

ARTICLES

SHALL WE OVERCOME? TRANSCENDING RACE, CLASS, AND IDEOLOGY THROUGH INTEREST CONVERGENCE

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*"[W]e believe that political relations are based on self-interest: benefits to be gained and losses to be avoided. For the most part, man's politics is determined by his evaluation of material good and evil. Politics results from a conflict of interests, not of consciences."*¹

*"The interest of blacks in achieving racial equality will be accommodated only when it converges with the interests of whites."*²

In the past year we have celebrated a number of civil rights milestones: the fiftieth anniversary of *Brown v. Board of Education*,³ the fortieth anniversaries of the March on

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¹ STOKELY CARMICHAEL & CHARLES V. HAMILTON, *BLACK POWER: THE POLITICS OF LIBERATION IN AMERICA* 75 (1967).

² Derrick A. Bell, Jr., *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518, 523 (1980).

³ 347 U.S. 483 (1954).

Washington and of the Civil Rights Act of 1964.⁴ Collectively our nation now venerates our most progressive, socially transforming legal edicts, even as we accept, or ignore, persistent racial inequality. Much has been written about the limits and modern meaning of *Brown*.⁵ Elsewhere I have argued that we have failed to live up to the integrationist vision that animated *Brown* and the civil rights movement, primarily because our neighborhoods remain largely segregated by race and class.⁶ In this Article, I celebrate the coalition politics that made the civil rights revolution possible with a view toward understanding how and why coalition politics of the progressive kind seem to be stymied today. I argue that the thesis of interest convergence advanced by Professor Derrick Bell, while pessimistic in its outlook, offers a key insight into human nature and American race relations

⁴ Pub. L. No. 88-352, 78 Stat. 241.

⁵ See, e.g., DERRICK BELL, SILENT COVENANTS: BROWN V. BOARD OF EDUCATION AND THE UNFULFILLED HOPES FOR RACIAL REFORM 6–7 (2004) (arguing, inter alia, that the Supreme Court's declaration that separate facilities were inherently unequal legitimated current unequal arrangements by suggesting that those who remain poor and disempowered had simply failed to take advantage of their definitively equal status); MICHAEL J. KLARMAN, FROM JIM CROW TO CIVIL RIGHTS: THE SUPREME COURT AND THE STRUGGLE FOR RACIAL EQUALITY 441–42, 467–68 (2004); CHARLES J. OGLETREE, JR., ALL DELIBERATE SPEED: REFLECTIONS ON THE FIRST HALF CENTURY OF BROWN V. BOARD OF EDUCATION 311 (2004) (arguing that the unfulfilled legacy of *Brown* reflects our nation's limited commitment to racial justice); MARK V. TUSHNET, BROWN V. BOARD OF EDUCATION: THE BATTLE FOR INTEGRATION 129–33 (1995) (arguing that *Brown*'s principal effect was not to integrate schools, but to motivate and strengthen the burgeoning civil rights movement); Lani Guinier, *From Racial Liberalism to Racial Literacy: Brown v. Board of Education and the Interest-Divergence Dilemma*, 91 J. OF AM. HIST. 92, 95–96 (2004) (arguing that *Brown* “redefine[d] equality, not as a fair and just distribution of resources, but as the absence of formal, legal barriers that separated the races” and “convinced working-class whites that their interests lay in white solidarity rather than collective cross-racial mobilization”); Gary Orfield & Chungmei Lee, *Brown at 50: King's Dream or Plessy's Nightmare?* (Harvard University/Civil Rights Project, Cambridge, M.A.), Jan. 2004, at 40 (arguing, inter alia, that school segregation has been increasing since the 1990s and that a renewed commitment to integration is needed, which would involve appointing *Brown*-friendly judges and civil rights enforcement officials, reviving federal aid programs that confront race relations issues, and providing financial incentives to white suburban schools that accept segregated minority students), available at <http://www.civilrightsproject.harvard.edu/research/reseg04/brown50.pdf>; Mark Tushnet, *Public Law Litigation and the Ambiguities of Brown*, 61 FORDHAM L. REV. 23, 25, 27–28 (1992) (arguing that *Brown*'s “all deliberate speed” standard, authored by Justice Frankfurter in an attempt to limit the expansive reach of *Brown*, ironically greatly expanded the Court's ability to impact social policy).

⁶ See generally SHERYLL CASHIN, THE FAILURES OF INTEGRATION: HOW RACE AND CLASS ARE UNDERMINING THE AMERICAN DREAM (2004).

that can and should be harnessed in order to build the sustainable multiracial coalitions that will be necessary if we are to close existing gaps of racial inequality. The civil rights movement ultimately succeeded not only because it had moral force, but also because a powerful, well-organized grassroots effort altered the understanding of a voting majority in Congress as to what was in their enlightened self-interest and in the interest of the nation. I explore below the possibilities for progressives to recapture majoritarian politics based upon a convergence of interests among communities of color, working class, and progressive whites. A key challenge, as Bell and others suggest, is whether racial ideology often, but not exclusively, harbored by whites can be transcended by engaging seemingly disparate groups in the language of self-interest.⁷

In Part I of this Article, I explore the coalition politics that made it possible to enact the Civil Rights Act of 1964 and the coalition theory that animated this movement. I then discuss Bell's interest-convergence thesis and related arguments offered by other scholars and social advocates who are skeptical about the possibilities for mutual cooperation between blacks and other groups, particularly whites. I argue that it is unsurprising that any social group in power would oppose policies that they perceive to be contrary to their self-interest, even in the face of moral counterweights. Acknowledging this dark aspect of human nature, I nevertheless conclude that broad coalitions for progressive change are theoretically possible when common interests, or a convergence of perceived self-interest, can be established.

In Part II, I test this premise in the modern context, examining the challenges to progressive coalition building presented by our nation's new and increasing racial complexity. I canvass recent political science literature regarding the theory and practice of multiracial coalition building, exploring how inter-group relational dynamics have changed since the civil rights movement. I see both promise and peril in demographic

⁷ Professor Bell might use "racism" where I use "racial ideology." See DERRICK BELL, *FACES AT THE BOTTOM OF THE WELL: THE PERMANENCE OF RACISM* 13, 198-99 (1992). By "racial ideology," I mean any type of commitment or belief of a racial nature, conscious or unconscious, that might inhibit someone from joining a coalition that otherwise is advancing public policies that are in that person's rational self-interest. See discussion *infra* Part II.A.2 for a more detailed analysis.

trends. With rising diversity, it is increasingly unlikely that a single racial group can succeed independently in pursuing a progressive policy agenda. In racially diverse contexts, coalition building is the only route to meaningful political power. Diversity, then, can be a source of power if properly harnessed. The risk with ever-complex diversity, however, is that the transaction costs of inter-group negotiations and the possibility for conflict rise with each new group or interest that must be incorporated. There is an especially heightened risk that racial and ethnic minorities will perceive their relative interests in zero-sum terms. More importantly, the chief obstacle to multiracial coalition building appears to be the persistence of negative racial stereotypes, especially those held about African Americans. I offer hopeful examples of successful multiracial coalitions that have transcended potential race and class conflicts and, therefore, altered the status quo in a policymaking context. Building off these examples, I argue that the best route to creating a more enlightened understanding of how the interests of seemingly strange bedfellows do converge is through leadership and grassroots organization fueled by the artful dissemination of empirical data. This is labor-intensive and challenging, but necessary, work. While the path of least resistance is to work solely within single issue or single identity constituencies, progressives will be increasingly disempowered without alliances and relationships across boundaries of race and class.

I. THE CIVIL RIGHTS MOVEMENT AND INTEREST GROUP CONVERGENCE

The Civil Rights Act of 1964 became law on July 2 of that year, after fifty-seven days of debate.⁸ Among the other iconic events of that hot summer were the murders of civil rights workers Schwerner, Goodman, and Chaney in Mississippi, and the Birmingham church bombing that killed four little girls.⁹ A

⁸ See Linda Parker, *Civil Rights Act of 1964 Remains a Lofty Pursuit Still in Progress*, DETROIT NEWS, July 29, 2004, at A17; *They Did Go On*, WASH. POST, Jan. 16, 2005, at B4.

⁹ See Laura Parker, *Digging Up a State's Dark Past: Mississippi Reporter's Work Leads to New Charges in 1964 Killings of Rights Workers*, U.S.A. TODAY, Jan. 17, 2005, at A4; Margaret M. Russell, *Cleansing Moments and Retrospective Justice*, 101 MICH. L. REV. 1225, 1240-41 (2003).

young Colin Powell, then an infantry captain undergoing leadership training at Fort Benning, Georgia, made it plain to his white colleagues why he was so disappointed with Senator Barry Goldwater's stand against the Act and what the new law would mean in Powell's own life. Goldwater was one of only a few Republican Senators to vote against the Act, and he made his opposition to civil rights the centerpiece of his failed presidential bid against Lyndon Johnson in the same year. Powell noted that being black meant "you'd better have a strong bladder,"¹⁰ because during a drive between Washington, D.C. and Fort Benning, he and his family were hard pressed to find a decent place to use a restroom, to dine, or to spend the night. The mantra of property rights asserted by his fellow white officers in defense of Goldwater's position paled, he argued, to the indignities being suffered by black folks.¹¹ Powell's story of frustration with interstate travel is a testament to the very different America that prevailed in the era of Jim Crow segregation.¹²

A. *The Civil Rights Act of 1964 and Its Legacy*

Among its many provisions, the Civil Rights Act of 1964 barred racial discrimination in public accommodations, employment, and virtually all federally funded activities—including education—and also prohibited discriminatory activities based on other characteristics such as gender, religion, and national origin.¹³ Women's equality was introduced by fiat.

¹⁰ See Clarence Page, *40 Years of Opportunities*, CHI. TRIB., July 4, 2004, at C9.

¹¹ See *id.* (citing COLIN POWELL, *MY AMERICAN JOURNEY* (1995)).

¹² According to Kenneth Teasdale, Counsel to Majority Leader Mansfield at the time of passage of the Act, one of the reasons President Lyndon B. Johnson was sympathetic to the civil rights cause was that on his trips between Washington, D.C. and his home in Texas, there was only one hotel, located in Atlanta, Georgia, where Johnson and his black driver could both get a room. Kenneth Teasdale, Remarks at a Panel Discussion following the Childress Memorial Lecture at St. Louis University School of Law (Oct. 1, 2004).

¹³ Title II of the Act bars discrimination in public accommodations, including hotels and restaurants. Civil Rights Act of 1964, Pub. L. No. 88-352, § 201, 78 Stat. 241, 243 (codified as amended at 42 U.S.C. § 2000a (2000)). Title VI prohibited recipients of federal funds from engaging in discrimination and authorized the federal government to withhold federal funds from any program that practiced discrimination. Civil Rights Act of 1964, Pub. L. No. 88-352, § 601, 78 Stat. 241, 252 (codified as amended at 42 U.S.C. § 2000d (2000)). Title VII prohibited discrimination in employment by any business employing more than twenty-five people and established the Equal Employment Opportunity Commission (EEOC) to review complaints. Pub. L. No. 88-352, §§ 701-16, 78 Stat. 241, 253-66 (codified as

The Act's ban on "sex" discrimination in employment was actually added by a southern Democrat in the House of Representatives in an attempt to derail the bill.¹⁴ Since its initial passage, the Act has been amended periodically in ways that strengthen its reach and enforcement mechanisms, rendering it our nation's most comprehensive civil rights legislation.¹⁵ The Act also became the model for other comprehensive anti-discrimination legislation, such as the Age Discrimination in Employment Act¹⁶ and the Americans with Disabilities Act.¹⁷

Title II of the Civil Rights Act, which bans discrimination in public accommodations, has reaped the most obvious social

amended at 42 U.S.C. §§ 2000e–2000e-2 (2000)).

