Reverse Racism!: Affirmative Action, the Family, and the Dream That Is America

By ROBERT S. CHANG*

We should transform 'reverse racism' from a curse to an injunction (Reverse racism!).

—David Roediger[1]

I am a product of affirmative action. Thus, to imagine a world without affirmative action would require that I imagine a world without me, something that I am not inclined to do. I am reminded of a cartoon which depicts the philosopher Descartes saying, "I think, therefore I am." The second frame shows him musing, "I think not, therefore . . . ." The last frame is blank. I find it ironic that so many affirmative action babies can advocate against the policy responsible for their very existence. And although I disagree with much of what Stephen Carter says, I agree with him that we must invert the negative meaning attributed to the term "affirmative action baby," and in order to do so, we must embrace the term rather than reject it.[2] And so, let me repeat, without shame, I am a product of affirmative action. And I refuse to imagine my own non-existence.

* * *

* Associate Professor, California Western School of Law. A.B. 1988, Princeton University; M.A., J.D. 1992, Duke University.

This is a footnoted and slightly expanded version of a talk that I delivered at the 1996 Hastings Constitutional Law Quarterly Symposium: The Meanings of Merit. I would like to thank Professor Keith Wingate of Hastings and Veronica Parkansky of the Quarterly for inviting me to participate. I would also like to thank Keith Aoki, Maggie Chon, Adrienne Davis, Neil Gotanda, Peter Halwood, Todd Hughes, Lisa Ikemoto, Cynthia Lee, Laura Padilla, and Donna Young for the conversations we had while I was writing this Essay. Thanks also to Jackie Chin, Jerry Kang, Nancy Levit, and Leti Volpp for comments on a later draft. Special thanks to Selena Dong for listening to ideas develop to fruition. Very able research assistance was provided by Melinda Aiello and David Suzuki. Work on this Essay was supported by a Publication Award from California Western School of Law.

1. DAVID ROEDIGER, TOWARDS THE ABOLITION OF WHITENESS: ESSAYS ON RACE, POLITICS, AND WORKING CLASS HISTORY 17 (1994).

2. STEPHEN L. CARTER, REFLECTIONS OF AN AFFIRMATIVE ACTION BABY 4-5 (1991).

When confronting those who would abolish affirmative action on the basis of race and/or gender in education, employment, and contracting, my initial facetious response is to say, "Sure. But only if you get rid of the affirmative action policies that are putting Black and, increasingly, Hispanic men in prison for long periods of time." One particularly egregious statistic was produced by the Georgia criminal justice system where 99% of those in prison for life under its second drug offender statute are African Americans.[3] Results such as this do not occur without affirmative action, which takes place in the form of selective enforcement, selective prosecution, and selective sentencing.[4] So if we are going to get rid of affirmative action, I say that we should start with the criminal justice system.

Facetiousness is perhaps not the best approach to winning debates, but I use this notion of affirmative action in our prisons to do two things: first, to contest our stock understandings of affirmative action;[5] and second, to see how committed the anti-affirmative action forces are to a broad vision of social justice.

People often mean very different things when they talk about affirmative action. To help clarify the discussion, David Oppenheimer offers five possible, non-exclusive meanings that might come under the rubric of affirmative action: (1) quotas, (2) preferences, (3) self-studies, (4) outreach and counseling, and (5) anti-discrimination.[6] Although these meanings are useful in clarifying the debate, they do not remedy the lack of engagement that often mars conversations on affirmative action. This lack of engagement comes more from the different sides having vastly different notions of fairness or merit that inform their construction of "affirmative action." These different no-

3. Although African Americans make up approximately 27% of the Georgia population, "240 of 243 persons convicted under OCGA § 16-13-30(d) from its enactment in 1982 until May 1993 were African American. The bulk of these convictions involved guilty pleas for sales of less than $100 worth of cocaine." Natsu Saito Jenga, *Unconscious: The "Just Say No" Response to Racism*, 81 IOWA L. REV. (forthcoming 1996) (citing GEORGIA SUP. CT. COMM'N ON RACIAL AND ETHNIC BIAS IN THE COURT SYSTEM, LET JUSTICE BE DONE: EQUALLY, FAIRLY, AND IMPARTIALLY 161 (1995)).

4. *See, e.g.*, Sheri Lynn Johnson, *Race and the Decision to Detain a Suspect*, 93 YALE L.J. 214 (1983); David A. Sklansky, *Cocaine, Race, and Equal Protection*, 47 STAN. L. REV. 1283 (1995); and Floyd D. Weatherspoon, *The Devastating Impact of the Justice System on the Status of African-American Males: An Overview Perspective*, 23 CAP. U. L. REV. 23 (1994).

5. Professor Yxta Maya Murray similarly uses narrative to contest our stock understandings of "merit" in order to develop a more inclusive meaning of "merit." *See* Yxta Maya Murray, *Merit Teaching*, 23 HASTINGS CONST. L.Q. ___ (1996).

6. *See generally* Section I of David B. Oppenheimer, *Understanding Affirmative Action*, 23 HASTINGS CONST. L.Q. ___ (1996).

tions of fairness or merit stem, in part, from the use of different temporal frameworks in evaluating the need for affirmative action.[7]

The forces that would save affirmative action characterize it as necessary to equalize opportunities for racial minorities.[8] This view is informed by a notion of fairness located within an expansive temporal framework that allows consideration of the history of racial and gender oppression in addition to ongoing racial and gender discrimination.

The forces that would destroy affirmative action offer a competing notion of fairness located within a narrow temporal framework that allows consideration only of the immediate parties to the transaction in question.[9] The anti-affirmative action forces often characterize affirmative action as reverse discrimination or reverse racism, and tell the story of the innocent white male. This story has captured the public's attention in such a way that affirmative action is suffering what might be termed "death by anecdote."

The most gruesome death by anecdote that I have had the misfortune to witness took place during the 1990 United States Senate race in North Carolina between Jesse Helms, the white incumbent, and

---

7. My discussion of "expansive" and "narrow" temporal frameworks finds an analogue in Charles Lawrence's discussion of "humanistic historical reasoning" versus "categorical historical analysis":

> Hoffer, an historian, argues that courts should use "humanistic historical reasoning" rather than the categorical historical analysis employed by the Court in *Croson*. Categorical historical analysis seeks to narrow the historical record and context of a case, while humanistic historical reasoning situates cases within a more expansive and wider historical social context.

