PROGRESSIVE POLITICS
THE STRATEGIC IMPORTANCE OF RACE

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Diversity in the US, 2000

Data Source: U.S. Census Bureau, Census 2000
Redistricting Data (PL 94-171) Summary File.
Cartography: Population Division, U.S. Census Bureau.
American FactFinder at factfinder.census.gov provides
census data and mapping tools.
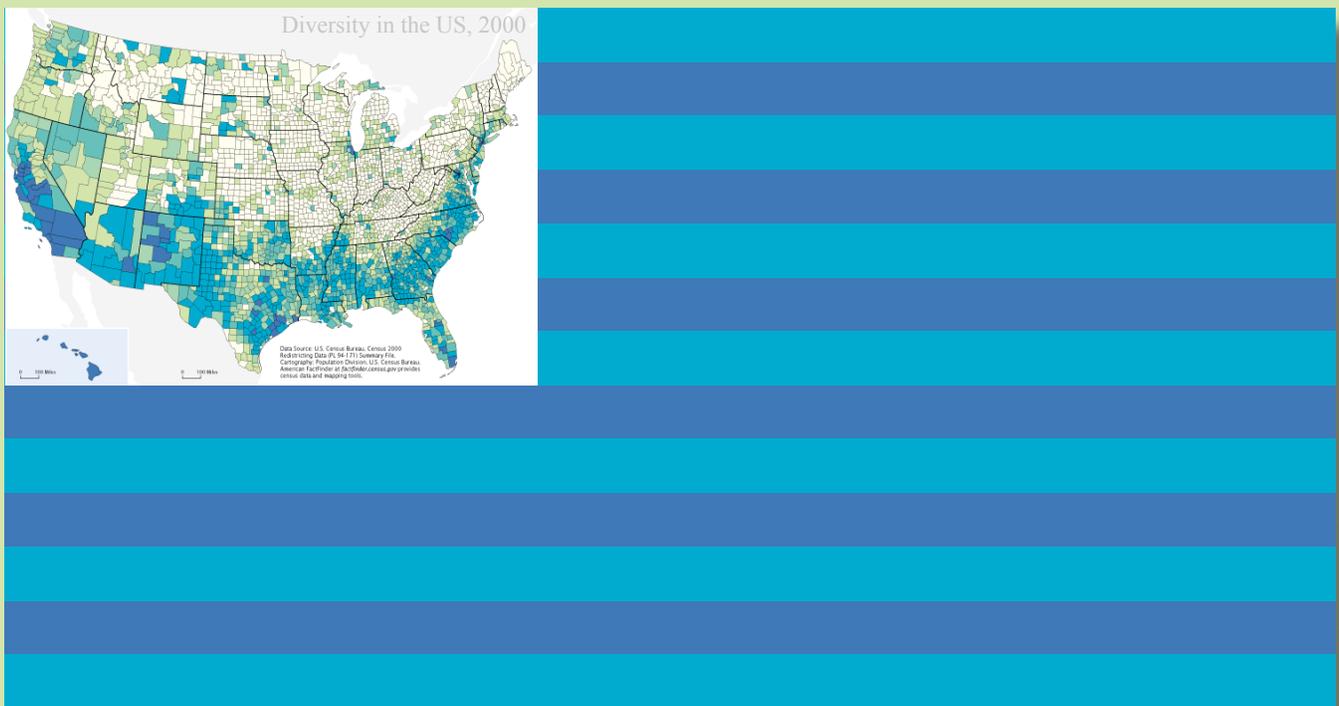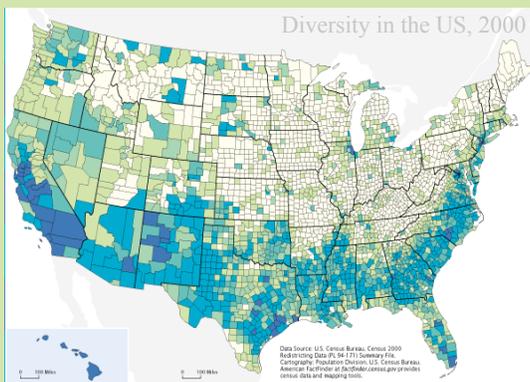
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The Kirwan Institute for the Study of Race and Ethnicity is a university-wide interdisciplinary research institute. We generate and support innovative analyses that improve understanding of the dynamics that underlie racial marginality and undermine full and fair democratic practices throughout Ohio, the United States, and the global community. Responsive to real-world needs, our work informs policies and practices that produce equitable changes in those dynamics.

I. Introduction

Progressives sense the urgent need to develop and support a sustainable progressive movement. They have been losing ground for several years and will continue to do so unless an alternative strategy is developed. There is virtually complete agreement that this task requires a fresh approach and substantial agreement that this new strategy will require significant multiracial and multiethnic coalitions. There is less agreement on what is meant by a progressive movement and how these coalitions are to be created and sustained.

Some suggest that winning the next set of Congressional and Presidential elections is virtually synonymous with the development of a progressive movement. While such victories could contribute to a progressive agenda, they do not in themselves reflect a progressive movement. Without trying to define the content of a progressive agenda, we will make some explicit assumptions for the purpose of this memo. First of all, a progressive agenda requires an effective national government that is responsive to all its members and to the environment. Such a government cannot be captive of business or any other narrow interest. We further assume that such a government must be adequately resourced through appropriate fiscal policies. Such a government must facilitate and support the well-being of its members. Well-being is more than the requirements for survival and extends to that which is necessary to participate effectively both in civic and economic society. The government must also build and support institutions to care for those who cannot adequately care for themselves. A progressive agenda must recognize that even as individuals we have linked fates and responsibilities.

With this inchoate definition some of the requirements for moving forward become clear as well as some of the challenges. Clearly, a progressive agenda reflects a set of values that are distinguishable from a conservative agenda. One value is that we are interconnected and have some shared responsibility despite our individual expression and private spheres. This shared responsibility exists not just between individuals but also points to a role for the government. One of the reasons that conservatives pushed for the dismantling of social security system in favor of private accounts is their hostility to the role of government in linking us institutionally and having social as opposed to private security.

One of the challenges that progressives and indeed the entire society fumble over is the recognition of linked fates across racial boundaries. Many scholars have asserted that race, not class, has been the great dividing as well as the great organizing principle in America. It is clear that class and economic issues are important in building a progressive agenda and a fair society. But little attention is paid to why Americans are both resistant to see issues in terms of class or organize around class issues and yet are very much willing to organize issues around race. The focus of this memo is to explore the role of race and class in developing a sustainable progressive movement. More specifically, we will be challenging the proposition that an agenda focusing on race-neutral issues that engages constituents on the basis of self-interest could create and

sustain a national policy of permanent progressivism. We will show that it is not plausible to build a progressive agenda without addressing race.

People who assert the race-neutral position are usually basing their claim on a very inadequate definition of race and the work it has done and is doing in society. This limited understanding of race assumes that it is primarily about people of color and that racism is primarily about discrimination and therefore is a special pleader. Under this view, race or racism is primarily understood to be a psychosocial event that occurs between individual persons or prejudice directed at non-whites. Accordingly, disparities may be addressed by identifying bad, discriminatory actors and particular victims, and transferring resources between whites and non-whites. The assumption is that this is to be done by taking from whites. There is little examination in this model as to what we need for a secure, healthy life. Instead, we frame the solution as a zero sum game. It is not surprising that whites resist. To the extent that race is only about the grievances of non-whites, whites are less likely to join the discourse.

We assert that there is a broader understanding of race that is not just about people of color but also about whites, institutional arrangements, and cultural meaning which contribute to an anti-progressive agenda. The effort to develop multiracial coalitions and other solidaristic associations are undermined by a destructive and limited use of race. The story of the fight for states rights, unions, our electoral system, and limited federal government is radically incomplete without being informed by race. Equally, the fragmentation in metropolitan space with our segregated neighborhoods and high poverty schools cannot simply be explained by local control. All of these arrangements and the resistance to change obstruct a progressive agenda with negative consequences for whites and non-whites alike. Race is the biggest reason that the United States, unique among advanced countries, is ruled by a political movement that is hostile to the idea of helping citizens in need.

Many assume in the United States that race and class are largely distinct or that race can be reduced to class. Under this view, race disparities should more appropriately be addressed by class. This is both an analytical position as well as a strategic position. These set of assumptions are almost articles of faith in much of the white progressive movement. This memo will assert that these assumptions are wrong analytically, historically and strategically. Part of the reason for this important error is suggested in the discussion of the limited way that race is understood. But there are other reasons for this mistake. Class based alternatives are a misnomer and fundamentally conservative. They focus on advancing disadvantaged individuals to the status of middle-class rather than on transforming or restructuring the relations between classes on a more equitable basis. As a consequence, they are not a useful organizing mechanism for building a progressive coalition on the basis of shared interests or a sense of solidarity. While it is clear there needs to be a focus on class and economic issues, unless properly approached such an effort is not likely to be progressive or successful. A progressive alternative requires addressing race and building cross-class, multi-racial coalitions. We therefore reject the reduction of race to class and class to race.

We will show that race and class, while different, are interrelated in the United States and that racial meaning, identity and practices have constrained and helped shape and limit our class consciousness. We will show that one of the reasons that America is exceptional in lacking a labor party, having a weak union movement and a thin, two-tiered social welfare system is the way that we do race. Racialized systems not only impact institutional arrangements but also particular institutions, such as unions, with consequences for the entire society. Yet, we will also show how racist attitudes of whites, the creation of racial identities, and the institutionalization of racial systems are tied to economic development and influenced by economic fears and needs.

We will challenge the assumption that race is necessarily divisive and disturbs the project of building a coalition with a progressive agenda. This is largely a historical and empirical assertion. While we will acknowledge that race can be and has been used divisively, we will assert that it can also be used in a transformative manner which helps to bring people together. We will show how conservatives have been able to use colorblind racism through symbolic appeals and coded meanings to undermine progressive efforts in America. The answer is not, therefore, to avoid discussions of race because it is already in the discourse in a subterranean manner. It is not whether race will be used, but how. The response must be to make race explicit but in a transformative manner. We are not asserting, however, that we must always "lead" with race. The effort here is not to develop a communication strategy as much as to provide an analytic foundation based on history, empirical understanding, and values.

II. The Racial Dimension of Class in the United States

Race has left a heavy footprint, too often unobserved or ignored, in the history of American class relations. A closer look at the evolution and interplay of race and class in America will bring into focus the limitations of the race-neutral approach to progressive coalition building.

Our current understanding of race and class e did not arrive as the culmination of some inherent, objective historical logic. Race and class understandings acquired their meaning over time and are not comprehensive outside of that development. They acquire meaning in the context of historical development and existing race and class relations.[1] For these reasons and because so much of our racial meaning and practices are reflective of our formative structures and cultural narratives, this memo will look back on some of the historical moments when these structures and narratives were being contested. Although a comprehensive delineation of the relationship between class and race is beyond the scope of this memo, we will highlight a few of the critical junctures in American history that continue to influence the understanding of class and race in 21st Century America.