¹⁴ David B. Filvaroff & Raymond E. Wolfinger, *The Origin and Enactment of the Civil Rights Act of 1964*, in LEGACIES OF THE 1964 CIVIL RIGHTS ACT 9, 21–22 (Bernard Grofman ed., 2000).

¹⁵ For example, amendments to Title VII enacted in 1972 gave the EEOC the authority to sue private employers and made federal, state, and local government, as well as educational institutions, subject to the ban on employment discrimination. Equal Employment Opportunity Act of 1972, Pub. L. No. 92-261, 86 Stat. 103 (codified as amended at 42 U.S.C. § 2000e (2000)). Amendments enacted in 1991 expanded Title VII to include congressional and high level political employees. 42 U.S.C. § 2000e(f) (2004). In 1976, Congress greatly facilitated the enforcement of the Act by providing for attorney's fees for private litigants. Civil Rights Attorney's Fees Awards Act of 1976, Pub. L. No. 94-559, 90 Stat. 2641 (codified as amended at 42 U.S.C. § 1988(b) (2000)). In 1987, Congress, reacting to recent Supreme Court decisions, reaffirmed the broad scope of the Civil Rights Act of 1964, and specifically forbade institutions receiving federal monies from discriminating on the basis of race, color, national origin, religion, sex, disability, or age in programs or activities that did not directly benefit from the assistance. Civil Rights Restoration Act of 1987, Pub. L. No. 100-259, 102 Stat. 28 (codified as amended at 20 U.S.C. §§ 1687–1688 and 42 U.S.C. § 2000d-4a (2000)). The Civil Rights Act of 1991 overruled several Supreme Court decisions adopted in the 1980s that weakened the scope of previous civil rights statutes, and it provided for the recovery of fees and costs for lawsuits in which the plaintiff prevailed, for jury trials, and for the recovery of compensatory and punitive damages in intentional employment discrimination cases. Civil Rights Act of 1991, Pub. L. No. 102-166, 105 Stat. 1071 (codified as amended at 42 U.S.C. § 1981a (2000)).

¹⁶ The Age Discrimination in Employment Act protects workers over forty years old from employment discrimination based on age, prohibiting such discrimination with respect to any term, condition, or privilege of employment. Age Discrimination in Employment Act of 1967, Pub. L. No. 90-202, 81 Stat. 602 (codified as amended at 29 U.S.C. §§ 621–634 (2000)).

¹⁷ The Americans with Disabilities Act prohibits employment discrimination against a qualified individual with a disability, and prohibits such discrimination in state and local government services, public accommodations, transportation, and telecommunications. Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 327 (codified as amended in scattered sections of 42 U.S.C. §§ 12101–12213).

benefits. Today, incidents of denial of access to public accommodations based upon race or other immutable characteristics are rare and typically met with widespread social disapprobation.¹⁸ The Act and its progeny have also had an impact in improving the lives and opportunities of many, most notably African Americans. According to the Census Bureau, since 1964, the percentage of blacks who are twenty-five and older and who obtain at least a high school diploma has risen from 26% to 80%.¹⁹ The black poverty rate has declined from approximately 42% to approximately 24%,²⁰ and yet serious gaps of racial inequality persist. For example, the black poverty rate is three times higher than that of non-Hispanic whites, only 8% of whom are poor.²¹ Black median wealth is about 16% that of whites and black median household income is about 64% that of whites—\$29,500 compared to \$46,300, respectively.²² There are also pronounced differences between blacks and non-Hispanic whites, inter alia, in employment, educational attainment, and rates of imprisonment,²³ differences that may be tied to stark

¹⁸ For example, when restaurant chain Denny's was accused of racial discrimination against thousands of black customers in many of its restaurants, condemnation was so widespread that the chain was forced to allow its franchisees to retool menus appealing to minorities, launch an ad campaign to repair its public image, and reach an agreement with the NAACP to increase the number of blacks in management positions and the number of minority-owned franchises. Calvin Sims, *Giving Denny's a Menu for Change*, N.Y. TIMES, Jan. 1, 1994, § 1, at 43.

¹⁹ Press Release, U.S. CENSUS BUREAU, Facts for Features, Special Edition, Civil Rights Act of 1964: 40th Anniversary (June 30, 2004), available at <http://www.census.gov/Press-Release/www/2004/cb04-ffse09-01.pdf>.

²⁰ *Id.*

²¹ BERNADETTE D. PROCTOR & JOSEPH DALAKER, U.S. CENSUS BUREAU, POVERTY IN THE UNITED STATES: 2002, at 2 (2003), available at <http://www.census.gov/prod/2003pubs/p60-222.pdf> (issued Sept. 2003).

²² CASHIN, *supra* note 6, at xii (citing Ana M. Aizcorbe et al., *Recent Changes in U.S. Family Finances: Evidence from the 1998 and 2001 Survey of Consumer Finances*, FED. RESERVE BULL., Jan. 2003, at 7 tbl.3, 8 (showing black median net worth at \$19,000 in 2001 compared to \$120,990 for whites), available at <http://www.federalreserve.gov/pubs/bulletin/2003/0103lead.pdf>).

²³ Since the 1970s, the black unemployment rate has generally been double that of whites, and during economic downturns the unemployment gap increases, that is to say, blacks feel the effects of recessions more acutely than whites. U.S. DEP'T OF LABOR, REPORT ON THE AMERICAN WORKFORCE 191 (2001), available at <http://www.bls.gov/opub/rtaw/pdf/rtaw2001.pdf>. Although blacks and whites aged twenty-five through twenty-nine are close to parity in completion of a high school education (in 2000, 88% of black men and 86% of black women aged twenty-five through twenty-nine completed high school compared with 93% of white men and 95% of white women), blacks aged twenty-five through twenty-nine complete college educations at a rate much lower than whites (in 2000, 18% of black men and 17% of

wealth and class disparities between blacks and whites.²⁴ The persistence of racial inequality underscores, in my view, the need to rethink how progressivism can return to the center of American politics. To that end, I turn now to explore how coalition politics made enactment of the Civil Rights Act of 1964 possible.

B. The Civil Rights Act of 1964 and Coalition Politics

Passage of the Civil Rights Act of 1964 was by no means inevitable. In the near century between Reconstruction and the civil rights movement, there were some attempts to confer equal rights on black Americans through legislation, but, as of 1964, none had succeeded in any meaningful way.²⁵ In the ten years

black women aged twenty-five through twenty-nine completed a college education, compared with 32% of white men and 36% of white women). See generally U.S. CENSUS BUREAU, TABLE A-2: PERCENT OF PEOPLE 25 YEARS AND OVER WHO HAVE COMPLETED HIGH SCHOOL OR COLLEGE, BY RACE, HISPANIC ORIGIN AND SEX: SELECTED YEARS 1940 TO 2003 (2004), available at <http://www.census.gov/population/socdemo/education/tabA-2.pdf>. In fact, young black males are more likely to end up in the criminal justice system than in institutions of higher learning. There are more black men in prison and jails than enrolled in colleges and universities, a dramatic and sharp reversal since 1980, when black men enrolled in higher education institutions outnumbered black men behind bars by three to one. The effects of the penal system are harshest in the ghetto, where a majority of black men can be under criminal supervision. CASHIN, *supra* note 6, at 229–30, 247.

²⁴ Among whites, the raw number of people that populate the lowest economic strata are smallest. These numbers grow larger with each rise up the income scale. With blacks, the opposite is true, with more black people populating the lowest economic strata and the raw numbers of blacks declining with each rise up the income scale. In other words, whites as a group are more likely to be middle and upper class and blacks as a group are more likely to be among the lower economic classes. See PROCTOR & DALAKER, *supra* note 21, at 2; see also Harry T. Edwards, *The Journey from Brown v. Board of Education to Grutter v. Bollinger: From Racial Assimilation to Diversity*, 102 MICH. L. REV. 944, 969 n.105 (2004). Poor blacks, in turn, are much more likely than poor whites to live in hyper-segregated, high poverty neighborhoods, with their attendant weak schools, violence and limited economic opportunity, while poor whites are more likely to live in middle class settings that afford more opportunity for upward mobility. See CASHIN, *supra* note 6, at 7–11. One researcher has found that high school graduation and college attendance rates are equal for blacks and whites when one controls for wealth rather than income. See DALTON CONLEY, BEING BLACK, LIVING IN THE RED: RACE, WEALTH, AND SOCIAL POLICY IN AMERICA 68–79 (1999).

²⁵ The Civil Rights Act of 1866, the work of radical Republicans of the Reconstruction Era, passed by one vote over President Andrew Johnson's veto—the first veto override in American history. It granted full citizenship to all persons born on American soil—except Native Americans who were exempt from taxation—and provided that all such citizens were guaranteed the rights to make and enforce contracts; sue and be sued; give evidence in court; and inherit, purchase, lease, sell,

between the Supreme Court's announcement of the *Brown* decision—declaring “separate but equal” racial segregation to be inconsistent with constitutional principles²⁶—and the passage of the Act, virtually no progress was made in school desegregation.²⁷ It was only when democratic processes demanded social change, resulting in new enforcement provisions in Title VI of the Act for school desegregation, that some change was forthcoming. The Supreme Court's decision in 1968 in *Greene v. County School Board*,²⁸ which finally announced that *immediate* school desegregation was the imperative consequence of the Court's decision in *Brown*,²⁹ likely reflected this new democratic consensus.

This transformation in majoritarian democratic opinion would not have happened through mere reliance on the leadership of political elites. Prior to the civil rights movement, most American presidents had been reluctant to advocate civil

hold, and convey real and personal property. Civil Rights Act of 1866, *available at* <http://www.USConstitution.com/civilrightsactof1866pict.htm> (last visited Apr. 2, 2005). However, most of these provisions were rendered ineffective either by the Ku Klux Klan's reign of terror or the Supreme Court's limitation of Congress's Thirteenth Amendment enforcement power only to eliminating slavery. *See generally* Civil Rights Cases, 109 U.S. 3, 23–25 (1883). It was not until 1968, after the civil rights revolution, that the Court finally deemed it appropriate for Congress to confer these citizenship rights on freed slaves under its Thirteenth Amendment enforcement powers, as a means of removing the “badges and incidents of slavery.” *See e.g.*, *Patterson v. McLean Credit Union*, 491 U.S. 164, 197–99 (1989); *Runyon v. McCrary*, 427 U.S. 160, 170, 179 (1976); *Griffin v. Breckenridge*, 403 U.S. 88, 105 (1971); *Jones v. Mayer*, 392 U.S. 409, 413, 439 (1968). The Civil Rights Act of 1875, a final effort by the radical Republicans on behalf of emancipated blacks, prohibited discrimination in hotels and other lodgings, public transportation, and places of public accommodation. The Supreme Court, in the infamous *Civil Rights Cases*, struck down the Act as unconstitutional, stating that Congress had no authority under the Fourteenth Amendment to regulate discrimination by private individuals. These cases essentially put to rest for three-quarters of a century any effort by Congress to address civil rights. JAMES M. MCPHERSON, *THE ABOLITIONIST LEGACY: FROM RECONSTRUCTION TO THE NAACP* 16–23 (1975). In 1957 and 1960, Congress again attempted civil rights legislation, both times resulting in southern Democrats weakening the bills beyond any effectiveness. *See infra* note 30.