Charles R. Lawrence, III, *The Epidemiology of Color-Blindness: Learning to Think and Talk about Race, Again*, 15 B.C. THIRD WORLD L.J. 1, 7 n.24 (1995) (citing Peter Charles Hoffer, *"Blind to History": The Use of History in Affirmative Action Suits: Another Look at* City of Richmond v. J.A. Croson Co., 23 RUTGERS L.J. 270, 278-79 (1992)).

8. *See, e.g.*, Randall Kennedy, *Persuasion and Distrust: A Comment on the Affirmative Action Debate*, 99 HARV. L. REV. 1327 (1986). Many proponents of affirmative action do not address the gender component of affirmative action. I discuss one possible explanation for this omission *infra* notes 66-74 and accompanying text.

9. *See, e.g.*, Michael Stokes Paulsen, *Reverse Discrimination and Law School Faculty Hiring: The Undiscovered Opinion*, 71 TEX. L. REV. 993, 1008 (1993). Paulsen creatively argues in the form of a judicial opinion that:

> The third answer to the embarrassment of present statistical [racial] disparity . . . is not (or at least has not been shown in this court to be) present, or even recent, racial discrimination in law faculty hiring. Rather, as plaintiff argues, the likely cause is general, diffuse social discrimination in the increasingly distant past that has made law practice (and thus law teaching) a white male bastion. That fact, of course, does not justify visiting the sins of the fathers on the sons; present-day racial discrimination against particular individuals is no remedy for past social discrimination.

Id.

Harvey Gantt, the African American challenger. One commercial for the Helms campaign featured "a white working class man tearing up a rejection letter while the voice-over said, 'You needed that job, and you were the best qualified . . . But it had to go to a minority because of a racial quota.'"[10] I recall seeing a political cartoon after the election that showed a brown hand crumpling up an application for the United States Senate with a caption that said, "You were better qualified, but . . . ." However, this cartoon came too late—Gantt had already lost.

We see here that narrative is not solely the province of those who engage in outsider jurisprudence to further a progressive social agenda.[11] For those who would save affirmative action, we must come up with some pretty good stories of our own if we wish to avoid this death by anecdote. But as we frame our stories, we must pay attention to the temporal dimension because the choice of temporal framework is often determinative in deciding what is "fair."

The recent appellate opinion in *Hopwood v. Texas*[12] illustrates this point. The appellate court chose a narrow temporal framework in which the actors were limited to the University of Texas School of Law, Cheryl Hopwood and the other white plaintiffs who were rejected, and the African American and Hispanic admittees. Given this framework, the story told is one of a law school that has not had de jure segregation since 1950.[13] Further, according to the appellate

10. Cheryl I. Harris, *Whiteness as Property*, 106 HARV. L. REV. 1707, 1767 n.261 (1993) (citing ANDREW HACKER, TWO NATIONS: BLACK AND WHITE, SEPARATE, HOSTILE, UNEQUAL 202 (1992)).

11. For the use of narrative in the pursuit of a progressive social agenda, see generally Symposium, *Legal Storytelling*, 87 MICH. L. REV. 2073 (1989). There is voluminous literature debating the merits of such methodology. For some recent exchanges, see Randall L. Kennedy, *Racial Critiques of Legal Academia*, 102 HARV. L. REV. 1745 (1989); *Colloquy: Choosing Sides in the Racial Critiques Debate*, 103 HARV. L. REV. 1844 (1990) (contributions by Scott Brewer, Milner Ball, Robin Barnes, Richard Delgado, and Leslie Espinoza, all responding to Kennedy); Mark Tushnet, *The Degradation of Constitutional Discourse*, 81 GEO. L.J. 251 (1992); Gary Peller, *The Discourse of Constitutional Degradation*, 81 GEO. L.J. 313 (1992) (responding to Tushnet); Daniel A. Farber & Suzanna Sherry, *Telling Stories Out of School: An Essay on Legal Narratives*, 45 STAN. L. REV. 807 (1993); William N. Eskridge, Jr., *Gaylegal Narratives*, 46 STAN. L. REV. 607 (1994) (responding to Farber & Sherry).

For one recent article using narrative to criticize race consciousness in the Asian American context, see Jim Chen, *Unloving*, 80 IOWA L. REV. 145 (1994). For responses, see *Colloquy: The Scholarship of Reconstruction and the Politics of Backlash*, 81 IOWA L. REV. (forthcoming 1996) (contributions by Keith Aoki, Maggie Chon, Garrett Epps, Neil Gotanda, Dennis Green, Natsu Saito Jenga, Peter Kwan, Gerald Torres, and Alfred Yen).

12. 78 F.3d 932 (5th Cir. 1996).

13. *See* Sweatt v. Painter, 339 U.S. 629 (1950).

court, "[a]ny other discrimination by the law school ended in the 1960s."[14] After the appellate court relegated the law school's overtly discriminatory practices safely to the past, the court could more easily conclude that the law school did not discriminate against present-day African American and Hispanic applicants, and that there was, therefore, nothing to be remedied.[15]

The use of a narrow temporal framework that limits the relevant institutional actors leads to the following result: there will never be any present-day effects of a law school's past discrimination on present-day minority applicants, especially as we move further, temporally, from de jure segregation. In a narrow temporal framework, the most visible "discrimination" is perpetrated by the school or employer or governmental entity against white applicants. Although this "discrimination" may seem unfair, it is only unfair in the context of this circumscribed narrative. Change the assumptions and background conditions, and what is unfair changes.[16] The struggle over the appropriate temporal framework becomes important as each side tries to control the stories that will inform the public's stock understandings of affirmative action.

In addition to using the notion of affirmative action in the criminal justice system to question our understanding of "affirmative action," I also use it to see whether the anti-affirmative action forces are committed to a broad vision of social justice. Are the anti-affirmative action forces motivated by a narrow vision that allows them to see injustice only when it affects the so-called innocent white male, or are they interested in seeking racial justice more broadly? Phrased differently, are they committed to reversing racism in the United States? I see this as an open question, although I have doubts about their commitment.

My doubts come from my sense that the attack on affirmative action is not an isolated phenomenon. I see this attack as part of a larger, broad-based movement organized against immigration and multiculturalism. If we are to understand the current struggle over

14. *Hopwood*, 78 F.3d at 953. I find this assertion puzzling in light of the district court's opinion, which detailed the continuing failure of publicly-funded higher education in Texas, including its graduate and professional programs, to eliminate the vestiges of its past de jure segregation. Hopwood v. Texas, 861 F. Supp. 551, 555-56 (W.D. Tex. 1994). In fact, it was not until 1983 that the Office of Civil Rights accepted a plan that was in conformity with Title VI. *Id.* at 556.

