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With Liberty and
Justice *For All*

By Ward Connerly



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The Heritage Foundation
214 Massachusetts Avenue, N.E.
Washington, D.C. 20002-4999
U.S.A.
202/546-4400

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I pledge allegiance to the flag of the United States of America and to the republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

Thirty-one words tightly compressed into one sentence, a sentence that is more universally known and more often repeated in America than any other.

There is hardly a day that passes that I do not recite that pledge—in public or in private—at least half a dozen times. How many hundreds of times has each of us recited those words? Do we reflect on the meaning of the words embodied in that sentence, or is it like so many other things we say during the course of our days, giving little thought or commitment to what is meant? “Have a nice day.” “Good to see you again.” Perfunctory words of life.

But this pledge is no ordinary sentence. It is a definition of American democracy and a constant reaffirmation of our dedication to the fundamental principles of that democracy.

You flatter and honor me today by this opportunity to share what I believe is the significance of that pledge, to visit with you and discuss the meaning of American citizenship, America’s passion for fairness, matters relating to that delicate subject of race, and why I believe the time is at hand for us to pursue a new course with regard to what we call “affirmative action.”

When we become citizens of this nation, at birth or otherwise, we get a warranty. That warranty is supposed to be honored by every government franchise in every village and hamlet of this nation. It is not transferable, and it is good for the life of the vehicle.

We are guaranteed the right to vote; the right to due process; the right to be free, not to be enslaved, as long as we conduct ourselves in accordance with the laws of our nation; and the right to equal treatment under the law, regardless of our race, color, sex, religion, or national origin. These are rights which attach to us as individuals, not as members of a group.

This warranty has not always been honored for some of us. Because of the color of our skin or the place from whence we came, some of us were denied the right to vote; we were enslaved; we were denied due process; and the equal treatment granted to others was not ours to enjoy.

In my lifetime, I can give testimony to America’s meaner instincts and their consequences upon my life. To reflect upon this nation’s past, with my racial background, it is tempting to mock that pledge, to devalue the warranty, and to be embittered by those who would urge me to forget the past.

One need only invoke a few memories to become enraged and to feel entitled to all of the preferences that can be presented:

Ward Connerly is Chairman of the California Civil Rights Initiative.

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- X Rosa Parks relegated to the back of the bus,
- X Drinking fountains for “whites only,”
- X Restrooms for “men,” “women,” and “colored,”
- X George Wallace standing in the schoolhouse door saying “segregation now, segregation forever,”
- X Images of black people being hosed in the streets simply because they demanded that the warranty be honored,
- X And my thirty-year-old uncle being called “boy” by a ten-year-old white kid.

Because we were treated like animals, there are some who say “America owes us.” But the past is a ghost that can destroy our future. It is dangerous to dwell upon it. To focus on America’s mistakes is to disregard its virtues.

This nation has a passion for fairness. That passion is evidenced in our Constitution, in the Bill of Rights, in executive orders, in court decisions. But most of all, it courses through the arteries of our culture. “Do unto others as you would have them do unto you” is the centerpiece of virtually all of our religious faiths.

That great American pastime—baseball—is a reminder of the intensity of our passion for fairness as we exhort the crowd to “kill the umpire” if he makes what we consider an unfair call. As we drive home at the end of the day, our hands gripping the steering wheel, our bumper kissing the one ahead, when to our right a vehicle speeds along the curb and merges ahead of us at the moment when an opening appears, our passion for fairness surfaces. The protrusion of one of our fingers signals our belief that one of the rules of fairness has been violated. In every sport I can think of—baseball, basketball, football, tennis—one is expected to play between the white lines. To do otherwise is unfair and carries a penalty.

Our passion for fairness seeps out of every pore of our existence. Great leaders understand that passion. In his early days, when members of his own church were urging him to “cool it,” Dr. Martin Luther King, Jr. appealed to America’s sense of fairness and morality. It was Dr. King’s appeal to fairness that resonated throughout the land and inspired Americans of all races and colors to travel to the deep South and to put their lives on the line in defense of what they considered the right thing, the fair thing to do.

Affirmative action has its roots in that passion for fairness. When President Lyndon Johnson explained affirmative action to the nation, it is significant that he said, “You can’t bring a man to the starting line who has been hobbled by chains and expect him to run the race competitively.” Fairness dictated that the nation pursue affirmative action to compensate black Americans for the wrong that had been done. Affirmative action was a technique for jump-starting the process of integrating black Americans into the fabric of American society, for changing the culture of America from an exclusive society into an inclusive one.

I believe affirmative action was meant to be temporary. It was meant to be a stronger dose of equal opportunity for individuals, and the prescription was intended to expire when the body politic had developed sufficient immunity to the virus of prejudice and discrimination. It was not meant to be a system of preferences that would harm innocent people. The rationale for affirmative action thirty years ago was a moral one.

