

IN CULTURAL DIVERSITY IN THE
UNITED STATES, IDA SUSSER & THOMAS C. PATTERSON, eds
BLACKWELL PUBLISHERS: OXFORD, UK & MALDEN, MA

The Color-Blind Bind

P. 103-119

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2001

Anthropologists who study North Americans are forced to grapple with the cultural politics of race – a set of contradictory issues that bedevils even the most sophisticated ethnographer. Whether one is interested in mavens of internet startups in Silicon Valley or mothers of teenagers in Hope Valley, the politics of race, racism, and racial formation shape North American worldviews in indelible ways. In recent years, there has been a tendency for people in the United States to discount specific racial categories by emphasizing, instead, the nation's multiculturalism.

Anthropologists have tended to follow this trend too. Resisting the use of spurious categories that essentialize difference, anthropologists have challenged ideas about bounded cultures and have continued to denounce categories of race. Although many anthropologists engage in these efforts as part of a larger commitment toward antiracism, there are often unintended consequences to these actions because the efforts tend to blur the specificity of social history and political interests of particular racial groups. Like politics generally and American racial politics in particular, ideas, initiatives, and even ethnographies can become appropriated and co-opted by people who articulate different political projects. Denouncing categories of race and challenging bounded cultures are important efforts; however, anthropologists should be aware of some of the unintended consequences, or ways in which efforts to engage one set of academic issues can actually help articulate a political agenda inimical to the original goal of producing antiracist scholarship.

In this chapter I outline how members of various institutions and interest groups deploy ideas about a color-blind society in ways that erode the hard-fought victories of the Civil Rights movement. I sketch this outline in an effort to explore some of the unintended consequences that arise when anthropologists argue that North Americans should eliminate distinctions based upon race. One of these consequences that I explore more fully is the way in which this prohibition can curb the ability to identify institutional racism that has a disparate impact upon our institutions, neighborhoods, and electoral districts.¹ I also explore how these efforts provide resources for people who call for a color-blind society that eliminates affirmative action and majority-minority electoral districts while abandoning school desegregation. This would in turn shift the

Baker, Lee D. 2001. "The Color Blind Bind." Pp. 103-19 in Cultural Diversity in the United States, Editors Ida Susser and Thomas C. Patterson. Malden, MA: Blackwell Publishers.

cause of disparate socioeconomic indicators from racism to culture, from social structures to individual behavior.

Faye V. Harrison (1995), in "The Persistent Power of 'Race,'" has forcefully argued that anthropologists have moved away from using racial categories in an effort to avoid the articulation of social categories that essentialize culture. As a proxy for this overall movement, consider the way the American Anthropological Association (AAA) advised the White House Office of Management and Budget (OMB) to eliminate the use of racial categories on the year 2000 census. As reported in the *Anthropology Newsletter* (October 1997), the AAA Executive Committee passed a motion that was forwarded to the OMB, which turned on the fact that "biological-sounding terms [such as race] add nothing to the precision, rigor, or actual basis of information being collected to characterize the identities of the American population."

Although the motion was motivated by antiracist politics and supported by rock-solid science, the AAA perhaps should have advised the OMB to simply pivot the subject position of those ominous boxes from how people identify culturally (which is complex, hybrid, and often situationally contingent) to how people are identified racially. While this reifies racial categories, it can be done in an explicit effort to ameliorate historically rooted racism that manifests itself in racial disparities that range from low birthweight babies to per capita school expenditures. Ultimately, the census is about identification, not identity.

Regardless of the contradictory political implications, the movement away from using racial categories to identify people is rooted in a tradition of antiracism, begun almost a century ago. Anthropologists have always been in the forefront of challenging ideas about race and, for successive generations, anthropologists have challenged the meaning of the actual concept of race (Lieberman et al. 1989). There is a rich and important history with regard to how generations of anthropologists have moved to a "no-race" position. While it perhaps began with Boas' 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. Ruth Benedict and Gene Weltfish, 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 (Mintz 1981:151). 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 to make racial distinctions. The group of UNESCO scientists recommended that "it would be better when speaking of human races to drop the term 'race' altogether and speak of ethnic groups" (Montagu 1951:13). Besides Montagu, other contributors included some of the country's leading scholars in race relations, like E. Franklin Frazier, Gunnar Myrdal, and Otto Klineberg. Claude Lévi-Strauss and Theodosius Dobzhansky were also contributing authors (Montagu 1951:118-119).