A. Race and Class at the Revolution

The American Revolution was fought in the name of liberty. On the road to independence, no word was more frequently invoked.[2] Freeman, a critical ingredient of the new American identity, carried the double meaning of economic and political independence.[3] And yet before the revolution, many whites enjoyed neither. In colonial America, most whites did not vote and many colonists were indentured servants.[4] Indentured servants, persons who voluntarily surrendered their freedom for a specified time, comprised a major part of the non-slave labor force.[5] As late as the early 1770s, nearly half the immigrants who arrived in America from England and Scotland had entered contracts for a fixed period of labor in exchange for passage. More importantly, the circumstances of African slavery and European servitude were not all that different. Indentured servants often worked in the fields alongside slaves. Like slaves, servants could be bought and sold, were subject to corporal punishment, and their obligation to fulfill their duties was enforced by the courts.[6]

Formerly indentured Europeans were converted to the republican ideology by appeals to freedom and promises of release from bondage. By 1800, European indentured servitude, a formative colonial institution, had all but disappeared from the United States,

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[1] Martha Mahoney, *Whiteness and Remedy: Under-Ruling Civil Rights in Walker v. City of* Mesquite, 85 CORNELL L. REV. 1309, 1323 (2000).

[2] ERIC FONER, THE STORY OF AMERICAN FREEDOM, 12 (1998).

[3] DAVID ROEDIGER, THE WAGES OF WHITENESS, 56 (1999).

[4] In Connecticut, for example, there were twice as many inhabitants as freeman in the late 1780s. AKHIL REED AMAR, AMERICA'S CONSTITUTION 503 (2005).

[5] FONER, supra note 2, at 10.

[6] *Id.* at 12.

and apprenticeship was on the wane. The European servant transformed into a white free laborer, a development that would shape emergent working class identity.

For a brief moment, the "contagion of liberty" appeared to threaten the continued existence of slavery altogether. Servitude itself increasingly came to be seen as incompatible with republican citizenship. According to David Roediger "the proximity of unfree whites and Black chattel slaves on a continuum of oppression helped create sympathies that ensured the 'contagion of liberty' during and after the upheaval of the Revolution."[7] The potential for class based solidarity born of the shared circumstances of servitude did not survive the revolutionary moment. European slavery could be overcome, but powerful economic and political interests protected African slavery. Not only did slavery survive the revolution, but the Constitution's three-fifth's clause ensured that slaveholders led the process of nation building until the election of Lincoln.[8] Each of the formative institutions necessarily protected this racial arrangement, including the Constitution itself. Thus, the proposed Constitution, in the words of James Madison, offered slavery "better security than any that now exists."[9]

The contradiction between the ideal of personal liberty and the existence of slavery was an uncomfortable ethical and philosophical tension.[10] Race emerged as the justification for the existence of slavery in a nation ideologically committed to freedom as a natural right.[11] By the nineteenth century, notions of black inferiority and white superiority had matured into full fledged ideologies. In the South, theories of scientific racism and polygenesis took root and flourished.[12] In the North, Republicanism had long emphasized that strength, virtue, and resolve of a people guarded them from enslavement.[13] White revolutionary pride thus opened the way for republican racism.[14] In the minds of working class whites, who soon forgot their own sojourn in unpaid labor, the explanation for black slavery became located in blacks themselves. The existence of slavery at a time when servitude was seen as incompatible with the ideals of liberty was a stimulus for an enduring racialized ideology.[15] Whiteness was not simply about color or

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[7] ROEDIGER,.*supra* note 3, at 30.

[8] STEVE MARTINOT, THE RULE OF RACIALIZATION 83 (2003). *See also* AKHIL REED AMAR, AMERICA'S CONSTITUTION (2005).

[9] FONER, *supra* note 2, at 35

[10] MARTINOT, *supra* note 7.

[11] FONER, *supra* note 2, at 40.

[12] GEORGE M. FREDRICKSON, THE BLACK IMAGE IN THE WHITE MIND 71-96 (1987).

[13] ROEDIGER, *supra* note 3, at 35.

[14] *Id.*

[15] Michael Goldfield, THE COLOR OF POLITICS 15-16 (1997), summarizes the argument of Stanley Greenberg, RACE AND STATE IN CAPITALIST DEVELOPMENT (1980). Greenberg argues that racial systems of discrimination did not originate in culture or individual attitudes. "Instead, they were originally rooted in the economic needs and desires of large agricultural producers to have highly exploited and controlled black labor forces. The social and political structures and the racial identities that were required to sustain such a system were by necessity codified and extended to the societies as a whole. The agricultural interests were supported by other economic elites whose interests were parallel or at least not incompatible with those of the agriculturalists. The existence of racial oppression and racial attitudes among whites stem from this dominating racial system. Both the difficulty of overcoming racist attitudes among whites and the problems faced by racially solidaristic labor movements must be explained within this context.

historical root but was defined in opposition to blackness and the conditions of servitude that came to be associated with blacks. Race and slavery was constitutive of both black and white identity in the new republic. The concept of whiteness and the associations with blackness made it difficult for whites to identify with blacks.[16]

B. Industrialization and White Suffrage

American industrialization and the concomitant rise of wage labor posed a profound challenge for the ethos that defined economic dependence as incompatible with freedom. In the 1830s and 1840s, a "free labor" ideology grew to prominence, emphasizing the belief that workers should be free and able to demand remuneration commensurate with their skill and tradition.[17] Yet by 1860, roughly half of the nonslave labor force were wage laborers subject to new forms of capitalist labor discipline.[18] The commodification of free labor with a wage system met with resistance.[19] It disrupted the understanding that freedom was antithetical to working for others. Dependant labor had come to mean unfreedom, servitude, and blackness.[20] It was not enough that white working class males were no longer servants. It was a freedom from the control of others and ownership over one's self, which made one free. Thus, the Jeffersonian ideal of the small, independent farmer as the "best basis of public liberty" reemerged in Jacksonian America as a critique of early capitalism.[21]

The tension between the freeman identity and the reality of economic dependence under industrialization was mitigated by reforms expanding suffrage for white males. Before independence, the right to vote had been subject to complex restrictions, which varied from colony to colony.[22] Everywhere, property qualifications, while less exclusionary than in England because of the wide distribution of ownership, barred those

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Changing the systems of racial domination and subordination ultimately requires the challenging and overthrowing of those economic interests that gain the most." Seen from this perspective, the Constitution, in the words of Goldfield, "codified" the racial system used by the South and extended it to the society as a whole. The political architecture of our nation subsequently enhanced the racial arrangement in ways that will become clear later in this memo *infra* page 18.

[16] ROEDIGER, *supra* note 3.

[17] MARTINOT, *supra* note 7, at 84.

[18] ROEDIGER, *supra* note 3, at 20.

[19] FONER *supra* note 2, at 60. Eric Foner recounts the essays of New England social philosopher Orestes A. Brownson, novelist Herman Mellville, and demagogue politician Mike Walsh, who compared a wage system itself to slavery.

[20] ROEDIGER, *supra* note 3.

[21] FONER, *supra* note 2, at 21 & 59. Thomas Jefferson argued against big factories, against America becoming a manufacturing nation. He said we should remain an agrarian and a trading nation. The reason he advanced was not that greater prosperity would result if Americans stayed on the farm and traded with other countries; Jefferson's argument was about virtue. "Those who labor the earth are the chosen people of God," the embodiments of "genuine virtue." Thinking of Manchester and the manufacturing cities of Europe, Jefferson feared that factory workers were bound to become a dependent, propertyless mob, unable to stand on their own two feet, incapable of talking back to government or to exercise independent judgment. They would, in short, lack civic virtue. "Dependence begets subservience and venality, suffocates the germ of virtue, and prepares fit tools for the designs of ambition." Jefferson worried about the way in which economic arrangements shape civic character and civic virtue.

[22] *Id*. at 17.

deemed incapable of independent judgment – servants, apprentices, and the poor.[23] Working class political freedom was won by an uneven process of democratization by and under the ideology of the revolution through the substitution of taxpaying for property requirements in some states, the substantial reduction of freehold qualifications in others, and the widespread enfranchisement of soldiers. For white men, the process of democratization ran its course by the Age of Jackson.

As a predictable consequence of the confluence of the stigmatization of blacks as unworthy and the need to give something to whites who feared increasing dependence, universal suffrage paralleled movements to fully disenfranchise blacks. Labor competition between northern blacks and white workers motivated the newly enfranchised white workers to reject black political participation. One by one, most state constitutions were amended during the 1820s and 1830s to exclude the black vote. New York in 1821 and Pennsylvania in 1838 both eliminated their property requirements for voting and prohibited black male suffrage in the same stroke.[24] From 1819 to the Civil War, every state admitted to the union limited the franchise to white males in their constitutions.[25] By 1860, only six percent of the Northern black population lived in states in which they could vote (Massachusetts, New Hampshire, Vermont, Rhode Island and Maine) and only half of eligible black voters in these states actually voted due to white terror at the polls.[26] The white republic was also defended in state referendums. In the North between 1840 and 1870, equality with black people was overwhelmingly rejected by white voters in 17 of 19 referendums.[27] The white hireling was a political freeman and the black was not, with very few exceptions.

Chattel slavery did not exist in any other nation during the years of significant working class formation. As a consequence, working class formation in the United States, beginning with the transformation of indentured whites into free laborers, went hand in hand with a story of black inferiority and white superiority. In this context, race exclusion and white suffrage were predictable ways in which white workers responded to fears arising out of the changes wrought by industrialization. The legacy for white workers was greater relative political freedom purchased at the expense of a stunted critique of wage work. Although poor blacks and poor whites had much in common economically, white workers secured voting rights and used that power to exclude blacks from the political sphere. Thus, even when in practice poor whites have low economic and social status in comparison with other whites, racial identity limits the possibility for cross-racial collective action and working-class unity. This problem has confounded class-based political organizing in the United States for more than two centuries.

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[23] *Id.*
[24] Linda Faye Williams, *The Constraint of Race: Slavery, the Legacy of the "White Citizen," and American Social Policy,* Repairing the Past: Confronting the Legacies of Slavery, Genocide, and Caste 4 (2005) *at* http://www.yale.edu/glc/justice/williams.pdf
[25] *Id.*
[26] *Id.*
[27] *Id.*

C. Immigration, Class, and the Racial Bribe

The Constitution empowered Congress to create a uniform system of naturalization. The Naturalization Act of 1790 offered the first legislative definition of American nationality. For eight decades citizenship was limited to "free white persons."[28] Because this first legislative definition of American nationality was racially bounded, the definition of white was an issue of considerable importance and demonstrable impact.