²⁶ *Brown v. Bd. of Educ.*, 347 U.S. 483, 495 (1954).

²⁷ Cass R. Sunstein, *Did Brown Matter?*, THE NEW YORKER, May 3, 2004, at 102–03 (noting that 98% of black students in the South still attended racially segregated schools as of 1964). The *Brown II* decision of 1955, in which the Supreme Court announced that desegregation should occur “with all deliberate speed,” is credited with contributing to this considerable lag in progress in school desegregation. *See, e.g.*, OGLETREE, *supra* note 5, at xiii.

²⁸ 391 U.S. 430 (1968).

²⁹ *See id.* at 439.

rights legislation because doing so required them to oppose well organized southern Democrats whom they needed to advance other agenda items.³⁰ Before the 1964 Act, the most notable civil

³⁰ See Robert D. Loevy, *Introduction: The Background and Setting of the Civil Rights Act of 1964*, in *THE CIVIL RIGHTS ACT OF 1964: THE PASSAGE OF THE LAW THAT ENDED RACIAL SEGREGATION* 1, 13 (Robert D. Loevy ed., 1997). President Roosevelt acted on civil rights only through taking executive actions that did not require congressional approval, establishing a Civil Rights Section in the Justice Department and, under threat of a massive black march on Washington, creating a Fair Employment Practices Committee to eliminate discrimination in defense plants. Although the Committee was abolished by Congress five years later, Roosevelt's capitulation taught black leaders that social movement pressure could yield policy gains. *Id.* at 13–14.

Truman continued the precedent of using executive powers rather than legislation to advance civil rights when he ordered the integration of the United States Armed Forces. Before he issued his executive order to integrate the Armed Forces, Truman had tried integration through legislation. The attempt failed, and Truman's relationship with the southern Democrats in Congress was ruined forever afterwards. *Id.* at 15, 25. He also appointed a Committee of Civil Rights, which published a controversial report detailing the civil rights violations blacks faced in the South. *Id.* at 15.

Eisenhower's administration was initially more reluctant than either Roosevelt or Truman to address civil rights issues through legislation, relying on executive action in the first three years of Eisenhower's term in office. Eisenhower ended segregationist practices in the District of Columbia and in the federal government bureaucracy, and gave his attorney general broad leeway in pursuing civil rights issues, including allowing him to argue for the abolition of school segregation in *Brown v. Board of Education*. *Id.* at 16, 25. Eisenhower's contributions to civil rights were motivated partly by the emerging civil rights movement. With the national press coverage of the Montgomery bus boycott and the rise of Martin Luther King, Jr., the American public was becoming more conscious of the condition of blacks in the South. Northern politicians, who had hoped that civil rights could be dealt with quietly and slowly, saw their hopes disappear with every news broadcast of white southerners beating peaceful demonstrators. Andrew Young, *Roundtable of Participants in the Passage of the Civil Rights Act of 1964*, in *THIS CONSTITUTION* 29, 31–32 (Raymond E. Wolfinger ed., 1991).

The decision in *Brown* forced Eisenhower to directly confront southern antipathy toward integration. When states refused to integrate their schools, he reluctantly sent in U.S. marshals to enforce the Supreme Court's orders. See Filvaroff & Wolfinger, *supra* note 14, at 10. This action cost Eisenhower a tremendous amount of support in both the South and in Congress. By the beginning of Eisenhower's second term, civil rights issues could no longer be confined to executive action. Black leaders' demands that the government take a more active role in ending discrimination were beginning to resonate with more and more Americans, especially as the national news covered the violent assaults suffered by activists in the South. In 1956, Eisenhower reluctantly allowed Attorney General Brownell to present a civil rights bill to Congress. See JAMES L. SUNDQUIST, *POLITICS AND POLICY: THE EISENHOWER, KENNEDY, AND JOHNSON YEARS* 229–30 (1968). Eventually called the Civil Rights Act of 1957, it provided for the creation of a Commission on Civil Rights that would study racial discrimination and recommend remedies, the expansion of the civil rights section of the Justice

rights advances—President Roosevelt’s order of fair employment practices in the defense industry and President Truman’s order to desegregate the armed services—had resulted from executive orders that were issued only after the venerable A. Philip Randolph, founder of the Brotherhood of Sleeping Car Porters, threatened to lead mass protests in Washington.³¹ In early 1963, neither John F. Kennedy nor Lyndon B. Johnson was an ardent advocate for civil rights legislation. President Kennedy was extremely reluctant to press for such legislation, fearing that his party would split over the issue and destroy his agenda.³²

The Act came about as a result of a grassroots mobilization that *demand*ed momentous social change from political elites. In particular, the extensive organization and training of citizens and students in nonviolent mass protest were critical in creating what ultimately seemed like spontaneous eruptions of civil disobedience across the South.³³ The turning point came in the spring of 1963 with the Birmingham demonstrations led by Dr. Martin Luther King. King was aware that the police

Department, the ability of the attorney general to secure court injunctions in civil rights cases and remove them from state courts to federal courts, and an increase in the Justice Department’s power to prosecute interferences with the right to vote. *Id.* at 226.

The Civil Rights Act of 1957 was doomed from the start. Eisenhower did not even endorse the entire bill until late in 1956, when his reelection was assured. *See* Loevy, *supra*, at 27. More importantly, the southern Democrats in Congress immediately organized to kill the bill’s most meaningful enforcement mechanisms. Framing the issue as one of states’ rights, the southern Democrats raised enough furor to scare Eisenhower into revoking his support for parts of the bill. Satisfied that the bill was thus effectively toothless, the southern Democrats allowed the bill to pass without filibuster. *Id.* at 30. A similarly weak Civil Rights Act of 1960 became law only after a filibuster by southern Democrats in the senate that rendered this bill equally toothless. *Id.* at 36–37.

³¹ *See* TIME ON TWO CROSSES: THE COLLECTED WRITINGS OF BAYARD RUSTIN, at xv (Devon W. Carbado & Donald Weise eds., 2003) (citing such advances as occurring only after Randolph’s threat of mass protest).

³² Kennedy became president in an atmosphere highly charged with racial politics; the 1960 presidential campaign had seen both parties insert civil rights planks into their platforms. Kennedy himself had promised extensive legislative civil rights reforms and personally called Martin Luther King, Jr. while the civil rights leader was in jail. Once he took office, however, he quickly backpedaled from his promises and reverted to the precedent of action only through executive orders. Federal agencies were ordered to eliminate racial discrimination in their departments, the Justice Department increased its civil rights litigation, and federal aid for construction of segregated housing was eliminated. In 1962, he offered weak support for a bill that would eliminate literacy tests, but the bill quickly failed. *See* Filvaroff & Wolfinger, *supra* note 14, at 10–11.

³³ *See infra* note 38.

commissioner, Eugene “Bull” Connor, was a notorious racist who was prone to violence, and there is evidence that King intended to provoke him. King had always believed that the civil rights movement would be most influential when the American people saw peaceful demonstrators contrasted against violent white attackers.³⁴ To that end, his organization held conferences with the press to discuss the demonstration and to ensure that the cameras would be rolling, and schoolchildren were recruited to march in the demonstration with the adults.³⁵ Connor, as expected, responded violently, turning fire hoses and attack dogs on the demonstrators.³⁶ The images of schoolchildren blasted with water and chased by dogs caused a tremendous uproar throughout the country and sent Birmingham into chaos. Numerous organizations, including labor unions, churches, and civic groups, joined hands with the civil rights movement in demanding government action against discrimination. White racists began bombing King’s motel room, prompting angry black youths to counter with street violence against whites.³⁷ Most importantly, the Birmingham demonstrations inspired almost one thousand similar non-violent protests in over one hundred southern cities, which resulted in over twenty thousand arrests.³⁸

³⁴ Filvaroff & Wolfinger, *supra* note 14, at 11.

³⁵ *Id.* at 11–12.

³⁶ *Id.*

³⁷ *Id.* at 12. Two years later, “Bloody Sunday,” when civil rights protesters were met with violent beatings on the Edmund Pettus bridge in Selma, Alabama while news cameras rolled, would provide a similar impetus for the passage of the Voting Rights Act of 1965. See JOHN LEWIS & MICHAEL D’ORSO, WALKING WITH THE WIND: A MEMOIR OF THE MOVEMENT 344, 353, 360–61 (1998).

³⁸ While this chorus of a thousand similar protests may have seemed spontaneous, they were the result of years of grassroots organizing. The successes of the Montgomery Bus Boycott of 1955 prompted the formation of the Southern Christian Leadership Conference (SCLC) in 1957. Formed with the express goal of stimulating mass direct action against racial oppression, SCLC united black southern ministers who had all been involved in similar local protest movements in southern communities. Several training institutions, like the Highlander Folk School, were established specifically to cultivate local civil rights leadership across the South that would be skilled in the tactics of nonviolent social protest. The movement was founded on the persistent building of local institutions that could undertake similar training of citizens everywhere. Not surprisingly, the major cultural events of the civil rights movement—the Montgomery Bus Boycott, the Freedom Rides, Student Non-Violent Coordinating Committee’s (SNCC) “Freedom Summer” in Mississippi, and the Birmingham protests—all flowed from this extensive, intentional grassroots organization. See PAUL OSTERMAN, GATHERING POWER: THE FUTURE OF PROGRESSIVE POLITICS IN AMERICA 18–20, 53–54 (2002); TIME ON TWO CROSSES, *supra* note 31, at xxiv.

The Kennedy administration became terrified at the prospect of racial violence exploding across the country. For the first time, the policy makers in the White House came to believe that ignoring civil rights issues would be more politically disastrous than alienating the southern Democrats in Congress. Inaction on the issue would not only lead to more demonstrations and violence, but it would also allow the Republicans to take the lead on civil rights and carry it straight through the presidential election the next year. Kennedy thus appeared on national television in June 1963 and told the public that he would send strong proposals to Congress to eliminate segregation in public accommodations.³⁹ The Justice Department began drafting a bill, trying to strike a balance between a bill too strong to pass and a bill too weak to be worth passing.

The March on Washington, which occurred on August 28, 1963, added tremendous momentum to the legislative effort. A. Philip Randolph first conceived of such a mass protest in 1941. Randolph had been planning a mass demonstration against black unemployment in conjunction with the one hundred year anniversary of the Emancipation Proclamation. This effort was quickly married to the effort to build support for the civil rights bill wending its way through Congress. Randolph (representing the Negro American Labor Council); King (representing the Southern Christian Leadership Conference (SCLC)); and the leaders of the NAACP, Urban League, Congress of Racial Equality (CORE), and Student Nonviolent Coordinating Committee (SNCC) formed a coalition to organize a national march in an effort to build on the spontaneous demonstrations occurring nationwide and to bring in as many allies as possible to the civil rights cause, especially trade unions and church groups. Bayard Rustin, the early architect of nonviolent social protest that animated the movement and a strong adherent of coalition politics, was named the chief organizer of the march.⁴⁰ When more than 250,000 peaceful demonstrators descended on the national Mall—one quarter of whom were white—it constituted the largest mass demonstration in the nation's history, receiving more national and international press coverage than any prior

³⁹ OSTERMAN, *supra* note 38, at 13.

