

Contemporary Patterns of Politics, Praxis, and Culture

National Political Science Review, Volume 10

Religion and Racial Solidarity

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The question of how blacks perceive themselves in the face of prejudice and racial discrimination has been of interest to both scholars and leaders. Like members of other races, African Americans vary in their attachment to, and pride in, their racial group. This attachment has been measured in many ways and called many things, including racial self-esteem, racial pride, racial identity, black consciousness, or racial solidarity. These attachments are linked to a variety of outcomes, including increased perceptions of discrimination, membership in groups promoting racial unity, increased levels of political participation, and sometimes vote choice (Bledsoe et al. 1995; Bullock and Campbell 1984; Gurin, Miller, and Gurin 1980; Herring and Forbes 1994; Shingles 1981; Sigelman and Welch 1984).

Religion is an important determinant of feelings of racial attachment, and scholars have frequently explored this linkage. Over time, scholars have grown increasingly sophisticated in their recognition of the several aspects of religious belief and practice that might be related to feelings of racial attachment. And in the 1990s, scholars moved the research area forward considerably by explicitly connecting religiosity, the political messages heard in churches, and feelings of racial solidarity and esteem (Reese and Brown 1995).

Our work builds on Reese and Brown's findings in two ways: first, we examine the impact of a wider range of religious practices and beliefs on racial solidarity and, second, we look at racial solidarity-religious practice link in the context of our respondents' interracial ties, ties that have been found to significantly affect racial solidarity (see Bledsoe et al. 1995). We use the term racial solidarity to encompass the beliefs that African Americans should support the entrepreneurial and political efforts of other blacks, that black children should be taught about their African heritage, and that blacks are better off marrying other blacks. This concept, as we shall see, has more of a political and activist focus than other concepts of racial attachment that are frequently examined.

*The authors appreciate the helpful suggestions of Lee Sigelman and the extraordinary work of Tim Bledsoe in managing the survey data collection. The National Science Foundation supported the original data collection project.

The Impact of Religion

Religion can be a political resource (Wald 1987). We especially expect it to be so in the black community because African Americans are more religious than other Americans (Myrdal 1944; Johnson, Matre, and Armbrecht 1991; Harris 1994), and few institutions have rivaled the impact of the church and religion on the political and emotional disposition of blacks. Emerging during the oppression of slavery, the black church has provided support for blacks ever since (Drake and Cayton 1970; Ellison and Gay 1990; Lincoln and Mamiya 1991; Washington 1985). Thus, it is not surprising that scholars have speculated that religious practice is related to a variety of beliefs of African Americans, including black solidarity.

Yet, it is not entirely clear just how the church has affected the racial solidarity and other views of blacks (see Bledsoe et al. 1995; Allen, Dawson, and Brown 1989; Ellison 1990). On the one hand, some have argued that the church undermines black solidarity with its otherworldly focus and its stress on the need for personal salvation rather than collective acts (see Reed 1986). Traditional structures of the rural black church in the segregationist South also often led to a kind of accommodation between black ministers and the local white power structure that undermined collective action (Hilton 1960; Myrdal 1944; Frazier 1963). Allen, Dawson, and Brown (1989), arguing that, on the whole, the church has had a positive effect on racial solidarity, also point out that religiosity is associated with certain negative stereotypes about blacks.

But the black church became the cornerstone of the Civil Rights Movement of the 1950s and 1960s. In many localities, the church developed a great concern for social advancement and community improvement. The clergy advocated participation in the civil rights struggles and the church became a training center for a new generation of black leaders. Later it played a significant role in the black consciousness movement that emerged in the 1960s, has been an important factor in the proliferation of black elected officials since the 1960s, and was key in the Reverend Jesse Jackson's campaign for the presidency in 1984 and 1988 (Barker 1988; Cone 1969; Harris 1994; Lincoln and Mamiya 1991; McAdams 1982; Morris 1984; Reese and Brown 1995; Tate 1991; Washington 1985).

Aside from the different faces of the black church, linking religious practice and political beliefs is empirically difficult. Scholars have used many different measures of religious practice and involvement and each produces different results. "Religion" can mean church attendance, participation in the communal activities of a congregation, private devotional activities, a variety of different religious beliefs, or denominational choice. Moreover, the dependent variables in these studies are also complex.

Allen, Dawson, and Brown (1989) have presented the most systematic assessment of black racial belief systems. Based on the 1980 National Survey of Black Americans, they define five dimensions of such belief systems including black autonomy, belief in positive stereotypes about blacks, belief in negative stereotypes about blacks, closeness to the black masses, and closeness to black elites.

These terms are not used consistently in the literature, however, and other terms such as racial solidarity, racial empowerment, racial identification, racial self-esteem, racial separatism are found frequently, sometimes referring to the same concepts. For example, the concept we call racial solidarity, or the inclination to vote for other blacks and teach children about African history, was called black autonomy by Allen and his colleagues, and has also been called racial empowerment (Calhoun-Brown 1999) and racial separatism (Ellison 1991). And racial solidarity is not necessarily the same thing as the close-

ness one feels to other African Americans (sometimes called racial identification, Ellison 1991), identification with the fate of other African Americans (called racial identity by Reese and Brown 1995); denial of racial stereotypes (sometimes called racial self-esteem, Hughes and Demo 1989; or system blame, Reese and Brown 1995), or other positive feelings towards other members of one's group (Ross 1995).

Not surprisingly, then, recent work on the link between religious practice and political attitudes in the black community yields diverse results. Here, we are primarily interested in the concept of what we call racial solidarity. Gurin, Hatchett, and Jackson (1989) find that racial solidarity (what they call racial separatism) is one of two important components of African Americans' support for Jesse Jackson. Allen, Dawson, and Brown found racial solidarity (they call it black autonomy) was unrelated to religiosity, though religiosity was related to several other dimensions of racial beliefs.¹ Ellison (1991) discovered that racial solidarity is not significantly related to either public religious participation or private devotion. However, there are some significant links between public religious participation and racial solidarity among certain age groups, especially those in their fifties and those over seventy. Bledsoe and his colleagues (1995), on the other hand, in exploring the impact of interracial contact on solidarity, show strong links between racial solidarity and religiosity, measured by a six-item scale including indicators of church attendance, private devotions, biblical literalism, and importance of church. Calhoun-Brown (1999) finds solidarity related to an "other worldliness theology."

Reese and Brown (1995) provide an interesting advance in the study of the link between religion and racial attachment. They are interested not just in church attendance and belief, but *what* the parishioner hears in church. Thus, they measure whether or not parishioners hear messages or participate in church activities that explicitly discuss politics or encourage voting (what they call a civic awareness message). They also assess whether the respondents attended political meetings at their church or place of worship, or whether the church was used to raise money or hold meetings for political candidates (what they call political activity message). Their dependent variables of interest did not include racial solidarity. But they found that religiosity is related to racial identity through the civic awareness message, and both civic awareness and political messages indirectly influence beliefs that they call system blame (measured by a question asking whether blacks who don't do well in life have themselves to blame or others).

We will draw upon these previous works to investigate further the link between solidarity and religion. We are convinced by Reese and Brown's argument that it is important to look at the political messages that church attendees hear. We draw from the work of Ellison and others in distinguishing the impact of public religious participation from private devotions. Like Bledsoe and his colleagues, we believe that it is important to examine the religion solidarity link in light of the individual's interracial contacts, which have a significant effect on solidarity. We also are mindful of the link between religiosity and self-esteem among African Americans (Hughes and Demo 1989). Thus, here we hypothesize that racial solidarity, as we have defined it, will be promoted by church membership and participation. The effect of such membership and participation will be accelerated when the church provides explicitly political messages and when church attendance and religion increase levels of personal self-esteem.² We also hypothesize that racial solidarity is increased when individuals live in single race neighborhoods and undermined in neighborhoods of mixed race.

Data and Methods

Our analysis examines the impact of religious practice on racial solidarity while controlling for other socioeconomic and demographic conditions of black Americans. Our data comes from a 1991 in-home survey of black and white residents of Detroit. In this paper, we use only the black sample, including 652 cases. This is an unusual survey in that it oversampled residents of mixed race neighborhoods and black suburbanites.³ Our survey had a response rate of 56 percent. The sample has been weighted to adjust for difference in response rates and sampling fractions.

Our dependent variable, racial solidarity, is measured following previous practice (Allen, Dawson, and Brown 1989; see also Bledsoe et al. 1995; and for similar scales Hughes and Demo 1989; Ellison 1989) and includes the following listed in the order asked:

Blacks should always vote for black candidates when they run;
 Black people should choose to shop in black-owned stores whenever possible;
 Black parents should give their children African names;
 Black children should study black history;
 Black children should study an African language; and,
 Blacks should marry other blacks.

Table 1 summarizes our respondents' responses on these items. The respondents have quite mixed reactions to the different measures of solidarity. Almost all (97 percent) agree or strongly agree that African American children should study black history, 61 percent agree that blacks should shop in black owned stores, and 54 percent that children should study an African language. At the other end of the spectrum, only 8 percent agree that children should be given African names and only 16 percent that blacks should vote for black candidates. Larger numbers, but less than a majority, agree that blacks should marry other blacks.

Table 1
Indicators of Racial Solidarity

Blacks should:	Strongly Agree	Agree	Neither Agree nor Disagree	Disagree	Strongly Disagree
Have children study black history	54%	43%	1%	2%	0%
Shop in black owned stores	16	45	17	20	3
Marry other blacks	16	24	40	17	3
Have children study an African language	12	42	23	22	2
Vote for black candidates	4	12	18	55	11
Give children African names	1	7	35	47	10

Assigning zero to four points per response, with responses of strongly disagree and strongly agree anchoring the low and high ends, respectively, we comprise a scale with a maximum value of 24. The average score was 13.6, with a standard deviation of 3.3, indicating that the typical response was slightly more positive than the neutral midpoint, "neither agree nor disagree." Most scores fall between 10 and 13. The alpha value is .61, indicating a marginally acceptable reliability.

Measures of Religious Practice: Our key independent variables focus on religious practice. Our model suggests that religious attendance and belief increase the likelihood that individuals will develop a strong sense of self-esteem linked to that experience. Likewise, this activity and belief increase the possibility that individuals will hear political messages in the church. Taken together, then, the religious activity, the self-esteem from that activity, and the activating political messages will elevate an individual's sense of racial solidarity.

Four sets of variables measure these dimensions of religious practice. Church attendance is a single item measure categorized into "never, a few times a year, a few times per month, once a week, and nearly every day." To measure private religious activity and belief we used the same categories as in church attendance in responses to: "How often do you read religious books or other religious materials?" "How often do you watch or listen to religious programs on TV or radio?" and "How often do you pray?"

We measured religious beliefs with three items: "How important is going to church or a place of worship to you? Is it very important, fairly important, not too important, or not

Table 2
Indicators of Religious Practice

Activity	Nearly	One to	One to	Few	Never
How often do you:	Everyday	Three Per	Three Per	Per	
		Week	Month	Year	
Pray	76%	8%	6%	3%	6%
Read religious books or materials	25	24	24	19	8
Watch or listen to religious programs	15	32	18	17	19
Attend religious services?	7	32	27	24	10
Beliefs					
Church is					
very important to me					60%
fairly important to me					24
not too important					9
not important at all					7
The Bible					
is God's word and all true					51%
was written by men inspired by God but contains human errors					37
is a good book written by wise men; God has nothing to do with it					2
was written by men long ago and has little value today					9

important at all?" The same categories were used in responses to: "How important was religion in your home while you were growing up? A final measure of religious belief asked respondents to choose among the following statements about the Bible: The Bible is God's word and all it says is true; The Bible was written by men inspired by God but it contains some human errors; The Bible is a good book because it was written by wise men, but God had nothing to do with it; The Bible was written by men who lived so long ago that it is worth very little today.

Though we assumed that belief and activity were two separate elements of this overall dimension, in fact, a factor analysis of the six items revealed a single factor solution, with all items loading on the factor at .66 or more except early religious beliefs.⁴ Each item was coded from 0 to 1.⁵ Eliminating early religious beliefs, the resulting scale, with values ranging from 0 to 5, had a mean of 3.54 and an alpha of .82. The high score indicated high religious activity, a belief in the importance of church, and a literal interpretation of the Bible.

To assess the respondent's self-esteem growing out of religious identity, we asked: Please indicate if you strongly agree, agree, neither agree nor disagree, disagree or strongly disagree with each of the following statements about your church or place of worship:

It teaches me that I am able to do things as well as most other people;

It makes me feel that I do not have much to be proud of;

It makes me feel that I am a person of worth, at least on an equal plane with others.

Each item was coded so that 1 represented the highest level of religious influence on self-esteem and then summed so that the highest scale value was 3. Those who did not attend church were given a score of 0. The alpha reliability score was .90. The mean of 2.43 indicates a large proportion of the sample believed their religion increased their self-esteem.

Finally, we also hypothesized that those individuals hearing explicitly political messages in church would be more likely to translate this into racial solidarity. We asked individuals: "Did you hear any announcements or talks about the presidential campaign at your church or place of worship so far this year?" "During the 1988 presidential primary elections, did you hear any announcements or talks about Reverend Jesse Jackson's campaign at your church or place of worship?" In the last local elections, did you attend anything at a church or place of worship in support of a candidate or work for one of the candidates through your church or place of worship?" A reliability analysis of the three-item scale indicated that the latter item did not scale well with the other two. Thus, we created a simple two-point scale from the first two items, with an alpha of .68, and used the attendance item separately. This is compatible with Reese and Brown's identification of two dimensions of church related political activity, what they called communicating civic awareness in normal church activities and promoting political activity, through special political meetings, working for a candidate at church, and raising money for candidates.

Controls: We used several control variables in our analysis. One is interracial contact. Previous work has suggested that black solidarity is affected by the racial context of the places blacks work and live. Lau (1989) for example, found that racial identification increased among blacks living in increasingly black neighborhoods up to about 70

Table 3
Predictors of Racial Solidarity

	Model 1 B (t value)	Model 2 B (t value)
Religious factors		
Church attendance	.38 (.48)	
Private religiosity	-.13 (-.70)	
Church promotes esteem	.74 (3.02)*	
Religious belief and practice**		.20 (3.01)*
Civic messages in church	.24 (1.22)	
Church political activity		.63 (1. 19)
Exposure to church political messages		.20 (1.93)*
Inter-racial contact		
Personal inter-racial contact	.27 (-2.67)*	-.27 (-2.72)*
Proportion of blacks in neighborhood	.02 (3.44)*	.02 (3.34)*
City residence	-.86 (-2.51)*	-.81 (-2.40)*
Demographic controls		
Age	-.02 (-2.06)*	-.02 (-2.61)*
Woman	-1.11 (-3.42)*	-1.27 (-4.01)*
Income	.01 (.66)	.01 (.86)
Education	.01 (.14)	.02 (.29)
Constant	13.10 (11.80)	14.92 (13.89)*
R ² (AdjustedR ²)	.11 (.09)	.10 (.08)
N	519	519

*Significant at .05. The exposure to church political messages variable is significant only with a one-tailed test.

**The religious belief and practice measure is a standardized scale adding the values of the church attendance, private religiosity, and church promotes esteem measures.

percent; after that, the probability of identifying with blacks as a group decreased. Bledsoe and his colleagues (1995; see also Welch et al. 2001) showed that blacks living in racially mixed neighborhoods do feel less solidarity with other blacks than those living in predominantly black neighborhoods. However, this effect seemed to work through individual interracial contact and housing preferences. Demo and Hughes (1990) argue that adulthood interracial contact enhances identification with blacks (Demo and Hughes 1990).

We will use three measures of interracial contact. One is whether the respondent lived in the city of Detroit (1) or in suburbia (0). The second is the black percentage of the residents of the neighborhood where the respondent lives (neighborhood is operationalized as the several-block-area sampling segment). To examine the possibility of a curvilinear relationship, we also created a variable squaring that percentage. However, that variable proved not to be significantly related and was dropped. Finally, we assessed interracial personal contact in a scale that encompasses the existence and number of white friends, acquaintances, and neighbors, and the frequency of more casual contact with whites on the job, in stores, at events involving children, at church and at sporting events.

We also controlled for gender (women equal 1, men equal 0), age (in years), income (in thousands of dollars), and education (in years).⁶ Gender affects both solidarity and religious practice. Black males tend to have higher levels of racial identity than women (Bledsoe et al. 1995; Ellison 1991); women are also more religious than men (Hunt and Hunt, 2001; Alex-Assensoh and Assensoh, 2001; Sherkat and Cunningham 1998; Johnson, Matre, and Armbrecht 1991; Brown, Tate, and Theoharris 1990). Older individuals tend to be more religious than younger ones (Sherkat, 2001; Hunt and Hunt, 2001; Allen, Dawson, and Brown 1989). Blacks with higher incomes are more likely to have higher levels of racial identity than those with lower incomes (Reese and Brown 1995; but see Ellison 1991). Education is negatively related to racial separatism (Ellison 1991).

Findings

We will first review a profile of our respondents' religious practices before examining the impact of those practices on racial solidarity. Our sample is a fairly religious one. Almost everyone prays, three-fourths nearly every day. About half read religious material at least once a week, and about the same proportion watch or listen to religious programs every week. About 40 percent attend church every week or more often, with another 27 percent attending at least once a week.

The significant involvement of blacks in devotion, in church, and religious activity is not unusual. Verba and his colleagues, for example, found that 60 percent of blacks attended church services 2-3 times a month or more; that 35 percent of blacks gave time to church activity, and that 72 percent of blacks gave financial contributions (see also Johnson, Matre and Armbrecht 1991). As one might deduce from this level of activity and belief, 60 percent state that the church is very important to them and another 24 percent say it is fairly important. Most, 88 percent, think that the Bible is God's word or inspired by God.

Political activity at the respondents' churches is significant, but not the norm for most individuals. Thirty-eight percent remembered that they had heard something about the presidential election during the past year, and the same proportion recalled that they had heard about the Jackson campaign in their church during the 1988 campaign. Only 9 percent of our sample recalled attending any church function directed toward local politics.

To assess how these and our control variables affected racial solidarity, we first regressed solidarity on our religious and control variables to examine the direct effect of each variable. Overall, the R^2 value of .11 indicates that relatively little variation was explained (Table 3, Model 1). The variations in individual's attitudes of racial solidarity are largely not explained by demographic or religious variables that we examine here.

Of our demographic control variables, only sex and age had significant effects. Men and younger people had higher levels of solidarity than women and older people, even taking into account religious practice and beliefs. This finding about the relationship between age and solidarity is consistent with previous works (Demo and Hughes 1990). In the late 1960s and early 1970s, the "Black is beautiful" movement strongly influenced the black community. The effect of that was greater on younger people, then and now. Moreover, there is some evidence that younger blacks are increasingly questioning the wisdom and the utility of race mixing on personal and policy grounds. As an example, Malcolm X seems increasingly popular among younger blacks. Neither education nor income had a significant direct effect on solidarity.

The higher level of racial solidarity among black men than among black women is also consistent with at least some prior work (Bledsoe et al. 1995; Ellison 1991). Black men seem to be more of a target of violent racism than are black women (i.e., most lynchings were of black men and most current police harassment is targeted to black men). Black men are more likely to be stereotyped as criminals (Ferber 1998). These attacks might well prompt heightened sense of solidarity among black men.

Interracial interaction has strong effects on an individual's sense of solidarity. Those living in neighborhoods of greater black population and those with fewer personal contacts with whites had a stronger sense of solidarity (Bledsoe et al. 1995; Welch et al. 2001). Holding those two important factors constant, however, those in the suburbs had higher levels of solidarity than those in the city.

The greater solidarity among suburban blacks than those in the city appears to be confounding. However, recall that this effect is independent of the controls for interracial personal contact and neighborhood racial composition. The higher level of solidarity among suburban blacks may suggest that racial identity becomes more important for blacks in mixed racial communities (Welch et al. 2001; Lau 1989; and Tajfel 1981; Key 1949).

In our model, only one indicator of religious practice is significantly linked to racial solidarity. Neither attendance nor private religious practices have significant effects on solidarity. Those who attend church frequently and those who pray, are privately devout, and who believe the church is important are no more likely to feel high (or low) levels of racial solidarity than others. However, those individuals who believe that their church activities have strengthened their self-esteem had higher levels of solidarity than those who did not express those beliefs.⁷

In this model, neither measure of the political messages of the church was significantly related to racial solidarity. Neither hearing announcements or talks about the presidential campaign or Jesse Jackson nor attending a political meeting for a candidate at their church affected respondents' sense of solidarity.

In sum, in Model 1, the direct links with racial solidarity only partly conform to our expectations: believing the church strengthens one's sense of self does increase the sense of racial solidarity, as does being younger, male, and having less interracial contact. But attending church, being devout, and hearing political or civic messages in the church did not have significant effects.

However, some of our measures of religion are highly linked. For example, church attendance, private religious practice, and the belief that religion promotes self-esteem are all correlated at levels between .55 and .68. And each has the same range of correlations with the variable measuring political messages (.34 to .40) and going to church for a political meeting (.12 to .14). When we examine the impact of each of the five religious measures (including the political ones) separately, as we do in Table 4, we see that,

controlling for the demographic and interracial contact control variables, each religious measure is significantly and positively related to racial solidarity. Thus, the multicollinearity of these five measures is attenuating their effects in Model 1.

Thus, we created a measure incorporating the three items that are highly linked (church attendance, private religious practice, and the belief that religion promotes self-esteem). We standardized each item and added them together to create a scale of religious belief and practice with a mean of zero and a standard deviation of 3.⁸ We also created a second scale of exposure to church political activism by standardizing the two items measuring political messages heard in church and attending political meetings in church.⁹

In Model 2, we use these two summary measures in place of the five measures of religious practice and church political messages (Table 3, Model 2). Overall, with these two new summary items replacing the five individual items, the overall fit of the model is little changed and the demographic and interracial contact predictors are unchanged. However, controlling for the same demographic and inter-racial contact variables that were in Model 1, the new measure of religious belief and practice is strongly related to solidarity. The relationship is positive and significant, indicating that those who attend church frequently, take religion seriously in their private lives, and believe that religion makes them a better person are more likely to have a high sense of racial solidarity.

At the same time, those who are exposed to church political activism are also significantly more likely than others to have high degrees of racial solidarity, even taking into account the measure of religious belief and practice. Those who hear political messages in church or attend political meetings at their church are more likely, even than other regular church goers, to have a sense of political solidarity.

Conclusions

In this study, we have explored how and in what ways the complex idea of racial solidarity is affected by religion and interracial contact. In sum, racial solidarity is modestly predictable by the measures we have used in our model. More religious people, as measured by attendance, private religious practice, and a belief that religion helps them be better, have a stronger sense of identification with other African Americans. And, those

Table 4
Effects of Individual Religious Variables on Solidarity*

	b	t
Church attendance	1.38	2.60
Religious practice	.36	2.77
Civic messages in church	.49	2.81
Church political activity	.92	1.78
Church promotes esteem	.82	4.72

* Solidarity was regressed on each variable individually with the demographic and interracial controls of table 3. Using a one-tailed test, each of these religious variables is significant at the .05 level or better.

whose church provides political advocacy are also more likely to identify with other African Americans. These differences are not substantial, but they are significant and persist with different variants of our overall model.

The link between solidarity and religious practice is not surprising (see Allen, Dawson, and Brown 1989). The majority of blacks identify themselves as either Baptists or Methodists, the two denominations among blacks that grew out of a response to slavery and racial discrimination in America. More than other denominations within the black community, the mission of these denominations includes liberation from the sin of racism and racial discrimination. This is evident from the prominent role of Baptist and Methodist ministers and churches in the Civil Rights Movement.

Our findings are consistent with those of Reese and Brown (1995) who pointed out the importance of political messages in church. Our analysis is different from theirs in that we examined more measures of religious belief and practice. We also took into account the impact on solidarity of interracial contact. In fact, interracial contact was among the strongest predictors of racial solidarity. In general, more contact with non-blacks leads to less solidarity. Both personal interracial contact and the proportion of blacks in the neighborhood affect solidarity. Blacks have a greater sense of solidarity with other African Americans when they live in neighborhoods with more, rather than fewer, African Americans, and when they have few interracial friends.

Age and gender are the only significant predictors among our demographic variables. We have already discussed the impact of age. Black women are less likely than black men to have a high sense of racial solidarity. This is, on first blush, counter-intuitive because by all our measures of religiosity here, black women are more religious: they attend church more, pray more, hear more political messages in church, and believe more in the literal interpretation of the Bible. However, the effect of these religious factors is taken into account in our models. Moreover, black men are also more likely than black women to perceive church in political rather than spiritual terms, seeing the church as an instrument of political, economical, cultural, and social liberation. Black women prefer a more spiritual approach (Lincoln and Mamiya 1990), seeing the church as a means to deal with emotional and personal challenges. The church might provide them access to social status, friendship networks, and other types of social and professional contacts (Sherkat and Cunningham 1998). More directly, black women might be under greater cultural, social and community pressures than black men to attend and participate in church (Hunt and Hunt, 2001; Sherkat, 2001; Sherkat and Cunningham 1998; Frazier 1963). Thus, it is reasonable that men are more likely to translate their commitment to the church into political sentiments.

Finally, our study confirms the continued importance of the church in the lives of blacks, and, the point of this study, their political attitudes. This influence is neither monolithic nor uni-dimensional. The church is constantly challenged to re-invent itself to be a spiritual, social, cultural, and political force in the lives of black people. The different needs of black males and females present a major challenge to the church. Black males must be drawn back to the church, without ignoring black women. Clearly, however, the black church currently has a major impact on the political as well as spiritual lives, of many blacks.

Notes

1. Allen and his colleagues (1989) defined religiosity as a combination of several private forms of religious practice, including reading religious books, listening to religious programs, praying,

- asking others to pray for him or her, and the degree to which an individual considers him or herself religious.
2. Some scholars suggest that the black church is indispensable in the mental health and psychological stability of blacks (Washington 1985; Lincoln and Mamiya 1991; Secret, Johnson and Forrest 1990; Ellison and Gay 1990; St. George and McNamara 1989).
 3. In mixed race neighborhoods, interviewers engaged in doorstep screening to adjust for the overrepresentation of members of the predominant race (blacks in the city, whites in the suburbs). In mixed race neighborhoods in Detroit, interviews were conducted in every white household that was contacted, but in only one out of every three black households. In mixed race suburban neighborhoods, interviews were conducted in every black household, but only one of four white households. After interviewers established that an interview should be conducted in a given household, they used a Kish table to determine who within the household should be interviewed. Up to ten callbacks were made to try to get the interview. The race of interviewer was matched to the respondent.
 4. The Eigenvalue was 3.05 with 50.9 percent of the variation explained. The loading of the early religion item was .40. The frequency of prayer and importance of church loaded at .84 each, followed by frequency of reading of religious items (.75), frequency of watching or listening to religious programs (.70), and belief in literal nature of the Bible (.66).
 5. Respondents who indicated "don't know" on the question of the literalness of the Bible were given a midpoint (.5) code.
 6. Income was originally coded into 14 categories beginning with less than \$10,000 per year, increasing by \$5,000 increments to \$40,000 a year, then \$10,000 increments to \$90,000 a year, then a \$90,000 to \$120,000 category, and ending with an over \$120,000-a-year category. The variable was recoded to set all categories equal to the mean within the increment, and the highest category at \$150,000. Education was originally coded into 7 categories beginning with 8 years or less and ending in post-graduate work. Education was recoded so that the less than 8th grade category was set to 4, the some high school set to 10.5, high school graduate set to 12, some college set to 14, bachelor's degree set to 16, and post graduate work to 18.
 7. We thought perhaps that because the esteem measure incorporates attendance (non-attendees are given a zero), this variable might be suppressing the effects of church attendance. However, that was not the case; removing esteem from the equation slightly increased the coefficient for church attendance, but not to a significant level.
 8. The alpha measure of scale reliability is .69.
 9. This measure has a mean of 0, a standard deviation of 1.55, and an alpha of .21. Though the reliability score is quite low, the interrelationship of the two political items militates against entering both into the equation simultaneously so a summary measure seems best. The scale is a better predictor of solidarity than either indicator separately.

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Who Belongs? Understanding How Socioeconomic Stratification Shapes the Characteristics of Black Political Church Members

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Introduction

The church is the place where the Negro banker, lawyer, professor, social worker, physician, dentist, and public school teacher meet the skilled and semi-skilled tradesmen, the maid, the cook, the hotel man, the butler, the chauffeur and the common laborer; and mingle with them. The Negro church still furnishes the best opportunity for Negroes of different social strata and various cultural groups to associate together in a thoroughgoing democratic ways.

—Mays and Nicholson ([1933] 1969, 287)

One reason that so many observers point to the importance of the church in the black community is the perceived openness of access to all African Americans. Churches are dispersed widely in the black community, and church attendance has historically been a big part of the black experience. But we would like to question the openness of access to black churches, at least as it deals with the centrality of the church to political behavior. In terms of political behavior it seems that all black churches aren't created equal. Previous research indicates that a certain subset of black churches, the so-called "political church," matters more to certain relevant black political behavior than other churches. For example, Allison Calhoun-Brown (1996) and Katherine Tate (1993) have shown that these political churches increase the political participation of their members. So, if one is interested in understanding black politics and participation, one should pay close attention to access to political churches. It is here that we put a finer point to the generalized perceptions on the utility of the black church. We argue that the doors of the political

church aren't as open to all blacks as the traditional wisdom might suggest. Rather we display data and analyses that indicate that there is a strong socioeconomic bias in who attends political churches. Since the bias is for the more well-off in terms of income and education, we believe that the political church is a less widespread and evenly distributed resource than previously thought.

Overview

Churches have been shown to be an important context for mobilization and development of political attitudes. Huckfeldt, Pultzer, and Sprague (1993) argue that churches and other contexts play a strong role in developing political attitudes. Wald, Owen, and Hill (1988), who conduct a more direct examination of church context, also point to the impact that churches have on political ideology.

Historically, the black church has served as a primary institution for the socialization of blacks. Scholars, such as E. Franklin Frazier ([1964] 1974), have noted the importance of the black church in the development of black social life. While these characterizations of the black church in black political life have not always been positive (Marx 1967; Reed 1986), there is an ever-present collection of work that points to the importance of the black church as an efficient and constant mobilizer of blacks. Several works examining the Civil Rights Movement point to the black church as a key institution in the development of large-scale mobilization efforts (Findlay 1993; Morris 1984; Payne 1995). Works that have examined the contemporary role of the black church also come to similar conclusions. Several works point to the context and messages that blacks receive in church as supporters of group identification, system blame, and political participation (Allen, Dawson, and Brown 1989; Brown and Wolford 1994; Reese and Brown 1995). A prime example of these works is Fredrick Harris' (1999) book, *Something Within*, which provides a detailed analysis of how black churches influence black political participation. Harris specifically points to the fact that churches cultivate civic skills and psychological resources. The cultivation of these two resources helps lead blacks into political participation.

In addition to these works, there is another set of analysis being advanced by Katherine Tate (1993) and Allison Calhoun-Brown (1996). Their analysis of churches targets the variations in churches. Specifically, they point out that the variations in messages received in churches have direct effects on political participation. These churches, which are referred to as political churches, provide an atmosphere that stimulates political knowledge and skills (Tate 1993). These churches also inform their members that political participation is a standard to adhere to (Calhoun-Brown 1996). What they have found in their research is that political churches are more important than other non-political churches and other types of black organizations. In addition, while church attendance is important, the type of church a person attends is more important in promoting political participation. More recently, Brown and Brown (2003) build upon this by arguing that these differing church contexts work to develop the confidence for individuals to take part in political activities. McClerking and McDaniel (n.d.) contribute to this research trend by noting that certain activities within the context of the political church matter more than others in affecting related acts of political participation.

In all the works mentioned above, one issue is clear; the religious environment of an individual does have political consequences. Since the importance of the environment has been established, our goal is to understand better how an individual enters the political church environment. To accomplish this, the paper will provide an updated conceptualization and

operationalization of political churches. Then, through the use of quantitative analyses of survey data, this paper will examine what types of individuals are exposed to this context.

Definition of Political Church

Allison Calhoun-Brown (1996) describes political churches as churches that "communicate political activity as a norm" (942). Tate (1993) describes them as churches that provide a setting to encourage political knowledge and skills (95-101). Calhoun-Brown (1996) acknowledges that there are multiple ways of measuring a political church. One of the key issues that she points out is having a politically active minister. This can take many shapes, the minister may encourage the members to vote for a particular candidate, or organize the members to take part in some form of political activity. She also notes that access to political leaders through the church can be an aspect of a political church, so having a political leader speak at the church could be used as a measure of a political church. Finally she states that a political church's "environment is such that electoral participation is the communicated norm and political activity is facilitated by the institution itself" (942). From these descriptions, we define a political church as a church that holds political awareness and activity as salient pieces of its identity. An identity is those characteristics that members feel are central, enduring, and distinctive about the organization (Albert and Whetten 1985). As such, this definition is consistent with that found in McDaniel (2004), one of the few works that questions the existing usage of "political churches" as a concept.

With a more concise definition of a political church established, we wish to better operationalize the concept of a political church. Earlier analyses of political churches have focused primarily on electoral activism. One of the reasons that earlier work on political churches was confined to electoral activism is that the measures of politicalization of churches were directed primarily towards the electoral activism and employed measurements of a political church based on a positive response to whether or not the respondent heard any announcements about the election in their church.

We hope to present a multifaceted operationalization of political churches. The 1984-88 National Black Election Study (NBES) was heavily utilized in previous examinations of political churches. This is a very solid data resource, having been used in several seminal studies of black political behavior (see Dawson 1994 and Tate 1993, for example). Unfortunately, the NBES's use as a research tool on political churches is somewhat constrained in that all of the measures are directly related to elections or campaigns. Unlike the earlier studies that were unable to examine these other facets of a political church, we have access to data that are able to tap into the various aspects of a political church and expand beyond the role of political churches in the electoral arena. The 1993 National Black Politics Study, described in more detail below, provides six measures that relate to political activity and the church. While the primary focus of these measures is on elections, of course, it also takes into consideration other forms of political activity.

Data and Methods

The 1993-94 National Black Politics Study was conducted by the Center for the Study of Race and Politics at the University of Chicago. The survey is a national cross sectional survey that yields a sample of 1,206 African American adult respondents. The overall response rate is 65 percent for the survey. This survey was chosen for its in-depth examination of the role of religion in African American social and political attitudes and activities.

Operationalizing the Political Church Concept

A political church, as defined above, is a church that holds political awareness and activity as salient pieces of its identity. This study does not claim to perfectly operationalize a political church, but we do intend to measure exposure to a political church more fully than most previous operationalizations (although McClerking and McDaniel n.d., which use the same data source, are obvious exceptions). As Table 1 shows, the 1993 NBPS asks six questions that tap into some of the traits of a political church. The first two measures, hearing something and talking to someone in church, are useful measures of a political church. We feel that these measures may be better reflections of social networks inside the church than indications of the elite structure of the institutions themselves. The descriptions provided by Tate and Calhoun-Brown speak most prominently to elite aspects of the institution itself rather than to the activities of its patrons. However, there are opportunities to expand the logic of the political church in their work, as well as in the definition provided in this paper. But we would like to be careful in our analyses to separate the effects of these two levels, church elites versus church members. Because of this, we have separated our measures to reflect this, and we will analyze and discuss these measures separately as the elite level political church measures and the member level political church measures. The member level exposure measures are composed of the aforementioned items: hearing something about politics in church and talking to someone in church about politics. We use the remaining four measures to examine the more traditional elite level aspects of a political church. These measures are: having a leader or candidate come speak at the church, having a clergy member encourage people to become more politically active, clergy recruiting members to take part in non-electoral activity and clergy encouraging people to vote for or against a particular candidate. Each of these measures taps into the aspects of a political church that have been discussed above. As an additional empirical strategy, we also analyze all

Table 1
Measures of a Political Church

Question Wording	Yes %
In the last year have you heard any discussion of politics at your church or place of worship?	62.3
Have you talked to people about political matters at your church or place of worship?	44
Has a member of the clergy or someone in an official position talked about the need for people to become more involved in politics?	64.3
Has a local or national leader spoken at a regular religious service?	49.4
Has a member of the clergy, or someone in an official position, ever suggested that you vote for or against certain candidates in an election?	29
What about suggesting that you take some other action on a political issue—sign a petition, write a letter, go to a meeting, attend a protest, march, or demonstration, or get in touch with a public official? Did this happen in the last two years?	54

Source: 1993-94 NBPS

six items (elite and member level measures) together. From these six measures we have created an additive measure that represents political activism on the part of both the elite and member structure of the institution. This measure is a simple index: it runs from 0 to 6, where zero indicates no exposure, and six indicates the highest possible exposure to the six activities.

While Table 1 provides information on the ways that a person can be exposed to a political church, Table 2 provides some understanding of the level of exposure to a political church. Table 2 shows that slightly over 16 percent of the respondents report no exposure to a political church. Table 2 also shows that over 45 percent of the respondents are exposed to four or more types of a political church. While the table shows that there is significant population that is not being exposed to a political church, there is a sizable population that is receiving a great deal of exposure to political churches.

How Do You Choose? The Church Selection Process

With a definition and measurement of political churches established above, let's turn our attention to the process concerning how one becomes a member of a political church. The literature on church membership for the most part discusses national trends, not individual selection; however, their discussion of religious migration patterns does provide some information on how individuals select a church to attend. The church membership literature discusses increased openness in selection as Americans have begun to shed past denominational identification, but also argues that church selection is still highly constrained. The literature speaks of issues of theology, proximity, and familiarity as stringent constraints to church membership. Thus, when looking for a church an individual tends to look for a church with a strong similarity to the individual's theological beliefs, that is relatively close to his home, and one they are somewhat familiar with (or have simply heard of before).

All of the three constraints work to shape how individuals select their churches. For example, familiarity restrains blacks as they deal with the racial segregation of churches. Currently, blacks and whites now worship together more than ever before, but there is still a high level of segregation in church membership (Roof and McKinney 1992). E. Franklin Frazier ([1964] 1974) made the argument that with the rise of integration, blacks would leave the black church for higher class white denominations or leave religion in

Table 2
Level of Exposure to Some Form of a Political Church

Political Church Activities	Percentage
Zero	16.4
One	10.3
Two	12.8
Three	13.5
Four	17
Five	20.2
Six	9.8

Source: 1993-94 NBPS

general. Examinations of the church migration patterns of blacks shows that this has not happened; blacks remain in predominantly black churches. Even with shifts in the constraint of theology, the constraint of familiarity matters. Blacks, like whites, have changed theologically and have moved towards conservative denominations and non-denominational churches. This black conservative migration is clearly shown in the rise of the Church of God in Christ, a Pentecostal denomination that has become the largest of the historically black denominations (Mead and Hill 1995). But, regardless of the loosening of the theology constraint, blacks for the most part still remain in black churches (Roof and McKinney 1992).

These are the three key issues that come into play with church selection by individuals, not the church's political activism as some observers might expect. Actually, in many cases political activism on the part of churches has kept members away. Hadden's (1967) examination of the Presbyterian Church in the late 1960s is a prime example of this; when politically active clergy began to fill the pulpits of the denomination, many of the members left the denomination. This is further supported in Warner's (1988) study of a Presbyterian church. Warner noted that a theological change in the church toward conservatism (and non-activism) coincided with a growth of the church membership. This other research makes us feel confident that individuals choose churches mainly on matters of theology, proximity, and familiarity, not necessarily their taste for the political activism of churches.

Drawing upon the logic of the church selection literature, we hypothesize that African Americans who follow the church selection pattern discussed above will have the most consistent connection to political churches. Thus, we expect that citizens who follow the pattern of utilizing the constraints of theology, proximity, and familiarity to have a stronger, more consistent connection to political churches. Below we discuss this as our formal hypotheses:

- H_1 : Individuals who follow the pattern of utilizing the constraints of theology, proximity, and familiarity tend to have a more consistent connection to political churches.
- H_{1a} : Individuals of higher socioeconomic status are more likely to adhere to this pattern than individuals of lower socioeconomic status. This is based on the logic that blacks with the greatest ability to overcome costs will have the most opportunities to attend such churches.

Independent Variables

The model for examining political church selection is fairly straightforward. We will operationalize the logic of theology, proximity, and familiarity as efficiently as the data allow. Thus, the independent variables in this model are basic demographics, exposure to political information, social context and religious context. We suggest that certain sets of variables measure various aspects of the constraint trio. Since we are following the general conventions of empirical modeling strategies, we appear to operationalize the constraints in reverse order. We believe that familiarity is operationalized through demographics and exposure to political information. Proximity is operationalized through social context. And finally, theology will be operationalized with measures of religious context. Let's discuss the actual measures.

Demographics are measured using age, income, education, and gender. Age and gender are included to control for the effects of attendance, studies have shown that women and older individuals will attend church more frequently, meaning that they may be more likely to be exposed to political messages through the institution. Education and income

are controlled for the same reasons, and also because they represent class issues that come into play with church membership. Class like race has historically been a constraint to church membership.

Along with education the model also controls exposure to political information. Exposure to political information is controlled for because it allows for an understanding of who is more able to recognize political messages in church. The measure is a six-point index ranging from zero to one. The measure is comprised of positive responses to reading a metropolitan newspaper, a black newspaper, a black magazine, listening to a black radio show, watching a black cable program and watching a black program on network television.

The model also accounts for contextual factors like type of community, which is measured by urbanicity and region (south). The context of the individual is controlled for because it provides some indication of their socialization; it also provides some controls for church attendance as those in the southern portion of the United States and more rural areas are more likely to attend church. Urbanicity is a five-point scale, with zero representing a rural area and one representing a large city.

Along with the demographic and contextual variables the model also attempts to capture the religious background/socialization of the individual. We account for the type of church the person grew up in as well as denominational preference. The organizational context is first accounted for by indicating whether or not the respondent grew up in a predominantly black church. The religious context is further taken into consideration by accounting for the denominational preference of the respondent. We account for whether or not the respondent attends a church that is in one of the three major black Protestant traditions. These traditions are Baptist, Methodist, and Holiness,¹ an indicator of each of these traditions is placed in the model with the base category being composed of non-denominational, multi-denominational, and churches in predominantly white denominations.

Finally, the model takes into account the level of exposure the person has to their chosen religious context by accounting for church attendance. Church attendance is a four-point scale ranging from zero to one; zero indicates exceedingly rare attendance and a one indicates attending church at least once a week.

Results

Since a large part of hypothesis is that individuals of higher socioeconomic status (SES) are more likely to adhere to the church selection pattern than individuals of lower socioeconomic status, we start by examining that proposition empirically. We correlate socioeconomic status (simply adding the income and education measures) with the six measures of political church activity in the NBPS. An examination of the correlation matrix, in Table 3, shows that all of the measures are positively (and statistically significant) related to socioeconomic status. This provides some evidence to support our hypothesis as a bivariate relationship. We now move to examining our hypothesis using multivariate analyses.

To further understand the nuances of political churches at the elite level, we examined each of the institutional measures to see if there was any systematic difference between them. We use probit to estimate these models with dichotomous dependent variables. The probit analysis yields the following results. An examination of hearing a political leader yields the following results; age, education, political information and attendance are all significant promoters. In terms of being contacted by clergy we find that income, political information, being socialized in a black church and attendance are the only

Table 3
Pair-Wise Correlations between Measure of a Political Church and Socioeconomic Status

	Socioeconomic Status
heard any discussion of politics at your church or place of worship?	.186***
talked to people about political matters at your church or place of worship?	.204***
member of the clergy talked about the need for people to become more involved in politics?	.116***
local or national leader spoken at a regular religious service?	.062*
member of the clergy ever suggested that you vote for or against certain candidates in an election?	.066*
clergy suggesting non-electoral activity—sign a petition, write a letter, etc.?	.204***

Source: 1993-94 NBPS

*significant at 0.1 ** significant at .05 *** significant at .01

significant promoters. Here we find that those who grew up in a predominantly black church are more likely to be exposed to this indicator of a political church. In an examination of those who are encouraged to vote for a specific candidate by a member of the clergy, we find that gender, political information, and urbanicity are the only variables with a significant effect. We find that political information is a promoter of this form of clergy contact, but being female and living in larger locales has a negative effect. This indicates that men and those who live outside of largely populated areas are more likely to be contacted by clergy to vote for a specific candidate. Finally, an examination of those who are contacted by clergy to take part in some form of non-electoral activity, we find that income, education, political information and church attendance are all significant promoters.

Moving to member level exposure to a political church, a similar pattern appears (see Table 5). Moving to the individual measures, we begin with hearing a political discussion in church. The results find that income, education, exposure to political information and church attendance are all significant promoters. The analysis then moves to the examination of talking to someone else in church about politics. The results find that age, income, education, and gender have a significant effect on this type of exposure to a political church. We find that older individuals, those with higher levels of education and income as well as men are more likely to talk to someone in church about politics. The results also show that those who have a high level of exposure to political information, as well as those who grew up in a black church, are more likely to take part in this activity. Finally, the results show that church attendance also promotes this type of activity.

Probit estimation leads to coefficients that aren't easy to interpret due to the non-linearity of the modeling. A clearer way of interpreting the effects of socioeconomic status on political church exposure is to look at the predicted probabilities of being exposed to a form of a political church as income and education change. An examination of Figure 1 shows how the changes in income affect the probability of being contacted by a member of the clergy to take part in a non-electoral activity and hearing a discussion of

Table 4
Analysis of Political Church Selection-Elite Level

	Leader speaking at church	Contacted by a member of the clergy	Clergy has encouraged you to vote	Clergy has encouraged non-electoral
<i>Familiarity Factors</i>				
Age	1.015*** (.259)	.273 (.262)	-.121 (.265)	.077 (.256)
Income	.087 (.171)	.288* (.175)	.197 (.177)	.543*** (.172)
Education	1.017** (.451)	.623 (.450)	.118 (.455)	1.116** (.449)
Female	.043 (.105)	-.085 (.107)	-.261** (.106)	.031 (.105)
Political Information	.888*** (.266)	.481* (.267)	.525* (.275)	1.094*** (.270)
<i>Contextual Factors</i>				
Urbanicity	-.093 (.153)	.048 (.156)	-.326** (.157)	.243 (.153)
South	-.128 (.106)	.033 (.108)	-.134 (.108)	-.036 (.106)
<i>Theological Factors</i>				
Black Church	-.023 (.191)	.432** (.190)	.142 (.204)	.108 (.193)
Holiness	.313 (.244)	.028 (.246)	.189 (.260)	-.006 (.247)
Baptist	.178 (.177)	.177 (.182)	.180 (.194)	-.116 (.181)
Methodist	.271 (.221)	.267 (.228)	.278 (.233)	-.228 (.223)
Church Attendance	.662*** (.206)	.703*** (.203)	.213 (.208)	.618*** (.204)
Constant	-2.032*** (.408)	-1.556*** (.410)	-.992** (.426)	-2.158*** (.417)
% Correctly Predicted	62.72	66.39	69.51	62.65
Likelihood Ratio χ^2	51.93***	37.60***	21.72*	68.20***
N	727	735	738	731

Source: 1993-94 NBPS

*significant at 0.1 ** significant at .05 *** significant at .01

Table 5
Analysis of Political Church Selection-Member Level

	Hearing a discussion of politics	Talked to someone in the church about politics	Political Church Six-item Index
<i>Familiarity Factors</i>			
Age	.404 (.267)	.640** (.260)	.140** (.062)
Income	.577*** (.178)	.536*** (.175)	.152*** (.041)
Education	1.264*** (.461)	1.533*** (.456)	.341*** (.106)
Female	.108 (.108)	-.241** (.106)	-.017 (.025)
Political Information	.534* (.276)	.474* (.267)	.237*** (.064)
<i>Contextual Factors</i>			
Urbanicity	.154 (.159)	-.040 (.156)	-.004 (.037)
South	-.004 (.110)	-.103 (.107)	-.026 (.025)
<i>Theological Factors</i>			
Black Church	.037 (.200)	.515** (.206)	.065 (.046)
Holiness	-.007 (.259)	.184 (.250)	.040 (.059)
Baptist	.027 (.190)	-.182 (.184)	.019 (.043)
Methodist	.103 (.236)	-.286 (.226)	.022 (.053)
Church Attendance	1.314*** (.212)	1.156*** (.210)	.280*** (.049)
Constant	-2.269*** (.427)	-2.677*** (.432)	-.206*** (.097)
% Correctly Predicted	68.12	65.59	—
Likelihood Ratio χ^2	88.13***	94.84***	—
Adjusted R ²	—	—	0.119
N	734	741	710

Source: 1993-94 NBPS

*significant at 0.1 ** significant at .05 *** significant at .01

politics in church. The chart shows that moving from low income to high income increases the chances of being contacted by member of the clergy by 13 percentage points raw change (or 28.5 percent change in proportion). Moving to hearing a discussion in church finds that the same movement from low to high income creates a 13 percentage point difference (or a 21.5 percent increase proportionally) in the probability of being exposed to this form of a political church. Moving to Figure 2 we find that movement in education has similar effects. In terms of being contacted by a member of the clergy, we find that the movement from low education to high education increases the probability of this happening by 23 percent. Moving to hearing a discussion about politics, we find that the same movement from low to high yields a 19 percent increase in the probability that a person will be exposed to this form of a political church. These changes in the percentages suggest that it matters a lot whether a black person is low SES or relatively high SES. High SES blacks simply have a greater chance of participating in a political church than their lower SES counterparts.

The last step in our analyses is an examination of the political church index (all six items combined). Using OLS Regression to analyze the political church index, we find that age, income, education, exposure to political information and church attendance are the significant predictors. An examination of Table 5 shows us that older blacks, higher income blacks, more educated blacks, those blacks with a higher level of exposure to political information, and blacks who are more frequent church attendees are more likely to report membership in a political church.

Discussion

The results show that age, income, and education are fairly consistent promoters of being exposed to a political church in some form. We find that, in general, older, wealthier,

Figure 1
Predicted Probability of Having Clergy Encourage Non-Electoral Activity or Hears Political Discussion Given Level of Income

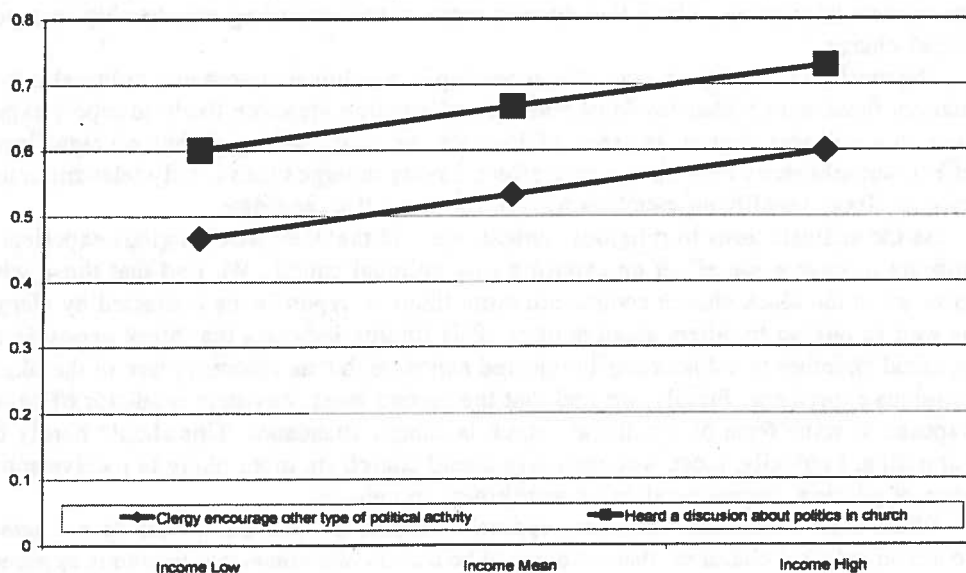
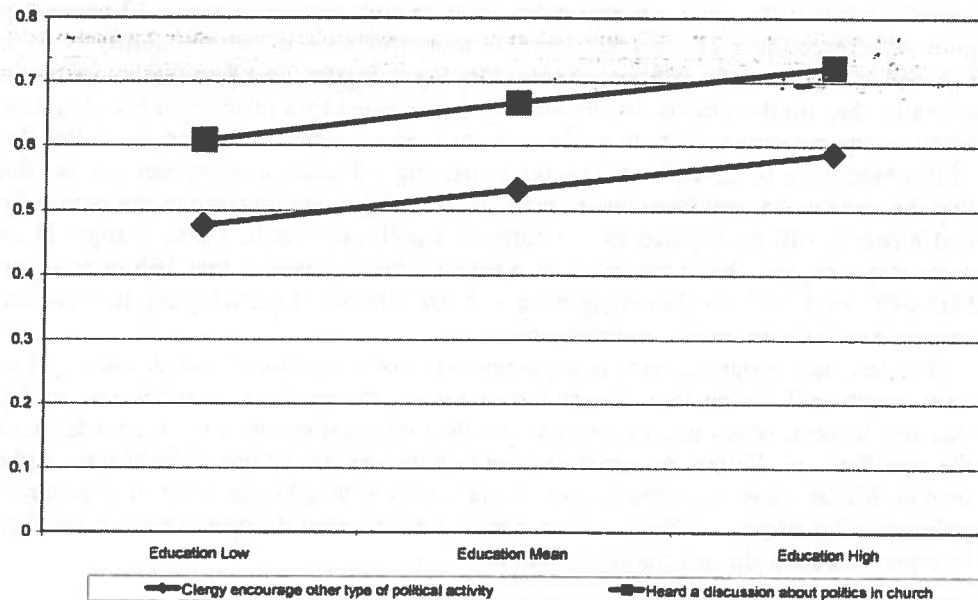


Figure 2
Predicted Probability of Having Clergy Encourage Non-electoral Activity or Heard Political Discussion Given Level of Education



and higher educated individuals are more likely to be exposed to a political church. Along with this, we find that there is a mild gender effect; men appear to be exposed to a political church slightly more than women. Just an examination of these particular findings would indicate a class bias or some other type of bias in exposure to a political church; however, an examination of exposure to political information and the contextual variables show that there is more to understanding membership in a political church.

The most consistent promoter of membership in a political church was political information; those with higher levels of political information are more likely to report exposure to a political church. In terms of location we find that region has no significant effect, but urbanicity does have a mild effect. Living in large cities is only relevant in the case of clergy mobilizing members to vote for a specific candidate.

As the analysis turns to religious context, we find that the black religious experience appears to have some effect on exposure to a political church. We find that those who grew up in the black church context are more likely to report being contacted by clergy as well as talking to others about politics. This finding indicates that black exposure to political churches is not necessarily selected exposure, but an inherent piece of the black religious experience. Finally, we find that the second most consistent predictor of being exposed to some form of a political church is church attendance. This should hardly be surprising. Logically, those who regularly attend church are more likely to receive some type of political communication or recruitment in church.

While these contextual variables support the argument that individuals do not select to attend political churches, there appears to be a class bias connected to who is exposed.

Even when we control for contextual issues, we still find that those with higher levels of income and education are more likely to be exposed to a political church. The church membership literature does account for class as a criterion for selecting a church. As we noted earlier, E. Franklin Frazier ([1964] 1974) went as far as to state that integration would lead to a mass exodus of upper middle-class blacks from the black church to predominantly white denominations. While this has not occurred, class is still linked to congregations (Roof and McKinney 1992). What this class bias may actually indicate is a church resource differential. Because those of a certain class structure may worship together, the class difference is further amplified by organizational resource differences. More importantly, we find that those with higher levels of exposure to political information are more likely to report membership in a political church. The literature does not discuss this aspect of church membership. The relationship may not be in terms of selection, but rather recognition, as those with greater levels of exposure to political information are better able to recognize a political message in church.

Conclusion

Our study has attempted to further research on political churches. We have done this through first providing a definition of political churches and providing an expanded operationalization of political churches. We further analyze political churches by examining who will be exposed to messages and activities in a political church. We find that there is a class bias in terms of who will be exposed, but we also find that some aspects of exposure are just facets of the black church experience. Finally, we find that the most consistent predictor of exposure to political churches is exposure to political information.

The socioeconomic bias in exposure to political churches further shows the variations in churches as well as the consequences in these variations. Groups who have the greatest need to be mobilized, the poor and uneducated, may be mobilized through their churches, but not to the extent that middle-class blacks are being mobilized in their churches. The bias in exposure to a political church further expands the gulf between the black middle and lower class in terms of opportunities. While political churches are having a strong effect on black political participation, there are some that are being left behind. However, our findings should not be overly controversial. In fact, our findings actually resonate with the predictions made by Mays and Nicholson in 1933. They noted that "The Negro race is young in emancipation. It has not had sufficient time to build churches of the wealthy nor of the cultured. As the race gets older in freedom, the number of college-trained business and professional people will inevitably increase. There will be more grouping and mingling among people of similar interest, and the tendency will be in the direction of a more rigid separation between Negroes of different interests and achievements" (Mays and Nicholson [1933] 1969, 287). While these differences do hurt the goal of mobilizing all blacks, the findings also suggest that certain aspects of the political church context are inherently built into the black church. Because of this, we can conclude that while there is a bias in total mobilization, there is an inherent culture within the black church that provides opportunities for all to be mobilized.