From 1820 to 1860, the United States experienced a massive influx of Irish immigrants. By 1860, the number of Irish-born residents was 1.2 million.[29] No immigrants ever came to the United States better prepared by tradition and experience to empathize with the African-Americans than the Irish, who were emerging directly from the historical struggle against racial oppression in their own country. As David Roediger describes:

> The two groups often lived side by side in the teeming slums of American cities of the 1830s. They both did America's hard work, especially in domestic service and the transportation industry. Both groups were poor and often vilified. Both had experienced oppression and been wrenched from a homeland. Many northern free blacks who lived alongside Irish-Americans not only knew that their families had been torn from Africa by the slave trade but had themselves experienced the profound loneliness, mixed with joy, that Fredrick Douglass described as the result of escaping North from slavery, leaving loved ones behind. Longing thus characterized both the Northern black and Irish-American populations, and members of neither group were likely to return home again.[30]

In 1842, 70,000 Irish in Ireland signed an antislavery address and petition.[31] The celebrated Irish abolitionist, Daniel O'Connell, who led the massive Repeal campaign for Irish freedom through an end to union with Britain, sponsored the 1842 petition. However, after 1843, there are regular accounts of the Irish being staunchly opposed to black liberty in America. In fact, the Irish become blacks' strongest opponents. For instance, attempts to restore the black franchise in the New York Constitution were thwarted in 1826 and 1846 by the efforts of Tammany Hall Democrats, an electorate swelling with Irish immigrants.[32]

From 1830 to 1845, the proportion of the electorate made up of foreign born voters rose from one in thirty to one in seven, with the Great Famine exodus still to produce the greatest influx of immigrants in antebellum American history.[33] It was their huge

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[28] FONER, *supra* note 2, at 39.
[29] THEODORE W. ALLEN, THE INVENTION OF THE WHITE RACE: VOLUME ONE 168 (1994).
[30] ROEDIGER, *supra* note 3, at 134.
[31] *Id*.
[32] ALLEN, *supra* note 25, at 187.
[33] ROEDIGER, *supra* note 3, at 141.

numbers which made possible and desirable a racial 'bribe.'[34] At the time, Irish whiteness was the subject of considerable debate. The Census Bureau kept the Irish distinct from the nation's other groupings. A number of writers and ethnologists derided the "Celtic race." For example, George Templeton Strong, a Whig diarist living in New York City, wrote that the Irish workmen at his home had 'prehensile paws' rather than hands.[35] Similar adjectives were applied to describe the Catholic Irish 'race' in the years before the Civil War.

The Democratic Party positioned itself to take advantage of the Irish vote. It did so by promoting a definition of whiteness that expansively included the Scotch, Irish, German, French, and Normans. The ways in which the Irish competed for work and adjusted to industrial morality in America made it all but certain that they would adopt and extend the politics of white unity offered by the Democratic Party.[36] The conflation of nationality with blood may have troubled the Irish who despised the English, but within the constrained choices and high risks of antebellum American politics such a view of race was logical.[37] The Irish decision is also explained by the attempt to distance themselves from slavery and the language of servitude. By driving blacks out of their occupational niches, they could avoid the language that become so abhorrent in the post-revolutionary environment.

The story of how the Irish became white is a recurring story about the meaning of race in America with important class dimensions. The political context, in which only whites could vote, and the threat to civic freedom posed by nativists, made possible a racial bribe that would overwhelm the potential for economic unity among the two groups sharing the same economic circumstances and common plight. Racial fences prevented understanding of common economic interests that might have formed the basis for concerted action, which in turn undermined the economic progress of working whites generally as well as blacks.

D. Race and Class During Reconstruction and Beyond

The struggle for independence by those freed from slavery brought renewed national attention to the validity and morality of the labor system and the role of government. Radical Republicans in Congress debated the question of how best to equip the freed slave for citizenship and economic independence. As one Washington newspaper noted in 1868, "[i]t is impossible to separate the question of color from the question of labor."[38] However, Reconstruction failed, and in the debates over the Freedmen's Bureau after the Civil War, we see the emergence of a discourse that haunts progressives today.

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[34] *See* LANI GUINIER AND GERALD TORRES, THE MINER'S CANARY, 224-5 (2002). The authors discuss the dynamics of the racial bribe. They argue that two of the goals of the racial bribe are two "diffuse the previously marginalized group's oppositional agenda… and to offer incentives that discourage the group from affiliating with black people." Both of these motives are present at the moment of the Irish racial bribe.

[35] ROEDIGER *supra* note 3, at 133.

[36] *Id*. at 144.

[37] *Id*.

[38] ERIC FONER, A SHORT HISTORY OF RECONSTRUCTION, xvi (1990).

Officially known as the Bureau of Freedmen, Refugees, and Abandoned Lands, the Freedmen's Bureau was designed to provide welfare services to freed persons and white refugees. The Bureau provided food, clothing, and fuel to the destitute, aged, ill, and insane among both white refugees and freedmen; established schools for freedmen; supplied medical services; implemented a workable system of free labor in the South through the supervision of contracts between freedmen and their employers; managed confiscated or abandoned lands, leasing and selling some of them to freedmen; and attempted to secure for blacks equal justice before the law.[39]

A comparison between the Bureau and the veteran's pension programs reveals a two-tiered distributive pattern that has characterized social welfare programs ever since. President Andrew Johnson and the Democrats in the mid-nineteenth century opposed the Freedmen's Bureau as likely to make blacks lazy, dependent, and prone to live off of "handouts."[40] Opponents to the Bureau fretted about black women's sexuality, independence, and marital status as well as the form and size of black families and what today would be called a fear that the South would become a "welfare magnet." Moreover, the Bureau was characterized as an "immense bureaucracy," too expensive for the federal government to pursue.[41] It was said to cater to special interests, to be unfair to whites, and very probably to be a threat to harmonious race relations. The aid provided by the Freedmen's bureau to black men and women was meager, time-limited, and stigmatizing.[42] By contrast, the generous aid to northern veterans of the Civil War and their widows and children was viewed as wholly justified, and in the end veterans' pensions became virtually an old-age insurance program.[43] Although this program did not formally discriminate, it was rife with discriminatory effects because the eligibility requirements disadvantaged former slaves. Black Union veterans and their widows, for example, experienced difficulty in providing proof of their services – given requirements for birth certificates, marriage licensees, and so forth.[44] The effect of the racialized stories that justified these distributive patterns is to circumscribe the possibility of progressive change by obscuring the common interests of poor whites and blacks.

Research on prejudice documents that people are more likely to be hostile toward those perceived as members of an out-group on some salient dimension. What is salient is not natural but socially constructed and managed. Proponents of welfare programs generally attempt to draw distinctions between economic classes. Racial, religious, and ethnic divisions distract from those distinctions and reduce the ability to forge a common class-based identity. However, racial and ethnic divisions do not always block redistribution. When the racial minority is particularly rich (as the Walloons in Belgium), then it is hardly natural to fight the welfare state by exploiting racial hostility.[45] When, therefore, there are significant numbers of minorities among the poor,

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[39] Williams, *supra* note 22, at 6.
[40] *Id.*
[41] *Id.*
[42] *Id.*
[43] *Id.*
[44] *Id.*
[45] ALBERTO ALESINA & EDWARD L. GLAESER, FIGHTING POVERTY IN THE US AND EUROPE, (2004).

the majority population can be roused to resist transfer of money to them and to anyone, including themselves.[46] The American situation is ideal for using race-baiting to fight redistribution. The understanding and narrative of blackness that developed in the post-revolutionary environment ensured that whites did see themselves as having commonalities with blacks. As a consequence, blacks were deliberately subject to laws and programs that exclude them from the social and economic benefits of life in America. Then their continued poverty and stigmatization are used by opponents of welfare to make social welfare programs seem to hard-pressed whites as little more than an extravagant transfer of resources to an unworthy, ungrateful other.

According to economists Alberto Alesina and Edward Glaeser, much of the difference between American and European welfare systems can be explained by racial heterogeneity.[47] According to their analysis, about half of the gap in welfare spending between the United States and Europe can be explained by differences between American and European political institutions. In Europe, robust labor movements were a significant voice for social welfare. In European countries, labor movements were able to find themselves comfortably at home within the ranks of one or another political party. No such home was to be found in the United States. American political institutions, particularly the Presidency, the Senate, and the Supreme Court were selected directly or indirectly by electoral votes, which favored the South before the Civil War. For thirty-two of the presidency's first thirty-six years, a Virginian occupied the nation's highest office. The three-fifth's clause gave the South and pro-South candidates a substantial advantage in the electoral system. In turn, presidents would nominate cabinet heads, Supreme Court justices, and other Article III judges.[48] In fact, no prominent antislavery leader was even appointed to high executive office before the Lincoln administration.[49] Under America's first census and apportionment, Virginia would receive six more House seats, and thus six more electors, than Pennsylvania, although the two commonwealths at that point had roughly comparable free populations.[50] The Supreme Court was appointed by Southern and pro-Southern politicians and confirmed by the Senate, a body in which the South held veto power. After the Civil War, these institutions continued to over-represent low-density, non industrial states. The anti-industrial nature of the Senate is even more extreme because agricultural regions of the South dominated the Senate through the 1960s. Many American institutional arrangements were developed with concern for race being paramount. Thus, even in structuring our political institutions, race played a critical role that affected social welfare development.

Alesina and Glaeser then attribute the remaining difference between the American and European welfare states to racial heterogeneity directly.[51] They support their argument by showing that welfare payments are less generous in American states that have a higher proportion of minorities. The Populist movement in the late 19th Century

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[46] *Id.*

[47] *Id.* at 74.

[48] AKHIL REED AMAR, AMERICA'S CONSTITUTION 94 (2005).

[49] *Id.* at 158.

[50] *Id.*

[51] ALESINA & GLAESER, *supra* note 43, at74

was the first political party whose focus was the redistribution of wealth. The Populists pushed for policies that would inflate the money supply to alleviate the debt burden on mortgaged farms. The Populists looked to black votes which led the party to emphasize racial tolerance and to attack racism.[52] In the South, the Populist movement was defeated by the use of race hatred. However, the Populists did well in states like Wisconsin with relatively homogenous populations. To this day, the southern states are the least generous to the poor, while those states in which the Populists enjoyed success are among the most generous in their welfare payments.[53]

Racism contributed to the undoing of Reconstruction and the Populist movement, but the failure of Reconstruction to secure blacks' rights as citizens and free laborers also accelerated racism's spread, until by the early twentieth century it pervaded the nation's culture and politics.[54] The removal of a significant portion of the laboring population from public life—through disenfranchisement and educational, occupational, and residential segregation—shifted American politics to the right, complicating for generations the efforts of reformers. Long into the twentieth century, the South remained a one-party region that used fraud and violence to stifle dissent.[55] This power of the Solid South, an enduring consequence of Reconstruction's failure, weakened the prospects for both change in racial matters and progressive legislation generally, a fact that comes into focus in the New Deal era and in the failure of the Populist movement.