⁴⁰ See *Beginnings are More Than Endings*, MANAS J., Oct. 27, 1965, at 2, available at http://www.manasjournal.org/pdf_library/VolumeXVIII_1965/XVIII-43.pdf.

social protest.⁴¹ President Kennedy, who had tried to get organizers to cancel the march, ultimately endorsed it publicly.⁴²

Republican support was absolutely necessary if a civil rights bill was going to be passed in the face of staunch opposition from southern Democrats. The Kennedy administration engaged in intense negotiations with House Republicans, convincing them that it was in their political interest to support civil rights, and allowed Republicans to take credit for several provisions of the bill.⁴³ The end result was that the bill passed the House with stronger support than it had when the bill was originally proposed.⁴⁴ The bill entered the Senate several months after Kennedy's assassination. President Johnson announced shortly after taking office that his first priority was the enactment of the civil rights bill as passed in the House. Johnson had already passed major points of his agenda by the time the bill reached the Senate, so he had little to fear from southern Democrat reprisals. In addition, as a southern Democrat himself, he was determined not to appear weak on civil rights and jeopardize black support for the Democratic Party.⁴⁵ In the Senate, southern Democrats initiated a filibuster which continued until the Johnson administration marshaled enough votes for cloture by co-opting Republicans who represented districts with small black populations and no racial conflict.⁴⁶ The bill ultimately passed in the Senate by a lopsided vote of 73–27, with few alterations.⁴⁷

In the ensuing presidential election, Johnson won by a landslide with a coalition of northern liberals and blacks, establishing the base of the Democratic party for the next forty years. Presidential candidate Barry Goldwater, who had vociferously opposed both the cloture vote and the Act itself,

⁴¹ See Abbeville Press, *The Civil Rights Movement—The March on Washington, 1963: "We Stood on a Height,"* at <http://www.abbeville.com/civilrights/washington.asp>.

⁴² This ever so brief summary of the coalition politics that animated the passage of the Act does not begin to do justice to the civil rights movement and the courageous acts of thousands. For a prize-winning treatment of the subject, see TAYLOR BRANCH, *PARTING THE WATERS: AMERICA IN THE KING YEARS 1954–1963* (1988).

⁴³ See Filvaroff & Wolfinger, *supra* note 14, at 14–26.

⁴⁴ *Id.* at 14–15, 21–22.

⁴⁵ *Id.* at 24.

⁴⁶ *Id.* at 23–26.

⁴⁷ *Id.* at 26.

carried only the Deep South and a few other states.⁴⁸ The efforts of moderate Republicans to give their party a pro-civil rights slant, which was the reason many of them supported the Act's passage, were quickly washed away with Goldwater's states' rights rhetoric.⁴⁹ Arch-conservatives, faced with resounding defeat in the presidential election, did more than lick their wounds. They set about building the foundations for a conservative ideological movement in which ideas that were then out of the mainstream of even their own party would ultimately take center stage. It took less than twenty years for a revitalized conservative movement to bear fruit in the election of Ronald Reagan in 1980, and movement conservatism continues to be vital to this day.⁵⁰ Meanwhile, the coalition of working class and ethnic whites, liberals, and blacks that made the New Deal possible has eroded.⁵¹

Nevertheless, the civil rights revolution and the legislation it gave birth to spawned other social movements.⁵² Many of the rights movements that followed the Act's passage, especially the feminist movement, were rooted in frustration with the Act's shortcomings.⁵³ Emulating the work of women's organizations,

⁴⁸ HistoryCentral.com, *Presidential Election 1964, States Carried*, at <http://www.multied.com/elections/1964state.html> (last visited Apr. 2, 2005).

⁴⁹ See Filvaroff & Wolfinger, *supra* note 14, at 30.

⁵⁰ By 2003, after the midterm elections, Democrats were both out of the White House and in the minority in both houses of Congress for the first time in fifty years—a minority position that appeared even more established after the 2004 presidential election in which George W. Bush garnered 51% of the vote. See CNN.com, *Election 2004—U.S. President*, at <http://www.cnn.com/ELECTION/2004/pages/results/president/> (last visited Apr. 2, 2005).

⁵¹ See Alexander Polikoff, *Racial Inequality and the Black Ghetto*, 13 POVERTY & RACE (Poverty & Race Research Action Council, Washington D.C.) Nov.–Dec. 2004, at 1 (arguing the demise of the New Deal coalition since November 1968), available at <http://www.prrac.org/news.php> (last visited Apr. 2, 2005).

⁵² Of course, the movement also led to the passage of the Voting Rights Act of 1965 and the Fair Housing Act of 1968.

⁵³ The Equal Employment Opportunity Commission, charged with enforcing the Act's prohibition against sex discrimination, largely ignored the 50,000 sex discrimination complaints that poured in within the first five years of its existence. Angered by this sexism, but emboldened by the fact that civil rights legislation was passing through Congress at all, women began organizing to pass legislation targeted toward sex discrimination. The National Organization for Women was founded in 1966 for just such a purpose, paving the way for a surge of women's rights organizations dedicated to legislative change. The passage of Title IX and the introduction of the Equal Rights Amendment, along with many other federal, state, and local sex discrimination laws, originated from the feminist movement's emulation of the civil rights movement's focus on legislation to overcome

Latino, Asian, and gay and lesbian groups have also sought to strengthen provisions of the Act or to introduce new legislation to address specific group concerns. Indeed, the idea of interest-group organizing to achieve legislative goals, which is now a main conduit through which the citizenry interacts with government, is a legacy of the civil rights movement's success with the 1964 Civil Rights Act.

C. *Coalition Theory and Interest-Convergence*

While blacks were the leaders and main participants in the civil rights movement, allies were welcomed. In particular, the Student Nonviolent Coordinating Committee (SNCC), founded in April 1960 in alliance with SCLC, began the interracial brigades of non-violent civil rights workers that organized Freedom Summer and the Freedom Rides.⁵⁴ After a first wave of civil rights victories and an emerging "black power" movement, an explicit intellectual debate ensued about the efficacy of interracial coalitions. The debate turned on whether blacks—a marginal, historically oppressed group—and whites—a dominant, historic oppressor—could realistically work together in a way that would truly benefit black people.⁵⁵

Bayard Rustin, an African American who had worked in pacifist and labor movements before turning to civil rights, often argued that political participation on the part of a range of interest and identity groups is necessary to any project of social reform.⁵⁶ The *New York Times* recently quoted Rustin, saying, "The issue is which coalition to join and how to make it responsive to your program. Necessarily there will be compromise. But the difference between expediency and morality in politics is the difference between selling out a principle and making smaller concessions to win larger ones."⁵⁷

discrimination. BONNIE EISENBERG & MARY RUTHSDOTTER, THE NATIONAL WOMEN'S HISTORY PROJECT, LIVING THE LEGACY: THE WOMEN'S RIGHTS MOVEMENT 1848-1998 (1998), at <http://www.legacy98.org/move-hist.html> (last visited Apr. 2, 2005).

⁵⁴ See TIME ON TWO CROSSES, *supra* note 31, at xxvii.

⁵⁵ The debate necessarily was mainly about "blacks" and "whites" because, at the time, the nation was 87% white, 10% black and only 3% "other." See *infra* note 88 and accompanying text.

⁵⁶ See Michael Anderson, *The Organizer*, N.Y. TIMES, Nov. 9, 2003, § 7 (Book Review), at 13.

⁵⁷ *Id.* (quoting BAYARD RUSTIN, *From Protest to Politics: The Future of the Civil*

Rustin was quite explicit that his ambitions for the civil rights movement went beyond mere desegregation to the realm of economic justice. Establishing “the Negro’s right to sit at a Woolworth’s counter” or to vote were relatively easy goals, “but it demands much creativity, patience, and political stamina to plan, develop, and implement programs and priorities. It is one thing to organize sentiment behind laws *that do not disturb consensus politics*, and quite another to win battles for the redistribution of wealth.”⁵⁸ Rustin argued that true racial equality would require a redistribution of resources in the form of an aggressive program of federal spending. He supported A. Philip Randolph’s proposed \$100 billion Freedom Budget, an effort on the order of the Marshall Plan, because, he argued, only \$20 billion or more in annual spending would “destroy the economic and social consequences of racism and poverty at home today.”⁵⁹ Such an audacious agenda necessitated coalition politics that expanded beyond the mere 10% of the population that blacks then constituted. Then, as now, meaningful reform required altering current political consensus, and therefore, he argued, “[w]e must see to it that the liberal-labor-civil rights coalition is maintained and, indeed, strengthened”⁶⁰ For this reason, Rustin publicly rejected the emerging rhetoric of “black power,” and its underlying skepticism about the viability of coalition politics. He also seemed to recognize the centrality of self-interest in American politics. He advocated a broader agenda that spoke to the needs of *all* poor and working class people. “[A] liberal-labor-civil rights coalition,” he argued, “would work to make the Democratic party truly responsive to the aspirations of the poor, . . . which would develop support for programs . . . aimed at the reconstruction of American society in the interests of greater social justice.”⁶¹ In his view, the advocates of “black power” were merely aiming to create “*a new black establishment*.”⁶²

Stokely Carmichael and Charles Hamilton answered Rustin in their book *Black Power: The Politics of Liberation in*

Rights Movement, in *TIME ON TWO CROSSES*, *supra* note 31, at 126).

⁵⁸ Bayard Rustin, “*Black Power*” and *Coalition Politics*, COMMENT., September 1966, at 35, 40 (emphasis added).

⁵⁹ *Id.*; see also *id.* at 36 (advocating the Freedom Budget).

⁶⁰ *Id.* at 40; see also *id.* at 36 (“[O]ne-tenth of the population cannot accomplish much by itself . . .”).

⁶¹ *Id.* at 36.

⁶² *Id.*

America.⁶³ In a chapter entitled “The Myths of Coalition,” they attacked the notion that political coalition participants and the civil rights gains they wrought were motivated by anything other than raw self-interest.⁶⁴ Perceiving the interests of whites and blacks to be often adverse, they argued that the so-called “allies” of black people would prove unreliable when a conflict of interest arises.⁶⁵ With this clear-eyed understanding, they articulated their view as to when coalitions between blacks and whites could be viable, even as they approached the subject with much skepticism:

We . . . recognize the potential for limited, short-term coalitions on relatively minor issues. But we must note that such approaches seldom come to terms with the roots of institutional racism. In fact, one might well argue that such coalitions on subordinate issues are, in the long run, harmful. They could lead whites and blacks into thinking either that their long-term interests do *not* conflict when in fact they do, or that such lesser issues are the *only* issues which can be solved. With these limitations in mind, and a spirit of caution, black people can approach possibilities of coalition for specific goals.

Viable coalitions therefore stem from four preconditions: (a) the recognition by the parties involved of their respective self-interests; (b) the mutual belief that each party stands to benefit in terms of that self-interest from allying with the other or others; (c) the acceptance of the fact that each party has its own independent base of power and does not depend for ultimate decision-making on a force outside itself; and (d) the realization that the coalition deals with specific and identifiable—as opposed to general and vague—goals.⁶⁶

These early thinkers, even on opposite sides of a debate, clearly viewed self-interest as a central force in American

⁶³ CARMICHAEL & HAMILTON, *supra* note 1.

⁶⁴ *See id.* at 58–84.

⁶⁵ *See id.* at 75–76. Stokely Carmichael changed his name to Kwame Ture after publication of *BLACK POWER*. In this essay, when I refer to him as the author of that text, I use the name Stokely Carmichael.