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During the early 1960s, politically engaged anthropologists began to team up with population geneticists to claim "the employment of the term 'race' [is] inapplicable to most human populations as we find them today" (Montagu 1962:919). 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 American Anthropological Association on November 16, 1962. Washburn followed Montagu's position that new studies on population genetics challenged the very idea of racial distinctions. Washburn 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. (Washburn 1963:530)

Although many anthropologists were articulating a strong position with regard to racial equality, Washburn warned that some anthropologists still regard 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" (1963:522). This was a subtle way to admonish people like Carleton Coon who still employed racial taxonomies positioned in something like the great chain of being (Haraway 1989:204). Although 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 within anthropology away from race as an analytical and conceptual category led many anthropologists to use ethnicity as the chief organizing principle for exploring human diversity (Harrison 1995:48; Baker 1995:187; Goodman 1995:216; Lieberman and Jackson 1995; Smedley 1993:6). The use of ethnicity as a surrogate for race tended to euphemize, blur, and even deny how racial categories emerge and persist. More importantly, by ignoring race and racism as integral aspects of the U.S. experience, it allowed conservatives and well-meaning liberals to help advance a romantic ideal of a color-blind society – which turns a blind eye to white supremacy.

The United States is not a color-blind society because black babies are almost three times as likely as white babies to be born with no prenatal care and twice as likely to die during their first year. Black college graduates are as likely to face unemployment as young white people who never attended college, and virtually half of all black children are living in poverty. Of course I could trot out disparities in wages, prison sentencing, unemployment, and many other social indices, or I could reflect upon the O. J. trial, the Million Man March, or the campaign finance scandal to demonstrate that the United States is simply not a color-blind society. While many anthropologists are tackling, effectively, critical issues involving race, they unfortunately do not have the same impact on public discourse or on the construction of race as their predecessors a hundred or even

fifty years ago (Goode 1996; Susser 1992; Gregory 1998; Page 1997; Brodtkin 1998; Williams et al. 1997).

At the dawn of the new millennium, the most salient types of social science concerning race are produced by think tanks advancing ideas that black people are deficient culturally or biologically, by sociologists advancing ideas about the declining significance of race and the increasing significance of class, and by well-meaning scholars advancing a multiculturalism that does not interrogate class or social categories of race. If we can draw any inferences from the last century and a half of anthropology to help understand why these approaches are popular, we can see that during periods of racial realignment particular approaches to the understanding of race come to the fore to shape public opinion, public policy, and laws, which often justify or quicken the realignment.

In the 1850s, the first "American School" of anthropologists defended the enslavement of African Americans before the Civil War, and in the 1890s, the first generation of professional anthropologists defended Jim Crow and ideas of racial inferiority. In the 1920s and 1930s, the eugenics movement dominated discussions of race when nativism and the threat of eastern European immigrants dominated the political landscape. It was not until a racial realignment during World War II that Boas' and his students' more progressive ideas of race and culture began to dominate in the United States. Even then, it was the idea that there was no basis to claims of racial inferiority, and not its companion thesis about cultural relativity (Baker 1998). During the turbulent 1960s, anthropologists with more radical ideas about the insignificance of biological categories helped to emphasize the structural and environmental explanations of racial inequality that shaped Great Society programs and the war on poverty. Since the mid-1980s, the United States has been undergoing another racial realignment in the way people view and experience different racial categories. This period is dominated economically by rapid deindustrialization and equally rapid growth in service, information, and technological production. Culturally, it is dominated by fears of downsizing, immigration, affirmative action, crime, and the "underclass."

Images and Realities

All people of color have been engaged in an incipient class formation process as a consequence of the Civil Rights movement, affirmative action programs, and rising numbers of college graduates (Brooks 1992:34-66). This process began precisely at the point when the U.S. economy moved from an industrial and manufacturing base to being an economy motored by finance, information, and service (Harvey 1989). As the economy became increasingly deindustrialized, cities lost hundreds of thousands of manufacturing jobs and billions of dollars in federal funds. These trends were 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 (Kennedy et al. 1990). The combination of decomposing inner cities and the loss of high-paying union, manufacturing, and industrial jobs drove an invisible wedge between the more mobile clerical and professional

people of color and the employed in the inner cities. Within the African American racial rift developing, accentuated primarily in the family formed on prime-time through genuinely positive newscasters. In addition to African American publicizing to the idea that "Black" larger number of upward-mobility professional middle class. The second image of African American ideas of "the underclass" in the nightly news, and by the same in terms of an individual (1994:37-39, 70-71). This in the criminal activity of a magazine cover story put it: "rotting housing, broken families (Franklin 1991:98). To rob a black male gang member in a corner covered with graffiti and crack vials. And, of the Police!"

