Government Programs

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Affirmative Action, Part One

Janice Camarena probably never heard of *Brown v. Board of Education* when she enrolled in San Bernardino Valley College in California. No doubt she knows about it now. Mrs. Camarena was thrown out of a class at the college because of her skin color. When she entered the class, the instructor immediately told her to leave. That section of English 101 was reserved for black students only. Mrs. Camarena is white.

Mrs. Camarena (who is currently suing the California Community Colleges) has come to personify what is wrong with affirmative action programs in the 1990s. Forty years after *Brown v. Board of Education*, the civil right movement has strayed from the color-blind principles articulated by Martin Luther King, Jr. Government bureaucrats and liberal judges have set up quotas and turned the 1964 Civil Rights Act on its head.

Title VII, Section 703 (j) clearly bans preferences by race, gender, ethnicity, and religion in business and government. The Act was a model of fairness, openness, and equality. Unfortunately the interpretation of the law fell into the hands of bureaucrats and judges who swept away fairness and replaced it with color-based preferences.

No wonder momentum is growing in California for a 1996 initiative (modeled on the 1964 Civil Rights Act) that would amend the state's constitution to prohibit the use of quotas by state institutions. California is often the prairie upon which grassroots grass fires spread, and the California Civil Rights Initiative may be the start of a larger movement poised to spread from coast to coast.

As William Bennett has noted: “Affirmative action has not brought us what we want–a color-blind society. It has brought us an extremely color-conscious society. In our universities we have separate dorms, separate social centers.” One might legitimately ask, What’s next? Separate water fountains?

How bad has the problem become? Consider just a few examples of the impact of affirmative action quotas on government.

A Defense Department memo cited on the November 18, 1994, broadcast of ABC’s “20/20” declared, “In the future, special permission will be required for the promotion of all white men without disabilities.”

Senator Jesse Helms (R-NC) cites a U.S. Forest Service document that actually states, “Only unqualified applicants will be considered.”

Now that affirmative action appears threatened, suggestions are being floated by proponents to modify affirmative action rather than abolish it. The growing drumbeat from liberal proponents of affirmative action is that race-based affirmative action must be replaced by class-based affirmative action. After all, ask proponents, why should preferential treatment be given to an affluent, black Harvard law graduate over a poor, white West Virginia coal miner? Class-based affirmative action would supposedly be fairer and arouse less hostility because it was based upon economic need rather than race.

But the weaknesses of such a system should be quickly apparent. Race-based affirmative action has spawned an enormous governmental bureaucracy. A class-based system would no doubt be even larger and more byzantine. How would one qualify for class-based affirmative action? Would we use the income of the supposed “victim”? Would we use the income of the victim’s family of origin? Would non-cash governmental support be counted? Who would decide? The questions are endless. At least in a race-based system, we can reach some consensus about what constitutes an ethnic minority.

Affirmative Action, Part Two

Affirmative action has been under review for some time, but it took a 1995 Supreme Court case to dramatically change the civil rights landscape. The case involved Randy Pech (owner of Adarand Constructors) who lost in the bidding for a guard-rail construction project in Colorado's San Juan National Forest because he had the wrong skin color. He had the lowest bid, but was passed over because he was not a minority. The prime contractor was eligible for a $10,000 grant from the U.S. Department of Transportation for hiring minority-owned subcontractors. The grant was greater than the difference in the bids submitted by Pech and a Hispanic-owned firm.

Pech filed a discrimination lawsuit. When it reached the Supreme Court, the U.S. Solicitor General argued that Pech had no legal standing to sue, even though the U.S. Government paid the prime contractor $10,000 to discriminate against him! And this illustrates the double standard currently upheld in the law. Protected minorities have standing to sue even if they were never actually the subjects of discrimination. But victims of reverse discrimination have no such recourse and often do not even have legal standing to sue.

Nevertheless, the court ruled in a narrow 5-to-4 decision that Randy Pech had been discriminated against. Some of the justices even went so far as to argue against the very foundation of affirmative action.

Now that affirmative action appears threatened, suggestions are being floated by proponents to modify affirmative action rather than abolish it. The growing drumbeat from liberal proponents of affirmative action is that race-based affirmative action must be replaced by class-based affirmative action. But a class-based system would even go further in piting one ethnic minority against another. This is already the case with race-based affirmative action. At the University of California at Berkeley, for example, thousands of qualified Asian-American students are turned away each year in order to increase the percentage of

African-American and Hispanic-American students on campus. A class-based system of affirmative action would not only continue this practice but increase it.