⁶⁶ *Id.* at 79–80. This early articulation of the preconditions for interracial coalition building has been influential and tested in recent political science literature concerning the efficacy of such coalitions. *See, e.g.*, Paula D. McClain & Steven C. Tauber, *Racial Minority Group Relations in a Multiracial Society*, in *GOVERNING AMERICAN CITIES: INTERETHNIC COALITIONS, COMPETITION, AND CONFLICT* 111, 113 (Michael Jones-Correa ed., 2001); Raphael J. Sonenshein, *Biracial Coalitions in Big Cities: Why They Succeed, Why They Fail*, in *RACIAL POLITICS IN AMERICAN CITIES* 193, 199 (Rufus P. Browning et al. eds., 1990).

politics. More recently, Derrick Bell argued explicitly that measures intended to advance racial equality only occur when such measures converge with the interests of the dominant, white majority. He states:

Throughout the history of civil rights policies, even the most serious injustices suffered by blacks, including slavery, segregation, and patterns of murderous violence, have been insufficient, standing alone, to gain real relief from any branch of government. Rather, relief from racial discrimination has come only when policymakers recognize that such relief will provide a clear benefit for the nation or portions of the populace

....

....

... [T]he most significant political advances for blacks resulted from policies which were intended to serve, and had the effect of serving, the interests and convenience of whites rather than remedying racial injustices against blacks.⁶⁷

In support of this “interest-convergence” theory, Bell argues that the abolition of slavery in northern states was animated by the “North’s relatively small investment in slaves combined with the great hostility of the white laboring class to the competition of slaves; the fear of slave revolts; and a general belief that there was no place for ‘inferior’ blacks in the new societies.”⁶⁸ The Emancipation Proclamation, which freed slaves only “in those areas in which the whites . . . had not rejected the Confederacy,” was issued to serve “the best interests of the country,” the ultimate end to slavery being only “a fortuitous dividend of a policy adopted for other reasons.”⁶⁹ The Civil War Amendments reflected primarily “the desire to maintain Republican control of Congress and frustrate southerners from reasserting the political power they had wielded prior to the war.”⁷⁰ Also, Bell argues, the Supreme Court decided *Brown* as it did because it concurred with the State Department that invalidating school segregation would advance the fight against communism abroad: “a fortuitous symmetry . . . between what blacks sought and what the nation

⁶⁷ BELL, *supra* note 5, at 49, 56. Bell first articulated his enormously influential interest-convergence theory in a Harvard Law Review article published in 1980. See Bell, *supra* note 2, at 522–28.

⁶⁸ BELL, *supra* note 5, at 50.

⁶⁹ *Id.* at 54.

⁷⁰ *Id.* at 57.

needed.”⁷¹ Interestingly, Bell gives no direct treatment to the civil rights movement in support of his interest-convergence theory. In fact, he barely mentions it in his book *Silent Covenants*,⁷² perhaps because his primary focus was assessing the modern implications of *Brown*, which he views as “the definitive example of interest-convergence as a motivation for racial policy-making.”⁷³

The flip side to Bell’s interest-convergence theory is his theory of racial sacrifice. Just as the interests of blacks are advanced when they converge with the interests of whites, he argues that the interest of blacks and even hard-won racial remedies will be sacrificed or abrogated when such remedies threaten the interests or “superior societal status of whites.”⁷⁴ Bell says this “two-sided coin, with involuntary racial sacrifice on the one side and interest-convergent remedies on the other, can be referred to as *racial fortuity*.”⁷⁵

Ultimately Bell is devastatingly pessimistic in his assessment of the possibilities for racial equality in our nation. He argues:

Beyond the ebb and flow of racial progress lies the still viable and widely accepted (though seldom expressed) belief that America is a white country in which blacks, particularly as a group, are not entitled to the concern, resources, or even empathy that would be extended to similarly situated whites.⁷⁶

His pessimism, like that of Carmichael and Hamilton, is premised on the idea that black advancement necessarily will conflict with the interests of whites—especially those of the upper and middle classes—and therefore such advancement ultimately will be stymied. Alternatively, Bell’s pessimism may be grounded in his view of the permanence of racism in American society, or as he puts it, “the obsessive need to dominate and discriminate based on race.”⁷⁷ Bell makes no attempt to account

⁷¹ *Id.* at 59.

⁷² *See id.* at 49–58.

⁷³ *Id.* at 58.

⁷⁴ *Id.* at 69.

⁷⁵ *Id.*; *see also id.* at 29–48 (offering examples of involuntary racial sacrifice, including the accommodation of slavery, the *Dred Scott* case, the Hayes-Tilden compromise, and the southern disenfranchisement compromise).

⁷⁶ *Id.* at 195.

⁷⁷ *Id.* at 197; *see generally* BELL, *supra* note 7, at 197–200 (arguing that the permanence of racism exists in American society).

for how or whether America's growing racial complexity might alter the phenomenon of racial fortuity he laments. Eventually, non-Hispanic whites will not constitute a popular majority, as is the case today in California, Hawaii, and half of our nation's largest cities.⁷⁸ Whatever the source of his pessimism, the implicit message of Bell's interest-convergence or racial fortuity theory is that coalition efforts between blacks and whites will ultimately lead to disappointment or some form of sacrifice of black interests. Bell recommends that blacks focus on self-sufficiency: "Cast down your buckets where you are' can be a solution if not the salvation for those working to reform and revitalize the ongoing crusade to overcome the debilitating effects of racism."⁷⁹

At the same time, Bell hints at how the interest-convergence model can translate into useful strategy when it comes to pursuing racial equity:

Despite its limited benefit, those who defended the University of Michigan affirmative action plans utilized diversity as a self-interest strategy planned for in advance rather than a happy coincidence recognized in retrospect. Utilizing the racial-fortuity model in planning and implementing civil rights strategies may mean relying less on the courts to advance racial justice goals.⁸⁰

In other words, Bell seems to be suggesting that the interest-convergence model has predictive value; and it shows what can be achieved or maintained when the self-interests of whites are transparent and do happen to converge with those of blacks. Still, Bell would have African Americans make strategic use of his interest-convergence model in a highly self-sufficient way. His final admonition to African Americans is a challenge borrowed from Harlem activist Preston Wilcox: "Nobody can free us but ourselves."⁸¹

⁷⁸ See MINORITY BUSINESS DEVELOPMENT AGENCY, U.S. DEP'T OF COMMERCE, MINORITY POPULATION GROWTH: 1995 TO 2050, at 2-3 (1999) available at <http://www.mbda.gov/documents/mbdacolor.pdf>.

⁷⁹ BELL, *supra* note 5, at 194 (quoting Booker T. Washington's parable about a ship that had been lost for many days; the crew, dying of thirst, signaled a frantic need for water and was signaled back by a distant rescue ship to "[c]ast down your bucket where you are," which turned out to be the fresh waters of the Amazon).

⁸⁰ *Id.* at 200.

⁸¹ *Id.* at 201 (quoting Preston Wilcox).

D. Achieving Progressivity Through Interest Group Convergence

Before I present my theory regarding interest group convergence and coalition building, I should clarify my goal. Like Rustin, my concern is with altering current political consensus in a legislative or policymaking context. Specifically, I want progressives to recapture majoritarian politics in order to pursue different, more progressive public policy choices, ones that give broader opportunity to everyone *and* that reduce racial inequality. In the brutal world of politics and policymaking, that will require commanding 51% of any given policymaking or elective vote. But to advance and sustain an entire progressive agenda, progressives will need to cultivate enduring coalitions that regularly command more than 51%. Again, the Civil Rights Act of 1964 passed by about a 75% margin in the Senate,⁸² attesting to the centrality of progressive politics at that time. This puts a lot of pressure on my theory. It must inspire a great deal of work given that progressives today often find themselves in a minority on a given issue.

My argument builds on Bell's interest-convergence thesis, and the insights of other writers, especially Rustin, to offer a theory of cross-racial coalition building. I begin with the notion that there is a kernel of truth to Bell's interest-convergence thesis—an essential, perhaps ugly, truth about human nature. Why should we be surprised that any social group that is in power would act in its own self-interest, yet not act when it does not perceive action to be in its self-interest? As my hero Frederick Douglass famously said, "Power concedes nothing without a demand. It never did and it never will."⁸³ Indeed,

⁸² See *supra* note 47 and accompanying text.

⁸³ 3 FREDERICK DOUGLASS, *The Significance of Emancipation in the West Indies: An Address Delivered in Canandaigua, New York, on 3 August 1857*, in THE FREDERICK DOUGLASS PAPERS, SERIES ONE: SPEECHES, DEBATES, AND INTERVIEWS, 1855–1863, at 183, 204 (John W. Blassingame ed., 1985). To put the quote in full context, Douglass stated:

Let me give you a word of the philosophy of reform. The whole history of the progress of human liberty shows that all concessions yet made to her august claims, have been born of earnest struggle. The conflict has been exciting, agitating, all-absorbing, and for the time being, putting all other tumults to silence. It must do this or it does nothing. If there is no struggle there is no progress. Those who profess to favor freedom and yet depreciate agitation, are men who want crops without plowing up the ground, they want rain without thunder and lightning. They want the ocean without the awful roar of its many waters.

Douglass emphasized the necessity of struggle in any quest for reform, especially one involving the freedom and uplift of historically oppressed African Americans.⁸⁴ The civil rights movement is a vindication of Douglass's argument. As noted above, an intense, grassroots struggle that *demand*ed social change from those in political power was the only successful route to passage of meaningful civil rights legislation. In sum, progressives should expect struggle; toil and sacrifice will be required to command power. And, as the interest-convergence theory suggests, progressives should build alliances where interests do converge and expect confrontation when they do not. In politics and policymaking, clashes of factions or interests are inevitable. James Madison's clear-eyed understanding of the brutishness of majoritarian politics and the attendant risk of majoritarian tyranny was a prescient predictor of human behavior, especially where issues of race are involved. While I in no way condone the hundreds of years of racial oppression of African Americans at the hands of a dominant white majority in this country, I do not think whites have a monopoly on this behavior. In other contexts, where blacks constitute a popular majority, one can find examples of similarly self-interested behavior that disadvantages a minority group.⁸⁵

This struggle may be a moral one, or it may be a physical one, and it may be both moral and physical, but it must be a struggle. Power concedes nothing without a demand. It never did and it never will. Find out just what any people will quietly submit to and you have found out the exact measure of injustice and wrong which will be imposed upon them, and these will continue till they are resisted with either words or blows, or with both. . . . Men may not get all they pay for in this world, but they must certainly pay for all they get. If we ever get free from the oppressions and wrongs heaped upon us, we must pay for their removal. We must do this by labor, by suffering, by sacrifice, and if needs be, by our lives and the lives of others.

Id. at 204.