E. Race and Class During the New Deal

Class and race directly intersect in the cluster of social policies that emerged during the New Deal. Although blacks were still excluded from full citizenship through various devices such as poll taxes, they did count for apportionment purposes. The Southern Congress possessed, in its 17 states and 34 Senators, legislative veto power over all social policy. In addition to the power of the filibuster, the Southern Democratic Party was able to build "ramparts within the policy initiatives of the New Deal and the Fair Deal to safeguard their region's social organization" through seniority positions on key committees, close acquaintance with the legislative rules and procedures, and by taking advantage of the gap between the intensity of their feeling and the relative indifference of their fellow members of Congress.[56] This power was deployed in three ways to fortify racial hierarchy within New Deal programs: (1) drafting of laws that were racially discriminatory and drawn along racial lines; (2) insistence on local administration, which protected southern social, political, and economic systems; and (3) prevention of the attachment of anti-discrimination provisions to pending legislation.[57] The early

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[52] AMAR, *supra* note 46 at 158.

[53] *Id.* at 159.

[54] FONER *supra* note 36, at 256.

[55] *Id*.

[56] IRA KATZNELSON, WHEN AFFIRMATIVE ACTION WAS WHITE 22 (2005).

[57] *Id.*

architecture of the welfare state, devised during the mid-1930s, thus bore the stamp of Jim Crow racism [58]

i. The Social Security Act

The Social Security Act was unparalleled in American history. It was a permanent edifice of social welfare programs providing for old age pensions, benefits for surviving spouses, unemployment compensation, and assistance for the poor. But because of exclusions of agricultural and domestic workers and many self-employed workers, 65 percent of African Americans were denied its protections.[59] Only when Republicans gained control of the federal government in 1954 were the occupational exclusions removed and contributions on behalf of these groups initiated. And even then, many blacks were never able to catch up because of the requirement of five year contribution before receiving benefits.[60]

Aid to dependent children provisions were made less national in that they shared costs with the states, which in turn had discretion in setting benefit levels.[61] Once a state had received a grant, it controlled expenditure. The other main provision of the Social Security Act was assistance to the elderly and the poor.[62] Here, too, the states set the benefit levels. The unemployment insurance provision exemplified both strategies. It was less inclusive in that it was limited to workers whose employers had previously paid into the system in addition to giving control over benefit levels to the states.[63] In short, each of the old age, social assistance, and unemployment provisions of the Social Security Act took on racial contours, and liberal, northern Democrats acquiesced to maintain their alliance with southern Democrats.

ii. Labor Legislation

The National Labor Relations Act (NLRA, 1935) and the Fair Labor Standards Act (FLSA, 1938) were important and even revolutionary labor laws that helped improve the conditions of working class Americans. They were passed by means of a trade of the votes of southerners for the exclusion of farmworkers and maids—occupational categories open to African Americans in a racially restrictive labor market—from protection.[64] In circumstances where Republicans opposed these laws, the Democratic Party made racially relevant adjustments to secure a winning coalition.[65] Although the predecessor to these laws, the National Industrial Recovery Act (1933), had no explicit exclusion for agricultural and domestic workers, the courts retroactively read such

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[58] ANDREW BARLOW, BETWEEN FEAR AND HOPE: GLOBALIZATION AND RACE IN THE UNITED STATES 37 (2003).
[59] KATZNELSON *supra* note 54, at 51.
[60] *Id.*
[61] *Id.*
[62] *Id.*
[63] *Id*. at 48.
[64] *Id.* at 55.
[65] *Id.*

exclusions into the law. The new arrangements were thus friendly to labor but inhospitable to the majority of African Americans living below the Mason-Dixon Line.

In the 1930s, unionization was uncommon in the South but important to northern Democrats who represented large industrial constituencies. However, low unemployment and booming industry during WWII sparked fears that these new laws would help undermine the region's racial order as blacks returning to the South from overseas were being organized by labor.[66] Southerners were concerned that labor organizing might fuel civil rights activism and that close enforcement of the FLSA would cause wage leveling along racial lines. The southern representatives who had once helped construct the new labor regime flipped their votes. It was only at this point that northern Democrats united to oppose southern efforts to obtain broad agricultural exclusions. The resulting defection of southern Democrats from the coalition supporting labor issues was devastating for unions and particularly harmful for black workers.[67] The product was the Taft-Hartley Act, which severely curtailed the rights of labor organizers and unions generally.

Three consequences are salient as they pertain to class movements: First, unions moved to secure gains where they already had power – they were not yet organized in the South, and that effort collapsed altogether after Taft-Hartley. In the second half of the twentieth century, unions continued to be relatively contained within the enclaves of the northeast, Midwest, and far west, with low union density in the south and west coast.[68] Second, they moved to focus on workplace issues, such as wages, work rules and conditions, and fringe benefits, and thus limited the scope of union energy. Third, rather than continue to fight for government welfare programs for all who need them, they concentrated on securing pension and health insurance provisions, and generous bargaining agreements for their members.[69] This has made unions less class focused and a less willing partner in progressive coalitions. Unions were the one national force best able to articulate and organize around economic issues – these decisions therefore stifled the civil rights impulse and unnecessarily narrowed it to non-economic issues. Ironically, the constrained position of unions helped sunder the issue of race and the question of labor markets so that the emergent civil rights movement "transformed jurisprudence and shaped landmark legislation without possessing instruments with which to redress economic harms."[70] Once again, racial divisions had limited the political and economic vision and possibilities for all Americans.

iii. Veteran's Benefits

The Selective Service Readjustment Act (the GI Bill) was the most wide ranging set of social benefits ever offered by the federal government in a single initiative. Between

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[66] *Id*. at 61.

[67] *Id.* at 74.

[68] Sean Farhang & Ira Katznelson, *The Southern Imposition: Congress and Labor in the New Deal and Fair Deal*, 2005, STUDIES IN AM. POL. DEV. 1, 5.

[69] KATZNELSON, *supra* note 54, at 77-78.

[70] Farhung & Katznelson, *supra* note 66, at 7.

1944 and 1971, federal spending for former soldiers under this law totaled over $95 billion.[71] One writer has called the educational, residential, financial, and social changes brought about by the GI Bill a "true social revolution."[72] More than 200,000 veterans used the bill's access to capital to acquire farms or start businesses. Veterans Administration mortgages paid for five million new homes.[73] It was under GI Bill interest rates and thirty year loans that Americans first became more likely to purchase a home than rent. From 1946 to 1954, the United States added 13 million new homes.[74] The domestic face of America underwent a transformation that included the seeds of suburban sprawl. Residential ownership became the key foundation of economic security for the burgeoning and overwhelmingly white middle class.[75] Equally impressive were the educational benefits. By 1950, the federal government spent more on schooling for veterans than on expenditures for the Marshall Plan.[76] For the first time, millions of Americans acquired a college degree, transforming the economic destiny of the nation.

Although the GI Bill was formally colorblind, there was no greater instrument for widening an already huge racial gap in postwar America. The Bill provided for local and state administration provided by Congressional oversight – oversight that lay in the control of a powerful committee headed by Rep. John Rankin, a southern congressman.[77] As a result, blacks were excluded, rejected, and discouraged from partaking in the benefits of a generous federal program. For example, one provision in the bill prevented an agency of the United States from supervising or controlling any state educational agency in the administration of educational funds during this era of almost complete educational segregation. Blacks in the south were shunted into black institutions with poor quality facilities and fewer degree options. Even the vocational programs under the GI Bill had discriminatory effects. Because blacks were discriminated against in many professions, they were unable to secure jobs necessary to take advantage of the vocational subsidy.

Thus, in the cluster of social policies that emerged during the New Deal, class and race directly intersected with profound consequences. Racially laden national programs widened the gap between white and black Americans in the aftermath of the Second World War just as a middle class first came into existence. These New Deal programs, therefore, were not merely discriminatory; they were an affirmative action program for whites.[78] Moreover, not only were blacks excluded from the full benefits of the programs, a fact which results in tremendous disparities today; racial fears also induced proponents of these programs to narrow their scope, limit their applicability, and ultimately reverse their trajectory to the detriment of similarly working class whites. To

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[71] KATZNELSON, *supra* note 54, at 113.
[72] *Id*. at 114.
[73] *Id*. at 115.
[74] *Id*. at 116.
[75] *Id*.
[76] *Id*.
[77] *Id*. at 126.
[78] *Id*.

understand the full impact of the New Deal social policy, we need to understand how these policies influenced class identity.

F. Race and the Middle Class

The class order that emerged in the post-war period was a radical break from the past. Americans today have no easily accessible perspective to appreciate the extent of this departure. The phenomenal economic growth of the post-war period was shaped by racially inscribed New Deal institutions to produce both the economic reality and a new identity of "middle class" from which blacks found themselves substantially excluded. This middle class identity and the assumptions that sustain it are significant impediments to progressive change and the development of a progressive movement. The failure to confront this reality is the source of much confusion on the left.

There is a prevailing assumption that class is primarily an economic location. In fact, class is as much a cultural as an economic formation. The middle class is not organized around income or even wealth. All but the wealthiest Americans and those who are truly impoverished consider themselves middle class. Instead, the middle class is organized on a moral basis, built upon the concept of merit. The unprecedented wage hikes (including increases in benefits, retirement funds, and social insurance programs), coupled with housing and educational subsidies of the GI Bill, transformed many Americans' understanding of the basic rules of society.[79] By the mid 1950s, the class consciousness of America was markedly different from what it had been even in 1946. A look at the 1930s and 1940s reveals open and intense conflict between workers and their employers.[80] In contrast, the newly emergent middle class was the embodiment of the idea that everyone could achieve the "American dream" by cooperating with corporate America.[81]

The narrative of the American Dream – if individuals work hard and play by the rules, they succeed—invariably trumps other explanations such as class structure or institutional arrangements.[82] Thus, individual hard work is the primary explanatory variable for social mobility.[83] As a consequence, the middle class is understood in individualistic terms rather than group position. With its arrival, working-class consciousness evaporated from American society. The middle class order does not offer a class alternative for progressive organizing understood in group terms. Middle class notions of individuality and just desserts limit the potential for solidarity on the basis of class.