These two opposing images of the "welfare mother," serving individuals to circumvent the system.² This circumvention upon poor blacks is often an amorphous "black middle class" within the criminal justice system. One need only look to the individuals relegated to the streets, up by their bootstraps.³ In the professions and in the employed or underemployed in defense industries, creating stealing contracts, jobs, and money. Racism and racial discrimination are policed by people at the top. "Only." Racism now is invited to play golf, and Haiti. Home financing these are products of the United States in ways that can institutionalized racism

people of color and the structurally underemployed, underpaid, and unemployed in the inner cities (Edsall and Edsall 1992:27-28; Wilson 1978).

Within the African American community specifically, there has been a structural rift developing, accompanied by the construction of two competing images perpetuated primarily in the media. The first image – a positive one – is primarily formed on prime-time television sitcoms such as *The Cosby Show* and through genuinely positive media personalities such as Oprah Winfrey or local newscasters. In addition to television, there are a myriad elected and appointed African American public officials enconced within popular culture, contributing 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 (Brooks 1992:34-66).

The second image of African Americans – a negative one – is framed by crime and ideas of “the underclass.” This image is produced at the movie theater, on the nightly news, and by pundits and politicians who view “illegitimacy” and crime in terms of an individual’s lack of family values (Gingrich and Armev 1994:37-39, 70-71). This image of the “underclass” is almost always couched in the criminal activity of people of color (Williams 1994:348). 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” (quoted in Franklin 1991:98). 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 covered with graffiti and littered with garbage, 40-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.² This circumvention occurs because the construct of race that is imposed upon poor blacks is often juxtaposed with the construct used for and by the amorphous “black middle class.” If one begins to isolate racial inequalities within the criminal justice, welfare, and education systems along racial lines, one need only look to the burgeoning black middle class to conclude that individuals relegated to the so-called “underclass” can make it or pull themselves up by their bootstraps.³ 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.

Racism and racial discrimination are no longer demarcated by a rigid color line policed by people and signs exclaiming “No Coloreds Allowed” or “Whites Only.” Racism now is manifested in the far more subtle forms of not being invited to play golf, and punitive immigration policies for Mexico, Cuba, and Haiti. Home financing, jobs, and child poverty are all linked to class, but these are products of the institutional racism that still plagues the United States in ways that cannot be tied to disparate treatment of individuals. Also, institutionalized racism still abounds in our public schools. In the District of

Columbia, for example, the public schools rank as some of the worst in the country, but across the Potomac River in Fairfax, Virginia, they are ranked as some of the best.

Since the most debilitating racism today is not blatant discrimination against individuals, there must be some institutional vehicle in place to identify systemic racism. Without the ability to identify the admittedly flat-footed, but still very salient, social categories of race, we lose the ability to identify racial disparities – the hallmark of institutionalized racism.

One of the best ways to identify racism and sexism at the beginning of the 21st century is to track disparate impact. For example, the Supreme Court found in *Griggs v. Duke Power Co.* (1971) that “practices that are fair in form” can be “discriminatory in operation” (p. 850). Most of the formal cases addressing disparate impact are class action employment suits litigated under Title VII of the 1964 Civil Rights Act. The ability to document racial disparities has been an effective legal tool to stem racism in employment practices, housing projects, and electoral districts. Away from the strict scrutiny of the courtroom, identifying disparate impact becomes an even more persuasive tool to bolster public opinion and formulate public policy.

One may question, could we not track disparate impact with ethnicity? While specific ethnicities are racialized in predictable patterns, ethnicity is a far more plastic and contingent grouping that ultimately turns on identity and beliefs about culture. This distinction between race and ethnicity is thrown into vivid relief when I walk out my back door and stroll down 125th Street – affectionately known as the “Heart of Harlem.”