Note

1. Denominations under the classification of Holiness are the Church of God in Christ and the Church of God.

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How Firm a Foundation? Church Organizational Structure and the Political Mobilization of Congregants

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The election of President George W. Bush in 2000 signaled movement toward a new partnership between religious institutions, community organizations, and the federal government. The Bush White House viewed religious institutions as important administrative resources for assisting the federal government in delivering social welfare programs to the general public. During his first month in office, President Bush signed Executive Orders 13198 and 13199 to establish a faith-based and community initiatives program that would devolve greater responsibilities to religious organizations (Bush 2001a and 2001b). Theoretically, we might expect that churches are equipped to implement President Bush's faith-based initiative. Church mission statements frequently call upon their members to actively support and participate in social causes such as donating items to local food banks, volunteering time at soup kitchens and homeless shelters, and providing financial support to those less fortunate in society.

Conventional wisdom assumes that the federal bureaucracy is comprised of an enlarged set of complex organizations that slow the implementation of public policy. Moe attributes this problem to the idea that "American public bureaucracy is not designed to be effective" (Moe 1989, 267). As a result of this problem, scholars, government officials, and recipients of social welfare programs might welcome the federal government's efforts to shift some of the implementation responsibilities from the bureaucracy to religious institutions. However, why should we assume that church organizations are more effective than the federal bureaucracy in dispensing social welfare programs? Religious groups can encounter similar types of organizational problems that impact public or private organizations such as free riding, a lack of financial and human resources, and a weak

administrative structure that might limit their ability to assist the federal government with implementing policy.

These organizational problems also pose serious obstacles for church leaders who seek to increase the level of civic engagement within their congregations. We analyze whether religious organizations have the administrative capacity and resources to mobilize for political and social causes within their community. Our article addresses three questions. First, does the organizational structure of a religious institution influence the level of participation among its members in community and social causes? Second, do smaller churches with less hierarchical structures elicit greater levels of participation and produce members with greater civic skills because there are more opportunities for these members to directly participate in the decision-making process? Finally, do congregations encounter problems of free riding that hinder their ability to participate effectively in political and social affairs? Our purpose in exploring these questions is to consider whether the organizational characteristics of churches are important variables that influence the level of political and civic participation that these organizations undertake within their communities.

The literature on religion and politics overlooks church organizational structure as a key variable that explains the ability of a congregation to mobilize for political action. Instead, scholars have devoted their efforts at analyzing the political behavior of the clergy and their parishioners to explain the role of religious organizations in society. As a result, the political science literature provides us with very little guidance about whether the problems associated with church organization create challenges for congregations that seek to collectively mobilize in their communities.

Our article is a pilot study that begins to analyze whether the administrative design of churches impacts the level of free riding that occurs among parishioners. Scholars and federal officials must consider whether religious institutions are prepared to handle the challenges that await their congregations in an era of federal devolution instead of assuming that religious organizations are one solution to solving bureaucratic inefficiency. This study provides preliminary findings at this time because the type of sampling we use prevents us from reaching a defined set of generalizations. However, our goal is to probe a few religious communities to gain insight into whether church organization makes a difference in the ability of congregations to mobilize effectively for civic causes. Our hope is that this article will serve as a springboard to an enlarged study in the future that incorporates greater methodological sophistication to explore the role of organizational structure and the free rider dilemma in religious institutions.

Studying Religion and Politics

Building on the literature regarding the influence of religious beliefs, attitudes, church attendance, and denominational affiliation or membership on individual voting behavior (see Berelson, Lazarsfeld, and McPhee 1954; Calhoun-Brown 1996; Gilbert 1993; Guth and Green 1991; Jelen 1991; Layman 1997; Lazarsfeld, Berelson, and Guadet 1948, 21-23; Leege 1988; Leege and Kellstedt 1993; Liebman and Wuthnow 1983; Manza and Brooks 1997; Regnereus, Sikking, and Smith 1999; and Smidt 1989), others have explored the question of whether religious groups assist their members in developing civic skills that will lead parishioners to participate in community affairs. For example, Verba, Schlozman, and Brady (1995) argue that religion becomes a core variable that affects political participation when churches offer a variety of activities that allow their members to develop and sharpen their civic skills. Church members can participate

in a variety of political activities such as serving in a leadership position on a church council. These individuals can also become involved in nonpolitical activities such as participating in music programs. Both types of these activities provide members with opportunities to learn civic skills (Verba, Schlozman, and Brady 1995, 273). Furthermore, these scholars argue that the frequency of church attendance and the types of religious denominations influence the level of civic engagement. According to Verba, Schlozman, and Brady,

religious institutions are the source of significant civic skills which, in turn, foster political activity. The acquisition of such civic skills is not a function of SES but depends on frequency of church attendance and the denomination of the church one attends. . . . Individuals with low SES may acquire civic skills if they attend church—and if the church is the right denomination. Conversely, individuals who are otherwise well endowed with resources because of their high socioeconomic status will be lower in civic skills if they do not attend church regularly—or if the church they attend is the wrong denomination. Frequency of church attendance and the kind of church one attends are, in turn, closely connected to race and ethnicity. (Verba, Schlozman, and Brady 1995, 282-283)

These scholars also found that 63 percent of the respondents in their survey reported that they donated their time to participate in various church activities apart from attending weekly worship services and that they gave financial offerings (excluding parochial school fees) to a church (Verba, Schlozman, and Brady 1995, 82-83).

Despite their illuminations on the linkage between religion and civic duty, Verba, Schlozman, and Brady base their arguments on assumptions that can be disputed. Two of these assumptions are: (1) members who regularly attend church are exposed to political messages either from church leaders or from their interactions with the social network that they have established within the church, and (2) civic skills can be developed at church because there exist many opportunities for members to be involved either in church-related activities or in donating money to the church.

Religious Affiliation, Attendance, and Beliefs

Scholars have also focused on whether denominational affiliation, church attendance, and religious beliefs influence the ability of churches to mobilize for political causes or encourage members to participate in civic activities such as voting or working on a political campaign (see Calhoun-Brown 1996; Macaluso and Wanat 1979; Harris 1994, 46; and Tate 1991). Harris states that “. . . in the United States today religious beliefs and practices promote political mobilization rather than deter mobilization among both blacks and whites. These findings directly challenge the claim that religion in general is antipolitical, antiparticipatory, and an opiate of mass political consciousness” (1994, 64).

Harris gives some attention to the organizational resources that churches possess and how these elements impact the ability of religious institutions to mobilize for political and social causes. However, Harris assumes, as do other scholars (see Wald 1987, 38), that churches automatically have access to a valuable set of resources such as money, an adequate facility for hosting political and nonpolitical activities, and a set of professional church leaders that are capable of effectively managing the affairs of their organization (Harris 1994, 48-51).

Scholars have analyzed whether religious beliefs that are communicated and reinforced by church leaders promote civic engagement in a congregation. There is a growing set of literature that addresses whether members of the clergy communicate political

views in their pulpits to encourage political activism among parishioners (Crawford and Olson 2001; Djupe and Gilbert 1999; Djupe and Gilbert 2001; and Olson 2000). A related set of studies have also concluded that some churches are active in dispensing political messages from the pulpit and then providing their members with opportunities to communicate their political ideas with each other during formal and informal settings (Guth et al. 1997; and Jelen 1993).

These recent studies shift some of the focus away from analyzing personal religious attitudes to highlighting the importance of contextual effects such as church organization. Although scholars have continued to overlook the importance of church organizational structure as a possible barrier to civic involvement, there are a few studies that have attempted to explore this area.

The Parish as an Organization

Cavendish (2000) found that the level of civic engagement in social issues by African American Catholic churches was much higher than in white Catholic churches. This study also claimed that the organizational structures found within a religious denomination and its local congregations are core variables that impact the level of civic engagement (Cavendish 2000, 382). Specifically, Catholic congregations with leadership training programs are more actively involved in civic affairs than those churches that lack these programs (Cavendish 2000, 380). Cavendish also asserts that scholars should analyze hierarchical structures in congregations to better understand the level of civic activity (see also Verba, Schlozman, and Brady 1993, 481). However, his study provides no empirical evidence linking church organization with levels of civic engagement.

Wald, Owen, and Hill argued that the political cohesion of churches significantly shapes the political attitudes that parishioners will form but that the degree of cohesion is not uniform across various religious organizations (1990, 210-11). These authors discovered that "... cohesion was highest in congregations with high levels of attendance at worship, strong friendship ties among members, emphasis upon the church as a source of truth, supernaturalism, and limited exposure to modernizing institutions" (Wald, Owen, and Hill 1990, 209). This study raised the importance of exploring variables within religious organizations that shape the level of collective action rather than focusing exclusively on the religious beliefs of individual members. However, the authors did not account for the problems associated with free riding that may limit the degree of cohesion that groups require to effectively mobilize in society.

There have been a couple of studies that have addressed how the free rider problem influences the ability of congregations to participate in civic affairs. Iannaccone (1994) found that greater levels of "strictness" limited the amount of free riding that occurred within Christian and Jewish denominations. In contrast, religious traditions that were relatively lenient in requiring their parishioners to follow strict doctrines, traditions, and moral codes were more likely to encounter collective action problems (Iannaccone 1994, 1204). As a result, Iannaccone argues that stricter churches are more likely to be successful in achieving their collective goals than lenient churches. According to Iannaccone's study, "... strict demands 'strengthen' a church in three ways: they raise overall levels of commitment, they increase average rates of participation, and they enhance the net benefits of membership" (Iannaccone 1994, 1183). These three elements are responsible for reducing the free rider problem.

Tamney and Johnson (1997) empirically tested Iannaccone's (1994) theory of religious strictness and found that both Catholics and Protestants had similar levels of free

riding in their organizations. These authors found that there was a weak relationship between the level of free riding that exists within a church and the actual fulfillment of collective goals (Tamney and Johnson 1997, 106). The generalizations that we can derive from this study are limited because the authors did not provide a measure regarding the amount of success that churches received when they pursued collective goals. Instead, this study focused on determining the extent of the free rider problem that occurred in numerous denominations.

Church Organization and the Free Rider Problem

The religion and politics literature has overlooked the influence that organizational problems might have on the ability of religious groups to solve the problem of free riding. Instead, many studies assume that religious institutions are valuable repositories of financial and human resources that allow congregations to achieve political and social goals within a community. We are not suggesting that churches are weak organizations. However, while active participation in church activities can build civic skills, lead to an increase in social capital (see Putnam 2000, 65-66), and result in mass mobilization, churches are not strangers to the free rider problem (see Olson 1965, and Chong 1991). Apart from mobilizing their members for civic affairs, churches may struggle in mobilizing their members to accomplish the routine, administrative responsibilities that churches require to survive as an effective organization. For example, one head elder of a small church became so frustrated with his congregation's disinterest in helping to clean the church building that he sent a letter to his members pleading for their participation. A portion of this letter stated the following: "do you have the time to volunteer or join someone else to clean the Church for just one month a year. . . this is your Church. . . I do not understand the problem of using some of your time for the Church" (Wenzel 1998).

Church attendance is a common variable that scholars use to determine whether free riding occurs within a congregation and to analyze the level of civic engagement (see Iannaccone 1994, 1193, and Tamney and Johnson 1997, 105). Church attendance may affect political behavior if a parish regularly communicates political messages to its members and if a member attends the same church regularly. Survey data in political science fails to inform us as to whether a respondent attended the same church or a different congregation from within the same denomination on a regular basis. Furthermore, this data does not account for the proportion of congregational members who could viably participate in church activities. For example, a congregation of twenty members is designed to allow every member a chance to participate in some formal capacity such as serving on a church council, holding membership on a committee, participating in the education program, or serving as a lay minister. In contrast, a megachurch consisting of a few thousand parishioners limits the number of people that can hold formal leadership roles. At this time, we lack both the theoretical and empirical evidence to determine whether smaller congregations are more likely to foster civic skills than megachurches. Furthermore, although Olson theorized that free riding occurs less in smaller groups (Olson 1965, 28), we do not know whether free riding presents a greater problem for larger rather than smaller churches.

There are a variety of dimensions that scholars need to explore when considering the influence of church organization on free riding. We concentrate our attention on determining whether the level of free riding results from the type of organizational arrangements that comprise religious denominations. Although the literature downplays the

organizational problems that threaten the stability of a congregation, anecdotal evidence often suggests that some churches are weak organizations and that their main priority is to keep their doors open to the public. Some churches struggle weekly to pay their bills and the salaries of hired professionals. Their leaders also encounter difficulty in recruiting members to volunteer for a variety of church-related tasks. This type of situation presents problems for those churches that aspire to participate in civic affairs. For example, a cartoon in a church newsletter highlights the collective action problem by showing a minister standing at the pulpit stating "anyone who would like to volunteer for one of our new committees, please signify by coughing, yawning, or fidgeting during my sermon." (*Memo to the Saints* 2000, 1)

At this point, scholars have not measured the level of free riding that exists in congregations nor have they identified the key variables that hinder mobilization in religious groups. However, there is sporadic data that suggests free riding may be a core problem. For example, data from the 1987 Middletown Area Studies of five hundred congregations revealed that only a small proportion of the total membership within churches engaged in community services. Although 87 percent of the congregations that were surveyed participated in some type of social service delivery program in their community, nearly 70 percent of individual members admitted to donating no time.¹

Most churches are designed to pursue ecclesiastical goals rather than to promote political agendas. According to the theory of collective action, we should assume that most church members are rational actors and that they will not actively participate in religious activities. The main reason for this lack of action is that parishioners understand that they will receive any collective benefits that their religious organization achieves regardless of the level of their participation (Olson 1965, 14-15). The tangible and collective benefits that members might receive could include a physical building for worship and fellowship, free counseling sessions from the pastor, enrollment in educational programs, the opportunity to sign up for life insurance policies that only a specific denomination offers, and the privilege to use the church for major events such as weddings, funerals, or large family reunions. In any case, we would not expect church leaders to levy significant sanctions, if any, against members who do not participate because they view the church as "a house of prayer for all peoples" (Isaiah 56:7). These organizations consider their doors to be always open to their members—even those who may have strayed from the church. Furthermore, if a church closes its doors because of a lack of financial resources, parishioners would lose some of the intangible rewards that they have acquired such as fellowship with other members. However, many of the tangible benefits that members lose can be easily replaced when they join another church.

We should also expect that the organizational arrangements of a denomination could influence the level of participation that exists in local congregations. According to Olson (1965, 55), members of groups that have a large number of managers have less incentive to participate because they rationalize that their amount of participation might not have a major impact on their group's pursuit of a collective good. This suggests that low levels of efficacy among congregants are likely to occur in hierarchical, religious denominations, where leaders serving at the apex of many layers in an administration decide the social and political causes for a congregation.²

We expect denominations that are more hierarchical to have lower rates of congregational participation than denominations that invest more governing responsibilities within a local congregation. Congregations that possess greater flexibility in managing their church affairs have more freedom to choose the programs that their organization will support and this should foster a greater degree of interest among parishioners to partici-

pate. In contrast, denominations that are more hierarchical, such as the Catholic Church, might suffer more from free riding because individual members and local congregations have less autonomy in deciding how to invest their time, financial, and human resources for religious, social, and political causes. Members that belong to these types of congregations might also reason that their participation will have little impact in achieving the goals of religious activities that are spearheaded by leaders at the top of the hierarchy.

Analyzing Members of a Congregation

The process of studying individual congregations can present the researcher with numerous problems. For example, scholars must refrain from interfering or disrupting a respondent's right to worship. In our study, we relied on a self-selected sample of congregants who were willing to volunteer their time to complete the survey. A second problem that we experienced was that several congregations declined to participate in our study. We realize that our findings at this point are tentative and that we cannot make sweeping generalizations. However, our aim is to lay the theoretical groundwork to begin exploring whether church organization influences the level of civic engagement in congregations.

We analyzed four Protestant churches in the Phoenix-metropolitan area during a four week period in the fall of 2002. We surveyed a Presbyterian (U.S.A.), Seventh-Day Adventist, and two Lutheran Church—Missouri Synod congregations that varied in size and organizational structure (measured in terms of the presence of a hierarchical structure).³ The smallest church in our sample has a membership size of 220 and the largest church has 990 members. We used church listings from three Phoenix area yellow pages and contacted either a member of the clergy or an administrator to request an in-person meeting to discuss the study, review our questionnaire, and to seek approval to administer the surveys at a Saturday or Sunday worship service. The clergy also provided information about their organization's standing relative to the organizational structure of their entire denomination. We used this information to identify whether each church was governed by a hierarchical or egalitarian structure. Three of the churches were self-described by their pastors as hierarchical and one Lutheran Church—Missouri Synod was egalitarian.⁴

Our questionnaire asked parishioners to report their level of participation in a variety of administrative, mission, and community outreach projects associated with their church. We confine our analysis to the level of participation in community outreach activities. The questionnaires were made available to parishioners after the conclusion of their regular worship service on Saturday or Sunday. We set up a table outside the building of each church with a set of questionnaires and a return box. A researcher was also present to answer any questions from members regarding our study. In addition, the pastors typically read an announcement during their service about the nature of our study to encourage members to fill out a survey. Some churches also included information about our study in their weekly bulletins. In one instance, the pastor called us to the podium to describe our project. Those who requested a questionnaire were allowed to either complete it at the conclusion of the service or they were allowed to take it home and return the survey at the next week's service. We placed a return box at the main offices of each church for a period of two weeks.

The combined attendance at all of the services that we solicited participants was 1,156. We distributed a combined total of 255 questionnaires of which 107 usable surveys were returned.⁵ Table 1 provides information on the membership size, attendance,

Table 1
Church Membership, Attendance on the Day of the Survey, and Survey
Response Rates for Each Congregation

Church	Size of Membership	Attendance	Number of Surveys Distributed	Number of Surveys Returned	Survey Response Rate
Lutheran1	800	393	78	28	35.9%
Lutheran2	220	107	24	12	50
Presbyterian	443	196	78	44	56.4
Seventh-Day Adventist	990	460	75	23	30.7
Total	2453	1156	255	107	42%

and survey response rates for each of the four congregations. Our overall return rate for the questionnaire was 42 percent.

Forty-two percent of the respondents in our sample are male and 58 percent are female. Two percent of the congregants are Hispanic while 98 percent are white. The average age of our respondents is 54.7 years and the median annual household income for our sample ranges between \$60,000 and \$69,999. A majority of the members that we analyzed supported George W. Bush (61 percent) during the 2000 presidential election while 35 percent supported Al Gore.

Our data also suggests that the average number of years that our respondents have been attending their current church is 9.9 years. Most of the respondents indicated that religion is an important part of their lives. We asked respondents to use a five-point scale to demonstrate how much religion and religious beliefs serve as a guide in their daily life (0 = no guidance and 5 = a great deal of guidance). The average score on this question is 4.3. On average, many of our respondents live within an 8.2-mile radius from their church and spend an average of fifteen minutes commuting from their home to church every weekend.

We needed to know whether individuals take advantage of opportunities to participate in church activities to assess how well churches promote civic skills in their congregation. Therefore, we asked respondents to report an average frequency of their participation rate in church-sponsored outreach activities. However, because the number of opportunities for participation varies from church to church, we found it difficult to compare the rate of free riding among congregations without some sort of standardized measure. In other words, we should assess the rate of individual participation relative to the total number of available opportunities for participating.

We provided respondents with a list of eleven broad categories of community outreach activities and asked them to report how frequently their church had participated in or sponsored these types of activities during the past year. The categories are blood drives, community health education, family planning programs, food pantry or food bank, Hospice, mission work, nursing home visits, prison ministry, recycling programs, soup kitchens, volunteer work at homeless shelters, and other specific community outreach activities listed by the respondents. The frequency of the level of activity is coded as follows: 0 = never, 1 = annual, 6 = occasionally, 12 = monthly, 52 = weekly, 365 =

daily. In short, this question measures the congregants' perception of the type and frequency of outreach activities sponsored by their church (see Figure 1).

Table 2 provides the percentage of parishioners indicating the level of activity by their church on a variety of community outreach programs between September 2001 and September 2002. Overall, the parishioners in our survey claimed that their congregations were the most active in conducting nursing home visits (4.6 percent) and participating in recycling programs (10.3 percent) on a daily basis. A majority of our respondents (53.7 percent) stated that their place of worship supported a food bank each month. Approximately 25.0 percent of our sample stated that their organization did not participate in family planning programs and 16.8 percent claimed that their church was inactive in Hospice and in prison ministries. A large number of the respondents provided no responses for the categories of community health education (42.0 percent), family planning (49.1 percent), Hospice (59.8 percent), prison ministry (58.9 percent), and recycling programs (42.1 percent).

We are able to calculate the total number of church-sponsored outreach opportunities within each congregation based on the data we collected for Table 2. We decided to estimate the total number for each congregation by using the average number of opportunities reported by respondents because this number varied within each congregation.

We construct our dependent variable, an index of free riding (F), by calculating the ratio of the respondents' average amount of participation (P) to the average number of

Figure 1
Respondents' Perceptions of Outreach Activities
(N=614)

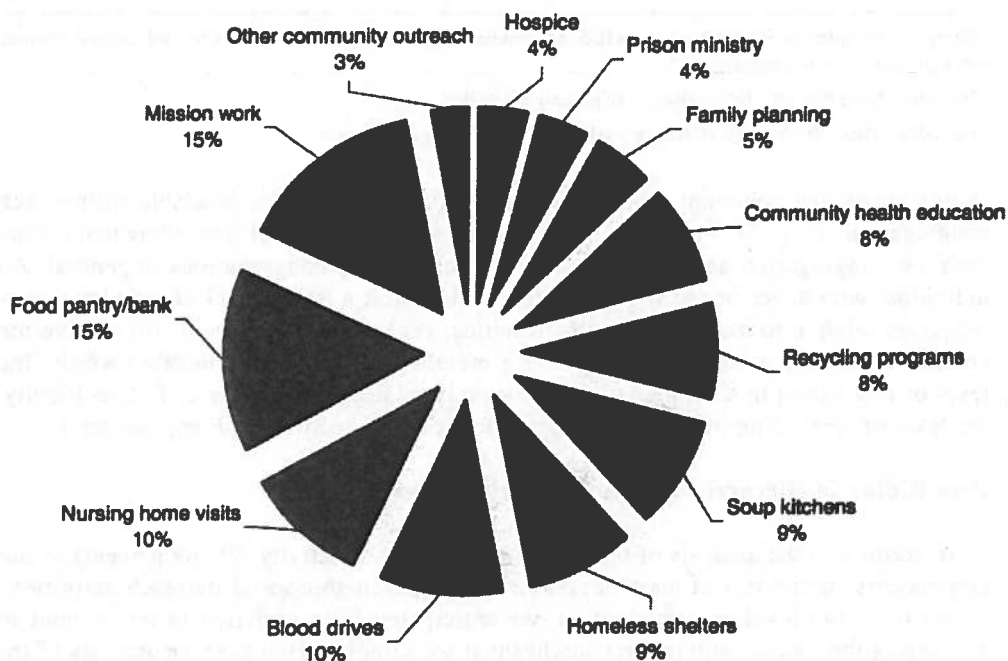


Table 2
**Percentage of Parishioners Indicating the Level of Church Activity/
 Sponsorship on a Variety of Community Outreach Programs during the Past Year**
(September 2001-September 2002)

Community Outreach Activities	Daily	Weekly	Monthly	Annually	Occasionally	Never	Don't Know/ No Response
Blood Drive	—	—	1.9	26.8	25.9	12.9	32.4
Community Health Education ¹	—	1.9	3.7	5.6	32.7	14.0	42.0
Family Planning	—	2.8	2.8	2.8	17.6	25.0	49.1
Food Bank	0.9	10.2	53.7	6.5	13.0	1.9	13.9
Hospice	0.9	0.9	1.9	2.8	16.8	16.8	59.8
Mission Work ²	1.9	13.0	20.4	29.6	20.4	0.9	13.9
Nursing Home Visits	4.6	20.4	11.1	2.8	19.4	5.6	36.1
Prison Ministry	—	3.7	7.5	—	13.1	16.8	58.9
Recycling Programs	10.3	17.8	9.3	0.9	8.4	11.2	42.1
Soup Kitchen	—	4.6	25.0	2.8	18.5	11.1	38.0
Homeless Shelters	1.1	4.3	31.2	1.1	23.7	—	38.7
Other ³	2.2	3.2	6.5	3.2	7.5	—	77.4

¹ Category includes activities such as AIDS awareness, car seat education, domestic violence education, and diet and exercise classes.

² Includes domestic and international trips and activities.

³ Includes other community outreach activities listed by parishioners.

church-sponsored community outreach opportunities (O) that are available within each congregation: $F = \frac{P}{O}$. This method allows us to estimate the level of free riding that occurs within a congregation and to compare free riding among congregations in general. An individual who never or rarely participates will exhibit a lower level of individual participation relative to the available opportunities, yet this individual will still receive the collective benefits associated with being a member of the church. In other words, the level of free riding in a congregation is inversely related to the value of F . Specifically, the level of free riding increases as F approaches 0 and declines as F approaches 1.

Free Riding in Hierarchical and Egalitarian Organizations

According to the analysis of the self-reported level of activity, 95 (89 percent) of our respondents participate at least occasionally in church-sponsored outreach activities.⁶ Given this high level of participation, we anticipated little variation in the amount of free riding that occurs within the churches that we sampled. However, an analysis of the

index of free riding in Table 3 indicates that on average hierarchical churches experience statistically significant higher levels of free riding (mean = .07) compared to non-hierarchical churches (mean = .12). This finding supports our hypothesis that free riding is greater in hierarchical churches than in churches with an egalitarian governing structure.

The results in Table 4 show no significant correlation between the index of free riding and church size as measured by the total registered membership. However, the fact that the coefficients are in the expected direction suggests that scholars should further explore whether the level of free riding increases as churches increase in membership. Yet, since it is not uncommon for churches to experience attendance rates that are lower than their memberships, another measure of church size is weekly attendance. We base our analysis on the attendance reported for the weekends when we surveyed the churches because we do not have data on the average weekly attendance for the churches in our study. However, this analysis does not yield any statistically significant results even though the correlation is in the expected direction.

Conclusion

The findings of our pilot study suggest that free riding is a problem for churches and that organizational structure within a denomination may contribute to the level of participation that occurs in church-sponsored activities. Hierarchically organized churches experience higher levels of free riding from their parishioners than churches that are governed by egalitarian structures.

Our preliminary results raise new directions for research in religion and politics. First, scholars should explore further the relationship between organizational structure and participation. We do not know whether those churches that are organized to deliver social services are able to do so efficiently and responsibly because of their large volunteer base or because of their institutionalized, organizational resources.

Table 3
Variation in the Index of Free Riding by Organizational Structure (Comparison of Means)

Organizational Structure	Number of Respondents	Mean	Standard Deviation	Standard Error
Egalitarian	11	.12	.174	.052
Hierarchical	95	.068	.119	.012

$t=5.568$, $p<.0001$, $df=105$

Table 4
Correlations between the Index of Free Riding and Church Size and Attendance

	Correlation	p-value	Confidence Interval	
			95% Upper	95% Lower
Membership	-.126	.1985	-.309	.063
Attendance	-.130	.1862	-.313	.063

Second, we need to examine member participation in church activities rather than focusing mainly on weekly attendance at services to further probe participation rates of congregants. For example, an important issue is whether church activities are dominated by an elite group of parishioners or whether the participation rate is dispersed widely. The answer to this question might allow us to further identify other variables that might explain the presence of free riding.

Finally, we should examine the relationship between membership size and free riding. According to Olson (1965), it is easier for small groups to monitor the behavior of their members in order to prevent shirking. However, we do not know at this point about how much shirking occurs in congregations across the country nor are we clear about the level of free riding that occurs in the newly developed megachurches. For example, according to Charles Trueheart's (1996) report on the emergence of Protestant megachurches in the United States, "big congregations endow a church with critical mass, which makes possible sizable budgets and economic efficiencies (such as very low staffing ratios) and formidable volunteer pools, and thus the capacity to diversify almost infinitely in order to develop 'new product lines' that meet the congregation's needs and involve members in unpaid service" (Trueheart 1996, 38). These resources ensure that services are not contingent on attendance or participation by specific members. Thus, there are great incentives for congregants to free ride since they realize that the multitude of services available is not linked to their level of contribution or participation. Consequently, there may be important differences in the type and level of political activity that can engage a large congregation compared to a small parish.

In conclusion, the political implications of the free-rider problem in churches are relevant to the debate regarding the role of faith-based providers of social welfare services. President George W. Bush has linked federal funding of faith-based initiatives to the notion of churches as facilitators of civic engagement. However, the president's arguments are premised on the assumptions that churches are successful in delivering social services at the "street level" and that members exercise civic skills by volunteering to support church activities. Ironically, churches that are best equipped to provide social services are the ones that have the greatest organizational resources and yet, it is precisely these organizational resources that also create incentives for church members to free ride. More significantly, if church members cannot find the time to volunteer now, it seems unlikely that they would be eager to volunteer later. At an applied level, then, it is important for policymakers and scholars to consider how congregational free riding affects the ability of religious organizations to provide social services to the community. Moreover, if the members of the "little brown church in the vale" refuse to take advantage of opportunities to exercise their civic skills by participating in church activities, we should not be surprised if the level of civic engagement in the nation remains unchanged.

Notes

1. The data is available from the American Religion Data Archive website (<http://www.thearda.com>) and is listed in the file labeled "MAS87" in the "Regional or Local Surveys" subsection of the "Surveys of the General Population" section.
2. Scholars of organizational theory have also warned about the problems that occur in organizations that utilize a hierarchical structure to govern themselves. According to Tullock (1965), hierarchical organizations are concerned about centralizing authority. As this type of organization "... grows, the more effort and expense will be required for 'internal' administration, to the detriment of the 'external' achievements of organizational goals relative to the society" (Henry

1995, 99). The result of this is that large, hierarchical organizations will become preoccupied with organizational maintenance. The possibility exists that churches with this type of administrative structure may become too focused on maintaining their membership levels and making sure that weekly offerings are adequate to cover basic expenses. As a result, these churches might devote less attention to promoting civic engagement among its members. The possibility also exists that some hierarchical churches offer a variety of outreach services to their congregation and the public because they have the organizational resources to support these activities. However, there remain greater opportunities for congregants in hierarchical churches to free ride because they are not directly involved in the decision-making process regarding outreach programs.

3. We continue to collect data from additional churches to add to our initial findings.
4. Information about the governing structures of these denominations is available at the following websites: Presbyterian (U.S.A.) church (<http://www.pcusa.org/oga/constitution.htm>), the Seventh-Day Adventist church (<http://www.adventist.org/structure/>), and the Lutheran Church—Missouri Synod (<http://www.lcms.org/docs/2001handbook.pdf>).
5. We received 112 surveys, however, four questionnaires were completed by teenagers aged fourteen and fifteen. We chose to omit these four surveys to focus exclusively on adult members. Another survey was omitted because a respondent completed it improperly.
6. Six respondents reported never participating in these activities and five respondents did not answer this question.

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An Historical Election in Context: The 2001 Atlanta Mayoral Election

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On January 7, 2002, Shirley M. Franklin was inaugurated as the mayor of Atlanta, Georgia. Her election to the mayorship was an historic milestone in a number of respects. First, Franklin is the first woman to be elected as the mayor of Atlanta. Second, Franklin is the first African American woman to become mayor of a major Southeastern city. Alone, Shirley Franklin's accomplishments are impressive. We believe, however, that her candidacy and election are monumental given the historical context in which she was elected. In this paper, we illustrate the historical factors that served as the backdrop of Franklin's election. We then demonstrate how Franklin's candidacy served as a source of empowerment for African American women in light of (and despite) these historical factors.

Coming to power in a city whose motto is "Too Busy to Hate" took African Americans much, much longer than would be expected. Atlanta elected its first African American mayor, Maynard Jackson, in 1973. The election had to take place in a two-step process. Attorney Jackson had to first run and win the vice mayoralty post in the 1969 election, four years after the passage of the 1965 Voting Rights Act (Rooks 1970, 333). The next step that Vice Mayor Jackson had to take was to run against the incumbent Mayor Sam Massell in 1973. Mayor Massell was just completing his first term as mayor and like the white mayors before him, William B. Hartsfield and Ivan Allen, Massell had expected to win reelection to City Hall. William B. Hartsfield held City Hall for twenty-three years. Thus, when Massell ran for reelection, he felt it was unfair and non-traditional behavior for his vice mayor, Jackson to challenge him. Mayor Massell simply let it be known during the 1973 campaign that Vice Mayor Jackson was not waiting his turn. Hence, he vigorously opposed Vice Mayor Jackson's efforts to empower blacks in the city. Nevertheless, Vice Mayor Jackson, with a vigorous registration and turnout effort, overcame the determined and strenuous opposition of the incumbent mayor and won.

In the thirty years since 1973, African American males have won all seven mayoral elections in the city. Following Jackson, civil rights leader, Congressman, and United Nations Ambassador Andrew Young was mayor from 1981 to 1989. In 1989, William

Campbell held the top position in Atlanta's city politics. The male dominance in Atlanta politics, however, ended in 2001 when Shirley Franklin was elected mayor. Franklin captured the election when a recount of the municipal election on November 13, 2001 confirmed the outcome of the initial election held on November 6, 2001.

The Historic Milestones in Atlanta Politics

African American historian and electoral activist in the Atlanta community, Clarence Bacote, offers in a series of perspective and analytical articles solid insights into black Atlanta politics over time. His work is literally unsurpassed and has provided the foundation for all subsequent students of race and politics in urban areas. In 1955, Bacote chronicled the life of William Finch's one-year tenure on Atlanta's City Council as well as Finch's pre- and post-council years. On December 7, 1870, William Finch became one of the first blacks (and last until 1953) to be elected to Atlanta's City Council. Of this pioneering African American city legislator, Bacote found that Finch was extremely conscientious, not just of his work but in his role as an African American leader. Bacote explains that "as a councilman, Finch was an active participant in the discussion and had a perfect attendance record during his one-year term" (Bacote 1955b, 354). Bacote argues the Finch "more than held his own in debate with his colleagues and was not afraid to advocate and support measures which he considered beneficial to the people of Atlanta" (Bacote 1955b, 354). At the same time,

Being a Negro, Finch realized that his actions in Council were under constant scrutiny and he was determined to conduct himself in such a manner as to reflect no discredit upon his race. Once he asked the members of Council if they had heard of any charges that had been made against the Negro members. He was assured that as far as they know, the Negro members were beyond reproach. (Bacote 1955b, 356)

During the single year of his term, the Democrats retook control of the State Legislature and passed a law requiring that all city elections in Atlanta be held on a city-wide, rather than on a district-wide basis. In addition, the City Council divided the Fourth Ward (Finch's ward) into two separate wards. Therefore, when Councilman Finch ran for reelection, "it was a forgone conclusion that he would suffer defeat" (Bacote 1955b, 359). And with Finch's defeat Bacote tells the reader that no other African American would get reelected to Atlanta's city government until 1953.

In *The Negro in Atlanta Politics* that appeared in 1955, Bacote provides a detailed analysis of African American electoral politics, covering voter registration, voter turnout, and elected officials in Atlanta in the years leading up to the return of blacks to city government (Bacote 1955a). In his work, Professor Bacote shows that in the eighty-six years of political participation in city politics, African Americans went through three major states of evolution. Stage one, according to Bacote, lasted from 1869 to 1908 and was characterized by male voting, Republican Party partisanship and the election of "two Negroes, George Graham and William Finch...to the Atlanta City Council on December 7, 1870 from the Third and Fourth Wards respectively" (Bacote 1955a, 333; see also Watts 1973; Watts 1978). This lasted, however, for only a couple of years. "After 1872, the Republican Party's influence began to wane, and as a consequence, Negro participation thereafter in the political life of the City of Atlanta could only take place within the framework of the Democratic Party" (Bacote 1955a, 333).

The coming of the Democrats to power meant the disappearance of African American-elected officials, appeals to the African American electorate to vote Democratic, and the

eventual appearance of (1) a culminate poll tax, (2) a white primary, and (3) the at-large election of city councilmen. Finally, in 1908 (although not effective until January 1, 1909) Georgia Democrats disenfranchised African Americans. Unable to prevent it, the first stage ended with African Americans out of power (Bacote 1955a).

Stage two started in the aftermath of 1908 and left African Americans with few suffrage rights. Bacote notes, however, that "the disenfranchisement measure of 1908...did not prevent the Negro from voting in general, open and special elections; and when the opportunity presented itself, the Negro took advantage of it" (Bacote 1955a, 342). It was in these arenas that the limited African American electorate stepped forward to gain some semblance of influence and impact. Bacote's article illustrates that the first opposition to present itself in 1921 occurred when the city proposed a \$4 million bond for school construction. Blacks, dissatisfied with the bond issue, registered in sufficient numbers to defeat it twice in an open election. Seeing the power of the rising African American electorate in city politics, the city earmarked part of the bond issue to assist the African American public schools in the city. The bond issue later passed (Bacote 1955a, 342).

Ten years later, in 1932, there was a recall election for Mayor James L. Key. The rising African American electorate had gravitated toward Key because he demanded fair treatment for the city's African Americans. Moreover, during his two previous mayoral administrations, he had given the African American community a fair share of city services (Bayor 1996). The African American voter defeated the recall effort and Key remained in office.

Although no other political event arose that permitted the African American electorate to demonstrate its power, leaders within the African American community set up citizenship schools to further increase their numbers on the voting rolls (Bacote 1955a, 342-343). Moreover, John Wesley Dobbs organized the Atlanta Civic and Political League in 1934 to increase political consciousness among blacks. This organization held "mass meetings throughout the city" to mobilize the community to register and to ensure effective voter turnout (Bacote 1955a, 343).

But even with this organizational thrust, the segregated political context and its candidates who used race baiting to win office depressed the slowly evolving African American electorate. Hence, Bacote tells us that the period "from 1908 to 1943 can well be called the 'Dark Ages' as far as Negro political participation in Atlanta is concerned. Registration reached an all time low" (Bacote 1955a, 343). Stage two ended with a few more registered voter than stage one.

Stage three began on January 12, 1943 when a liberal, Ellis Arnall, became governor by defeating the state's leading racial demagogue, Eugene Talmadge, in the Democratic primary. "Under [Arnall's] leadership, the legislature, on February 5, 1945, repealed the poll tax and on August 15 of the same year lowered the voting age from twenty-one years to eighteen" (Bacote 1955a, 343). Although these state forces were reshaping the segregation context at the local level, the national government changed the context nationally when the Supreme Court in *Smith v. Allwright* in 1944, declared the white primaries to be unconstitutional. Atlanta, as well as the State of Georgia in general, ignored the decision and failed to comply despite the Arnall administration's refusal to call a special session of the State legislature to find ways to circumvent the Supreme Court's decision (Bacote 1955a, 344).

Around the same time, another political event enlarged the rising African American electorate. In 1946, "Congressman Robert Ramspeck of the Fifth District (Atlanta) resigned and a special election was called for February 12, 1946 in order to fill his unexpired term" (Bacote 1955a, 344). African American leaders, including the Atlanta Civic

and Political League, the NAACP, and the *Atlanta Daily Word*, organized a campaign that resulted in the registration of 6,878 African Americans (Bacote 1955a; see also Davis and Willingham 1986).

But an even greater boost to African American power came at the end of the election. Among the nineteen candidates running for the congressional seat was Mrs. Helen Douglas Mankin whose "record as a state legislator and willingness to seek the Negro vote virtually won her the Negro support" (Bacote 1955a, 344). In the end, Mrs. Mankin won by more than 800 votes as a result of the black electorate (Bacote 1955a, 344). Because of the black margin of victory afforded to Mrs. Mankin, the election attracted national attention. The African American electorate, though small in number, had made a major public relations breakthrough. There was more to come.

On April 1, 1946, "the United States Supreme Court in the case of *Chapman versus King* invalidated the white primary in the state" and therefore the city (Bacote 1955a, 345). At the same time,

The late ex-Governor Eugene Talmadge, who had lost to Governor Arnall in 1942, decided to run again on a white supremacy platform. Since Governor Arnall was ineligible to succeed himself, the anti-Talmadge group endorsed James Carmichael. Talmadge's anti-Negro rantings in the past as well as the anti-Negro policy he threatened to pursue if elected left no choice for the Negro as far as the two candidates were concerned. (Bacote 1955a, 345)

As a result, a massive voter registration drive was undertaken as a collaborative effort between the NAACP, Alpha Phi Alpha Fraternity, the Atlanta Urban League, and other community organizations. Forming the All-Citizens Registration Committee, this collaboration resulted in the registration of almost 18,000 blacks in a fifty-one day period (Bacote 1955a). Moreover, to ensure the newly enlisted voters were knowledgeable, the various voting leagues formed in 1949, the Atlanta Negro Voters League.

Learning from the Mankin victory, Mayor Hartsfield, in his 1949 reelection bid, "vigorously sought the black vote in the primary" (Bayer 1996, 25). When the results came in "Hartsfield secured a majority over his three opponents by only 102 votes" (Bayer 1996, 27). In two predominately black precincts, Hartsfield received 82.5 percent of the vote. Therefore, for Bacote and most subsequent Atlanta scholars, "the 1949 election was a turning point, as blacks and Northside whites became part of a biracial political coalition that controlled city politics over the next twenty years" (Bayer 1996, 27). Bacote argues, however, that

The climax of Negro political activity occurred in the city election of May 13, 1953, when Dr. Rufus E. Clement, President of Atlanta University, was nominated in a city-wide primary to the Board of Education as the representative from the Third Ward. That Dr. Clement was able to defeat his white opponent by a margin of ten thousand votes reflects credit on the thousands of fair-minded white citizens who cast aside the question of race and voted for whom they regarded as best qualified. In this same election, Attorney [A.T.] Walden and Dr. Miles Amos were elected from the Third Ward as members of the City Democratic Executive Committee. This marked the first time since December 7, 1870, that Atlanta had elected Negroes to a municipal office. (Bacote 1955a, 349)

Following Bacote's longitudinal studies, African American historian Alton Hornsby, Jr., continues the story of Atlanta city politics with his recount of the period between 1961 and 1973, when the first African American was elected mayor (Hornsby Jr. 1977). Hornsby found that race, as a variable, was just as important in the 1961, 1965, 1969, and 1973 elections, as Bacote had found it to be in the previous Atlanta city elections. For it was in this twelve-year span that power was hotly contested around race as black political empowerment rose to gradually displace white political power. Crucial in this rise to

empowerment was the Voting Rights Act of 1965, which, in Georgia, led to the eventual white flight to the suburbs. Reactionary white politicians fought using overt and clear-cut racial campaigns to forestall this former confederate county from falling into the hands of their once former slaves. The white backlash was not without its moments of high drama and heated debates that registered itself in the electoral turnout of low-income whites who were most galvanized and mobilized by these racial campaigns. Hornsby's work carefully covers this raging debate and the transformation of mayoral politics that it wrought.

The 1961 election marked the race between an avid segregationist and a race moderate. Lester Maddox, fervent segregationist and former restaurateur—who sold ax handles at his cafeteria—carried the banner of white supremacy and the values of the old confederacy. The retiring mayor, William B. Hartsfield, hand picked his successor—president of Atlanta Chamber of Commerce, Ivan Allen. Allen was the “progressive” candidate. Not only had Allen been a major force working to solve the desegregation demands bought by the student sit-inners from Atlanta University Center in 1960, but in this race, “he also became the first white politician to publicize his meeting with blacks” (Hornsby Jr. 1977). The other two white candidates, Charlie Brown and M. M. “Muggy” Smith found themselves between the two polar opposites, Maddox on the right and Allen left of center, in this desegregation city. While the student sit-inners and SCLC moved to support Smith, the Atlanta Negro Voter League and the NAACP supported Allen. Immediately, local leaders worked hard to repair this split in the black electorate and win a consensus around Allen. They partly succeeded. Allen won more than 70 percent of the African American vote. This support kept both Maddox and Allen from winning the majority of the vote and under Georgia law a run-off election was required.

As Hornsby's article reveals, African American voter turnout increased in the run-off election and Allen won the election. The struggle between the forces of the New South and the Old South had been decided in favor of the former. Out of all of this came a biracial coalition that held together for Allen's reelection in 1965.

Prior to Allen's reelection bid in 1965, African American attorney Leroy Johnson was elected to the Georgia Senate in 1962 when a federal court ended the State's County Unit System and eight African Americans were elected to the State House when the federal court directed Georgia to reapportion its State Assembly (Hornsby Jr. 1977). Then, in 1963, two African Americans were appointed to the party's State Democratic Executive Committee. Hence, Allen's reelection came at a moment of heightened political empowerment.¹ This time, Allen won without a run-off election and his victory to the mayorship carried the first African American, Q. V. Williamson, on to the City Council. Williamson was the first black since William Finch in 1870 to be elected to Atlanta's City Council.

In 1969, Allen did not run for reelection, but supported a white alderman, Rodney Cook. African Americans in the biracial coalition did not agree with this choice. As a result, the coalition, as Hornsby's work demonstrates, fell apart. Eventually, the African American leadership itself split with the old-line leaders giving their support to the Jewish vice mayor, Sam Massell. The SCLC backed Horace Tate for mayor and Maynard Jackson for vice mayor, both of whom announced their candidacy without the old-line leadership approval. Although the old-line leadership would later support Jackson, they did not embrace Tate (Hornsby Jr. 1977).

Nevertheless, in the 1969 election, Tate won nearly 50 percent of the African American vote, which forced a run-off between Cook and Massell. Tate's black voters switched to Massell during the run-off and Massell won the election over Cook with little difficulty. African American voters gave Massell nearly 92 percent of their total vote (Hornsby Jr. 1977).

In the vice mayoral election, Attorney Jackson won over a "highly-respected white Alderman, Milton Farris" (Hornsby Jr. 1977). Even with four candidates in the race, Jackson's vote total (56,369) resulted in 58.2 percent and a victory without a run-off election. African Americans gave Jackson 97.8 percent of their vote, while the white community gave him 27.7 percent of theirs (Hornsby Jr. 1977).

Hornsby's work followed Jackson's election to the Atlanta mayorship in 1973, when Jackson became the first of his race to hold this post (Hornsby Jr. 1977, 27-33). During his campaign, Massell used the slogan "Atlanta's Too Young to Die," which made the race issue a front and center matter. African American State Senator Johnson also entered the race. This forced Jackson and the incumbent mayor, Massell, into a run-off election. Jackson won the run-off and retired the incumbent mayor. Power in Atlanta had now come full circle and blacks captured more of the eighteen seats on the City Council. This was an increase of four African Americans, moving black representation from five to nine.

When Mayor Jackson ran for reelection in 1977, some of the strengths and weaknesses of African American political empowerment were starting to show in the city. African American political scientists, Mack Jones, Adolph Reed, Jr., and Claude Barnes, Jr., highlighted and laid bare the "Neoprogressive" Administrations of this first wave of African American male mayors (see Jones 1978; Reed Jr. 1988; Barnes Jr. 1994). Clearly, the lack of economic resources under city control began to show as did the problems arising out of years of neglect during the segregation era. Many of these problems needed economic infusion to be seriously addressed. The Jackson administration tried with the Hartsfield Airport expansion and the Andrew Young administration tried to address the problem by bringing the Olympics to the city. None of these single, one-time economic infusion projects could alone and/or in combination deal with the nearly century-old problem of neglect.

The Prelude Election: The 1997 Mayoral Contest

By the 1993 mayoral election, the three mayoral administrations of Jackson (1973-1981 and 1989-1993) as well as the two terms of the Andrew Young administration (1981-1989) were over. Therefore, the city elected in 1993 Bill Campbell and barely reelected him in 1997 in a bitter and personal rivalry between him and the president of the Atlanta City Council, Attorney Marvin Arrington (Holmes 1999, 2-5). Arrington had been elected to City Council in 1969 and had served continuously since then, making him a veteran office holder of twenty-eight years. He had been in city politics since the initial days of empowerment and was part of that initial wave of newcomers. But he lost to the incumbent mayor in 1997 (Holmes 1994; Holmes 1998). With this being the last election of an African American male before the rise of a female mayor, it is to the electoral coalition in that election that we now turn.

Table 1 provides us with the number and percentage of registered voters in the city of Atlanta broken down by gender. African American females comprise one-third of the voters in the city while African American males are nearly one-fourth of the registered voters in the city. Combined, African Americans were nearly 59 percent of all the voters in the city on the eve of the 1997 election.

On the other hand, white registered voters have an almost identical breakdown by gender. White females and white males each constitute one-fifth of the registered voters. Combined, whites make up nearly 40 percent of the total voters in the city. Other racial and ethnic groups are a little over 1 percent of the city's total electorate.

Nevertheless, on November 4, 1997, only 31 percent of these registered voters went to the polls to reelect then incumbent mayor Bill Campbell over challenger Marvin

Table 1
The Number and Percentage of Registered Voters in the City of Atlanta, by Race and Gender 1997 Election

<i>Types of Voters</i>	<i>Total Number of Registered Voters</i>	<i>Percentage</i>
<i>African American Voters</i>		
Black Female	85,102	34.8
Black Male	58,606	24.0
Total	143,708	58.8
<i>White Voters</i>		
White Female	48,692	19.9
White Male	48,194	19.7
Total	96,883	39.6
<i>Other Race Voters</i>		
Other Female	1,494	0.6
Other Male	1,704	0.7
Total	3,198	1.3
Unknown	739	0.3
Grand Total	244,528	100.00

Source: Adopted from "Fulton County Voter Registration Count by Precinct and District Code" as of 10/20/97

Arrington, a long-time councilmember who was then president of the City Council. In that election with nine candidates running, two females and seven males, there were 75,198 ballots cast from within the city. Table 2 orders the outcome of that election.

In Table 2, one can see that the incumbent mayor, Bill Campbell, captured enough votes to win without the necessity of a run-off election. His closest competition ran nearly 10 percentage-points behind him, which translated into more than a seven thousand-vote deficit.

However, in this prelude election there are a few modest signs that a political transference might be taking place. First, there is in the registration data as seen in Table 1 that African American women have out-registered their male counterparts by a clear-cut 11 percent. Thus, they represent a dominant force at least on the rolls in the city of Atlanta. And in sheer volume of numbers, they are nearly equal to all of white voters and they have 26,000 more voters registered than African American males.

Finally, the number of black female registered voters constituted enough voters to give a candidate the number of votes needed to defeat Campbell's reelection bid. With 85,102 registered voters and Mayor Campbell getting 33,251, it is clear that these female voters could put one of their own in office.

An interesting addition to this prelude election is the appearance of two female candidates in the 1997 mayoral race. The voter support for these candidates gives us a further clue that the African American female voters might exercise greater influence and clout in the upcoming race in 2001.

Table 3 illustrates the total number of votes and percentages given to the female candidates in the 1997 mayoral contest. Combined, these two African American women

Table 2
The 1997 Mayoral Votes in Atlanta: Votes and Percentages

<i>Candidate</i>	<i>Total Votes</i>	<i>Percent</i>
Bill Campbell	33,251	44.2%
Marvin Arrington	26,077	34.7
Gloria Bromell-Tinubu	9,679	12.9
Louise Thornton Hornsby	1,690	2.3
J. "Alley Pat" Patrick	325	0.4
Jack Jersawitz	250	0.3
John	198	0.3
G.B. Osborne	132	0.3
Doug Nelson	83	0.2
Spoil Ballots	3,513	4.7
Total	75,198	100.3

Source: Adopted from "Statement of Vote" Fulton County Municipal General Elections City of Atlanta (November 4, 1997), page 4.

Table 3
**The Number and Percentage of Votes in 1997 Mayoral Contest Given to
Female and Male Candidates: A Comparison**

<i>Types of Candidates</i>	<i>Total Votes</i>	<i>Percentages</i>
Female Candidates	11,369	15.2
Male Candidates	60,316	80.2

Source: Adopted from Table 2

with poorly funded campaigns attracted 15 percent of the total vote and Spelman College professor, Gloria Bromell-Tinubu, came in third in a nine-candidate race. For a candidate without experience in public office, this was quite an effective rally of the gender vote in the city. Hence, in this prelude election, there were signs and rumblings that the female voter was beginning to show modest signs of female empowerment. Thus, the stage was set for the next mayoral election in 2001.

The Election of Atlanta's First Female Mayor: The 2001 Election

In 2001, the Atlanta electorate turned to an African American female mayor to address the city's lingering economic problems and some of the scandal that had emerged out of the male-led administrations that lasted for twenty-eight years and covered some seven mayoral elections. When an African American female mayor took office on January 2, 2002, she discovered within a week that the city had more than a \$70 million deficit going back to previous African American male mayoral administrations. Immediately when this revelation was revealed by the news media, Georgia's Governor Roy Barnes let it be known that the State of Georgia would not bail the city out of this shortfall. Hence, the immediate budget crisis would be the main challenge of the new female mayor and that the first economic priority would take precedence over the long-standing economic crises that were slowly dragging down the severely impacted low-income communities in the city. The outcome of this new economic initiative is beyond the scope of this article. But the electoral coalition that placed a woman instead of a man in the mayorship will be discussed in the following paragraphs.

Table 4 reveals the total number of registered voters in the city by race and gender on the eve of the 2001 election. Again, one sees that African American female voters are still one-third of the voters in the city, but the African American male voters have declined to little more than one-fifth of all voters. Still, when combined, African Americans remain in the majority. Note, however, that the majority is less than in 1997.

White registered voters increased their percentage from 1997. White voters now constitute fully one-fifth of the voters in the city for a total of 41 percent of the total registered voters. However, the largest increase is in the unknown category, which is now almost 3 percent of the total electorate. Overall, however, there is a significant decline in the total number of registered voters in the city of Atlanta since the last mayoral election despite the fact that there are three female candidates among the five candidates running for mayor.

The mayoral election in Atlanta was held on November 6, 2001 with 41.4 percent (82,499) of the registered voters turning out to vote in the race. The 2001 mayoral election featured three female candidates, Shirley Franklin, Gloria Bromell-Tinubu, and Trudy Kitchin. Longtime city administrator in the Jackson and Young mayoral administrations, Shirley Franklin won with a slim majority of the votes. The other two female candidates together received 16 percent of the votes. However, the president of the City Council, Robert Pitts, with more than two decades experience on the Council, challenged the vote outcome and demanded a recount. The recount results, announced on November 13, 2001, indicated that four of the five candidate totals rose slightly. The total increase, however, was only twenty-three votes.

Table 5 indicates that the total vote and percentage received by each of the five candidates in the recounted vote. The recounted vote still left mayor-elect Franklin with

Table 4
The Number and Percentage of Registered Voters in the City of Atlanta by Race and Gender: 2001 Election

Type of Voters	Total Number of Registered Voters	Percentage
African American Voters		
Black Female	68,107	34.1
Black Male	44,134	22.1
Total	112,241	56.3
White Voters		
White Female	40,642	20.4
White Male	41,293	20.7
Total	81,935	41.1
Other Race Voters*		
Hispanic	81	0.0
Asian	52	0.0
Unknown	5,162	2.7
Total	5,295	2.7
Grand Total*	199,471	100.1

Source: Adopted from "Fulton County, Georgia Count of Voters by Precinct and District", p. 22.

* The grand total here differs from the source grand total of 199,454 by 17 votes

Table 5
The Number and Percentage of Votes in the 2001 Atlanta Mayoral Election

Candidate	Total Votes	Percentage
Shirley Franklin	40,724	49.4
Robert Pitts	26,856	32.6
Gloria Bromell-Tinubu	12,970	15.7
Trudy Kitchin	295	0.4
G.B. Osborne	225	0.3
Spoil Ballots	1,441	1.8
Total	82,511	100.2

Source: Adopted from Fulton County Municipal General Election City of Atlanta Recount November 13, 2001, p. 4

a slim majority. This was enough under Georgia law to win without a run-off election. Council President Pitts gained only twelve votes in the recount and Franklin received nine additional votes. Thus, Pitts' gain was not enough to offset the victory of the first female candidate in the election.

Collectively, the three African American women captured 65.5 percent of the total vote cast in the 2001 mayoral election in Atlanta. African American males received only 32.9 percent of the vote. African American women increased their share of the vote by nearly 50 percentage points over to 1997 election, while African American candidates lost 47.3 percent of the vote that they captured in 1997. This reversal in gender fortunes meant the transfer of political power from African American males to an African American female.

Summary and Conclusion

In 2001, the twenty-eight-year African American male grip on political power in the City of Atlanta came to an end. African American females empowered themselves and their gender with the election of the first female mayor. This transfer of power in 2001 also enabled history to catch up with and surpass the prediction in Margaret Mitchell's epic novel *Gone with the Wind* where the heroine was white and it was through her courage, activism, and struggle that a new Atlanta and the "New South" was reborn. When Shirley Franklin was inaugurated on January 6, 2002, Mitchell's prophecy was proven wrong and in great error. Here was an unseen Atlanta rising.

Finally, the evolution of African American political empowerment so carefully traced by historians Bacote and Hornsby finally reached its conclusion with the elevation of an African American woman to the top political position in the city. In this long struggle for power, African American heroines like Grace Town Hamilton, do appear occasionally, but they do not appear nearly as much as they should.² But this is the natural progression of things. Surely there will be other triumphs for African American females in the city, but with the election of Shirley Franklin to mayor, a major plateau has been reached.

Notes

1. In this election, Allen beat his earlier opponent, M. M "Muggy" Smith.
2. On her election, see (Spritzer and Bergmark 1997).