⁸⁴ *Id.*

⁸⁵ In the *Poletown* eminent-domain case, for example, the black-led, majority-black City of Detroit chose a white Polish neighborhood to be mowed down to make way for a General Motors plant. *Poletown Neighborhood Council v. City of Detroit*, 304 N.W.2d 455, 457 (Mich. 1981). In Prince George's County, the highest-income, majority-black county in the United States, the black upper class attempted to erect barriers to entry to the black lower classes, and the black and white middle classes of that county worked together pursue policies that work to the disadvantage of the black poor. See CASHIN, *supra* note 6, at 138–40. Similarly, a white college student sent me an e-mail full of tales of woe about the bigotry and abuse she received as a white minority at a majority-black high school she attended in Prince George's

We are all quite capable of being tribal and primal when we feel our fundamental interests are threatened. In fact, I would be quite surprised—even shocked—to observe a group that is in power *voluntarily* cede it in order to bring about more racial justice or racial equality. Perhaps there are some counter-examples in human history, but the normal scenario for an oppressed racial or ethnic minority to gain political advantage is one where organization, protest, revolution, or open warfare or rebellion on the part of the minority, often with the aid and support of allies, wrested power, and hence, more racial equity, from the dominant group. There is no doubt that individuals do act out of motivations other than self-interest. We do charity and volunteer work, although much charitable giving—for example, to one's alma mater, the symphony, or elite cultural institutions—has a self-interested dimension. In the context of politics and policymaking, however, I believe acts against self-interest are rare, especially on matters of racial equity.⁸⁶

Bell's interest-convergence thesis is quite useful then. In the ordinary, day-to-day struggle of a political or policy battle, progressives would do better to be realistic about human nature and strategize accordingly. There is a hopeful upside to Bell's interest-convergence thesis: broad coalitions for progressive social change are theoretically possible when common interests, or a convergence of enlightened self-interest, can be established. At the same time, I do acknowledge the moral force of the civil rights movement and that of many issues of racial equity. The convergence theory, like Madison's brutish assessment of human nature, is premised on a rather impoverished view of the human heart. I do not deny the ability of many, if not most, individuals to act out of empathy, charity or the interests of others. I am only arguing the core power of self-interest *in the process of*

County. E-mail, Identity of Author Withheld to Protect Privacy (Aug. 25, 2004, 23:53:00 EST) (on file with author).

⁸⁶ Elsewhere I have written extensively about the dominance of white suburban voters, especially in state legislative contexts, and the degree to which these voters present obstacles to policy initiatives designed to bring about regional or racial equity. See, e.g., Sheryll D. Cashin, *Federalism, Welfare Reform, and the Minority Poor: Accounting for the Tyranny of State Majorities*, 99 COLUM. L. REV. 552, 583–94 (1999) [hereinafter Cashin, *Federalism, Welfare Reform, and the Minority Poor*] (welfare reform); Sheryll D. Cashin, *Localism, Self-Interest, and the Tyranny of the Favored Quarter: Addressing the Barriers to New Regionalism*, 88 GEO. L.J. 1985, 2025, 2041 (2000) [hereinafter Cashin, *Localism, Self-Interest, and the Tyranny of the Favored Quarter*] (school finance reform and fair-share affordable housing).

coalition building. In this way, I draw a distinction between self-interest in “ordinary” politics and the moral/values rhetoric of social movements or important social moments.⁸⁷ Values and values rhetoric do matter, as the 2004 presidential election surely attests. I am offering an interest-convergence theory of coalition building premised upon the idea that self-interest is a critical strategic tool for building enduring multiracial, mixed-income alliances. At the same time, I do not deny that the ultimate success of any progressive agenda will also require progressive leaders to speak to people’s hearts as well as their rational self-interest.

II. TESTING THE INTEREST-CONVERGENCE THEORY OF COALITION BUILDING: THE CHALLENGES OF MULTICULTURALISM

Below I test my theory, about how interest-convergence can lead to progressive outcomes, against the evidence in the political science literature. Specifically, I examine whether the theory can work in the modern context of growing racial complexity. In 1960, about 89% of the population was white, 11% was black and the small remainder was composed of other races.⁸⁸ Today, Latinos outnumber African Americans and demographers predict that we will become a majority-minority nation shortly after mid-century.⁸⁹ Latinos are our fastest growing demographic group, followed by Asians.⁹⁰ One might think that more diversity and a declining percentage of whites would lead to more progressive politics, but the rise of conservatism since 1964 belies this intuition. Among the challenges to progressive coalition building are the friction and transaction costs created by new racial complexity and the risk of zero-sum politics prevailing over coalition politics.

⁸⁷ This is similar though not directly analogous to Professor Bruce Ackerman’s distinction between “ordinary” politics and the “constitutional” politics that led to the ratification of U.S. Constitution. See BRUCE ACKERMAN, *WE THE PEOPLE: FOUNDATIONS 170–75* (1991) (suggesting that constitutional politics is based upon more civic-minded, other-regarding concerns than ordinary politics).

⁸⁸ See CAMPBELL GIBSON & KAY JUNG, U.S. CENSUS BUREAU, *HISTORICAL CENSUS STATISTICS ON POPULATION TOTALS BY RACE, 1790 TO 1990, AND BY HISPANIC ORIGIN, 1970 TO 1990, FOR THE UNITED STATES, REGIONS, DIVISIONS, AND STATES*, Working Paper No. 56, tbl.A-8 (2002), available at <http://www.census.gov/population/documentation/twps0056/twps0056.pdf>.

⁸⁹ See CASHIN, *supra* note 6, at 90.

⁹⁰ *Id.*

A. *Modern Coalition Theory: Interest vs. Ideology*

The most significant debate in the political science literature about multiracial coalitions is whether interest or ideology is the more effective motivating force behind coalitions. Ideology is defined as the pre-existing opinions and attitudes of a particular racial group toward another group.⁹¹ Interest is the recognized tactical or strategic advantage that one racial group can gain by forming a coalition with another group.⁹²

1. Interest

In their seminal book *Protest Is Not Enough*, political scientists Browning, Marshall, and Tabb offer case studies of ten California cities examined over a twenty year period.⁹³ They argue the efficacy of multiracial coalitions built on self-interest. They found that the city governments they studied were largely unresponsive to minority interests, even when confronted with direct minority protest.⁹⁴ Instead, these governments only became responsive to minority interests when new liberal, biracial coalitions were formed that defeated the existing conservative majority white coalitions wielding the power of elective office. Where liberal coalitions were not formed, city government continued to be unresponsive to the demands of racial minorities.⁹⁵ Yet, when blacks or Latinos organized a coalition that effectively challenged the existing power structure, policies *did* shift so as to benefit minority interests; a phenomenon the researchers called "political incorporation."⁹⁶ Often white liberals were a necessary component of such a winning coalition.⁹⁷

Scholars in the "interest" camp point out that coalitions among Asians, Latinos, and blacks tend to be quite strong when formed around issues that all three groups benefit from, such as

⁹¹ See EDUARDO BONILLA-SILVA, *RACISM WITHOUT RACISTS: COLOR-BLIND RACISM AND THE PERSISTENCE OF RACIAL INEQUALITY IN THE UNITED STATES* 10 (2003).

⁹² See BELL, *supra* note 2, at 523 (describing the interest-convergence theory).

⁹³ RUFUS P. BROWNING ET AL., *PROTEST IS NOT ENOUGH: THE STRUGGLE OF BLACKS AND HISPANICS FOR EQUALITY IN URBAN POLITICS* 3-4 (1984).

⁹⁴ *Id.* at 8, 247.

⁹⁵ *Id.* at 18.

⁹⁶ *Id.*

⁹⁷ *Id.* at 245-46.

eliminating poverty or unemployment or discrimination.⁹⁸ The parallel black and Chicano civil rights movements of the 1960s, for example, were mutually reinforcing. Latinos participated in the March on Washington in 1963 and in the Poor People's Campaign of 1968. Many blacks supported Cesar Chavez's campaign for farm workers.⁹⁹ However, when dealing with zero-sum issues, such as political representation or public jobs, coalitions tend to break down into racial antagonism. In other words, where interests clearly diverge, multiracial coalitions are much less probable.¹⁰⁰ However, even when forming coalitions with blacks is in their interest, Latinos and Asians are reluctant to do so, due to racial stereotypes that they harbor about blacks. Ideology thus plays some role, even in an interest-based theory.¹⁰¹

2. Ideology

Not surprisingly, Browning, Marshall, and Tabb's important work around interest-convergence and multiracial coalitions spawned a contrary book suggesting that ideology is a stronger incentive for successful coalition building, and, more negatively, where the ideologies of coalition groups conflict, it is very difficult to build or sustain a multiracial coalition. Historically, "racial ideology" has been one of the strongest disincentives to inter-group cooperation. Some argue that ideology explains why blacks have difficulty forming coalitions with other minority groups.¹⁰² For example, although blacks and Latinos share many common interests, Latinos tend to identify themselves much more with whites, according to surveys.¹⁰³ In a study of various school districts, two researchers found that Latinos formed coalitions with whites rather than with blacks, despite the fact that more whites were opposed to Latino incorporation and

⁹⁸ McClain & Tauber, *supra* note 66, at 113–14.

⁹⁹ *See id.* at 113. My first brush with such coalition politics occurred on a grocery shopping trip when I was a child. My activist mother who, like me, was African American, would not buy grapes that did not bear the farm workers union sticker. Much to my chagrin, this sometimes meant I could not have grapes.

¹⁰⁰ *See infra* note 107 and accompanying text.

¹⁰¹ McClain & Tauber, *supra* note 66, at 129.

¹⁰² *See, e.g.*, Sonenshein, *supra* note 66, at 44.

¹⁰³ John H. Mollenkopf, *New York: The Great Anomaly*, in RACIAL POLITICS IN AMERICAN CITIES, *supra* note 66, at 75, 82; Carlos Muñoz, Jr. & Charles Henry, *Coalition Politics in San Antonio and Denver: The Cisneros and Peña Mayoral Campaigns*, in RACIAL POLITICS IN AMERICAN CITIES, *supra* note 66, at 179, 188.

adoption of Latino issues.¹⁰⁴ While this lends credence to the idea that interest is not as powerful an influence as a racial ideology, it also demonstrates that whites are not passive in the face of multiracial coalitions; racial ideology will often be exploited.

Some researchers argue that convergence of ideology is a necessary element for a multiracial coalition, although it is not sufficient by itself. Interest plays a role as well; if there is a significant interest conflict, these scholars argue, it will overcome ideological harmony and dissolve any coalition. For example, although white liberals and blacks have a long history of forming coalitions in New York City, black attempts to penetrate the stranglehold white liberals had on public jobs during the late 1960s collapsed the coalition.¹⁰⁵ On the other hand, ideological unity can overcome a minor interest conflict or the absence of any interest at all. Leadership, however, is vital to the formation of any coalition. Political groups can be persuaded by leadership. The determination of group leaders to build and improve relations among their respective racial groups has a tremendous impact on the formation of coalitions. Overcoming interest conflicts to form coalitions based on ideology, or vice versa, is a burden ultimately placed on the leadership, and it requires diplomatic and political skill.¹⁰⁶

Beyond racial ideology, there are other significant challenges to multiracial coalition building. First, coalitions are unlikely to form in areas where one ethnic group is dominant, since the dominant group does not need partners. Second, with the disappearance of manufacturing jobs and cuts in federal aid to cities, minorities may find themselves struggling over fewer resources. In such a climate, multiracial coalitions, although relatively easy to form around issues of poverty and education, are more difficult to sustain around issues of political representation, public jobs, and other zero-sum issues.¹⁰⁷

¹⁰⁴ See Kenneth J. Meier & Joseph Stewart, Jr., *Cooperation and Conflict in Multiracial School Districts*, 53 J. OF POL. 1123, 1132 (1991) (examining politics in 118 multiracial urban school districts and finding that "Anglo-Latino" coalitions are more likely to be formed than "Black-Latino" coalitions).

¹⁰⁵ See, e.g., Sonenshein, *supra* note 66, at 199-200.

¹⁰⁶ See *id.* at 203-06.