15. *Hopwood*, 78 F.3d at 953-54.

16. *See* STANLEY FISH, THERE'S NO SUCH THING AS FREE SPEECH AND IT'S A GOOD THING, TOO 4 (1994).

affirmative action, we must place it within the larger social context of what might be called a national identity crisis.[17]

America is under assault. Or so the anti-immigrant, anti-affirmative action, anti-multiculturalism forces would have you believe.[18] This assault is both literal and figurative. It is literal in the sense that the invasion by and proliferation of Black, Brown, and Yellow bodies poses a literal threat to the continued vitality and viability of America. This sense of threat is captured vividly in a statement made by the head of Stop Immigration Now: "'I have no intention of being the object of "conquest," peaceful or otherwise, by Latinos, Asians, blacks, Arabs or any other group of individuals who have claimed my country.'"[19]

Changes in demographics have created the specter of a coming majority of color that threatens to eclipse the numerical white majority. This perceived threat is so great that many white Americans exaggerate the number of racial minorities present in this country. Here are some figures from a recent poll reported in *The New York Times*:

Percentage of the United States population that white Americans think is Hispanic:	14.7.
Percentage that is Hispanic:	9.5.
Percentage that white Americans think is black:	23.8.
Percentage that is black:	11.8.
Percentage that white Americans think is Asian:	10.8.
Percentage that is Asian:	3.1.
Percentage that white Americans think is white:	49.9.
Percentage that is white:	74.[20]

We see from these statistics that many white Americans already believe that minorities have taken over. Given this colorful vision of white Americans, I do not think we are ready for color-blindness, as Neil Gotanda discusses in this Symposium.[21]

17. I discuss this national identity crisis in greater detail in Robert S. Chang, *A Meditation on Borders, in* IMMIGRANTS OUT!: THE NEW NATIVISM AND THE ANTI-IMMIGRANT IMPULSE IN THE UNITED STATES (Juan Perea ed., forthcoming 1996).

18. *See generally* PETER BRIMELOW, ALIEN NATION: COMMON SENSE ABOUT AMERICA'S IMMIGRATION DISASTER (1995); JARED TAYLOR, PAVED WITH GOOD INTENTIONS: THE FAILURE OF RACE RELATIONS IN CONTEMPORARY AMERICA (1992).

19. Timothy Christenfeld, *The World: Alien Expressions; Wretched Refuse Is Just the Start*, N.Y. TIMES, March 10, 1996, § 4, at 4 (quoting Ruth Coffey).

20. Priscilla Labovitz, *Immigration—Just the Facts*, N.Y. TIMES, March 25, 1996, at A19.

21. Neil Gotanda, *Failure of the Colorblind Vision: Race, Ethnicity, and the California Civil Rights Initiative*, 23 HASTINGS CONST. L.Q. ___ (1996). For a discussion of color-blind constitutionalism generally, compare Neil Gotanda, *A Critique of "Our Constitution is Color-Blind,"* 44 STAN. L. REV. 1 (1991) and Garrett Epps, *Of Constitutional Seances and*

In addition to the literal, the assault is figurative in the sense that the very meaning of America is said to be at stake. Arthur Schlesinger, Jr., observes astutely that

> [a] struggle to redefine the national identity is taking place . . . in many arenas—in our politics, our voluntary organizations, our churches, our language—and in no arena more crucial than our system of education. . . . The debate about the curriculum is a debate about what it means to be an American. What is ultimately at stake is the shape of the American future.[22]

Schlesinger then argues that "[t]he American synthesis has an inevitable Anglo-Saxon coloration" that must be preserved through proper education if we are to avoid "disintegration of the national community, apartheid, Balkanization, [and] tribalization."[23] We see here that the stakes are high.

The assault, literal and figurative, threatens America both as nation-state and nation-form. Hence the cry is to take America back, and as my friend Sharon Hom says, to take back the world, to make everything, everywhere, America.[24]

This desire to take back America might be called the "nativist's dream of return." In the same way that immigrants sometimes dream of a return to their homeland, the nativist also dreams of a return. I describe this dream elsewhere as follows:

> [M]y "accent-less" English [often] brings the question: "Where did you learn to speak so well?" This question is often followed by "Where are you from?" which E. San Juan, Jr., identifies as not so far from the unasked but often present "When are you going back?" This progression signals the questioner's dream of my return.
>
> The questioner's dream of return extends beyond wishing the return or exclusion of people who look like me. Having no external homeland, the nativist is left to construct a homeland out of an imagined past. Unlike immigrants who are separated physically from their [imaginary] homeland, the nativist is separated temporally (and perhaps only temporarily) from his. But a return to the past is possible only in the future. The nostalgic

Color-Blind Ghosts, 72 N.C. L. Rev. 401 (1994) with ANDREW KULL, THE COLOR-BLIND CONSTITUTION (1992).

22. ARTHUR M. SCHLESINGER, JR., THE DISUNITING OF AMERICA: REFLECTIONS ON A MULTICULTURAL SOCIETY 2-3 (1991).

23. *Id.* at 67.

24. *See* Sharon K. Hom, Remarks at the Asian American Bar Association of New York Annual Meeting and Awards Dinner (January 25, 1996).

> recollection of an America past (or Paradise lost) is projected forward as an "America" that again might be.[25]

It is political action that will take us there, through careful policing of national and institutional borders. These policing efforts take the following forms: eliminating affirmative action, closing our borders, making English our official language, and controlling the curriculum. The attack on affirmative action, understood in this broader context, leads me to doubt that those who cry reverse discrimination or reverse racism are committed to reversing racism in the United States.