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The Continuing Significance of Race: African American and Hispanic Mayors, 1968-2003

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Introduction

The civil rights movement transformed electoral politics in the United States, including urban politics. The early days of the movement "from protest to politics," as Bayard Rustin called it in an influential 1965 essay, engendered the hope that electoral coalitions of minorities and white liberals could seriously address the historic injustices suffered by minorities. Before 1967, not a single black or Hispanic had been elected mayor of a major American city. In that year, Richard Hatcher was elected mayor of Gary, Indiana, and Carl Stokes won the mayoralty of Cleveland. By 2003, almost one third (23 of 76) of large American cities had African American or Hispanic mayors serving in office (see Figure 1). Between 1967 and 1993, eightyseven cities with populations of 50,000 or more had elected African American mayors at least once (Thernstrom and Thernstrom 1997, 286). The total number of blacks in city and county offices also increased from 715 in 1970 to 5,210 in 1998, and the number of Hispanic county and municipal officials rose to 2,197 by 1994 (up 67 percent since 1985) (U.S. Bureau of the Census 2000, 288). Thus, there has been clear progress in terms of the numbers of elected representatives for minority communities in the United States.

In recent years, according to some commentators, however, electoral politics has transformed into a postcivil rights era (Sleeper 1995; Thernstrom and Thernstrom 1997). Coalitions between minorities and white liberals motivated by issues of racial justice have become passé. Under economic and fiscal pressure, racial identity politics has been replaced by a color-blind, more pragmatic politics that aims to make the city more attractive to investors and middleclass homeowners. As evidence of these developments they point to the replacement of African American mayors by more conservative, white mayors in several of the largest cities in the country, including Rudolph Giuliani in New York

(1994), Richard Riordan in Los Angeles (1994), and Richard J. Daley in Chicago (1990). Jim Sleeper concludes that the era of liberal black-white coalitions is ending and that voting on the basis of racial identity is declining in American cities. According to Sleeper, the "new mayors have won by tapping a growing disillusionment with oldstyle 'civil rights' politics," which led to "civic and social balkanization" (Sleeper 1995, 328).¹ In place of racebased appeals and policies, the new conservative mayors stress policies such as ending affirmative action, privatizing city services, and cutting local spending and taxes, that they maintain appeal to the public interest and a common civic identity.

The argument that broadbased conservative appeals are replacing racebased liberal appeals applies to black as well as white candidates. Sleeper cites Michael White in Cleveland, Wellington Webb in Denver, Norman Rice in Seattle, and Chester Jenkins in Durham, North Carolina, as demonstrating that black candidates can garner significant white support if they jettison racial rhetoric and instead stress administrative competence and fiscal conservatism. A premise of this argument is that whites have largely transcended racial voting. As Stephan and Abigail Thernstrom (1995) put it: "Whites are voting for blacks. In increasing numbers. To a degree that was unimaginable thirty years ago" (295).

Our goal in this article is to evaluate the changing role of race in mayoral elections over the past thirty years. We address such questions as: Has racial identity-based politics declined, as some observers argue? Under what circumstances are minority mayors elected? Has there been a pronounced shift from the early civil rights generation of black and Hispanic mayors to a new generation that is more conservative and less committed to racial justice concerns?

To answer these questions we have assembled a comprehensive database on African American and Hispanic mayors, and the years they served, between 1968 and 2003 in the seventy-six cities that had populations of at least 200,000 in 1990.² Along with this political data, we have collected socioeconomic data, primarily from the U.S. census, for our seventy-six cities. To supplement our macrodata set, we surveyed the extensive literature and case studies on minority mayors.³

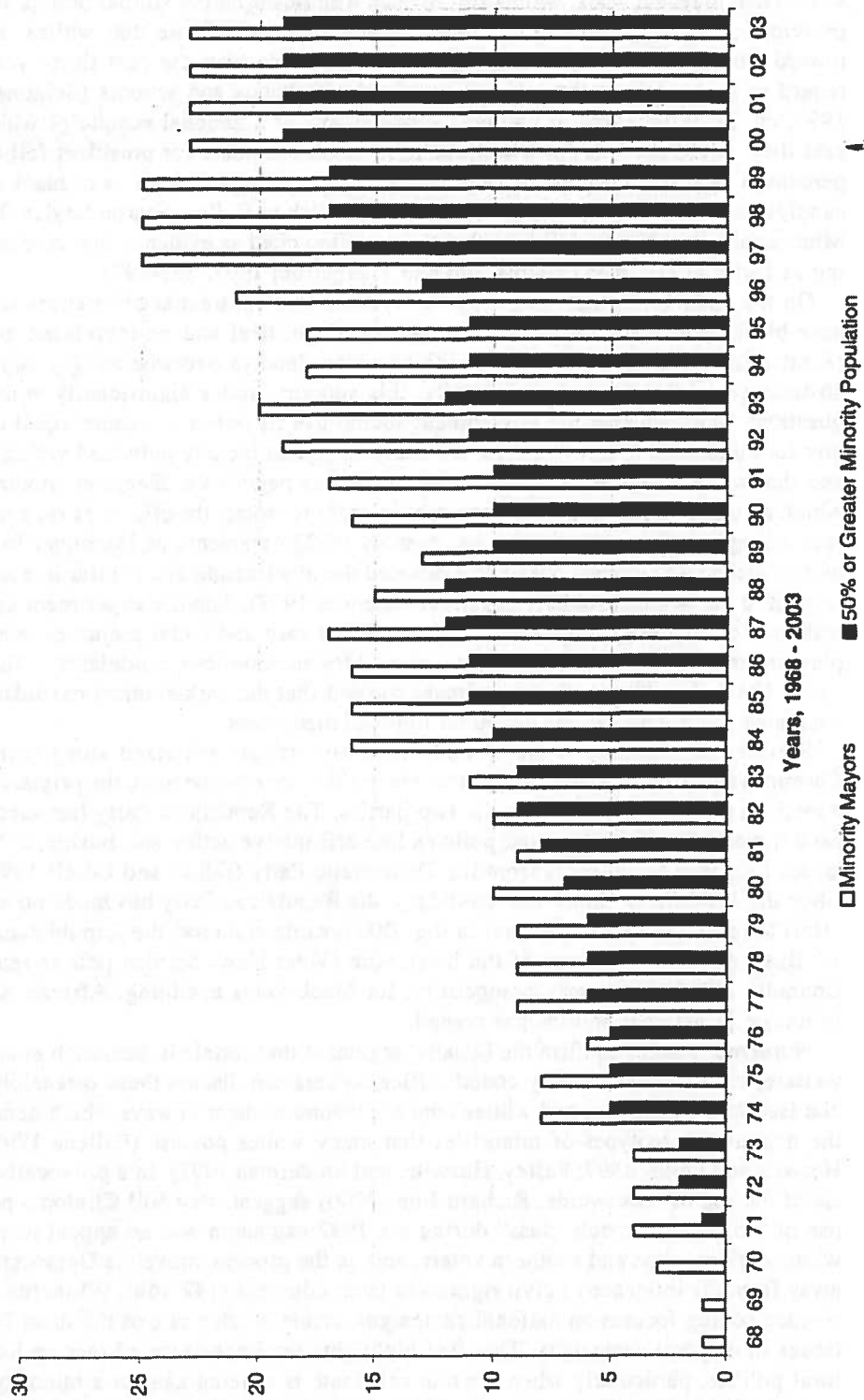
In broad outline, our analysis supports the following findings: (1) The number of minority mayors has steadily increased over the past three decades; (2) This increase is largely due to the increase in minority voters as a proportion of central city electorates; we see little evidence of a broadbased decline in racial identity politics; (3) The electoral appeals of mayoral candidates in relation to race vary widely, but this variation is largely due to changing contexts (party competitiveness and size of the minority community), not to the declining significance of race.

Besides these largely factual claims we also make a more controversial argument about identity politics. The persistence of racebased identity politics, we argue, does not necessarily cause dangerous balkanization of American politics. Everything depends on the context. In many contexts, racial identity politics makes sense as a stage in a longterm process of minority mobilization and political incorporation. In general, however, the persistence of racial identity politics does create barriers to the biracial class coalitions that are necessary to attack major urban ills. Moreover, the persistence of racial segregation and the rise of economic segregation in American metropolitan areas, threaten to short circuit the halting process of political incorporation that was begun by the civil rights movement.

Has Racially Polarized Voting Declined?

The relationship between racial attitudes and political behavior can be evaluated in numerous ways. Clearly, there has been progress over the past few decades in terms of

Figure 1
Minority Mayors, 1968-2003, U.S. Cities over 200,000



how whites think about issues related to race. Kinder and Sanders (1996) have demonstrated that in recent years, whites and African Americans harbor similar beliefs about the principle of equality (131-135). Further, many surveys indicate that whites' attitudes toward African Americans have improved considerably over the past thirty years with regard to such goals as the integration of neighborhoods and schools (Schuman et al. 1997, ch. 3). With regard to voting, the percentage of a national sample of whites who said they would not vote for a wellqualified black candidate for president fell from 63 percent in 1957 to 10 percent in 1994 (Farley 1996, 270). The victories of black mayoral candidates in majority white cities, such as Ron Kirk in Dallas, Sharon Sayles Belton in Minneapolis, and Norman Rice in Seattle, are often cited as evidence that race is declining as factor in elections (Thernstrom and Thernstrom 1997, 295-297).

On the other hand, there is plenty of evidence that substantial differences remain in how blacks and whites view a wide variety of political and policyrelated questions (Kinder and Sanders 1996, 12-34). While whites tend to overwhelmingly support the abstract principle of equal opportunity, this support erodes significantly when asked questions about whether the government should use its power to ensure equal opportunity for minorities. Moreover, there are many signs that racially polarized voting persists and that whites judge African American candidates negatively. Electoral simulations in which all other variables are held constant in order to isolate the effects of race show that race strongly influences perceptions. A study of 235 residents of Michigan found that whites picked up on racial cues and evaluated the black candidate, similar in every other respect to the white candidate, negatively (Reeves 1997). Another experiment using 409 residents of Kentucky found that "both candidate race and racial prejudice continue to play an important role in the evaluation of African American candidates" (Terkildson 1993, 1048). In addition, the experiment showed that the dark-skinned candidates were evaluated more harshly than identical light-skinned peers.

Presidential elections in the United States also remain polarized along racial lines. Carmines and Stimson (1989) argue that since 1964, race has become the primary issue in American politics that separates the two parties. The Republican Party has successfully used opposition to race-targeted policies like affirmative action and busing as "wedge" issues to siphon white votes from the Democratic Party (Edsall and Edsall 1991). Ever since the 1964 Barry Goldwater candidacy, the Republican Party has made no sustained effort to reach out to black voters. In the 2000 presidential race, the Republican, George W. Bush, got only 8 percent of the black vote (Voter News Service poll as reported in Connelly 2000). With party competition for black votes declining, African American influence in national politics has waned.

Numerous studies confirm the Edsalls' argument that certain issues, such as crime and welfare, have become racially coded: office seekers can discuss these ostensibly nonracial issues in campaigns, and whites tend to respond to them in ways which demonstrate the negative stereotypes of minorities that many whites possess (Gillens 1995, 1996; Hurwitz and Pefley 1997; Pefley, Hurwitz, and Sniderman 1997). In a provocative analysis of the use of code words, Richard Iton (2000) suggests that Bill Clinton's persistent use of the phrase "middle class" during the 1992 campaign was an appeal to win back white working-class and southern voters, and, in the process, move the Democratic Party away from the influence of civil rights and labor concerns (142-144). While the research on race coding focuses on national campaigns, crime is often one of the most important issues in mayoral campaigns. This fact highlights the importance of race in local electoral politics, particularly when a white candidate is running against a minority for the city's highest office. Crime was ranked by voters in New York as one of the three most

important issues in the 1993 election of Rudolph Giuliani over African American incumbent David Dinkins, an election which was highly polarized along racial lines (Mollenkopf 1992, 209-223).

Although the competition for minority votes in urban politics is often fierce and takes place largely within the Democratic Party, there is solid evidence that the power of race as a voting cue has not declined. In a study of twelve big-city mayoral elections, Sharon Wright found that racial polarization (the difference between the white and the black percentages for the winning candidate) varied from 7.0 percent in the 1995 victory of Scott King in Gary to 90.6 percent in the 1991 victory of W. W. Herenton in Memphis. She concludes that racial polarization remained high in cities with large black populations (Wright 1996, 1997; also see Pohlman and Kirby 1996).

Our own data confirm the generalization that race is still a very powerful factor in city elections. As shown in Figure 1, 69 percent of the all of the minority mayors serving between the years of 1968 and 2003 have been in cities in which minorities comprise a majority of the total population. Overall, however, there is some evidence of a slight decline in racial voting. In the 1970s, the average percentage minority when a black or Hispanic was first elected mayor of a city was 50.5 percent ($n = 10$); in the 1980s the average was 48.5 percent ($n = 9$); and in the 1990s the average declined to 43.3 percent ($n = 17$). The latter figure, however, is affected by low minority population estimates in two cities that elected African American mayors (13.6 percent in Seattle and 19.5 percent in Minneapolis). Excluding these two cities, the average for the 1990s is back up to 49.3 percent. Our evidence suggests that the increase in the number of minority mayors is not due primarily to the increased willingness of whites to vote for blacks but to the increase in the number of cities with majority or near majority African American and Hispanic populations.⁴

Looking at the population characteristics of particular cities supports this argument. Numerous large southern cities have had majority-minority populations for quite some time, including Atlanta, Washington, and New Orleans, all of which have consistently elected African American mayors in recent years. But many Northern and Midwestern cities, where NonHispanic whites still compose a majority, have never elected minority mayors. A few of the cities that fall into this category include Boston, Pittsburgh, Indianapolis, Columbus, Buffalo, and St. Paul. The pattern of majority-minority cities being much more likely to elect minority mayors is clear evidence of the continuing significance of race in urban electoral politics. We agree with Keiser's (2000) argument that recent shifts from black to white mayors do not indicate a decline in racial voting. Keiser argues that the circumstances of a few very large cities, including New York, Los Angeles, Philadelphia, and Chicago—which went from African American back to white mayors during the 1990s—“seem isolated and atypical rather than modal and a basis for discussing trends” (159).

Although the power of race appears strong, the extent of racial voting varies tremendously from one city, or time period, to the next. The degree of racial polarization in voting depends, in part, on the degree to which candidates for public office use racial appeals. Wright (1996) has identified three black mayoral election strategies. (1) Insurgent strategy: black candidates appeal to racial solidarity and attempt to increase black turnout; (2) Dual strategy: candidates stress the symbolic benefits of having a black mayor to black audiences and promise white audiences that they will govern in a color-blind manner; and (3) Deracialization strategy: candidates downplay racial issues in favor of issues that appeal to all voters. Most observers argue that insurgent voting strategies have declined over the years and deracialized campaigns have become more common (McCormick and Jones 1993; Wright 1997).

We argue that the choice of strategy depends largely on the context. The two most important contextual variables that help explain the degree of racially polarized voting are the degree of competitiveness in elections and the degree to which whites feel frightened by African American electoral power (which is itself largely a product of the size of the black population.)

The Structure of Electoral Competition⁵

Under the pluralist theory of ethnic succession, Dahl (1961) argued, the political system "is easily penetrated, because (among other reasons) elections and competitive parties give politicians a powerful motive for expanding their coalitions and increasing their electoral following" (91). Following the reforms enacted as a result of the 1965 Voting Rights Act, especially the court challenges to at-large city council elections, the formal rules of urban elections in the United States have for many years met Dahl's (1956) minimal conditions for free and fair elections. According to pluralist theory, under these conditions we should expect politicians to diligently seek out new groups and represent their issues in order to coopt them into their political coalitions. The implication of pluralist theory is that even if minorities represent as little as 5 or 10 percent of the city electorate, the system should respond to their demands.

All too often, political practice has not reflected pluralist theory. Even when the rules of electoral competition are free and fair, the electoral market place can be dominated by political monopolies. Historically, dominant political machines have often blocked minority empowerment in cities, defined in terms of gaining city jobs and elected offices. Following the revisionist literature on political machines, the Kerner Commission argued that the demise of political machines weakened the power of blacks (National Advisory Commission on Civil Disorders 1968, 287). The neorevisionist literature on political machines, however, takes a more critical view of machine politics. In his study of seven Irish political machines, Steven Erie (1988) distinguished between "mobilizing" machines and "entrenched" machines. Early in their history, machines often expanded government and reached out to new immigrant groups with patronage and other services. Once they acquired a solid winning coalition, however, machines had no incentive to continue mobilizing new minorities because they would only upset the political apple cart and take some of the spoils away from existing groups. In Erie's terms, they became entrenched machines.

Cities with strong political machines and little or no party competition have delayed the political incorporation of minority communities and the election of minority mayors and therefore have helped to produce racially polarized electorates. Chicago is a clear example where an entrenched political machine suppressed black political empowerment. As Keiser (1997) observes, until 1947 elections in Chicago were highly competitive and as a result blacks exercised considerable electoral leverage. Once Richard Daley consolidated his monopoly of political power in the aftermath of the 1955 election, however, the power of African Americans waned. To be sure, Congressman William Dawson ran a powerful submachine on the South Side of Chicago that turned out huge margins for Daley. Daley's coalition was so dominant, however, that he could take the black vote for granted. Keiser shows that in four elections from 1959 to 1975 even if every black vote had shifted to the Republicans, Mayor Daley would have won anyway. With their votes taken for granted, blacks in Chicago never acquired a seat at the table to determine the agenda of city politics and instead got a puny allotment of lowlevel patronage jobs and other favors. In 1976, for example, although blacks were 37 percent of the popula-

tion, they received only 24 percent of the city jobs (Keiser 1997, 4647; see also Greenstone and Peterson 1973; Grimshaw 1992).

As Chicago's African American and Hispanic populations grew, combined reaching roughly 54 percent of the population by 1980, the glaring discrepancy between the size of the minority vote in the Democratic coalition and what minorities received in exchange became more and more difficult to defend. The breakthrough came in the 1983 Democratic primary when Mayor Jane Byrne and Richard M. Daley, the son of the late mayor, split the white vote and Harold Washington squeaked to victory with 36 percent of the vote. With little history of true biracial coalitions and with Washington threatening to reform city government and the machine, white ethnics lined up behind his Republican opponent, Bernard Epton. In one of the most racially divisive campaigns in urban history Washington won a narrow victory, receiving 99.7 percent of the black vote, about 75 percent of the Hispanic vote, but only 12.3 percent of the white vote (Kleppner 1985, 217-218). Black turnout soared, after languishing under Daley. In short, the first black mayor in Chicago's history was only made possible by Daley's death, which ended the machine's political monopoly and suddenly opened up the Democratic primary to competition.

In Memphis, the Crump machine provided selective benefits to the black community but kept blacks politically subordinated. "He [Crump] never allowed an African American to hold any position of power within his political machine" (Pohlman and Kirby 1996, 17). As we noted earlier, the first election of an African American mayor in Memphis was one of the most racially polarized elections ever. The suffocating effect of dominant political machines was true even of Gary, Indiana, one of the first two major U.S. cities to elect a black mayor. Gary had a strong political machine that kept blacks subordinated until the late 1960s when African Americans were approaching an electoral majority. Richard Hatcher was able to win the Democratic primary in Gary in 1967 only because of a split in the white machine fueled by a corruption scandal. In a threeway primary, Hatcher narrowly won a plurality of the total vote (40 percent), received 75 percent of the African American vote but only 5 percent of the white vote. He then went on to win in the general election against a white Republican candidate by less than a 3 percent margin. The election had a very high turnout, and was highly polarized as Hatcher received 96 percent of the African American vote but only 10 percent of the white vote. Since Democrats outnumbered Republicans nine to one, party labels turned out to be meaningless. In a city that was almost evenly divided by race at the time, Hatcher won because of the massive mobilization of African American voters, which was necessary because of the decadeslong subordination of African Americans by the city's Democratic machine (Catlin 1993, 23-26).

In contrast to entrenched machines, competitive political systems have facilitated the early elections of minority mayors. One of the first two black mayors in our sample of cities, Carl Stokes, became mayor in Cleveland, where the Republican and Democratic parties competed for power and the Democratic Party was split between white ethnics and blacks. After winning the 1967 primary against his white opponent, incumbent Ralph Locher, Stokes went on to win the general election after the business community split their support between him and his Republican opponent, illustrating meaningful partisan competition (Swanstrom 1985, 103-104). The two largest cities in the country, New York and Los Angeles, have had notoriously weak local parties. New York's dominant machine, Tammany Hall, was permanently crippled by Fiorello LaGuardia, who mobilized Jews, Italians, and Poles against the Irish-dominated machine. Although New York did not elect a minority mayor until David Dinkins in 1989, Patrick Joyce argues that blacks were able to win a disproportionate share of city jobs there compared to Chicago

because they were able to take advantage of the earlier decline of the political machine and the political competitiveness that resulted (Joyce 1997). Los Angeles elected African American Tom Bradley mayor in 1973 even though the city was less than 18 percent African American. In the absence of a dominant party organization, nothing stood in the way of Bradley skillfully assembling a rainbow coalition that united blacks, Hispanics, liberal whites, and Jews.

In conclusion, competitive elections are not produced by formal rules alone. One party can become so dominant, through its skillful (sometimes corrupt) use of patronage and the levers of municipal power, that it monopolizes elections. In such a situation, outgroups become discouraged and turnout rates plummet. Lack of competitiveness in municipal elections is a major reason why in many cities minority candidates have not had a chance of winning until the minority population exceeded 50 percent. (Entrenched African American machines, such as Sharpe James's in Newark, can also effectively shut out white candidates.) In competitive party systems, or factionalized parties, minorities often represent the balance of power and thus provide some incentive for parties to work toward incorporating minority groups.

Contextual Effects: The Fear of Minority Dominance

Pluralists argue that group conflict is functional for democratic political systems. Diversity in a political system, in terms of the mix of industries, occupations, religions, and ethnic backgrounds, tends to make party systems more competitive and creates crosscutting cleavages that moderate conflict and keep it safely within the bounds of pluralist bargaining and compromise. Coalitions are shifting and power is not cumulative; the dominant coalition varies from one issue area to the next. Politicians act as brokers, exchanging material benefits for political support (Dahl 1961).

Racial conflicts differ from other group conflicts, however, in ways that distort pluralist democracy. Instead of crosscutting cleavages, cities are often divided by one dominant cleavage that polarizes the electorate along the racial divide, dampening the effects of other divisions, like occupation, ethnicity, or religion. In place of the shifting coalitions of pluralist theory, under conditions of racial diversity, urban politics is often characterized by racially polarized coalitions rigidly held together over time and across issue areas. When this kind of dynamic exists, most political conflicts revolve around race, suppressing the politics of bargaining and compromise on other issues, and ultimately reinforcing racially polarized political behavior.⁶

Researchers have long reported links between racial diversity, usually defined as percentage of the population made up of minorities, and racial attitudes and behaviors. The general argument is that as the minority population increases in a community, the white population will see minorities as more of a threat and thus will hold more negative views of minority groups. Five decades ago, in his exhaustive study of politics in the South, V. O. Key (1949) showed that white voter turnout tended to be higher in areas with higher black populations, and that the white officials elected in these locations were "generally most reactionary and most vocal about white supremacy" (517). Other historical research has reported similar findings: (1) the higher the percentage of blacks in the population, the less the likelihood that they will be registered to vote, probably due to white hostility and intimidation (Matthews and Prothro 1966); (2) southern whites were more likely to vote for George Wallace if they lived in black counties (Wright 1976, 1977); and (3) support for integration declined among whites the higher the percentage of blacks in the region or county (Fossett and Kiecolt 1989).

Research on the relationship between residential patterns and racial attitudes paints a similar picture. Data show that "white flight" accelerates as the minority presence in central cities grows (Guterbock 1976). In addition, research on segregation suggests that segregation increases as the relative size of the minority population grows. For example, only one of Massey and Denton's sixteen hyper-segregated metropolitan areas (Los Angeles) had a 1980 central city population with less than 20 percent African Americans (Massey and Denton 1993, 7576).

Racial polarization is not just the result of individual racist attitudes but is a product of the history of group conflict in particular places (Kaufmann 1998; Metz and Tate 1995; Tate 1995). The degree of racial polarization in a city depends on local political culture and the history of racial conflict, including highly publicized racial crimes and confrontations. The level of racial conflict can also be traced to the racial and ethnic composition of the city's population: as the minority presence in the population grows, white fears of domination grow, and racial conflict intensifies.

Huckfeldt and Kohfeld (1989) argue that racial divisions have repeatedly disrupted political coalitions organized around class in the United States.⁷ Using data from states and twenty-four southern cities, they found that lower-income whites tend to abandon the Democratic Party as the percentage of black votes in the party increased. They hypothesize that the presence of more African Americans in the population heightens the salience of race. Whites, especially working-class whites, automatically identify their interests with other whites and in opposition to blacks. As blacks become a higher proportion of the Democratic Party vote, whites automatically assume that the party does not represent their interests.

Recent research supports the line of argument suggested by scholars like Key and Huckfeldt and Kohfeld: higher minority presence in populations magnifies racist attitudes and behaviors among whites. In a sophisticated analysis using a number of indicators, Taylor (2000) has shown that "traditional prejudice rises as the local black population swells" (134; also see Taylor 1998). Giles and Hertz (1994) report similar findings in their study of voter registration in Louisiana parishes between 1970 and 1990: higher concentrations of African Americans are associated with lower concentrations of white registered Democrats and higher concentrations of white registered Republicans. Their study also illustrates that this association holds only in lower-income areas, indicating that lower-income whites are more likely than middle or upper-income whites to view African Americans as a threat. Giles and Evans (1985) have shown that whites with low political efficacy (which is correlated with income) are more likely to view increased concentrations of African Americans negatively.

We hypothesize that as the minority population in a city increases, whites view minorities as more of a threat, hence holding together a biracial coalition becomes much more difficult. The irony here is that, as we have argued above, the likelihood of electing a minority mayor depends on the percentage of minorities in the total city population. But as the minority population grows, approaching majority status, whites become less willing to vote for African American candidates. For African American politicians running for citywide offices, often the only way to win is to wait until blacks represent a sizable majority.

In a competitive two party system, the black threat to white interests would theoretically peak at 25 percent. Because most cities are heavily Democratic, we hypothesize that the minority threat to whites actually peaks at 50 percent. As Kaufmann (1998) puts it, "racially heterogeneous cities with balanced constituent groups offer the least inherent opportunity for biracial and multiracial coalitions" (679). We should note that the

hypothesized relationship assumes that all other factors are equal. Much depends on whether political leaders have played race politics in the past or whether there is a history of racial cooperation. Thus, in competitive cities like Atlanta, with long histories of biracial cooperation in urban governance, the movement to a majority black city represents less of a threat than in a city like Chicago with little such history.

The evidence of a contextual effect in mayoral elections is substantial. When minorities represent a relatively small part of the total population, white fears of a minority takeover are minimized. In this context, a deracialized campaign strategy makes sense. Simply put, deracialization is "the conduction of an electoral campaign in which racial issues and themes are minimized, if not avoided, in order to attract increased white political support" (Perry 1996b, 1). Norman Rice won in Seattle in 1989 when blacks and Hispanics comprised only about 13.6 percent of the population (Asian and Pacific Islanders represented another 11.8 percent). In their study of Rice's campaign, Mylon Winn and Errol Palmer describe how Rice downplayed racial themes, and "identified himself as a loyal Democrat who was concerned about the same issues as other good Democrats" (Winn and Palmer 1996, 92). Sharon Sayles Belton won in Minneapolis in 1993 and was reelected in 1997 when the minority population was still less than 20 percent. Using a deracialized strategy, including a strong defense of neighborhood schools, Belton was able to win 67 percent of the white vote (Wright 1997, 12).

The defeat of Sayles Belton to a white political novice in 2001, however, also reveals the limitations of the deracialization strategy. In the months leading up to the election, by many standard indicators, Minneapolis was doing well. In a poll in September 2001, almost two-thirds of city residents said that the "city was headed in the right direction" (Olson 2001). Yet Sayles Belton was evaluated very harshly by voters, and associated with scandals that did not directly involve her administration. In the end, she managed to receive only 35 percent of the vote, with her opponent, R.T. Rybak, winning 65 percent. Despite her low overall vote totals, ward-based returns show that Sayles Belton won convincingly in neighborhoods with high minority populations (Olson 2001). Ward-based returns illustrated that even in an election in which race plays no apparent role, a significant racial divide can develop in the electorate.

On the other hand, when the minority population approaches or goes above 50 percent, white fears of a takeover escalate. By 1983, Chicago had become a majority-minority city, with roughly 58 percent of city residents members of minority groups. Harold Washington's white Republican opponent's slogan in the mayoral race that year was classic: "Epton for Mayor Before It's Too Late!" Washington began his campaign trying to appear statesman-like and appeal for white votes, but the racially motivated attacks by Epton forced him to abandon that strategy. Apart from appealing to Lakeshore liberals and Hispanics, Washington focused his strategy on appealing to black solidarity and increasing black turnout. Washington's strategy succeeded, even though he won only 12.3 percent of the white vote.

W. W. Herenton's racially polarized victory in Memphis in 1991 occurred when the population was almost evenly split between African Americans and whites. Like Washington, Herenton decided that there was little chance that fearful white voters would pull the lever for him and he concentrated on mobilizing the black vote, and won the election by only 172 votes. As Pohlman and Kirby have argued: "Dr. Herenton won thanks to an extraordinary level of black support and without having to appeal to the white community" (Pohlman and Kirby 1996, 200).

The 1999 election of African American John Street in Philadelphia is another clear example of a racially polarized election. By the time of the election, the city had become

a majority-minority city, with the white population falling to approximately 45 percent of the total population. But the city was also very evenly divided between whites and African Americans, with the remaining 12 percent consisting of Latinos and other minority groups (U.S. Census Bureau 2001, 38). The result was a very close election, with Street winning by only 2.2 percent of the total vote. Here again, ward-based election returns reveal the racial division in the electorate. Democrat Street won 91 percent of the vote in the city's twenty-three overwhelmingly African American wards, while his white opponent, Republican Sam Katz, won 83 percent of the vote in the remaining twenty-one overwhelmingly white wards (Committee of Seventy 1999). Street defeated Katz in a rematch in 2003, and although his share of the vote increased in some predominantly white wards, there was still a clear racial divide in the electorate (Fitzgerald 2003).

What happens when the African American population rises significantly over 50 percent? In many cities in our sample, the percentage minority is well over 50 percent. In 2000, Detroit was 81.6 percent black (5.0 percent Hispanic) (U. S. Census Bureau 2001, 3839). The evidence suggests that much depends on the degree of competitiveness in city elections. In Detroit, Coleman Young built a black political machine that in many ways monopolized political power, turning the tables on whites the way white ethnic machines had previously done to blacks. In competitive electoral systems, however, whites can become the swing vote deciding elections between different minority factions. In 1993, Dennis Archer used a deracialized campaign strategy to defeat Young's handpicked successor, winning 81.9 percent of the white vote. Similarly, in Cleveland, two African Americans ran against each other in the 1990 runoff election. Using a deracialized campaign strategy, Michael White was able to defeat George Forbes, who relied almost exclusively on African American votes.

The willingness of whites to support minority candidates in majority-minority cities, however, is probably due as much to the realization that a minority candidate will win anyway as it is due to a significant change in racial attitudes. The cases of Atlanta and Gary, two hyper-segregated cities (Massey and Denton 1993) with substantial black majorities are instructive here. Keiser's assessment of Atlanta's white business elite support of African American politicians was rooted in population change, and not attitudinal or cultural change. When blacks became a majority in 1970, the white business community essentially had no choice but to support African American candidates (Keiser 1997, 131158).

In Gary, the business community took a different approach. Catlin's account of Gary during Richard Hatcher's mayoral administration illustrates that even when African Americans become a solid majority, whites could actually remove their support in very tangible ways (Catlin 1993). After Mayor Hatcher's reelection in 1971, the white business community began leaving the city in large numbers, interpreting increased black political power a sign of inevitable economic decline. Although the stories of the two cities differ, both illustrate the possible effects of the increased political power of minority communities.

The 1989 election in New York City is another example of a deracialized campaign strategy that succeeded in a context of a majority-minority population. Over the years, nagging divisions among different racial and ethnic groups have played major roles in the city's electoral politics (Mollenkopf 1992). In 1990, New York was 25.6 percent African American and 56.6 percent total minority. Racial incidents heightened fears, but Dinkins' calm, deracialized campaign attracted many white voters. J. Phillip Thomson (1996) has argued that David Dinkins "emphasized racial harmony and unity, a theme that won considerable white support against Koch's race baiting tactics"(67). Dinkins

got enough Hispanic and Jewish liberal votes to go along with his black base to produce a narrow victory.

But during the administration of Republican Rudolph Giuliani, the city became more racially divided. Giuliani was able to narrowly defeat Dinkins in 1993 and win reelection in 1997 by appealing to some Hispanic voters and winning most white votes. He was largely unsuccessful and uninterested, however, in attracting black support, unlike Richard M. Daley of Chicago who has assiduously courted black votes and coasted to victory partly with their aid in 1999 (Johnson 1999). Giuliani received only 20 percent of the African American vote in 1993, and less than 5 percent in his reelection in 1997 (Angotti 1998; Associated Press 1997).

In conclusion, race remains a strong motivator of electoral behavior in urban elections. Candidates adopt different strategies in reaction to different contexts. As the minority population approaches a majority, white racial fears escalate and holding together a biracial coalition becomes more difficult. Note that this contextual effect assumes preexisting racial animosities and fears. Divisions within the white or the African American communities can provide powerful incentives to appeal across racial lines, but candidates must always overcome racial prejudices. The racial hot buttons are always available and in certain situations it makes strategic sense for politicians to press them. Racially polarized voting is a byproduct of the ways that candidates and voters use race as a way to win elections and achieve political goals.⁷

Conclusion: Race and Class

We find little evidence for a significant decline in racial identity politics in mayoral elections in major American cities, as some analysts have suggested. The rise of deracialized campaigns by minorities has been interpreted as a sign of the decline of race as a factor in electoral politics and the rise of new conservative black politicians who have given up on issues of racial justice. We suggest that rather than representing a fundamental shift of goals, deracialization is more often a tactic that recognizes how strong racial voting patterns continue to be. Minority politicians who require large numbers of white votes to get elected must bend over backwards to reassure white voters that they will not harm their interests. When minority mayoral candidates do not need white votes to win, they still mobilize black voters with racial justice appeals. As the minority population approaches a majority, the electorate is usually quite polarized along racial lines, with white as well as black candidates appealing to racial solidarity. The tendency toward racially polarized voting is exacerbated in cities with non-competitive party systems.

What does the persistence of racially polarized voting in mayoral elections mean? We do not believe that racial identity politics always represents a dangerous threat of political balkanization. In some contexts, racial identity politics, especially for minorities, is a necessary stage in political development. Racial appeals are divisive but often they are the only way to mobilize and incorporate minorities into the political system. Harold Washington was able to more than double the turnout in the black community between the Democratic mayoral primary in 1979 and 1983, when he won (Kleppner 1984, 149). The mobilization of the black electorate and the threat of an African American candidate running successfully again has helped blacks to become much more empowered under Mayor Richard M. Daley than under his famous father (Grimshaw 1992). The vast majority of minority mayors in our sample would never have been elected in the first place without solid, in some cases near universal, support from minority voters. Insofar as it has

aided the election of minority mayors, racial identity politics, therefore, has improved American democracy.

Political representation, however, does not necessarily mean full political incorporation. Black mayors have delivered significant benefits to the black community in the form of affirmative action hiring, more contracts for black-owned firms, and greater attention to police brutality and other racist practices by city employees. In general, however, black mayors have done more to benefit the black middle class than the masses of black poor (Judd and Swanstrom 2002, 402-411; Reed 1999, ch. 3). There are many reasons for this. The election of minority mayors is often a "hollow prize." Inheriting cities with extraordinary service demands and weak fiscal resources, minority mayors have few resources to distribute to the poor (Kraus and Swanstrom 2001). As Stone's study of Atlanta shows, minority mayors are more beholden to the black middle class than the black poor and their policy agenda reflects this (Stone 1989). Moreover, minority mayors soon find out that they cannot govern with only black support. The governing coalition needs to be broader than the electoral coalition, if mayors are to accomplish significant civic tasks (Ferman 1985, ch. 1; Stone 1989, ch. 1). As a result, minority mayors are forced to court the white middle class and corporate investors, further distracting them from a focus on the problems of the black poor. As Reed argues, the generic term "black community" covers over many different interests and policy agendas among African Americans (Reed 1999, 15). In fact, the "black community" is deeply divided along class lines and this constantly interferes with its ability to achieve complete political incorporation (Johnson 2002).

Perhaps the most serious drawback of the persistence of racially polarized voting is that it inhibits the kind of cross-racial class coalitions that are necessary to address fundamental urban problems. The seriousness of the hollow prize problem suggests that class issues are crucial in central cities. Central cities have large number of lower-income residents, and to a great extent their interests, whether black, white, or Hispanic, are similar. They are all in the same (leaky) boat together. Defending the effort of black politicians, like Mayor John Daniels in New Haven, Connecticut, to reach out to white voters, Summers and Klinkner (1996) put it well: "Black people's and white people's political goals, and their sense of their limitations and possibilities, develop under the influence of many of the same forces. In recent years, these forces have included deindustrialization and diminished federal funding for social programs" (146). Clearly, biracial class coalitions are needed to attack the roots of the urban crisis.

Forming biracial class coalitions has been made more difficult by the rapid rise of economic segregation alongside the persistence of racial segregation (Dreier, Mollenkopf, and Swanstrom 2001). Economic and racial segregation have a number of important political effects that require more study (Kraus 2000). Segregation makes it easier to craft policies that appear neutral but that benefit or harm one race and not the other; segregation means fewer racially diverse districts, politicians have few incentives for and less experience in assembling biracial coalitions; and concentrated poverty (and the highly publicized "underclass" behaviors that result) nourishes divisive racial stereotypes.

The obstacles to biracial coalitions lie beyond racial prejudices and identities. Increasingly, whites and minorities are separating out into distinct political districts and political systems. Geographical avoidance behavior, or political secession, has evolved into a sophisticated art that is shortcircuiting the messy, but necessary, process of political accommodation and compromise (Dreier, Mollenkopf, and Swanstrom 2001). The political isolation of minority central cities and inner-ring suburbs surrounded by lily-white outer-ring suburbs means that increasingly whites and minorities do not have to

deal with each other politically. Moreover, central cities and older suburbs simply lack the resources to deal with their problems by themselves. Unless new structures of regional governance evolve, the halting process of political incorporation of minorities that began so hopefully with the civil rights movement will grind to a halt.

Notes

1. For an argument that is similar to Sleeper's, see Siegel (1997). For a general critique of identity politics, see Schlesinger (1992).
2. Twenty-five of the seventy-six cities in our data set have city managers as well as mayors. In the council-manager system, the mayor does not have many of the official powers possessed by strong or weak mayors. However, as many scholars have pointed out, the mayor does play an important leadership role in council-manager systems (Boynton and Wright 1971; Kammerer 1964; Wikstrom 1979). Thus, we maintain that examining the dynamics of mayoral elections in council-manager cities is indicative of the racial politics of these cities.
3. In this paper, we use the term "minority" to refer only to African Americans and Hispanics. To our knowledge, no Asian or Native American has been elected mayor in our sample of cities. However, we focus much of our subsequent discussion on African American mayors for two main reasons. First, most of the minority mayors in large U.S. cities are African Americans. Second, there is a vast literature on the election of African American mayors on which we draw. Without question the political power of Hispanic communities is increasing in urban areas around the nation, and this trend will likely generate much academic analysis in the future. Our focus on African American mayors, therefore, is in no way meant to minimize the growing political significance of and diversity within Hispanic communities.
4. Careful analysis of racial polarization in voting argues that the increase in minority office holders in the United States has been due to the increase in majority-minority districts, not to an increased willingness of whites to vote for black candidates (Groffman, Handley, and Niemi 1992).
5. Many cities in our data set have formally non-partisan elections, including Cincinnati, Detroit, Los Angeles, Milwaukee, Minneapolis, San Francisco, Seattle, and St. Paul. But, as Ross and Levine (2001) have pointed out, even in many formally non-partisan city elections, parties play an active role in selecting and endorsing candidates, mobilizing voters, and, in some cases, even "disguising themselves behind other local organizations" (171). For example, Minneapolis and St. Paul have non-partisan elections, but political parties play a major role in every stage of the electoral process. On election day, after months of political advertising and media coverage, voters in the Twin Cities are well aware of the party identities of the candidates for city office. Thus, even in the absence of party labels, political party competition is often present and a major factor in deciding urban electoral outcomes.
6. Using state-level data, John Sullivan (1973) found that socioeconomic diversity increased party competition, lessened discrimination, and increased expenditures for the poor. In every case, racial diversity had the opposite effect. Sullivan hypothesized that this was because racial diversity increased the solidarity of the white majority and raised suspicions that social programs would only benefit racial minorities.
7. The existence of racially polarized voting does not necessarily mean it is motivated by deep-seated racial bias; it could simply reflect the calculation on the part of voters that candidates of one's own race are more likely to support favorable policies. Simply asking voters about their true motivations is unreliable, because of the strong public norms against racism. After examining voting behavior in Washington, D.C., and its relationship to socioeconomic characteristics, Henig concluded that "racial voting may result from context-specific calculations mediated by strong group identity and shared assessments of the political environment" (Henig 1993, 565). We concur.

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Increasing Diversity or More of the Same? Term Limits and the Representation of Women, Minorities, and Minority Women in State Legislatures

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The movement to limit the number of terms served by legislators at both national and state levels has provoked heated debate about the possible effects of term limits. One set of debates focuses on whether term limits will lead to more diverse legislatures, especially along the lines of race, ethnicity, and gender. Because term limits will help to break the stranglehold of incumbency by increasing legislative turnover, term-limit advocates and some scholars have argued that previously underrepresented groups are almost certain to benefit. For example, term-limits advocate Jonathan Ferry, former communications director of the U.S. Term Limits Foundation, has argued:

Minorities and women have been shut out of electoral politics for too long due to an entrenched block of white male incumbents. Elimination of this large block of over-represented incumbents through term limits will create hundreds of open seats in which women and minorities can make significant gains in representation and create a legislature in which the interests of all groups are better represented on all issues. (1994)

Similarly, Edward H. Crane, president of the Cato Institute, testified before a congressional subcommittee that women and minorities fare better in open seat races and that term limits would "enhance the competitiveness of elections and...increase the number and diversity of Americans choosing to run" (1995).

Among scholars, the argument that term limits might well lead to more diverse legislatures by increasing the representation of previously underrepresented groups has more often been made regarding women than minorities. For example, R. Darcy, Susan Welch, and Janet Clark have suggested, "Term limitations, when used as a way to weaken the power of incumbency for example, will speed up the election of women" (1994, 194). As evidence for this assertion, they examined cohorts of legislators in the lower houses of

twenty-one state legislatures and found that the most recently elected cohorts had about twice as many women proportionately as did the more senior cohorts (1994, 146). They concluded, "since women are a much larger proportion of newly elected legislators, many of the men forced to step down will be replaced by women" (1994, 146). Similarly, Barbara Burrell has observed, "If terms of office were limited..., as has been adopted in some states and has been proposed for the U.S. Congress, that should at least in the short run increase the number of women legislators as it would remove long term incumbents, disproportionately men, from the electoral equation" (1994, 191). Several other scholars have argued along similar lines that term limits could potentially lead to increases in the number of women serving in legislatures (e.g., Carroll 1994; Darcy 1992; Carroll and Strimling 1983; Rule and Norris 1992).

It is more difficult to find scholars who have suggested, as term-limit advocates have, that term limits will likely lead to increased numbers of minorities serving in legislatures. In general, the literature on minority politics and representation is far more preoccupied with questions surrounding racial redistricting and the relative advantages and disadvantages of different electoral systems (e.g., district versus at-large) than with the potential effects of term limits (see, e.g., McClain and Garcia 1993; Lublin 1997; Swain 1993; Canon 1999; Darcy, Hadley, and Kirksey 1993). Nevertheless, in contrast to term-limit advocates, the few scholars who have speculated about the potential impact of term limits on minorities have generally viewed the likely effects as either negative or neutral. For example, David A. Bositis, a political scientist and senior research associate at the Joint Center for Political and Economic Studies, has voiced his concern that term limits would "sweep out of office the entire cadre of the most experienced, ablest black elected officials, depriving their constituents of their leadership and hard-won influence" (1992, 7). Unlike Bositis who voiced concerns about the potential loss of experience and did not directly address the probable effects of term limits on the actual numbers of African American representatives, W. Robert Reed and D. Eric Schansberg have suggested that, at least in Congress, term limits would lead to a decline in the numerical representation of minorities because nonwhites have had longer average tenures than whites (1995, 70). Other scholars, focusing on state legislatures, have argued that term limits are likely to have little impact on the numerical representation of minorities. Joel A. Thompson and Gary F. Moncrief, in their analysis of retention rates of women and minority state legislators, concluded that "the number of minority legislators is not likely to be seriously affected in the short run" (1993, 308).

Even in the case of women, where most term-limit advocates and scholars seem to be in agreement that term limits will create more political opportunities, the view that term limits will lead to increases in numerical representation has not gone uncontested by either practitioners or scholars. Some activists concerned with increasing the number of women in public office have argued that term limits are not likely to be an effective mechanism for increasing women's representation. Becky Cain, for example, writing as president of the League of Women Voters of the United States, suggested that campaign finance reform would be a preferable reform to term limits, allowing women challengers to run competitive races (1994, 48). Among the strongest critics of term limits have been incumbent women officials who have worried they would be forced out of office without any guarantee they will be replaced by other women. Former state representative Maxine Berman of Michigan is one who holds this view. She has expressed her fear that term limits will threaten the incremental gains in representation that women have made in recent years because women will be forced to leave office at a rate equal to or greater than the rate at which new women are elected (Hoffman 1998).

Some scholars also have voiced reservations about term limits similar to Berman's. While acknowledging that women are likely "to benefit selectively from term limits," Linda L. Fowler, for example, has argued, "women are not going to gain by this reform across the board, however, because the more basic problem remains: too few women run in most states—in either primaries or open seat races—to produce significant increases in the number of female office holders" (1992, 182).

In this paper we examine the question of whether term limits lead to greater diversity among legislators in terms of their gender, race, and ethnicity. We assess the effect of the implementation of term limits on the numbers of women, minorities, and minority women serving in state legislatures with data from the 1998 and 2000 elections. Despite the reservations expressed by some practitioners and scholars, the existing literature leads us to anticipate increases in the number of women serving in legislatures as a result of term limits. Although the scholarly literature provides less guidance as to what to expect with respect to minorities, we hypothesize that term limits will result in little change in the numbers of minorities holding state legislative seats, largely because so many minority legislators are elected from districts with large minority populations, rather than from predominantly white districts. We expect to find that most minorities who are forced from office due to term limits are replaced by members of the same racial or ethnic group.

The previous literature on term limits offers even less guidance as to what pattern to expect with regard to the effect of term limits on the numerical representation of minority women, who are members of both groups (i.e., women and minorities). However, the work of R. Darcy, Charles D. Hadley, and Jason F. Kirksey and the interdisciplinary feminist literature are both helpful. Darcy, Hadley, and Kirksey (1993) have provided compelling evidence that the underrepresentation of African Americans in elective office in the United States is due primarily to the underrepresentation of African American women. Their research has demonstrated that African American women, like white women, are underrepresented relative to their presence in the population as a whole while the representation of African American men more closely corresponds to their presence in the general population. Moreover, similar to the pattern for white women, African American women are advantaged by multimember districts while African American men are not. These findings suggest that the pattern for African American women may more closely resemble the general pattern for women than for African American men. Interdisciplinary feminist writings, however, complicate this expectation. These writings have suggested that the experiences of African American and other minority women are distinctive from those of white women and minority men and cannot be separated into gendered and racial/ethnic components (e.g., Spelman 1988; Crenshaw 1998; Higginbotham 1992; King 1988; Glenn 1992). The feminist literature thus leads us to anticipate that the effects of term limits on minority women may be unique and that the patterns we find for minority women may differ from those found for women and for minorities overall.

Description of the Data Set and the Analysis

Although more than a decade has passed since states first began to adopt statutes limiting the number of terms legislators can serve, the first forced retirements of legislators did not occur until 1996 and then in only two states, California and Maine (National Conference of State Legislatures 1999). Several other states joined California and Maine in implementing term limits for some legislative seats in 1998 and 2000,¹ and consequently the 1998 and 2000 elections presented the first opportunity to examine the impact of term limits on the representation of women and minorities with a database that

extends across several states and more than one election. In 1998, 203 state legislators in seven states were forced to leave office because of term limits (Table 1). In 2000, 377 state legislators in twelve states vacated their seats due to term limits (Table 1).²

For purposes of this analysis, we compiled a data set for all 1998 state house races in the six states that had by then implemented term limits (Arkansas, California, Colorado, Maine, Michigan, and Oregon) as well as for all 2000 state house races in these six states and the five states that implemented term limits for the first time in 2000 (Arizona, Florida, Montana, Ohio, and South Dakota). Each legislative seat was identified as either term-limited, other open (i.e., no incumbent running for re-election but not term-limited), or not open (i.e., incumbent seeking re-election).³ For each legislative race (seat), we coded additional information about the sex, race/ethnicity, and party of both pre-election incumbents and candidates who won the general election. The data were obtained mostly from the Project Vote Smart website⁴ and the offices of the secretaries of state in each state.

Table 1
Numbers and Proportions of Seats in Various States That Were Term-Limited and Up for Election in 1998 and 2000

State	1998				2000			
	Senate		House		Senate		House	
	N=	%=	N=	%=	N=	%=	N=	%=
Arizona	--	--	--	--	7	23.3	15	25.0
Arkansas	--	--	49	49.0	13	76.5	24	24.0
California	11	27.5	16	20.0	8	40.0	23	28.8
Colorado	9	25.7	18	27.7	11	57.9	10	15.4
Florida	--	--	--	--	11	52.4	54	45.0
Maine	1	2.9	11	7.3	7	20.0	16	10.6
Michigan	--	--	64	58.2	--	--	21	19.1
Missouri ^a	1	--	--	--	--	--	8	--
Montana	--	--	--	--	13	50.0	34	34.0
Ohio	--	--	--	--	6	37.5	43	43.4
Oregon	2 ^b	--	21	35.0	5	33.3	15	25.0
South Dakota	--	--	--	--	13	37.1	20	28.6
N=	24		179		94		283	

^a We have excluded Missouri from our analysis because term limits will not be implemented across-the-board for the Missouri House and Senate until 2002; in other words, 2002 will be the first year in which incumbents who were serving when the term limits measure passed will be forced to retire. However, 1 senator in 1998 and 8 representatives in 2000 became subject to term limits before other members of their respective houses because they filled mid-term vacancies.

^b These two senators in Oregon became subject to term limits under exceptional circumstances. They were originally appointed to mid-term vacancies and consequently became subject to term limits before other members of the Oregon senate.

Information on the race or ethnicity of candidates was not available from the Project Vote Smart website; however, we were able to gather information on the race and ethnicity of incumbents and general election winners from other sources. African Americans serving as state legislators before and after the 1998 and 2000 elections were identified through lists provided by the Joint Center for Political and Economic Studies. Because no similar clearinghouse exists for information on Latino and Asian American officeholders, we relied on the clerks of the house and secretaries of the senate in each state for identification of Latino, Asian American, and Native American pre-election incumbents and post-election winners.⁵ As an additional cross-check (although admittedly one that has limitations) on those whom our sources had not identified as African American, Latino, Asian American, or Native American, we obtained and visually inspected pictures of legislators over the Internet or through legislative directories for several of the states.

Because of the very small number of cases of minority legislators in term-limited state senate seats both before and after the 1998 and 2000 general elections,⁶ our analysis is limited to state house seats. Additionally, because no data are available regarding the race and ethnicity of primary candidates, our analysis is limited to outcomes of general election races.

The Effect of Term Limits on the Numbers of Women in State Houses

Women and minorities fared very differently in races for term-limited seats in the 1998 and 2000 elections (Tables 2 and 3). Contrary to the expectation of term-limit advocates and many scholars, the number of women serving in term-limited state house seats actually decreased following each election.⁷ In other words, more women were forced to vacate seats because of term limits than were elected to seats that were open as a result of term limits. Across the six states that implemented term limits for state house races in 1998, forty-seven incumbent women were forced to leave office as a result of term limits while only forty-three women won election to house seats vacated by term-limited incumbents (Table 2). Similarly, across the eleven states in which term limits were in effect for house seats in 2000, seventy women who served in term-limited seats left office while only sixty-five new women were elected to seats that were open as a result of term limits (Table 3).⁸

Although the number of women serving in term-limited seats decreased in each election, women were able to compensate for these losses by gains made in races where they challenged incumbents (in both 1998 and 2000) and where seats were open for reasons other than term limits (in 2000) (Tables 2 and 3). As a result, the total number of women serving in the lower houses of the six states that implemented term limits in 1998 remained the same—145—before and after the 1998 elections, and the total number of women state representatives in the eleven states affected by term limits in 2000 actually increased following the 2000 elections from 265 to 271.

The numbers of women elected to term-limited seats did vary notably across the six states. In only two (Michigan and Oregon) of the six states that implemented term limits in 1998 were more women elected to seats that were open due to term limits than were forced out of office because of term limits.⁹ In one state (California) the numbers of women serving in term-limited seats before and after the 1998 elections stayed the same, and in three states (Arkansas, Colorado, and Maine), the numbers decreased.¹⁰

Similarly, in only three (California, Ohio, and South Dakota) of the eleven states affected by term limits in 2000 were more women were elected to house seats which were open as a result of term limits than were forced out of office because of term limits.¹¹ In

Table 2
Numbers and Proportions of Term-Limited, Other Open, and Non-Open
Seats in State Houses Represented by Members of the Same Group Before
and After the 1998 Elections in Six States^a

	Type of Seat	Pre- N=	Election %=	Post- N=	Election %=
Women	Term-Limited	47	26.3	43	24.0
	Other Open	11	25.0	10	22.7
	Not Open	87	25.4	92	26.8
Minorities	Term-Limited	22	12.3	29	16.2
	Other Open	3	6.8	4	9.1
	Not Open	28	8.1	30	8.7
African Americans	Term-Limited	12	6.7	15	8.4
	Other Open	1	2.3	2	4.5
	Not Open	18	5.2	18	5.2
Minority Women	Term-Limited	11	6.1	9	5.1
	Other Open	2	4.5	1	2.3
	Not Open	7	2.0	8	2.3
African American Women	Term-Limited	7	3.9	3	1.7
	Other Open	0	0.0	1	2.3
	Not Open	4	1.2	5	1.5

^a States included are Arkansas, California, Colorado, Maine, Michigan, and Oregon. There were no minorities in term-limited seats in Maine and no African Americans in California, Colorado, and Maine either before or after the election. There were no minority women in term-limited seats in Maine either before or after the election. The only states with African American women in term-limited seats before or after the election were Arkansas, Michigan, and Oregon.

three states (Arizona, Florida, and Oregon) the numbers of women in term-limited seats stayed the same while women's numbers decreased in five states (Arkansas, Colorado, Maine, Michigan, and Montana).¹²

The Effect of Term Limits on the Numbers of Minorities in State Houses

In contrast to the pattern for women state representatives, minorities increased their representation in term-limited seats in both the 1998 and 2000 elections. Overall, the number of minorities serving in term-limited house seats increased from twenty-two to twenty-nine following the 1998 elections (Table 2) and from thirty-two to thirty-nine following the 2000 elections (Table 3). In 1998, the most notable increases came in Michigan, where the number of minorities serving in term-limited seats increased from

Table 3
Numbers and Proportions of Term-Limited, Other Open, and Non-Open
Seats in State Houses Represented by Members of the Same Group Before and
After the 2000 Elections in Eleven States^a

	Type of Seat	Pre- N=	Election %=	Post- N=	Election %=
Women	Term-Limited	70	25.5	65	23.6
	Other Open	25	27.2	31	33.7
	Not Open	170	26.2	175	27.0
Minorities	Term-Limited	32	11.6	39	14.2
	Other Open	12	13.0	14	15.2
	Not Open	74	11.4	75	11.6
African Americans	Term-Limited	22	8.0	24	8.7
	Other Open	5	5.4	5	5.4
	Not Open	36	5.6	38	5.9
Minority Women	Term-Limited	8	2.9	11	4.0
	Other Open	4	4.3	5	5.4
	Not Open	22	3.4	26	4.0
African American Women	Term-Limited	7	2.5	8	2.9
	Other Open	0	0.0	1	1.1
	Not Open	11	1.7	14	2.2

^a States included are Arizona, Arkansas, California, Colorado, Florida, Maine, Michigan, Montana, Ohio, Oregon, and South Dakota. There were no minorities in term-limited seats in Maine or Oregon and no African Americans in California, Colorado, Maine, Montana, Oregon, or South Dakota either before or after the election. The only states with minority women in term-limited seats before or after the election were Arizona, Arkansas, California, Florida, Michigan, and Ohio. The only states with African American women in term-limited seats before or after the election were Arizona, Arkansas, Florida, Michigan, and Ohio.

five to eight, and in Colorado, where the number increased from two to four. In 2000, the largest increases were again in Michigan, where the number of minority representatives in term-limited seats increased from three to six, and in Florida, the state with by far the largest number of minorities serving in term-limited seats, where the number increased from sixteen to eighteen. To some extent, gains made by minorities in term-limited seats seem to have been part of a larger pattern of gains for minorities more generally; in both elections minority representatives also increased their numbers slightly in other open seat races and in races where minority candidates challenged incumbents (Tables 2 and 3). Nevertheless, the gains for minorities in races for term-limited seats were proportionately greater than in races for other types of seats.