Three decades later, affirmative action is permanent and firmly entrenched as a matter of public policy. It has its own constituency that is prepared to defend its continuation at any cost, not because of any moral imperative, but because it has become the battleground for a political and economic war that has racial self-interest as its centerpiece.

Affirmative action, as most of us originally understood the term, enjoyed the support of a majority of Americans. Many Americans still support this concept as long as it does not involve preferences. Preferences, on the other hand, were wrong at the outset and are wrong today.

Affirmative action has become a system of racial preferences in my state. Jobs are solicited with explicit acknowledgment that we want a woman or an African-American or a Hispanic for this position. Contracts are set aside for certain groups, with the taxpayers paying what amounts to an affirmative action tax. This is the result of contractors who set up shell minority and women-owned businesses to front for white-owned businesses in order to benefit from the minority set-asides.

Wealthy sons and daughters of underrepresented minorities receive extra points on their admissions applications to the university, based solely on their race, while higher-achieving Asians and whites from lower-income families are turned away from the university. Families are forced to mortgage their homes to send their children out of state to an institution comparable to Berkeley and UCLA. A racial matrix is used at most of our campuses which establishes a racial pecking order that distributes extra points on the basis of one's racial background.

When this nation began its use of affirmative action decades ago, America's racial landscape was rather clear. There was the dominant white majority and the oppressed black minority. Today, we have several dozen racial and ethnic categories in California. There is no dominant majority and there is no oppressed minority. Within a few years, the group which will numerically be the largest is Hispanic. Our racial tensions are no longer just black and white. They are black and Korean, black and Hispanic, white and Hispanic, Russian and Hispanic. Every conceivable racial conflict is present and lurking somewhere beneath the surface in California. How, then, do we decide who among us should receive a preference?

A direct product of our diversity is the emergence of a whole new set of racial configurations and problems which defy the old racial order. Yet affirmative action operates as if the old order was still in place, as if our racial dilemma was still black against white.

The end of affirmative action will be difficult for black Americans. It is our nature not to be trusting of the goodwill of whites. It is instinctive for us to harbor the belief that our rights will only be as secure as the amount of ammunition issued to the federal troops to protect us. Well, it is time to let the troops go home and to place our faith in the American system of democracy, in America's passion for fairness.

It is time for black Americans to enter the arena of democracy instead of seeing ourselves as spectators. *This* is our land, not Africa. The blood and sweat of black Americans can be found in the pot of democracy in just as great a quantity as that of others. It is time for black Americans to accept America proudly as their land, the land of opportunity.

To black Americans, I say look through the windshield at America's opportunity, not through the rearview mirror at this nation's mistakes. Resist the temptation to believe that our nation owes us a debt. Let us take the initiative to say that the debt has been paid and

the books are closed. And the Republican Party should say, "Come home to your party; you have been gone too long."

A significant phenomenon in my state is the growing political influence of Hispanics. As the emerging numerical majority, many Hispanics see affirmative action as their passport to college, jobs, and contracts. Many see affirmative action as a tool that has benefited black Americans, and they now believe it is their turn to be the preferred minority. They see it as the express lane to a better life. I urge them not to pursue this strategy. It is corrosive and dangerous.

I am often asked why it is that California, one of the most multiracial states in the nation, is the first to begin the process of dismantling affirmative action. The answer is twofold: First, because California is a window of the future, we often experience events before other states. Second, it is precisely because of our diversity that we know how destructive affirmative action can be of fundamental democratic values of self-reliance, individualism, and equal opportunity for all.

California is as close as any society on the face of the Earth to being that promised land where racism is considered repulsive and has no place. But this promised land can become a battle zone if we allow the continued tribalization of California.

We can point with pride to the fact that the mayor of one of America's favorite cities, San Francisco, is a black man: Willie Brown. The mayor of one of the largest cities in the nation, Los Angeles, for years was a black man: Tom Bradley. Our two United States Senators are women. The mayor of our state capital is Hispanic: Joe Serna. Although I as a Republican don't always agree with the political judgment of my fellow Californians, I believe no one can dispute their egalitarian impulses. As one looks at California state government, for example, the conclusion is inescapable: Equal opportunity is now inbred. The cabinet of Governor Wilson is nearly equally divided among men and women, and it only takes a casual meeting with any of them to confirm that raw talent, and not affirmative action, is the basis of that fact.

I am terrified at the prospect of what can become of us if we maintain our existing preference policies. In police departments, in fire departments, in middle-class homes throughout California, there is a growing perception that if I am white, I and my kids will not have an equal opportunity to succeed. No matter where it comes from, if anyone among us believes the warranty is not being honored, we have a duty to investigate the legitimacy of their complaint and to make it right if their complaint is proven to be valid.