The everyday lives of Puerto Ricans, Dominicans, Haitians, Nigerians, and African Americans commingle and converge in this community in a way that has transposed historic segregation into a form of congregation that exhibits the rich tapestry of the African diaspora. Although many New Yorkers integrate ethnicity into their identities, the tourists who gaze at the exotic residents of Harlem from the double-decker tour buses simply see the masses of dark bodies through a prism of race and class. Like taking a tour of a dangerous safari park, tourists can view the black and dangerous underclass from a safe distance, under the protection of a seasoned tour guide.

Black people, regardless of ethnicity, are more often denied home mortgages, incarcerated, placed in special education, and brutalized by police than the other racialized peoples. When New York City police officers beat and sodomized Abner Louima, and cut down Amadou Diallo in a hail of gunfire, they did not see hard-working ethnic immigrants seeking the American Dream; they operated from a racialized worldview that often eclipses the Constitution and somehow justifies frenzied racial violence that has filled the blood-stained pages of U.S. history.

One could also ask, what happens to that amorphous category of “Hispanic,” if social constructs of race are used to identify people? The fact that Latinos are often identified as an ethnic group lends credence to explanations that the abysmal Latino high-school completion rates are the result of culture as opposed to racial discrimination. For example, William Julius Wilson (1996:98) has explained that “Mexicans come to the United States with a clear conception of

a traditional family unit that features men as breadwinners," and he goes on to explain that if young women become pregnant, "pressure is applied by the kin of both parents to [quit high school, get a job and] enter into marriage."

Thus, following Wilson's approach and others, culture and not racial discrimination, typified by the English-only movement and California's Proposition 186, forms the basic explanation of Latinos' disparate social indices. Shifting the focus from race to ethnicity allows proponents of a so-called color-blind society to ignore racism and explain disparate impacts in terms of culture, behavior, and lack of merit.

Color-Blind Congress?

In 1985 Ronald Reagan reconstituted the U.S. Civil Rights Commission by appointing Clarence Pendleton, Jr., as Chair. Pendleton made the number-one priority of the Commission the investigation of "reverse discrimination." Pendleton reassured Reagan that the Commission was "working on a color blind society that has opportunities for all and guarantees success for none" (Omi and Winant 1986:1). The revamping of the Civil Rights Commission was a benchmark in the erosion of the progress made by people of color during the Civil Rights movement.

One strategy Republicans used during the 1980s to eliminate race-based preferential hiring, promotion, college admissions, and contract procurement was 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 proposed California Civil Rights Initiative in the 1990s, neoconservatives have rearticulated the notion of racial equality by conflating it with "traditional" American and family values (e.g. Gingrich and Armev 1994). Simultaneously, less conservative interests failed to confront structured racial inequality. While conservatives have been dismantling affirmative action programs, liberals have been consumed with promoting notions of multiculturalism and furthering ethnic diversity.

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 are put alongside their tacit consent to minority-majority voting districts, the true partisan nature of efforts to dismantle affirmative action becomes clear.

Republicans have illustrated the perils of affirmative action 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 pro-

grams. While the Republican leadership wants to achieve a color-blind society by dismantling affirmative action programs, generally they do not want to dismantle the structure of color-conscious congressional districts that Supreme Court Justice Sandra Day O'Connor declared "bears an uncomfortable resemblance to political apartheid."

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 to the largest African American delegation to Congress in 1992, also contributed to the rise of a Republican majority in Congress and, specifically, 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 after 1990 as a direct result of the creation of safe minority districts in the South (Lublin 1994). In 1995, Georgia's racially polarized congressional delegation exemplified these dynamics: of its 11-member delegation, the 8 Republicans were white and the 3 Democrats were black.

The second reason why members of the Grand Old 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 within the Democratic Party. The Party was forced to grapple with the harsh reality that minority-majority districts in the South increase minority representation but decrease Southern 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 state's 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. As in the affirmative action debate, blacks were pitted against whites within an already fractured Democratic Party. On the last day of the Supreme Court's 1994-95 term, the Court ruled (5-4) that using race as a predominant factor for drawing congressional districts was unconstitutional (*Miller v. Johnson*, 94-631).

A Color-Blind Court!

The Court's most activist decisions during its 1994-95 term concerned how the government can use racial classifications to achieve racial equality; however, 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, 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 the 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 insured that the Constitution remained color-blind. On the surface 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" (Bell 1992:12).