I want to add, though, that there is a suppressed gender dimension to all of this. The return to an America past is not just a return to a former racial order; it is a return to a former gender order. The struggle over affirmative action also operates to reinscribe patriarchy through a return to the traditional family. Understood in this way, the debate over merit and fairness mask the real issues—white entitlement and patriarchy. We are witnessing a reconfiguration of whiteness, and white racial solidarity is being invoked through an appeal to "family" in order to interrupt potential class and gender solidarity.[26]

One possible outcome of this struggle over affirmative action is a return to the former racial and gender order. I find it ironic but not coincidental that this attempt to return to an old domestic order coincides with the advent of the New World Order. Chantal Mouffe makes precisely this point in the context of Western Europe:

> Now that the enemy [Communism] has been defeated, the meaning of democracy itself has become blurred and needs to be redefined by the creation of a new frontier. This is much more difficult for the moderate right and for the left than for the radical right. For the latter has already found its enemy. It is provided by the "enemy within," the immigrants, which are presented by the different movements of the extreme right as a

25. Robert S. Chang, *The Nativist's Dream of Return*, 9 LA RAZA L.J. (forthcoming 1996) (1995 Latina/o Law Professor Colloquium) (citation omitted) (manuscript at 5, on file with the author).

26. Recently, there has been a growing interest in whiteness as a racial phenomenon. I have been influenced by the following works: THEODORE W. ALLEN, THE INVENTION OF THE WHITE RACE: RACIAL OPPRESSION AND SOCIAL CONTROL (1994); IAN F. HANEY LOPEZ, WHITE BY LAW: THE LEGAL CONSTRUCTION OF RACE (1996); ERIC LOTT, LOVE & THEFT: BLACKFACE MINSTRELSY AND THE AMERICAN WORKING CLASS (1995); DAVID ROEDIGER, THE WAGES OF WHITENESS: RACE AND THE MAKING OF THE AMERICAN WORKING CLASS (1991); DAVID ROEDIGER, TOWARDS THE ABOLITION OF WHITENESS: ESSAYS ON RACE, POLITICS, AND WORKING CLASS HISTORY (1994); ALEXANDER SAXTON, THE RISE AND FALL OF THE WHITE REPUBLIC: CLASS POLITICS AND MASS CULTURE IN NINETEENTH-CENTURY AMERICA (1990); Barbara J. Flagg, *"Was Blind, But Now I See": White Race Consciousness and the Requirement of Discriminatory Intent*, 91 MICH. L. REV. 953 (1993); Harris, *supra* note 10.

> threat to the cultural identity and national sovereignty of the "true" Europeans.[27]

In the context of the United States, racial minorities and feminists are colored as the "enemy within" who threaten the cultural identity and national sovereignty of the "true" Americans. And insofar as Derrick Bell's "interest-convergence" theory is correct, with certain civil rights gains furthering the Cold War imperatives of the United States,[28] the end of the Cold War and interest divergence may help to explain some of the civil rights setbacks that we are enduring.

I will develop the thesis that merit and fairness are deployed in ways that mask the real issues, white entitlement and patriarchy,[29] by describing three encounters I have had involving affirmative action. These stories are about legacies, Asian Americans, and family. Two took place while I was in college; the third took place last Fall.

* * *

I first encountered affirmative action in college when I met my freshman year roommate. After saying hello, his first words were, "Don't look in my closet. You'll see all sorts of preppie clothes in there. You're probably not into that type of thing." He was right, but I wondered what tipped him off—my Asian features, or my black concert t-shirt from Bruce Springsteen's *Born in the U.S.A.* tour. His attire, on the other hand, befitted a third or fourth generation Exeter/Princeton student, and included his Granddad's or Great-Granddad's Princeton Class of Nineteen-twenty-something cap. This was my first encounter with an affirmative action baby, the kind that is termed, in admissions parlance, a "legacy admit." He, of course, would never admit to being an affirmative action baby, despite what I thought was rather obvious evidence.

Because of this first encounter, I have always thought of affirmative action as including legacies, athletes, musicians, the geographically diverse, and countless other "plus" categories that admissions committees regularly utilize. A recent investigation by *The Los Angeles Times* revealed that the U.C. system seems to have another "plus"

27. CHANTAL MOUFFE, THE RETURN OF THE POLITICAL 3-4 (1993).

28. Derrick A. Bell, Jr., Comment, Brown v. Board of Education *and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518, 524 (1980). *See also* Mary L. Dudziak, *Desegregation as a Cold War Imperative*, 41 STAN. L. REV. 61 (1988); John Hayakawa Torok, *"Interest Convergence" and the Liberalization of Discriminatory Immigration and Naturalization Laws Affecting Asians, 1943-1965, in* CHINESE AMERICA: HISTORY AND PERSPECTIVES (Chinese Historical Society of America ed., 1995).

29. Cheryl I. Harris makes this point about the connection of affirmative action doctrine and white entitlement brilliantly in her article, *supra* note 10, at 1766-77.

category, what I call the U.C. Regents' Friends and Family Plan. (My apologies to MCI.) The investigation revealed that a number of the U.C. Regents who voted to do away with any preferential treatment on the basis of race and/or gender "have privately used their influence to try to get their relatives, friends, and children of business partners into UCLA, in some cases ahead of better qualified applicants who were turned away."[30] Although not all the attempts were successful, it appears as though a number of the Regents' efforts resulted in dramatic turn-arounds, where applicants headed for rejection were admitted.[31] If this is not affirmative action, then I do not know what is.

Yet I am often surprised when people find my conception of affirmative action to be impermissibly expansive, that awarding "pluses" to legacies, athletes, musicians, and the geographically diverse is different from awarding "pluses" on the basis of race and/or gender. Does it make a difference that, because of the history of racial oppression, legacies are disproportionately white?[32] (Even geographic diversity tends to benefit whites disproportionately.[33]) The counterargument is, of course, that whites are disproportionately benefitted *despite* the fact that they are white and not *because* they are white. However, this distinction between *despite* and *because* falls apart once the temporal framework is expanded. Whites have a disproportionate advantage because past race-based exclusionary policies ensured that elite institutions were populated by whites, whose descendants are now benefitting through legacy preferences.[34] This is based on the assumption that white alumni have white children, a not unreasonable assumption when you consider that, even with the increased rate of white interracial marriage, in 1987, twenty years after *Loving v. Virginia*,[35] 99% of white Americans were married to other whites.[36]

30. Ralph Frammolino et al., *Some Regents Seek UCLA Admissions Priority for Friends*, L.A. TIMES, Mar. 16, 1996, at A1.

31. *Id.* at A18.