Throughout this debate, you will hear about blacks being stopped in white neighborhoods, about white women clutching their purses as black men approach, about the difficulty of black men getting a taxi in urban centers late at night, about the glass ceiling, about the lack of role models, about the percentage of black males in prison, and about the shortage of women in the Congress. All of these complaints warrant our attention, but none of them, no matter how true, justifies a suspension of that warranty that I talked about.

There are those who say that racism and sexism are not dead in America, and they are correct. But racism and sexism in our society do not justify our government giving a preference to Jose over Chang because Susan's father discriminated against Willie's father fifty years ago. Not in America.

If you are a student of history, you know that every now and then, the opportunity to alter the course of human events presents itself. Such is now the occasion for the people of this nation.

Every now and then, the challenge confronts us to step out from among the crowd to perform extraordinary acts. Such is the moment for the Republican Party.

The challenge is to end the corrosive system of racial preferences that has evolved in our nation, a system that has the potential to fatally damage the most fundamental values of our democracy, and to do so in a way that does not unleash the meaner instincts of some and the fears of others. The opportunity is to resume that noble journey of building an inclusive family of Americans in which men and women of all races and colors can work and play in harmony, with mutual respect and expecting nothing more than an equal opportunity to compete, and from that competition to build that more perfect union of which our forefathers dreamed.

The vehicle for this journey is the California Civil Rights Initiative. This initiative is simple and direct: No government agency shall discriminate against anyone on the basis of race, sex, or national origin, and no government agency shall give anyone preferential treatment for any of those reasons.

Two days ago, I appeared on a talk show with Congresswoman Maxine Waters. She argued that the California Civil Rights Initiative will create divisiveness. That may be true, but we are not the ones creating the divisiveness. Those who cling to the notion that preferences must continue are the ones responsible for dividing our society.

- ☞ Ask the student who works hard for four years to earn a 4.0 grade point average only to be denied admission to Berkeley or UCLA in favor of someone with a 3.0, merely because UC wants racial diversity, whether she thinks we are being divisive.
- ☞ Ask the poor Vietnamese student who is turned away from Berkeley or Irvine, despite his high grades, in favor of a wealthy underrepresented minority whether he thinks we are being divisive. Ask him whether he is satisfied with the explanation that we are getting too many Asians at those campuses.
- ☞ Ask the daughter of a third-generation Chinese-American family whether she thinks we are being divisive when we say that it is unfair for applicants who are in this country illegally to get a preference over her.
- ☞ Ask the parents of James Cook, one of only two California students admitted to Johns Hopkins University in 1994 only to be denied admission to UC San Diego medical school because he is white, whether they think we are being divisive. Ask them and thousands of other middle-class families, who are forced to take out \$80,000 to \$100,000 second mortgages on their homes to send their kids out of state to college because racial preferences prevent them from being able to attend UC, whether they think we are being divisive.
- ☞ Ask the high-achieving black or Chicano student who works hard and gains entry to college solely on the basis of his merit, but who then must endure the nagging question of whether he was admitted because of affirmative action, whether he thinks we are being divisive. Ask him whether he thinks it's fair that his accomplishments are devalued.

Do we not believe it was divisive when those from an earlier period said that slavery is immoral and should be ended? Was it not divisive when our nation's people fought among themselves over this very issue? Was it not divisive when we sent troops into Montgomery and Selma, Alabama, to protect the rights of people like Rosa Parks and James Meredith to ensure their right to sit wherever they wanted on the bus and to attend a college that wasn't segregated?

Yes, those were divisive times. But the seeds of division are planted not by those of us who seek to eliminate racial and ethnic preferences; they are planted by those who believe that our skin color and gender and how we spell our last name should entitle us to the harvest of diversity—college admission, government employment, and contracts.

My friend and ally throughout this experience has been Governor Pete Wilson. When I first brought the fact to him that the University of California was engaged in an offensive system of racial preferences, the governor unhesitatingly said, “Let’s fix it.” When our opponents accuse us of being divisive, the governor is correct when he says that sometimes the only way to resolve issues in a democracy is through the ballot box. That is why this initiative is so important.

I find it interesting that a nation which claims to have the heart to solve an ethnic war in Bosnia shouldn’t have the stomach to prevent one here at home. If there is any lesson that we can learn from the rest of the world, it is that America’s experiment with democracy will fail if we divide our people into racial enclaves and allocate jobs, contracts, and college educations on the basis of group identity.

We often hear about the “angry white male.” If anyone is discriminated against because of his or her color, they have a right to be angry. And we should all share that anger, not belittle or rationalize it by citing glass ceiling statistics. As individuals, none of our rights are secure when the fruits of our society are allocated on the basis of group allotments.