Just as minorities in general increased their numerical representation in term-limited seats, so, too, did African Americans (Tables 2 and 3). Increases in 1998 were concentrated in the states of Arkansas and Michigan; in each state African Americans increased their numbers by two in races where incumbents had been forced out by term limits.¹³ In 2000, the only increase for African Americans was again in Michigan, where six African Americans were elected to seats open because of term limits while only three African Americans were forced out of office by term limits.

An examination of the rates at which term-limited incumbents were replaced by members of the same group (e.g., women, minorities, and African Americans) provides a partial explanation for why minorities increased their numbers in term-limited seats while

Table 4
Proportions of Term-Limited State House Seats Previously Held by Various Groups Where a Member of the Same Group won the 1998 General Election^a

	Percent of Term-Limited House Seats Held by a Group Member Where a Member of the Same Group Won the General Election ^b
Women	25.5
Minorities	81.8
African Americans	91.7
Minority Women	27.2
African American Women	14.3

^a States included are Arkansas, California, Colorado, Maine, Michigan and Oregon.

^b N= 47 for women, 22 for minorities, 12 for African Americans, 11 for minority women, and 7 for African American women.

Table 5
Proportions of Term-Limited State House Seats Previously Held by Various Groups Where a Member of the Same Group won the 2000 General Election^a

	Percent of Term-Limited House Seats Held by a Group Member Where a Member of the Same Group Won the General Election ^b
Women	28.6
Minorities	90.6
African Americans	95.5
Minority Women	12.5
African American Women	14.3

^a States included are Arizona, Arkansas, California, Colorado, Florida, Maine, Michigan, Montana, Ohio, Oregon, and South Dakota.

^b N = 70 for women, 32 for minorities, 22 for African Americans, 8 for minority women, and 7 for African American women.

the numbers of women in these seats declined. In contrast to the pattern for women, minorities in term-limited seats were usually replaced by other minorities; this was particularly true for African Americans (Tables 4 and 5). The high level of success that minorities had in retaining seats is undoubtedly a reflection of the fact that many minority legislators represent majority-minority districts. Nevertheless, the high rate of retention of term-limited seats gave minorities a strong base on which they could build numerical increases by taking advantage of a few of the opportunities presented by seats vacated by term-limited, non-minority incumbents. In contrast, because term-limited women incumbents were replaced by other women in only about one-fourth of all cases in both elections, women had a proportionately smaller base on which to build and would have had to win many term-limited seats previously held by men in order simply to maintain their numbers.

Another part of the explanation for why minorities increased their numbers in term-limited seats emerges from an examination of the gains they made in term-limited seats previously held by non-minorities. In the 1998 elections, a total of eleven term-limited seats (in four states) held by whites prior to the election were captured by minorities. Of these eleven seats, four seats, two in Arkansas and two in Michigan, were won by African Americans; all four seats were in majority-black districts where a white incumbent had held office for fourteen to twenty years. In 2000, ten term-limited seats (in six states) held by whites prior to the election were won by minorities. Of these ten seats, three seats, all in Michigan, were won by African Americans. One of these seats was in a majority-minority district (43 percent black and 12 percent Latino), which the white incumbent had represented for the past six years while the other two were in districts where majorities of the voters were white.

Thus, it appears that the implementation of term limits enabled African American candidates to capture some seats in districts where a majority or near-majority of voters were African American, but where the power of incumbency had helped white representatives remain in office for a long period of time. African Americans also gained a couple of seats in majority-white districts.

For the one Asian American in 1998, the one Native American in 2000, the six Latinos in 1998, and the six Latinos in 2000 who were able to capture term-limited seats previously held by whites, the picture is somewhat different. The Asian American and Native American were both elected in districts that were predominantly white (although a reservation is partially located in the district of the Native American). While two Latinos in 1998 and two in 2000 were elected in districts with substantial Latino populations (i.e., greater than 40 percent), nevertheless, a majority of Latinos were elected in districts with predominantly white populations. One Latino in 1998 was elected in a district where only one-fifth of the voters were Latino, and three Latinos in 1998 and four in 2000 were elected in districts where Latinos were less than 12 percent of the population.

Thus, term limits seem to have presented two different type of opportunities for minorities, one of which more often benefited African Americans while the other more often worked to the advantage of Latinos (and to a lesser extent Asian Americans and Native Americans). By removing from office some white incumbents who had long served in majority-minority districts, term limits provided opportunities for minorities, mostly African Americans, to capture seats in those districts. In contrast, several minorities, especially Latinos, were successful in winning seats in districts where whites were a majority, often a sizable majority, of the population. It is the combination of these different patterns, one more common for African Americans and one more common for Latinos that helps to account for the post-1998 increase in numerical representation of minorities in term-limited seats.

The Effects of Term Limits on the Numbers of Minority Women

Minority women are included in the above analysis of "women" as well as in the analysis of "minorities." Yet, women and minorities fared very differently in races for term-limited house seats in the 1998 and 2000 state legislative elections, with minorities increasing their numerical representation in term-limited seats at the same time that the numbers of women in term-limited seats decreased. Analyzing women of color separately is intrinsically important, as we argued earlier, since their life experiences and identities are in many ways distinct from those of both white women and men of color. Nevertheless, the fact that women and minorities fared differently overall in elections for term-limited state house seats in 1998 and 2000 makes all the more intriguing the question: how did minority women fare?

For the 1998 elections the pattern for minority women more closely resembles the pattern for women than it does for minorities (Table 2). While the number of cases is small, the number of minority women serving in term-limited state house seats decreased by two following the 1998 elections. Moreover, the decline in numbers was concentrated among African American women (Table 2). While African American women were able to increase their numbers by one in seats open for reasons other than term limits and also by one in races where they challenged incumbents, the number of African American women serving in term-limited seats decreased by four. In contrast, Latinas actually increased their representation in term-limited seats from four to six. (There were no Asian American women or Native American women serving in term-limited state house seats either before or after the 1998 elections.)

Unlike 1998 where the pattern for minority women more closely resembles the pattern for women overall, in the 2000 elections the pattern for minority women parallels the pattern for minorities more generally (Table 3). While the number of cases is again small, the number of minority women serving in term-limited seats increased by three following the 2000 elections. Like minorities overall, minority women also increased their numbers slightly in seats open for reasons other than term limits and in seats where an incumbent sought re-election (Table 3). Part of the increase in the numbers of minority women in term-limited seats was due to the victories of African American women, who won one more term-limited seat than they vacated. Latinas also increased their numbers in term-limited seats from one to three.

Like the pattern for women and unlike the pattern for minorities, few minority women in term-limited state house seats were replaced by women who shared their race or ethnicity in either election (Tables 4 and 5). This was true for minority women in general and for African American women in particular (Tables 4 and 5). Of the seven African American women who were forced out of office by term limits in 1998, only one (in Michigan) was replaced by another African American woman. Five of the seven African American women incumbents subject to term limits in 1998 served in the Arkansas state house, and all were replaced by African American men. The lone African American woman who was term-limited in Oregon in 1998 was replaced by a white woman.

Of the seven African American women legislators who were forced to leave office in 2000 due to term limits, five (including four in Florida) were replaced by African American males and another was replaced by a Latino man. Only one African American woman, an Ohio legislator, was replaced by an African American woman.

Term-limited Latinas were somewhat more likely to be replaced by another Latina in 1998. Of the four Latinas forced out of office by term limits, two (one in California and one in Michigan) were replaced by Latinas. The other two Latinas were replaced by

Latino men. The sole Latina who was forced by term limits to leave office in 2000 also was replaced by a Latino man.

Discussion and Conclusions

Findings from our analysis of electoral outcomes in states where term limits were in effect in 1998 and 2000 suggest that the answer to the question of whether term limits lead to more diverse legislatures is not straightforward. Moreover, our findings are sometimes contrary to the expectations of activists and scholars.

Women, minorities, and minority women have fared differently under term limits. Contrary to the expectations of term-limit advocates and many scholars of women and politics, more women state representatives were forced out of office by term limits in both 1998 and 2000 than were elected to seats vacated by term-limited incumbents.¹⁴ In contrast to this pattern for women, and contrary to the expectations of some scholars who suggested that minority representation would likely stay the same or decrease under term limits, the number of minorities in term-limited state house seats increased following both elections. Minority women fit neither the pattern for women nor for minorities. While the number of minority women (African American women in particular) serving in term-limited state house seats decreased slightly following the 1998 elections, the number of minority women (and African American women, more specifically) in term-limited seats increased slightly following the 2000 elections. (The number of Latinas increased slightly in both elections.)

Although minorities increased their representation in term-limited seats consistent with the projections of some term-limit proponents, a deconstruction of the category "minorities" reveals a more complex underlying set of patterns. African Americans increased their representation largely because they were able to win seats in majority-minority districts that were held by white incumbents who had served long tenures; however, they won fewer seats in majority-white districts. This raises the question of whether gains for African Americans under term limits will continue once all existing majority-minority districts have been subject to term limits.

The implications of our findings are somewhat more promising for Latinos who were able to win several term-limited seats in districts where Latinos were a minority (and even a small minority). The findings suggest that Latinos may continue to benefit from term limits if strong Latino candidates who can appeal to primarily white constituencies continue to come forward.

Although the numbers were small, the finding of decreases in the number of African American women in term-limited seats in 1998, contrary to the pattern for African American men, suggests that the implementation of term limits may have a somewhat different impact on the representation of African American women and men. Despite the fact that African American women increased their numbers in term-limited seats by one in 2000, the paucity of successful African American women candidates for term-limited seats in 1998 is troubling for anyone who might be concerned with increasing the numbers of minority women officeholders.

The mere existence of more political opportunities has not been sufficient to increase the number of women serving in office. The concerns of incumbent women public officials, who fear they will not be replaced by other women when they are forced to leave office as a result of term limits, seem to have merit. Large proportions of women legislators who relinquished their seats in 1998 and 2000 were replaced by men. This is very different than the pattern for minorities, the vast majority of which were replaced by

members of the same racial or ethnic group. Women legislators who know in advance that they will be forced to leave office by term limits could help increase the numbers of women in state legislatures by working to insure that they are replaced by other women, just as their minority colleagues are usually replaced by other minorities. This applies to minority women as well as to white women since most of the minority women who were forced to vacate their seats in 1998 and 2000 were replaced by men. Efforts to recruit women candidates to run for the seats of term-limited women legislators, as well as for the seats of other term-limited legislators, could help insure that the opportunities offered by term limits are eventually translated into the reality of increases in the number of women legislators.

Additional research is certainly needed as term limits are implemented in more states in future elections. However, thus far the answer to the question of whether term limits are leading to more diverse legislatures clearly depends upon the group being considered. To date, minorities have fared better than women under term limits, and for minority women the picture is decidedly mixed.

Notes

1. Term limits generally are phased in over multiple election cycles so that the entire legislature does not turn over at the same time. Consequently, only a portion of the legislators in either chamber of any of the affected states was subject to term limits in each of the years 1996, 1998, or 2000.
2. Our numbers are based on information provided both by the National Conference of State Legislatures and by the offices of each state's secretary of state. We have excluded eight representatives from Missouri in 2000 from the analysis in this paper because of the exceptional circumstances under which they became subject to term limits before term limits were implemented more broadly for their legislative bodies. See Table 1 for more information.
3. All term-limited seats in this analysis were in single-member districts except for term-limited house seats in Arizona and South Dakota in 2000, where two representatives were elected from each district. For districts in these two states, we coded two races per district but included all new candidates running in the district as possible candidates for each seat. Thus, if a district had one seat where an incumbent was seeking re-election and another which was open due to term limits, we coded the two races as separate cases, one as an incumbent-occupied seat and one as a term-limited seat with all candidates in the race counted as candidates for the incumbent-occupied seat and all candidates except for the incumbent counted as candidates for the term-limited seat.
4. Project Vote Smart is the major program of The Center for National Independence in Politics, a national nonpartisan 501(c)(3) organization focused on providing citizens/voters with information about the political system, issues, candidates, and elected officials. Vote Smart collects demographic data on candidates in statewide and state legislative races across the country. Additionally, Vote Smart administers a "National Political Awareness Test" which measures candidates' stances on issues of importance in each state. Vote Smart has collected independent, factual information on over 13,000 candidates and elected officials. Data from Vote Smart were obtained from their website (www.vote-smart.org).
5. While we recognize the multiplicity of racial and ethnic categories, the few verifiable sources for race and ethnicity information on state legislators prevented us from going beyond standard identifications of individuals as either white, African American, Latino, Asian American, or Native American.
6. $N = 2$ before and $N = 6$ after the 1998 elections; $N = 10$ before and $N = 10$ after the 2000 elections.
7. For a much more detailed analysis of how women candidates for state legislative seats fared under term limits in the 1998 and 2000 elections, see Carroll and Jenkins 2001.
8. Although the relationship between gender and pre- and post-election occupancy of term-limited seats is weak statistically (Yules $Q = -.06$ for 1998 and $-.05$ for 2000), the decreases in the number of women serving in these seats, while small, are nevertheless politically significant.

since they are contrary to the expectations of the literature which suggests a moderate, positive relationship between gender and pre- and post-election occupancy of term-limited seats.

9. The number of women serving in term-limited seats increased from sixteen to seventeen in Michigan and from five to nine in Oregon.
10. In Arkansas nine women were forced to vacate term-limited seats, and only eight women were elected to seats that opened up as a result of term limits. Similarly, the number of women serving in term-limited seats declined from nine to two in Colorado and from two to one in Maine.
11. The number of women serving in term-limited seats increased from five to eight in California, from twelve to fourteen in Ohio, and from three to five in South Dakota.
12. The number of women serving in term-limited seats declined from six to one in Arkansas, from three to one in Colorado, from five to four in Maine, from seven to four in Michigan, and from seven to six in Montana.
13. In contrast, the number of African Americans serving in term-limited state house seats in Oregon, the only other state with an African American incumbent who was forced out of office by term limits, declined from one to zero following the election.
14. Complicating the picture even more, this is not true for state senates where the number of women serving in term-limited seats increased in 1998 and stayed the same in 2000. See Carroll and Jenkins 2001.

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The Demonstration Disposition Program in Boston, Massachusetts: Lessons for Resident Empowerment and Neighborhood Revitalization

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Introduction

This essay discusses the policy implications of the Demonstration Disposition Program in Boston, Massachusetts, for neighborhood revitalization in low-income areas. This housing rehabilitation program is among the largest in the history of Boston and, based on information collected and analyzed for the period 1994 to 2002, can be described as a successful initiative involving resident participation and generating economic development.¹ Financed by HUD and administered by Massachusetts' state housing agency, the program was aimed at rehabilitating more than 1,800 housing units for low-income residents living in HUD-owned housing in Boston. It is one of the largest HUD-supported rehabilitation programs in the nation, and represented the biggest initiative to improve the stock of affordable housing in this city. In addition to the rehabilitation of housing, the program's goals included resident empowerment and home ownership, and local economic development. The program was successful in several ways: it facilitated resident participation between pre-construction and disposition of housing; it provided a mechanism for the expenditure of more than \$330 million in ways that spurred local economic development; and, it transferred ownership of housing to tenant associations. This paper provides a brief history of the program and its characteristics, and information about how the goal of resident empowerment and local economic development were achieved under this initiative. It concludes with a discussion of implications of this program for neighborhood revitalization strategies in low-income and predominantly black and Latino urban areas.

The authors propose that this program holds important lessons for neighborhood revitalization in low-income urban areas. Places described as such remain numerous in many

U.S. cities. In 1998, for example, the U.S. General Accounting Office reported that there were 14,000 census tracts in a national total of approximately 58,000 census tracts that could be described as distressed based on a poverty rate of 20.0 percent or higher (GAO 1998). Many of these census tracts are located in predominantly black and Latino neighborhoods. These places have higher levels of poverty and unemployment, lower labor force participation, lower homeownership rates, and generally a greater level of inferior housing stock than is found in their respective cities.

This scenario has given rise to public policy questions regarding appropriate responses to spatial and racial inequality. Some of these questions include: Is neighborhood revitalization worthwhile? What is the role of government regarding neighborhood revitalization? Should poor people be encouraged to leave their neighborhoods in order to revitalize these areas? How can local economic development be triggered and sustained in poor and working-class neighborhoods? How can small and local businesses be strengthened? How can civic capacity and partnerships be increased and supported on behalf of neighborhood-based actions aimed at improving living conditions? The Demonstration Disposition Program provides information that is germane to some of these questions; but most importantly, it shows that the idea of neighborhood revitalization—and for the benefit of low-income and working-class residents—is workable. While the idea of revitalization of low-income and dilapidated neighborhoods has been disparaged by some writers (Lemann 1994; Halpern 1995), the Demonstration Disposition Program represents an opportunity to revisit ideas for urban investment strategies and citizen participation.

The original mission of the Demonstration Disposition Program, started in 1995, was to rehabilitate 2,197 housing units owned by the Department of Housing and Urban Development (HUD) in Boston, Massachusetts, in ways that reflect a resident-centered plan and generate economic development activities in the targeted neighborhoods. The program was established and developed with five goals: (1) rehabilitation and disposition of 1900 HUD-owned housing units; (2) design and implementation of initiatives to prepare residents to become homeowners of these units; (3) long-term preservation and affordability of the units; (4) creating economic opportunities in the target communities for businesses and residents; and, (5) remedying discrimination against minority-owned and women-owned businesses. By 2002, eight of the original eleven sites were complete in terms of construction rehabilitation, and these sites were in the process of ownership transference from HUD to resident organizations at the housing sites.

This massive program is funded by HUD at a cost of more than \$330 million, and managed by the Massachusetts state housing agency, MassHousing, formerly named the Massachusetts Housing Finance Agency until 2000. After several changes from the initial financial plan for this initiative, HUD and MassHousing agreed on a funding framework to help ensure that the renovated housing units would remain affordable for low-income residents. The financial arrangements included \$226.7 million from the Federal Housing Administration Insurance Fund for renovations; utilization of project-based expenditure of \$101 million in Section 8 subsidies over a fifteen-year period; utilization of Low Income Housing Tax Credits by some of the sites; \$17 million in syndication bridge loans to some of the sites in order to meet construction costs not covered by funding from the FHA Insurance Fund. The financial arrangements also included funding for a range of resident and housing site assistance for capacity building activities.

The program provides lessons for understanding how to develop effective partnerships between neighborhoods and government, and investing resources in ways that increase the level of economic development activities and provide affordable housing. Under this program, and due to resident requests for additional community space and

larger units, 1,862 housing units (rather than the original 2,197) were rehabilitated as affordable and cooperatively owned housing. Furthermore, hundreds of millions of dollars were expended through contracts with small and local businesses, many representing black, Latino, and women-owned businesses. Related program accomplishments include:

- increase in the stock of low-income housing;
- provision of considerable resources for the development of small and local businesses, including businesses owned by blacks and women;
- increase in employment opportunities for local residents on construction-related labor;
- minimal displacement or relocation of residents during the construction of the housing units;
- design of long-term fiscal framework for the continual affordability of the units; and
- encouragement of civic participation and partnerships between local businesses, community-based organizations, and residents.

These accomplishments are consistent with federal goals established in earlier housing legislation, including the Housing and Community Development Amendments of 1978 (Section 203) and other guidelines for the rehabilitation of publicly subsidized housing.²

The Demonstration Disposition Sites

The Demonstration Disposition sites are located in the city's predominantly black and working-class neighborhoods of Roxbury, Dorchester, and the South End. These neighborhoods are part of eleven Demonstration Disposition housing development "packages" or sites incorporating all the housing units. Some of the sites include scattered housing units that are not connected to each other, but are clustered in proximity. Approximately 39 percent, or 855 of the original 2,197 HUD units were vacant and uninhabitable and 1,330 (or 61 percent) were occupied. Figure 1 shows the location of the sites in Boston.

The buffer area overlaps with the neighborhood of Roxbury and with parts of Dorchester and the South End neighborhoods, and one site, Fieldstone, in the Mattapan neighborhood of Boston. Based on the U.S. Bureau of the Census 2000 there are approximately 62,565 persons living within a half-mile buffer of all Demonstration Disposition properties. The 2000 census indicates that about two-thirds (67.0 percent) persons are black and 23.0 percent are Latino, the remaining composed of Whites, Asians, and others. Approximately 29.3 percent of all families, including 7,200 children under the age of 18 years within this buffer area were reported as impoverished in 2000. Based on 1999 figures, the per capita income for black residents was \$13,487 and for Latino residents it was \$9,726. The unemployment rate for males 16 years and over and living in this buffered area was 11.0 percent in 2000, and for women it was 9.0 percent. Compared to other parts of Boston, the homeownership rate is very low. There are 26,203 housing units, of which 8.0 percent were counted as vacant and where only 4,830 of these total units are owner-occupied.

Building Resident Empowerment

A key feature of this program is its resident-centered program orientation. Other housing initiatives certainly have called for resident participation and community partnerships. Under this program, however, residents are the fulcrum (rather than an add-on) for

Figure 1



collaboration between small businesses, MassHousing, tenant-advocacy groups, and community-based organizations. The partnerships evident under this effort are glued by the fact that residents at the eleven sites have the power to decide the nature and substance of alliances with other sectors, including local businesses, community development corporations, and other participants. Due to resident influence over fiscal and policy matters these sectors had to respond to the agendas of residents rather than accommodate residents into their own organizational agendas and interests.

Resident associations served as important arenas in allowing residents to voice concerns about the progress of the renovation work, but also were key for sharing of information. The resident organizations were able to communicate common concerns through numerous and regular meetings held with MassHousing and other organizations. They helped to design the architectural vision for their housing sites and participated in details that were part of determining time frames and the scope of work for these vision plans. The role of these organizations represented a critical component in ensuring a resident-centered program.

Residents participated in planning and decision-making that involved:

- determining the type of cooperative ownership and management of the new units;
- selecting architects and approving design plans;
- providing input about relocation issues and strategies;
- monitoring of construction-related activities and scopes for repairs;
- selection of property and development and architectural teams for sites;
- involvement in determining responses to public safety issues;

- planning the type of fiscal strategies that would help keep the new rehabilitated units affordable.

Under the initial leadership of Marvin Siflinger and Eleanor White, executive director and deputy director of the housing agency during the early stages and initiation of the Demonstration Disposition Program, agency forums such as the Inner City Task Force and the MBE Linkage Committee were started and supported in order to allow residents to discuss a wide range of issues, including changes in HUD, financing and budget changes, and changes at the agency, as well as providing updates on progress at various sites. These venues were supported by two subsequent agency executive directors, Steven Pierce and Thomas Gleason. The forums represented a participatory tool for residents, especially for those living in sites that needed time to develop strong resident associations. These arenas were important for sharing information and insights about the issues faced by resident associations as they became involved with the implementation of the program. Once viable resident associations were established at the sites, the Inner City Task Force was eventually folded into the MBE Linkage Committee.

An early problem with the operationalization of resident involvement was that some of the housing sites did not have viable resident organizations during the first years of planning for the program. This was a serious issue because calls for resident involvement in decision-making would be meaningless if residents lacked organization and access to technical assistance regarding decisions about complicated construction and fiscal matters. For this reason residents participated in training sessions and workshops funded by MassHousing. The technical assistance offered by the agency, and at times in partnership with other organizations such as the Massachusetts Boston Housing Partnership, the Boston Housing Tenants Alliance, the Community Economic Development Assistance Corporation, and others, sought to make tenants aware of legal and management issues regarding the implementation of the program.

This kind of technical assistance was vital in ensuring that resident associations would become organizationally competent in decision-making involving millions of dollars in the letting of contracts and the future of the housing sites. Training was conducted primarily at each of the housing sites, but there were also workshops and activities at central locations where residents from the eleven housing sites would meet to discuss issues about the progress of the program. The state agency also paid for resident coordinators at each of the sites to ensure that the burden of organizing residents, and assessing concerns and interests, would not be solely dependent on a spirit of volunteerism.

The areas covered under technical assistance included information about incorporating organizations; training for more effective boards of directors; workshops and training related to developing effective relationships with vendors and business consultants, and property managers; exercises in strategic planning; information about the development of information management and record-keeping; and, workshops on fund raising and development of resources. The rationale underlying these kinds of services is that residents would have to be trained and supported in order to become effective decision-makers regarding issues that touched very technical matters, such as blueprints and construction plans, legal and fiscal matters.

Generating Local Economic Development

Another key goal of this initiative is the utilization of housing construction funds to expand economic development in the targeted neighborhoods. The Demonstration Disposition Program includes several features that are similar to other efforts seeking to

integrate housing with social services and economic activities. For example, HOPE VI, an initiative to rehabilitate housing and educate, train, and help the residents become self-sufficient, calls for a dual focus on addressing capital and human needs. However, the integration of both kinds of components as well as a focus on economic development is not as prioritized as it is with the Demonstration Disposition Program.³ This program places greater attention on economic development than the HOPE VI program. The Demonstration Disposition Program was designed as a resident-centered housing rehabilitation program with concomitant focus on economic and community development. In other words, while focusing on a strategy to improve housing and increase tenant-ownership, the agency sought to spur economic development in the targeted neighborhoods by working with local businesses and others, but also assisting residents with education and human services.

Economic development was approached as a framework that included the following components:

- expenditure of construction funds through contracts and sub-contracts with minority-owned and local businesses;
- expenditure of contracts and funds with minority-owned businesses in sectors such as architectural and legal companies, as well as property managers, security and service establishments;
- continual support to local and minority-owned businesses in order to expand the capacity of this sector through technical assistance, strengthening of information management systems, information and access to business opportunities, and generating opportunities for joint venturing with larger firms;
- strengthening linkages between residents and local businesses in the areas of community planning and housing development;
- employment of local and community residents on construction related projects; and
- aggressive anti-discrimination monitoring (site visits; requirement of periodic reports; meetings with representatives of companies regarding noncompliance) of banks and insurance companies, and larger construction companies working with businesses owned by Blacks, Latinos, and women.

Initially, the agency agreed to expend 80 percent of all controllable expenditures under the program with minority-owned firms. Expenditures for construction activities would thus mean infusion of funds into the neighborhood resulting in an expansion of business activities; expanding long-range growth opportunities for management companies and service vendors; and the hiring of local workers.

In the pursuit of this 80 percent goal, MassHousing confronted a legal issue that could have derailed the Demonstration Disposition Program. Federal officials at HUD became concerned about potential lawsuits in light of several U.S. Supreme Court decisions declaring facets of affirmative action programs as unconstitutional. The major concern was that any white contractor might sue MassHousing and HUD over the goal of expending 80 percent of the controllable expenditures of the Demonstration Disposition Program on minority businesses. Presumably, the Supreme Court's Croson decision in 1984, and the Adarand decision in 1992, would represent the framework of this suit.⁴ Interestingly, the 80 percent goal negotiated with HUD was established a year after the Adarand decision, and almost ten years after the Croson decision. Although this goal was never defined or associated with "affirmative action" as such, nor as a minority set-aside, some individuals in MassHousing believed that the Agency could be vulnerable to a lawsuit based on these earlier judicial decisions.

MassHousing officials and others were concerned that a legal suit along these lines would damage the progress of the Demonstration Disposition Program and therefore should be avoided as much as possible by clarifying and revising this goal. Therefore, the agency adopted a goal of expending 30 percent of its contract dollars on minority-owned businesses, in addition to a goal of 80 percent for small businesses located in the target communities under the Demonstration Disposition Program. The goal of 30 percent was based on a review of racial disparity studies that were conducted for Boston and Massachusetts in the area of transportation and construction, and housing construction, and which concluded that some degree of racial discrimination did occur in previous periods in rewarding of contracts to black business owners in Massachusetts. By taking a geographic focus on economically revitalizing the neighborhood, rather than black or Latino businesses specifically, an issue that could have derailed this massive initiative was transformed into a mechanism that guaranteed significant participation on the part of minority, and women-owned businesses in the program.

After a goal of using 80 percent of all controllable expenditures for minority-owned business contracts was changed to one of 80 percent of all controllable expenditures for local businesses, it became easier to direct a large proportion of construction funds to established minority- and women-owned businesses, as well as to other small businesses located in those neighborhoods. Businesses owned by people of color, as Table 1 shows, also received millions of dollars for providing architectural, legal, and property management services. Table 1 shows the overall expenditure of construction funds over several years since the program's inception. Almost \$244 million was spent on construction for the eleven housing sites between 1995 and 2001. Almost half of this amount, or \$122 million contained in construction contracts was awarded to minority-owned businesses, and \$17 million dollars was awarded to women-owned firms.

In addition to receiving significant funding through contracts, or sub-contracts, the capacity of local and small businesses was expanded in two basic ways. First, due to limited bonding many of the sub-contractors who received contracts through the prime contractors may not have been eligible to bid on the construction projects; but under the Demonstration Disposition Program they were able to participate through joint ventures with larger ones. This improved their capacity by allowing the building of business experiences related to working on larger projects, and strengthening the potential bonding capacity of smaller and local businesses. Second, opportunities to provide services and products as sub-contractors enhanced the reputations and networking contacts that proved advantageous for future projects in both the city and region.

Residents voiced early concerns about ensuring that the program would provide employment opportunities for local residents. MassHousing worked with resident associations in encouraging vendors and service providers to hire local residents. There was also emphasis on the hiring of residents for work related to the construction activities. This was facilitated through the participation of residents in the selection of construction firms. It was also encouraged by the rewarding of bid points to contract and business proposals of local firms committed to hiring workers who were residents at the housing site or the community. Table 2 shows that a total of 1.37 million hours of work were generated as a result of the construction contracts issued between the initiation of Demonstration Disposition through 2001. Approximately 99,000 or 7 percent of these hours, were earned by Demonstration Disposition residents, and another approximately 460,000 hours, or 34 percent of the hours, were used by residents of the targeted communities. Thus, 41 percent of all work hours generated by construction activities during and up to that period, were used by residents of the neighborhoods in which the Demonstration

Table 1
Overall Expenditure of Construction Funds—1995-2001

CONTRACT CATEGORIES	TOTAL \$ Awarded	MBE \$ Awarded	% Achieved	WBE & M/WBE \$ Awarded	% Achieved	Local Business \$ Awarded	% Achieved
GENERAL CONSTRUCTION	\$243,293,490	\$121,716,402	50%	\$16,801,151	7%	\$128,354,878	53%
	73%						
ARCHITECTS	\$25,187,021	\$20,646,026	82%	\$1,211,944	5%	\$2,721,546	11%
	8%						
PROPERTY MANAGEMENT	\$17,584,905	\$8,635,885	49%	\$1,198,628	7%	\$8,095,641	46%
	5%						
SECURITY	\$17,358,334	\$17,304,364	100%	\$2,669,158	15%	\$14,831,374	85%
	5%						
RESIDENT RELATED SERVICES	\$20,143,311	\$16,311,518	81%	\$3,308,425	16%	\$12,909,652	64%
	6%						
PROFESSIONAL SERVICES	\$9,259,760	\$1,670,927	18%	\$289,475	3%	\$610,316	7%
	3%						
TOTAL	\$332,826,821	\$186,285,122	56%	\$25,478,781	8%	\$167,523,407	50%

Source: Figures are based on HUD PMS data system up to June 2001. In addition, general contractors, architects and property management companies have provided information on consultant subcontractors and vendors, where appropriate.

Notes: Awarded dollars and goal achievement for Minority Women Businesses are counted in both Women and Minority Business categories. All dollars and percentages are rounded to the nearest whole number. "Uncontrollable Expenditures" are not included in program-wide totals, i.e., property taxes, water and sewer fees, utilities, payrolls/ workmen's compensation, Section 8 certificates/vouchers, and rents paid to individual landlords.

Table 2
Distribution of Work Hours—1995-2001

Combined Local Workers	Hours Worked	Goal	% Achieved
Overall	1,376,724.60		
Minority Workers	754,750.40	0.30	0.55
Women Workers	56,317.80	0.15	0.04
Local Demo Workers*	98,668.70	N/A	0.07
Other Local Workers	459,725.83	N/A	0.33
Combined Local Workers	558,394.53	47% (Avg.)	0.41

Note: The 7% hours attributed to local demo workers represent 351 individual workers who reside at Demonstration Disposition properties. This information pertains only to the period up to 2001.

Disposition sites are located. Black workers, along with some Latino workers, earned approximately 750,000 hours of contract work, while women worked about 56,000 hours of contract work during this period. Women of color, however, did not fare as well. Although there was a hiring goal of 15 percent for women, in fact, only 4 percent was achieved by 2001.

The Role of the MassHousing Agency

MassHousing provided the management services and funding for the overall program. In this regard, it was responsible for many things including asset management of properties, fiscal and legal oversight, monitoring the progress of the program, and working with external stakeholders including community-based organizations, local and state elected officials, and HUD. Residents expressed both praise and concerns about the oversight provided by MassHousing. In summary, concerns were expressed regarding turnover of agency personnel and consultants retained by MHFA. In the early phases of the program, residents at some housing sites found that they had to continually develop relationships with new agency staff or architects that tended to delay the building of effective communication and trust between various interests. Related to this criticism, is the concern that MassHousing provided little or timely information that would serve to keep residents informed of the progress and potential problems in the implementation of the program. Residents expressed some consternation about the construction delays or lack of progress with proposed timetables. Residents proffered complaints about the design and quality of construction in some places. There were a number of complaints about the lack of quality in the materials, insecure fixtures, and inadequate responses to pest control. Related to this, some residents believed that MassHousing was lax, at times, in monitoring the contractors and the materials they used.

An early fear of some residents was that the physical improvements in their housing sites would not last. This seemed to be a carryover of skepticism borne from earlier frustrations dealing with other public agencies and commitments for improving housing and neighborhood conditions. The process for relocation was an area of some concern in its initial stages. Many residents felt that it could have been a smoother process if MHFA had (a) provided information about decisions affecting relocation more rapidly than was the case; and (b) anticipated potential problems that some residents raised early in the planning process. Some residents expressed that the relocation process was too rapid and abrupt and tended to be disruptive.

In spite of these concerns, both residents and business owners were generally satisfied with the way this project was managed by the state agency. There were several components of the agency's management approach that helped in the development of this project. These components emerged from many meetings with residents and community representatives over several years. Key components included (1) providing "places" for resolving disputes between various parties involved with this effort; (2) maintaining processes and actions to involve a wide range of stakeholders; (3) continually focusing on using precise language and definitions related to the program; (4) encouraging input from resident participants and community representatives; (5) keeping a continual focus on matters pertaining to economic development including the participation of local and minority/women-owned businesses; (6) showing strong visibility and commitment on the part of agency leadership; and (7) planning and adopting performance benchmarks for various facets of the program.

Lessons for Resident Empowerment and Neighborhood Revitalization

The accomplishments of the Demonstration Disposition Program suggest several important lessons germane for neighborhood revitalization that benefit long-time residents. One lesson is that quality resident participation and decision-making is a key tool for designing effective local initiatives. This is an observation that is frequently paid only lip service (Faber, Loh, and Jennings 2002). Many in the field of planning and urban affairs presume that

poor and working-class people in economically distressed neighborhoods do not have capacity for organizing on behalf of positive change. They would advocate de-concentration of poor people or call for initiatives that are based on gentrifying the neighborhood and attracting different kinds of residents (usually upwardly mobile and young professionals) to neighborhood areas facing economic distress.

The Demonstration Disposition Program shows that residents of poor and working-class neighborhoods can play a positive and sustaining role in helping to design and implement effective local programs. But this participation and potential contribution has to be based on power-sharing with residents in planning and implementing holistic and effective visions for the neighborhood. More than a quarter of a century ago one economist noted that the mere rhetorical call for resident empowerment in inner cities is meaningless without the sharing of power and resources: "From the perspective of the entire community...prior control of the infrastructure is essential to control of the process of subsequent development" (Harrison 1974, 6). This is also proposed by political scientist Gregory D. Squires: "Government at all levels has a responsibility to take an active role—in partnership with private industry and community organizations—in planning economic development and shaping public as well as private investment..." (Squires 1983, 5) He argues, furthermore, that safeguards must be "established to ensure that the intended public benefit will be realized..." (p. 5). This kind of call for resident empowerment is not contradictory to comprehensive local economic development. In fact, the long-time residents involved with the Demonstration Disposition Program reflected a repository of practical ideas that would be beneficial to many people. There are examples across the country that show that residents in poor and working-class communities not only want to get involved in civic matters, but when they do, can bring innovative and creative planning ideas about how to improve the neighborhood. (Jennings 2004)

A related point is that community participation has to be supported with significant resources. The mere call for community participation can remain meaningless absent concrete support in the form of funding, outreach, and technical assistance. The experiences of the Demonstration Disposition Program, for example, contrasts with other public housing strategies aimed at increasing homeownership among tenants. In reviewing programs aimed at encouraging public housing tenants to become homeowners, William M. Rohe and Michael A. Stegman pointed to three problems with some efforts: First, there was a "lack of sustained commitment" by the sponsoring housing agency; second, there was "difficulty in finding tenants who had both the means and the desire to buy their units..." and, third, there were "problems with relocating tenants who did not want to participate..." These authors identify the following factors as crucial in helping to enhance the effectiveness of strategies to convert public housing into cooperative homeownership: the quality of resident involvement; the desirability of the neighborhood; the extent and quality of repairs; and the degree of cooperative board and member training. (Rohe and Stegman 1993, 140) The Demonstration Disposition Program incor-

porated these qualities by providing residents and their associations financial support, board training, and organizational and technical skills, such as reading and critiquing blueprints and physical designs, and other skills necessary for realistic involvement in decision-making about the future of the housing site.

A study by Daniel J. Monti supports the importance of these kinds of services as a critical element in tenant empowerment. He writes that it requires much effort to establish the capacity of residents to make highly technical decisions and to organize themselves effectively as an interest group. He reminds the reader that, "Learning to run a public housing site successfully is not easy. It is the second skill resident leaders must master. The first is organizing their community..." The author adds that with many efforts, "...this ability was taken for granted, or the presence of a few strong leaders was thought to be sufficient..." (Monti 1993, 187)

The Demonstration Disposition Program shows that resident participation and empowerment are lofty goals, but also take much preparation and a commitment to sharing information about the progress, or lack thereof, of various facets of the program with residents. Basic ingredients necessary for quality resident participation is reiterated in a study by Nelson F. Kofie: "The process of 'cooperative homeownership' among low-income residents requires visionary leadership, mobilization of apathetic residents, and the garnering of public and private resources in order to acquire the property. Also, the process can be slow, complex, and time consuming in instances where many of the residents involved lack adequate education, organizational skills, and technical know-how" (Kofie 1999, 148). These issues were faced by residents throughout the program's history. Tenants were trained and supported in ways, however, that allowed them to understand the technicalities, and legalities, of the program's decisions in various stages.

Another lesson is that efforts for increasing the availability and capacity of small businesses are a key component of effective local revitalization strategies. In other words, "community development" is not possible without focus on building a healthy small and local business sector. The generation and expansion of businesses owned by members of communities of color and that are community-based is a key element for effective economic development of inner cities. The kinds of small businesses utilized under Demonstration Disposition tend to have a positive effect on the employment of residents and in developing processes for holding capital within the community. In that residents were hired by community-located businesses utilized by Demonstration Disposition, it means that the disposable income of the areas where residents lived was increased, and thus the wealth generated was "turned over" in the target areas. This dynamic contributes to the economic vitality of local areas.

Small businesses represent an important bridge between economic and community development, as a matter of fact. A review of studies of small Latino businesses in New York City, Camden, Boston, and Lawrence in Massachusetts, for example, indicated that these enterprises perform a broad range of social and economic services for their communities. They tend to provide employment, small amounts of credit, sponsor social and recreational events, and generally tend to be stabilizing institutional forces in their neighborhoods (Athey 1991). Resident decision-making in the area of contracts and sub-contracts helped to increase this kind of role for local businesses. Citizen participation, in other words, helped businesses become more conscientious neighborhood stakeholders concerned about many things beyond merely, the bottom-line. This reminds one of Henderson's admonition concerning a strong business sector in black urban communities:

"quality services, physical infrastructure development, environmental consciousness, youth development, historic preservation, and institutional development must also animate business as communities become empowered through the efforts of urban entrepreneurs" (Henderson 1994, 10). The qualitative involvement of citizens can ensure that support for a strong business sector results in the kinds of benefits alluded to by Henderson. (Bendick and Egan 1993). Under the Demonstration Disposition Program small businesses in the targeted neighborhoods were similarly encouraged to participate in non-business and community development activities.

In a conference sponsored by the Federal National Mortgage Association (Fannie Mae) in June 1993, "Addressing the Challenges of America's Inner Cities," it was reported that "participants stressed that it is time to view urban housing policies in the larger context of reversing the current downward spiral of urban America. No longer can the nation afford to overlook the interrelationships among housing, poverty, self-sufficiency, education, job training, and crime" (Carr 1993). While a role for the private sector and small businesses was critical for the success of this program, the participation of this sector was pursued and molded within a context that included (a) partnerships with non-profit sectors; and (b) relatively extensive decision-making authority on the part of residents about which small businesses would, or would not be able to engage in the construction and business activities. It is unlikely that by itself, and without the civic capacity of residents, that the private sector would have been able to realize the accomplishments noted here. Residents and neighborhood organizations, including community development corporations, and working with businesses represented the ingredients that propelled and supported this initiative.

The third lesson is that neighborhood revitalization strategies relying on small and local businesses must ensure that community partnership and entrepreneurship are not inhibited by policies or practices that impact negatively on racial equality. A plethora of national reports and studies indicate that racial discrimination in the areas of housing, banking, and insurance represent significant obstacles to the expansion of businesses in inner cities. One government report concluded that the "isolation and devastation of poor minority neighborhoods...is compounded when discriminatory institutional practices of lenders, investors, and insurers cut off the flow of capital needed for community and economic development." The report claims that these practices lead to "deteriorated housing, inferior schools, inadequate access to services, crumbling infrastructure, frayed social institutions, and a lack of local employment opportunities" (HUD 1994; Rockefeller Foundation 1994, 2).

While some progress has been realized in reducing overt racial bigotry, discrimination, and racism, these problems remain serious impediments to the economic development of poorer neighborhoods that are predominantly black or Latino. Absent a strong monitoring presence on the part of a state agency, the potential problem of discrimination against businesses owned by people of color could have become quite derailing of the initiative. Many representatives of minority-owned businesses continually raised the history and continuing specter of discrimination by these sectors and MassHousing provided considerable resources in responding to these concerns.

Conclusion

None of these lessons are new. For example, in a report for the Ford Foundation, *Neighborhood and Family Initiative* (1992), Richman et al. explain that a neighborhood-focused and comprehensive development "involves the formation and implementation of strategies that harness the interrelationships among social, physical, and

economic development, which have historically been treated as separate spheres of action" (p.1). A similar tone is heard in a paper circulated by The Rockefeller Foundation (1994): "Communities are key to an individual's work effort since they can reduce social isolation and provide networks of mutual obligation, enterprise, and cooperation. There is substantial evidence to show that relationships, networks, and connections facilitate individual work effort. Any effort to increase employment will be far more powerful when enacted in a community.... Moreover, efforts to expand economic opportunities will require building on community assets, and on increased citizen participation in public life" (p.4). Yet another observer notes that: "Turning these neighborhoods around requires policies that are place-specific. This includes several elements...providing jobs for neighborhood residents; creating a vital neighborhood business district with adequate retail services; creating decent affordable housing, especially homeownership, for residents; promoting public safety so that residents, entrepreneurs, and others feel free from crime and disorder; and fostering strong community institutions through which residents participate in improving their own neighborhoods" (Dreier 1993, 1394).

As noted in the beginning of this paper, some might argue that the kind of neighborhood revitalization strategy described here is misdirected, or wasteful. Low-income residents in economically distressed areas lack the skills, or motivation, or capacity to organize on behalf of a better neighborhood. One writer observes that there is "...a growing consensus among urban analysts that inner-city neighborhoods suffer from a lack of social capital. Social capital is said to crucially determine the conditions of inner-city neighborhoods" (Fraser et al. 2003, 421). The experiences and accomplishments of the Demonstration Disposition Program illustrate clearly that it is the very involvement of low-income and long-term residents that can save our neighborhoods. The program shows that the participation, input, and struggles of hundreds of residents—and their resident organizations—is a key factor in making this initiative a success. Certainly, MassHousing has to receive some degree of credit for the accomplishments described in this paper. But this would not have been possible without the enormous and rich social capital, community consciousness, and long history of neighborhood struggles led by residents, that already existed in these places. The Demonstration Disposition Program would not have been possible without the strong commitment and civic spirit exhibited by residents and local businesses, and others, including elected officials in the neighborhoods of Roxbury, Dorchester, and the South End.

While it is unlikely that HUD will have the future funding to sponsor another Demonstration Disposition initiative the size of Boston's program, there are useful points for thinking about linking policies that touch upon housing, social capital and resident participation, economic development, and human services. The program represents a model for showing how government can be a partner and effective in responding to the housing, social, and economic needs of inner-city neighborhoods. It also is a model for thinking and planning neighborhood revitalization that can result in stronger neighborhoods for residents even in areas characterized by relatively high rates of poverty and economic distress. In particular, strong resident and civic participation coupled with the programmatic integration of housing programs with efforts to enhance economic development are necessary elements for effective revitalization strategies. But as we have suggested here, and noted in our evaluation of this program, it is the ability and capacity of residents to engage in fundamental decisions about their housing and neighborhoods that represented the most important element for success. This is because no matter the social and economic problems facing poor and working-class neighborhoods, they nevertheless represent a trough of good will, collective caring, civic energy, and keen in-

sight relevant to improving the effectiveness of public policy related to local living conditions.

Notes

1. The article is based on a more extensive evaluation initiated and completed between 1994 and 2000. The evaluation report, *The Demonstration Disposition Program in Boston, Massachusetts, 1994-2000: A Program Evaluation* (March 2002), was designed and directed by James Jennings and a team of researchers, including Juan Evereteze (project director), Melvyn Colon, Dr. Russell Williams, Sue Kim, and Dr. Richard O'Bryant and under the auspices of the William Monroe Trotter Institute, University of Massachusetts Boston. Other individuals provided research assistance during various stages of the evaluation, including Dr. Paula Elliot and Marlene Bryant. The authors wish to acknowledge the assistance of Professor Rachel Bratt of Tufts University and Juan Evereteze for reviewing an earlier version of this article.
2. The criteria include the preservation and increase in housing units that would remain affordable; the provision of resources aimed at revitalizing neighborhoods; improving the housing units in terms of enhancing the units as decent and safe; and pursuing rehabilitation in ways that minimize the involuntary displacement of tenants and avoids demolishing projects. Title V of Housing and Development Act of 1970, 12 U.S.C. § 1701 addressed the acquisition and development of lands, beautification, open space studies, and demonstration programs. Title VI, which pertained to research and technology, entitled the Secretary of the Department of Housing and Urban Development to venture and pursue research programs and demonstrations that were within the goals and interests of HUD. The actual disposition of HUD properties was conducted under Title VI of the "Low Income Housing Preservation and Resident Ownership Act of 1990" (see also Property Disposition Amendment in 1978; The Housing and Community Development Amendments of 1978, 12 U.S.C. § 1701, Section 203; Housing and Community Development Act of 1987, Section 184 and Section 181, Subtitle C).
3. See "Public Housing: Status of the HOPE VI Demonstration Program" U.S. GAO, Report to the Subcommittee on VA, HUD, and Independent Agencies, Committee on Appropriations, House of Representatives, February 1997, p.11; and *Current Initiatives*, Part II, Sheet #92-93, published by the Boston Housing Authority.
4. See *Adarand Constrs., Inc. v. Slater*, 528 U.S. 216 (2000); and *Richmond v. J.A. Croson Co.*, 488 U.S. 469 (1989).

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The first part of the report deals with the general situation in the country. It is a very interesting and informative account of the country and its people. The author has done a great deal of research and has written a very well informed and interesting account of the country and its people. The second part of the report deals with the economic situation. It is a very interesting and informative account of the country and its people. The author has done a great deal of research and has written a very well informed and interesting account of the country and its people. The third part of the report deals with the political situation. It is a very interesting and informative account of the country and its people. The author has done a great deal of research and has written a very well informed and interesting account of the country and its people. The fourth part of the report deals with the social situation. It is a very interesting and informative account of the country and its people. The author has done a great deal of research and has written a very well informed and interesting account of the country and its people. The fifth part of the report deals with the cultural situation. It is a very interesting and informative account of the country and its people. The author has done a great deal of research and has written a very well informed and interesting account of the country and its people. The sixth part of the report deals with the religious situation. It is a very interesting and informative account of the country and its people. The author has done a great deal of research and has written a very well informed and interesting account of the country and its people. The seventh part of the report deals with the educational situation. It is a very interesting and informative account of the country and its people. The author has done a great deal of research and has written a very well informed and interesting account of the country and its people. The eighth part of the report deals with the health situation. It is a very interesting and informative account of the country and its people. The author has done a great deal of research and has written a very well informed and interesting account of the country and its people. The ninth part of the report deals with the housing situation. It is a very interesting and informative account of the country and its people. The author has done a great deal of research and has written a very well informed and interesting account of the country and its people. The tenth part of the report deals with the transportation situation. It is a very interesting and informative account of the country and its people. The author has done a great deal of research and has written a very well informed and interesting account of the country and its people. The eleventh part of the report deals with the communication situation. It is a very interesting and informative account of the country and its people. The author has done a great deal of research and has written a very well informed and interesting account of the country and its people. The twelfth part of the report deals with the energy situation. It is a very interesting and informative account of the country and its people. The author has done a great deal of research and has written a very well informed and interesting account of the country and its people. The thirteenth part of the report deals with the environment situation. It is a very interesting and informative account of the country and its people. The author has done a great deal of research and has written a very well informed and interesting account of the country and its people. The fourteenth part of the report deals with the international situation. It is a very interesting and informative account of the country and its people. The author has done a great deal of research and has written a very well informed and interesting account of the country and its people. The fifteenth part of the report deals with the future situation. It is a very interesting and informative account of the country and its people. The author has done a great deal of research and has written a very well informed and interesting account of the country and its people.

On the Limits of Litigation: A Case Study of *Ayers v Barbour*

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Introduction

Popular accounts of the civil rights movement often portray the Supreme Court's decision in *Brown v Board of Education* (347 U.S. 483 [1954]) as an unmitigated success—one in which American principles of equality before the law finally triumphed over the capriciousness of a legal-caste system based on racial discrimination. Richard Kluger describes the symbolism of *Brown* this way:

The Court had restored to the American people a measure of the humanity that had been drained away in their climb to worldwide supremacy. The Court said, without using the words, that this ascent had been made on the backs of black America—and that when you stepped on a black man, he hurt. The time had come to stop (1976, 710).

Indeed, Peller (1997) argues that *Brown* stands today as an American "cultural icon" because the Court, in overturning the "separate but equal" doctrine announced in *Plessy v Ferguson* (163 U.S. 537 [1896]) vindicates the nation's first principles.

Not only did *Brown* symbolize, as Kluger put it, "a reconsecration of American ideals" (1976, 710), it highlights the possibilities of using litigation as a strategy to achieve social change. Groups such as the National Organization of Women (NOW) and the Native American Legal Defense Fund, to a very significant degree, modeled themselves on the precedent set by the NAACP Legal Defense Fund. Groups of various ideological stripes—ranging from feminist organizations to abortion rights proponents (and opponents), to gay and lesbian activists, and the environmental movement—utilize the tools of litigation as key instruments in their overall efforts to shape the public agenda. Moreover, considering current trends, there is every reason to believe that many of these groups will continue to do so for a considerable time in the future.

In fact, this growing tendency to resort to the courts has caused some scholars to express concern about the *overemphasis* of legal strategies by interest groups designed to achieve what are essentially political ends (Horwitz 1979; Rosenberg 1991; Halpern 1995). These scholars tend to focus on what they see as the "legalization of politics" where groups seek favorable rulings from courts as a means to compel political institutions (i.e., state legislatures, Congress, school boards, administrative bodies, etc.) to do what they have

been heretofore unable to accomplish through the channels of the elected branches of government. Halpern concludes that

when we use litigation as a surrogate for political action, we pay a price. The litigation process itself seems to alter how we define problems and what we do about them. It redirects the focus of reform and saps energy and attention from other initiatives. It seduces us—too often producing illusory and largely symbolic gains (1995, 327).

African American civil rights activists have been chief among the various interest groups that have relied heavily upon the use of litigation as a weapon in their struggle against racial discrimination and in their efforts to create more opportunities for economic and social mobility for their constituents. Thus, a forthright examination of the limits of litigation has important strategic implications for the civil rights community. This is particularly true in light of a political and judicial climate that many African Americans characterize as hostile to sustained efforts on the part of the federal government to expand opportunities for minorities.

I use *Ayers v Barbour*, a higher education desegregation case in Mississippi that originated in 1975, as a classic example of the limitations of what can feasibly be accomplished within the confines of the legal process. *Ayers* provides an excellent case study because it is one of the most significant successor cases that have spawned from the momentous triumph of *Brown*—the very case that seems to vindicate loudly the efficacy of litigation to promote the cause of social change. First, I will briefly describe the legal odyssey that the case undertook—which included a ruling before the U.S. Supreme Court. Second, *Ayers* will be examined from the standpoint of the relief that the original plaintiffs sought. It will be argued that the very nature of the litigation process imposes formidable obstacles to the realization of the goals of the original plaintiffs. These obstacles, I will insist, are not simply peculiar to this particular case. Rather, they call into question the usefulness of litigation as a strategy to remedy the vestiges of racial discrimination. To the extent that other groups have copied from some of the successes of the civil rights movement, the lessons gleaned from this case study have implications for their reliance on the courts to achieve their goals as well.

A Brief History of *Ayers v Barbour*

On January 28, 1975, the Black Mississippians' Council filed *Ayers v Waller*¹ as a class action lawsuit. In their petition, they accused the state of Mississippi of violating the constitutional rights of its African American citizens by maintaining a separate and inferior system of higher education for blacks in violation of the Equal Protection Clause of the Fourteenth Amendment. However, unlike the NAACP lawsuits led by Thurgood Marshall, which were geared primarily at eliminating barriers to black admission at previously all white universities, the *Ayers* complaint charged Mississippi officials with systematically underdeveloping the state's predominately black universities. The affected institutions were Jackson State University (JSU), Alcorn State University (ASU), and Mississippi Valley State University (MVSU).² They aimed primarily at enhancing black universities as *black* universities, arguing that these institutions still served a vital role in assuring access to higher education for African Americans. Shortly thereafter, the U.S. Justice Department filed a motion to intervene as a plaintiff in the case (Motion to Intervene as Plaintiff, April 7, 1975).

The plaintiffs sought a federal court order requiring the state of Mississippi to make massive new investments to upgrade the physical plants, academic offerings, and faculty

salaries of the state's black universities in order to compensate them for a century of deliberate underfunding. Because of this discriminatory treatment, the plaintiffs argued, the state's black colleges offered vastly inferior educational opportunities than the state's historically white universities.³³ Mississippi's historically white universities are listed as follows, along with the date each was established: University of Mississippi (1844), Mississippi State University (1878), Mississippi University for Women (1884), University of Southern Mississippi (1910), and Delta State University (1924). Thus, *Ayers* represented the first time that blacks had challenged racially discriminatory practices in higher education where the principal goal was not simply acquiring access to all-white institutions, but where access was defined as strengthening black universities. Leading the list of plaintiffs was Jake Ayers, Sr., a long-time civil rights activist who had been a member of the Mississippi Freedom Democratic Party (MFDP).⁴ Though Ayers died in 1986, the suit still bears his name.

The state conceded that it had indeed deliberately discriminated against black universities in Mississippi—right up to 1962 when President Kennedy federalized the National Guard in order to insure the admission of James Meredith into the University of Mississippi. However, the state claimed that it had moved away from its past of *de jure* discrimination. Current policies governing higher education, the state's attorneys insisted, had been promulgated on a nondiscriminatory basis. Mississippi vehemently denied that *Brown's* mandate in higher education required it to compensate financially its black schools for the sins of its segregated past.

When twelve years of negotiations failed to resolve the impasse, the case went to trial. U.S. District Judge Neal Biggers decided in favor of the state. Construing the state's responsibility in remedying the effects of systemic racial discrimination as simply requiring nondiscriminatory admissions and hiring practices, Judge Biggers concluded that current policy in Mississippi satisfied that standard. (*Ayers v Allain*, 674 F. Supp. 1523 [N.D. Miss. 1987]). The plaintiffs appealed to a three-judge panel of the U.S. Fifth Circuit which reversed that ruling, declaring that the vestiges of Mississippi's *de jure* segregated system remained substantially intact (*Ayers*, 893 F.2d. 732 [5th Cir. 1990]). However, the state appealed to the full U.S. 5th Circuit, which set aside the previous ruling and upheld the determination of the trial judge (*Ayers*, 914 F.2d. 676 [5th Cir. 1990], *rev'd en banc*). The U.S. Justice Department and the *Ayers* plaintiffs appealed their cases to the U.S. Supreme Court. When the justices agreed to hear the case, they set the stage for an historic ruling. Heretofore, the U.S. Supreme Court had not made a definitive ruling pertaining precisely to what remedial measures states must take in order to eradicate the vestiges of *de jure* segregation in higher education.