¹⁰⁷ See generally Michael Jones-Correa, *Structural Shifts and Institutional Capacity: Possibilities for Ethnic Cooperation and Conflict in Urban Settings*, in GOVERNING AMERICAN CITIES, *supra* note 66, at 183 (2001).

The evidence from the political science literature presented above suggests that interest-convergence is useful, but a divergence of either interest or ideology will present major challenges. Below I turn to more recent literature and actual examples of successful multiracial coalitions. The ultimate question is whether there is enough evidence of success with interest-based coalitions to suggest that such efforts are worthwhile. I conclude that there is.

3. Recent Thinking

Paul Osterman, in his book *Gathering Power*,¹⁰⁸ offers a detailed case study on the Industrial Areas Foundation (IAF), praising the positive impact that such interest-based coalitions can have on progressive politics in urban areas.¹⁰⁹ Noted sociologist William J. Wilson is similarly enamored of the IAF, and argues that national multiracial coalitions could shift national policy into a permanent progressivism.¹¹⁰ The IAF's avoidance of racial issues has been touted as a major factor in its success. By focusing on race-neutral issues and engaging constituents based upon self-interest, the IAF believes it can appeal to a much broader constituency. It is extraordinarily effective; its local affiliates are responsible for thousands of community improvements.¹¹¹

An alternative to engaging different racial groups directly in terms of their self-interest or avoiding race is to explicitly discuss race. Wilson argues, for example, that the proper strategy is not to avoid discussing racially charged issues, like affirmative action, but to reframe it as a program benefiting all races.¹¹² This is similar to the work of Lani Guinier and Gerald Torres. They argue in *The Miner's Canary*¹¹³ that race, or the condition of the most marginalized racial minority, should be used as a diagnostic for understanding how some social systems harm everyone.¹¹⁴

¹⁰⁸ OSTERMAN, *supra* note 38.

¹⁰⁹ *See generally id.*

¹¹⁰ *See generally* WILLIAM JULIUS WILSON, *THE BRIDGE OVER THE RACIAL DIVIDE: RISING INEQUALITY AND COALITION POLITICS* 85–92 (1999).

¹¹¹ *See generally* OSTERMAN, *supra* note 38, at 75–81.

¹¹² WILSON, *supra* note 110, at 115.

¹¹³ LANI GUINIER & GERALD TORRES, *THE MINER'S CANARY: ENLISTING RACE, RESISTING POWER, TRANSFORMING DEMOCRACY* (2002).

¹¹⁴ *Id.* at 29, 31, 82–86 (stating that racial literacy is sharing one's personal racial experience for the benefit and education of those within and without the

Ultimately, recent scholars agree that multiracial coalitions can form when racial groups have a common interest that is significant enough to overcome any ideological differences. However, such coalitions are best maintained when both interest and ideology converge.

Many black scholars, like Bell, are highly pessimistic about our ability to overcome racial ideology. Black academics and regular folk are well aware of current and historic racial hostility exhibited toward African Americans and this, no doubt, fuels their skepticism.¹¹⁵ As my friend and colleague John Powell likes to say: "Pessimists are former optimists who have been disappointed."¹¹⁶

Despite the challenges, I believe progressives have no alternative but to pursue coalitions with potential allies. Self-help or self-sufficiency, the "cast down your bucket" philosophy of Booker T. Washington, most recently advocated by Bell,¹¹⁷ is not mutually exclusive with coalition building. In fact, organizing in black communities fits with and enhances the possibilities for a successful, reenergized progressive majority. As I describe below, a necessary element of effective coalition building is to work through existing local organizations and institutions. But self-sufficiency, standing alone, will not alter legislative outcomes, as any member of the Congressional Black or Hispanic Caucus can attest.

B. *Shall We Overcome? Transcending Difference*

I acknowledge that the chief obstacle to multiracial coalition building is the persistence of negative stereotypes held about certain groups. The strongest antipathy/stereotype seems to be about blacks. Other groups are more easily accepted or assimilated into society and hence into multiracial coalitions. I am utterly realistic about this challenge.¹¹⁸ Many immigrant

class).

¹¹⁵ Bayard Rustin suggested of Stokely Carmichael's pessimism that it was borne of the scores of physical beatings he endured as a nonviolent protestor during the civil rights movement. See Rustin, *supra* note 58, at 38.

¹¹⁶ Powell, who intentionally uses lower case with his name, said this at a panel on residential integration that we both appeared on during a conference on building integrated communities. John Powell, Remarks at a Panel Discussion at the Open Society (Oct. 22, 2004).

¹¹⁷ See *supra* note 79 and accompanying text.

¹¹⁸ See Leonard M. Baynes, *If It's Not Just Black and White Anymore, Why Does*

groups have internalized racist or stereotypical views about blacks.¹¹⁹ The inter-group relational dynamics surrounding the civil rights movement have changed. Direct, violent oppression of southern blacks in the Jim Crow era provided a clear moral imperative, at least for some, and a willingness of civil rights allies to have blacks act as the senior partner in the coalition effort. Examples of successful coalitions in some California cities offered by Browning, Marshall, and Tabb mirror the traditional civil rights model of the 1960s.¹²⁰ But rapid diversification of the American population has changed this model of inter-group relations. Emerging ethnic and minority groups that are newer to the realm of politics and legislative advocacy are not much interested in a coalition model in which another group leads, nor are they very interested in aligning with blacks, in part because they perceive them as an entrenched political power.¹²¹ Still, in the most diverse of places—frequently large urban centers—the reality of growing racial diversity is that it is increasingly unlikely that a single racial group can succeed independently. In such diverse environments, coalition building is the imperative route to political power. Diversity can be a source of power if properly harnessed. The risk with ever-complex diversity, however, is that the administrative costs of inter-group negotiations and the potential for conflict increases with each new group or interest that must be incorporated. This is

Darkness Cast a Longer Discriminatory Shadow than Lightness? An Investigation and Analysis of the Color Hierarchy, 75 DENV. U. L. REV. 131, 132–33 (1997) (discussing the disparity of discrimination between light-skinned and dark-skinned people); Devon W. Carbado & Mitu Gulati, *The Law and Economics of Critical Race Theory*, 112 YALE L.J. 1757, 1762, 1802–03 (2003) (suggesting that diversity in the workplace means most minorities must be assimilated to be included). This goes beyond race to hair textures, skin color, etc. See also CASHIN, *supra* note 6, at 9–12 (noting that all non-black groups show a consistent antipathy to residential integration with blacks, and that blacks are the group with which whites, Latinos, and Asians are most reluctant to integrate); Jerry Kang, *Denying Prejudice: Internment, Redress, and Denial*, 51 UCLA L. REV. 933, 956 (2004).

¹¹⁹ In New York City, 70% of cabdrivers are non-white immigrants, at least 50% of whom are south Asian. That noted African American actor and activist Danny Glover has difficulty hailing a cab in this multicultural metropolis speaks volumes about the degree to which immigrants have incorporated fear and stereotypes about black men into their thinking. See McClain & Tauber, *supra* note 66, at 132.

¹²⁰ See Rufus P. Browning et al., *Minority Mobilization in Ten Cities: Failures and Successes*, in RACIAL POLITICS IN AMERICAN CITIES, *supra* note 66, at 8, 10–14.

¹²¹ See, e.g., Edward J.W. Park & John S.W. Park, *Korean Americans and the Crisis of the Liberal Coalition: Immigrants and Politics in Los Angeles*, in GOVERNING AMERICAN CITIES, *supra* note 66, at 91, 91–93, 104.

compounded by the risk of zero-sum perceptions, in which a gain for one group means a corresponding loss to another, and the sheer difficulty of establishing inter-group communication and understanding is demonstrated.¹²²

1. Transcending Difference Through Interest-Convergence

So how do we transcend race, class, and ideology, especially racial ideology? Let me begin with a story of how one local affiliate of the IAF—Dallas Area Interfaith (DAI)—overcame racial ideology to build a multiracial coalition that succeeded in changing the policy direction concerning public education in Dallas to a progressive course. Started by a group of black, white, and Latino ministers and local leaders, DAI transcends stereotyping by organizing around people's interests rather than their fears. It remains cohesive in part by refusing to meet unless membership of all three ethnic groups, blacks, whites, and Latinos, are present.¹²³ By frontally challenging the way certain public officials had been exploiting racial divisions, DAI was responsible for getting the City of Dallas as well as Dallas Independent School District (DISD) to create, and later increase, funding for after-school programs throughout the school district. Even more impressive, DAI was largely responsible for passage of a \$1.4 billion school bond initiative. They succeeded first by breaking up a coalition of white and Latino members of the Dallas school board known as the "slam-dunk group."¹²⁴ Consistent with political science research concerning other school boards throughout the nation, the white and Latino members of the board had operated as a voting block that frequently opposed the black members of the board.¹²⁵ DAI was able to turn out large numbers of community leaders at school board meetings; it persuaded the Latino members of the school board to ally with black board members to support the after-school program that white members had opposed. The school board ultimately appropriated more money than DAI had originally requested for the program and brought about the demise of the slam-dunk

¹²² See, e.g., CASHIN, *supra* note 6, at 70–78 (underscoring the communication and other challenges to cultivating successful integrated communities and institutions).

¹²³ See OSTERMAN, *supra* note 38, at 77.

¹²⁴ See *id.* at 78.

¹²⁵ See *id.*; see also Meier & Stewart, *supra* note 104, at 1126–28.

coalition.¹²⁶ Osterman explains how DAI was able to win the even larger victory of a school bond referendum and transcend Dallas's "troubled racial politics":

By 2001 the Dallas Independent School District had one-quarter of its students in portable or temporary buildings yet for the past decade had been unable to pass a bond initiative. The superintendent, Mike Moses, was determined to make an effort but was unsure of his political support. The turning point was an assembly organized by DAI with sixteen hundred people and Mike Moses attending. The success of the assembly preempted opposition to the bond, and following the assembly Moses not only proposed one but increased the amount from \$900 million to \$1.4 billion. DAI participated in the campaign via a get-out-the-vote effort aimed at the Hispanic community, and the bond overwhelmingly passed. In an education conference in the winter of 2002, Superintendent Moses publicly credited DAI for the success of the bond election.¹²⁷

The success of the DAI is not accidental. Built on the pioneering work of Saul Alinsky, all IAF affiliates follow the same principles: community organization that focuses around a coalition of *institutions*, usually churches, but also unions, education associations, and other groups.¹²⁸ By focusing on institutions, IAF tries to avoid the ebb and flow of members that occurs when organizing people, since people get tired, move, or die. Institutions are more stable, and provide a more stable and larger base of financial and labor support. IAF affiliates also draw from all racial, ethnic, and income groups in their respective metropolitan regions. Most importantly, they give low and moderate income people a real voice in their operations, training them how to be leaders for their community.¹²⁹ IAF affiliates tend to focus on practical solutions for community problems: issues that cut across potential racial divides, often involving public schools, housing, youth, day care, or transportation. Most importantly, IAF leaders frankly accept self-interest as the driving motivation for all parties involved in politics. Alinsky insisted that the only basis on which long-term stable organizations could be built was to found them on the self-

¹²⁶ See OSTERMAN, *supra* note 38, at 78.

¹²⁷ *Id.*

¹²⁸ *Id.* at 93, 185.