Yogi Berra once said, “When you reach a fork in the road, take it.” Well, try as we might, we can’t take his advice. We must make a conscious choice. We can continue down the path of numerical parity, racial preferences, and a continuing preoccupation with the concept of race. We can continue perpetuating the outdated premise on which racial preferences are based: that blacks, women, and other minorities are incapable of competing without a handicap. Or we can return to the fundamentals of our democracy: the supremacy of the individual, equal opportunity for the individual, and zero tolerance for discrimination.

As a Republican, I want my party to be known not just as the party that eliminated the deficit and concerned itself with the fiscal health of our nation. I want us to be remembered as the party that stood fast in support of the proposition that racial preferences are a social deficit that has to be eliminated, that true equality of opportunity cannot be compromised, that the next generation should not have to inherit the task of solving the horrible problems that affirmative action is creating.

I am not worried about the skinheads, the Ku Klux Klan, and the Aryan Nation. In our time, we have discredited them and their brand of racism. Now we must fight those who, in their own way, peddle a form of racism and bigotry that is just as destructive of democratic principles as the bigots of yesteryear.

You know, it pains me to say that within the past year, I have experienced more hate from my fellow black Americans than I have seen in the previous 55 1/2 years of my life. For example, a black state senator, Diane Watson, recently said that I want to be white, that I consider myself colorless, that I have no racial pride—all because my wife is white and because I oppose racial discrimination and racial preferences.

The one thing that I have learned from this experience is that bigots come in all shapes and colors. Despite their physical differences, they have one thing in common; they all reside in the same intellectual sewer.

The senator is right about several things. First, I do want to be colorless in the eyes of my government. I thought that was a goal to which we all subscribed. Second, I am lacking in racial pride. I have self-pride. I am proud to be an American. I am proud to be a Rotarian. I am proud of my family. I am proud to own my own business. But I am racially indifferent, not racially proud.

Those who proclaim pride in their color or race trouble me, unless they have earned that color lying on the beach or in front of a sun lamp. To any of you who want to travel down that road of racial pride, leave me out of the vehicle. But I urge you to be attentive for those signs which read, "slippery road ahead."

And so, my friends, we find ourselves poised at this moment in the life of a great people, trying to define the character of our nation. Throughout America, we are restructuring our institutions. Our nation is desperately trying to embrace policies which place greater reliance on the rights and responsibilities of individuals. The debate about affirmative action must be seen in that context.

This issue will define the political parties in our nation for generations to come. The challenge for Republicans will be to convince all Americans that preferences are not in the national best interest, that a preference for some means a loss of liberty and the pursuit of happiness for others. We have to convince black Americans, a group which has become addicted to the drug of a powerful central government, that their rights can be no more secure than anyone else's when we empower government to make decisions about people's lives on the basis of a government melanometer which measures melanin levels. None of our rights are secure in a game of racial self-interest.

I will never abandon my faith that America can become Ronald Reagan's "shining city on the hill," a society in which a person's gender or race or ethnic background are irrelevant in the transactions of their government. Let us not mourn the death of affirmative action. Instead, let us proclaim our belief that the spirit of equal opportunity, which affirmative action engendered, has become a permanent feature of America's social, economic, and political landscape. Let us have faith in our own sense of fair play.

On February 27, 1860, in his Cooper Institute address, President Lincoln urged his party to hold fast to their beliefs: "neither let us be slandered from our duty by false accusations against us, nor frightened from it by menaces of destruction to the government, nor of dungeons to ourselves. Let us have faith that right makes might, and in that faith let us to the end dare to do our duty as we understand it."

Why do I take the position I have? Because it is my duty as an American citizen.

I am often asked if I would do it over again, knowing what I know now about the loss of privacy, the personal insults, and the occasional negative stories. My response is: "in a heartbeat." This is the price of citizenship in a democracy. This is the fee which democracy exacts from each of us. If you don't have the courage of your convictions, then you forfeit the best that a democracy has to offer.

Please indulge me in this moment of personal pride, as a citizen who has no political aspirations, who derives no economic benefit from this effort, in sharing with you the fact that I have taken the best blows that the opposition has been able to deliver, and I am still in the ring and on my feet.

Is it too presumptuous of me to say that one person can indeed make a difference? Is it too naive of me to consider my experience as a reassurance that democracy works, that the republic for which it stands is a value worthy of our aspirations and dedication? Is it wrong

for me to think that the Pledge of Allegiance obligates me to believe and act upon my belief that the pursuit of liberty and justice for all is a duty for all of us?

I hope you will agree with me that those propositions are not presumptuous and naive.