The Supreme Court in *United States v Fordice* (505 U.S. 717 [1992]) ruled for the plaintiffs, determining that the lower court judges had employed the wrong legal standard. Complying with the *Brown* mandate in higher education requires the state to go much further than "nondiscriminatory admissions and hiring policies." Rather, the *Fordice* standard stipulates that policies that satisfy the following conditions are constitutionally suspect: (1) said policies are traceable to the era of *de jure* segregation; (2) policies that continue to have segregative effects in the present; (3) the policies in question are inconsistent with "sound educational practices;" and (4) these policies can be "practically eliminated" (505 U.S. 717, 728 [1992]). States that have policies in higher education found to satisfy these four conditions must either justify them or eliminate them. Using this standard, the Court determined that both the state's use of the American College Test (ACT)⁵ in the admissions process and the missions designations⁶ for the universities to be constitutionally suspect. The Court remanded the case back to the district

court. However, the *Fordice* decision delivered only a partial victory for the plaintiffs. The justices refused to order the state to equalize the facilities at the state's black universities; instead, they remanded the question of whether enhancement of those institutions is a necessary requirement for desegregation to occur to the lower courts.

After an extensive trial in 1994, Judge Biggers, using the *Fordice* analysis, did find significant aspects of Mississippi's higher education system that were both traceable to the *de jure* system and continued to perpetuate segregation. The court ordered the creation of a number of new programs at Jackson State and Alcorn⁷ as well as a uniform system of college admissions for all of the state's universities.⁸ Judge Biggers considered, but rejected, the Board's proposal to merge Delta State University with Mississippi Valley (the Board also proposed the merger of Mississippi State with Mississippi University for Women, which was likewise rejected.). His remedial order included no new enhancements for Mississippi Valley (879 F. Supp. 1419 [N.D. Miss. 1995]). The *Ayers* plaintiffs appealed to the Fifth Circuit, arguing among other things, that the new admissions standards had substantially decreased the number of black students eligible to attend the state's universities.⁹ Furthermore, they contended that the new enhancements at Jackson State and Alcorn fell far short of addressing the state's obligation to redress its constitutional violations against black citizens. However, the Court of Appeals upheld Judge Biggers' remedial order in the most significant aspects. First, it rejected the plaintiffs' position that the court should require an open admissions policy at all of the state's universities. Second, the Court of Appeals refused to order additional enhancements for the state's black universities, concluding that new programs were not likely to foster desegregation on those campuses (111 F. 3d. 1183 [Fifth Cir. 1997]). On January 28, 1998, the U.S. Supreme Court denied the plaintiffs' petition for a writ of certiorari.

In June 2000, the newly elected Governor Ronnie Musgrove began to convene the parties in a series of discussions designed to settle the case. These negotiations resulted in an agreement, announced April 23, 2001, designed to finally bring the case to an end. The important highlights of the settlement include:

1. The state will commit \$246 million for adding to and strengthening programs at the state's black universities.
2. The legislature will appropriate an additional \$75 million for facilities at ASU, JSU, and MVSU in the five years after the approval of the settlement.
3. An endowment fund totally \$105 million for the three black campuses. The state will contribute \$70 million toward this fund; the remaining \$35 million will be raised from private sources. The presidents of the University of Mississippi and Mississippi State University have agreed to lead the fundraising drives for the black universities. However, the black universities do not gain control over the endowment funds until they attain 10 percent nonblack enrollment and maintain it for at least three years.
4. A \$6.25 million scholarship fund will be created for first-time freshmen from low income families to summer development programs.
5. JSU will be free to describe itself as a "comprehensive university."
6. All *Ayers* settlement funding will be *additional revenues*. These funds cannot be used as an excuse for giving ASU, JSU, and MVSU a smaller share of their normal state appropriations (*Ayers v Musgrove Settlement Agreement*, 2001).

In all, the settlement proposes to spend a total of \$503 million over seventeen years to settle the *Ayers* case. The terms of the settlement provided for a 45-day comment period to allow the members of the plaintiff class to air any grievances or objections they might have with the agreement. Opposition was not long in coming. Many alumni, faculty

members, and students from the state's black campuses raised objections to the plan. Many charged that the plan did not go far enough—complaining that the dollar amounts (while they appear huge) still fell short of the amounts necessary to address Mississippi's long neglect of black universities. Opponents particularly resented the requirement that the HBCUs would not be permitted to control the endowment funds until they achieved 10 percent nonblack enrollment for three consecutive years. This stipulation, they fumed, turned the desegregation case on its head. For over 100 years, black colleges had been systematically malnourished by official state policy while its white universities received the fatted calf in state appropriations. Yet, the very institutions victimized by that discrimination would be denied a portion of the hard-fought relief they had sought until they desegregated! Leading the list of dissenters to the *Ayers* plaintiffs is Mrs. Lillie Ayers, the widow of Jake Ayers, Sr. who initiated the lawsuit in 1975. Also, Alvin Chambliss, long-time attorney for the *Ayers* plaintiffs for over twenty years, opposes the settlement.

Judge Biggers convened a fairness hearing on September 4-5, 2001 to allow for all parties to air their views, for and against the settlement. U.S. Rep. Bennie Thompson, key legislative leaders, and representatives of the Board of Trustees all testified in favor of the settlement; Mrs. Ayers and Alvin Chambliss headlined those opposed to the settlement. Still dissatisfied, Mrs. Ayers' group filed a motion to separate themselves from the class action suit, claiming that the positions articulated by U.S. Rep. Thompson no longer adequately represented their interests. A ruling in their favor would grant the opponents legal standing to intervene in the case and (considering their objections) would either force the settlement to be renegotiated or precipitate additional litigation. A month later, Judge Biggers entertained their motion, which he subsequently denied (*Ayers Memorandum Opinion*, November 5, 2001). This decision cleared the way for Judge Biggers to make a final ruling on whether or not to accept the *Ayers* settlement. Significantly, Alvin Chambliss indicated that he intended to appeal Judge Biggers' decision—a move that, if successful, could tie up the *Ayers* case for years.

On January 2, 2002, Judge Biggers announced that he would not order the implementation of the *Ayers* settlement without a definitive statement on the part of the Mississippi legislature stating a commitment to provide the necessary appropriations to fulfill the requirements of the decree. He also left no doubt as to what he thinks about the proposed decree: Judge Biggers believes it is unreasonably expensive, adds to the problem of unnecessary program duplication, does little to advance the cause of desegregation—particularly on black campuses. However, the judge indicates that, if the legislature goes on record in support of the settlement, he promised not to stand in the way of the implementation of a settlement agreed upon by the parties (*Ayers Proposal Order*, January 2, 2002).

Rep. Tim Ford, Speaker of Mississippi's House of Representatives, introduced a joint resolution pursuant to Judge Biggers order declaring the legislature's commitment to funding the *Ayers* decree. The resolution passed by an overwhelming margin in both chambers (Kanengiser 2002; Sawyer 2002). All that remains is a ruling from Judge Biggers. Pursuant to the legislature's action, Judge Biggers signed a final order on February 15, 2002.¹⁰ Lillie Ayers and her group appealed Judge Biggers' decision to the U.S. Fifth Circuit Court of Appeals, which affirmed the lower court's decision. The appeals court rejected the plaintiffs' contention that Judge Biggers abused his discretion by approving the settlement. Moreover, the judges denied the plaintiffs' motion that they be recognized as a separate class distinct from those who agreed to the desegregation plan (which would give them the right to challenge the settlement); instead, the court declared that the settlement is fair and reasonable and offers substantial relief to the plaintiff class.

Finally, the court held that, even if it had granted Ayers and her group class status, it was unlikely that they would prevail on the merits (*Ayers v Barbour*, Civil Action No. GC-75-9-K, January 27, 2004).

Mr. Chambliss and his group have decided to appeal the *Ayers* settlement to the Supreme Court. This decision to follow the legal strategy to its logical conclusion raises serious questions about the limits of using litigation to solve political problems—particularly as it involves remedying the effects of racial discrimination against African Americans. For the reasons that I will set forth, not only would another round of legal sparring prolong the case even further, but the chances of the disgruntled members of the plaintiff class winning anything beyond what the settlement offers are remote at best. The parties would be best advised to turn their energies toward the use of more overtly political strategies than legal ones.

***Ayers* and the Limits of Litigation**

In seeking to redress Mississippi's legacy of deliberately underfunding black universities, the *Ayers* plaintiffs seek to affect profound social change for the state's black citizens by substantially enhancing their educational opportunities. These goals recognize, as the Warren Court notes in *Brown*, that "in these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education" (347 U.S. 483, 494). In an economy increasingly being radically transformed by revolutions in automation, information technology, and telecommunications, the value of an education rises exponentially. The extent to which the state's black citizens have been subjected to unequal education from kindergarten to the collegiate level places them at a marked disadvantage in climbing the ladder of economic and social mobility.

However, Rosenberg (1991) argues persuasively that courts are a particularly blunt (and often ineffective) method with which to affect social change. Drawing from case studies of three policy domains (desegregation, abortion, and environmentalism) he concludes that courts generally lack effective tools (whether they include positive inducements to encourage compliance or punitive measures to punish parties who refuse to cooperate) to force compliance in the absence of the willingness of the parties to honor judicial decrees. Courts *must* depend on the other branches of government for enforcement; they do not possess a "gestapo" that can compel obedience. In addition, rarely do courts make decisions that fly in the face of popular opinion. As a result, during the period between 1954 and 1964—when the Supreme Court represented the principal arm of the federal government squarely on the side of desegregation—there was little actual progress toward eliminating segregated schooling in the South. After 1964, massive infusions of federal aid, the threats of federal aid cut-offs, and the work of Southern business interests who saw integrated schools as a means for attracting Northern businesses to relocate in the Sunbelt largely explain the rapid increase in desegregation. By contrast, courts on their own were largely ineffective at prodding Southern school districts to make meaningful progress toward eliminated segregated schooling. (Rosenberg 1991, 131-142). Assuming that the disgruntled *Ayers* plaintiffs were to somehow win on appeal a judgment more to their liking, it still would not negate the need for them to amass the necessary political power (and build the necessary coalitions) that it would take to make any such ruling more than just a symbolic ruling. As the history of the struggle to implement *Brown* proves, judicial decision-making and judicial implementation are two vastly different things.

Moreover, the judicial system affords the opportunity for considerable delay of social reform through endless notions, appeals, motions, and other maneuvers (Ibid., 18). As the cliché goes, "the wheels of justice turn slowly." The *Ayers* case is twenty-seven years and running; the sheer length of the case, perhaps more than any particular aspect of the proposed settlement, represents the strongest argument for settling the case. In effect, an appeal would ask the state's black colleges to forgo the implementation of certain improvements they would begin to receive in the near term on the hope of receiving a more substantial judgment from an appellate court. It is a gamble that the state's HBCUs can ill afford to make.

Secondly, given the current conservative tenor of the federal courts, the chances of any appeal being successful is highly unlikely. This is particularly true as it relates to civil rights. Recent Supreme Court cases have made it easier for local school districts to free themselves from longstanding desegregation orders, despite evidence that substantial levels of racial segregation continue to persist in many school districts.¹¹ Moreover, recent Supreme Court rulings such as *Richmond v. J. A. Croson Co.*¹² and *Adarand Constructors v. Peña*¹³ as well as a host of other lower court decisions have made minority set-aside and affirmative action programs harder to justify legally. Coupled with measures like Proposition 209 in California (and similar initiatives to it in other parts of the country), these decisions paint the picture of a legal and political climate that would be inhospitable to any additional protracted litigation on the part of the *Ayers* plaintiffs.

Resorting to the courts is based on the fallacy that the courts represent objective, value-neutral venues in which fundamental issues of constitutional law will be adjudicated. The results will presumably be fairer and more just than the normal reliance on the so-called "political process." Such was the rationale that the NAACP used to justify the legal campaign against the "separate but equal" regime that it embarked on in the 1930s. Moreover, they argued that the white South would have no choice but to accept court decisions favorable to blacks because they were "above politics." This position, as some of the NAACP's detractors pointed out, flew in the face of evidence that suggested that the South was perfectly willing to defy judicial decisions with which it did not agree. The NAACP's philosophy ignored the fact that courts, despite all pretensions to the contrary, are in the end political institutions. Judges are *political animals* with *political connections* who bring their ideologies and preferences to the bench. And as recent confirmation fights in the U.S. Senate indicate, there is hardly a more *political* process than the nomination and confirmation of nominally "apolitical" federal judges vying for lifetime appointments. Ascribing to the courts a measure of transcendent objectivity that is superior to "mere politics" smacks of sheer fantasy.

The same Supreme Court in which the NAACP's lawyers placed their hopes also rendered decisions such as *Milliken v. Bradley*¹⁴ (418 U.S. 717 [1974]), which, as a practical matter, rendered meaningful desegregation in most Northern and Western metropolitan school systems an impossibility. Many useful parallels can be drawn between *Milliken* and the Court's nineteenth-century Equal Protection jurisprudence in cases like *The Slaughterhouse Cases*,¹⁵ *The Civil Rights Cases*,¹⁶ and *Plessy v. Ferguson*. These cases illustrate a basic truism: rarely do courts render judgments on a consistent basis that stand in the face of adverse public opinion. All of these decisions have a basic fact in common—they occurred within a political and judicial climate in which mainstream opinion held that the federal government had already done more than enough for African Americans. *Milliken* in particular represented a capitulation to opinion polls that indicated that, by overwhelming margins, white Americans adamantly opposed mandatory busing as a tool for desegregation of public schools.¹⁷ While one can argue that the

Milliken court was considerably more conservative ideologically than the Warren Court at the time of *Brown* (and thus, it was not the "same Supreme Court," which, as some might contend, short-circuited the possibility of transforming *Brown* into more than simply an unrealized ideal), that fact simply proves the point: courts are political institutions that are not immune from democratic pressures. Supreme Court majorities should be seen as temporary majorities that are subject to change.

In addition, Morris Horwitz (1979) has argued persuasively that *Brown*, "by judicializing the problem of racial relations" has also disfigured the nature of the problem and frustrated the effort toward finding equitable remedies. This problem bedevils the successor cases like *Ayers*, which are like *Brown*'s "legal grandchildren" in that they concern issues rising from the implications of the demise of legal segregation. First of all, he points out that the American legal system is "overwhelmingly geared toward a conception of redressing *individual* grievances, not of vindicating *group* rights or generalized patterns of injustice" (1979, 610). During the height of the legal struggle against *Plessy*, appeals based on American individualism provided African Americans a powerful vocabulary to communicate the injustice of their plight to the rest of the nation. The individualistic social norm stood at odds with every justification offered for both slavery and the system of racial segregation that succeeded it. Racial discrimination was illegitimate because African Americans were denied the most basic right at the core of the Lockian inheritance—the right to succeed or fail, rise or fall, based not on ascriptive characteristics (such as ancestry, national origin, class, religion, or race) but on one's own efforts. As long as the legal struggle for civil rights involved individual litigants fighting for admittance into all-white public institutions, articulating the case against *de jure* segregation seemed fairly clear-cut.

However, legal strategies have been shown to be less effective when the alleged constitutional violations are *institutional* in nature as opposed to acts of discrimination meted out against blacks as *individuals*. The *Ayers* case alleges not merely discrimination on the part of the state in refusing to admit even qualified black applicants to its white universities; rather, it accuses Mississippi of systemic violations that have crippled black *institutions*. Yet, the orientation of the American legal system complicates the task of the plaintiffs in making their best case. In the first place, Equal Protection jurisprudence does not consider universities "individuals" who have constitutional rights to equal treatment under the law. Hence, judges and attorneys routinely dismiss the claim that those states that have discriminated against historically black colleges have an affirmative duty financially and programmatically to compensate those institutions. In *Fordice*, the Supreme Court, preoccupied with the vocabulary of individualism, reduces the substantive issues to whether or not state policies impermissibly fetter the rights of individuals to freely choose among institutions. Obsession with "free choice" allows the proponents of this line of thinking to ignore the perpetuation of unequal educational opportunities available to the constituencies served by HBCUs. It fails to appreciate that individuals can only receive a college education from *institutions*. Consequently, if those institutions have been discriminated against on the basis of the race that predominates it, constituencies served by those institutions have had their rights to equal protection of the laws violated and are entitled to a legal remedy. Thus, the Supreme Court's insistence on distinguishing between "individuals" and "institutions" (the former entitled to substantive rights under the Equal Protection Clause, while the latter not so entitled) manufactures a theoretical abstraction and a legal fiction. Judicial "hair splitting" of this sort erects a formidable obstacle to the construction of adequate remedies to black plaintiffs in higher education desegregation cases.

This distinction between "individuals" and "institutions" means that, for the purpose of desegregation suits like *Ayers*, state higher education systems are conceived of as one legal entity. This leads to an additional perverse consequence: judicial findings of liability against state higher education systems do not distinguish adequately between historically white universities (which intentionally barred blacks from attending and refused to hire black faculty and staff) and HBCUs (which did not explicitly prohibit the enrollment or hiring of whites on their campuses). Blacks did not create the unconstitutional system of racially segregated higher education. Yet, court rulings that find states guilty of policies traceable to *de jure* segregation in higher education treat HBCUs as if they are just as guilty of erecting barriers to white admission to their campuses as whites were determined to prevent blacks from enrolling in their exclusive enclaves. This does not mean that blacks have welcomed white students everywhere with open arms when they enrolled in HBCUs—clearly that has not been the case. But to equate the discomfort felt by a tiny fraction of the white college population who has chosen to attend HBCUs with statewide patterns of institutional segregation that spanned several decades pretends that grasshoppers are identical to giants. This goes a long way toward explaining one of the principal objections raised by opponents of the *Ayers* settlement proposal—the requirement that the black universities achieve and sustain 10 percent "nonblack" (and presumably white) enrollment on their campuses for a period of three years before they can assume control of the endowments set aside for the individual universities. It is disturbing that judges tend to view the paucity of white enrollment at traditionally black campuses as evidence of continuing constitutional violations not only by the "state" (which they probably should), but on the part of HBCUs as well (which they should not).

Starting from these flawed premises, this leads courts to spend an unwarranted amount of attention toward making black colleges more attractive to white students. The overemphasis on desegregating black campuses overshadows the need to concentrate on the educational needs of African American students within the state higher education systems (rather than focusing simply on the black campuses) as well as improving the institutional capacities of HBCUs. Moreover, this focus tends to overlook the fact that progress toward desegregation on most black campuses cannot be judged by the same standards as their white counterparts. Precisely as a legacy of discriminatory treatment, few whites believe that the quality of education they might receive at a HBCU will be the equivalent of that offered by a white university. Hence, states that have historically acted to insure that HBCUs offer an inferior quality of education to their students should be required to take affirmative steps to eradicate the perception of inequality of HBCUs. Only after states have made special efforts to strengthen HBCUs does it make sense to hold them to the same desegregation standards expected of majority white universities.

Thirdly, several of the rulings of the courts throughout the *Ayers* litigation point to another problem the litigation process presents: the proclivity of judges to decide issues on the narrowest possible grounds for decision-making. For example, when the Supreme Court ruled in *Fordice*, it found Mississippi's policies governing higher education constitutionally suspect but "punted" to the lower courts the most contentious issue in the case—whether the state was constitutionally required to make substantial improvements at its black universities. This form of jurisprudence represents a staple of the theory of judicial restraint that posits that judges should usually defer to the political judgments of the legislative and executive branches of government. Consequently, judges should always look for a means to dispose a case that comes short of declaring specific legislation unconstitutional unless absolutely necessary. This characteristic of judicial decision-making is often forgotten because of the tendency to devote too much attention to

landmark decisions such as *Brown* and *Roe v Wade*. However, the Court's ruling in *Brown* came only after a long line of precedents in graduate and professional education cases that challenged the *application* as opposed to the *constitutionality* of *Plessy*. In fact, it was only until they had these legal victories under their belt that they could afford to attack the "separate but equal" doctrine directly. The beauty of the *Brown* case lay in the fact that the district court had already determined black and white schools in Topeka, Kansas, to be equal. Hence, the Supreme Court could not rule on the constitutionality of segregation in Kansas without settling the principle, once and for all, of whether the very act of segregation in public schools (even if the facilities are equal) violates the Fourteenth Amendment. Because courts often decide deeply divisive issues based on narrow principles, this not only prolongs legal controversies for years; it creates the paradoxical situation where parties can "win" on principle but "lose" in reality if the court ultimately denies or defers the specific relief that the litigants seek. Thus, it took seventeen years for the *Ayers* plaintiffs to win a favorable ruling from the nation's highest court against the state; yet, nearly ten years has passed since that ruling and the case is still not officially settled.

Fourthly, Patricia Williams (1991) identifies another basic tenet of Anglo-American jurisprudence that hampers the ability of African American plaintiffs to combat racial discrimination in the courts: "its search for and the assumption that there exist transcendent, acontextual, universal truths or pure procedures" (1991, 8). Indeed, the belief that law must be based on principles rooted in universal, knowable truths and higher notions of morality that rise above the peculiarities of historical circumstances and/or cultural characteristics undergirds our legal system. As Chief Justice Marshall remarked, the United States is "a government of laws and not of men." This worldview creates problems, Williams argues, because it "disparage(s) anything that is nontranscendent (temporal, historical) or nonuniversal (specific) as 'emotional,' 'literary,' 'personal,' or 'just Not True'" (Ibid., 9). Coupled with the tendency of courts to conceptualize rights in individualistic terms, the penchant for courts to seek universalistic principles implies that judges need not take the *special history* of African Americans into account. This is not good news for black plaintiffs who rely on their distinct history of racial discrimination to support specific remedies that they favor in the present. Claims rooted in history have a more difficult burden of proof in the courts. Therefore, this bias represents a significant challenge for the *Ayers* plaintiffs because they have based their case for enhancement largely on the state of Mississippi's past conduct.

This paradox reveals a disturbing irony. One of the goals of the NAACP's legal offensive in the 1930s (and the civil rights movement more generally) was to secure the right of blacks to be treated equally under the law. However, this desire runs into complications when the question turns to crafting remedies for the *consequences* of years of systematic, institutional racial discrimination. In addition, the problems become particularly acute as time places a greater distance between the most obvious reminders of the Jim Crow system and vestiges of the segregated past which still hinder the real opportunities of African Americans in the present. However, American law possesses a proclivity toward transforming blacks and whites into a bizarre constellation of theoretical abstractions that are *presumed to be equal*. In this sense, equality is defined as "sameness." This conception ignores real social, economic, historical, and cultural differences between black and white Americans. Having accepted this definition, African Americans possess no claims upon the state that have greater moral legitimacy than any other group. Instead of being an oppressed group of people needing the protection of civil rights laws (as was the perception of many whites during the height of the civil rights movement), African Ameri-

cans largely come to be perceived as clamoring for "special rights" and exemptions from the "rules of the game" that apply to all other Americans. Moreover, the orientation toward devaluing historical reasoning causes many white Americans to attribute the lion's share of the problems of African Americans to their own failure to capitalize on available opportunities rather than any cumulative effects of racial oppression.

Moreover, to the extent that history is relied upon, it often does not serve the interests of African Americans. Because of America's disgraceful history of racial discrimination, policies that treat individuals differently because of race raise "red flags" and are presumed to be unconstitutional. Such policies invoke strict scrutiny—the most rigorous form of judicial scrutiny—whereby states must prove that race-conscious legislations are narrowly tailored to serve compelling state interests in order for them to be upheld. This applies not only to policies that negatively discriminate *against blacks*, but policies designed to *positively counteract* the harmful effects of past discrimination. However, too many Americans are willing to treat policies like affirmative action, busing, and special enhancements for HBCUs as if they bear no historical or analytical distinction from the Jim Crow laws.

This type of thinking conceives of "discrimination" as an inherently negative term. For many, this conception is well intended, but terribly flawed. It declares all men equal in legal or theoretical terms without being required to craft policies that make all men equal in *practical* terms. However, the fallacy of this perspective cuts deeper than its failure to come to terms with the cumulative effects of racial discrimination against African Americans. It also denies, or seriously understates, the extent to which whites have benefited (both individually and in an institutional sense) from racial discrimination. Ideas extracted from American individualism perpetuate the illusion that remedying the effects of centuries of discrimination against blacks can take place while imposing minimal (if any) costs in the form of federal intervention either in the marketplace or in the affairs of the states. Thus, the average white American (or white institution) of the current generation should not be asked to sacrifice anything in order for the nation to right a historical wrong. It is noteworthy, for example, that the *Ayers* settlement, while promising new programs on black campuses, does not simultaneously require the state's white universities to surrender *any* programs. Nor does it require them to either forego or delay any new plans for program development or capital improvements until the inequities at the historically black campuses are corrected. Potentially, what we may find is that, at the conclusion of the settlement (if it becomes a reality), the state's black universities will still be significantly unequal when compared with their white counterparts. However, state officials will congratulate themselves for doing what they were "legally required to do" and, in all likelihood, the federal courts will agree with them.

It appears that one of the ironic consequences of the triumphs of the NAACP's legal campaign is that the very appeal to American individualism undermines the most powerful argument advanced by African Americans against institutional forms of racism—the belief that, because of the nation's shameful history of racism and oppression, Americans owes a debt to black Americans. This debt, the argument goes, gives blacks—and black political demands—a moral standing that profoundly distinguishes them from the agitation of other interest groups making demands on the system. This is both the implicit assumption, as well as the explicit assertion, that the *Ayers* plaintiffs have relied on both in the courts and in the courts of public opinion.

Individualism, however, reduces the African American civil rights community into simply one interest group among many vying for what it wants from the political process, with inherently no greater claim on public priorities and resources than that of any other

group. For African Americans, this problem is quite serious because they rarely possess the political and economic strength to compel the majority of American society to redress their grievances. "Civil rights legislation and litigation," Halpern observes, "is the refuge of the powerless. In America, civil rights legislation and litigation constitute efforts to compel society to do what it lacks the political will to do" (1995, 320). The legal campaigns by African Americans were not simply so that blacks could win their *rights*—rather, they assumed that they were *right* in an objective, moral sense (Strickland 1979, 5). Blacks have tended to assume that their peculiar experience of racial oppression in the United States has endowed them with a "special righteousness" that sets their political claims before those of all others (Moses 1993, 228).

However, the individualistic assumptions that underlie the American legal culture disrobe black certitude by conceiving of rights as an abstract constellation of claims upon the government that often compete and conflict with one another for priority consideration. Rather than assigning greater weight to certain rights than others by predetermined design, the job is left to courts to balance competing rights claims. Hence, equality for African Americans entitles their political demands to equal consideration among all the other rights claims made by other groups. When it comes to desegregation, courts must balance the rights of African Americans to an education in a racially integrated setting against the rights of local school boards and state legislatures to run state educational systems free from federal interference and so forth. In other words, winning the battle for equal legal *rights* comes with an unexpected cost: the American legal culture denies to African Americans the satisfaction of acknowledging that *they are right*.¹⁸

Not only does individualism undermine the moral power of black political claims, but the current political and legal environment portrays them as seekers of "special rights," a view succinctly expressed by Patrick Buchanan's 1996 presidential campaign slogan: "equal rights for all, special rights for none." Individualism defines equality as requiring that everyone be treated the *same*. It denies the existence of real differences between groups. Consequently, why should African Americans seeking admission to graduate programs and law schools with lower scores on standardized exams such as the Graduate Record Examination (GRE) and the Law School Admission Test (LSAT) be given preference over white and Asian American applicants who score significantly higher? Why should a company receive a government contract simply because it is owned by someone classified as a "minority?" Throughout the litigation, the state of Mississippi rebutted the plaintiffs' efforts to equalize the facilities of black and white schools by accusing them of seeking "group rights." What blacks want, the state countered, is not equal opportunity; rather, they want "equality of outcomes." The Constitution does not guarantee to African Americans (or any other group for that matter) a constitutional right to "proportional representation" in a state's higher education institutions. Thus, the claims of the *Ayers* plaintiffs were illegitimate when viewed against the values of the American Creed. This line of reasoning has, for years, been an effective means of fending off the claims of the plaintiffs in this case.¹⁹ The Protestant work ethic, the Horatio Alger myth, and other cultural symbols all conspire to deny moral legitimacy to many of the positions articulated by African American political leaders.

The current political climate sounds chillingly similar to a memorable paragraph that succinctly represented the essence of the Supreme Court's opinion in *The Civil Rights Cases* more than a century ago:

When a man emerges from slavery, and by the aid of beneficent legislation has shaken off the inseparable concomitants of that state, there must be some stage in the progress of his elevation

when he takes the rank of a mere citizen, and ceases to be *the special favorite of the laws* (emphasis added), and when his rights as a citizen, or a man, are to be protected in the ordinary modes by which other men's rights are protected. (109 U.S. 3 [1883])

Given all this, it is difficult to imagine a higher court awarding the black universities substantially more than what is provided for in the settlement. States like Louisiana and Alabama, which have also had long-running desegregation lawsuits, have settled their cases for far less money than what the *Ayers* proposal provides. Judge Biggers made no secret that he believes that the state is giving too much to the black colleges under the terms of the settlement. In a climate where white Americans frequently view African Americans as standing in line "waiting for handouts," it is highly unlikely that any court will order any relief beyond what has been hammered out thus far.

Finally, *Ayers* points to a fifth problem that the legalization of racial problems presents: by concentrating on public universities, the legal battles over desegregation have discouraged a more systemic approach to educational policymaking. Indeed, the failure of white universities to attract (and retain) significant numbers of black students to their campuses relates directly to the fact that black students still are far more likely to have inferior educational opportunities in the nation's elementary and secondary schools. Moreover, public school systems, despite a generation of desegregation efforts, are becoming increasingly segregated by both race and socioeconomic status. This is particularly true in Mississippi, which is one of the poorest states in the nation. Segregation in public schools since *Brown* is highly correlated with segregated housing patterns, which may also be intertwined with employment discrimination as well. However, by defining desegregation as a legal problem, the fact that blacks are disproportionately more likely to have inferior educational opportunities than whites is not approached as one of the consequences of social and economic inequality more generally. Educational problems are defined, and confused with legal ones, problems that ultimately have political and economic origins.

Nonetheless, because public schools and state universities are "public" (meaning tax-supported), "judicial scrutiny is seen as more legitimate; whereas, housing and job discrimination involve areas considered 'private' and best left to the free choices of individuals" (Horwitz 1979, 612). By making this "public-private" distinction, courts rarely take a more systemic view of the problem of unequal educational opportunities. Their reluctance to intervene in the marketplace narrows their range of choices to the institutions they feel "they can more readily exercise judicial control" (*Ibid.*, 612)—in this case, state universities. Rarely will courts enlist themselves in the cause of directly attacking social and economic inequality. After all, a certain measure of inequality is viewed as the inevitable—and even desired—result of a properly functioning capitalist system. As a consequence, legal remedies too often target the *symptoms* and not the *sources* of the inequalities that *Brown* ostensibly tries to remedy.

San Antonio Independent School District v Rodriguez (411 U.S. 1 [1973]) represents a classic example of the Supreme Court's refusal to confront squarely the root causes of educational inequality. In *Rodriguez*, the Court rejects a claim by Mexican-American parents that Texas' reliance on property taxes as the principal means of financing public schools unconstitutionally denies poor children equal educational opportunity in violation of the Fourteenth Amendment's Equal Protection Clause. Despite the fact that residents in the Edgewood school district paid the highest property tax rate in the state, the amount collected from Alamo Heights, an affluent district nearby, totaled almost thirteen times what was amassed in Edgewood. Despite federal and state contributions, substan-

tial disparities remained between the two districts. Writing for the majority, Justice Powell nevertheless rebuffs the suggestion that wealth should be considered a "suspect class" meriting that state laws that disadvantage those with inferior economic status be subjected to strict scrutiny. Instead, the majority held Texas to the less-demanding "rational basis" standard and concluded that the state's financing scheme for public schools did not violate the Constitution. In other words, children who commit no sin other than being born to poor parents have no constitutional right to equality in educational facilities and resources. Coupled with *Milliken*, decided the following year, *Rodriguez* assured the following: (1) desegregation plans in large metropolitan areas would be largely ineffective at achieving racial balance; and (2) most importantly, students remaining in central cities would be segregated from their mostly white peers in the suburbs—who would have the benefit of the most optimal educational opportunities. Thus, not only do courts err by attacking the wrong problems (i.e., attacking "racial imbalance" instead of "unequal educational opportunity"), but they mortally wound the possibilities for the successful implementation of the limited, albeit fatally flawed, measures that they do authorize.

The tendency to divorce the problem of educational inequality from its social and economic context affects not only federal judges, but the lawyers, academics, activists, and advocates who argue before them. For example, many liberals who favor the continuation of mandatory busing to achieve desegregation emphasize its purported social and economic benefits. Advocates of busing maintain that the problem with segregated schools is one of poverty and not race. Minority students require desegregated schools, they argue, not because the mere existence of majority-black schools denotes inferiority, but because desegregation exposes these students to better "opportunity structures" (i.e., superior resources, stronger curricula, more graduates likely to go to college, more qualified teachers, etc.) than they would be exposed to in racially segregated schools. Similar arguments are advanced to discourage black high school students from enrolling in black universities: predominately white universities have better facilities, superior resources, a stronger curricula, and graduates of these institutions are more likely to get a job or be admitted to graduate school or professional school.

But if the root of the problem is poverty, as many integrationists insist, then *it does not follow that the solution to the problem is a one-hour ride on a school bus to an entirely different neighborhood*. It might actually be more sensible to argue that remedies that attack the underlying economic inequalities of inner-city neighborhoods and rural communities vis-à-vis the suburbs may be more fruitful than concentrating on the schools alone. Such solutions would invariably require a degree of federal intervention and intergovernmental coordination, which heretofore has not been seriously contemplated. Similarly, desegregation plans in higher education, which do not address the unequal educational opportunities that still exist between black and white school children in the elementary and secondary grades, ultimately fall short of truly addressing the problem.

Summary and Conclusions

In summary, litigation has played an important role in the struggle of African Americans to be fully incorporated into the mainstream of the nation's citizenry. *Brown* symbolizes how the principles of the rule of law can be used to dismantle an institutionalized system of legal inequality that belies the nation's principles. Drawing inspiration from the success of the civil rights movement, other interest groups have enlisted the tools of litigation to advance agendas designed to expand their rights. At the same time, cases

like *Ayers* remind us of the serious limitations of employing the legal approach to solve political problems. African Americans have found that the principles of the rule of law and equality before the law are far more useful at attacking overt racial discrimination against blacks as *individuals*. When the subject switches to institutional forms of discrimination, the efficacy of legal remedies to racial discrimination declines precipitously. This is particularly true as time elapses from the historical period characterized by the most obvious forms of racism and the triggering events associated with the civil rights movement.

In fact, it was the recognition of the limits of litigation that played a decisive role in convincing many members of the plaintiff class, including U.S. Rep. Bennie Thompson, that the time had come to settle. Not settling the case, Thompson insisted, ran the risk of the plaintiff class not only prolonging the case, but receiving much less than they would have otherwise received had they undergone the time and expense for a lengthy appeal (Thompson 2001). Moreover, the personal involvement of Governor Ronnie Musgrove as well as the support of key legislative leaders in Mississippi presented the black universities with an unprecedented opportunity that their leaders wisely seized upon. Considering the uncertainty of political fortunes, the black college presidents could not afford to squander such a golden moment holding out for the possibility of getting a better deal. The wisdom of this approach is borne out by the fact that Governor Musgrove was defeated in his bid for reelection by former Republican National Committee chairman Haley Barbour. It is hard to say what priority the new governor might have given to the *Ayers* case; consequently, the black college presidents correctly seized upon the opportunity presented by Governor Musgrove's interest in working to resolve the long-standing desegregation case. Furthermore, given the legislature's track record with respect to funding black colleges, the leaders of Jackson State, Alcorn, and Mississippi would be foolish not to take advantage of the apparent willingness of state lawmakers finally to spend money improving black campuses in order to rid themselves of this expensive lawsuit.

The *Ayers* settlement is not perfect. Ultimately, few compromises ever are. However, Mrs. Ayers and those members of the plaintiff class who oppose the settlement are making a serious mistake by prolonging this case with an appeal to the U.S. Supreme Court. Mrs. Ayers and the plaintiff's long-time attorney, Alvin Chambliss, should be commended for keeping the lawsuit alive as long as they did—otherwise, the proposed settlement would not be possible. However, they should recognize that the legal process has accomplished all that it can. Not only are further appeals likely to be costly and time-consuming, but there is little reason to believe (given the current legal and political climate) that they are likely to be successful. These appeals only give the state of Mississippi a fresh excuse to delay the long overdue process of substantially improving its black college campuses. I am reminded of the Palestinian-Israeli conflict that still rages at the time of this writing. In particular, I recall President Clinton's desperate efforts during the waning months of his presidency to hammer out a peace deal between the principals—Israeli Prime Minister Ehud Barak and Palestinian Liberation Organization (PLO) Chairman Yassar Arafat. That failure has spawned more than a year of violence, which may have set the cause of peace in the Middle East back by a generation. It is hard to imagine, given the recent carnage and the profound distrust that exists between the parties, how the peace process between the Israelis and the Palestinians might even begin again.

The problem in Mississippi is not nearly as grave as the illustration I just described. But it is serious. And the parties involved would be wise to seize the opportunity that the *Ayers* settlement presents to draw to a close a chapter in the state's history. It is well past

time for Mississippi to begin the process of seriously improving its long-neglected black universities. The disaffected members of the plaintiff class should not set aside the substantive improvements that the state's black universities might receive *now* on the faint hope of gaining something better. Rather than trying to block the implementation of the settlement, people like Mrs. Ayers should be using their leverage to try to improve upon it. Moreover, if the settlement is implemented, their energies should be devoted to keeping the Mississippi legislature's "feet to the fire" when it comes to fulfilling the requirements of the decree (as opposed to spending endless hours in the courts). The need for this is particularly urgent when one considers the real possibility that other public priorities may drain resources away from the *Ayers* settlement. Will the legislature keep its commitment to funding the *Ayers* settlement? Or will it use economic downturns as an excuse to renege on its promises? That remains to be seen. But this speaks to the need for approaches that do not rely primarily on litigation. Now is the time for politics.

Notes

1. In Mississippi, the governor is the titular head of the higher education system, even though the Board of Trustees for State Institutions of Higher Learning has the constitutional authority to actually manage the system. Therefore, the suit has changed names with succeeding gubernatorial administrations. William Waller was governor in 1975 when the suit was originally filed. Subsequently, Waller's successors (William Allain, Ray Mabus, Kirk Fordice, Ronnie Musgrove, and the current governor Haley Barbour) have been named defendants in the Mississippi case.
2. Alcorn State University was established in 1871 as the state's black land grant college—the first black institution in the South to be so designated. However, with the exception of the Reconstruction period, the Mississippi legislature never funded Alcorn in a manner remotely resembling the institution's lofty designation; routinely, Alcorn received no funds at all for its "land grant" mission. Jackson State University, inaugurated originally as a private school for the purpose of preparing black ministers and teachers, came under state control in 1940. Upon assuming control, the state changed the name of the school to Mississippi Negro Training School and cut its curriculum from four years to two. After four years of agitation by Jackson State's alumni, the four-year curriculum was restored; however, its degree-granting authority was restricted to teacher education (McMillen 1990, 107-108). In 1946, the state established Mississippi Valley State University as Mississippi Vocational College with the mission of "educating teachers primarily for rural and elementary schools and providing vocational training for black students" (Brief for Petitioners, 1991 Term, 4).
3. Mississippi's historically white universities are listed as follows, along with the date each was established: University of Mississippi (1844), Mississippi State University (1878), Mississippi University for Women (1884), University of Southern Mississippi (1910), and Delta State University (1924).
4. The MFDP earned its fame for challenging the legitimacy of the all-white Democratic Party delegation from Mississippi at the 1964 Democratic National Convention—which ultimately nominated Lyndon Johnson as its nominee.
5. Mississippi began using the ACT as an admission requirement in 1963, following James Meredith's admission to the University of Mississippi. At the time, the average score of white Mississippians on the ACT was 18; the average score for blacks was 7. The state admitted that its original purpose in using the ACT was to limit the number of blacks admitted to the state's white universities to as few as possible. However, the state insisted that the ACT's role in the admission process had significantly changed. Starting in the fall of 1977, no student could gain admission to a senior college in Mississippi with an ACT score of less than 9; however, the state permitted universities to maintain higher minimum requirements. Not surprisingly, the state's historically white universities had higher ACT requirements than their black counterparts. Initially, all the state's white universities had ACT minimum requirements of 15; in 1987, Mississippi University for Women received authorization to raise its minimum requirement to 18. The state did authorize universities to accept a select number of "high risk" students who fell below the requirement, not to exceed 5 percent or 50 students in the freshman class (whichever number

was greater). By contrast, the historically black universities all had minimum ACT requirements of 13; however, they admitted students who scored between 9 and 12 on an exceptional basis. The admissions policy specifically excluded high school grades in the admissions decision process, a particularly sore point for African American plaintiffs who complained that the requirements placed black college applicants at an unfair disadvantage. Indeed, if the state had incorporated high school grades in the process, it would have greatly benefited black applicants. In 1985, 72 percent of white students in Mississippi scored 15 or higher on the ACT; among blacks, only 30 percent accomplished this feat. By comparison, 43.8 percent of white high school students in Mississippi and 30.5 percent of blacks earned at least a 3.0 grade point average, and 62.2 percent of whites and 49.2 percent of blacks earned at least a 2.5 grade point average. The Supreme Court found the state's use of the ACT to be unreasonable, noting that even the test's designers discourage educational officials from relying on it as the sole indicator of an applicant's potential to succeed (Samuels 1998, 258-259; *U.S. v Fordice*, 505 U.S. 717, 737 [1992]).

6. In 1981, after an extensive review of the curricular offerings at the state's universities, the Board of Trustees issued "mission designations" for each public institution. These missions were clustered in three categories: comprehensive, urban, and regional universities. "Comprehensive" universities were defined as those that offered the widest variety of degree offerings and received the greatest levels of funding. This designation went to the University of Mississippi, Mississippi State, and Southern Mississippi. These institutions were authorized to continue offering doctoral programs and to assert leadership in particular disciplines. Jackson State, the lone urban university, was assigned a more limited research and degree tailored to its urban setting. Despite the university's requests, it was denied a leadership role in any particular field. The remaining universities were classified as regional institutions. They were permitted to retain their limited graduate programs but were primarily designed as baccalaureate degree granting universities. No doctoral programs were to be offered by these institutions. The black colleges and the Ayers plaintiffs bitterly protested against the missions designations, arguing that they served to "freeze in place" the unequal advantages that white institutions had enjoyed throughout the era of "separate but equal." Moreover, they complained that the state's past of underfunding created a "cumulative deficit that it was now obligated to remedy (Samuels 1998, 260-261). The Supreme Court ruled that the state's 1981 missions designations, when linked with differential admissions requirements at the black and white universities and the existence of unnecessary program duplication probably "interfere with student choice and tend to perpetuate the segregated system" (*U.S. v Fordice*, 505 U.S. 717, 741 [1992]).
7. Jackson State University received the following programs: a M.A. program in Public Health, the Ph.D. in Social Work, both a M.A. and Ph.D. program in Urban Planning. The university was also authorized to begin a doctorate in Business Administration pending the accreditation of its existing business programs. In addition, the Board would undertake a study that considering the feasibility of other enhancements at JSU, included an engineering school, a public law school, and a five-year pharmacy school. JSU was also to receive \$5 million for "educational advancement and racial diversity," funds which could be used to provide other-race scholarships for white students to attend the university. Alcorn State University would receive a special appropriation to create a Small Farm Development Center. In addition, Alcorn would receive a MBA program at its Natchez Center. Like JSU, it would also receive a \$5 million endowment likewise for "educational advancement and racial diversity."
8. The new admissions standard provided that high school graduates with at least a 3.2 GPA can gain admission to any of Mississippi's eight universities. Those with at least a 2.5 GPA must score 16 or higher on the ACT. Students with a 2.0 GPA or higher must score 18 or higher on the ACT to gain admission.
9. Taylor and Olswang write, "Under the old ACT of 15, 60 percent of African Americans qualified for admission. Officials at the three HBCUs worried that enrollment at their institutions would significantly decrease, and indeed, by April of 1996, applicants eligible for admission had dropped by 60%" (1999, 78).
10. *Ayers v Musgrove*, Final Judgement, Civil Action No. GC-75-9-K (N.D. Miss.).
11. These decisions include *Missouri v Jenkins*, 110 S.Ct. 1651 (1990), *Oklahoma City Public Schools v Dowell*, 498 U.S. 237 (1991), *Freeman v Pitts*, 503 U.S. 467 (1992), and *Missouri v Jenkins* 515 U.S. 70 (1995).
12. 488 U.S. 469 (1989). In *Croson*, the city of Richmond adopted a Minority Business Utilization Plan requiring prime contractors awarded city construction contracts to subcontract at least 30

percent of the dollar amount of each contract to one or more minority-owned businesses. Under the Plan, the city could waive the 30 percent requirement if the contractor provided evidence that there were no minority contractors either qualified or willing to participate. When the Croson Co. lost a city contract after having its application for a waiver rejected, it sued the city under the Equal Protection Clause of the Fourteenth Amendment. The Court overturned the plan, pointing out that the plan was promulgated without any "direct evidence" from the city's construction industry that would warrant race-based relief. The Court required that state and local government minority set aside programs needed to meet the "strict scrutiny" test to pass constitutional muster.

13. 512 U.S.200 (1995). Adarand Constructors filed suit challenging the constitutionality of a minority preference program involving subcontracts on federal highway projects. Though it was the lowest bidder, the contract was awarded to a Hispanic-owned firm. The Supreme Court held that federal programs that give race-based preferences must pass the strict scrutiny test. The Court ruled in favor of Adarand Constructors.
14. In a 5-4 decision, the Supreme Court reversed a decision by the Sixth Circuit Court of Appeals that included the suburbs in a Detroit metropolitan school desegregation plan. The plaintiffs in *Milliken* argued that Detroit's public schools were already 65 percent black, and a Detroit-only remedy would not substantially alter the racial composition of the city's schools. However, the Court ruled that the district court had not made determination of liability in the suburban districts; therefore, an interdistrict remedy exceeded the remedial power of the court. Since whites had been moving in ever increasing numbers to the suburbs since the end of World War II, *Milliken* significantly reduced the desegregative effect of court-ordered busing plans in many Northern and Western metropolitan school districts.
15. 16 Wall. 36 [1873]. In *The Slaughterhouse Cases*, the Supreme Court rejected a challenge by a group of butchers to a legal monopoly authorized by statute by the Louisiana legislature in Orleans Parish. Rival slaughterhouses argued that the Louisiana law deprived them of their natural right to practice the profession of their choice, creating a condition of slavery that violated their rights under the Thirteenth and Fourteenth Amendments. However, the Court argued that the "pervading purpose" of those amendments had been to protect the rights of blacks, not the rights of butchers to practice their profession. However, the rights that were at stake in this case were conceived of as being "under the care of state governments." This principle would set a precedent for interpreting the rights under the Civil War Amendments according to a "states' rights" approach to jurisprudence—and thereby nullify the very rights that had been the "pervading purpose" for the amendments in the first place.
16. 109 U.S. 3 [1883]. The Supreme Court in *The Civil Rights Cases* declared the Civil Rights Act of 1875, which banned racial discrimination in public accommodations, as unconstitutional. The Fourteenth Amendment, the Court argued, pertained only to discriminatory action on the part of the states; it did not apply to discriminatory acts by individuals or private institutions. Restaurants, inns, theaters, and businesses were private entities that could discriminate, and victims of such actions could not appeal to the Fourteenth Amendment for relief.
17. Public opinion surveys in the early 1970s indicated that nearly 90 percent of white Americans preferred neighborhood schools over busing. As late as 1989, white opposition to busing still hovered near 80 percent (Rossell 1994, 642).
18. I argue that this is the same problem that the pro-life movement has encountered in their struggle to outlaw abortion and undo what they see as the harm from *Roe v Wade*. Like African Americans, their claim is rooted in a fixed notion of transcendent morality—abortion is wrong, they maintain, because the Bible condemns it. They do not see this merely as an issue of *rights*; they view abortion as a fundamental issue about *right* and *wrong* in an objective moral sense. However, when the locus of battle shifts from picket lines in front of abortion clinics to the courtroom, the way in which it is conceptualized dramatically changes. Rather than focusing primarily on fundamental issues of morality, the legal issues turn on the rights of the mother versus the rights of the unborn child and/or the prerogatives of the state. Considering the moral and ideological perspectives of the pro-life movement, the legal culture of individualism inherently forces them to fight their battle on "alien turf." Such is the fate of interest groups that make transcendent truth claims of morality in a legal culture increasingly hostile to such claims.
19. For example, the Supreme Court in *Fordice* rejected the equalization remedy put forth by the Ayers plaintiffs for that very reason—they interpreted it to mean that the black plaintiffs sought constitutional sanction for the enhancement of JSU, ASU, and MVSU as all-black enclaves. The Equal Protection Clause, the Court said, protects the rights of individuals, not academic

institutions. Black colleges do not have a constitutional right to enhancement, 505 U.S. 717, 743.

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The Slaughterhouse Cases, 16 Wall. 36 (1873).

The United States Supreme Court's Human Rights Violation in the University of Michigan Case

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Introduction

From its very inception, the United States Supreme Court has persistently refused to rule on the legitimacy of affirmative action policy within the framework of the equal protection clause. This policy was adopted in the 1960s as an attempt to put down the rioting by African Americans. Riots are a form of non-electoral political participation. Their source usually emanates from a severe sense of deprivation of a group's property rights to a means of subsistence. Rebellion, according to John Locke, is a right that a group has within the framework of liberal democratic theory whenever the government fails to undertake positive measures to protect the group's property rights to a means of subsistence.¹

In adopting affirmative action policy, policymakers did not take care to articulate its purpose and function within the framework of liberal democratic theory. The explanation given at the time of its adoption was that it was designed to compensate African Americans for past discrimination. In order to achieve this objective, special measures had to be adopted which necessitated treating African Americans differently in order to broaden their socioeconomic opportunities.

The legal basis for affirmative action can be found in Titles VI and VII of the 1964 Civil Rights Act. The purpose of this act was to eliminate the policies and practices of racism against African Americans. However, the terms "racism" and "racial discrimination" were used interchangeably to describe those policies and practices that operated (1) to foreclose African Americans' freedom to take advantage of life opportunities, and (2) to prevent them from seeking adequate socioeconomic advancement as did other groups. The sponsors of the bill did not take care to provide a legal definition of these terms because it was commonly understood that they applied only to African Americans who had historically been subjected to a policy of racial apartheid (i.e., legally setting them apart socioeconomically from the mainstream of society).

The term "racism" was later defined by Stokely Carmichael and Charles Hamilton as "overt" (racial attitudes) and "covert" (institutional racism).² But the term "racial discrimination" was never legally defined. The failure to provide a legal definition of this

term is at the core of the United States Supreme Court's confusion over the implementation of affirmative action. Consequently, the courts are interpreting programs designed to create opportunities for African Americans to seek the same socioeconomic advancement as other groups as (1) constituting the same form of racial discrimination that has historically been practiced against them, and (2) violating the equal protection clause and Titles VI and VII of the 1964 Civil Rights Act. The U.S. Supreme Court first made such a ruling in *University of California v Bakke*³ in 1978. Since then, it has made a series of such rulings.

The thesis of this chapter is that the U.S. Supreme Courts violated one of the basic principles of liberal democratic theory and international laws of human rights when it ruled that affirmative action and other inclusively race-based programs violated Titles VI and VII and the equal protection clause. It will be argued throughout this paper that affirmative action programs created equality of opportunities for disadvantaged racial groups—not special rights as the critics have argued. The Constitution protects individuals' property rights.⁴ The only right that an individual can possibly have in a government benefit is the property interest that he has already secured in such benefit. Property interests, as the Court has long maintained, are secured not by the Constitution or Titles VI and VII of the Civil Rights Act, but:

...they are created and their dimensions are defined by existing rules or understandings that stem from an independent source such as state law—rules or understandings that secure certain benefits and that support claims of entitlement to those benefits.⁵

In the absence of such sources, the only interest that an individual can possibly have in a government benefit is an abstract one, which is not protected by either the Constitution or the titles of the Civil Rights Acts. First, let us turn to an analysis of the controversy surrounding affirmative action.

The Nature of the Affirmative Action Controversy

At the core of the affirmative action controversy is the proponents' failure to interpret the political function of the 1964 Civil Rights Act within the framework of liberal democratic theory. Within this framework, affirmative action measures are not civil rights, but human rights. Civil rights are distributive and exercisable for all those individuals who are similarly situated within a class.⁶ Exercisable means that all individuals within such a class can exercise their rights to a government benefit if they so choose. For example, if the University of Michigan's affirmative action program had created civil rights for minority students, then all minority students who applied and met the minimal requirement would have had a constitutional right to be admitted. As it will be demonstrated below, the percentage of minority students at the university did not increase to any significant degree during the period the lawsuit covered.

An Analysis of Titles VI and VII of the 1964 Civil Rights Act

One of the major causes of controversy surrounding affirmative action is that the distinction between civil rights and human rights has not been clearly articulated in the literature. The meaning of civil rights in relation to Titles VI and VII was clarified during the Congressional hearings of the 1964 Civil Rights Act. This act contains nine titles. Seven of these titles can be said to deal with civil rights that are distributive and exercisable. Each individual within a class can exercise his/her right to a government benefit if

so desired. However, the same is not true with Titles VI and VII because they are not distributive. These titles have two political functions; first, they are prohibitory against systematic exclusion of an entire group because of race, and secondly, they allow governmental actors to authoritatively redistribute values and resources in a way to promote the public good. Everyone automatically assumed that these titles dealt with civil rights by which the equal protection clause can be easily applied. A brief analysis of the nine titles will shed some light on the cause(s) of the confusion surrounding affirmative action.

Since civil rights are distributive, Titles I-IV deal with distributive rights. Title I deals with voting rights, which guarantees every eligible person within voting age the right to vote. Title II deals with prohibiting discrimination in public accommodations. This means that an individual cannot be denied an accommodation because of his race. Title III deals with prohibiting discrimination in public facilities such as hotels and restaurants. Title IV deals with prohibiting discrimination in public education. These titles protect rights that each individual in a class can exercise if he or she so desires. Hence these are civil rights. If a governmental actor grants a right or privilege to members of one race, it has an obligation under Civil Rights Act of 1964 to grant the same privilege or right to others who are similarly situated. This argument renders the reverse discrimination argument null and void on its face because affirmative action creates opportunities for the protected groups—not equal protection rights, as the critics have argued.

Affirmative action stems from Titles VI and VII. These titles do not confer equal protection rights upon individuals. Instead, they are laws that deal with regulating the distribution of government benefits and resources for the public good. Implied in the concept of distribution is a scarcity of such resources that necessitates the government to regulate for the public good. In the process, these titles do not within themselves create an equal protection right to government benefit in the absence of a law or rule of understanding to support such a claim.⁷

The primary reason Congress included Titles VI and VII into the 1964 Civil Rights Act was to combat the systematic exclusion of African Americans from benefiting from programs and employment opportunities that were being subsidized by the government. During the congressional hearings, sponsors of this act presented evidence that showed: "In 1947 the nonwhite unemployment rate was only 64 percent higher than the white rate; in 1962 it was 124 percent higher."⁸ To correct this, Congress included these titles. Critics of affirmative action were successful in duping the courts and public into accepting the notion that these titles protected individual rights to a government benefit based on merit *if and only if* industries and institutions have adopted an affirmative action program. In the absence of affirmative action, meritocracy would be useless in helping individuals to secure the same benefit.

Congress never intended for these titles to confer upon an individual an equal protection right to a government benefit based on merit. Even if this were their intent, as the critics have argued, these titles are inoperative within the framework of liberal democratic theory.⁹ They cannot create such equal protection right without violating Thomas Hobbes' principle of perfect equality.

Hobbes argued that no one can claim a right to a benefit that another person could not claim as well. One's strength and ability do not give him more of a right to a government benefit than others.¹⁰ Translated into today's society, no one, under the equal protection clause, can claim a right to a government benefit that another person cannot claim as well. In sustaining individual whites' claims of reverse discrimination, the U.S. Supreme Court has used plaintiffs' superior social credentials as the basis for determining whether

a university's admission policy violated their equal protection rights. Implied in this ruling is the notion that a person's social credentials automatically create him a claim of entitlement to a government benefit. This argument is illogical because a university cannot establish an admission policy for its medical school with a cutoff score of 90 and at the same time grant candidate A, with a score of 95, more of an equal protection right to admission than candidate B, with a score of 93. There will always remain the possibility of having more students with scores over 90 than available slots, as was the case in *DeFunis v Odegaard*.¹¹ In this case, the University of Washington had received over more than 1,600 applicants for its law school freshmen class. From this number, the university had slots for only 320.¹² Many of these applicants had graduated from prestigious universities with *laude sums*. The fact of the matter was that the university could not have admitted all qualified students. Therefore, social credentials within themselves do not create equal protection rights to a government benefit. At best, they can only create eligibility.