¹²⁹ *Id.* at 42-47.

interest of their participants.¹³⁰ Hence, IAF teaches its members how to identify self-interest and use it strategically.¹³¹ As the example of DAI demonstrates, this strategy has proved successful, sometimes enormously so, in enabling IAF affiliates to alter the political status quo and move policymakers to a progressive course.¹³²

There are other heartening examples of organizations that are transcending differences through interest-convergence. The Gamaliel Foundation, for example, sponsors approximately fifty mostly church-based interfaith coalitions of suburban and inner city groups that are seriously attacking issues of racial and regional inequity.¹³³ Motivated by Alexis de Tocqueville's keen observation that the lifeblood of American democracy was the ability of citizens to form associations to address the issues dear to them, Gamaliel is committed to redressing the race and class divides in metropolitan regions. Its "mass based organizing" is explicitly designed to bring together poor and working class urban communities with suburban communities.¹³⁴ In contrast to the Alinsky/IAF model, Gamaliel affiliates do not shirk from discussing racial issues. However, they use a "regional analysis" in assessing questions of inequity and setting public policy goals.¹³⁵ Gamaliel has fostered the creation of "a new kind of peoples organization": metropolitan-wide coalitions of local institutions that can marshal thousands of individuals "to agitate around tax base inequity, transportation, housing and regional investment policies that [drain] the cities and working class

¹³⁰ *Id.* at 67.

¹³¹ *Id.* at 51.

¹³² An exemplar is the Greater Boston Interfaith Organization (GBIO) which led a state-wide campaign that won passage in the state legislature of a \$100 million Housing Trust Fund in 2000. GBIO worked successfully for a \$30 million annual increase in state capital budget for housing. It won a \$2 million increase in funding for Boston Public Schools for textbooks and instructional supplies. It secured a \$23 million commitment in new funding for affordable housing from the City of Boston. It raised a \$6 million loan fund at 0% interest to finance the construction of Nehemiah homes affordable to average working families. It organized with the Justice for Janitor's campaign to win significant pay and benefit increases for area janitors. See Greater Boston Interfaith Organization, *Key Achievements*, at <http://www.gbio.org> (last visited Apr. 13, 2005).

¹³³ See Gamaliel Foundation, *Gamaliel Foundation History*, at <http://www.gamaliel.org/foundation/history.htm> (last visited Apr. 2, 2005).

¹³⁴ See Gamaliel Foundation, *Gamaliel Foundation Strategic Plan: 2000 through 2010*, at <http://www.gamaliel.org/foundation/goals.htm> (last visited Apr. 2, 2005).

¹³⁵ *Id.*

suburbs to subsidize the new and growing rich communities.”¹³⁶ Implicit in this regional analysis, and the targeting of working class suburbs as the natural allies of city dwellers, is the idea of interest-convergence. The inner-ring of older suburbs culturally may identify with the more affluent, job-rich outer-ring suburbs, but their fiscal destiny is much more similar to that of central cities. Both types of communities suffer from disproportionate public and private investment in outer-ring suburbs and they both carry more than their fair share of modest housing and social distress.¹³⁷ In some metropolitan regions, leaders have formed coalitions precisely around this convergence of city and inner-ring suburban interests.¹³⁸

Gamaliel’s model of regional organization “allows people to organize across the artificial lines of race and political jurisdiction that have been created to insure that people remain divided and ineffective.”¹³⁹ With such mass-based regional organizations already operating in scores of metropolitan regions, Gamaliel is committed to initiating a similar regional effort in every major population center in the country by 2010. Gamaliel is refreshingly old-styled in its approach. Its metropolitan organizations rely on the power of “numbers and strategic action to win major issue campaigns.”¹⁴⁰ In other words, a Gamaliel organization operating in a major metropolitan area will commonly have as many as one hundred to two hundred member institutions and be able to organize anywhere from two thousand to five thousand people to show up at a given public policy venue or event to advocate for a progressive course.¹⁴¹

¹³⁶ *Id.*

¹³⁷ See Cashin, *Localism, Self-Interest, and the Tyranny of the Favored Quarter*, *supra* note 86, at 2020–21.

¹³⁸ See *id.* at 2034–36 (citing the example of the Twin Cities Metropolitan region and the coalition formed between central city and declining blue collar suburbs, which formed a majority in the state legislature that resulted, inter alia, in the passage of tax base sharing, fair-share affordable housing, regional land use planning, and metropolitan governance).

¹³⁹ Gamaliel Foundation, *Gamaliel Foundation Strategic Plan: 2000 through 2010*, at <http://www.gamaliel.org/foundation/goals.htm> (last visited Apr. 2, 2005).

¹⁴⁰ *Id.*

¹⁴¹ *Id.* In the Detroit metropolitan area, for example, one of the driving forces behind the creation of a new multi-county regional transit authority was a multiracial, city-suburban church based organization and Gamaliel affiliate known as MOSES (Metropolitan Organizing Strategy Enabling Strength). A new regional entity that will provide greater transportation access and connection between the inner city of Detroit and its surrounding suburbs is an important feat for one of the

Another, perhaps better known example of a multiracial, multi-class coalition formed around a convergence of interest concerns the passage of the "Texas 10 Percent Plan." This legislation guarantees admission to the flagship public universities of Texas to graduating seniors in the top 10 % of every high school in the state.¹⁴² The program, developed by a group of Latino and black activists, legislators, and academics, passed in the Texas legislature by one vote, after conservative Republican rural members whose constituents were not regularly being admitted to University of Texas decided to support the legislation.¹⁴³ Elsewhere I have offered other examples of multiracial coalitions comprised of groups that are seemingly strange bedfellows that were formed based upon mutual, enlightened self-interest, an understanding that can be created through the artful dissemination of empirical data.¹⁴⁴

The IAF, Gamaliel, and Texas examples confirm what my interest-convergence theory suggests: that a more enlightened understanding of self-interest can form the basis for powerful new coalitions that transcend race, class, and ideology. In my view, there are at least three necessary ingredients to creating such transcending scenarios: (1) leadership; (2) data; and (3) grassroots organization. First, leaders of existing institutions representing different racial, ethnic, and economic groups that should be allies must form a coalition that works to build enduring relationships and trust among themselves and their constituent members. Second, such coalition building will be aided by objective empirical research and data, preferably geographically mapped, that underscores powerfully to different constituencies where their enlightened self-interest lies on a given public policy issue. Third, grassroots efforts by strong local organizations that teach leadership and coalition building skills, educate, and mobilize people must occur. It is not surprising, for example, that progressive politics has declined as the labor movement and local machine politics have declined because it

most racially segregated regions of the country. See Myron Orfield, *Comment on Scott A. Bollen's "In Through the Back Door: Social Equity and Regional Governance,"* 13 HOUSING POL'Y DEBATE 659, 662 (2003).

¹⁴² See GUINIER & TORRES, *supra* note 113, at 72.

¹⁴³ *Id.* at 68–73.

¹⁴⁴ See CASHIN, *supra* note 6, at 304–17 (summarizing the work of regionalist, community development, and smart growth organizations).

has resulted in a loss of local institutions committed to progressive politics that can mobilize people.¹⁴⁵

It remains to be seen whether leadership, coupled with grassroots organizing around empirically supported evidence of self-interest, will be powerful enough in *most* circumstances to overcome racial ideology. The recent migration of the white working class to a Republican party that has focused heavily on giving tax relief to the affluent suggests the ease with which both racial and cultural ideology can be exploited to overcome what would seem like rational self-interest. We certainly have a long history of exploitation of racial ideology for the purpose of advancing the interests of the corporate classes by disrupting possibilities for strong alliances between working class and poor whites and people of color.¹⁴⁶ It is much easier to exploit racial tensions than to build coalitions that transcend those tensions.

The hopeful examples of successful multiracial coalitions I have offered suggest to me that such transcendence is possible, or at least the many diverse places marked by an absence of strong progressive coalitions do not suggest that my theory is wrong. For me, it suggests merely that this work is difficult and labor intensive. It is also essential. As we celebrate and reflect on the successes (and unmet promises) of the civil rights movement, we cannot ignore those factors that made the movement possible. A transcendent social order cannot and will not be achieved without the hard work of grassroots mobilization. Progressive, majority power will not be achieved without expanding our numbers. While the path of least resistance is to work solely within single issue, or single identity, organizations and

¹⁴⁵ See OSTERMAN, *supra* note 38, at 16–17, 21. Meanwhile conservatism has ascended with the rise of grassroots organization among growing, local and healthy institutions committed to politically and socially conservative ideas. *Id.* at 20–21. In the 2004 presidential election, for example, President George W. Bush may have doubled his percentage with African American voters because he connected with black Christians through Christian conservative networks. See Jim Dwyer & Jodi Wilgoren, *Gore and Kerry Unite in Search for Black Votes*, N.Y. TIMES, Oct. 25, 2004, at A1.

¹⁴⁶ See, e.g., BELL, *supra* note 5, at 41–44 (discussing how the populist agrarian movements in the nineteenth century moved away from alliance with black farmers to racial rhetoric, and how Jim Crow segregation was an accommodation by white elites of the desires of working class whites in order to mask their own exploitation). Such exploitation is reflected in the Republican party's southern strategy, and race-coded modern politics.

communities, progressives will be increasingly disempowered if they fail to organize the constituencies about whom they care.

At the same time, progressives need to develop empathy for the seeming stranger who might become a bedfellow. They should not write off the white working class guy, the so-called "NASCAR dad," who may seem at first blush to be too far across a cultural divide to cultivate. Nor should they write off any racial, ethnic, or class constituency whose interests would seem to converge with a progressive agenda. Instead progressives should develop the language and data to engage every potential ally. In my view, this is the only way progressivism will return to the mainstream of American politics.

CONCLUSION

When Martin Luther King, Jr. wrote his famous Letter from a Birmingham Jail on April 16, 1963, he was responding not just to eight Alabama clergymen who had published a statement in the local newspaper criticizing the timing and wisdom of the Birmingham demonstration, but also to the many detractors of direct mass protest, including traditional civil rights organizations. King, like Frederick Douglass before him, knew "through painful experience that freedom is never voluntarily given by the oppressor; it must be demanded by the oppressed."¹⁴⁷ At the same time, King was "cognizant of the interrelatedness of all communities and states" and the "inescapable network of mutuality" we live in.¹⁴⁸ He dared to believe that "our fear-drenched communities" could one day radiate with "love and brotherhood."¹⁴⁹ If King had accepted the pessimism of so many progressives today, he never would have written that letter and persevered in his belief that a different social order could be brought about.¹⁵⁰ He never would have bothered to form SCLC, then a coalition of eighty-five local organizations committed to combating racial injustice.¹⁵¹

¹⁴⁷ Martin Luther King, Jr., *Letter from Birmingham City Jail*, in *CIVIL DISOBEDIENCE IN FOCUS* 68, 72 (Hugo Adam Bedau ed., 1991).

¹⁴⁸ *Id.* at 69.

¹⁴⁹ *Id.* at 84.

¹⁵⁰ John Powell made this statement at a panel on residential integration that we both appeared on during a conference on building integrated communities. John Powell, Remarks at a Panel Discussion at the Open Society (Oct. 22, 2004).

¹⁵¹ See King, *supra* note 147, at 68 (noting that he served as president of SCLC, which had "some eighty-five affiliate organizations all across the South" that "share

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Dramatic change is inevitable as a result of growing diversity. The only question is this: Will progressives harness that dramatic change and do the hard work of building alliances across boundaries of difference, or will we continue to despair at the status quo, while others organize and continue to divide us from people and interest groups who could be our natural allies? In light of the exemplary multiracial, multi-class coalitions that *have* succeeded in moving policymakers to a progressive course, I, too, dare to be optimistic about our diverse future.

staff, educational and financial resources”).