The best solution is to abolish affirmative action quotas and move to a society that is truly color-blind. When an employer engages in discrimination, civil rights laws and judicial rulings provide a basis for legal remedy. But current interpretations of civil rights laws and affirmative action quotas do not provide equality before the law. They grant protected minorities racial privilege before the law.

In his famous dissent from the Supreme Court case of *Plessy v. Ferguson*, Justice John Marshall Harlan argued that the Constitution "is color-blind, and neither knows nor tolerates classes among citizens. In respect of civil rights, all citizens are equal before the law."

In his famous 1963 speech, Martin Luther King Jr. dreamed of "a Nation where they [his children] will not be judged by the color of their skins, but by the conduct of their character."

Affirmative action quotas violate the spirit of these dreams and turns the 1964 Civil Rights Act on its head. It's time to return to a Constitutional foundation. It's time to return to the true spirit of the civil rights movement. It's time for affirmative action quotas to go.

Missile Defense

A four-star general calling the President on a hot-line red phone:

"Mr, President, we have a national emergency. Our satellites have detected a ballistic missile launched from a former Soviet republic at the United States."

[Pause]

"No, sir. We cannot shoot it down. We have no ballistic missile defense. There is nothing we can do to stop it."

While the scenario is fiction (similar to the plot in the movie "Crimson Tide"), the problem is fact. If a rogue Russian or a Islamic fundamentalist or a North Korean general decided to fire a missile at the United States, we would be unable to defend ourselves!

It is not that we cannot deploy the technology to defend ourselves. It is that we choose not to deploy that technology. The reason is simple: the 1972 Anti-Ballistic Missile Treaty. Twenty-three years ago, the U.S. made the mad promise that it would not defend itself from ballistic missile attack. The MAD (mutually assured destruction) doctrine was the basis of the 1972 ABM treaty. Incredibly, President Clinton wants to keep this reckless pledge today even though the Soviet Union no longer exists and the world is no doubt more dangerous as nuclear proliferation continues.

Opponents of missile defense systems have argued that they are expensive and technologically impossible. Now a group of 16 eminent scientists formed under the auspices of the Heritage Foundation have put forward an affordable and doable plan.

They propose an upgrade of the Navy's Aegis air defense system to shoot down long-range and short-range ballistic missiles. The Aegis is a ship-board radar-tracking and interceptor system that directs surface-to-air missiles.

The Navy is already working on an upgrade that would allow it to intercept missiles outside the atmosphere, in what is called the "upper tier." If developed and deployed on ships scattered around the world, the U.S. would effectively have a protective shield against strategic missiles.

But there is the problem. By agreeing to abide by this obsolete treaty, the U.S. is prevented from deploying an "upper tier" defense. At his recent summit with Boris Yeltsin, President Clinton reaffirmed his support for the ABM treaty signed with the Soviet Union, a country that no longer exists.

As questionable at the ABM treaty was during the Cold War, it is even more absurd in our current political and military environment. Former Reagan official Frank Gaffney points out that a Navy Aegis commander in the Sea of Japan would be in the absurd position of being able to shoot down a missile in North Korea heading for Tokyo, but would be prevented from shooting down a missile heading for San Francisco! Is it really in the interests of the U.S. to dumb down the "upper tier" system so that we can protect our allies abroad but not our own homeland?

The Heritage Foundation scientists believe an upgraded system could be deployed in three years at a cost of only $1 billion. This is a a plan we need to pursue. The United States is vulnerable to missile attack, and yet has the means to defend itself. In this dangerous post-Cold War world, we need to be able to defend ourselves from missile attack.

Is the threat that great? Well, consider the number of countries already in the nuclear club. They include the U.S., Great Britain, France, China, Russia, India, Israel, North Korea, Pakistan, and South Africa (South Africa is currently dismantling its nuclear program).

But that's not all. Most intelligence experts also put Ukraine, Kazakhstan, and Belarus in that list because they control some Soviet missiles. Finally, four other powers Iran, Iraq, Libya, and Syria are working furiously to develop and deploy nuclear missiles. Thus, all of these countries make up what could be called "the doomsday club." They all have the capacity or will soon have the capacity to bring about a nuclear Armageddon!