It follows then that the reverse discrimination argument, which is based on the comparison of social credentials between an individual white and members of the protected group, does not fit within the Hobbesian liberal democratic theory. As demonstrated elsewhere, this theory protects individuals' property interest in a government benefit.¹³ When an individual makes the claim that he has a right to a government benefit, he is asserting a property interest in that benefit.

Property interests, the U.S. Supreme Court has ruled, "are created and their dimensions are defined by existing rules or understandings that stem from an independent source such as state law—rules or understandings that secure certain benefits and that support claims of entitlement to those benefits."¹⁴ Once a property interest has been created, it is safeguarded by procedural due process.¹⁵ This is where the reverse discrimination argument breaks down. If an individual has a property right to a government benefit based on merit, then that person can exercise such right without attacking affirmative action. Under the reverse discrimination argument, the only way that this individual can exercise such right is to attack affirmative action. Whenever the courts sanction such an attack, they are granting this person an equal protection right to a government benefit that he or she does not have.

Within the framework of liberal democratic theory, no one can be granted a property right to a government benefit based on merit in absence of a law supporting such a claim. If such a law were to exist, it would automatically create a property interest in such benefits for all individuals that are similarly situated. The problem with this construction is that there always will exist the possibility, as previously discussed, whereby there are 10 benefits and 30 meritorious applicants. Under the equal protection clause, a governmental agent will be required to create additional benefits for all meritorious applicants. It cannot sidestep its obligation by arguing that it had only 10 benefits. This will be tantamount to arbitrarily depriving him of his property interest in such benefit. The U.S. Supreme Court has long maintained that an individual property cannot be taken away from him without first giving him his day in court.¹⁶ Take the meritorious applicants in the *DeFunis* case. All of the meritorious applicants within this pool of 1,600 who applied and were rejected were entitled to their day in court under the principle of granting rights to a government benefit based on merit.

Liberal democratic theory requires all public policies to be directed toward serving the public good. It serves no public good to create a property right in a government benefit based on merit when there are a limited number of benefits. Such a policy will have the inevitable consequence of forcing America to switch from a capitalistic system

to a socialistic one. This was not the intent of the sponsors of the civil rights law. They intended this law to create a level playing field for African Americans to (1) protect their freedom to take advantage of a wider range of government benefits, and (2) secure socio-economic advancement by having the freedom to share in those community's material possessions necessary for their preservation.¹⁷

It is clear from the above analysis that the reverse discrimination argument cannot logically fit within the framework of the liberal democratic theory. The foundation of this theory is to protect individuals' property rights against tyranny of the majoritarian rule. In the U.S. Constitution, individuals' property rights are protected by the equal protection and due process clauses. Equal protection, as the U.S. Supreme Court has repeatedly noted, is a personal right.¹⁸ Therefore, it can never be applied to Titles VI and VII to obtain a government benefit because these titles deal with the distribution of benefits that are in the public domain—in which no one has original jurisdiction, according to the philosophy of John Locke.¹⁹

The above proposition raises the following question: If no one has a constitutional right to a government benefit in the public domain, then how can affirmative action deprive an individual of a right to a benefit that he does not have? What critics have been able to accomplish in promoting the reverse discrimination argument has been to dupe the courts into ruling that meritocracy gives candidate A more of a right to a benefit than candidate B under the equal protection clause *if and only if* race is a factor, that is, if candidate B is black.

The primary reason the reverse discrimination argument has been kept alive so far is that the Supreme Court has refused to apply the equal protection clause to adjudicate individual whites' claim of reverse discrimination.²⁰ Instead, it has persistently used a *double standard of judicial review* in which it implicitly tells individual whites that they can obtain a constitutional right to a government benefit based on merit *if and only if* they challenge a governmental actor's race-based equal opportunity program. On the other hand, if the same individual is competing with other whites, who happen to be members of the *good ol' boys club*, all of his social credentials are useless in helping him to secure the same government benefit.

The Court's Moral Obligation under the Liberal Democratic Theory

Under the liberal democratic theory, the Court has a moral obligation to rule according to standard law, according to John Locke. He argued that the "supreme authority (in this instance, the Supreme Court) cannot assume to itself a power to rule by extemporary arbitrary decrees, but is bound to dispense justice and decide the rights of the subject by promulgating standard laws."²¹ This is precisely what the Court did in *University of California v Bakke*.²² When the Court addressed the question as to whether the proscription against racial discrimination under Title VI gave Allen Bakke a private claim of action, they avoided the issue all together and resorted to establishing an extemporary arbitrary rule. Writing for the majority, Justice Powell wrote: "At the outset we face the question whether a right of action for private parties exists under Title VI. Respondent (Bakke) argues that there is a private right of action..."²³ After analyzing all of the arguments that Bakke had advanced to support his case of reverse discrimination, Justice Powell wrote:

We find it necessary to resolve the question in this case. The question of respondent's right to bring an action under Title VI was never argued nor decided in the courts below, and that the Court has been hesitant to review questions not addressed below... We therefore do not address the

difficult issue. Similarly, we need not pose upon petitioner's claim (the University of California) that private plaintiffs under Title VI must exhaust administrative remedies. *We only assume for the purpose of this case that respondent has a right of action under Title VI (italics added).*²⁴

By assuming that Title VI gave individuals a private claim of action, the Court violated one of the basic principles of liberal democratic theory as advanced by Locke. That is, supreme authorities are not at liberty to dispense justice arbitrarily but must adhere to standard laws, which are the international laws of human rights. The Court departed from this principle when it arbitrarily assumed that an individual had a private claim of action under Title VI. This assumption provided the basis for the array of reverse discrimination cases to reach the courts from 1978 up to the 1990s.

Reverse Discrimination Argument is at Odds with the Supremacy Clause

From the *Bakke* decision up to the ratification of the human rights treaties in the 1990s, the Court had just a moral obligation to decide the legitimacy of affirmative action within the framework of the international laws of human rights. However, in 1992 and 1994, the United States Senate ratified two human rights treaties: the International Covenant on Civil and Political Rights (ICCPR), effective September 8, 1992, and the Convention on the Elimination of All Forms of Racial Discrimination (CERD), effective November 20, 1994 (hereafter, treaties for the protection of racial minorities).²⁵ These treaties are now the supreme law of the land under Article VI of the U.S. Constitution. Before continuing, a brief discussion of the purpose of the supremacy clause is in order.

The Original Intent of Treaties

The original intent of framers of the constitution to place treaties under Article VI of the Constitution was to protect the property interest of foreigners who had investment in America before the American Revolutionary War. In *Hauenstein v Lynham* (1879), the United States Supreme Court reiterated this point. It stated:

The efficacy of the treaty is declared and guaranteed by the Constitution of the United States. That instrument took effect on the fourth day of March, 1789. In 1796, but a few years later, this court said: "If doubts could exist before the adoption of the present national government, they must be entirely removed by the sixth article of the Constitution, which provides that 'all treaties made or which shall be made under the authority of the United States, shall be the supreme law of the land, and the judges in every State shall be bound thereby, any thing in the Constitution or laws of any State to the contrary notwithstanding.'"²⁶

It further stated that "a treaty could not be supreme law of the land, that is, of all the United States, if any act of a State Legislature can stand in its way." Subsequently, the Court has consistently held that all treaties are the supreme law and has invalidated all states' Constitutions and statutes to the contrary. For example, see the following cases: *United States v Pink*, 315 U.S. 203 (1942); *De Geofrey v Riggs*, 133 U.S. 258 (1890); *Nielson v Johnson*, 279 U.S. 47(1929); *United States v Belmont*, 301 U.S. 324 (1937); and *Missouri v Holland*, 252 U.S. 416.

Treaties for the Protection of Racial Minorities

The CERD treaty places an obligation upon the United States to adopt special measures to secure adequate socioeconomic advancement for those racial minority groups

that need such protection. As noted in the Preamble of the Universal Declaration of Human Rights, "it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law." Article 29(2) of this Declaration establishes standards for man to exercise his rights and freedoms. It states:

...everyone shall be subject only to such limitation as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and meeting the just requirement of morality, public order and the general welfare in a democratic society.

Affirmative action measures are special measures designed to create equality of opportunity. Originally, this policy was adopted to ensure that African Americans enjoy their fundamental rights and freedoms to share in the community's material possessions necessary for their preservation as did other groups. Inherited in the concept of equality of opportunity is the implied social contract of a liberal democratic society holds that the government is obligated to protect individuals' and groups' rights to an orderly means of subsistence.²⁷ African Americans need such protection because they have historically been subjected to a policy of racial apartheid which saddled them with the disabilities of race and operated to subordinate them socioeconomically.²⁸ Before the adoption of affirmative action, they had no protection to safeguard their interest, to secure socioeconomic advancement, against the faint preference of the tyranny of majoritarian rule. Without affirmative action, African Americans will be forced, as a last recourse, to rebellion.

By sanctioning the reverse discrimination arguments, the Court is hamstringing the government from fulfilling its duties and obligations to undertake special measures to ensure racial minorities enjoy their basic human rights and fundamental freedom, particularly their freedom and well-being. Such phenomena are very important in understanding the political ramifications of the Court's sanctioning the reverse discrimination argument. This policy will operate to deny minorities access to higher education in violation of Article 26(1) of the Universal Declaration of Human Rights, which states that "higher education shall be equally accessible to all." Because the United States' educational systems are decentralized, all students do not have the same freedom to acquire the same quality education that will ensure them equal access to the various institutions of higher education. Access to these institutions depends largely on the socioeconomic status of the community in which the student lives. Schools in the more affluent communities are structured to ensure students receive a quality education and to pass the standardized tests for entrance into the prestigious institutions.

It is in the structure of the community where the problem lies. Affluent communities were not created through a natural selection process as the social Darwinists and eugenicists have argued.²⁹ They were purposefully created by the Federal Housing Act which constituted *bonanza giveaways*.³⁰ The law explicitly stated that African Americans were not to participate in these programs.

In contrast, in lower income neighborhoods where the majority of minorities live, students are less likely to receive the quality education needed to score high on the standardized tests. Yet, without such an education, they will be unable to take advantage of the many life opportunities that society has to offer. Racial minorities' inability to take advantage of the socioeconomic opportunities that society has to offer will affect their well-being and their self-esteem, which will have a negative impact on society as a whole in the long run.

To ensure racial minorities of the enjoyment of their human rights and well-being, the government must adopt special measures to ensure that the playing field is level in order to guarantee them access to a quality education. In formulating such policies, policymakers must take into account the impact of American decentralized educational systems. This necessitates establishing a different set of criteria for evaluating racial minority students for admission to colleges and professional schools. These special criteria are not preference but special measures to create equal opportunities.

Special Measures vs. Group Preferences

Because affirmative action required governmental actors to adopt special measures to create opportunities for racial minorities, critics immediately began labeling these measures as group rights or racial preferences. Although these measures have the appearance of preferences, they are not. They do not fit with the legal definition of preference as the term has historically used in America. The first legal reference to preferences in the American judicial system can be found in veteran preferences laws. A comparison of the term "special measures" and "preferences" will shed some light on confusion of these terms.

First, accompanying the concept of preferences are statutory requirements. Embedded in these laws are mandates, which are indicated by the word "shall." Secondly, preference laws create property interests for all members of a class. For example, the veteran preference law adopted after World War II—and subsequent wars—extended benefits to all veterans who wish to exercise their right to these benefits.

The laws covering the distribution of preference benefits describe the terms and conditions by which these benefits are to be distributed. For example, veterans of the Civil War were granted preferences to the land out West under the Homestead Act of 1862. Since there were more veterans than land to go around, the rules for distributing land were based on the principle of "first-come, first served." After World War II, the government adopted another set of veteran preferences. First, it created what the veterans called the "20-52 club," which guaranteed every veteran \$20 a week for 52 weeks. Under this plan there was no such thing as a scarcity or limited resources. Congress appropriated more money than the veterans actually used.

The veteran preference law also guaranteed veterans various educational opportunities. At first, there were more veterans applying for college than the existing colleges and universities could accommodate. Because of the availability of funds, new colleges and universities were established and existing colleges expanded their facilities and faculty members to accommodate the veterans. In every instance, veterans had the opportunity to take advantage of the benefits offered to them under the preference bill.

The Difference between Preference and Affirmative Action

There is a vast difference between a preference bill and affirmative action policy. A preference bill provides benefits that are distributive among the class of veterans. On the other hand, affirmative action creates equality of opportunities for a minute number of a racial minority group. Under the preference law, individuals have an equal protection right to the benefits created by this law, that is, a property interest. Affirmative action, on the other hand, does not create an individual property interest in a government benefit for the protected groups. More importantly, there is no conceivable legal schema that can be constructed to guarantee an individual an equal protection right to a government benefit in absence of a law to support such claim.

Despite the vast difference between preference laws and affirmative action policies, the United States Supreme Court treated special measures at the University of Michigan as though they were preferences. In doing so, it allowed individuals to advance false claims that affirmative action deprived them of their property interest in a government benefit that they did not have.

In the majority opinion, the justices seemed to have been fixated on the mechanics of the special measure programs and the plaintiffs' claims that these programs deprived them of their equal protection right to be admitted to the University of Michigan based on their qualifications. On the other hand, racial minority applicants were admitted with lesser qualifications than theirs. First of all, the special admission programs did not violate the plaintiffs' equal protection right, because there was no law to support their claim of entitlement to be admitted based on their qualifications.

The Court acknowledged that the "record does not reveal precisely how many applications are flagged for this individualized consideration."³¹ Yet it concluded:

...it is undisputed that the University admits virtually every qualified applicant from these groups. The current guidelines use a selection method under which every applicant from an underrepresented racial or ethnic minority group is automatically awarded 20 points of the 100 needed to guarantee admission.³²

The irony to this bold assertion is that the Court did not cite any statistics to show how this automatically awarding of 20 points to racial minority students gave them an unfair advantage over all nonminority students. Justice Souter pointed this out in his dissenting opinion. He wrote: "The actual record does not reveal precisely how many applications are flagged for this individualized consideration."³³

If the University had accepted all the flagged students as the Court contended, then there should have been a constant increase in the number of minority students during the period the lawsuit covered, then there should have been a constant increase in the number of minority students. But Table 1 refutes the Court's argument that virtually every student flagged was admitted. In 1990, there were 2,359 (7.1 percent) African American students admitted out of the total student body of 33,123. In 2001, the percent of African American students had increased only to 7.9 percent. These figures raise the more serious question as to how can a mere .8 percent increase in the number African American students have a disparity impact upon the chances of nonminority students' admission.

The Historical Origin of Special Measures

As mentioned previously, affirmative action is a form of special measures. Its origin in the system of jurisprudence can be traced back to 1932 where the International Court of Justice addressed this issue in the *Minority Schools in Albania*³⁴ case. Here, the Albanian government had attempted to close down the Greek private schools in an attempt to force the Greek minorities to assimilate into the Albanian culture. The Albanian government argued that granting the Greeks their special schools was discriminatory. The Court disagreed and held that if minorities' needs and requirements are different from the majority, then they have to be treated differently in order to be treated equally.

The Court made a distinction between equality in-law and equality in-fact. Equality in-laws will foster inequality in-fact if the minorities' needs and requirements are different from those of the majority. There must be equality both in-law and in-fact, the Court held. To guarantee equality in fact, the government may have to treat minorities differently in order to treat them equally. In other words, special measures may be needed in

Table 1
University of Michigan—Ann Arbor
Enrollments in Degree Credit Programs by Racial/Ethnic Category

Underrepresented Minorities

Level	Fall Term	Total US & PRA		Total Underrep.		African American		Native American		Hispanic American		Asian American		White		Unknown	
		Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%	Number	%
	2003	33516	100.0%	4650	13.9%	2716	8.1%	275	0.8%	1659	4.9%	4489	13.4%	22236	66.3%	2141	6.4%
	2002	33440	100.0%	4555	13.6%	2725	8.1%	257	0.8%	1573	4.7%	4300	12.9%	22303	66.7%	2282	6.8%
	2001	33205	100.0%	4311	13.0%	2616	7.9%	225	0.7%	1470	4.4%	4208	12.7%	22380	67.4%	2306	6.9%
	2000	32838	100.0%	4216	12.8%	2594	7.9%	214	0.7%	1408	4.3%	4010	12.2%	22099	67.3%	2513	7.7%
	1999	32940	100.0%	4282	13.0%	2669	8.1%	213	0.6%	1400	4.3%	3921	11.9%	22497	68.3%	2240	6.8%
	1998	32642	100.0%	4432	13.6%	2771	8.5%	227	0.7%	1434	4.4%	3811	11.7%	22406	68.6%	1993	6.1%
	1997	32754	100.0%	4524	13.8%	2824	8.6%	227	0.7%	1473	4.5%	3790	11.6%	22761	69.5%	1679	5.1%
	1996	32361	100.0%	4567	14.1%	2870	8.9%	226	0.7%	1471	4.5%	3642	11.3%	22826	70.5%	1326	4.1%
	1995	32690	100.0%	4589	14.0%	2846	8.7%	245	0.7%	1498	4.6%	3519	10.8%	23536	72.0%	1046	3.2%
	1994	32810	100.0%	4506	13.7%	2715	8.3%	258	0.8%	1533	4.7%	3421	10.4%	23968	73.1%	915	2.8%
	1993	33259	100.0%	4452	13.4%	2706	8.1%	249	0.7%	1497	4.5%	3126	9.4%	24737	74.4%	944	2.8%
	1992	33118	100.0%	4198	12.7%	2599	7.8%	227	0.7%	1372	4.1%	2899	8.8%	25175	76.0%	846	2.6%
	1991	32969	100.0%	3939	11.9%	2510	7.6%	189	0.6%	1240	3.8%	2697	8.2%	25585	77.6%	748	2.3%
	1990	33123	100.0%	3570	10.8%	2358	7.1%	157	0.5%	1055	3.2%	2474	7.5%	26501	80.0%	578	1.7%

Source: Office of the Registrar Report 837 for 1975-2001 data. Fall 2002, 2003 data are from queries of the SA05 Official Third Week Count dataset.

order to create a level playing field so that those racial minority groups that need such protection can compete successfully in a competitive and multicultural society.

While drafting the Universal Declaration of Human Rights, the American Anthropological Society submitted to the Commission on Human Rights their statement on human rights. The Society urged the Commission to take into consideration the respect for the development of the human personality through the individual's culture. It further argued that "respect for individual differences entails a respect for cultural differences."

The main portion of the American Anthropological Society's concern for the protection of groups' human rights was incorporated in Article 27 of ICCPR. It reads:

In those states in which ethnic, religious, or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language."

Since the treaties for the protection of minorities have been ratified by the U.S. Senate, they are now the supreme law of the land; therefore, all of the U.S. Supreme Court's reverse discrimination rulings from the *Bakke* decision onward technically become *null* and *void* on their face. The legal issue that remains here is the legality of the various declarations and reservations that the Senate attached to these treaties.

Self-Execution of the Minority Treaties

When treaties are adopted by states (countries), they have the right to attach declarations and reservations to them to protect the integrity of their government. When the U.S. Senate ratified ICCPR, President George Bush refused to sign the protocol that gives an individual a right to seek a private cause of action in domestic courts. He went so far as to attach a declaration stating that Articles 1-27 of the treaty were non-self-executing.³⁵ Technically, this declaration was *null* and *void* on its face for several grounds. First, reservations and declarations are valid only if they do not conflict with the object and purpose of the treaty. President Bush's declaration of non-self-execution is at odds with Article 2(3a,b).³⁶ This article places an obligation on states to provide "an effective remedy" for any person "whose rights or freedoms" are recognized in the Covenant. Subsection (b) requires states to provide "competent judicial, administrative or legislative authorities" for persons claiming a remedy for rights violations. Second, the non-self-executing declaration violates Article 4(1) of ICCPR. This article only allows states to derogate from their obligations under "exigencies of situations," that is, time of war or national security reasons.³

Third, declarations are not treaties; therefore, they are not binding and do not come within the purview of the Supremacy clause of Article VI of the U.S. Constitution. Furthermore, if President Bush's declaration of non-self-execution was legally binding, it would automatically render ICCPR null and void. Such action contravenes the basic principle of the separation of power in the U.S. Constitution. In other words, a president does not have the constitutional authority to nullify a treaty.

Fourth, the non-self-executing declaration contravenes the international customary law of human rights by which states are bound.³⁸ Customary laws are not found in any treaty. They are binding to states "on the theory that norms in question have been tacitly accepted by states."³⁹

Fifth, Article 2(3) within itself renders President Bush's declarations null and void. This article requires states to ensure observance of the provisions of the human rights treaties. This places an obligation on states to take adequate measures so that groups can

seek remedies in domestic courts. This is one of the major positions of the Human Rights Committee as evidenced by the questions that it asked states concerning their implementation of the ICCPR.

Finally, when a country signs a treaty, it also agrees to its terms. One of the key terms of the treaty states that "...customary right of each person to an effective remedy in domestic tribunals that conflicts with expressed undertakings in Articles 2, 9, 14, and 50 of the Covenant."⁴⁰ Take Article 2(3b), for example. It affirms the rights of individuals and establishes obligations of states "to ensure that any person whose rights or freedoms as herein recognized are violated should have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity."

Hence, the underlying reason for President Bush signing ICCPR was to insulate the United States from external review and to avoid the international criticism of hypocrisy. The United States was criticizing other countries for their human rights violation; yet, it had not signed the two basic human rights treaties for the protection of the minorities.

In 1994, CERD was submitted to the Senate Foreign Subcommittee for ratification. President Bill Clinton also attached a non-self-executing declaration to this treaty. The stated purpose for this declaration was to clarify that this "treaty will not create new or independently enforceable private cause of action in the U.S. courts."⁴¹ This declaration is also null and void because it contravenes the main purpose of the treaty. Article 1(4) places an obligation on state parties a duty and obligation to adopt special measures "for the sole purpose of securing adequate advancements of certain racial or ethnic groups or individuals requiring such protection."⁴² The U.S. representative identified affirmative action as the policy to achieve this end. If this is true, then Article 1(4) of CERD prohibits the U.S. Supreme Court from deeming recruitment programs like the University of Michigan as discrimination.⁴³

Evidence of the Use of Human Rights Laws in Domestic Courts

Notwithstanding of the declarations attached to the two treaties for the protection of minorities, various provisions in these treaties make them self-executing in domestic courts. Evidence to this effect can be found in Article 2 of ICCPR. This article places an obligation on states to undertake steps "[t]o ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy." Article 3 places an obligation on states "[t]o ensure the equal rights of men and women to the enjoyment of all civil and political rights set forth in the present Covenant." The Preamble of this Covenant places an obligation on states to create conditions "whereby everyone may enjoy his civil and political rights, as well as his economic, social and cultural rights."

Article 2 of CERD places an obligation on states to undertake "effective measures to review governmental, national and local policies, and to amend, rescind or nullify any laws and regulations which have the effect of creating or perpetuating racial discrimination wherever it exists." These obligations can only be met by adopting special measures such as affirmative action to create equal opportunities for racial minority groups, particularly African Americans who have been saddled with the disability of race.

The Success of Human Rights Laws in Domestic Courts in Other Countries

Other countries have used the principles of human rights laws very effectively in their domestic courts. The Netherlands reported to the Human Rights Commission in 1989

that "fifty-eight judgments in Dutch courts had referred to provisions of the Covenant (ICCPR) during 1986 and the Covenant created rights enforceable in Dutch courts."⁴⁴ The Netherlands also considers any acts that are at odds with the provisions of the Covenant to be null and void.

Italy reported to the Commission that it considers all treaties to become domestic law without special legislation. However, special legislation has been adopted to incorporate provisions of the Covenant into domestic law. It also reported that its courts frequently invoke provisions of ICCPR. France also reported similar experience. But the country that has been in the forefront in incorporating provisions of ICCPR into its domestic laws is Japan. Under its constitution, treaties preempt domestic laws.

As previously discussed, the U.S. Supreme Court has recognized treaties as the supreme law of the land. However, it has persistently refused to evoke any of the principles of the treaties for the protection of minorities to resolve the confusion surrounding affirmative action.

Summary and Conclusion

An analysis of the Michigan case within the framework of liberal democratic theory and international law of human rights clearly demonstrates that the U.S. Supreme Court's ruling on the reverse discrimination cases is at odds with human rights treaties. Since treaties are the supreme law of the land, the Court's rulings in these cases are *null* and *void* on their face. Yet the Supreme Court ignored both the principles of the liberal democratic theory and the international law of human rights.

The Court's violation of the principles of liberal democratic theory can be found in its departure from its established rule in deciding whether the plaintiffs had a legal standing in challenging those special programs designed to secure adequate socioeconomic advancement for those racial minority groups that need such protection. From the *Bakke* decision to the Michigan case, the Court arbitrarily granted plaintiffs a legal standing when in fact they did not have such standing, according to the rule of law.

By sanctioning the reverse discrimination argument, the Court is violating the Hobbesian principle of equality under the law, which holds that no person can claim a right to a government benefit that others who are similarly situated cannot claim as well. If special measures violated the plaintiffs' equal protection rights to the government benefits that they sought, these measures also violated the rights of all of the other individuals who were similarly situated.

Once deduced to their logical conclusions, the Court's reverse discrimination rulings are inconsistent with the basic principle of the equal protection clause. For example, in both the *Bakke* and Michigan cases, the plaintiffs' claims of equal protection rights violation hinged on the fact that their social credentials were more impressive than the applicants of special measures. The problem with this ruling is that there were more qualified applicants than benefits to go around. Such a proposition will always exist in a capitalistic society. If the plaintiffs' social credentials gave them an equal protection right to a government benefit, then all of the other applicants with similar credentials would have had the same equal protection right. In the *Bakke* case, there were only 100 slots for admission to medical school, but there were more than 1,600 meritorious applicants. Of this number, there were more than 100 meritorious applicants that met the university's standards for admission. Under the equal protection clause, they had a right to be admitted.

Equal protection is a personal right, as the Court has repeatedly noted. It is a property right that is safeguarded through procedural due process. Within this principle, all appli-

cants that met the universities' standard for admission at both universities have a property interest in being admitted. If the available positions are inadequate to accommodate these applicants, then the governmental actors have an obligation to create such positions under the equal protection clause. This is precisely what the government did under the veterans' preferences and federal housing laws, but such a measure cannot be undertaken where there are limited resources. In regard to medical school, the question is not the lack of funds to create new positions for all qualified applicants, but whether creating such positions is within the public good. Serving the public good is the end of government, according to the philosophy of Locke.⁴⁵

As far as the international law of human rights, the U.S. Supreme Court abrogated its obligation to rule in the reverse discrimination cases according to the principle of law. By the mere fact that the U.S. Senate attached several declarations and reservations to the human rights treaties, it does not relieve the Court of its obligation to apply the principles of these treaties to adjudicate the controversies surrounding affirmative action. These treaties place an obligation upon states (governments) to undertake special measures to eliminate all forms of racial discrimination. Affirmative action is just one such measure.

At the core of the reverse discrimination controversy is the lack of a legal definition of the term "racial discrimination" in the American system of jurisprudence. This defect was eliminated by CARD. It defines racial discrimination as "exclusion" of an entire racial group. In all of the cases of reverse discrimination that have reached the U.S. Supreme Court, special measures did not exclude all whites from receiving a government benefit. In each case, individuals who claimed that they have been discriminated against in reverse have used Title VI or VII as an end-around way to obtain a benefit that could not be obtained in the regular competitive process.

By sanctioning the reverse discrimination claims, the U.S. Supreme Court is promoting and inciting race hatred, thus further deteriorating race relations. Its ruling will continue to dupe the public into believing that affirmative action and other civil rights measures are responsible for their deteriorating socioeconomic status. When, in fact, the catalyst for such deterioration is the downsizing of the economy. Therefore, eliminating affirmative action will not help the white male's status one iota. It will only force those racial minority groups that have been saddled with the disabilities of race to resort to violence as a last resort in their attempt to acquire a means of subsistence.

To end the frivolous attacks upon affirmative action, provisions of the treaties for the protection of minorities must be incorporated into the American system of jurisprudence. This can be done with both the national and state governments. For example, in 2003, California adopted Article 1 of CERD into its state law, which provided a legal definition of racial discrimination. As soon as this law came into effect, the Berkeley Unified School District used it to defend its "ethnic diversity" program. This program was challenged in court by the Pacific Legal Foundation, a conservative entity. The suit charged that this program was in violation of Proposition 209. This proposition prohibits racial discrimination but did not define it. By adopting CERD's definition of racial discrimination into state law, the attorneys representing the district were able to successfully argue that the ethnic diversity program did not constitute racial discrimination and that it did not have a disparity impact upon other students. If this definition were adopted on the federal level, there would not have been a University of Michigan case.

In short, the reverse discrimination argument is kept alive because the U.S. Supreme Court has refused to fulfill its duty and obligation to rule according to the principle of law. It has consistently ruled on extemporary arbitrary decrees that are inconsistent with the basic principles of liberal democratic theory and the international laws of human rights.

Notes

1. See John Locke, "Of the Ends of Political Society," and "Dissolution of Government," in the *Second Treatise of Government*, J. W. Gough, ed. (New York: MacMillan, 1946), 63-66; 105-122.
2. Stokely Carmichael and Charles Hamilton, *Black Power* (New York: Vintage Books, 1967).
3. *The Regents of the University of California v Bakke* 438 U.S. 265 (1978) and *Gratz v Bollinger* No. 02-515.
4. For a discussion on "property rights," see the *Board of Education v Roth Board of Education v Roth*, 408 U.S. 579.
5. *Board of Regents v Roth*, 408 U.S. 579.
6. *The Civil Rights Cases*, 109 U.S. 3; 3 S. Ct. 18 (1883).
7. *Board of Regents v Roth*, 408 U.S. 579.
8. Comments that were made by Senator Hubert Humphrey, 110 Congressional Records, 6547(1964).
9. For a discussion of civil rights and the liberal democratic theory, see J. Owens Smith, "Civil Rights and the Liberal Tradition: A Framework for Evaluating Social Policy," *The National Political Science Review* 6 (1997): 445-455.
10. *Hobbes Selections*, ed. by Frederick J. E. Woodbridge (New York: Charles Scribner's Sons, 1958), 249-30.
11. *DeFunis v Odegaard*, 82 Wn. 2nd 11, 507 P. 2d 1169.
12. For analysis of *DeFunis v Odegaard*, see Robert M. O'Neil, *Discriminating Against Discrimination: Preferential Admission and the DeFunis case* (Bloomington: Indiana University Press, 1975).
13. See Smith, "Civil Rights Policy and the Liberal Tradition: A Framework for Evaluating Social Policy," *The National Political Science Review* 6 (1997): 245-255.
14. *Board of Regents v Roth*, 408 U.S. 564 (1972).
15. *Ibid.*
16. *Goldberg v Kelly*, 397 U.S. 254 (1970).
17. For a discussion on the topic of community's material possession, see James Tully, *A Discourse on Property: John Locke and His Adversaries* (Cambridge, London: Cambridge University Press, 1980), 95-130.
18. See *The Regents of the University of California v Bakke* 438 U.S. 265 (1978).
19. Locke, "Of Property," *Second Treatise of Government*, 15.
20. In *Wygant v Jackson Board of Education*, 476 U.S. 267 (1986), Justice Marshall commented: "Agreement upon a means for applying the Equal Protection Clause to an affirmative action program has eluded this Court every time the issue has come before us."
21. Locke, "Of the Extent of Legislative Power," *Second Treatise of Government*, 67.
22. *University of California Regents v Bakke*, 438 U.S. 265 (1978) 438 U.S. 265.
23. *Ibid.*, 272.
24. *Ibid.*, 273.
25. The United Nations International Covenant on Civil and Political Rights, ratified by the U.S. Senate in 1992; and International Convention on the Elimination of All Forms of Racial Discrimination 660 United Nations Treaties Series 195; Ratification: 140 Congressional Records S7634 (1994).
26. *Hauenstein v Lynham*, 100 U.S. 489.
27. See the "Dissolution of the State," by John Locke, *Two Treatise of Government*.
28. *San Antonio School District v Rodriguez*, 411 U.S. 1 (1973) 30.
29. Eugenics was developed in the mid-nineteenth century by Francis Galton. Its basic premise is that genes determine individual behavior. In order to develop a productive society, people of positive genes should reproduce themselves and the persons with negative genes should be prevented from reproducing through sterilization. Although this movement was started in Europe, it was transported to America. The leading proponent of this movement in America was Charles Davenport. The philosophy of the eugenicists can be found in his book, entitled, *Heredity in Relation to Eugenics*. Introd. by Charles E. Rosenberg (New York: Arno Press, 1972).

30. See J. Owens Smith, *The Politics of Ethnic and Racial Inequality: A Systematic Comparative Analysis from the Colonial Period to the Present* (Dubuque: Kendall/Hunt Publishers, 2003), chapter 9.
31. *Gratz v Bollinger*, No. 02-515, 26 (2003).
32. *Ibid.*, Syllabus 1 (2003).
33. *Ibid.*, Justice Souter dissenting opinion, 7.
34. Advisory Opinion on *Minority Schools in Albania* (April 6, 1935) in *World Court Reports*, ed. Manley O. Hudson and Tuth E. Bacon (Washington: Carnegie Endowment for International Peace, 1938), 484-512.
35. Senate Committee on Foreign Relations. Report on the International Covenant on Civil and Political Rights. Senate Executive Report No. 23, 102d Congress, 2d Session 25 (1992).
36. Each State Party to the present Covenant undertakes:
 - a. To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; to ensure that any person claiming such a remedy shall have his rights thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy;
 - b. To ensure that the competent authorities shall enforce such remedies when granted.
37. Article 4
 1. In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, colour, sex, language, religion or social origin.
38. *Restatement of the Third of Foreign Relations Law of the United States* § 702 (1987).
39. John Quigley, "The International Covenant on Civil and Political Rights and the Supremacy Clause," *DePaul Law Review* 42: 1297.
40. Jordon Paust, "A Voiding 'Fraudulent' Executive Policy: Analysis of Non-Self-Execution of the Covenant on Civil and Political Rights," *DePaul Law Review* 42: 1257-1259.
41. International Convention on the Elimination of All Forms of Racial Discrimination, Senate Executive Report (June 2, 1994), 25.
42. Article 1(4) Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not come as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were undertaken have been achieved.
43. *Ibid.*
44. Quigley, 1297.
45. Locke, *Second Treatise of Government*, section 2.134.

Race and *The Green Mile*

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Images of black people in general, and black men in particular, have long been associated with crime and lasciviousness. While black men and women throughout the Diaspora have tried to reclaim the image of black manhood and attach it to progressive, even revolutionary ideals (Carby 1998) the negative effect of these images is without question. Political scientists have found an explicit relationship, noting that those shown images of black criminals are far more likely to support punitive forms of punishment than those shown images of nonblack criminals (Gilliam and Iyengar 2000; Gordon 1990; Hurwitz and Peffley 1997; Peffley and Hurwitz 2002). Such images were useful in promoting and justifying white supremacy throughout the nation over the course of some 300 years and served a particular purpose in the South. Arguably such images crystallized the enslaved status of Africans, and further cemented their subjugated status even as it increased the status of whites. And after the end of the enslavement, such images were used to justify the various forms of state sponsored terrorism visited upon black men and women.

Yet, when we look at popular narratives about race—paying particular attention to film, a very different picture emerges. Although black men and women are still subjugated, their subjugation occurs at the hand of a few bad men and women, and is far from systemic. Indeed, in some cases, it is almost as if Jim Crow were a figment of the overactive imagination. And most recently in film a literally magical relationship has been posited between otherworldly black men and their white southern counterparts in the Deep South during the early part of the twentieth century. In *The Legend of Bagger Vance* Will Smith plays a magical caddie to Matt Damon's Bagger Vance, and in *The Green Mile* Michael Clark Duncan plays an imprisoned giant to Tom Hanks' prison guard. Other films that are either set in the Deep South, or deal with similar relationships between black and white characters are *Driving Miss Daisy*, and *The Matrix* (as well as its sequels).

Why do these films appear during this specific time? First, let it be known that there are a number of problems with asserting clear causal links between the material context of a given time period and cultural production at the individual level. At any given time, individual cultural workers are producing a variety of cultural products, so different from one another that it is close to impossible to assert that the material context "caused" the artist to create the product. However, given the presence of a general trend it is possible to make a general proposition about the linkages between the material context and that trend.

It is clear that the 1990s represented a period of both expansion and retrenchment in African American life. While African American unemployment in 1983 was 21.3 percent (the highest rate ever recorded), ten years later it was 14.1 percent, and just six years after that in 1999 it was only 7.1 percent (the lowest unemployment rate ever recorded). In the area of entertainment, African Americans were increasingly welcomed into American homes, as measured by the growth of hip-hop due to white consumption and the growth in NBA attendance figures, and increasingly welcomed in film theaters (as measured by the growth of films with significant African American casts). On the other hand however, African American incarceration rates had exploded, poor African Americans became poorer, and images of African Americans sparked regressive policy preferences in the areas of welfare and crime. Remember also the three arguably most important mediated events of the 1990s—the Rodney King verdict, the OJ Simpson trial and verdict, and the Million Man March.

To a degree then, the growth of the “Magical Negro” genre reflects on the one hand a willingness to integrate African Americans into mainstream film (in starring roles no less). It may also reflect the impact of a growing African American popular presence on screenwriters, directors, and producers, as well as the fact that the “Magical Negro” genre is a profitable one. But it also reflects the diametrically opposed images of African Americans that whites encountered—the stereotypical black on the one hand, prone to criminality and laziness, and the atypical powerful black on the other hand, capable of performing feats of magic and wonder.

The Green Mile was originally a serialized novel by Stephen King, which appeared in print (in serialized form) in 1996. It told the story of a prisoner (John Coffey) on death row in the 1930s Deep South and his prison ward superintendent (Paul Edgecomb). It was turned into a film, which appeared in 1999. It is particularly interesting because it stands the traditional fusion of race and crime on its head. Though Coffey is a giant, and is both bald and very dark skinned (appearing very much like Bogle’s pure black buck), he is far from a menacing figure. He has a very deep voice, yet he speaks with the gentleness of a child. Furthermore, even though he is imprisoned in the Deep South, in the 1930s during a period where lynching was still a viable and acceptable means of “enforcing justice” the contours of this racially oppressive regime are barely hinted at. What are we to make of this attempt to tell a story about justice and redemption in the Deep South without a mention of white supremacy? Why does this particular narrative (docile black man in the Deep South befriending and ultimately uplifting a white racist adult) appear over and over in American popular culture?

Linda Williams (film scholar, not to be confused with the University of Maryland political scientist) makes an argument about the role of race in American popular culture that bears considering. She posits that the way that race works in films such as *The Green Mile* can be best understood by examining the role of melodrama within them. Though I find her analysis powerful, I argue that it specifically neglects the role of technique in general, an aspect that Toni Morrison addresses in her work *Playing in the Dark*. In this work, I examine *The Green Mile* through Williams’ framework, and then expand that framework by taking technique into account, looking specifically at the technical choice of setting and point-of-view.

Melodrama and the Africanist Presence

If emotional and moral registers are sounded, if a work invites us to feel sympathy for the virtues of beset victims, if the narrative trajectory is ultimately concerned with a retrieval and staging of

virtue through adversity and suffering, then the operative mode is melodrama. (Williams 2001, 15)

Linda Williams in her work *Playing the Race Card* argues that Harriet Beecher Stowe's seminal work *Uncle Tom's Cabin* presents the template within which black and white racial melodrama is fleshed out through various forms of media (book, play, movie), and various time periods (late nineteenth century to the present) (Williams 2001). The focus on melodrama (as well as reactions to it) is important to Williams as she argues that "the most innovative, form-breaking works of American mass culture have been...racial melodrama" (Williams 2001, 297). Melodrama over dramatizes tragedy, pain, and suffering, in doing so laying bare stark distinctions between purity and vulgarity, between innocence and guilt.

Though Williams' work inevitably centers on melodrama in film she also examines plays and books, arguing that racial melodramas often jump across artistic space (from novel to play to film in the case of *Uncle Tom's Cabin*, for example) and time (from the 1870s to the present). Toni Morrison's *Playing in the Dark: Whiteness and the Literary Imagination* on the other hand focuses solely on literature. Her work represents an attempt to "limn" the ways in which the Africanist presence in society plays itself out in American literature. She argues plainly that (white) Americans often use this Africanist presence as a way to talk about themselves and that the way this occurs is oftentimes ragged, leading often to tortured authorial choices (Morrison 1992).

Morrison is clear in stating that she is not in any way ascribing motives of racism to the writers she deals with in the work. She is interested in the effect of the Africanist presence (or absence) on the central characters, settings, and themes of the work the presence appears in. Both Williams and Morrison then are interested in examining the role of race in American cultural production, and the often hidden role it plays in evoking emotion, or addressing larger questions. Before considering their approach to *The Green Mile* it is first important to give important setting and plot details about the work. Although arguably there are significant differences between novels and their film versions, according to Williams this represents an example of the dynamic nature of racial melodrama. Though *The Green Mile* originally appears as a serialized novel, it "jumps" to the big screen with relative ease.

The Setting and Plot of *The Green Mile*

The bulk of *The Green Mile* takes place in and around depression era Louisiana in the death row wing of a prison. The story, told from the point of view of Paul Edgecomb (played in the film by Tom Hanks), centers on one black death row convict—John Coffey (played in the film by Michael Clark Duncan). Coffey's case is the only death row case in Edgecomb's history, in which he was not fully convinced of the accused's guilt. The crime Coffey is accused of committing is a heinous one:

1932 was the year of John Coffey. The details would be in the papers, still there for anyone who cared enough to look them out—someone with more energy than one very old man whittling away the end of his life in a Georgia nursing home. That was a hot fall, I remember that; very hot, indeed. October almost like August, and the warden's wife, Melinda, up in the hospital at Indianola for a spell. It was the fall I had the worst urinary infection of my life, not bad enough to put me in the hospital myself, but almost bad enough for me to wish I was dead every time I took a leak. It was the fall of Delacroix, the little half-bald Frenchman with the mouse, the one that came in the summer and did that cute trick with the spool. Mostly though, it was the fall that John Coffey came to E Block, sentenced to death for the rape-murder of the Dettterick twins." (King 2000)

This represents the first paragraph of the work. At this point the only thing the reader/viewer knows about Coffey is that he was sentenced to death for the rape-murder of twins. The reader/viewer also knows a little about the setting—the Deep South in 1932—and a great deal about Edgecomb. His occupation (a prison ward superintendent) and the state of his health (poor) are known. Edgecomb then describes some of the people who are either captives or workers, before he tackles the first day he encounters Coffey. In describing Coffey, we find that he is both black and *huge*...standing 6'8" and bulging with muscle. Edgecomb described him as a "black Samson...only after Delilah shaved him smooth" (King 2000). In the movie, Michael Clarke Duncan is placed upon a raised walkway in order to convey a sense of size; when shown on film he is always shown from the waist up standing heads and shoulders above the prison guards.¹

At this point, the reader/viewer knows that Coffey was sentenced to death for the rape-murder of twins; that he is black; that he is a literal giant. In his seminal work on black film, Donald Bogle writes about the "black buck," and his physical description of the "pure black buck" fits Coffey's appearance perfectly (Bogle 2001). It is later revealed that not only was Coffey allegedly responsible for the rape and murder of twins, we find that they are adolescent girls, and white. Furthermore, *Coffey was caught holding the bodies of the girls with their blood strewn all over him.*

During the course of the rest of the work, it becomes apparent to Edgecomb (and gradually the reader/viewer) that Coffey was most likely *not* guilty. Among other things, Edgecomb finds that Coffey's defense attorney while seemingly fair-minded was a staunch racist and did not give Coffey a fair defense. But it also becomes apparent that Coffey also possesses the power to heal. The prisoner cures Edgecomb of his urinary tract infection. He raises a mouse from the dead, and finally cures a prominent political official's wife of dementia. Eventually Edgecomb becomes aware of Coffey's innocence.

The way this occurs is through a strange twist of events. Through a physical encounter with a particularly evil white inmate, Coffey finds out that *he* was responsible for the rape-murder of the twins. In the only act of vengeance/anger that Coffey engages in, Coffey "causes" (through his mystical powers) the most evil guard in the prison to kill the inmate. As Edgecomb witnesses the murder, and recognizes Coffey's role in it...Coffey is able to "show" (again, through his mystical powers) him what the inmate did. It is at this point that Edgecomb comes to *know* Coffey's innocence. When Edgecomb realizes that Coffey is innocent he attempts to intervene on his behalf, only to have the convict tell him that the world is too painful for him to live. Coffey awaits his death with a sort of resigned happiness, his only final wish (in the movie) to see a "picture show" before he dies. This wish is granted (King 2000).

Melodrama and *The Green Mile*

According to Williams, melodrama has five features that make it particularly useful in presenting racial dramas, three of which stand out for my purposes. It focuses on recognizing the virtue of victim-heroes. Though Coffey is innocent he never protests his guilt. Furthermore he saves the lives of the very individuals responsible for his imprisonment (Edgecomb in a literal sense, the warden's wife in a figurative sense). Finally the only violence Coffey himself commits is visited upon the two most evil characters in the film (the white prisoner responsible for the crimes Coffey was accused of committing and a sadistic prison guard). And arguably even this violence was not committed by Coffey.² Coffey does not even commit "linguistic" violence—that is, he never so much as raises a harsh word during the entire film.

The recognition of this virtue "involves a dialectic of pathos and action—a give and take of 'too late' and 'in the nick of time.'" When Coffey's innocence—his virtue—is determined without a doubt by Edgecomb and his associates, there is a mad dash to free Coffey. At one point they even go as far as to consider whether to break Coffey out of jail themselves. When Coffey himself decides not to accept his fate it is unclear until Coffey is placed into the electric chair whether anyone will intervene for him at the last moment. It is at this moment that his Christ-like nature becomes transcendent—at the point where Coffey literally gives his life for those around him.

Finally, the melodrama presents simple characters that are often either good or evil, characters that seldom exhibit change (Williams 2001, 29-40).³ There are no rounded characters to speak of in *The Green Mile*. They are either decent-minded folks, pure of heart, or indecent folks venturing towards evil. Indeed, there is only one person who changes during the movie—the warden's wife goes from being shrill and vulgar to being a southern belle (her original state). The *character* of everyone else in the film, including Edgecomb and Coffey, stays constant. As melodrama serves to draw the viewer into the film using sensationalism, it is the *viewer* that is supposed to change.

In analyzing the work herself, Williams notes that Coffey's character is basically a late twentieth-century Uncle Tom reconfigured in order to "perform melodrama's moral legibility" (Williams 2001, 303). Coffey's Christ-like character is combined with what Williams refers to as his "hypermasculine" physique to call to mind *and then refute* all the stereotypes that accompany being a 6'8" dark-skinned, muscular, bald black man. This is particularly of note given the fact that Coffey's two most notable healings are sexual in nature. Edgecomb has a very painful urinary tract infection that renders him unable to perform sexually and unable to urinate without great pain. Coffey heals him by placing his hand firmly on Edgecomb's crotch. Coffey heals the warden's wife by kissing her in the mouth in her own bedroom. In both cases white fear of rape or sexual domination is evoked, then presumably destroyed. Finally, when Coffey is sent to the electric chair, Edgecomb is exonerated by letting him watch a movie, and then making sure he is humanely executed...a very strange act (to say the least) of interracial love and healing.

On one level, Williams is clearly able to use the features of melodrama to unpack the meanings behind *The Green Mile*. Yet there are two aspects of the film that she leaves uninterrogated—the setting itself, along with narrator choice. I argue that Williams' theory is underspecified. None of the five features of melodrama grapple with the technical choices of the artist. It is technique, defined here as the set of stylistic choices that an artist makes in creating his/her work of art that creates the melodrama. Melodramas incite certain feelings in the reader/viewer and the technical choices of the artists determine the feeling itself (sadness, anger, etc.), the direction of that feeling (for or against various characters and events), and the intensity of that feeling. Because Williams ignores the various choices that the artists make—taking them for granted—she is unable to chart exactly *how* specific racial melodramas invoke feeling.

As I noted earlier, Coffey is 6'8", black, muscle-bound, and is not only convicted for the murder *and* rape of two young white girls, but is found holding their bloodied bodies. Given the setting, this scene has particular meaning. Some of the most vicious and violent modes of white supremacy were created and embedded into the Deep South. Brutal lynchings and terrorist murders were still commonplace (though on the wane) for acts as minor as whistling at a white woman twenty years *after* the actions in *The Green Mile*. Why was this setting just glossed over by Williams? It is at this point that Morrison's work steps into the void.

Let us now revisit briefly the central act around which *The Green Mile* revolves. John Coffey, a 6'8" muscled black man, was arrested for allegedly raping and murdering two white adolescent girls. Given what we know about the history of lynching and its importance in enforcing white supremacy in general and white male privilege in particular, it appears as if the major belief that readers are forced to suspend is *not* the belief that Coffey has healing powers. The major belief that readers and viewers are forced to suspend is the belief that Coffey would have made it to the Courthouse to have a trial to be found guilty in the first place. I argue that this is essential because of the role the character of Coffey signifies.

The Africanist Presence and *The Green Mile*

Arguing that studying the African presence in American literature is essential to understanding the development and impact of that literature, Morrison outlines four possible topics worthy of further interrogation. The first involves addressing the role of the Africanist character as surrogate and enabler. The second involves addressing the way the African idiom is used either to establish difference or to serve as a sign of modernity. The third is to examine the technical ways the Africanist presence is used to "limn out and enforce the invention of whiteness" (Morrison 1992, 52). The fourth project entails analyzing the way the Africanist story is employed in order to address "one's own humanity" (Morrison 1992, 53).⁴

Whether consciously or not, Williams' work neatly dovetails with Morrison's in some important ways. Williams' "victim-hero" has much in common with Morrison's "African surrogate/enabler." The proof of Coffey's virtue—very important in the melodramatic mode—is in the way he serves both as a surrogate for pain and suffering, and as an enabler of white humanity. As I note above, the central character that changes through *The Green Mile* is presumably the viewer, and this change theoretically occurs through rumination on Coffey's life.⁵ Furthermore Williams recognizes the power of at least one technical choice—the appearance of Coffey. But other technical aspects—such as setting, choice of narrator, and their impact—go unquestioned. I turn to this below.

Technique and the Africanist Presence

The technical choice of point of view is important. It serves to center the narrative and also determines to what degree (if any) we know the thoughts, motives, actions, and words of the characters. Choosing third-person omniscient, for example, allows the author to establish a relatively "objective" viewpoint, one in which every action, thought, and spoken word can be known (and judged to be bias-free) by the reader/viewer. Choosing first person on the other hand reveals the motivations behind the actions and thoughts of a few of the characters but leaves at least a shade of doubt as to the motives and actions of other characters. It brings the reader/viewer closer to the narrator while placing a barrier between the reader/viewer and other characters.

The technical choice of the first-person limited narrator has two important consequences that occur simultaneously, particularly because Edgecomb is the narrator. We are not able to read the mind of Coffey (which would be possible if Coffey was the narrator rather than Edgecomb), and we *are* able to read the mind of Edgecomb. We can infer, for example, that Edgecomb is *not* a racist. He refers to Coffey in his private thoughts the same way he does when he interacts with him...without racist overtones. We also see by his treatment of his wife in the private sphere and his colleagues in the public sphere

that he is a fundamentally decent person. Because we can infer that he is not a racist and that he is fundamentally a decent person, we are able to understand his doubts about Coffey's innocence as legitimate—we come to an awareness of Coffey's innocence at close to the same time as Edgecomb does.

We are also further removed from Coffey's thoughts and motivations. If Coffey was the narrator the reader/viewer would know *immediately* that Coffey was innocent. Both Williams and Morrison recognize that African characters play the role of the Other in most narratives involving race. Not knowing Coffey's thoughts and motivations combine with his physical appearance to further "Other" him. The technical choice of first-person limited then is one of the two central choices of the film.

The 1930s Deep South itself represents a technical choice that reinforces aspects of whiteness. What exactly does the Deep South signify? The Deep South for many represents not only a rural space...but also a space removed from and in some sense antithetical to reason and progress *largely because of the significant presence of enslaved Africans and their descendants*. The very term "Deep South" has come to be a synonym for "backwardness." It represents a time and place far removed from the present...one not only removed laterally on a timeline but also vertically on the progress dimension. It may help in some ways to think of the Deep South as being a region juxtaposed against common understandings of the Enlightenment.⁶

When many think of the Jim Crow South, the focus is on segregation and the regulation of space in order to subjugate African Americans and rationalize white supremacy. Though the regulation of space (through formal Jim Crow laws and informal rules of etiquette based on white supremacy⁷) is important and should not be diminished, an overlooked aspect of Deep South life is the role of terrorism—particularly in the form of lynching. Indeed, in many ways lynching was central not only to Jim Crow and the preservation of white supremacy, but also to the civil rights movement. Many of the various disputes between Booker T. Washington's Tuskegee machine, and Du Bois on one hand and Ida B. Wells on the other revolve around Washington's unwillingness to publicly condemn lynching and support anti-lynching legislation (Dray 2002). It was also central to the various political disputes over states' rights.

Philip Dray in his recent work on lynching situates it clearly in the center of Southern culture rather than on the periphery (Dray 2002). Oftentimes lynching was conducted not by hood-wearing nightriders, but by respected townsmen...and was accompanied by celebrations and picnics.⁸ The Southern press also played an important role in provoking such attacks (Dray 2002).

Lynching as an act replaces the bureaucratic mode of determining innocence and guilt with a markedly non-bureaucratic mode...a mode in which a person's body itself became a marker for innocence and guilt. If a white person made a claim of guilt involving a black person, no rational process of ferreting guilt or innocence is required *because guilt is assumed in the very body of the black man or woman*. Lynching then becomes a swift form of justice as opposed to a process bogged down in bureaucracy. Given that the ability to be tried through a process of bureaucratic rules and institutions both organizes and rationalizes justice lynching can be seen as a process by which reason is redirected from issues of individual justice, towards issues of capture (how do we find the individual?), transportation (how do we give as many people an opportunity to see this as possible?), and punishment (how do we murder this individual in a way that will most appease the crowd?). In the American context, guilt is supposed to be determined through a rationalized process involving juries, judges, trials, etc. Theoretically speaking this process is objective, neutral, and fair, but in reality, this process was far from fair for non-

whites. Enacting this form of racism on a captive African population led to the Southern rejection of progress because it was often linked in the American context with African freedom.⁹ By choosing the 1930s Deep South as the setting, this intensifies some of the action of the film.

Take Coffey's attempts to heal for example—particularly the act of healing the warden's wife. In lynching narratives "Southern belles" are juxtaposed time and time again against dark black brutes. They represent southern civilization not only in their carriage but in the fact that they hold within their bodies the seeds for future generations. As such they must be protected at all costs from those who would either hurt them, or "dirty" the southern gene pool. The fact that Coffey—a hyper-masculine black figure—restores the ward's wife to her former belle status becomes much more remarkable (outside of the magical way it occurs) given the setting.

The interaction between Coffey's body and the setting has two other effects unique and distinct from the separate effects of using the setting of the South and the character of Coffey. The interaction between Edgecomb and the other prison guards and John Coffey takes on a new role. With one exception (an "evil" prison guard), the guards treat Coffey with the utmost respect. Indeed, his race is not even a factor within the movie. With the exception of the two characters known to be evil (the prison guard and the white prisoner responsible for the crimes Coffey is accused of) no central characters use racial epithets at all. Furthermore, there is not even a hint of a double standard being applied to Coffey while in prison because of his race. Though he is the only black prisoner on death row he is treated with courtesy and dignity, no worse than the other prisoners. Given the racial context of the Deep South, the lack of racist action or verbiage from the white characters takes on a deeper role. Indeed, they become somehow transcendent in their decency...above the context in which they live. Although in many ways character in literature and film is defined by a series of revealed choices, in this case character is partially revealed by a *series of decisions that were not made*.¹⁰ The flipside of this is that the one prison guard in the film that does make racist comments becomes much more despicable a character in comparison.

One of the most important tasks of the writer in a work of fiction is to get the reader to suspend his/her disbelief. The reader has to believe that the story is internally consistent and (within the confines of the universe the author has created) plausible. Perhaps the hardest thing to suspend in *The Green Mile* (particularly for black viewers) is not the disbelief that a man can heal with a touch, even going so far as to raise the dead, but rather the disbelief that a large, dark-skinned black man can allegedly murder and rape two young innocent white girls, and actually *make it* to the electric chair in the Deep South.

As there are historical examples of black defendants accused of similar crimes escaping lynch mobs (the Scottsboro case comes immediately to mind) what happened to Coffey is not totally out of the bounds of reason. But it is still difficult to wrap one's head around given three factors. First, the girls were not only raped, they were murdered (unlike the alleged victims in the Scottsboro case, for example). Second, they were innocent babies in comparison to Coffey within the setting of the story, and the alleged victims of the Scottsboro case on the other. Third and most important is the fact that the bodies of the victims were found *in Coffey's arms with their blood over his body*. While the range of human thought and action even in as oppressive a setting as the Deep South veers toward the infinite, it is very difficult to accept the idea that Coffey makes it to prison in the first place. However this authorial choice—perhaps the most tortured in the Morrisonian sense, has to occur if the reader/viewer is to somehow change as a result of

seeing the film. Coffey's interactions with the characters, the meaning of justice, and his character itself, are all heightened because of the setting.