32. *See* JOHN K. WILSON, THE MYTH OF POLITICAL CORRECTNESS: THE CONSERVATIVE ATTACK ON HIGHER EDUCATION 151 (1995) ("The legacy system is particularly damaging to minorities, who were largely excluded from the Ivy League colleges until the late 1960s."). In their investigation of Harvard, the Office for Civil Rights found specifically that the use of preferences for legacies and athletes disproportionately benefitted whites. John D. Lamb, *The Real Affirmative Action Babies: Legacy Preferences at Harvard and Yale*, 26 COLUM. J.L. & SOC. PROBS. 491, 509 (1993) (citing STATEMENT OF FINDINGS OF OFFICE FOR CIVIL RIGHTS, COMPLIANCE REVIEW 01-88-6009, 43).

33. Richard Kahlenberg, *Class, not Race*, NEW REPUBLIC, Apr. 3, 1995, at 21, 27.

34. WILSON, *supra* note 32.

35. 388 U.S. 1 (1967) (declaring anti-miscegenation laws to be unconstitutional).

36. Roger Sanjek, *Intermarriage and the Future of Races in the United States*, *in* RACE 103, 114 (Steven Gregory & Roger Sanjek eds., 1994).

When evaluating the role of legacies in the context of the affirmative action debate, one should, as Stanley Fish admonishes us to do, consider the source.[37] The preference given to legacies has been described as "the oldest form of affirmative action, dating from the efforts to exclude Jews from elite colleges in the 1920s."[38] In a recent article, John Lamb documents the history at Harvard and Yale of legacies, whom he terms the "real affirmative action babies."[39] In the 1920s, in the face of increasing Jewish enrollment at their schools, "Ivy League colleges began to consider the merits of quotas for Jewish students and the advantages of preferences for alumni children."[40] Harvard first attempted to use ceilings, but this provoked serious criticism; instead, the university created a preference for sons of alumni in order to squeeze out Jewish applicants.[41] Other selective schools adopted similar policies because none wanted to become a "dumping ground for Jews."[42] All this "[t]o avoid being labeled 'Jewish institutions.'"[43]

We can hear the echo of this fear of "Jewish institutions" in the jokes that you may have heard about MIT standing for "Made in Taiwan," or UCLA as the "University of Caucasians Lost Among Asians," or U.C. Irvine as the "University of Chinese Immigrants." These jokes contain within them anxiety over the character of these institutions that has led to affirmative action of a different sort, what Jerry Kang terms "negative action" directed against Asian Americans.[44] This negative action is motivated by the notion that there can be "too many Asians," an issue addressed by Selena Dong in a recent article.[45]

This brings me to my second story.

* * *

37. Stanley Fish, *Bad Company*, 56 TRANSITION 60, 66-67 (1992) (arguing "against the assumption, so strongly embedded in liberal thought, that ideas are to be evaluated on their merit and not on the basis of the historical condition of their emergence").

38. WILSON, *supra* note 32, at 149.

39. Lamb, *supra* note 32, at 491.

40. *Id.* at 493.

41. *Id.* at 494.

42. *Id.*

43. *Id.* at 493.

44. Jerry Kang, *Negative Action against Asian Americans: The Internal Instability of Dworkin's Defense of Affirmative Action*, 31 HARV. C.R.-C.L. L. REV. 1 (1996) (supporting affirmative action but criticizing Dworkin's rationale as allowing negative action against Asian Americans).

45. Selena Dong, Note, *"Too Many Asians": The Challenge of Fighting Discrimination Against Asian-Americans and Preserving Affirmative Action*, 47 STAN. L. REV. 1027 (1995).

My second encounter with affirmative action also took place when I was in college, when some Asian American student groups made charges against the Princeton administration that Asian American applicants had more difficulty being admitted than Caucasian applicants. Similar charges were made against other highly selective colleges, including Harvard, Yale, Stanford, U.C. Berkeley, and UCLA.[46]

The Office for Civil Rights (OCR) conducted investigations at various schools, including Harvard.[47] Although Asian American applicants who were admitted to Harvard did, on average, have stronger academic credentials (insofar as SATs and grades have meaning) than their white counterparts, much of that difference was attributed to preferences given to alumni children and athletes.[48] Both of these groups (athletes and legacies) were largely white at Harvard.[49] The OCR concluded that there was no proof of invidious or intentional discrimination against Asian Americans.[50] The result was that a policy first instituted to keep Jews out had become a time-honored tradition, creating an entitlement that could not be disturbed. The entitlement, coincidentally, was disproportionately held by whites.

It is more difficult to rationalize bias against Asian Americans at public schools where alumni preferences do not play the role that they do in the Ivies.[51] Further, there is evidence of a "smoking gun," a confidential UCLA memo that stated: "'The campus will endeavor to curb the decline of Caucasian students. . . . A rising concern will come from Asian students and Asians in general as the number and proportion of Asian students entering at the freshman level decline—however small the decline may be.'"[52] In 1984, U.C. Berkeley, in a rather

46. Dana Y. Takagi, *From Discrimination to Affirmative Action: Facts in the Asian American Admissions Controversy*, 37 SOC. PROBS. 578, 578 (1990).

47. WILSON, *supra* note 32, at 151.

48. *Id.* This finding by the OCR at Harvard may be contrasted with the admission by Stanford University, which seems to implicitly acknowledge bias against Asian Americans, that "'the overrepresentation of whites among special groups such as alumni legacies, faculty/staff children, and athletes did not work to account for the differential rate of admissions except in a relatively minor way.'" Grace W. Tsuang, Note, *Assuring Equal Access of Asian Americans to Highly Selective Universities*, 98 YALE L.J. 659, 670 n.77 (1989) (citing STANFORD UNIVERSITY, 1985-86 ANNUAL REPORT OF THE COMMITTEE ON UNDERGRADUATE ADMISSIONS AND FINANCIAL AIDS 5 (1986)).

49. WILSON, *supra* note 32, at 151.

50. *Id.*

51. *Cf.* Tsuang, *supra* note 48, at 676 (discussing potential defenses of a public university to charges of bias against Asian American applicants).