Race is part of the construction of class-as-merit, and this individualistic ideology is part of what defeats the development of solidaristic consciousness.[84] Class identity, after

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[79] BARLOW, *supra* note 56, at 33.
[80] BARLOW *supra* note 56, at 34.
[81] *Id.*
[82] LANI GUINIER AND GERALD TORRES, THE MINER'S CANARY 103 (2002).
[83] *Id.*
[84] Martha Mahoney, *Class and Status in American Law: Race, Interest, and the Anti-Transformation Cases,* 76 S. CAL. L. REV. 799, 829 (2003).

all, is constructed not only from economic position or shared understanding but also through shared action, which is severely limited by educational, occupational, and residential segregation.[85] Labor militancy is less socially visible as a result of our race history, so when class consciousness does develop in some region or struggle, it does not get much time on the evening news. Low levels of labor organization lead white workers to interact less with leaders who are invested in building multi-racial solidarity.[86] The geographic divide between residence and work combines with racial segregation to obstruct the development of greater understanding and more cohesive political action. Residential segregation – indeed the very construction of the suburban middle class itself – means that working class whites often do not live near people of color.[87]

Racial residential segregation and suburbanization were important in creating this new sense of the middle class after WWII. The new class formation based on space and home ownership was systematically promoted during the 1930s, 1940s, and 1950s by federal programs such as the Home Owners Loan Corporation and the Federal Housing Authority, which insured private sector loans. These federally backed instruments used redlining, local control, and overt discrimination to make it very difficult, if not impossible, for blacks to qualify for mortgages. Until 1949, the FHA encouraged the use of restrictive covenants banning African Americans from certain neighborhoods. Arguably the greatest impact of these federal agencies in structuring the market, however, was created by the ranking system that developed. The government would rank communities in terms of their eligibility for federally-financed or insured loans. Under these guidelines, the FHA actually refused to lend money to or to underwrite loans for whites if they moved to areas where people of color lived. Private lenders adopted policies conforming to these guidelines, and this system became part of the "free" market. Thanks to the FHA, no bank would insure loans in low-income African-American neighborhoods, and few African Americans could live outside of them.[88]

Black neighborhoods and eventually entire cities became and remain stigmatized. Achieving home ownership helped white American workers achieve "middle class" status in socio-economic terms and the thirty-year mortgage became the primary mechanism by which most white families created wealth. For blacks, these missed chances at home ownership compound over time. "By 1984, when GI Bill mortgages had mainly matured, the median white household had a new worth of $39,135; the comparable figure for black households was only $3,397 or just 9 percent of white holdings."[89] Renters accumulate no equity, while homeowners almost always secure financial gains that exceed inflation. Today, in spite of significant past efforts to reduce housing discrimination and important recent efforts to address mortgage discrimination and boost homeownership rates for people of color, the average net worth of white families is still ten times that of African Americans. "Having lost out in so dramatic a

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[85] Martha Mahoney, *Class and Status in American Law: Race, Interest, and the Anti-Transformation Cases*, 76 S. CAL. L. REV. 799, 803 (2003).

[86] *Id* at 877.

[87] *Id*.

[88] BARLOW *supra* note 56, at 37.

[89] KATZNELSON, *supra* note 54, at 164.

way when federal mortgages first came online, African Americans have not begun to catch up."[90]

The social processes that determined home ownership rates for whites and blacks have consolidated racial attitudes and institutionalized urban/suburban make work on job development difficult. Residence in public housing or the inner city signals lower-class status, which is identified with undesirable employment characteristics. And diminished working class consciousness that is increased by residential segregation exerts a conservative effect on white Americans.[91] The merit ethic of the American Dream deprives white workers of the tools to engage in a progressive critique or social change.[92] Moreover, the inability of people of color to enter suburbia, though it was the direct result of federal programs, has been excused by means of the familiar narrative of black inferiority. Segregated neighborhoods allow segregation to be naturalized to such a degree that today's residential patterns can be falsely perceived as the result of "natural" preference.[93] The experience of living in a segregated society makes this arrangement seem increasingly natural and inevitable.

The racism that influenced the New Deal programs and excluded blacks institutionalized racial disparities. As a consequence of this institutionalization of racial disparities and the work of the Civil Rights movement, the meaning of racism changed. Although the stigmatization of black continues and with it racialized attitudes and stereotypes, racism is based more on hoarding than explicit animosity. Consider, for example, white resistance to low-income housing in their neighborhoods as deriving from a fear of lower property values. One might assume the economic interest would encourage workers to seek multiracial and multinational unity. But this has largely failed to materialize. For whites, there continues to be a material interest in excluding blacks as well as ideological and self-identification reasons to be leery of cross racial solidarity.

The invisibility of the racial imprint on middle class consciousness and institutions (such as residential segregation) makes it possible for rejuvenated narratives of black inferiority and unworthiness, conceived in the antebellum period, to persist. Thus, in the emergence of the middle class, we see the relevance and legacy of America's racial history. Racism permeated the formative moments of institutional development, particularly the rise of suburbia. In this way, racism became institutionalized. Because it appears natural and inevitable this institutionalization supports narratives of inferiority and unworthiness without the racial animus that drove such narratives in the past. Consequently, this institutionalization is much more resistant progressive change because opposition to race-focused remedial programs appears rational. The lack of a serious labor movement combined with widely shared norms and life experiences as a result of the contours of New Deal programs has created an entrenched middle class hegemony that fears and stigmatizes blacks.

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[90] *Id*.

[91] Martha Mahoney, *Segregation, Whiteness, and Transformation*, 143 PENN. L. REV. 1659, 1683 (1995).

[92] GUINIER, *supra* note 80, at 104.

[93] Martha Mahoney, *Whiteness and Remedy: Under-Ruling Civil Rights in Walker v. City of Mesquite*, 85 CORNELL L. REV. 1309, 1328 (2000).

The understanding of the middle class that emerged in the post-war period was shaped in a particular way and has made any modern effort to appeal to working class interests an uphill battle. Class based programs are fundamentally conservative because they reaffirm the institutional arrangements that support existing class relations by attempting to advance particular individuals to the status of middle class without demanding institutional change. Political transformation occurs when we change asymmetrical power relationships, rather than merely struggle for the right to participate in them.[94] To build a sustainable progressive majority, there must therefore be a focus on building conditions for shared struggles for change, rather than just on advancing individuals to the status of the middle-class.

G. Race and Anti-Federalism

The success of the Republican Party in propounding an ideology of states rights and anti-federalism in helping to construct an anti-progressive agenda is bound up with appeals to racial divisiveness. From the close of the Civil War in 1865 until the election of 1928, the Democratic Party enjoyed a stranglehold over southern politics. In 1928, a number of southern whites voted for the Republican Hoover. The split largely tracked class divisions between cosmopolitan, mostly business conservatives concerned with preserving their favorable political and economic position and working class Hoovercrats, more concerned with preserving the fundamental building blocks of conservative southern culture. Into the 1940s, 50s, and 60s, the Republican Party moved, politically and ideologically, to reunite these two voting blocks. Republican economic conservatism replaced Democratic economic conservatism in the South only because the GOP was able to get on the "right side" of race and thereby win the votes of masses of plain southern whites. The shared primary value of white supremacy and anti-federalism both racial and economic provided the glue for the union. It acted to bind the rigid ethnic, religious, moral and social conservatism of neo-Kluxism with the intense economic conservatism of neo-Bourbonism in the modern South.[95] Thus, the modern Republican Party owes the largest part of its dominance in the South to the successful appropriation of the race issue and white supremacy, which had been controlled by the old conservative Democratic Party that owned the "solid South."[96]

Critically, the GOP in the South was able to use its opposition to federal "intrusion" on race matters as a foundation to include opposition to federal action on a host of other fronts. Race issues were the glue used to attract support for other issues that had anti-federal government potential – more class-oriented and traditionally economically conservative issues including Republican opposition to taxes, environmental protections, worker safety, labor unions, gender equity, and the programs of the New Frontier and Great Society. By convincing not so rich whites that redistribution policies favor minorities, conservatives have been able to build large coalitions against welfare policies.

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[94] GUINIER , *supra* note 80, at 147.
[95] GLENN FELDMAN, BEFORE BROWN 286 (2004)
[96] *Id*.

Some poor whites are willing to vote against redistribution that would favor them because of racial animosity directed at blacks who would receive the same benefits.[97]

A new and cryptic vernacular for racial politics developed: poverty, crime, taxes, rights, values, and urban development implicate race.[98] It is impossible to separate racial meaning from these discussions. Through these code words, writes Stephen Steinberg, "it is possible to play on racial stereotypes, appeal to racial fears, and heap blame on blacks, other people of color, and immigrants "without naming them."[99] The race issue undergirds messages on taxes, guns, religion, patriotism, conventional gender roles, abortion, family values, and big government spending, making them attractive, particularly in the South. For example, opposition to taxes is not simply opposition on the philosophical level; it is tied to the issue of "federal programs," which to many white southerners means taxpayer supported programs to benefit black Americans. Gun control and crime are also skillfully tied to racial conservatism. Guns have become synonymous with personal protection against a grasping federal government (harkening back to Reconstruction) that could and would ram unwelcome legislation down the throats of people, as well as personal protection against criminals, associated so closely and for so long in the white mind with African Americans. Morality has also long had a racial lining in the popular consciousness, in part, as a consequence of the residential divide.[100]

In recent decades, racially charged issues, such as civil rights, voting rights, educational segregation, affirmative action, and welfare, have been increasingly supplemented by a myriad of other factors that constitute a "politics of emotion": religion, morality, family values, abortion, school prayer, gun control, etc. As white supremacy alone once did for the Southern Democrats, these issues, together with the unspoken race issue, work to keep lower- and working class Republicans contentedly and often unwittingly supporting a similar program of economic conservatism. Race thus continues to infuse itself into policy debates today in less visible but no less potent ways.

In sum, since the early days of the Republic, social and economic conflict has been simultaneously revealed and concealed by race.[101] In the co-development of racial and class consciousness in the United States, class tensions have consistently been relieved through racial baiting. At times, whites have benefited, such as when whites were given suffrage rights. The stigmatization of blackness provided a referent point of comparative superiority in the early years of the republic. The inferiority narrative that justified slavery influenced the debate over the Freedmen's Bureau and originated a discourse of moral unworthiness that progressives must confront even today. In the last 70 years, although whites have made gains, they are more limited as a result of our racial history than they otherwise would have been, as exemplified by the history of opposition to unions in the South. The racial mythology of the welfare state has become so entrenched

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[97] ALBERTO ALESINA & EDWARD L. GLAESER, FIGHTING POVERTY IN THE US AND EUROPE (2004).

[98] Williams, *supra* note 22.

[99] *Id.*

[100] FELDMAN, *supra* note 93, at 295.

[101] Lani Guinier, *From Racial Liberalism to Racial Literacy: Brown v. Board of Education and the Interest Divergence Dilemma*, J. OF AM. HIST., June 2004, at 113.

in party politics that it constrains the policy choices for progressive change that would benefit all Americans, whatever their color or class. Our very freedom depends upon the exposure of this mythology and the resulting work to address its underlying realties.

III. Targeted Universalism: Using Race Transformatively

Throughout the course of U.S. history, some have deployed race, explicitly or through code and symbol, to mount opposition to progressive programs and to construct a set of policies that harm most whites. If conservatives triumph by diverting white Americans from legitimate class concerns to focus on racial ones, progressives should begin by focusing on legitimate race concerns and move people to class concerns.[102] The challenge is to link—to integrate—the interests of people of color with those of the white working and middle classes without losing sight of race. This requires both a transformative set of programs as well as a transformative discourse. The transformative programs must include targeted universal strategies. But there must also be a discourse to inspire whites to link their fates to non-whites and to inoculate these efforts from divisive race baiting.