In 1896 the Supreme Court ruled on *Plessy v. Ferguson*, a watershed case that made Jim Crow segregation the law of the land, ushering in a new era of race relations for the 20th century. During the Supreme Court's 1994-95 term, its justices delivered similar watershed decisions, ushering in a new era of race relations for the 21st century.

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" (Greenhouse 1995:E1). Many newspapers and magazines noted the sweeping changes the Court made during its 1994-95 term, specifically with regard to racial issues. The *Washington Post* perfunctorily concluded: "The Supreme Court redistricting decision is likely to change the politics of race" and 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" (Christiansen 1995:A1). The *New York Times's* 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. On the House floor, Representative Major Owens (NY) summed up the legislative branch's role in this new era:

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 . . . now 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. (104 Cong. 1 Sess. H2380)

The Supreme Court's role in ushering in the terms and conditions of racial categories for the 21st century is illustrated by its 1994-95 term. In *Adarand Constructors v. Peña* (No. 93-1841) the Court ruled that federal affirmative action programs, specifically a minority preference 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, 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*."⁴ 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."⁵ 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.⁶

While the *Adarand* decision did not eliminate all federal affirmative action programs, it indicated that the government is not allowed to develop programs to ameliorate past discrimination. In another Court action, it let a Circuit Court decision 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 *Brown v. Board of Education*. After *Brown*, the Kansas City Missouri School District (KCMSD) never dismantled its Jim Crow schools, and twenty years later, 39 of KCMSD's 77 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, a full 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 "defaulted in their obligation to uphold the Constitution."⁷ However, by the time it finally ordered desegregation there were few white students 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 an interdistrict desegregation plan to increase the "desegregative attractiveness" of the district by reversing "white flight" to the suburbs. The court-ordered plan amounted to the creation of an entire magnet school district. The Supreme Court ruled in 1995, 41 years after *Brown*, however, that the District Court had exceeded its authority.

Justice Thomas exploited the problematic nature of the social science research used to win *Brown* to write a persuasive concurring opinion that forcefully articulated the Court's color-blind thesis. Thomas demonstrated that

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.⁸

By criticizing the research done some 60 years earlier, Thomas advanced conservative ideals of black self-help. Thomas framed this important opinion by stating: "It never ceases to amaze me that the courts are so willing to assume that any-

thing 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.”⁹

The District Court that oversaw the desegregation order of the Kansas City schools cited *Brown* for its rationale that a racial imbalance in the school system was a constitutional violation that harmed African American children. Justice Thomas found this citation inimical to the principles of the Constitution and directly challenged what amounts to a sacred American text. 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 claiming:

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.¹⁰

While 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 over 60 years old, or to consider the decades of research since that time which document the denial of resources to poor students in predominantly black schools. Thomas simply explained: “to my way of thinking, that conclusion [in *Brown*] is the result of a jurisprudence based upon a theory of black inferiority.”¹¹ By only using the term “black,” Thomas skillfully blurred the line between race and class. He simply collapsed the concepts of race and class into a commonsense understanding about “black inferiority.”

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) the Court invalidated Georgia’s 11th congressional district, which was created to produce a third 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 benefited by a particular classification.¹²

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 mirrors the editorial

position of several leading magazines that have grappled with the science and politics of race.

What Difference Does Difference Make?

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* looked at race as a "notoriously slippery concept that eludes any serious attempt at definition" (Morganthau 1995:63). While 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" (Morganthau 1995:63). Although the editors and article authors identified race as a social construct, they only detailed how biological ideas of race are not appropriate categories. They did not adequately illustrate how the social category of race still dictates people's 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" (Cose 1995:70). 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 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 anthropologist C. Loring Brace who stated: "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" (Begley 1995:67). Begley also cited Alan H. Goodman, who is 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 the best way to understand the meaning and origin of humankind's diversity is to use "a greater number of smaller groupings, like ethnicities" (Begley 1995:69).

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. In many respects, the public discourse is catching up with what

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anthropologists have been writing since the 1940s. *Newsweek* even credits M. F. Ashley 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* (1952 [1942]).

In another respect, 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.