There is one technical aspect that Morrison does not deal with in her work as she is primarily interested in literature rather than film. Directors decide which actors will play the roles of the characters. To be sure, given the market-driven nature of the film industry, economic considerations play a role. What would a film like *The Terminator* be without Arnold Schwarzenegger, for example? But also playing a role here is the audience perception of who the actor is and what he or she is going to imbue the role with. Tom Hanks was undoubtedly chosen in part because he has been recognized as being both a box-office draw, and one of the best at his craft. However, a strong argument can also be made that Hanks is chosen because of the type of characters he was most known for. Between 1990 and 1999, Tom Hanks starred in fourteen movies, including *The Green Mile*. While the movies fell under a range of different genres (from the animated *Toy Story* and *Toy Story 2* to the comedy *Joe vs. the Volcano* to the drama *Philadelphia*) the central characters were "everymen," flawed but inherently good. Furthermore in at least two other movies (*Philadelphia* and *Forest Gump*) during the 1990s, Hanks was able to effectively use black co-actors as springboards for his own character development. Arguably, the choice of Hanks as Edgecomb makes it much easier for the audience to believe in the character's essential goodness, and makes it much easier for the audience to feel for the character and embrace the character's relationship with Coffey as believable.

Conclusion

Though Williams' application of the melodramatic mode to *The Green Mile* is able to help us understand some of these processes—and to a certain extent why it jumped from the page to the big screen—she is unable to explicate the ways that technical choices aided this process. Informed by Morrison, I expand Williams' scope. Furthermore, I expand on Morrison's concept by addressing the role of actor choice in enhancing the Africanist presence.

In some ways, *The Green Mile* signifies an attempt to couple successively and *decouple* the link between race, gender, and crime. In *The Green Mile* King takes the most heinous racial crime that can occur in the eyes of whites (the murder and rape of young white girls by a large, brutal black male) and gradually tears down the links that are made subconsciously between the socially constructed category of race and the criminal act itself. However, at the same time it also represents a deeply ahistorical work, as it ignores the explicitly horrific ways that blacks were terrorized for even *allegedly* committing a crime such as that for which Coffey was arrested, and also ignores the racial hierarchy that drove the Deep South. Finally, it attempts to decouple the link between race and crime even as it neuters and dehumanizes the black male.

While it is clear what both the author of the novel and the director of the movie have attempted to accomplish, the effects are not as clear. And while there are politics embedded in a wide range of cultural activities, given the argument made here, it would make sense to show some sort of explicit political effect. How would we know that *The Green Mile* exerts some sort of independent effect on viewers as opposed to itself being the product of a mass sentiment fueled by the spirit of the 1990s? Interestingly enough, it is probably the experimental method that would most aid us here. Social psychology experiments manipulating the images of black men and women have already been done, as I noted in the beginning of this work. The next step is to test the independent effect of pop culture on the viewing and consuming public.

Notes

1. Duncan is not this tall. This trick is accomplished through creating a special platform upon which Duncan would stand, making it appear as if Duncan were a literal giant. I write below about the choice of Hanks as Edgecomb. The choice of Duncan as Coffey is a straightforward one as there are few black actors with the requisite physical resemblance. To a certain extent, Duncan is a living example of what Maurice Wallace refers to as the "too little and too much" nature of the black masculine image (Wallace 2002).
2. In order to heal, Coffey takes the pain and suffering into himself—a painful act for him. Rather than spewing it into the air after healing the warden's wife he spews it into the evil prison guard who in turn kills the white prisoner. The prison guard then becomes a vegetable. Even here then Coffey is only indirectly responsible, if that, for the violence.
3. Williams notes that melodramas both begin and end in a "space of innocence" and that melodrama borrows aspects of realism in order to reinforce other aspects of the work (Williams 2001, 28). I argue these aspects are not present at all in *The Green Mile* so I do not focus on them in this work.
4. Morrison's interest is in examining the Africanist presence specifically within American literature largely because of its status as American high culture. In a number of cases she talks about "a nation's literature" as if that literature constituted some sort of grand repository for everything a nation was or thought it could (or did not want to) be. However, there is no inherent reason why the book should be used rather than the television program, movie, or play. In fact, as the visible image can exert a profound effect upon our understanding of the world (the picture of civil rights activists set upon by dogs in the South has more power than any words that can be used to describe such a photograph), a strong argument could be made for its inclusion. In the American case, specifically, film has become a central component of our national culture. Furthermore, the image of the African American has a specific history. Our understanding of this history could undoubtedly be enhanced through using Morrison's research project as the framework. With this in mind, we turn to *The Green Mile*. Where appropriate we will use text from the book in order to emphasize specific aspects of the film.
5. There is a long set of literature in the social sciences on the effect of black bodies on policy orientations towards crime and welfare. In an important work seeking to analyze the reasons that white Americans dislike welfare, Martin Gilens notes that race has a central function. Because of the way that poverty is raced in modern day America (the stereotypical image of a woman on welfare is now the black single mother), people associate welfare with African Americans—who are unworthy of public support compared to their white peers (Gilens 1999). One of the ways Gilens tests this is by conducting an experiment. He gives two groups the same story about welfare, but changes the race of the recipient...in one case the race of the recipient is black, in another case the recipient is white. The differences are significant...whites are less likely to support welfare if the recipient is a black woman (Gilens 1999). Tali Mendelberg, studying the notorious Willie Horton ad used in the 1988 Presidential campaign finds the same effect—whites were much more resentful about African Americans (and much more positive towards George Bush) when Willie Horton's image was attached to the images they were receiving (Mendelberg 2001). Finally, Franklin Gilliam and Shanto Iyengar find that exposure to local crime stories (which are likely to center on black perpetrators of violent crime) causes increased support for punitive crime policies (Gilliam 2000). When Coffey's innocence is revealed fully at the end of the film, the audience itself is forced to think about their own conceptions of race as well as their conception of crime and criminality.
6. Charles Mills has made a strong argument that the Enlightenment worked and has worked within a general context of white supremacy (Mills 1997), in most cases serving as a justificatory philosophy of it. Ani, and Kelley, among others, have made similar critiques (Ani 1994; Kelley 1997).
7. Here I refer to such rules as never looking a white man in the eye, always referring to whites as "sir" and "ma'am," no displays of public affection, always giving whites the inside path on the sidewalk, answering to boy regardless of age, etc.
8. The case of Henry Smith may prove instructive. Smith was a retarded seventeen-year-old who was accused of killing an adolescent white girl in Texas in 1893. Once he heard he was wanted, he disappeared...but was quickly found in Arkansas. Literally hundreds upon hundreds of people boarded special excursion trains in order to see the lynching, even conducting a parade of sorts, complete with float (Smith was the "parade king") (Dray 2002, 77-78).

9. Though the South has changed a great deal from the 1930s to the beginning of the twenty-first century, social science may also give us some purchase on the South's non-Enlightenment viewpoint on certain issues. The 1992 National Election Study contains a battery of questions designed to measure a wide variety of attitudes on political and social issues, and one such question deals with the Bible in general, and whether it is the literal Word of God or whether it was simply divinely inspired. In research not shown, I examined responses by region (Northeast, North Central, South, and West) finding that significantly more people from the South believed this was true. Similarly, examining present-day conceptions about African Americans whether using explicitly racist statements and gauging the level to which the respondent agrees, or using indexes based on "racial resentment" (sometimes called "symbolic racism") respondents from the South express a great deal more support for notions of black inferiority whether due to genetics, God, or a lacking work ethic. One question that could arise in response to *The Green Mile* is—why was it set in a time period where it was very difficult if not impossible for the central character to exist? Another question is—why was it set in the Deep South? The answer I argue is simple—the time period and the region signify a type of deeply regressive sentiment about the relationship between human beings and other human beings, between human beings and knowledge about the world, and between human beings and nature.
10. This particular effect is present in other works dealing with the same setting and time period—*The Legend of Bagger Vance* and *Driving Miss Daisy* come to mind—but it is more potent (arguably) in what is in effect a film about a black captive in a Deep South prison.

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Stranger in Mine Own House: Double-Consciousness and American Citizenship

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After the Egyptian and Indian, the Greek and Roman, the Teuton and Mongolian, the Negro is a sort of seventh son, born with a veil, and gifted with second-sight in the American world—a world which yields him no true self-consciousness, but only lets him see himself through the revelation of the other world. It is a peculiar sensation, this double-consciousness, this sense of always looking at one's self through the eyes of others, of measuring one's soul by the tape of a world that looks on in amused contempt and pity. One ever feels his two-ness—an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body, whose dogged strength alone keeps it from being torn asunder.

—W.E.B. DuBois

Introduction

One night a friend and I went to the on-campus Pub at the University of Chicago to shoot pool and have a few beers. After arriving at the pub and noting that there were no available pool tables we went to the bar. The Pub boasts a wide beer selection, so we took a little time trying to decide what to order. After making our selection we placed ourselves at strategic locations at the bar in order to attract the bartender's attention. The bar was busy that night so we had to wait a minute or two. However, a minute or two turned into five or six and I noticed that when the bartender came down to where I was standing (which was directly in front of the cash register) he always had his back to me. So I then began to call out to him "excuse me, excuse me" to no avail. I looked over to my friend and asked if he was able to attract the bartender's attention, he said "no." While we were waiting, the bartender continued serving other patrons and I noticed that they were all white. It then occurred to me that the bartender was pointedly refusing to acknowledge our presence. He never once turned toward either of us to say anything. We left the bar without ever being served or acknowledged.

I was angry first and foremost because the bartender refused to see us, let alone serve us, because we were "black." It did not matter at all to him that at least one of us was a student at the U of C, as only students and their guests are allowed to

patronize the Pub. He simply could not see beyond blackness. Thus, my identity and status as a University of Chicago student, and the attendant rights and privileges conferred by that status were not recognized simply because my phenotypic identity, that of blackness, was over-emphasized. His reading of us stopped at our skin color and served to mark us in some way as illegitimate, out of place, not belonging (we were the only black customers). We became simultaneously visible and invisible. In the eyes of this particular white person our identity as "blacks" supplanted either of our identities as U of C students and rendered us merely black—not customers, not students, not "Americans." I did not recount this incident to shock or outrage, but to draw attention to a very real phenomenon that African Americans confront—double-consciousness.

The experience of double-consciousness has continued relevance in our time because race still matters. Discriminatory practices, such as racial profiling and media stereotyping affect the day-to-day experiences of many African Americans. These practices raise questions about the meaning of American identity and American citizenship. As such, this work contends that the leitmotif of double-consciousness is the recognition that whiteness and the practice of white supremacy exclude African Americans from full citizenship. This paper examines the meaning of the term "American," and the way in which whiteness has become equated with "American-ness" in the United States. It presents an alternative definition of double-consciousness that differs from the black-psychology interpretation most commonly offered by scholars. It refutes this interpretation on the grounds that it represents the symptom and not the cause of the problem. This paper also examines how whiteness is dependent on blackness and sorts out some of the ploys used to conceal this dependency. Additionally, it demonstrates how, through "white sight," blackness is held constant, making the differences drawn between blacks and whites appear natural and uncomplicated. Finally, it concludes by reflecting on the importance of correctly interpreting double-consciousness.

Double Consciousness: "A Cauldron of Psychological Problems?"

Although scholarship on double-consciousness is somewhat limited, it is not new.¹ Some scholars present it as a state of existence that constrains the opportunities, as well as the daily-lived experiences of African Americans. However, most offer a myopic view of double-consciousness that limits its scope to its psychological effects, constraining one to its symptoms and not its cause. Perhaps scholars emphasize the psychological aspects of double-consciousness because DuBois begins his narrative with metaphysical concepts: one is born with a *veil*, and *gifted with second-sight*. One has *no true self-consciousness*, and sees himself through the *revelation of the other world*. Nevertheless, we must look at precisely what DuBois offers as a definition of the peculiar sensation: "*One ever feels his two-ness—an American, a Negro; two souls, two thoughts, two unreconciled strivings; two warring ideals in one dark body,*" to discover the true significance of the phenomenon. Two-ness can be considered psychological, however the identity of Negro and American are social constructs infused with conflicting political and social meaning that situate each in America's social, economic, and political hierarchy. Being American or Negro affects one's life in broad and far-reaching ways that include, but go well beyond, psychological effects.

Although DuBois begins with metaphysics, his large body of scholarship, letters, essays, and articles reveal that he was primarily concerned with the real and tangible, and

not the ethereal realities of black life. He was not speaking of psychological matters when he wrote:

Freedom, too, the long-sought, we still seek—the freedom of life and limb, the freedom to work and think, the freedom to love and aspire. Work, culture, liberty—all these we need, not singly but together, not successively but together, each growing and aiding each, and all striving toward that vaster ideal that swims before the Negro people, the ideal of human brotherhood.

Rather, DuBois was ultimately concerned with issues of freedom, independence, equality, and inclusion. The common interpretation of double-consciousness as a psychological condition affecting the development of black identity and consciousness directs one's attention toward strategies aimed at self-definition. Viewing double-consciousness purely as a metaphysical condition involving the reconciliation of a dual nature means that transcendence entails obtaining the ideal, which is the unification of black and American identity. The problem with these interpretations is that neither challenges the underlying and original assumptions of what it means to be *American*. Instead, both interpretations place the onus for action on African Americans and do not challenge the structures, institutions, and most importantly, the attitudes, beliefs and practices of white supremacy; the focus of DuBois' scholarship and politics.

Contemporary scholarship on double-consciousness, such as the essays found in the anthology *Lure and Loathing*, concentrate on black identity and what it means to be black in America. Reginald McKnight questions if blackness is a matter of essence or performance (McKnight 1993). Steven Carter queries as to how blacks should think of themselves regarding their professional and personal identities (Carter 1993). Glenn Loury asserts that double-consciousness creates a cognitive dissonance between his "self-concept and the socially imputed definition of who I am supposed to be" (Loury 1993). Kristin Hunter Lattany believes that double consciousness is a barrier in the development of authenticity and integrity (Hunter Lattany 1993). Molefi Asante posits that "perhaps in a great number of Africans, [American] societ[y] and the 'two warring souls' converge to create a caldron of psychological problems" (Asante 1993). The work of these scholars draws our attention to the psychological crisis that arises when African Americans attempt to carve out an identity or consciousness that is uniquely black, or better, not a reflection of the "other world." A self-defined black consciousness and identity are integral to double-consciousness, but they are indicators of a much larger dilemma known as "The Negro Problem"²—*How, when, and why should blacks be incorporated as full citizens in the United States?* This question is one of the continuing dilemmas facing American society and American democracy.

Other scholars in the *Lure and Loathing* anthology address this issue of incorporation. For example, Robert Staples interprets double-consciousness as DuBois intended, a narrative critique of American citizenship. Staples asserts that "being human—also American—seems beyond the pale of consideration for people of African-descent" (Staples 1993). Anthony Walton states that, "we have been again, the principle means of White self-identification and self-justification; we have also been among the first to suffer and the last to profit as the nation ratcheted its way toward the more perfect union" (Walton 1993). The psychological symptoms of double-consciousness are clues to a larger problem, and to concentrate only on symptoms narrows our understanding of the real source of the problem.

Scholars who interpret double-consciousness as a psychological condition tend to neglect its socio-political setting and, as a result, decontextualize the concept. *The Souls of Black Folk* was written during an era of virulent racist politics, policy, and thought—

disenfranchisement, Jim Crow, and belief in black biological inferiority. When one considers these elements it is easier to understand DuBois' formulation as an assessment of American citizenship. Furthermore, if one recognizes that DuBois' scholarship was constantly and consistently "devoted to politics, economics, and education" it becomes obvious that he was more concerned with equal rights for blacks rather than black psychology (DuBois 1996).

Exclusion and Avoidance: The Experience of Double-Consciousness

The white world, the only honorable one, barred me from all participation. A man was expected to behave like a man. I was expected to behave like a black man—or at least like a nigger. I shouted a greeting to the world and the world slashed away my joy. I was told to stay within bounds, to go back where I belonged.

—Frantz Fanon, *Black Skin White Masks*

...Suppose that we slip out of the whole thing by calling ourselves "Americans." But in that case, what word shall we use when we want to talk about those descendants of dark slaves who are largely excluded still from full American citizenship and from complete social privilege with white folk?

— W.E.B. DuBois

The dilemma of double-consciousness involves two interrelated practices, exclusion and avoidance. Toni Morrison explains that exclusion is the "shared process of assigning designation and value" to a "range of colors on a palette," which set race-based designations for belonging and inclusion (Morrison 1993). Nancy Fraser explains that racial valuing leads to "authoritative construction of norms that privilege traits associated with whiteness." Such cultural valuations have legal, practical, political, and economic expressions that devalue things coded as "yellow," "brown," and "black" (Fraser 1997). Thomas Holt suggests that racial valuation creates a situation in which African Americans see and experience themselves as "racial selves." This occurs when some "traumatic confrontation with the Other...fixes the meaning of one's self before one even has had the opportunity to live and make a self more nearly of one's own choosing" (Holt 1995). DuBois experienced this when the new girl refused his card "peremptorily, with a glance," and only then did it "[dawn] upon me with certain suddenness that I was different from the others." (DuBois 1996). In this instant, DuBois begins to understand how racial difference separated blacks and whites and served as the basis of black exclusion from full and equal participation in American society. The focus on racial difference(s) thwarts blacks' efforts to wholly claim and assume the identity of American. As such, black people become estranged from their American identity due to the overemphasis of their black identity. This is what engenders double-consciousness and the sense of "two-ness" that African Americans experience, and what creates a divided Self that vacillates between black and American.

The experience of double-consciousness is also characterized by avoidance, which is the act or practice of shunning, withdrawing, or refraining from claiming American-ness or American identity. Some African Americans may be prompted to avoid calling or thinking of themselves as American, and or refuse to recognize what makes them American if it entails submerging or subsuming blackness. Double-consciousness is the struggle

between the two warring ideals of American and black. DuBois tackles this quandary in *The Conservation of the Races*:

Here, then, is the dilemma, and it is a puzzling one, I admit. No Negro who has given earnest thought to the situation of his people in America has failed, at some time in life, to find himself at these crossroads; has failed to ask himself at some time: what after all, am I? Am I an American or am I a Negro? Can I be both? Or is it my duty to cease to be a Negro as soon as possible and be an American? If I strive as a Negro, am I not perpetuating the very cleft that threatens and separates black and white America? Is not my only possible practical aim the subduction of all that is Negro in me to the American?

African Americans would find the suppression of their blackness difficult because it is a complex and irreducible part of their identity. And, in all actuality, many African Americans would find it undesirable to subordinate their blackness to American-ness or American-ness to their blackness as a means of creating a unified individuality. They reject the notion (and at times the demand, requirement or expectation) that to become "American" they have to repress their blackness. Instead, they desire unity of the two. A point eloquently illustrated by DuBois in *The Souls of Black Folk*:

The history of the American Negro is the history of this strife...to merge his double self into a better and truer self. In this merging he wishes neither of the older selves to be lost. He would not Africanize America.... [And] he would not bleach his Negro soul in a flood of white Americanism.... He simply wishes to make it possible for a man to be both a Negro and an American.

African Americans want to be black and American and not have to choose one identity over the other, although some may try. Those who attempt to privilege one aspect of their identity usually embrace one of two extreme positions. One position is that espoused by many black conservatives: the only identity that is really important is American. Or one can adopt the other extreme position: the only identity of consequence is black—I call this the "keeping it real" response. Keeping it real means keeping it black, and being a "real" black person means rejecting anything perceived as "white," a position adopted by some black youth today. Although most African Americans fall somewhere in the middle, both positions, although extreme, are merely attempts to grasp an authentic identity.

The practice of exclusion makes black people feel that they are not recognized as truly American. Instead they are seen as subpersons, subjects and not citizens. The roles of subjects are "the roles that the white race had mapped out" (Wright 1944). African Americans are perceived as not embodying both selves—American and black—simultaneously. Instead, their blackness is over-determined and over-determines, leaving them with a divided and contradictory identity. DuBois confirms that black identity is composed of two contradictory and antagonistic personalities, and blacks are torn between the two. They are torn on one hand because they "are Americans, not only by birth and by citizenship, but by political ideals, language, [and] religion" (DuBois 1996). Yet on the other hand, there exists the knowledge that being black and blackness itself is associated with a multiplicity of negative interpretations. These negative images have been predetermined to conform to white attitudes, beliefs, and prejudices. This pre-definition of blackness results in exclusion, and perhaps on the part of African Americans, it provokes avoidance of blackness, American-ness, or both.

Finally, it can be said that the experience of double-consciousness is exemplified by an identity that always alternates between the duality of citizen and non-citizen, person and non-person. Until both identities are unified, this duality will remain inconstant and

fluctuating because it can never be certain about which characteristic of its nature should be given priority (Hegel 1977). It is the definitional divide that persists between blackness and American-ness that generates double-consciousness, and white sight that establishes the definition.

White Sight: Black Mirrors, White Reflections

She looks up at him and sees the vacuum where curiosity ought to lodge. And something more. The total absence of human recognition—the glazed separateness....Yet this vacuum is not new to her. It has an edge; somewhere in the bottom lid is the distaste. She has seen it lurking in the eyes of all white people. So. The distaste must be for her, her blackness. All things in her are flux and anticipation. But her blackness is static and dread. And it is the blackness that accounts for, that creates, the vacuum edged with distaste in white eyes.

—Toni Morrison, *The Bluest Eye*

The protagonist in Ralph Ellison's *The Invisible Man* states that whites "see only my surroundings, themselves, or figments of their imagination—indeed, everything and anything except me" (Ellison 1972). The unnamed protagonist explains whites' inability to see him as "a matter of the construction of their inner eyes, those eyes with which they look through their physical eyes upon reality" (Ellison 1972). What obstructs the vision of this inner eye? Why does Morrison suggest that blackness is static and dread? Why, when looking at black people, do whites see figments of their imagination? One answer is that white cognitive perceptions of blacks, or the way in which whites see/do not see blacks is prejudiced (pre-judged) by white desire to see themselves in a certain way. Blackness is used to mirror and reflect white desire and identity, and looking at blackness via white sight—sight which reduces and magnifies blackness—produces an image conformed to suit whatever image of whiteness (and blackness) desired by whites. Blackness is thus constructed as the "vehicle by which the American self knows itself as not enslaved, but free; not repulsive, but desirable; not helpless, but licensed and powerful; not history-less, but historical; not dammed, but innocent; not a blind accident of evolution, but a progressive fulfillment of destiny" (Morrison 1993). In this way whiteness coexists parasitically with blackness, and is dependent on it rather than independent as commonly believed. White identity is reliant on blackness because it gives whiteness meaning and recognizability. Toni Morrison writes, "...images of blackness can be evil and protective, rebellious and forgiving, fearful and desirable—all of the self-contradictory features of the self. Whiteness, alone, is mute, meaningless, unfathomable, pointless, frozen, veiled, curtained, dreaded, senseless, implacable" (Morrison 1993). Yet to conceal this fact, whiteness masquerades as "separate from and unaccountable to blackness," because to acknowledge that whiteness, and therefore American-ness, is dependent on blackness, undermines all notions of white superiority/black inferiority, and contradicts rationalizations for black subjugation and white supremacy (Morrison 1993).

In order "to support a system of white supremacy, evasion and self-deception become the epistemic norm" (Mills 1997). Meaning, the continuation of white dominance makes it necessary to obscure and hide the necessity of a black presence in the formation and perpetuation of white identity. This erasure strategically utilizes practices of evasion and self-deception that reduce blacks and blackness to usable images, stereotypes, or

objects. This is where racist cultural practices such as the dogma of European superiority,³ social Darwinism, and biological racism come into play. During the 1800s and early 1900s, "scientific" racial theories were used to prove the inherent inferiority of Africans (and other people of color), and the inherent superiority of Europeans. These theories were used to give "a scientific veneer to the very unscientific study of racial difference [and] to mask anecdotal claims as verifiable science" (Babb 1998). DuBois, a contemporary of the 1800s, indicated that he had "too often seen science made the slave of caste and race hate" (DuBois 1996). For instance, he recalls a museum exhibition where a series of skeletons were arranged "from a little monkey to a tall well-developed White man, with a Negro barely outranking a chimpanzee" (DuBois 1996). These types of theories strongly influenced whites' perception and belief in the mental, physical, cultural, and spiritual inferiority of black people; and evolutionary theory was appropriated as proof.

Other pseudo-scientific proof, such as measuring brain capacity and weight, psychological tests, and classification systems were used to "create a divide that justified the supremacy of the white race over others," and to justify black social, economic, and political exclusion in American society (DuBois 1996). Initially, DuBois accepted science as pure, but he eventually realized the hypocrisy involved in the scientific proof of Negro inferiority. The thing that brought him to his senses "in all the racial discussion was the continuous change in the proofs and arguments advanced." The basis of racial distinction would change without explanation, without apology (DuBois 1996). By the time scientists admitted or came to realize that racial differences did not exist based simply on color, the belief in immutable black inferiority was entrenched in the American mind.

In addition to pseudo-science, American literature and cultural mediums also disseminated and propagated belief in black inferiority and white superiority. A "...complex network of cultural creations including, among other things, literature, museums, popular music and movies," were used to create and sustain white hegemony (Babb 1998). Valerie Babb argues that Englishmen used science, literature, and culture to transform themselves into Americans, and to fabricate a past that enabled them to emerge as the only people with a legacy, a culture, and a history. The cultural and social practices of the nineteenth and twentieth centuries inevitably led to the conclusion that "darker peoples are dark in mind as well as in body; of dark, uncertain, and imperfect descent; of frailer, cheaper stuff...they have no feelings, aspirations, and loves; they are fools, illogical idiots—'half-devil and half-child'" (DuBois 1996). Attitudes and beliefs such as these made the movement of whiteness into the mainstream and blackness to the margins of society seem natural. The progression of whiteness into mainstream society lent additional "proof" that white identity was normal, separate, and special. It also helped mask the need for a black presence as the antithesis of white identity.

White sight fixes the meaning of blackness, easing its use as a prop for white racial identity. The way that whites see/not see African Americans influences cultural practices used to establish and define the meaning of blackness, and as a consequence American. Locked in the gaze of the other, in the gaze of white-sight, black identity is unchanging and held in equilibrium with white notions of who and what black folk are. This is the case because white-sight is the practice of seeing/not-seeing that fixes, reduces, heightens, and objectifies blackness. Frantz Fanon writes about his discovery of finding himself to be "an object in the midst of other objects," and about the objectifying gaze of whiteness:

Sealed into that crushing objecthood, I turned beseechingly to others. Their attention was a liberation, running over my body suddenly abraded into nonbeing, endowing me once more with an agility that I had thought lost, and by taking me out of the world, restoring me to it. But just as

I reached the other side, I stumbled, and the movements, the attitudes, the glances of the other fixed me there, in the sense in which a chemical solution is fixed by a dye.

White sight makes African Americans either highly visible, invisible, or both. Fanon also states that "not only must the black man be black; he must be black in relation to the white man. ...The black man has no ontological resistance in the eyes of the white man" (Fanon 1967). Consequently, it is difficult for a black person to be recognized by a white person as a person. Misrecognition of black folk is always possible because many whites see blacks through white-sight, which is a distorted view that makes it nearly impossible to recognize black people *as they are*. Mills argues that "'recognition is a form of agreement,' and by the terms of the Racial Contract, whites have agreed not to recognize blacks as equal persons" (Mills 1997).

White-sight is significant in that it creates a racialized identity that reduces blackness to an object with a specific place and function. This objectification prevents black people from seeing "the image that each of us has of him or herself as a body located somewhere in physical space" (Gooding-Williams 1993). Robert Gooding-Williams suggests this is problematic because "each of us ordinarily constructs and needs repeatedly to reconstruct [this image] as he or she moves about the world" (Gooding-Williams 1993). Instead, one is psychically attached and fastened to an image of himself or herself created by others. This psychic attachment has social and political ramifications because the way in which whites see blacks *qua* blacks affects whether or not they are considered suitable for citizenship, whether they are fully and equally recognized, and whether they are incorporated into American society.

Black incorporation is difficult because the dominant culture relies on a narrow conception of who is and can be an American. Black people are considered unfit for membership because cultural representations of American identity have been shaped and defined as *not-black*. In this way, American identity is directly associated with whiteness and as a consequence, African Americans are psychically barred, in the minds of whites from citizenship based on a physical attribute. The value-laden identities of American and black are crucial mechanisms in the apparatus of white supremacy, and are used relentlessly to maintain white cultural hegemony in America. Racial cultural practices that attempt to distinguish whiteness from blackness—such as pseudo-science, literature, and minstrelsy—combined with white attitudes, beliefs, and habits produce white sight, which is a function of, subsists on, and informs racist cultural practices. All of which contributes to the idea that African Americans are not suitable for consideration as "real" Americans. Through white-sight, blackness gradually became a formal external marker of differential status, and race was assumed to be indicative of one's place in the hierarchy of American society.

America is Me? American Citizenship and Double-Consciousness

From that time I looked out through other eyes, my thoughts were coloured, my words dictated, my actions limited by one dominating, all-pervading idea which constantly increased in force and weight until I finally realized in it a great tangible fact. And this is the dwarfing, warping, distorting influence which operates upon each and every coloured man in the United States. He is forced to take his outlook on all things, not from the view-point of citizen, or a man, or even a human being, but from the view-point of a coloured man.

—James Weldon Johnson

Deep within the word "American" is its association with race.... American means white, and Africanist people struggle to make the term applicable to themselves with ethnicity and hyphen after hyphen after hyphen.

—Toni Morrison

W.E.B. DuBois attended Fiske University, was the first black person to earn a Doctorate from Harvard University, studied at the University of Berlin, and occupied several academic posts. How then, could he say, "I am not an American"? One could argue that DuBois' achievements and opportunities were definitely not shared by the mass of African Americans then or now. However, the fact remains that although he was able to accomplish far more than the average black person, let us not forget that he was disenfranchised right along with the rest of the black population. He, too, dealt with discrimination, racism, and the ever-present threat of white violence and terror. Suffice it to say, his achievements did not allow him to completely traverse the divide between Negro and American.

After Emancipation, many white Americans were resistant to the idea of accepting blacks as full and equal citizens. The emerging national white consciousness at the turn of the nineteenth century "was that African Americans were inferior human beings whose predicament was three parts their own making and two parts the consequence of misguided philanthropy" (DuBois 1995). Whites resisted the idea of black incorporation into the polity because they felt that blacks were unworthy, and would somehow contaminate society. For that reason, white attempts to justify black exclusion were almost always based on race and the supposedly questionable nature of black humanity.

A brief account of the development of American identity will provide a better understanding of what it means to be American. Valerie Babb in *Whiteness Visible* provides an excellent point of departure:

Once exploration had fostered colonization, attitudes toward racial difference bred practices that further solidified group identity along racial rather than geographic or nationalist lines. In what would later be the United States, English conviction of their own racial and cultural superiority made the transition from *English* settlers to *white* colonist inevitable.

During America's colonial era the ideal of white identity was male, English, Protestant, and privileged (Babb 1998). Over time this ideal evolved into free, white, male, Christian, propertied, and franchised. These characteristics developed into a norm that subsequently became synonymous with American. American meant that one was free, entitled to vote, own property, and had juridical standing. On the converse, African/Negro carried the designation of slave, black, disenfranchised, inferior, and without juridical standing or protection. American identity was subtly, but gradually defined in opposition to blackness as an increasing slave presence became part of colonial culture. While this occurred "the Christian/heathen distinction changed to civilized/savages and subsequently to a White/nonwhite distinction" (Babb 1998).

Along with whiteness, the other primary attribute necessary for citizenship was freedom. One could not be held in bondage or dependent upon another. Since only Africans were enslaved—after indentured servitude of whites ended—and future generations of slaves were born "*un-free* and *un-equal*," bondage became strongly linked to the natural condition of blackness and freedom to that of whiteness; and only free men, white men, were citizens (Mills 1997). This is a key way in which American citizenship became indistinguishable from whiteness and oxymoronic with blackness. Babb states, "the de-

vices employed in creating white hegemony are for the most part devices of exclusion. They articulate not necessarily who or what is white but rather who or what is not white" (Babb 1998).

Subsequently, American-ness is more about what one is not rather than what one is. Americans knew they were not black, and blacks knew they were not considered Americans. In *Dusk of Dawn*, DuBois speaks directly and candidly about this issue and the effect it had upon his life:

I was not an American; I was not a man: I was by long education and continual compulsion and daily reminder, a colored man in a white world; and that white world often existed primarily, so far as I was concerned, to see with sleepless vigilance that I was kept with bounds. All this made me limited in physical movement and provincial in thought and dream. I could not stir, I could not act, I could not live, without taking into careful daily account the reaction of my white enviroing world. How I traveled and where, what work I did, what income I received, where I ate, where I slept, with whom I talked, where I sought recreation, where I studied, what I wrote and what I could get published all this depended and depended primarily upon an overwhelming mass of my fellow citizens in the United States, from whose society I was largely excluded.

This passage indicates that individuals who strenuously argue that the spirit of American citizenship is race-neutral and inclusive deny or ignore the fact that the connotation, the unspoken meaning of American, is so closely wedded with the norm of whiteness that when verbalized, it is automatically associated with white.⁴ Yes, in theory everyone born in America is an American citizen, however, in practice, being white carries a special "skin privilege" that people of color, based merely on biology, are unable to secure (McIntosh 1992). African Americans can be fully American when blackness too becomes synonymous with American. *Of Our Spiritual Strivings* is, in large part, DuBois' account of the many ways in which blacks attempted to secure American identity and transcend the bind of double-consciousness. He chronicles their use of the vote, education, accommodation, and assimilation, but the result was less than satisfactory:

Whisperings and portents came born upon the four winds: Lo! We are diseased and dying, cried the dark hosts; we cannot write, our voting is vain; what need of education, since we must always cook and serve? And the Nation echoed and enforced this self-criticism, saying: Be content to be servants, and nothing more; what need of higher culture for half-men?

The assumption of black inferiority remained the basis for continual denial of Negro citizenship, not only because it was lodged in American strictures and structures, but also because it was ingrained in the white American mind. Whites did not, and in many instances, could not accept blacks as equal citizens in the United States. DuBois affirms that some whites believed "that varieties of the human species so utterly different as the White and Black races can never live together on a basis of equality; either subordination or extermination must ensue when they come into contact" (Dubois 1996).

The subordination or extermination mindset is the reason why the Civil War, the Emancipation Proclamation, the 13th, 14th, and 15th Amendments, and several Supreme Court rulings were not able to significantly eradicate *de facto* exclusion and discrimination against African Americans. The othering of blackness and normalizing of whiteness was not an entirely calculated endeavor. Nevertheless, from the beginning "race is in no way an 'afterthought,' a 'deviation' from ostensibly raceless Western ideals, but rather a central shaping constituent of those ideals" (Mills 1997). There were perfectly strategic reasons to allow the identity of American to evolve in opposition to blackness—exploitation, appropriation, and subordination of blacks and black labor. These economic mo-

tives are the foreground rather than the background of what Charles Mills specifies as "The Racial Contract."⁵ Mills states:

The Racial Contract is calculatedly aimed at economic exploitation. The whole point of establishing a moral hierarchy and juridically partitioning the polity according to race is to secure and legitimate the privileging of those individuals designated as white/persons and the exploitation of those individuals designated as nonwhite/subpersons. There are other benefits accruing from the Racial Contract—far greater political influence, cultural hegemony, the psychic payoff that comes from knowing one is a member of the *Herrenvolk*.

The general purpose of the Racial Contract is to secure the privilege of whites and the exploitation and subordination of non-whites. The Racial Contract "establishes a racial polity, a racial state, and racial juridical system, where the status of whites and non-whites is clearly demarcated, whether by law or custom" (Mills 1997). The establishment of a racialized polity in which African Americans are not considered full members engenders the feeling that "Black American, African American, is oxymoronic, while White American, Euro-American is pleonastic" (Mills 1997). Therefore, the difficulty in assimilating African Americans into the "body politic is the deep encoding in the national psyche of the notion that *Americanness* definitionally means whiteness" (Mills 1997). As such, the ideal of whiteness has become the archetype of imitation. It is the standard used to measure perfection, beauty, intelligence, and excellence. Whiteness is considered the norm and blackness is abnormal. The result is the conflict that creates the war between the "warring ideals": *You will not let us keep you as slaves or subordinates, yet we cannot see you as Americans*. African Americans could not and would not accept this racist mindset and thus "confrontation is inevitable on almost every front because the White American is stuck with the heritage of enslavement, unable to let the slave go free, and thereby refusing to see himself or herself along side the African-[American]" (Asante 1993). The result is that African Americans come to see America not from the gaze of a welcomed citizen. Instead they may feel like interlopers, outcasts, strangers, or aliens. All the while cognizant of the reality that they *are* in fact Americans and American citizens yet are unable to fully grasp that identity and claim it as their own.

Other symbols that signify that one is "fully American" are the right to work and labor for oneself and the right to vote. Although each privilege may seem negligible to many of us today, black access to both was limited during the nineteenth and twentieth centuries. DuBois believed that the ballot could assist in black independence and the prevention of further black exploitation and legal re-enslavement (i.e., sharecropping, apprenticing, Convict-Lease System, peonage). The vote represented independence and freedom, what Shklar calls "standing." The right to the ballot is powerful because "the vote gains its value from the standing that it confers"—full-citizenship (Shklar 1991). It is also closely tied to the respect and standing accorded to an American citizen, and "to be refused the right was to be almost a slave.... Not the exercise, only the right, signified deeply. Without the right one was less than a citizen, but once the right was achieved, it had fulfilled its function in distancing the citizen from his inferiors, especially slaves, blacks and women" (Shklar 1991). The existence of laws, threats, violence, and the terror prevalent in maintaining the disenfranchisement of African Americans in the South provides powerful evidence that the right to vote was a prized possession as well as marker of citizenship. DuBois was aware that the ulterior motive of black disenfranchisement was "the elimination of the black man from politics" (DuBois 1996). Political exclusion is tantamount to social and economic exclusion in that individuals without the ballot have no say in the laws that govern their lives, have no recourse against injustice, and

thus are subordinated and oppressed. Shklar indicates that work is also a marker of standing and, "when one is unemployed one loses one's standing in America.... To be on welfare is to lose one's independence and to be treated as less than a full member of society. In effect, the people who belong to the under-class are not quite citizens" (Shklar 1991). If Shklar is correct, then one to two-thirds of African Americans are not quite citizens right now.

The implied meaning of American does not include black people and perhaps this is the reason why it is difficult for whites to fully accept African Americans as true and equal citizens. Also, because African Americans know that as a group they are not fully and sincerely accepted but rather *tolerated*, it becomes difficult for them to view themselves as Americans. Changing sentiments, beliefs, and opinions is much more difficult than writing legislation. Therefore, a more realistic but nearly as difficult task is to expand the definition of American so that it is inclusive of blackness. Or, as Babb suggests, if we probe and investigate the history of whiteness we would come to understand that "it is larger than having the physical attribute of White skin; it is the ideology that was created around that attribute" (Babb 1998). However we choose to go about it, sincere efforts need to be made to enlarge white people's conception of who their fellow citizens are.

Getting DuBois Right

Double-consciousness is generated from practices of exclusion and alienation that prevent African Americans from being considered "real Americans." Interpreting it as such enables us to comprehend how the distorted and self-perpetuating practices of white-sight continually objectify and fix black identity. In the gaze of white-sight African Americans can never be anything more than what they have been. The definition of whiteness as categorically superior subsequently classifies blackness as innately and immutably inferior. The myth of white superiority and black inferiority has been adopted and ingrained in the American psyche through pseudo science, social Darwinism, and cultural mediums such as books, magazines, newspapers, television, film, and museum exhibits (according to some, Egypt is not in Africa). Slavery's legacy is the linking of subordination and inferiority to the natural condition of blacks and freedom to that of whites. Because only freemen (note: not *freedmen*) were qualified to be citizens, citizenship and American-ness were explicitly associated with whiteness. Whites' conception of who was and could be an American was furthered narrowed by black exclusion, white-sight, and the Racial Contract. These practices facilitate continued subordination, alienation, appropriation, and exploitation of blackness, and limit the citizenship rights and privileges of African Americans.

Getting DuBois right and finding an adequate solution for the problem of double-consciousness requires that we first diagnose it correctly. If we say that it is a problem concerned with black identity or black consciousness, then one possible solution is to increase the ability of black people to define and deploy positive images and truer representations of themselves. This undertaking requires that African Americans discover creative and effective means of instilling a positive sense of blackness into American culture. The problem with this diagnosis and solution is that blackness may mean something different to each individual person. African Americans are not, and do not possess a monolithic identity in either thought or in material living conditions. Another problem with this solution is that it does not challenge or change the existing socio-political structure, which has a vested interest in black subjugation. Alternatively, if

double-consciousness is about what it means to be an American, then the notion of American-ness has to be expanded implicitly and explicitly to encompass African Americans. The result would be an environment in which blacks are able to claim and benefit from the *full array* of citizenship rights and privileges, and as DuBois authoritatively states: "and I mean by this no half-way measures; I mean full and fair equality" (DuBois 1996).

What if African Americans are unable to unite the dual identity? Or have that reconciled identity properly recognized? If African Americans are unable to transcend the sense of two-ness, perhaps they may choose to favor one identity over another. If blackness is chosen as the primary identity, it may be reified to the point that one's life choices are determined upon what enables them to "keep it real" (authentically black). In this situation, one's choices have to reinforce the identity of blackness over everything else; such is the case with many black youths today. There is, and has been, an attitude of opposition to anything "white" among black youths. In some cases, this oppositional culture has gone to the extreme to oppose anything that is perceived as "white." Some black youths fail to achieve academically because doing so would categorize them as "acting white." Extremely regarding or essentializing blackness leads to the creation of an identity that can only be maintained in opposition to whiteness and mainstream society. African Americans who choose this tactic suffer from a form of false consciousness in that they refuse to acknowledge or accept the fact that they are also Americans.

Others, like some black conservatives, may choose to privilege their identity as Americans and attempt to deracialize themselves or downplay their blackness. Many of these individuals, like Armstrong Williams, Ken Hamlin, and Stanley Crouch emphasize universal humanism and believe that "there is nothing preventing our overt involvement in the forming of either the national identity or national policy" (Crouch 1995). Crouch fails to realize that American society can only accommodate and privilege a small number of African Americans and is unable (or unwilling) to accommodate substantial life changes for the mass of African Americans. Contrary to Crouch's beliefs, marginalization, racism, discrimination, segregation, and poverty prevent black involvement in shaping national identity and national policy. To deny this fact in the face of racial profiling, police brutality, and strip searches of black women in our nation's airports smacks of evasion, self-deception, and highlights the disconnect between black conservatives and the plight of a significant number of black people. A third and very toxic response is self-hatred, internalized racism, and nihilism. DuBois himself indicates that "...the facing of so vast a prejudice could not but bring the inevitable self-questioning, self-disparagement, and lowering of ideals which ever accompany repression and breed in an atmosphere of contempt and hate." In some cases self-hatred may lead to mental illness and/or a complete withdrawal from society (DuBois 1996).

Misunderstanding double-consciousness can lead to a number of negative political repercussions. Most notably is the fact that the mass of black people will continue to be accorded second-class citizenship, and their status as socio-political and economic subordinates will continue to be seen as inevitable and natural. Also, the full incorporation of African Americans into mainstream society will remain uneven or ineffective. Whites and blacks will remain divided and American will remain as "two nations, separate, hostile and unequal" (Hacker 1992). Failure to recognize what is American in blackness and what is black in American limits the nature and promise of citizenship to a select few and affects how the majority determines who is deserving and entitled to citizenship rights and privileges. Limited notions of citizenship produce limited citizens, both black and white. Further, failure to acknowledge our shared and intertwined history and culture

will result in an America that never fully realizes its potential, and Americans who will never recognize their fellow citizens.

Notes

1. For example, see August Meier, *Negro Thought in America, 1880-1915: Racial Ideologies in the Age of Booker T. Washington* (Ann Arbor: University of Michigan Press, 1963); Robert E. Park, *Race and Culture: Essays in the Sociology of Contemporary Man* (New York: Free Press, 1950); Harold R. Isaacs, *The New World of Negro Americans* (New York: John Day, 1963); Ellis Cose, *Rage of a Privileged Class* (New York: HarperCollins, 1993); Robert Gooding-Williams, "Look, A Negro!" in Robert Gooding-Williams, ed., *Reading Rodney King Reading Urban Uprising* (New York: Routledge, 1993)
2. When DuBois speaks of the Negro Problem he states that the question of questions is after all "who are Men?... Those of any nation who can be called Men and endowed with rights are few: they are the privileged classes.... We grant full citizenship...to the 'Anglo-Saxon' (whatever that may mean)....but with the Negroes of Africa we come to a full stop, and in its heart the civilized world with one accord denies that these come within the pale of nineteenth century Humanity. This feeling, widespread and deep-seated, is, in America, the vastest of the Negro problems..." (347).
3. Particularly northern, rather than southern or eastern Europe (i.e., Nordic or Teutonic).
4. American liberalism espouses the ideals of equality, liberty, and democracy, but in reality views minority groups and the individuals of these groups as the other. It is into this culture that ethnic, cultural, and religious minorities are expected to integrate. African Americans are penalized for their difference in a so-called difference-blind liberal society with one set of neutral principles. However, these neutral principles are often just a reflection of one hegemonic culture, which is often not theirs. Will Kymlicka argues, "A multi-nation state, which accords universal individual rights to all its citizens, regardless of group membership, may appear to be 'neutral' between the various national groups. But in fact it can (and often does) systematically privilege the majority nations in certain fundamental ways...these decisions can dramatically reduce the political power and cultural viability of a national minority, while enhancing that of the majority culture." Will Kymlicka, *Multicultural Citizenship* (Oxford: Oxford University Press, 1995), 51-52.
5. "The Racial Contract is that set of formal or informal agreements or meta-agreements...between the members of one subset of humans, henceforth designated by (shifting) 'racial' (phenotypical/genealogical/cultural) criteria...as 'white,' and coextensive...with the class of full persons, to categorize the remaining subset of humans as 'nonwhite' and of a different and inferior moral status, subpersons, so that they have a subordinate civil standing in the white or white-rules politics..." (11).

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Explaining the Clinton Question: Scandal and Impeachment Politics in the 1998-2000 U.S. House Elections

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Introduction

Early in 1998, the revelation that President Clinton had engaged in an affair with an intern cast shadows over the upcoming midterm election. Most of the evidence related to the affair and possible obstruction of justice surfaced from Independent Counsel Kenneth Starr's investigation. His legal inquiry drew upon virtually every aspect of the Clinton presidency and financial dealings prior to his election in 1992. This lengthy investigation and President Clinton's denial of the affair shaped the national political scene for well over a year.

Despite the scandal and subsequent impeachment, politics of impeachment, President Clinton's approval ratings and the state of the economy remained robust. In June of 1998, President Clinton's job approval ratings hovered at 60 percent while his handling of the economy ticked higher at a strong 70 percent (Gallup 1998a). These evaluations of both the president and his handling of the economy are evidence of support for President Clinton's administration and lack of impact the personal scandal had on his approval ratings.

In contrast to the favorable opinions of President Clinton, the investigation into his personal life did not garner widespread support with the American public. Many citizens believed Ken Starr's investigation was motivated by politics and not by justice (Gallup 1998a). As a result, many Americans believed President Clinton should remain in office (Gallup 1998b). When given options, 60 percent of adults surveyed thought censure was the appropriate punishment for Clinton's transgressions. These sentiments were gauged shortly after the full release of the Starr Report, which detailed the nature of Clinton's relationship with intern Monica Lewinsky and outlined the case against him for obstruction of justice.

The decisions to seek a congressional seat occurred within this backdrop in 1998. In January, the president's scandal clouded the national conditions that normally provide cues to potential candidates. The history of congressional election midterms and the scandal should have boded well for Republicans, as the party out of power almost always triumphs in the midterm, and scandal-ridden politicians are not in ideal political posi-

tions. Therefore, the decisions of all candidates' reactions to the national conditions during a tumultuous election year become important.

Any lingering effects of the impeachment politics would surface during the 2000 congressional elections. An examination of 2000 reveals that there were few opportunities for establishing a clear governing coalition. On the whole, factors such as the lack of retirement, misaligned seats, and ambitious candidates foretold the outcome of the 2000 House elections. In the end, the public was satisfied with Congress, the country's direction, and their respective representative (Jacobson 2001). There were isolated cases related to the leftover impeachment politics, but no systematic effects are detectable. Within a climate of impeachment politics, the reactions of political elites at the local level largely shaped the outcomes of the 2000 elections. Similarly to 1998, Democrats made isolated issues of the impeachment inquiry and attempted to translate those issues into electoral successes in 2000.

Direct Influences

The Democratic Party vowed to target House impeachment managers for their role in pursuing President Clinton in 1998. Vulnerable incumbents were also targeted (Walsh 2001). This vow to focus on the Impeachment managers and vulnerable Republicans who supported their efforts is direct evidence that impeachment politics permeated the 2000 elections. As the strategic politicians' thesis suggests, the cause and effect relationships of national conditions were not based on the direct rational acts of voters. Rather, their effects are routed indirectly through the actions of political elites. In this case, candidates and party leaders reacted to the national conditions and placed before the voters choices that reflected elite evaluations.

Literature Review

The theoretical basis for this examination is the strategic politicians thesis developed by Jacobson and Kernell (1981; 1983). It is expected that political elites and politicians acted in ways that maximized their success in 1998 and 2000. The strategic politicians thesis developed by Jacobson and Kernell was originally advanced as a general theory to explain the puzzling midterm elections of 1974. At the individual level, voters indicated the Watergate scandal played a minimal role in their congressional vote during the 1974 midterm election (Conway and Wycoff 1980; McLeod, Brown, and Becker 1977). In the aggregate, Republicans suffered heavy losses to Democrats. The incongruity of the scandal not contributing to the sound defeat of Republicans puzzled scholars of congressional elections.

In theory, the strategic behavior of elites produced a bridge between the scandal and vote choice. While individual voters may not have used the Watergate scandal in their decision, the scandal itself served as the basis for the candidates' choice to run for office. The result (as theorized by Jacobson and Kernell) was a solid group of decently funded Democratic challengers versus a group of tepid, tight-fisted, and marginally qualified Republicans. The differences in both the aggregate quality of the candidates of each party and the resources they employed largely shaped the elections of 1974. In addition, a prepared group of Democratic challengers exploited other factors known to affect midterm elections, such as a weak economy and an unpopular president (Abramowitz 1989; Erikson 1990; Jacobson 1981; Tufte 1975).

Concept of Strategy

Two main components make up the heart of the strategic politicians thesis. The first is the concept of quality candidates. Strategic politicians are usually quality candidates, defined as people who have held elected office (Jacobson and Kernell 1981). Second, quality candidates are better candidates in terms of organizing and fundraising. They are consistently better at attracting votes, organizing campaigns, and marshalling other resources needed for success. Hence, they win more often than their less-experienced counterparts. Those running for office are not the only strategic actors. Financiers also make strategic decisions. Contributors to congressional campaigns donate money to those whom they perceive as having a chance to win. Regardless of type of contributor Political Actor Committee (PAC), individuals, parties—those who convince others they can win are usually better at garnering the essential financial resources for running a successful campaign.

The strategic politicians' thesis is simple. Candidates will seek office when they calculate a legitimate chance of winning. These decisions can also include not seeking office. In the case of incumbents, they may decide to retire. Thus, election outcomes are a result of candidates evaluating the political environment. The electorate, events, media, and other strategic actors provide the environment. Understanding the environment of congressional elections and candidates' decisions helps to understand congressional election outcomes. Also, the consequences of an event such as presidential scandal on congressional elections and careers are easier to understand.

Research Design

Two different dependent variables are tested for each party in 1998 and 2000: (1) a model using challenger quality as the dependent variable, and (2) an election equation using incumbent victory margin as the dependent variable. For 1998, two analyses test individual-level quality challenger models. The first analysis focuses on Republican incumbents, with the dependent variable as whether each Republican incumbent did or did not quality draw a Democratic challenger. The second analysis focuses on Democratic incumbents, with the dependent variable as whether each Democratic incumbent drew a quality Republican challenger or not. The independent variables in each analysis are whether or not the incumbent was involved in a previous scandal, cash on hand (a cash on hand figure through the end of the previous year), the incumbent's previous margin of victory, and district partisanship.

2000 Models

The analyses for 2000 are similar to 1998. Again, the analysis tests a pair of individual-level quality challenger models. Two separate models for Democrats and Republicans are tested in the same manner as the 1998 analyses. The dependent variable is whether or not the incumbent attracted a quality challenger. Independent variables include whether the incumbent was involved in previous scandal, past (1998) incumbent victory margin, and the interaction between impeachment voting and district partisanship for both parties. Incumbent victory margin for 1998 and 2000 concludes tests of the dependent variables. Independent variables include challenger quality, challenger spending, district partisanship, previous scandal, an interaction of impeachment hearing votes and district partisanship (1998), and an interaction of impeachment votes and district partisanship (2000).

Results and Analysis

Challenger Models

The decision-making processes and resources of challengers were erratic in 1998. It appears that challengers, especially amateurs, entered into the electoral arena without much forethought to running and even fewer resources. Taken in isolation, both challenger and incumbent decisions to run for office or retire are unclear. Modeling whether or not an incumbent attracted a quality challenger will help understand how the context of 1998 shaped the decisions of candidates.

Whether or not the Republican incumbent attracted a quality challenger in 1998 appears to be dependent upon previous victory margin and district partisanship. The logistic regression model results (see Table 1) of whether the Republican incumbent attracted a quality challenger are consistent with a descriptive cross tabulation. Challengers used the incumbent's previous performance in determining whether to challenge or not. District partisanship also directly contributed to candidate emergence. As district partisanship becomes hospitable to Democrats, Republican incumbents became more likely to face a quality opponent.

The logistic model of whether Democratic incumbents attracted a quality challenge is a story similar to Republican incumbents except district partisanship is not a significant variable explaining challenger quality (see Table 2). Apparently, incumbents with large victory margins send clear signals to potential challengers, essentially warning against running for office. Due to the level of significance in both Republican and Democratic incumbent models, victory margin appears to function in the same manner for both parties. Victory margin in any case is a strategic variable.

Table 1
Logistic Regression of Challengers to Republican Incumbents (1998 Republican Incumbent Model)

Variable	b	SE(b)	t-statistic
District Partisanship (1996 Democratic)	.08***	.04	2.00
1996 Victory Margin	-.08***	.02	4.00
1998 Scandal	.22	1.17	.58
1996 Scandal	-6.42	18.15	.35
Cash on Hand	.14	.24	.58
Constant	-5.21*	3.18	1.64

***p<.001 *p<.05 (one tailed)

N=203

Pseudo R-Square (Cox/Snell=.19) (Nagelkerke=.31)

Chi Square 42.6 (df=6)

Table 2
Logistic Regression of Challengers to Democratic Incumbents
(1998 Democratic Incumbent Model)

Variable	b	SE(b)	t-statistic
District Partisanship (1996 Republican)	-.03	.03	1.00
1996 Victory Margin	-.06*	.03	2.00
1998 Scandal	-.61	1.21	.50
1996 Scandal	-.03	1.27	.02
Cash on Hand	.03	.27	.11
Constant	.59	3.39	.17

* $p < .05$ (one tailed)

N=181

Pseudo R-Square (Cox/Snell=.13) (Nagelkerke=.22)

Chi Square 24.85 (df=5)

Electoral Consequences

With these decisions of candidates in place, the November election seemed to promise nothing eventful. Candidates of both major political parties struggled to gauge the political winds, which ultimately led to a status quo election. Moreover, campaign activity also indicated the political world would not be changed dramatically. The national conditions and scandal left candidates and voters apprehensive and with few options in 1998. The net change of five seats picked up by Democrats was indeed surprising. This outcome, however, appears to be consistent with the strategic politicians' thesis, as well as other factors known to shape congressional elections.

Election Models

Democratic regression results (see Table 3) indicate that the presidential scandal had no effect on Democratic incumbents' vote share. Common variables such as challenger quality, challenger spending, and district partisanship are the most significant variables explaining incumbent vote share. The continued importance of these common variables in 1998 is not surprising. Neither is the lack of influence for the national scandal and impeachment variable. As already noted, the pursuit of impeachment charges against President Clinton went against public opinion. Expectedly, Democratic vote share did not suffer in relation to participation in the impeachment process. Additionally, Democrats were not specifically rewarded for their role in the impeachment process (see Table 3). Those who bucked party allegiances and supported the impeachment inquiry gained no electoral benefit. Republicans primarily were held accountable for the pursuit of impeachment charges in 1998.