52. *Id.* at 676 n.117 (quoting Memo from Rae Lee Siporin, UCLA Director of Admissions, to Undergraduate Enrollment Committee (Dec. 10, 1984)).

blatant fashion, reduced the number of Asian Americans admitted by 20.9% from the previous year.[53] Despite evidence such as this, white students continue to be admitted to U.C. Berkeley over Asian Americans with stronger academic credentials.[54]

I can imagine a television advertisement depicting an Asian American student crumpling a rejection letter from U.C. Berkeley or UCLA with this voice-over: "You were better qualified, but they had to give your seat to a white student." The problem is that conservatives have already created a different voice-over in which Asian American students are being told that their seats are going to lesser qualified Blacks and Hispanics.[55]

This is "divide and conquer" at its best, or worst, depending on your perspective. Asian Americans are pitted against Blacks and Hispanics as if there are only a certain number of seats available for minority students. This is true only if a certain number of seats are reserved for white students. Through negative action against Asian Americans, whiteness becomes a diversity category meriting a "plus" in many admissions processes,[56] demonstrating how the merit and fairness rationales are a smoke screen for what is really being protected—white entitlement.

I have focused so far on the admission of Asian Americans to elite institutions of higher education, but the relationship of Asian Americans and affirmative action is much more complicated. First, care must be taken to acknowledge the tremendous diversity within the Asian American community so that the relative success of Chinese Americans, Japanese Americans, and Korean Americans will not ob-

53. *Id.* at 673.

54. Tsuang documents how U.C. Berkeley adopted a two-tiered system in which "[s]tudents in the first tier are admitted solely on the basis of scholastic criteria . . . while students in the second tier are evaluated both on scholastic and non-academic criteria." *Id.* at 662. Asian American applicants did well in Tier 1, but white students were admitted at disproportionate rates over Asian Americans in Tier 2. *Id.* Tsuang demonstrates how non-academic criteria operate against Asian Americans through outright or unconscious bias. *Id.* at 663-65. The resort to more subjective criteria echoes the move made by Harvard in 1926 to weigh subjective characteristics such as "character, personality, and promise" which were then used to exclude Jews and Catholics. *See* Lamb, *supra* note 32, at 494.

55. Takagi, *supra* note 46, at 588-89. *See also* Frank Wu, *Neither Black nor White: Asian Americans and Affirmative Action*, 15 B.C. THIRD WORLD L.J. 225 (1995).

56. *See, e.g.*, Dong, *supra* note 45, at 1029 (discussing the desegregation consent decree at Lowell High School, a selective public school in San Francisco that effectively gives whites a preference over Chinese American applicants); and Wu, *supra* note 55, at 271-81 (discussing affirmative action for whites).

scure the very different situations of other Asian American groups.[57] Second, although certain Asian American groups have enjoyed a fair amount of success in admission to elite educational institutions, all Asian American groups face continuing discrimination in the workplace.[58] Affirmative action is still necessary for certain Asian American groups even in the context of elite school admissions, and it is still necessary if Asian Americans are to overcome the employment discrimination, often taking the form of glass ceilings, that operates to prevent our advancement.[59]

Asian Americans are told by conservatives that affirmative action hurts us. Yet even as efforts are being made to dismantle affirmative action for racial minorities, no efforts are made to dismantle the preferences given to whites that hurt Asian Americans. It is within this context that Asian Americans must decide if we will let ourselves be used as pawns in the struggle over affirmative action.[60]

This brings me to my third story.

* * *

57. *See generally* Pat K. Chew, *Asian Americans: The "Reticent" Minority and Their Paradoxes*, 36 WM. & MARY L. REV. 1, 24-31 (1994) (discussing the diversity within Asian America and the danger of overgeneralizing the success of Asian Americans as a "model minority").

Recognizing this diversity and the underrepresentation of Pacific Islanders, Filipinos, and Southeast Asians, the Stanford Asian and Pacific Islander Law Students Association protested a system of aggregating Asian Americans, which resulted in no Asian American groups being considered for affirmative action purposes by the law school. *See* Paul Brest & Miranda Oshige, *Affirmative Action for Whom?*, 47 STAN. L. REV. 855, 855-56 (1995).

58. *See Asian Pacific American Population Report, January 1996,* ASIAN WEEK: THE VOICE OF ASIAN AMERICA, January 19, 1996, at 14, 15. Although college-educated Asian and Pacific Islander women had similar average earnings to non-Hispanic White women ($31,780 compared to $32,920), "[c]omparable Asian and Pacific Islander men ($41,220) earned about $87 for every $100 of non-Hispanic White men's earnings ($47,180)." *Id.* Asian and Pacific Islander men and women who were high school graduates earned less than their non-Hispanic white counterparts. *Id.*

59. *See, e.g.*, Henry Der, *Asian Pacific Islanders and the "Glass Ceiling"—New Era of Civil Rights Activism?: Affirmative Action Policy, in* THE STATE OF ASIAN PACIFIC AMERICA[,] A PUBLIC POLICY REPORT: POLICY ISSUES TO THE YEAR 2020, at 215 (LEAP Asian Pac. Am. Pub. Policy Inst. & UCLA Asian Am. Studies Ctr. eds., 1993).

For a look at Asian Americans in the legal academy as professors, *see* Pat K. Chew, *Asian Americans in the Legal Academy: An Empirical and Narrative Profile* 3 ASIAN L.J. (forthcoming 1996); Eric K. Yamamoto, *We Have Arrived, We Have Not Arrived: Asian American Faculty Hiring and Retention in an Era of Backlash*, 3 ASIAN L.J. (forthcoming 1996); Alfred Yen, *A Statistical Analysis of Asian Americans and the Affirmative Action Hiring of Law School Faculty*, 3 ASIAN L.J. (forthcoming 1996).

60. *Cf.* Mari Matsuda, We Will Not Be Used, Address Before the Asian Law Caucus Annual Fundraising Dinner (Apr. 1990), *in* 1 UCLA ASIAN AM. PAC. ISLANDS L.J. 79 (1993).

Last fall, I attended a conference at American University entitled "The American Dilemma and the Rehnquist Court." One of the panels was on affirmative action. One panelist, Richard Kahlenberg, who claimed to be sympathetic to the need for affirmative action, argued that because race is so volatile, the pragmatic approach to saving affirmative action in some form is to abandon race and move to preferences based on class or socioeconomic disadvantage.[61]

An overlooked fact is that under such an affirmative action scheme, whites (and perhaps Asian Americans) would be the primary beneficiaries. I am being generous when I say "overlooked." Kahlenberg, in an article in *The New Republic*, finesses this issue by suggesting that "class preferences will disproportionately benefit people of color in most contexts—since minorities are disproportionately poor."[62] However, in the context of admissions, the data suggest otherwise. Even Kahlenberg notes: "[W]hen you control for income, African American students do worse than white and Asian students on the SAT—due in part to differences in culture and linguistic patterns, and in part to the way income alone as a measurement hides other class-based differences between ethnic groups."[63] It is unclear, then, how a class-based affirmative action program would take these differences into account in such a way that whites (and perhaps Asian Americans) would not be its greatest beneficiaries.