A. The Necessity of Progressive Coalition Building

We cannot realize a progressive agenda without efforts to build and sustain a coalition to support it. To advance an entire progressive agenda, progressives will need to cultivate enduring coalitions that regularly command more than 51 percent of the relevant vote.[103] The Civil Rights Act of 1964, for example, passed by about a 75 percent margin in the Senate. An electoral victory based on demographic maneuvering and policy positioning is an illusory substitute for building a durable coalition. There are many reasons for this. Slender electoral victories are more easily reversed. A momentary convergence of interest can lead to an electoral victory, but governance is a different story. Imbedded institutional actors, such as administrative officials, are often able to resist or influence policy implementation. Control over critical institutions such as schools or housing may be dispersed among different levels government. Implementing a progressive agenda will not be effective unless these institutional resistances are overcome, a process that necessitates a long term vision and a sustained convergence of interest based on a sense of shared fate.

This coalition must be multiracial, multiethnic and multiclass. Census projections suggest a minority-majority nation by 2060—a projection that represents great opportunities and challenges for building a progressive majority.[104] With rising diversity, it is increasingly unlikely that a single racial group can succeed in independently pursuing a progressive policy agenda. The primary challenge for progressives is to find ways to successfully broaden their coalitions in ways that engage diverse constituencies.

B. The Universalist Trap

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[102] Williams, *supra* note 22, at 27.

[103] Sheryll D. Cashin, *Shall We Overcome? Transcending Race, Class, and Ideology Through Interest Convergence*, 79 St. John's L. Rev. 253, 274 (2005).

[104] Frank Pellegrini, *The Coming of the Minority-Majority*, Time.com, Aug. 31, 2000, at http://www.time.com.

Many turn to the idea of universalism as a better way to meet this challenge and build multiracial coalitions. Population segments potentially receptive to a progressive message, such as working class whites, may consider themselves victims of "reverse discrimination" and feel threatened by race-focused programs. Progressive politicians may be vulnerable for supporting programs stigmatized by association with blacks. Calls for more universalist programs, as a way of avoiding the race trap, have become increasingly common in recent years.[105] Increasingly, Progressives seem concerned with finding ways to appeal to low-income and middle class whites as a panacea to electoral woes. Ideally, an agenda focusing on race-neutral issues that engages constituents on the basis of self-interest could create and sustain a national policy of permanent progressivism.

There have been multiracial coalitions in virtually every serious movement in the United States. The most successful and progressive of these efforts have tended to be those that addressed race explicitly. Multiracial coalitions were critical in both the abolition movement and the civil rights movement. But because of their focus on race related issues, they may appear to be less instructive today where issues of race are less central.

We have already explored the problems associated with class-based alternatives that inadequately account for how class and class identity operate in the United States. Progressives must first begin with this understanding and strive to build a class identity that is largely lacking in the U.S. Mayor Dennis Kucinich of Cleveland tried to build a progressive class movement without this understanding. He called his strategy "urban populism."[106] This strategy emphasized economic issues, since these united various city constituencies, but downplayed social issues, the most important of which was race.[107] In doing so, race baiting crept into the reelection campaign and destroyed his chances of uniting the city's black and white working-class neighborhoods.[108] Kucinich failed to learn from both the multiracial successes of the populist progressive movement in the 19th Century or understand how this movement lost its energy.[109]

The legal transformation that occurred in the wake of the Civil War generated new possibilities for multiracial coalition building as well as for a new understanding of the role of the federal government. Both shifts gave impetus to invigorated progressive movements. Farmers in the Midwest, South, and West mobilized on a large scale.[110] Workers became a social force as the number of production workers rose dramatically in the aftermath of the Civil War.[111] The trade union movement inspired the multiracial

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[105] Jeff Manza, *Race and the underdevelopment of the American welfare state*, 29 Theory and Society, 819 (2000).

[106] Pierre Clavel & Wim Wiewel, *Introduction*, in HAROLD WASHINGTON AND THE NEIGHBORHOODS 1, 14 (Pierre Clavel, et al eds., 1991).

[107] *Id.*

[108] *Id.*

[109] For a good discussion of this history *see* MICHAEL GOLDFIELD, THE COLOR OF POLITICS 137-173 (1997).

[110] *Id.* at 140.

[111] *Id.* at 142

Knights of Labor.[112] The Farmers Alliance party made electoral inroads in many states. The Greenback-Labor parties enjoyed numerous successes.[113] These disparate social forces found united expression in the broad based Populist movement.

In the early expression of the Populist movement, it was the southern white populist leadership that realized the need for multiracial coalitions in order to succeed. For example, the populist leader Tom Watson took a strong stance against lynching, an issue that was of high concern to the black population. The freeing of blacks from the stigma of slavery, their newfound respect as fighting men, and the growing abolitionism of many Union army veterans were all a legacy of a war which helped redirect the labor movement to a broader direction.[114] For the first time since the founding of the republic, there was a possibility that class would become a primary organizing principle, and not race.

The southern planters feared the alliance of black and white farmers and deployed race hatred to split the movement along race lines. The key to whether progressive movements will obtain widespread support and the level of commitment by supporters is and always has been their commitment to interracial solidarity.[115] In the United States, this has always been a source of moral legitimacy and strength. Kucinich failed to take heed of this lesson, as have many others.

The Achilles heel of the labor movement—and its greatest potential for broad unity— revolve around issues of race. Interracial union efforts are more resilient in that they bounce back more quickly after defeat. For example, in the coal and New Orleans longshoremen sectors, where unionism was defeated while exhibiting impressive degrees of solidarity, especially for the South, unions were able to rebound quickly.[116] Universalist approaches undermine the groups that would be most likely to campaign aggressively for a progressive agenda. This is what happened after WWII when the CIO dealt with the danger of racism by de-emphasizing race and failing to make strong appeals to black workers (recall the effect of Taft-Hartley). Fifty years later, in Miami, Florida, deference to fears of white racism in the nation's largest textile plant caused the union organizing effort to fail among whites and left black employees with no sense that the union was concerned with them or their interests. It was only when union organizers found they could draw on the strengths of Chicano and black communities that the organizing effort made progress.[117]

Race is the most divisive, but it is also the most powerful motivating force in the grass-roots movements of the larger U.S. cities. Even William Julius Wilson, one of the most ardent supporters of a racially neutral universal strategy, reluctantly concedes that

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[112] *Id.* at 155. Goldfield notes many examples of multiracial solidarity within this movement. For example, at the 1886 Knights convention, national leaders successfully insisted that Richmond theatres and hotels accept African-American delegates.

[113] *Id.*

[114] *Id.* at 146.

[115] *Id.*

[116] *Id.* at 160.

[117] GUINIER, *supra* note 80, at 101.

efforts to ignore race will likely fail.[118]   He asserts that non-whites are unlikely to stay in coalitions where their racial concerns are ignored. By not including race explicitly, what messages do we send to communities of color? Progressives must anticipate the ways in which such a strategy alienates communities of color. Essentially, this strategy requires communities of color to abandon their well entrenched political identity as well as the claims made on the state in the name of that identity in exchange for an unspecified, unrecognizable, undefined identity in American politics -- a class based identity. Progressive efforts cannot submerge issues of race to economic interests, but must unify race concerns with other concerns in a constantly evolving "struggle to find language and metaphors [for] a multi-race, multi-class development environment."[119]   Progressives need to appeal to minority communities and then weave that message into a larger mosaic.

One should not assume that non-whites are the main challenge to multiracial coalitions. History suggests that it is whites and the identity of whiteness that have been the major impediments to multiracial coalitions. There are reasons to believe that this is changing, but not without a clear strategic and adroit leadership. A simplistic focus on class would not serve that end. We have already pointed out a number of shifts in racial identities including white identities.   The civil rights movement was successful at changing attitudes so that the era of the mass appeal of overt racism appears to be over.[120]   There are reasons to believe that globalization and the demographic changes will produce another shift. What is not yet evident is the directions that these shifts will take. But before turning to other movements, it is worth noting that by most accounts the most significant improvement in racial attitudes for whites occurred during the heart of the Civil Rights Movement. The idea that explicitly focusing on race becomes divisive is simply incorrect.

C. The Prospects for Multiracial Coalition Building in the 21st Century

The American political landscape has many examples of successful and unsuccessful multi-racial coalitions.   We have already made reference to some early multiracial coalitions during the Civil War and the Populist movement. There were also important multiracial coalitions that helped to shape Reconstruction, the New Deal, and the Civil Rights Movement.[121]   At this point, we will focus on two more recent examples, the campaigns of Chicago Mayor Harold Washington, the first black mayor of that city, and Los Angeles Mayor Antonio Villaraigosa, the first Latino mayor in that city since the 19th Century.

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[118] *See* generally WILLIAM JULIUS WILSON, THE BRIDGE OVER THE RACIAL DIVIDE: RISING INEQUALITY AND COALITION POLITICS (1999).

[119] Robert Mier & Kari J. Moe, *Decentralized Development: From Theory to Practice*, *in* HAROLD WASHINGTON AND THE NEIGHBORHOOD 64, 94 (Pierre Clavel, et al eds., 1991).

[120] Polls and surveys measuring interracial relationships show that growing numbers of teenagers find inter-racial dating acceptable, as do parents.   Sharon Jayson, *New generation doesn't blink at interracial relationships,* at http://www.usatoday.com/news/nation/2006-02-07-colorblind_x.htm In addition, whites have generally come to support equality and integration.

[121] *See* generally, MICHAEL GOLDFIELD, THE COLOR OF POLITICS (1997) and ERIC FONER, THE STORY OF AMERICAN FREEDOM (1998).

Harold Washington's period as Mayor Chicago was cut short by his untimely death in 1987, a few months after his successful re-election. However, his victorious 1983 campaign and mayoral administration provide an instructive example of the prerequisites and limitations to a truly progressive agenda and coalition supporting it. Washington was elected at a time of changing demographics. The African-American population had grown to 40 percent of the city's electorate. Hispanics had grown to 8 percent. And Chicago's White population declined from 60 percent in 1970 to 47.6 percent in 1980.[122] Before Washington, the power base in Chicago had been the coalition between business interests and the white working class represented by unions, exemplified by the political machine of the Daley administration. The death of Mayor Daley in 1976 exposed weaknesses in the political machine. Shifting demographics made it possible to mount opposition to that machine and opened the possibility for real change. Washington ran as a progressive alternative to the traditional political machine. Washington tapped into a diverse reform constituency that had been developing throughout the neighborhoods of Chicago during prior administrations.[123] Mayor Washington's electoral base was overwhelmingly Black in composition. However, the support of poor Latino's and poor whites was critical to his election. In the primary of 1983, the critical ingredient was progressive whites. Although Washington received 80 percent of the black vote, 17 percent of his coalition was white, and that provided him with the margin of victory.[124] In the general election, Latinos provided the margin of victory.[125] He was able to improve from 25 percent of the Latino vote in the primary to about 65 percent in the general election.[126]

It is important to recognize that the movement underpinning Harold Washington's campaign and his early administration was marked by aggressive, vocal, and independent action on the part of people associated with neighborhood organizations and community action groups.[127] "Washington's election was a movement election. Without the unprecedented mobilization that occurred in 1982-83 in the black and Latino communities, among poor whites and in the community-based organizations, and among white liberals, Washington would not have been elected mayor."[128] The community based agenda provided the basis for the mobilization of the black and allied groups. It provided an organizational basis for his campaign and the substance of much of its policy direction. Thus, a broad based movement overlapped with demographic changes and helped usher Washington into office.

