since the civil rights worker went to the person and talked to the person the civil rights worker was in effect voting twice. This is the United States Department of Justice assaulting the Voting Rights Act.

Now I don't know if you followed the Staret City controversy in Long Island. It's in housing, where some of the housing developers who are integrationists have been fighting an uphill battle to maintain integrated residents—it's a hard battle because of the pressure for black housing. In most cases where an area has been known to open up to black residents the black pressure is so great and the demand is so great that blacks fill the area, then whites start fleeing, and the area becomes all black. So what some of the integrationist developers have been doing is practicing integration maintenance. Some have called it benign quotas. In other words, seeking to keep the percentage of minorities below 40% in a housing project so as to keep the whites from fleeing. At the same time there are other projects all around there that have no blacks—they have quotas of zero for blacks. They tell blacks, "You've got to be on the waiting list." The waiting list, of course, is beefed up with friends, relatives, and dead people. In fifteen years they will hear from them and by that time they will have moved a half dozen times. So they keep those places lily white. Some of them have gone back to the old method of telling blacks, "I'm sorry. That apartment we

advertised has just been rented.” Then we send a white testee in, and they are offered the apartment. Yet the Justice Department is not filing suits against those with zero quotas. But it is instead filing suits against those who practice integration maintenance. They say, “Uh, you have a 40% quota on blacks—that is discriminations. Quotas are bad.” What about the one across the street with a zero quota? Why haven’t you filed a suit against them? I think that it’s part of a plan to prevent the development of residentially integrated communities. If we continue having residential segregation, then we will continue to have segregation. Other solutions have proved to be temporary, and in my judgment they will continue to be temporary. I believe that the United States will remain what the Kerner Commission Report said it was in 1968: not one nation but two. Each city not one but two. One white. One black. Separate and unequal.