The result of such a class-based approach, with the preference for legacies left intact, would be that the primary beneficiaries of preferences would be whites. In theory, this would be constitutionally permitted because these preferences would be given to whites *despite* the fact that they are white and not *because* of their whiteness. In practice, this would be a disaster for racial minorities.

In many ways, the panel discussion was typical of many debates on affirmative action, including the fact that no one had mentioned gender. Disturbed by this omission, I asked the panelists to address the fact that affirmative action had been racialized when most studies showed that the primary beneficiaries of affirmative action had been

61. Transcript of Proceedings, Conference on The American Dilemma and the Rehnquist Court (Sept. 21, 1995), *in* 45 AM. U. L. REV. 567 (1996) [hereinafter Transcript].

62. Kahlenberg, *supra* note 33, at 27.

63. *Id.*

white women.[64] Mark Hager, a professor at American University, answered: "I'm opposed to affirmative action on the basis of gender."[65]

I wanted to ask the moderator to declare the answer non-responsive and to direct the panelists to answer the question, but time had expired and no answer was forthcoming. Instead, I was left to puzzle over why the debate has been racialized in such a way that gender has disappeared from the picture. What are we to make of the fact that the primary beneficiaries of affirmative action have been white women? Where were their voices?

It seems that a natural coalition might develop between white women and women of color based on shared gender oppression, or between white women and people of color based on more broadly-based societal oppression. There have been attempts by opponents of the California Civil Rights Initiative (CCRI) to gain support from white women.[66] These efforts have largely failed. According to polls, approximately 65% of white women are in favor of the so-called civil rights initiative that would do away with affirmative action based on race and gender.[67] At first blush, one might wonder at this position among white women that seems to go against their self-interest. But this depends on how one characterizes the self. Is the self a racial self? Or a gendered self? We might ask, as did Catharine MacKinnon in a different context, "What is a white woman anyway?"[68]

However, this issue has been masked by the invocation of family. White women have brothers, sons, and, making a heterosexist assumption, husbands. Insofar as affirmative action is blamed for white men not getting jobs or admission to schools, and insofar as these white men are seen as their husbands, brothers, and sons, this means affirmative action is hurting the families of white women.[69] Proponents of

64. Transcript, *supra* note 61, at 678. For the proposition that white women have been the primary beneficiaries of affirmative action, see NATALIE J. SOKOLOFF, BLACK WOMEN AND WHITE WOMEN IN THE PROFESSIONS: OCCUPATIONAL SEGREGATION BY RACE AND GENDER, 1960-1980, at 18-19 (1992).

65. Transcript, *supra* note 61, at 679.

66. Charles Oliver, *Next Hot Button in California*, INVESTOR'S BUSINESS DAILY, May 9, 1995, at A1.

67. Susan Sward, *Generation Gap, Color Gap: Women Split on Affirmative Action*, S.F. CHRON., March 31, 1995, at A1.

68. Catharine MacKinnon, *From Theory to Practice, Or What Is a White Woman Anyway*, 4 YALE J.L. & FEMINISM 13 (1991).

69. *Cf.* Ramon G. McLeod, *Family Ties Help Explain Why Women Are Split: Many Worried About Husband's Jobs*, S.F. CHRON., Mar. 31, 1995, at A4 ("[U]nless affirmative action advocates can convince these women that the policy that helped them individually will not hurt their family's economic security, white women cannot be counted on at the polls.").

CCRI "are playing on people's worries about their jobs by arguing that affirmative action is the reason 'a lot of white men are unemployed . . . not because of corporate downsizing, automation, computerization, all the reasons that there has been a shift in the economy.'"[70] Affirmative action becomes a scapegoat here in precisely the same way that conservatives cast affirmative action as the cause of lower admissions rates for Asian Americans.[71]

Family can be invoked in the affirmative action debate without explicit reference to race—remember that 99% of whites were married to other whites in 1987.[72] Because of this statistic, an appeal to family does the work of an explicit call to racial solidarity. Further, there is a national dimension to this appeal to family such that it is not only about the American Family but is about the Family that is America. Just as most white Americans remain prejudiced against allowing racial others into their families,[73] this same prejudice also manifests itself in the form of anti-immigrant sentiment directed at preventing entry of racial others into the Family that is America.[74]

This reconfiguration of American national identity around family echoes an earlier reconceptualization of collective national identity in familial terms that Walter Benn Michaels identifies as beginning in the

70. Sward, *supra* note 67, at A1 (quoting Patricia Ireland, president of the National Organization for Women).

71. See *supra* notes 46-56 and accompanying text.

72. *See supra* notes 35-36 and accompanying text.

73. HOWARD SCHUMAN, ET AL., RACIAL ATTITUDES IN AMERICA: TRENDS AND INTERPRETATIONS 74-75 (1988). The authors note that in 1983, 40% of white Americans approved of intermarriage between blacks and whites. *Id.* Extrapolating from this figure, and the fact that the question had only two possible answers, yes or no, I assume then that this means 60% of white Americans disapproved of black/white interracial marriage. Compare this with the 78% of black Americans who approved of interracial marriage in 1983. *Id.* at 144-45. It is also interesting to note that in 1987, 27% of white Americans favored laws against intermarriage of blacks and whites. *Id.* at xii. The authors do not report on black attitudes toward anti-miscegenation laws.

74. A historical example of this type of sentiment towards Japanese immigrants is provided in Herbert P. Le Pore, *Prelude to Prejudice: Hiram Johnson, Woodrow Wilson, and the California Alien Land Law Controversy of 1913*, 61 S. CAL. Q. 99 (1979), *reprinted in* 2 Charles McClain, ASIAN AMERICANS AND THE LAW: JAPANESE IMMIGRANTS AND AMERICAN LAW 265 (1994). Le Pore notes that:

> Progressives in California believed that economic self-preservation was closely united with racial preservation. It was believed that, if the Japanese were allowed to make economic inroads, it would only be a matter of time before they would make racial inroads. Inter-marriage and propagation of their race would impair the Anglo-Saxon racial purity so important to the Progressives' concept of economic leadership.

Id. at 266.