Although both Washington and Villaragiosa represented particular racial concerns, they managed to build a broad coalition. Prior to 1983, no Latino had been elected as members of the city council, only two percent of city employees were Latino, and only

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[122] CLAVEL, *supra* note 103, at 22.

[123] ALTON MILLER, HAROLD WASHINGTON: THE MAYOR, THE MAN 97 (1989).

[124] Doug Gills, *Chicago Politics and Community Development: A Social Movement Perspective*, *in* HAROLD WASHINGTON AND THE NEIGHBORHOOD 35, 52 (Pierre Clavel, et al eds., 1991).

[125] *Id.*

[126] *Id.*

[127] *Id.* at 35.

[128] Wim Wiewel & Pierre Clavel, *Conclusion*, *in* HAROLD WASHINGTON AND THE NEIGHBORHOOD 270, 271 (Pierre Clavel, et al eds., 1991).

two Latino-owned firms had been awarded municipal contracts.[129] In the four years following Harold Washington's mayoral victory, these trends were reversed. By 1987, four Latino's sat in the city council chambers, more than 5 percent of the city employees were Latino, and 8 percent of city contract dollars were going to Latino-owned firms.[130] Latino and black interests came together on a range of issues: affirmative action in city employment and contract, defense of communities against developers, education, and some foreign policy issues.[131] Although Washington made great strides, the coalition between blacks and progressive whites appears to have been easier to operate than that between blacks and Hispanics.

The most critical failing of Washington's coalition sustaining efforts was his failure to maintain a strong Latino-Black alliance. Blacks and Hispanics were in a more competitive situation with each other than either one was in with whites. Blacks and whites did considerably better in obtaining top positions than Hispanics.[132] Although 10 percent of all mayoral appointments and 20 percent of appointments to major boards and commissions were Latinos, hiring, both entry level and high-level was a different story. The city's hiring of Latinos was lower than the mayor had promised and much slower than the hiring of blacks. This was an issue that was splitting the black/Latino coalition apart.[133] Black nationalists wanted to keep the maximum number of appointments for blacks and were reluctant to accord Hispanics minority status. In that sense whites were less of a threat, because they would not take up "minority" slots. Also, whites were more of an agreeable coalition partner for either blacks or Hispanics than they are for each other because whites control more resources.

Latino-African American coalition possibilities are important to progressives. It is projected that the Latino population will eventually exceed all of the other minority populations combined.[134] They may provide a site for progressive organizing and an

[129] Maria De Los Angeles Torres, *The Commission on Latino Affairs: A Case Study of Community Empowerment*, *in* HAROLD WASHINGTON AND THE NEIGHBORHOOD 165, 167 (Pierre Clavel, et al eds., 1991).

[130] *Id.*

[131] *Id*. at 169.

[132] Wiewel, *supra* note 124, at 283.

[133] Torres, *supra* note 125, at 181.

[134] ANGELA GLOVER BLACKWELL ET AL., SEARCHING FOR THE UNCOMMON COMMON GROUND 22 (2002). The authors of this book suggest that California's demographic changes are a harbinger of demographic changes to come in the United States. They further suggest that the way that California has struggled with these changes may offer a preview of what is in store for the country as a whole. Specifically, the authors point to: "anti-immigrant political campaigns, statewide ballot measures that successfully ended affirmative action and most forms of bilingual education, black-Latino struggles over ethnic succession in political leadership, and countless other tensions." *Id*. at 23.

　　Also of note, the authors point out that there is a racial age gap. A greater proportion of the population younger than 18 are people of color, while "nearly 85 percent of those of retirement age are white." *Id*. at 24. A consequence of this fact is that there is a greater reluctance on the part of the older and whiter population to invest in the social infrastructure needed by minority youth. As a result, the educational investment has dropped to the bottom of states in terms of spending per pupil. This is a problem that may face America as a whole and supports the contention, earlier put forward, that racial heterogeneity leads to a decrease in welfare transfers. However, now that thesis applies to basic public services. This is a scary thought. Ironically, it is the tax revenues that these youth will be generating that

alternative to the Southern strategy. Both Latinos and blacks are economically disadvantaged relative to whites; both experience substantial discrimination in housing, education, and employment; and both advocate for enlarging the social welfare state.[135] In spite of these shared interests, competition over jobs, educational resources, housing, and political power often place blacks and Latinos in conflict against one another and this conflict can act as a powerful barrier to political alliance.[136]

Leadership can make a critical difference. In the Los Angeles mayoral race of 2001, Antonio Villaraigosa built his campaign around a labor-left-Latino alliance that consisted mostly of Latinos and liberal whites. He lost. His opponent, James K. Hahn, had the support of the African American community and moderate whites.[137] It was not until Villaragiosa expanded his coalition by reaching out to blacks that he won in a landslide in 2005. The key to victory was forming a coalition across color lines in the Los Angeles area. Critically, he mobilized non-Latino voters by assuaging whites and African Americans that he would be sensitive to their interests. "He neither played [his ethnicity] nor downplayed it," says Rodolfo de la Garza of Columbia University. "It was just there."[138]

However, it is clear that sustaining a coalition between Latinos and African-Americans requires more than elite cues. Voters are not bound or necessarily responsive to these cues. Rather, electoral coalitions that are politically consequential because of their durability derive their power from mass attitudes and mass behavior.[139] Recent public opinion data point to an asymmetry in the affinity that African-Americans and Latinos have for one another.[140] While 75 percent of blacks feel a significant amount of commonality with Latinos, only 33 percent reciprocate those feelings.[141] And while blacks feel notably closer to Latinos than whites, there is no such distinction apparently made by Latinos.[142] Interestingly, the most robust predictor of Latino/black commonality is pan-Latino affinity. Latinos who feel close to one another as a group are much more likely to feel close to African-Americans, while Latinos who identify more with their own subgroup than the Latino collective are substantially less likely to identify with blacks.[143] By contrast, perceived discrimination does not appear to correspond with closeness to African-Americans. Unfortunately for progressives, a strong sense of pan-

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will be needed to support these baby boomers in retirement. This just goes to show how we are interconnected. Diminished public support for minorities that would enable them to reach their potential may inadvertently threaten the social safety net of retirees and hurt the future of the American economy as a whole.

[135] Kaufman, Karen M, *Cracks in the Rainbow: Group Commonality as a Basis for Latino and African-American Political Coalitions*, POL. RES. Q., June 2002, at 199.

[136] *Id.*

[137] Raphael J. Sonenshein & Susan H. Pinkus, *Latino Incorporation Reaches the Urban Summit: How Antonio Villaraigosa Won the 2005 Los Angeles Mayor's Race*, PS: POLITICAL SCIENCE AND POLITICS 713, 714 (October 2005).

[138] *A Latin Power Surge*, (2005), *at* http://www.msnbc.msn.com/id/7937184/site/newsweek/page/2/

[139] Kaufman, *supra* note 130, at 201.

[140] *Id.* at 199.

[141] *Id.* at 203.

[142] *Id.*

[143] *Id.* at 204.

ethnic identity is not yet evident among Latino subgroups.[144] Despite shared language and religion, geographic and nationalistic insularity has prevented the development of a sense of cultural solidarity. On average, about half of the Latino subgroups feel that they have a fair amount or a lot in common with Latinos of other nationality groups.[145] In particular, Latinos of Puerto Rican, Cuban, and Dominican descent see more in common with each other than with Mexicans, Salvadorans, and Guatemalans. Unfortunately, Mexicans, the most important of the Latino sub-groups, have the lowest level of affinity with other Latino subgroups.[146]

There are reasons to hope that this may be changing. With Latino's growing political presence, Latino leaders have taken strides to inculcate a sense of shared fate among Latino subgroups. As more Latino politicians gain prominence, this will create a feedback loop reinforcing a growing sense of pan-Latino identity. Several generations of African-American leadership, not to mention the powerful socializing force of the civil rights movement, have linked the fate of African-Americans to other racial and ethnic minorities.[147] The strategic decisions of many visible black leaders and the content of their political rhetoric, particularly the notion of a rainbow coalition, has arguably socialized many African-Americans to see themselves as part of a larger collective. Until recently, there have been few comparable efforts on behalf of Latinos. It is only in the past 20 years that a large immigrant influx has placed pressure on Latino political leaders to broaden their concerns and their appeal.[148] With the recognition of a pivotal voice in the electorate, Latino communities have a powerful incentive to organize and maximize their political leverage. Fears of restrictive immigration proposals have begun to mobilize hundreds of thousands of Latinos from diverse Latino subgroups.[149] As this process occurs, there should be a corresponding increase in Latino affinity with African-Americans, a prospect of tremendous opportunity for progressives. The construction of a pan-ethnic Hispanic/Latino identity could become the site for progressive mobilization.

D. Targeted Universalism

Universalist and particularist approaches are false choices. The failure to distinguish between the focus of a program and its justification has obscured the dynamics of the politics of race and suggested, wrongly, that government assistance programs must either be race-neutral or race-specific.[150] Hard and fast distinctions between universal and particular approaches, and a strict preference for one over the other, are unproductive.[151]

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[144] *Id.* at 201.

[145] *Id.* at 203.

[146] *Id.*

[147] *Id.* at 207.

[148] *Id.*

[149] N.C. Aizenman, *Immigration debate mobilizes Latinos*, Washington Post, *at* http://www.msnbc.msn.com/id/12175475/.

[150] Paul M. Siderman, Edward G. Carmines, Geoffrey C. Layman, Michael Carter, *Beyond Race: Social Justice as a Race Neutral Ideal*, 40 AM. J. OF POL. SCI. 33, 44 (1996).

[151] ANGELA BLACKWELL, SEARCHING FOR THE UNCOMMON COMMON GROUND 147 (2002).

What we need is a paradigm that combines a call for the universal with attention to the particular experience of minority Americans.[152]

Race and class inequalities are inextricably linked, and collective solidarity across the races can be achieved only by fleshing out their intersections, not by ignoring them. Universal programs, while reminding that we are all part of the same social fabric, often ignore the fact that different populations are situated differently in the economic and social status of society. Even if a program is universal, it can be perceived as targeted if a disproportionate number of a disfavored group benefit.[153] An alternative to either a straight universal program or a solely particularistic program is to pursue what we call "targeted universalism." This is an approach that supports the needs of the particular while reminding us that we are all part of the same social fabric.