Intelligence experts estimate is that there are as many as 25 countries that have or will have the technical capability to develop a nuclear weapon, and approximately 26 countries have access to long-range missiles. In many ways, the post-Cold War world is more dangerous now that the Soviet Union has fallen and nuclear proliferation has accelerated.

Soviet scientists are willing to sell their services abroad. Boris Yeltsin seems

unwilling or unable to stop the spread of nuclear technology. Likewise President Clinton has been unable to stop nuclear proliferation. If there was ever a time we needed an anti- ballistic missile system, it is now.

The "Crimson Tide" scenario is great movie drama, but it's lousy foreign policy. A missile launched from Kiev or Baghdad or Pyongyang would devastate an American city, and the U.S. can do nothing to stop it. Although the movie does not mention it, the real reason this potential nightmare is so scary is because the U.S. has no defense against ballistic missile attack.

You must do two things. First, educate yourself and your friends about the danger. America is vulnerable to nuclear attack, and yet most Americans do not know this. Second, call for Congress to deploy an "upper tier" defense to the Aegis system. The cost would be less than one percent of the entire Defense Department budget. Building such a system would protect the United States from rogue leaders and military dictators who might someday decide to launch ballistic missiles on this country.

Corporate Welfare

Cutting a $200 billion deficit from a $1.6 trillion budget is not as difficult as the media might make it sound, especially when politicians target the easier cuts first. One of the most obvious cuts is so-called "corporate welfare." Both liberals (like Secretary Robert Reich) and conservatives (like Speaker Newt Gingrich) talk about cutting corporate welfare. When Congress reconvenes, politicians need to stop talking about cutting and begin cutting programs.

What should be placed on the cutting block? Here is a list of examples from the Cato Institute of corporate welfare that should be eliminated.

Department of Agriculture's Market Promotion Program puts $110 million a year into the advertising budgets of major U.S. corporations. In 1991, they spent $2.5 million promoting Dole pineapple products; $2.9 million selling Pillsbury muffins

and pies; $10 million advertising Sunkist oranges; $465,000 boosting the sales of McDonald's Chicken McNuggets; and $1.2 million promoting American Legend mink coats.

Farm subsidies also should be cut. Consider the sugar price support program. A full 40 percent of its $1.4 billion in subsidies goes to the largest one percent of sugar producers. The 33 largest sugar cane plantations each receive more than $1 million in federal funds.

The Rural Electrification Administration and the federal Power Marketing Administrations are funneling $2 billion in annual subsidies to some of the wealthiest electric utility cooperatives in the country. One firm (ALLTEL) boasted of sales exceeding $2.3 billion.

Taxpayer-subsidized REA loans have helped big electric utilities serve ski resorts in Aspen, Colorado, and beach resorts like Hilton Head, South Carolina. They have also helped serve gambling resorts communities in Las Vegas, Nevada.

The U.S. Forest Service dished out $140 million for road building projects in national forests in 1994 to help harvest timber for firms like Georgia-Pacific and Weyerhauser. Last year the Clinton administration championed grants through the Advanced Technology Program. Some of the recipients last year were companies like Caterpillar, Dupont, Xerox, General Electric, and United Airlines.

The administrations also pushed over $500 million through the Technology Reinvestment Project. Many of the recipients are some of the richest companies in America: Chrysler Corporation ($6 million), Texas Instruments ($13 million), Hewlett-Packard ($10 million), Boeing ($7 million), and Rockwell ($7 million).

Recently the Congress considered a bill that proposed $7.6 billion in cuts in corporate welfare. Here are a few highlights of that bill.

It would eliminate the Department of Commerce, beginning with the U.S. Travel

and Tourism Administration and the National Oceanic and Atmospheric Administration. It would also eliminate federal support for expensive projects with dubious commercial potential, such as high speed rail and “smart” cars.

The bill would also discard needless bureaucracy through the elimination of the Department of Energy, the Interstate Commerce Commission, the Federal Maritime Commission, the Maritime Administration, and U.S. Parole Commission. It would eliminate state and local tree-planting programs run by the Small Business Administration. It would also stop funding “transition expenses” from the Postal Service’s reorganization that occurred 24 years ago.

There are more proposals, but you get the idea. There is a lot to cut. We can balance the federal budget, and a good place to start is with corporate welfare. We need to stop talking about it and do it.