1920s.[75] This conjoining of family and nation took place during a national identity crisis America was undergoing. In addition to various sectional and class conflicts, the North was struggling with immigrants from eastern and southern Europe, the South was struggling with Blacks, and the West was struggling with immigrants from Asia.

Family was invoked to mediate these conflicts. It was no accident that D.W. Griffith's *The Birth of a Nation*, which presaged the trend identified by Michaels, ends with a double marriage, the brother and sister from the (white) Northern family marry the respective sister and brother of the (white) Southern family.[76] The brothers and sisters achieve through their literal union the symbolic reunification of North and South.[77] The rebirth of America is achieved, and family becomes the site of American identity.

Family in this context has a specific racial content—it is white. The result is that "[i]nsofar as the family becomes the site of national identity, [American] nationality becomes an effect of [white] racial identity."[78] This reconceptualization allows a policing of the boundaries of the national community along racial lines through an invocation of family.[79] In the same way that the (white) family must be protected from the predations of the transgressive sexuality of men of color, the proper racial order of the Family that is America must be preserved. It was no accident that anti-immigration sentiment

---

75. Michaels comments:

> [I]t was in terms of familial relations (as opposed, say, to economic relations or regional or even generational relations) that the new structures of identity were articulated. *America, A Family Matter* was the title of Charles W. Gould's nativist polemic of 1922. And, although Horace Kallen's *Culture and Democracy in the United States* (1924) was directed against nativism, Kallen shared Gould's model of national identity; according to him, the very idea of "nationality" was "familial in essence."

WALTER BENN MICHAELS, OUR AMERICA: NATIVISM, MODERNISM, AND PLURALISM 6 (1995).

76. THE BIRTH OF A NATION (1915). In brief, the film tracks the breakup and reunification of the country by following two white families, from the North and South, through the Civil War, Reconstruction, and Redemption. On the impact of this film, *see* JOHN HOPE FRANKLIN, *The Birth of a Nation: Propaganda as History, in* RACE AND HISTORY: SELECTED ESSAYS, 1938-1988, at 10, 15 (1989).

77. FRANKLIN, *supra* note 76, at 15.

78. MICHAELS, *supra* note 75, at 8.

79. I discuss this more fully by examining the national dimensions of the racial-sexual policing that takes place in D.W. Griffith's THE BIRTH OF A NATION (1915) and a lesser known film, Cecille B. DeMille's THE CHEAT (1915) *in* ROBERT S. CHANG, *Dreaming in Black and White, in* DIS-ORIENTED: ASIAN AMERICANS, LAW, AND THE NATION-STATE (forthcoming 1997).

reached a fever pitch during this period.[80] Nor is it an accident that anti-immigration sentiment directed against Asian and Hispanic immigrants has reached a fever pitch today. And it is not a coincidence that a nationalized form of family—for example, the Christian Coalition's Contract with the American Family—has made a return to the political scene.

One difference, though, is that today's return to the traditional family located within the nation-space of America is not just a return to an earlier racial order; it embodies a return to traditional gender roles. Understood in this way, the appeal to family in the context of the anti-affirmative action movement is an attack on feminism. But unlike the backlash against feminism in the 1980s,[81] this attack is much more subtle.

In theory, because white women have been the primary beneficiaries of affirmative action, they should be the primary targets of the anti-affirmative action forces. However, the vote of white women is considered crucial for CCRI.[82] So how do you avoid gender conflict, especially in light of continued discrimination against women?

I think the key here is patriarchy. Because patriarchy operates in such a way that women earn only 71 cents for every dollar a man makes,[83] the economic interests of white women may be better served if their husbands, brothers, and sons do well.[84] Instead of gender solidarity between white women and women of color, and gender conflict between white women and white men, white racial solidarity is achieved through an appeal to family. Never mind that white women are to sacrifice their own opportunities and those of their sisters and daughters.

* * *

I began by framing the attack on affirmative action within a larger context of anti-immigration and anti-multiculturalism sentiment. I see this sentiment as part of an attempt to return to an (imaginary) America past, to restore America to its former glory. This would entail a return to a former racial and gender order. However, an explicit call for white racial solidarity to protect white male entitle-

80. *See generally* JOHN HIGHAM, STRANGERS IN THE LAND: PATTERNS OF AMERICAN NATIVISM, 1860-1925 (2d ed. 1988).

81. *See generally* SUSAN FALUDI, BACKLASH: THE UNDECLARED WAR AGAINST AMERICAN WOMEN (1991).

82. Sward, *supra* note 67, at A1 ("[F]emale voters are bound to be a prime target for both initiative backers and foes: As women go, so may go the war.").

83. *Id.*

84. *See* McLeod, *supra* note 69, at A4.

ment is not a politically viable strategy. Instead, the innocent white male as victim is created by cries of reverse racism or reverse discrimination. The innocent white male is then used in conjunction with an explicit invocation of family. Together, these operate as an implicit call to white racial solidarity and also mediate the potential gender conflict between white women and white men.

I have developed this thesis through three encounters I have had with affirmative action. One very salient fact revealed to me through these encounters is that there are an awful lot of affirmative action babies out there. And I would venture to say that most of these affirmative action babies are white.

I have argued that the move to abandon preferences for racial minorities, while leaving intact preferences that primarily benefit whites, is not about fairness or merit at all. It is about protecting white entitlement. I have also argued that the move to abandon preferences on the basis of gender, when discrimination against women remains rampant, is also not about fairness or merit. It is about protecting patriarchy. Put the two together, and it is an attempt to return to an America that once was. But turning back the clock is a poor way to step into the future.

* * *

When my father wanted to pursue a master's degree in English in the United States, Howard University gave him the opportunity. His year there was a tumultuous one. In addition to the race riots/rebellions that were sweeping the nation, there was much unrest on the Howard campus. During one such volatile period, the ROTC building on campus was burned down to protest the war in Vietnam. I am not sure what he saw in all of this. Sometimes, I think that he was crazy to send for my mother, my brother, and me from Korea. I am sure that he was motivated to some extent by the American dream, but I think there was more. He had a dream of America, not what it was, but what it could be. And that is the America that he wanted for us. It is the America that he taught us to work toward.

Instead of a return to an America past, I urge us to dream of an America future, where conditions exist so that we really may pursue the American dream. If we are to ever get there, we must, as David Roediger reminds us, transform "reverse racism" from a curse into an injunction: *Reverse racism!* It will be difficult, but let us work together to make real this dream that is America.