Rather than using racial awareness as a tool to weaken social supports, we can strategically deploy it as a diagnostic tool, like a miner's canary.[154] Those who are racially marginalized are like the miner's canary: their distress is the first sign of a danger that threatens us all, and their vulnerabilities reveal the places where the social fabric is disintegrating.

Education and reform is an ongoing concern of virtually all Americans. Communities of color have been at the forefront of educational reform efforts. The shift from equity to adequacy in educational reform exemplifies an approach in which race is diagnostic. In *Leandro*,[155] for example, the North Carolina Supreme Court sided with a coalition of poor school districts in ruling that the state violated constitutionally guaranteed rights to education when it simply stood by as children received not only inadequate educations, but also inadequate social support before they reached the schoolhouse door. Students in racially and economically segregated schools in Charlotte have since petitioned the court to consider whether their education in high-poverty schools meets constitutional standards, but the central importance of the ruling is that the standard is set on the basis of what is optimal for society rather than on what is "equal" in a narrow sense and that the interests of different racial and economic groups are linked together with that standard.

A progressive strategy is flawed if its primary focus is to win within the zero-sum world of electoral politics.[156] The momentary convergence of interests is not a sufficient condition to coalition building. This context does not offer a productive mechanism for feeding cross-racial solidarity over time. Harold Washington's campaign was the product of decades of cross racial organizing at the community level. For the energy of the movement to remain animated beyond an electoral victory, progressives need to summon social justice commitments as a moral force.[157]

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[152] *Id.*
[153] *See* footnote 131 and the discussion of educational spending in California.
[154] *See* LANI GUINIER AND GERALD TORRES, THE MINER'S CANARY (2002).
[155] Leandro v. State of North Carolina, 346 N.C. 336, 488 S.E.2d 249 (1997)
[156] GUINIER, *supra* note 80, at 242.
[157] *Id.* at 247.

The Washington administration illustrates a limitation on coalitions that is not sustained outside of the electoral arena. When dealing with zero-sum issues, such as political representation or public jobs, coalitions tend to break down into racial antagonism. In the words of Doug Gills who was centrally active in the coalition building efforts precipitating the election of Harold Washington,

> We took coalition building for granted. We operated as if all we had to do was to proclaim movement politics or profess to be a support of black-Latino or black-white unity and… Presto!—we got instant unity!—when our experience had been that solidarity is forged in struggle and then debated and tested in battle.

Building a multiracial coalition depends on more than merely adopting a progressive agenda. It requires a movement that seeks to instill a sense of solidarity largely lacking in the United States. Progressives who call for universalist programs that focus on class in lieu of race offer no mechanism for creating social solidarity necessary to propel a progressive agenda forward. The reason is that universalism makes its beneficiaries objects rather than subjects. "By substituting public policy programs for public policy movements… it undervalues the need to anticipate resistance, and fails to provide a transformative conception of power that situates conditions within a larger vision of social justice." [158]

Historically constructed interests need space to be reimagined. Social and ideological conflict wears away the "patina of naturalness and necessity surrounding our views of agency and alliance."[159] The enormous dislocations that occurred in the aftermath of the Civil War and the Depression opened up new possibilities, but race was manipulated to prevent such movements from reaching fruition. Progressives must envision new narratives to replace those which prevent coalition building. The crucible of struggle and collective resistance opens up the potential for new stories that are not zero-sum.

One illustration that Lani Guinier and Gerald Torres provide highlights the ingredients of successful multi-racial coalitions and the way that race can be used to bridge group interests and instill a sense of linked fate.[160] The authors recount the struggle in the 1990s to unionize a K-Mart distribution center in Greensboro, North Carolina and secure a wage contract. Sixty-five percent of the workers were black. At the beginning of the dispute, two stock stories framed the dispute. One claimed that this was a unionizing effort and therefore a labor problem. The other story claimed that this was a civil rights matter that only involved issues of race. In order to create a broader coalition, these stories had to be superceded.

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[158] GUINIER, *supra* note 80, at 53.
[159] ROBERTO UNGER, DEMOCRACY REALIZED 14 (1998).
[160] GUINIER, *supra* note 80, at 131-34.

The union turned to the Pulpit Forum, an association of black pastors in the area for help. Although an initial partnership was formed, the coalition broke down. A stalemate in negotiations with K-Mart inspired the union to try once again to reach out to the community. The union informed the Pulpit Forum that the Greensboro plant was the only K-Mart distribution center with a majority nonwhite workforce and it received the worst wages and benefits of any center in the country. This in turn led the Pulpit forum to reframe the issue not in terms of labor or race per se, but in terms of whether it was just that K-Mart should pay wages lower than any other plant simply because the workforce was mostly black.

Denying the salience of race would risk losing black workers and the black community. On the other hand, organizing the union effort solely around the issue of discrimination would alienate some whites and play into the divide-and-conquer strategy that opponents of the organizing effort were counting on. The issue was transformed from one of purely a labor struggle to one implicating the welfare of the larger community. K-Mart attempted to undermine the coalition by suing only black protesters and black workers for criminal trespass. The white workers remarkably asked, "Why weren't we sued?" They were affected by a wage structure that had raced them as black, and they joined in resistance. The movement successfully reframed a labor or race issue into a justice issue that included both whites and blacks.

For a progressive cross-racial coalition to emerge, whites need to engage with race, and blacks need to engage with a more inclusive vision of social justice.[161] Targeted universalism recognizes the need for a strategy that is universal and is responsive to the stress and decline of the middle class. Professor Derrick Bell has explained that one of the reasons that *Brown* has failed to live up to its expectations is that the case's power to promote social justice was shaped not by the intentional coalescing of a broad social movement reaching across race and economic class, but by a momentary convergence of interest between northern liberals embarrassed by American apartheid in the cold war propaganda campaigns, southern moderates, and blacks.[162] As a result, poor whites experienced desegregation as a net "loss" – downward mobility through compulsory association with blacks. Rich whites, on the other hand, were able to escape that association. As a consequence, *Brown* exacerbated the interest divergences between poor and working class whites and blacks.[163] Targeted universalism seeks to avoid this result by speaking in a language and by framing programs that would solidify and sustain interest convergences.

However, targeted universalism rejects a blanket universal which is likely to be indifferent to the reality that different groups are situated differently related to the institutions and resources of society. It rejects the claim of formal equality that would treat all people the same as a way of denying difference. It would also avoid the particularistic approach that refuses to see how the middle class is under attack. For these conditions to take form into a progressive agenda there must be leadership. The

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[161] GUINIER, *supra* note 80, at 31.
[162] Guinier, *supra* note 99, at 103.
[163] *Id.*

leadership must help form solidarity and redirect attention to the prerogatives of the elite at the expense of the non elite and in congruence with democratic norms. We should not see this as a broad attack on the elite but on those arrangements and conditions that permit the elite to avoid social responsibility.

Economic patterns are also opening up opportunities for a progressive message among whites. Andrew Barlow argues that globalization is unleashing forces which are creating a crisis not only in the third world, but within the United States.   As globalization takes its toll, the U.S. economy is increasingly bifurcating between jobs that require little skill and education and those that require college or postgraduate degrees.[164] The 'college' premium, the average amount that a college graduate earns over a noncollege educated worker, was 31 percent in 1979.[165] By 1993, the college premium had grown to 53 percent.[166] This trend reflects the fact that low-skilled jobs can be transported overseas at a greatly reduced wage rate. Moreover, although real wages have been stagnant, the cost of health care, education, retirement, and housing has further stressed the middle class. In the past year we have seen a debate spring up about the nature of outsourcing. Middle class workers are working longer and harder, but feel as though they are on a shrinking ice cube.

The economic condition and insecurity of the middle class might suggest greater class identity between the middle class, working class and people of color. But this new identity has not emerged. Part of the shift since the 1970s is the redistributions of wealth and power from the bottom 4/5 of American society to the top 1/5 including the corporate elites.   But instead of engendering great class consciousness and a critique of the expanding prerogative for the elites, there has been increased racial resentment. The dominant politics of this era has been to galvanize and appeal to middle class voters' fear of falling. From anti-immigrant policies to attacks on civil rights policies such as affirmative action, to a high profile war on drugs, to the expansion of prisons and the use of the death penalty, to the war on terrorism, politicians have become highly skilled at creating dangerous foes to attack and contain.[167] Wars on crime create "the good" people and values by sanctioning the "bad." The creation of fear of criminals has shored up the ideology of the middle class as honest, hard worker and the claims that "immigrants" are taking away "our" jobs and using "our" social services has been a convenient explanation for the declining standards of living.[168] In short, the global era's pressures mean that an increasing number of Americans feel left out of the social order (denied access to stable jobs, home ownership, and college education). This leads Americans to question whether or not they can achieve the goals of the middle class. The erosion of the American dream may open up new ideas about the "good life," especially the affirmative responsibilities of corporations and government to civic society.[169] The middle class order and the attendant norms embedded within its cultural conception became hegemonic in the

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[164] BARLOW, *supra* note 56, at 67.
[165] *Id.*
[166] *Id.*
[167] *Id.* at 122.
[168] *Id.*
[169] *Id*. at 143.

historically anomalous conditions of post-World War II era.[170] It is certainly not the only way in which to organize a social order. The forces of globalization have the potential to undermine institutional arrangements that perpetuate institutional racism based on hoarding. Instead we have the middle class seeking refugee in the new white resentment. Globalization is opening up new political and ideological spaces. It is not clear if this space will be progressive or reactionary. In part, it will depend on how we use race in this changing world.[171]

Not only is the crisis in the middle class order likely to result in institutional changes, but the networks of globalization, by necessity, require an international legal regime. Capital flows and international trade is structured by a series of multi-lateral treaties and institutional arrangements. As these pathways grow and routinize, they correspondingly increase the international legal order. This order will provide opportunities for the use of international accords and treaties for the enforcement of human and civil rights. Training and educating a generation of lawyers in international human rights law is going to become an important ingredient and a force for progressive change. Human rights law is not couched in terms that would be understood as a special pleader. But the present condition should counsel us not to assume that the changing global world and the new institutional arrangement will in and of itself entail new class solidarity or a progressive response. There will be a critical need for leadership to help frame these changes into a transformative agenda. This new agenda might take on the universal language of human rights norms grounded in the particular experience and need of marginalized groups.

There never has been—at least in the twentieth century America—a progressive political movement built solely on class. Instead, a movement that seeks to shape the national agenda has to recognize multiple identities, race being one of the most important. Since white supremacy is corrosive to progressive politics, it is necessary to find a way to speak to racial, class, and gender issues along with a host of other identity issues frankly and honestly and in ways that promise inclusion—with ideas like targeted universalism and with language that unashamedly embraces American values of justice.

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[170] *Id*. at 142.

[171] Charles Hamilton has suggested that targeted universalism failed in the early stages of the civil rights movement. However, white identity in that era was much more explicitly racialized. Whiteness is no longer explicitly understood in contrast to blackness.

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