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Lott Jeopardizes Individual Liberty **by Sheldon Richman**

One of the problems with a politician like Trent Lott is that he discredits perfectly legitimate policy positions by associating them with racism. To make matters worse, now that he has again gotten caught with his foot in his mouth, he will probably support bad laws in order to prove he is no racist. A fine fix we are in.

The American people have been handed a bad package deal. They have been told that if someone opposes racism, then he must favor affirmative action (actually, racial quotas and set-asides) and other forms of government management of private race relations. The corollary is that opposition to these government mandates is proof, ipso facto, of racism.

This, of course, is ridiculous. Today a racist would oppose government management of private race relations (though he didn't during the Jim Crow era). But it doesn't follow that anyone who opposes this is also a racist. Freedom of association, which everyone lauds, logically includes the freedom not to associate, which is more often condemned than lauded. And the freedom not to associate, if it is to be a bona fide freedom, must be accepted even when a particular person holds an irrational standard for deciding with whom to associate. In other words, a person has a right to be a (peaceful) racial separatist — as abominable as it is. It comes with freedom, which means that it cannot be attacked legally without undermining all freedom. Freedom can sometimes have unpleasant outcomes, but that is no reason to do away with it. If freedom means only the freedom to do the inoffensive, then it rests on a frail foundation indeed.

Thus affirmative action is wrong. An employer should be free to hire whomever he wishes for whatever reason he wishes. If he is dumb enough to exclude members of entire groups, no matter how talented they are, he will lose business to employers who are not so dumb. All we need to guarantee such a result is a free market, where the government abstains from playing favorites. A free market is vibrant and competitive, meaning that it maximizes choice for workers and consumers. If one employer is a bigot, there will be others who are not. Private property and competition (that is, limits on government power) are far better protectors than government.

Similarly, other forms of government management of private race relations are wrong and even self-defeating. If the owner of a restaurant refuses to serve black people, competitors will be happy to do so, provided the government doesn't outlaw integration (as it did in the Jim Crow era), connive with racist vigilantes, or hamper the launching of new businesses.

It is little known that many white businessmen opposed state-mandated segregation. White railroad owners objected to the Louisiana law that required separate train cars. One of those owners worked with a black man to challenge that law in the landmark *Plessy v. Ferguson* case in 1896. Legal scholar Richard Epstein has written that many southern businessmen would have opened their businesses to all had they not feared violence from the Ku Klux Klan, whose friends on the police force would have looked the other way.

The upshot is that people in a free society have an incentive to enlarge social cooperation because the gains from trade are mutual and enormous. As has been said, green is a more powerful color than black or white. On the other hand, political intervention that is presented as racially benign expands the arbitrary power of government, endangering everyone.

Here's the problem: when people with an apparent soft spot for state-enforced segregation, such as Trent Lott, who has twice publicly praised Strom Thurmond's 1948 segregationist presidential campaign, oppose affirmative action and other government interventions, they unjustifiably reinforce the impression that only racists could oppose those decrees. Many people known not to be racists oppose affirmative action — including prominent black social scientists — but they are ignored in favor of easier opponents like Lott. That's convenient for those who favor intrusive government, such as the power-hungry "civil rights" leaders Al Sharpton and Jesse Jackson. But their interest is not in justice and liberty or even the well-being of black Americans. Remember, the day racism disappears, they are out of jobs.

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