During the 1990s, certain anthropologists began advancing critical race theories within the field (Harrison 1995; Gregory and Sanjek 1994). 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 biological concepts of race to advance a vulgar color-blind thesis. Critical cultural anthropologists are rarely called upon to explain that while biological categories of race are meaningless, social categories of race are very real, meaningful, and still dictate life chances and opportunities. Whether it is the discourse on multiculturalism and cultural studies, or the declining significance of race and the "underclass," anthropological ideas loom large, but critical anthropologists are woefully absent from the process of shaping how these public debates impact lives and effect change.

Truth or Consequences

Anthropologists who study North America have a responsibility to understand the political context within which their research and teaching is situated. The cultural politics of race can be volatile and contradictory. At the extreme, the tectonic aspects of racial formation can ignite a campus or an entire neighborhood into a blaze of violence, or they can spin an individual out of control into a spree of homicides. Generally, though, the dynamics of racial formation are measured out at a glacial pace, inscribing and describing white privilege and supremacy while demarcating access to resources and mapping boundaries of achievement. Anthropologists can and should draw upon their unique set of skills to help students, journalists, activists, and even administrators sort through the contradictions that arise from capitalist democracies which articulate racial inequality.

At the beginning of this chapter I highlighted the fact that anthropologists who advocated the abolition of racial categories perhaps, unwittingly, bolstered political agendas inimical to the goals of antiracist scholarship. On the other hand, by not abolishing the use of racial categories, one supports vacuous, spurious, and admittedly essentialized categories that shore up folks on the soul patrol who police authenticity and employ sophisticated surveillance techniques that probe any threat to racial solidarity.

Whereas I advocate speaking truth to power, I illustrated how power can easily subvert the scholarship produced to unseat it. When it comes to better understanding the dynamics of racial formation processes in North America, it

is incumbent upon anthropologists to be aware that their own writing, research, and teaching become part of the contradictory processes that at once challenge and articulate the cultural politics of race, racism, and democracy.

NOTES

- 1 *Griggs v. Duke Power Co.* (1971), *New York City Transit Authority v. Beazer* (1979), *Rogers v. Lodge* (1982), *Arlington Heights v. Metropolitan Housing Development Corp* (1977).
- 2 Many people structure their racist attitudes and prejudice along class lines. Since they don't feel any animosity towards middle-class people of color they feel that they are exempt from allegations of racism. This dynamic is clearly demonstrated in *Race: How Blacks and Whites Think and Feel about the American Obsession* by Studs Terkel (1992). There is rising animosity, though, among the so-called middle-class white Americans who perceive their jobs are being taken away by "preference" programs and affirmative action. Yet the allegation of racism is still circumvented because people couch animosity in ideas of meritocracy. The affirmative action debate is where these animosities get expressed. These issues were at the center of partisan debates that shaped the presidential campaigns during the 1996 elections. Speaking as a presidential candidate, Robert Dole questioned on ABC's *This Week* with David Brinkley: "Why did 62 percent of white males vote Republican in 1994? I think it's because of things like this [affirmative action programs], where sometimes the best qualified person does not get the job because he or she may be of one color" (see 104 Cong. 1 Sess. S2154).
- 3 Political scientists, sociologists, and legal scholars have all demonstrated that institutional racism often persists within various work and market places, legislative bodies, and court rooms, despite efforts to manage or institute ethnic diversity (Edsall and Edsall 1992; Guinier 1994; Terkel 1992; Winant 1994). The other line of reasoning is, of course, Herrnstein and Murray's in their *Bell Curve* (1994), that the few blacks who are very bright have made and will make it and the others are simply shackled by their own cognitive inability. Both lines of thought eschew structural racism as a cause of racial inequality.
- 4 *Adarand Constructors v. Peña* No. 93-1841 (1995), Opinion:25, emphasis original.
- 5 *Adarand Constructors v. Peña*, Concur:2-3.
- 6 *Adarand Constructors v. Peña*, Dissent:2.
- 7 *Missouri v. Jenkins* No. 93-1823 (1995), Dissent:3.
- 8 *Missouri v. Jenkins*, Concur:2.
- 9 *Missouri v. Jenkins*, Concur:1-2.
- 10 *Missouri v. Jenkins*, Concur:6.
- 11 *Missouri v. Jenkins*, Concur:10.
- 12 *Miller v. Johnson* No. 94-631 (1995), Opinion:1, citations omitted.

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