Table 3
Predictions of Democratic Incumbent Vote Margin from Local Conditions in 1998

Variable	b	SE(b)	t-statistic
District Partisanship (1996 Republican)	-.48***	.19	2.55
Challenger Spending	-6.53***	.71	9.20
Challenger Quality	-10.39***	1.70	8.90
1996 Scandal	5.70	6.38	.85
1998 Scandal	-5.67	6.68	.85
District Partisanship X Hearing Vote 497	-.16	.13	1.26
Constant	125.61***	8.12	15.49

***p<=.001 (one tailed)

N=112

R-Square .68

Adjusted R-Square .67

Std. Error of Estimate 11.85

In contrast to their Democratic counterparts, Republicans did pay a small price at the polls for their participation in the impeachment process (see Table 4). In regard to votes on holding impeachment hearings, Republicans voting contrary to district partisanship suffered a diminished vote share in 1998. Additionally, challenger spending and previous scandal (1998) lessened incumbent Republican's ability to garner votes.

These similarities and differences between Republicans and Democrats are not totally surprising. By and large, vote share was conditioned by known variables such as challenger quality and their spending, as well as district partisanship. The uneven accountability for their respective participation in the impeachment process is shaped by evaluations of the voters. Republicans who toed the party line in pursuing impeachment articles suffered vote loss, at the very least, in 1998.

Election Context

Neither party had abundant opportunities to gain seats in 1998. National conditions were mixed—the president was popular and the economy was strong, but he was mired in scandal. After the primary season, very few variables were in place to shift the balance of power. Both Republicans and Democrats competed strategically for open seats in 1998. Moreover, incumbents who attracted challengers were rarely threatened. The election analysis that follows examines the competition for open seats then moves toward a broader analysis of strategies and choices.

Table 4
Predictions of Republican Incumbent Vote Margin from Local Conditions in 1998

Variable	b	SE(b)	t-statistic
District Partisanship (1996 Democratic)	-.39	.27	1.47
Challenger Spending	-5.89***	.58	10.16
Challenger Quality	-8.45***	.83	10.20
1996 Scandal	16.93**	6.05	2.80
1998 Scandal	-18.56***	4.82	3.85
District Partisanship X Hearing Vote 498	-.42**	.20	2.06
Constant	126.04***	7.85	16.05

***p<.001 **p<.01 (one tailed)

N=140

R-Square .71

Adjusted R-Square .70

Std. Error of Estimate 11.31

Open Seat Competition

There were very few open seats in 1998. What should have been an early indicator of a rough year for Republicans is that only six of the 34 open seat contests in 1998 were from Southern states (including Kentucky as a Southern state). Of these six southern seats, two had no change in party control, while four saw party shifts. Republicans and Democrats both gained two seats from the other party, and both retained one seat of their own. Thus, there were no Republican inroads into what had been the party's primary route to majority status (the South), only a maintained balance.

In the South, Democrats maintained an edge in quality candidates. In the open seats, three of the five quality candidates were Democrats. This suggests that 1998 was not a difficult year for candidate recruitment for southern Democrats. Outside the South, Democrats maintained a substantial advantage in quality candidates in open seat races. There were 19 non-Southern quality Democratic candidates facing 11 Republicans quality challengers. This is the reverse of conventional expectations in a midterm election with a Democratic president. Of all quality candidates in open seat races, 63 percent were of the president's political party.

Overall, Democrats enjoyed a 22 to 13 edge in open seat quality candidates. Thus, 35 of the 68 (51 percent) major party candidates in 34 open seat races were quality candidates. Democrats ran 22 quality candidates out of their total of 34 (65 percent), compared with a paltry 13 of 34 (38 percent) for Republicans. These numbers are contrary to the

findings of previous congressional studies (Jacobson and Kernell 1981; Jacobson 1997). According to previous patterns of the strategic behavior of elites, Republicans should have outnumbered Democrats in terms of open seat quality candidates. Democrats' recruiting and running a superior crop of candidates in open seat races is indicative of Republican troubles in the 1998 midterm.

Of the 34 open seat races, the two parties each won 17 seats. Democrats and Republicans each won all 11 seats they were protecting, and each party took 6 seats from the opposition. Each party protecting an equal number of open seats is a reflection of the party division of retirements discussed above. Republicans would have had more opportunity in 1998 if more Democrats had retired—especially in the South. Republicans could have easily picked up a few seats vacated by Democrats. Campaign expenditure data also reveals similar figures between the parties in open seat races. Republican candidates spent \$722,373, compared to \$685,260 for Democrats. One Republican candidate, real estate business owner Doug Ose, spent \$2,148,071 on his successful campaign. Elimination of this one aberrant case reduces the mean Republican expenditure to \$679,170. In a midterm election, the party of the president should have more difficulty in raising campaign funds, and the opposition should have a spending edge (Jacobson and Kernell 1981). In the 1974 Watergate midterm, Democratic open seat candidates outspent their Republican counterparts \$103,091 to \$79,093. The fact that Democratic candidates spent roughly the same amount as Republicans illustrates one way in which Republicans could not take advantage of their midterm out-party status.

Incumbent Races

Only one incumbent lost in the 1998 primary (Kim, R-California). The reelection rate for incumbents was 98.5 percent (Roberds and Bridgmon 1999). The reelection rate for those with a challenger was 98 percent (Jacobson 1999; Roberds and Bridgmon 1999). However computed, 1998 was an exceptionally good year for incumbents seeking House reelection. Unlike open seat contests, however, the net results did not yield a decisive party victory. Republicans had six incumbents fall to Democratic challengers while Democrats saw only one incumbent fail. The lone Democrat to lose was a former television news anchor Jay Johnson, who succeeded eighteen-year Republican veteran Toby Roth. Johnson barely won in 1996 by a thin margin (52—48 percent). In 1996, he was outspent by his opponent by almost a 2:1 margin (Barone and Ujifusa 1999). Johnson was most likely one of the few beneficiaries of the short coattails of Bill Clinton in 1996. In 1998, Republican attorney Mark Green campaigned early and matched Johnson in spending dollar to dollar. In the end, the district indulged in its Republican tendencies, electing Green 55—45 percent. Final FEC figures reveal that Green spent \$822,511 on his successful campaign.

Spending

Spending was not equal, however, between the two parties and their incumbents in 1998. Republican incumbents spent on average \$777,984 to the Democratic mean expenditure of \$567,601. While on the surface this appeared to favor Republicans, previous research suggests otherwise. First, incumbents spend in response to challengers. Jacobson (1997) illustrates that challenger spending is more important than incumbent spending, and that the more incumbents tend to spend, the worse they tend to do. This is because high incumbent spending is usually indicative of a serious, quality challenge to a vulnerable incumbent.

Jacobson and Kernell (1981) address the relationship between a party's challengers and incumbents in their analysis of the 1974 elections. In 1974, Republican incumbents spent substantially more than both Democratic incumbents and Republican challengers. This is because a fearful party will put more resources into the defense of the current office holders (House incumbents) than to take seats from the opposition. Thus, Republicans closed ranks and protected their incumbents first, allocating fewer resources to challengers to incumbents and candidates for open seats. It turns out this defensive strategy was wise; however, even with this strategy, the GOP lost five incumbents. Had the Republicans allocated more resources to challengers at the expense of incumbents, the net Republican loss might have been much worse.

When we consider all factors together, 1998 was both remarkable yet predictable. Historical patterns suggested Republicans would make major gains in the second midterm election of a two-term presidency. However, issues such as expenditures, quality of candidates, seats at risk, district partisan leanings all pointed to a much more competitive balance between the parties. In a sense, both parties behaved strategically in an election that was much more similar to 1986 (one incumbent lost in the primary and only six lost in the general election) than 1994. It was unrealistic to expect a party that lost 52 seats in the 1994 midterm would suffer anywhere near that loss in 1998. And like 1986, the national economy was booming (as it had been for years), and the president enjoyed widespread popular support.

Given the dynamics of the 1998 election, the 2000 elections should have been predictable. The six incumbents losing in 1998 had all won their previous election with 55 percent or less of the vote. All six successful challengers won with 55 percent of the vote or less. As party voting continues to return to the American electorate, and as voters continue to vote consistently in presidential and sub-presidential elections, major shifts in the party balance appear unlikely. If the record number of uncontested seats in 1998 suggests future patterns, elections lacking any substantial net party gains may lead to a period of uninterrupted equilibrium. The 2000 elections largely confirm our expectations based on the dynamics involved in 1998.

2000 House Elections

Incumbent Challenges

The primary variables explaining whether or not the Republican incumbent attracted a quality challenger are past victory margin and district partisanship (see Table 5). Both previous victory margin and district partisanship are fundamental components of the strategic politicians' thesis. For Republican incumbents, as previous victory margin increases, the probability of attracting an experienced challenger decreases. Logistical regression results indicate that previous victory margin functions identically in a controlled model as it does in a bivariate comparison. Extremely safe incumbents do not attract quality challengers.

District partisanship also dictates the presence of quality challengers for Republican incumbents. As a congressional district becomes more Democratic in its partisan leanings, there is a greater chance of facing a quality challenger. In 2000, incumbents held fewer seats inconsistent with district voting in the 1996 presidential election. Thus, district partisanship maintains its importance as local context in ensuring representative and district ideology are similar. In fact, the previous four sets of elections have seen a gradual alignment of presidential and congressional voting (Jacobson 1997; 2001). Ac-

Table 5
Predictions of Challenger Quality from Characteristics of Republican Incumbents (2000
Republican Incumbent Model)

Variable	b	SE(b)	t-statistic
District Partisanship (1996 Democratic)	-.05*	.03	1.70
1998 Victory Margin	-.018*	.008	2.25
1998 Scandal	-.71	1.15	.62
2000 Scandal	-2.75	15.75	.17
Impeachment Vote x District Partisanship	.001	.006	.16
Constant	-2.05	3.34	.61

*p<.05(one tailed)

N=173

Pseudo R-Square (Cox/Snell=.07) (Nagelkerke=.12)

Chi Square 13.89 (df=8)

According to exit polling, the 2000 election continued the trend of party voting, which increased the consistency between presidential and sub-presidential voting (Jacobson, 2001).

Democrats

Previous victory margin is also a significant variable in explaining the presence of quality for Democrat incumbents (see Table 6). Victory margin is significant in 1998 and 2000 for both parties. No other variable is a clearer indicator of strength or incumbent vulnerability. It serves as a signal for incumbents, as well as challengers. In terms of assessing strategic politicians' thesis, the retrospective evaluation of the previous election accounts as the most important variable in the decision calculus.

Previous scandal (1996) also predicted a quality challenge for Democrats. This is consistent with previous research in that the effects of incumbent scandals can reveal themselves over time (Roberds, 2000). Clearly, given two election cycles, quality challengers could mount a run for office in 2000. Simply stated, scandals may not create immediate problems for incumbents. For example, if an incumbent is involved in a scandal that comes to light close to the election, quality challengers may not appear until the next election cycle.

Despite the scandals of a few Democratic incumbents, it is also noteworthy that Democrats were better able to recruit quality challengers in 1998 and 2000 than the Republican Party. The post-WWII difference in aggregate quality challengers is 5.4 percent in favor of Democrats (Jacobson 1997). As previously mentioned, Democrats enjoyed a

Table 6
Predictions of Challenger Quality from Characteristics of Democratic Incumbents (2000 Democratic Incumbent Model)

Variable	b	SE(b)	t-statistic
District Partisanship (1996 Republican)	.04	.3	1.25
1998 Victory Margin	-.02**	.008	2.50
1998 Scandal	.87	.89	.97
1996 Scandal	2.14*	.97	2.21
Impeachment Vote x District Partisanship	.00	.01	.00
Constant	-6.18	4.09	1.51

**p<.01 *p<.05 (one tailed)

Pseudo R-Square (Cox/Snell=.11) (Nagelkerke=.20)

N=175

Chi Square 20.24 (df=8)

solid base of support until the mid-1990s. Some of the difference in aggregate quality can be attributed to this support base. It is also attributable to the overall lack of opportunity for Republicans since WWII (Jacobson 1990).

Impeachment Participation

Neither Republicans nor Democrats were helped or hindered in 2000 by their votes on the impeachment articles (see Tables 5 and 6). The impact of impeachment votes interacted with district partisanship was minimal. Overall, Republican incumbents felt the fallout from the impeachment debacle in 1998 (see Table 4). Participation in the impeachment proceedings after the 1998 election did not contribute to attracting a quality challenger or lessening of vote share in 2000.

Election 2000

The 2000 elections were virtually a dead heat. Neither Republicans nor Democrats gained a comfortable majority in the House, although Republicans retained control of the House for a fourth straight term. In terms of strategies and choices for House seats, there were few opportunities in 2000 (Rothenberg, 2000). The outcomes reflect the lack of clear opportunities.

Democratic incumbents experienced electoral fortunes in 2000 similar to those of 1998 (see Table 7). Challenger quality, challenger spending, and district partisanship worked to decrease their vote share. Past scandal apparently was not costly on Election

Table 7
Predictions of Democratic Incumbent Vote Margin from Local Conditions, 2000

Variable	b	SE (b)	t-statistic
District Partisanship (1996 Democratic)	-1.80***	.12	15.18
Challenger Spending	-2.44***	.78	3.13
Challenger Quality	-3.32	2.03	1.63
1996 Scandal	10.60	6.01	1.76
1998 Scandal	2.30	5.24	.44
2000 Scandal	14.09	10.17	1.40
Constant	123.18***	9.95	12.38

***p<.001 (one tailed)

N=162

R-Square .47

Adjusted R-Square .46

Std. Error of Estimate 21.72

Table 8
Predictions of Republican Incumbents Vote Margin from Local Conditions, 2000

Variable	B	SE (b)	t-statistic
District Partisanship (1996 Democratic)	-1.61***	.30	5.26
Challenger Spending	-2.704*	1.21	2.24
Challenger Quality	-3.81*	2.31	1.67
1998 Scandal	-14.72*	7.58	1.94
1996 Scandal	17.69*	9.20	1.93
2000 Scandal	21.42	16.41	1.31
Constant	136.57***	16.48	8.30

***p<.001 *p<.05 (one tailed)

N=152

R-Square .29

Adjusted R-Square .26

Std. Error of Estimate 22.05

Day. These results confirm that much of the 2000 election are consistent with theoretical expectations and past results.

Republican incumbents fared similarly to Democrats in 2000. Table 8 indicates that vote share was lessened by the presence of a quality challenger, challenger spending, incongruent district partisanship, and previous scandal (1998). The importance of previous scandal is the most interesting significant variable. While the variables working to diminish vote share remain theoretically consistent, prior scandal is worth additional consideration.

Election in Context

Incumbents did very well in 2000. Over 98 percent were reelected, which mirrors the 1998 re-election rate. Of those who experienced defeat only three did not survive the primary, compared to only one incumbent in 1998. The incumbents who lost are very interesting and speak directly to the heart of this examination. Overall, there was very little systematic effect of President Clinton's 1998 scandal and the ensuing impeachment politics. However, there was some, and it revealed itself in 2000. Most of the House impeachment managers targeted by the Democratic Party survived in 2000 (Walsh 2001). The most notable exceptions are Bilbray and Rogan (CA) and Dickey (AR)(not a House manager but supporter of the inquiry).

Open Seats

Each party responded strategically to the chances open seat races presented in 2000. Both parties fielded an equal number of quality candidates in the open races and spent more than \$1,000,000 on average, respectively. In the end, the strategies both parties used led to a net of one seat for Republicans. This demonstrates the parity between the parties in terms of many factors including partisanship, expenditure of resources, and candidate quality (Jacobson 2001).

The outcomes of 2000 were shaped by candidate decisions during the primaries (Roberds and Bridgmon 2000). Choices made by challengers, party committees, and funding entities indicated 2000 would be similar to 1998. The similarity of 2000 and 1998 is surprising. It is worth reiterating the results are not anomalous or outside the bounds of theoretical expectations, but square with what a generation of research has provided as explanation. At the conclusion, the 2000 elections were shaped by the strategic decisions of political elites within an immediate context.

Conclusion

The strategic politicians' thesis helps understand candidate behavior in 1998 and 2000. Furthermore, the decisions of candidates shaped the eventual outcomes of both elections. Focusing on the election outcomes only neglects theoretical expectations of the strategic politicians' thesis. Initial reaction to the president's party gaining seats during the 1998 midterm elections was that our theories of congressional elections were invalid or very weak in times of uncertainty, such as a national scandal.

Nothing that happened in the wake of President Clinton's scandal, impeachment inquiry, and trial in the Senate changes our understanding of congressional elections. The elections continue to reflect evaluations of the economy, the president, and direction of our country through the decisions of candidates. Challengers, within the context of

presidential scandal and impeachment, are understandably uncertain about political prospects muddled by national events. These feelings are to be expected.

Many components of strategy and choice held during observation in 1998-2000. First, quality and amateur challengers were distinctly different in their decisions to seek office. They differed primarily in their ability to challenge safe incumbents and the ability to get and spend resources. Quality challengers were more likely to challenge vulnerable incumbents. Amateur challengers ended up challenging safe incumbents, well insulated by incumbency. In the end, greater numbers of quality challengers spent the necessary money to mount credible challenges. Amateur candidates continued to face an uphill climb in their quest for resources. Together, these two differences explain how few incumbents lost in 1998 and 2000.

The economy, presidential approval, and evaluations of Congress and the direction of the United States also shaped the elections of 1998-2000. All are prime evidence of why President Clinton survived the revelation that he possibly obstructed justice and perjured himself. Late in 1998 the electorate made it clear they did not want President Clinton removed from office over a matter they considered to be personal in nature (Gallup 1998c). After the acquittal in the Senate, Republicans took active steps to distance themselves from the entire process. Very little was mentioned about impeachment during the 2000 election cycle (Jacobson 2001).

While Republicans and voters may have forgotten about the impeachment debacle, the Democratic Party did not. Through their strategic efforts they were able to bring down several Republicans responsible for the House impeachment inquiry. Clear examples of the way Strategy and Choice explains election outcomes can be drawn from the Democratic Party's targeting of Republicans. Of those who were not brought down by the Democrat's targeting, many survived by close margins. Therefore, the strategies of Democrat elites helped defeat vulnerable Republican incumbents and weaken others. All of these events are consistent with Strategy and Choice.

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1. The first part of the document is a letter from the President of the United States to the Congress, dated January 1, 1861. It is a very important document, as it sets out the President's policy for the new year. The President states that he is pleased to see the Congress assembled, and that he trusts that the country will be able to meet the challenges of the future. He also mentions the recent election of Abraham Lincoln as President, and expresses his confidence in the new administration.

2. The second part of the document is a report from the Secretary of the Treasury, dated January 1, 1861. It provides a detailed account of the financial state of the country at the beginning of the year. The report states that the country is in a sound financial position, and that the government is able to meet its obligations. It also mentions the recent increase in the national debt, and expresses the Secretary's confidence that the government will be able to manage the debt effectively.

3. The third part of the document is a report from the Secretary of the Interior, dated January 1, 1861. It provides a detailed account of the state of the country's natural resources. The report states that the country is rich in natural resources, and that the government is able to manage these resources effectively. It also mentions the recent discovery of gold in California, and expresses the Secretary's confidence that the country will be able to benefit from this discovery.

4. The fourth part of the document is a report from the Secretary of the War, dated January 1, 1861. It provides a detailed account of the state of the country's military. The report states that the country is well-prepared for war, and that the government is able to manage the military effectively. It also mentions the recent increase in the size of the army, and expresses the Secretary's confidence that the country will be able to meet the challenges of the future.

The NAACP and the Confirmation of Supreme Court Justices, 1930-1991

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Since its founding in 1909, the National Association for the Advancement of Colored People (NAACP) has viewed the Supreme Court as a major channel to be utilized in the obtaining of racial justice; thus, its composition has been of paramount interest to the association. Dating back to the presidency of William Howard Taft, the civil rights organization has carefully scrutinized nominees and has opposed those whose philosophies and actions appeared to be inimical to the best interest of African Americans. Perhaps, the best description of the NAACP's attitude toward the confirming of Supreme Court justices can be found in an editorial that appeared in the *Crisis*, its official organ, in 1970. According to the editor, "those who oppose the basic philosophy of a Supreme Court nominee have not only a right, but also a duty to prevent his confirmation." While the *Crisis* acknowledged that a judge might rightfully be opposed for other reasons, it contends that its opposition is based, mainly, on the appointee's "basic body of beliefs, concepts and principles which constitutes a man's philosophy." It suggested that "if he believes in segregation he will find some 'legal' way to slow down desegregation." With these thoughts in mind, the NAACP has exerted its influence in bringing about the defeat of four Supreme Court nominees. In 1991, however, it was not successful in derailing the nomination of Judge Clarence Thomas.¹

This article will analyze the NAACP's role in the confirmation procedures of Judge John J. Parker (1930), Judge Clement F. Haynsworth (1969), Judge G. Harold Carswell (1970), Judge Robert H. Bork (1987), and Judge Clarence Thomas (1991). It will seek to answer questions relative to the effectiveness of the association's actions.

Judge John J. Parker

On March 10, 1930, President Herbert Hoover nominated John J. Parker, a native of North Carolina and a judge on the Fourth Circuit Court, for a seat on the U.S. Supreme Court. It was suggested that the appointment was a part of the president's strategy to strengthen the Republican Party in the South. During the presidential elections of 1928, Florida, North Carolina, Tennessee, Texas, and Virginia broke with tradition and voted for the Republican Party, therefore, the president had high hopes of making political inroads in the South.

Being suspicious, the NAACP closely scrutinized the nominee. When it was discovered that an article had appeared in a North Carolina newspaper regarding Parker's racial

Supreme Court Appointees Opposed by the NAACP

Appointee	Appointed by	Reasons for Opposition	Action Taken
John J. Parker	Herbert Hoover	Support of literacy test and Grand-Father's Clause while running for governor of North Carolina	Rejected 41-39 May 7, 1930
Clement F. Haynsworth	Richard Nixon	Anti-civil rights record while serving on the U.S. Court of Appeals	Rejected 55-45 Nov. 21, 1969
G. Harold Carswell	Richard Nixon	"White Supremacy" remarks and anti-civil rights positions taken while serving on the Federal Court. Also the role played in the conversion of an all-white golf course to a private club	Rejected 51-45 April 8, 1970
Robert A. Bork	Ronald Reagan	Opposition to historic civil rights decisions—both in his writings and court records	Rejected 58-42 Oct. 23, 1987
Clarence Thomas	George Bush	Anti-affirmative action positions taken while holding previous positions in government	Confirmed 52- 48 Oct. 15, 1991

beliefs, Walter White, the acting secretary of the association, contacted the Judge and inquired concerning the alleged remarks. After waiting seventy-two hours for a reply, White consulted the NAACP's Board of Directors, and was instructed to lead a campaign to defeat the nomination. President Hoover was informed of the association's position, and was urged to withdraw the nomination, as Taft had done in 1912 when faced with opposition of blacks to the appointment of Judge Hook. The president, however, chose to fight for his nominee.²

In waging the campaign against confirmation of Parker, the association stressed remarks allegedly made by the judge during the time he was running for governor of the state of North Carolina. According to the reprint of the *Greensboro Daily News* article of April 19, 1920, Parker was quoted as saying:

The Negro as a class does not desire to enter politics. The Republican party of North Carolina does not desire him to do so. We recognize the fact that he has not yet reached that stage in his development when he can share the burdens and responsibilities of Government...I say it deliberately, there is no more dangerous or contemptible enemy of the state than men who for personal or political advantage will attempt to kindle the flame of racial prejudice or hatred...the participation of Negroes in politics is a source of evil and danger to both races and is not desired by the wise men in either race or by the Republican party of North Carolina.³

The strategy employed by the NAACP involved testimony before the Senate Judiciary Committee, grassroots efforts and the securing of allies. The association conducted mass meetings, simultaneously in cities throughout the nation, and urged its supporters to send telegrams, petitions, and letters to their senators, and when possible make personal visits. The NAACP also sought the cooperation of organizations with similar interests,

including the National Association of the Advancement of Colored Women and the black press. The strategy of the NAACP reaped rich dividends when the Senate, by a vote of 41 to 39, denied Parker a seat on the Supreme Court.⁴ In assessing the importance of its victory in the Parker case, the NAACP considered the following goals as having been obtained:

1. The bench of the United States Supreme Court was kept free of a man who had publicly flouted the wartime constitutional amendment in a speech expressing opposition to the Negro's participation in politics.
2. A body blow was struck at the lily-white policy by which the Hoover administration proposed to conciliate southern white sentiment by sacrificing the Negro and his rights.
3. The Negro's political power as a cohesive mass was conclusively demonstrated both in the adverse vote on the Parker nomination in the Senate and in the subsequent fall campaign and election of 1930 in which Senator McAllister of Ohio and Senator Allen were defeated in large measure by Negro voters because of their support of Parker.⁵

In the aftermath of the confirmation battle, the NAACP was accused of pressuring the Senate to defeat Parker, mainly because of the place of his birth. Walter White denied this accusation, insisting that "Negro approval or disapproval of Supreme Court nominees has been strictly confined to consideration of a man's public and private record on vital issues and not the place of his birth."⁶

Judge Clement F. Haynsworth

As was the case with Hoover, President Nixon attempted to use his power of appointment to enhance his political support in the South. Consistent with his "Southern strategy," Nixon nominated Judge Clement F. Haynsworth to replace Justice Abe Fortas on the Supreme Court. The appointee, a native of Greenville, South Carolina, was currently serving as chief justice of the Fourth Circuit Court of Appeals.

Being aware of cases that had been argued before his court, the NAACP announced opposition to the nomination even before it was formally made. On two occasions—July 19 and August 12, 1969—Roy Wilkins, the executive director of the association, urged the president to abandon his intention of nominating Haynsworth, but to no avail. According to Wilkins, the appointment "would spell disaster to the entire racial equality program now embodied in law." Nixon was advised that because of the judge's record, Negroes and their friends would actively oppose his nomination to serve on the court. The president refused to heed the warning; therefore, as a consequence he encountered the wrath of the NAACP and its allies. The basis for the opposition was the record that the judge had compiled during his tenure on the Court of Appeals. According to the association, Haynsworth had played a major role in the handing down of negative decisions relative to cases involving public schools and hospitals long after *Brown v Board of Education* in 1954, and even after passage of the Civil Rights Act of 1964. These decisions aided the sustaining of segregation and/or the delaying of desegregation.⁷

Roy Wilkins noted that the opinions of the judge were handed down during a crucial period of American history when the "Negro's opportunities and status" during the last third of this century were being shaped. He further observed that Haynsworth, who favored the status quo, "would not have society move until forced to do so by inescapable requirements of the law and by specific, pinpointed arguments on that law."⁸ Wilkins

insisted that there was "no more unobtrusive yet deadly way of negating completely" the hard-won victories of blacks than for the president to nominate for a Supreme Court position a judge who had continued to uphold racial segregation policies, even though they already had been outlawed by the highest court and made illegal by the Congress.⁹

In waging the campaign against the confirmation of Haynsworth, the association utilized the strategies that had won it success in the Parker case—a massive letter-writing campaign, testimony before the Senate Judiciary Committee, and the forming and utilizing of allies. The National Office prepared and distributed approximately 250,000 copies of a leaflet which described the judge's negative record on civil rights and the various chapters were advised to urge their members and communities to write or wire their senators concerning the harmful impact of the nomination. Equally as important was the presenting of testimony before the Senate Judiciary Committee. Clarence Mitchell, the association's chief lobbyist, and Samuel W. Tucker, a member of the National Board of Directors assumed this responsibility. Realizing that standing alone, the NAACP would be ineffective in defeating the nomination, it encouraged other organizations to join in the opposition. Among those were the AFL-CIO (American Federation of Labor-Congress of Industrial Organizations), Americans for Democratic Action, American Jewish Congress, United Methodist Church, National Baptist Convention, National Urban League, United Automobile Workers, National Conference of Black Lawyers, and the Leadership Conference on Civil Rights with its 120 constituent organizations.¹⁰

Following the rejection of the nominee by the Senate by a 55 to 45 vote, Wilkins pointed out that the NAACP had opposed Haynsworth "not because he is a southerner, but because of his negative civil rights record." He acknowledged that there were several southern judges who would have made excellent Supreme Court justices. According to Wilkins, the victory could not be attributed to the association alone. He noted that it had resulted from a number of factors, including the questionable ethical standards of the nominee, as well as his records on civil rights and labor. Wilkins hailed the victory as one that should encourage young black militants who did not view legislation and political action as effective means of advancing the race. He perceived it as demonstrating that the democratic process could be a valuable means for effecting change.¹¹

What impact did this political defeat have on President Nixon? While it might have been an embarrassment, it did not deter him from nominating for the post a judge whose credentials were equally as questionable.

Judge G. Harold Carswell

Following the refusal of the Senate to confirm Judge Haynsworth, President Nixon submitted for Senate "advice and consent" the nomination of G. Harold Carswell, a federal appeals court judge from Florida. To the dismay of the president, the Senate also rejected him, and once again, among those leading the opposition was the NAACP. Bishop Stephen G. Spottswood, chairman of the National Board, noted that earlier the association, along with 124 other affiliates of the Leadership Conference on Civil Rights (LCCR) had opposed the nomination of Carswell to the Circuit Court of Appeals. At that time, the LCCR cited his pro-segregation record, which was colored by "calculated delays of justice in school desegregation and other civil rights actions," as sufficient reasons to deny him confirmation. It noted that many of his decisions had been unanimously reversed on appeal.¹² The opposition, however, was to no avail. Spottswood was very critical of Nixon for submitting the nomination, noting that Carswell's undistinguished career causes one to question if the president "found him qualified for the Supreme Court

chiefly because the civil rights community found him unacceptable." According to Spottswood:

This may very well score points for the "Southern strategy," but it is a tragically shortsighted way to choose the personnel of the nation's highest court. Negro citizens can hardly be said to have had any illusions left about where they stand with the Nixon Administration, but this nomination, following that of Judge Haynsworth, is clearly designed to compromise their future judicial protection far beyond the life of any single Administration.¹³

The NAACP challenged Carswell's fitness for the Supreme Court position on the basis of (1) his "white supremacy" speech made in 1948; (2) his role in the conversion of a public golf course in Tallahassee in 1956; and (3) his tactics used in a Florida school desegregation case, which he strung out from 1963 to 1967.

In 1948, Carswell was quoted in a weekly newspaper in Irwinton, Georgia, as saying:

Segregation of the races is proper and the only practical and correct way of life in our state. I have always so believed, and I shall always so act...I yield to no man as a fellow citizen, in the firm, vigorous belief in the principles of white supremacy, and I shall always be so governed.¹⁴

When confronted with the statement, Carswell denied being a racist and denounced the words and thoughts that they represented. According to the judge, the remarks were "obnoxious and abhorrent" to his personal philosophy. This renunciation was not good enough for the NAACP, which maintained that it was seeking a Supreme Court that was "free of the taint of racism." H. L. Moon, writing in the *Crisis*, indicated that had the later record of the judge revealed conversion he would have been willing to forgive him for his earlier indiscretion, but "his documented actions as a private individual and as United States Attorney and his decision as a Federal Judge belied his disavowal." Cited as racist acts were his role in the conversion of a public golf course into a private segregated club during his tenure as a U.S. attorney in Tallahassee, and tactics that he employed as a U.S. district judge in stringing out a school desegregation case from 1963 to 1967.¹⁵

At the time of the Carswell nomination, Wilkins was hospitalized, nevertheless, he wrote letters to eighty-four senators urging them to vote for the rejection of the nomination. The NAACP official realized the difficulty of his battle, since it had just completed a successful campaign to deny the Supreme Court nomination to Haynsworth. He felt, however, that given the credentials of Carswell, the NAACP had no other choice but to defeat his confirmation. According to Wilkins, when the professional and judicial record of the judge, as it relates to civil rights and racial justice, is considered, one has to question his fitness as a member of the Supreme Court.¹⁶

Clarence Mitchell, who often was referred to as the 51st senator, led the NAACP's fight against the Carswell confirmation. He advised the Senate Judiciary Committee that it is the right and duty of the people to demand that nominees of the Court be "free of racial bias and also free of a record of advocacy and practice of racial bias." Mitchell regarded the Judge's participation on the Fifth Circuit Court as tragic, and he insisted that "this tragedy will be compounded if he is approved for a place on the Supreme Court." According to Mitchell, there were three occasions during Carswell's adult life when he chose to join forces with those who sought to deprive black Americans of first-class citizenship and on each occasion he chose "to take on the protective coloration of the wrongdoers because that was the accepted practice in the area where he lived at the time." While Mitchell did not challenge his rights as an individual to ally himself with racists and advocates of segregation, he did challenge his right as a member of the Federal Court to join those who sought to maintain a second-class citizenship status for non-whites.¹⁷

In the Carswell case, the NAACP again waged a national campaign, with messages being sent to the 1,700 local units urging them to make their senators aware of their feelings. Also the association called upon legal redress committees in twenty-three key states to solicit state and local bar associations to oppose the Carswell nomination. The NAACP achieved its goal on April 8, 1970, when the U. S. Senate rejected the nomination of Carswell for a seat on the Supreme Court by a vote of 51 to 45.

Judge Robert H. Bork

When President Reagan nominated Robert A. Bork to be an associate justice of the Supreme Court on July 1, 1987, the NAACP became one of the first organizations to announce its opposition to the nomination. During its 78th Annual National Convention later that month, the association passed a resolution, which read in part,

...the Supreme Court is too important in our thrust for equality and justice to permit us to sit idly by and watch a whole line of civil rights liberties be threatened by the appointment of a Justice whose ideological orientation would deprive us of the gains achieved in the last twenty years.¹⁸

It resolved to launch a major effort to prevent Bork's Senate confirmation.

Supporters of Bork questioned the NAACP's motive, suggesting that if it had found the judge to be unqualified to be a member of the Supreme Court, why didn't it oppose his appointment to earlier positions on the Court of Appeals and as solicitor general. Althea T. L. Simmons, director and chief lobbyist for the association, advised the Senate Judiciary Committee that her predecessor had opposed Bork's selection as solicitor general, but to no avail. She recalled that once he had been confirmed as the chief prosecutor for the government, he was perceived as being the "chief architect" of the Reagan Administration programs that were designed to weaken rights guaranteed by the 14th amendment in regard to school desegregation.¹⁹

Simmons also contended that previous opposition to Bork was not necessarily a prerequisite for waging a war against his present confirmation since it was his record on the Court of Appeals that had led, in part, to the NAACP's opposition to his appointment to the Supreme Court. In her appearance before the Senate Committee, Simmons noted that during Bork's tenure on the Circuit Court, he had consistently sided against the interest of civil rights and female litigants. She insisted that no evidence had been found by the NAACP to show that the nominee had gained experience while sitting on the appellate bench that would better prepare him for deciding constitutional challenges relative to the denial of civil rights in crucial areas. Nor had it prepared him for responding to such remedies to discrimination as affirmative action.²⁰ Simmons observed that although such challenges had not been before him, the judge continued to speak out against landmark Supreme Court cases concerning segregation while serving on the lower court.

The NAACP also challenged Bork's view that "to give liberties to some individuals is to take liberties away from others." Instead, it suggested that "when liberties and rights are given to some Americans, they are given to all Americans." Simmons cited the following illustrations:

In expanding voting rights to black Americans, the Congress and the Courts went on to expand them to Hispanics and other groups;

In outlawing the poll tax, which discriminated mainly against black and low income Americans, the court went on to outlaw the poll tax for all Americans;

In expanding housing opportunities for black Americans, opportunities were expanded for families with children and for people with handicapping conditions;

In expanding the equal protection of the laws to black Americans, it also was expanded for other ethnic groups, for women, for illegitimate children, for people entering this country who are not citizens, and numerous others.

Noting that Bork has rejected some established doctrines and found "many settled court precedents unconstitutional," and has announced that as a judge he would not hesitate to overturn some of the court decisions, the NAACP concluded that the nominee lacked:

those very qualifications one looks for in a Supreme Court justice—the ability to use his legal skills to respond to the needs of the nation and its people—the judicial temperament or sensitivity to identify the needs of disadvantaged people—the open-mindedness to grow and to change long-held views without having a carrot or reward before him.²¹

With the above in mind, the NAACP called upon the Senate to reject the nomination of Judge Bork for a seat on the Supreme Court, which it did by a vote of 58-42.

Judge Clarence E. Thomas

Although the NAACP had shown an active interest in the confirmation of previous nominees of the Court, it displayed an extraordinary concern in the filling of the vacancy created as a result of the resignation of Justice Thurgood Marshall in 1991. Reacting to the resignation, Benjamin Hook, executive director of the association, noted:

His resignation from the bench leaves an aching void, and we shall muster all our strength to make sure his replacement is a person of equal commitment to the cause of freedom for all Americans.²²

This clarion call indicated the response that the NAACP could be counted upon to give following the nomination of Marshall's replacement. The issue was joined on July 1, 1991, when President Bush nominated Clarence Thomas, a judge on the Circuit Court of Appeals in Washington, DC, for the vacancy on the Supreme Court. The naming of an African American to replace Marshall did not bring about immediate rejoicing by the NAACP. Instead, it indicated that it would give the matter full scrutiny. In the end, the association announced opposition to the Thomas nomination.

Following a meeting of the NAACP National Board of Directors, its chairman, Dr. William F. Gibson, issued a statement, which read in part:

Mr. Thomas is an African-American and that fact was not ignored in our deliberations. While we feel strongly the seat should go to an African American, we looked beyond that factor and focused our attention on whether Judge Clarence Thomas, based on the criteria we have described should, in our opinion, sit on the Supreme Court.²³

The Board concluded that the "judicial philosophy" of Judge Thomas was "inconsistent with the historic positions taken by the NAACP."

Specifically, the Board opposed Thomas' nomination because of his inconsistency as it related to civil rights policy which made him "an unpredictable element on an increasingly radically conservative court." So hostile was his view to the interest of African Americans during his tenure on the Equal Employment Opportunities Commission that the NAACP called for his resignation. The chairman of the Board considered it "particularly disturbing that one who has himself so benefited from affirmative action now de-

generates it and would deny these opportunities to other blacks." The NAACP also cited Thomas's failure to process more than 13,000 age discrimination complaints while at EEOC and the lack of interest that he showed while serving as assistant secretary for Civil Rights at the Department of Education. Although the association acknowledged the need for an African-American replacement for Justice Thurgood Marshall, it did not consider Thomas the right person for the assignment. The NAACP pledged to continue "to fight until an appropriate replacement who embodies the view of the majority of black Americans is nominated and confirmed."²⁴

In his appearance before the Senate Judiciary Committee, Hooks called for the rejection of the nomination, noting that it was acting in the best interest of all Americans, in placing "reason above race, principle above pigmentation, and conscience above color." The NAACP was criticized by some black leaders for turning its back on one of those whom it was organized to help. They accused the association of being out of step with Thomas's "self-help" philosophy. Hooks denied this, contending that while the NAACP always endorsed self-help initiatives that facilitate the achievement of individual African Americans, it found difficulty in supporting one who had shown contempt for "a meaningful role of government in shaping programs that address pervasive discrimination and thus, make individual achievement more possible." He also noted that because the Supreme Court had played such a pivotal role in the advancement of African Americans, the NAACP could not use race as the only factor in determining the qualification of one to sit on the high court.²⁵

Hook suggested that a more meaningful way to examine the qualification of an individual to sit on the Supreme Court would be to examine the nominee's public record. When close scrutiny is given, it reveals that Thomas's opposition to programs of interest to African Americans has been "more pronounced and strident" than that of earlier nominees to the Court whom the NAACP also opposed.²⁶ Hooks concluded that

The interests of African Americans would not be well served, if after his confirmation to the Court, he dismantled the consensus elements of our nation's civil right policy. The prospect of this occurrence is heightened by evidence drawn from the record Judge Thomas has amassed over the past decade.²⁷

According to Hooks, an analysis of Judge Thomas's record shows that he had failed to show respect for and/or a commitment to the implementing of federal laws that guarantee civil rights and individual liberties. Hooks suggested that the words of Thomas, as reflected in his speeches, writings and interviews, reveal "an hostility to constitutional principles affecting civil rights protections, including the use of meaningful remedies for both past and present discrimination such as goals and timetables."²⁸

The position expressed by the NAACP was not endorsed by all African American organizations. President Bush found comfort in the Southern Christian Leadership Conference's support for the nomination, which he considered to be crucial to the overall success of Thomas's confirmation.²⁹ Opposition to the association's stand also arose within the organization. A spokesperson for its Compton California branch called on the Senate Committee to confirm the nomination, noting that Thomas was qualified, and is "a role model and has developed a philosophy of self-help and self reliance." According to Ms. Emily Holifield, who spoke for her chapter, the confirmation of Thomas will make it possible for him to continue his effort in strengthening "affirmative action programs, and thus, making it possible for affirmative action programs to work, so everyone in the Nation can prosper." She agreed with Judge Thomas that such programs were not currently working for everyone.³⁰

Also supporting Thomas was Margaret Bush Wilson, who chaired the National Board of Directors of the NAACP from 1975 to 1984. Noting the action of the association in opposing the judge, she expressed the wish that it had waited until the hearings were completed before taking such action. She praised his record at the Equal Employment Opportunity Commission, considering him a champion for civil rights. According to Bush, Thomas "has pushed for a new frontier in civil rights," which she regarded as being badly needed, since a large percentage of African Americans are still in poverty. She noted that "he seeks a climate where African Americans and other minorities feel empowered to compete equally with their counterparts of other races, with rational support from government programs." In referring to the NAACP, she observed,

When the history of these times is written, it will be interesting to see how historians view the position of the National Board of the NAACP—an organization committed to advancing colored people, which is opposed, on ideological grounds, to the nomination of a black man to the U.S. Supreme Court.³¹

She made it clear that she differed with the organization in regard to the confirmation issue. Bush acknowledged that Thomas resided at her home during the summer he was preparing for the Missouri bar examination. It appeared that her personal contact with him influenced her opinion of his capability of becoming a good Supreme Court justice.

In spite of some internal dissatisfaction and lack of unity by former civil rights associates, the NAACP continued its efforts to deny Thomas the post on the Supreme Court. Unlike the four previous cases, however, the association lost its fight when Thomas was confirmed by the Senate by a vote of 52 to 48.

Assessment

Although the NAACP has refrained from supporting or opposing candidates for political office, it has never shown a similar reluctance in regard to the nominees to the Supreme Court. It began the scrutinizing of judges in 1912, approximately three years after its founding. Leaders of the association have defended their active involvement in the process of nominating judges by noting the historical role that the Court has played in advancing the causes of African Americans. According to Benjamin Hooks, both the political views and the judicial philosophies of nominees are of interest to the NAACP.

In addition to waging vigorous opposition to the nominations of Parker, Haynsworth, Carswell, Bork and Thomas, the NAACP opposed the appointments of others, under the umbrella of the Leadership Council on Civil Rights (LCCR)—a coalition that in 1986 consisted of 185 organizations. It opposed the elevation of William Rehnquist to the post of chief justice (1986), and the appointments of Antonin Scalia (1986) and David H. Souter (1990) to be associate justices.

In regard to the NAACP and the confirmation process, several questions have been raised, including: (1) How important was the section of the country from which the nominee came? (2) Did the post-confirmation records of the nominees justify the association's opposition to them? (3) To what extent was the association influential in the rejection of the judges? (4) Why did the NAACP fail to achieve its objective in the Thomas case?

In view of the fact that all five judges included in this study were Southerners, it has been suggested that the NAACP's opposition was based on their having been born in the South. Typical of this view was that held by President Nixon, who bitterly assailed the Senate's rejection of the nominations of Haynsworth (VA) and Carswell (FL). Perceiving

the nomination of a justice from the South as a futile exercise, he announced that his third nominee would come from another section of the country.³² Nixon appeared to overlook the fact that since the rejection of the nomination of Parker (NC) in 1930, several Southerners had gained approval to sit on the Supreme Court, including Hugo Black (AL), James Byrnes (SC), Abes Fortes (TN) and Warren Burger (VA). The NAACP insisted that its opposition to Haynsworth and Carswell was not because they were from the South, but because of their negative civil rights records.

When Hugo Black of Alabama was nominated for a seat on the Supreme Court in 1937, some black leaders disapproved of his previous racial attitudes, nevertheless, the NAACP decided not to oppose the nomination. Leaders of the association appeared to have been convinced that once the Senator no longer had to run for political office, his attitude toward civil rights issues would change. They were correct in their assumption. Black won confirmation and became one of the most valuable members of the Court in regard to the enhancement of civil rights.

While the NAACP held high hopes that Black's position on civil rights would change after he had been liberated from the expectations of white voters of Alabama, it had no reasons for anticipating a change in the attitudes of the five judges included in this study. All were holding judicial appointments at the time of their nominations to the Supreme Court, thus they did not have to fear retaliation of displeased voters. With this in mind the NAACP could judge them on the basis of their past records rather than in anticipation of attitudes they might later hold.

The NAACP, in opposing the judges, also considered the motives that the presidents had in nominating them. It was generally believed that Hoover nominated Parker as part of his "Southern strategy"—an attempt to placate the South and win support in crucial states in the next election. Also, the association was aware that the professed aims of Presidents Nixon, Reagan, and Bush were to "roll back" liberal advancements of the "Warren Court." With these thoughts in mind, the NAACP has not expressed regret over having opposed these nominations. Perhaps, it saw no need to reward enemies of the past.

Kenneth Goings, who undertook an analysis of Judge Parker's judicial decisions following his rejection for a position on the Supreme Court, concluded that had he been approved, he would have been more a hindrance than a help.³³ Considering the past actions of the other rejected judges and the philosophies expressed by them, it is very likely that, like Parker, they would not have advanced the agenda of the NAACP.

One can only project how the four rejected judges might have ruled on cases before the court had they been approved, but in the case of Clarence Thomas the record is available. An early indication of decisions by him appears to confirm the earlier fears of the association. In several major cases, the judge took positions contrary to those held by the NAACP. He voted with the majority in upholding the removal of budgetary powers from individual commissioners after an African American had been elected to such a position (*Presley v Etowah*, 1992). Thomas also voted to limit affirmative action set-aside programs in *Adarand v Peña* (1995), and to declare unconstitutional the drawing of Congressional districts to encourage minority representation in the cases of *Shaw v Reno* (1993), *Shaw v Hunt* and *Bush v Vera* (1996). Also in the case of *Sale v Haitian Center Council* (1993), Justice Thomas voted to uphold the right of the United States to intercept vessels transporting Haitians to this country and return them to their homeland without first determining if they qualified as refugees.³⁴ It would be an understatement to say that the NAACP regrets his obtaining a seat on the Supreme Court.

A purpose of this study was to assess the influence of the NAACP in the confirmation process of the five judges. In undertaking that task several factors had to be considered,

including (1) political norms associated with confirmation of presidential appointees, (2) the impact that interest groups have on elections, (3) the importance of the confirmation issue as compared with other interests of concern to the particular organization or group, and (4) the effectiveness of the coalition in which the interest group is a partner.

In analyzing the confirmation process, one finds that, as a rule, presidents are successful in gaining approval of persons they appoint to office. This is especially true with appointments to executive offices. Because the Judiciary is a separate branch, however, the Senate exercises greater watch over the appointment of judges. Even though it looks closer at the qualifications of those nominees, rejection is the exception rather than the rule. During the last thirty years, however, the number of judges rejected has increased—three during this period. All were opposed by the NAACP. Its strategy for defeating them took into consideration the need for proving its case beyond a reasonable doubt, since opposing presidential nominees meant going against the political norm.

The political clout that an organization wields also is a determining factor in its ability to deny office to a nominee of the president. On occasion, the black vote has been a decisive factor in the election of U.S. senators. When this has occurred, organizations perceived to be representing the interest of African Americans, have been somewhat successful in exercising leverage over these senators. In all of the case in this study, there were senators identified as having gained their position by the vote of African Americans. The NAACP, claiming to speak for black America, was quick to remind them that their votes were expected to be against confirmation. The extent to which the association was successful in derailing the nomination depended, somewhat, upon its success in persuading these key senators. Because most votes on confirmation of the judges were close, the NAACP was credited by some as having produced the necessary votes to defeat the nominee. Convincing a few crucial senators, however, was only one factor in the game.

The success of an interest group in a political battle also is determined, in part, by the priority it and its followers give to the issue being pursued compared with other issues of concern to them. If it is true that a given organization has only limited influence over a decision-maker, then it is in its best interest to select where it will place its greatest emphasis. Consistent with this strategy, if a major civil rights bill is being considered at the same time as a crucial confirmation fight, the NAACP has to prioritize since it may find it impossible to achieve victory in both fights during the same session of Congress. When a decision has to be made between two crucial votes, a senator may decide to vote against the wishes of the NAACP in the confirmation fight, believing that he/she could redeem him/herself by a later pro-civil rights vote. Fortunately, no such choice had to be made in the cases of the four successful confirmation fights. In the case of Thomas, however, a divided civil rights front permitted some senators to vote for his confirmation, apparently believing that by doing so they would not suffer retaliation by black voters.

Realizing that acting alone, it would not be able to exert the needed clout to prevent the confirmation of the undesirable judges, the NAACP sought to build effective coalitions so that it could wield greater power. At times, these were uncomfortable alliances. While both organized labor and the NAACP opposed the nomination of Parker, the former sought to keep its distance from the latter.³⁵ They were brought together, however for a common cause—the defeat of the Parker nomination. Likewise, a similar situation appeared to exist in regard to the Bork nomination. Representatives of the NAACP and the National Abortion Rights Action League (NARAL) apparently worked together only because they perceived it as being necessary to deny Bork the position on the court.³⁶ In order to achieve success in derailing a nomination it was believed that there was a need

for more than one emotional reason to oppose the nominee. Because it was easier to defeat a nominee whose perceived anti-civil rights position was re-enforced by an anti-labor and/or anti-women rights attitude, the association was willing to join in alliances which sometimes was not of its liking. While the NAACP cannot take credit for the defeat of the four judges, it does deserve praise for its effective leadership in organizing the coalitions and in waging successful public relations campaigns. Perceiving itself as having the most to lose in the various campaigns, the NAACP played a pivotal role in the LCCR, with its major task being that of convincing other organizations and groups to support its cause in the confirmation fights. When it was successful the nominees were rejected, but when it encountered difficulty in convincing other organizations—as was the case of Thomas—it did not succeed in accomplishing its goal. In regard to four of the five cases the NAACP was successful, but this was due, in large measure, to the coalitions in which it was a part.

The approval of Thomas by a vote of 52-48 was the narrowest margin since the rejection of Parker in 1930 by a count of 41-39. On the other hand the rejection of Bork by a 58-42 vote in 1987 represented the largest margin. An analysis of the various campaigns suggests that some of the strategies used effectively by the association in the first four nomination fights were not used successfully in the Thomas campaign. While the NAACP was quick in recognizing that Thomas was not a "Thurgood Marshall" it could not arrive at an immediate conclusion as to the strategy to employ to defeat him. The lack of a speedy response caused many organizations, which normally would have followed the association's lead to take independent positions. The Southern Christian Leadership Conference supported the nomination, while the National Urban League remained neutral and the National Bar Association, by the narrowest of margin, opposed the nomination, reluctantly.

Likewise, the African American community did not support the NAACP's position in regard to Thomas with the same enthusiasm as it had done in the previous cases. While some African American leaders were unimpressed with the record of Judge Thomas, they found it difficult to oppose a fellow-black for a position on the Court, especially since they could not predict the appointment of another African American if Thomas was rejected. Some senators, perceiving this weakness in the NAACP's campaign, concluded that they could vote for confirmation without suffering political repercussion; therefore, they did.

The success of the NAACP, through the years, has been based on the extent to which it had been successful in the past. The Parker victory encouraged it to campaign actively against later court nominees. The failure to achieve success in the Thomas case, while a setback for the association, should not be viewed as a turning point in the NAACP's active involvement in the confirmation process. As new judges are appointed to the Court the NAACP can be expected to continue to scrutinize them and opposed those who are inimical to the interest of civil rights. In doing so, it will take into consideration factors that brought about its defeat in the Thomas case and develop appropriate strategies to secure its aims. As in the past it will be aware of the need to form coalitions, which may not always be composed of the same partners.

Notes

1. *The Crisis* (April 1970): 129.
2. Walter White, *A Man Called White* (New York: The Viking Press 1948), 103.
3. Walter White, "The Negro and the Supreme Court," *Harper's Magazine*, 1931, 162:239.

4. Warren D. St. James, *The National Association for the Advancement of Colored People* (New York: Exposition Press), 1958, 123-124.
5. National Association for the Advancement of Colored People (NAACP), *Annual Report*, 1930.
6. *Ibid.*, 111.
7. National Association for the Advancement of colored People (NAACP), *Annual Report*, 1969, 6.
8. *The Crisis* (August/September 1969): 270.
9. *New York Times*, August 19, 1969.
10. Henry Lee Moon, "The Haynsworth Rejection," *The Crisis*, December 1969, 397-398.
11. *Ibid.*, 399.
12. Moon, "The Carswell Defeat," *The Crisis*, April 1970, 146.
13. *Ibid.*
14. *Ibid.*
15. *Ibid.*
16. *Ibid.*
17. *Ibid.*
18. U. S. Congress, Senate, Committee on the Judiciary, *Nomination of Robert H. Bork to be an Associate Justice of the United States Supreme Court*, 100th Cong., 1st sess., 13 October 1987, 5309.
19. *Ibid.*, 5310.
20. *Ibid.*, 5332-5333.
21. *Ibid.*, 5312.
22. *The Crisis*, 98 (8): 37.
23. William F. Gibson, "NAACP Board Votes to Oppose Judge Clarence Thomas' Confirmation at July Meeting," *The Crisis*, 98 (7): 5.
24. *Ibid.*
25. U. S. Congress, Senate, Committee on the Judiciary, *Nomination of Judge Clarence Thomas to be Associate Justice of the Supreme Court of the United States: Hearings before the Committee on the Judiciary*, 100 Cong., 1st. sess., September 17 and 19, 1991, Part III, p. 23.
26. *Ibid.*, 24.
27. *Ibid.*, 26.
28. *Ibid.*, 32.
29. U.S. President, *Public Papers of the Presidents of the United States* (Washington, DC: Office of the Federal Register, National Archives and Records Service, 1991), George Bush, 1991, 1220.
30. U. S. Congress, Senate, Committee on the Judiciary, *Nomination of Judge Clarence Thomas to be Associate Justice of the Supreme Court of the United States: Hearings before the Committee on the Judiciary*, 102 Cong., 1st. sess., 17 and 19 September 1991, Part II, pp. 475-476.
31. *Washington Post*, August 6, 1991, A15.
32. U.S. President, Richard Nixon, 1970, 346.
33. Kenneth Goings, *The NAACP Comes of Age: Defeat of Parker* (Bloomington: Indiana University Press, 1990), 90.
34. See Rudolph Alexander, "Justice Clarence Thomas's First Year on the U. S. Supreme Court," *Journal of Black Studies* 27(3): 378-394, and George E. Curry and Trevor W. Coleman, "The Verdict on Judge Thomas," *Emergence* (November 1996): 38-48.
35. St. James, *The National Association for the Advancement of Colored People*, 123.
36. Michael Pertschuk and Wendy Segatzel, *The People Rising: The Campaign against the Bork Nomination* (New York: Thunder Mouth Press, 1989), 35-41.

Reflections

Black Political Ideology and Leadership: - A Critical Disconnect?

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Introduction

This paper provides descriptive definitions of political ideology and leadership and a consciously eclectic theoretical framework through which both can be critically analyzed in terms of their functions within the social structure in which they arise. In this instance, the emphasis is on black American political ideology and leadership and what they do or fail to do in relationship to the particular circumstances and problems that confront Black Americans as a group. The contention is made that Black American leadership is insufficiently ideological in its perspective and functions to make demands on the system that are likely to result in changing critical aspects and functions of the system that negatively affect the lives of blacks as a group. It is further claimed that black leadership is lacking in such an ideological posture because the black group has increasingly placed it within the restrictive confines of normal and official roles within the system, where it has developed a set of interests above and beyond those of altering the system in ways that might improve the lives of blacks as a group. The result, it is argued, is that black leadership functions more in its own interest and is more symbolic than instrumental in its role vis-à-vis the black group.

On the Matter of Ideology

I have suggested elsewhere that black social and economic gains resulting from the civil rights movement were presently imperiled or being rapidly dissolved, in part because there are presently not only so few vital centers of rights and empowerment activities, but more importantly because contemporary black politics, for a variety of reasons, lacks any real ideological content (Davis 2000). This conclusion deserves further explanation if not a defense. That may not be effectively done, however, without first commenting on what, in this context, is meant by the ideology, since the term has a different meaning for different analysts, especially for philosophers, theorists, and political activists (Mannheim 1985; Cox 1969; Lane 1962). For the purpose of the analysis presented here, the same studied approach must be taken to the concept of leadership, but let us begin first with ideology.

Political ideologies, much like twentieth-century nationalism, do not ordinarily arise in societies in which the constituent members and groups that make up the society are reasonably well assimilated and the allocation of values and resources—even when noticeably uneven—is perceived to be based on a set of normative principles that are generally regarded as fundamentally fair (Rawls 1971). Rather, also like nationalism, ideologies have tended to "...come into existence only when certain socially constructed obstacles delimit the status of a social group" (Kohn 1969) and seriously circumscribe its access to the values of the society on grounds that are perceived to be unfair.

In these circumstances, ideologies are likely to arise in the role of alternative or contending value constructs that challenge the status quo, either by seeking to radically alter particular aspects of the social environment in which they arise, or in their most extreme forms, to completely overthrow the existing system in favor of some alternative form of social organization, which usually includes a change in who governs and a significant, if not radical, alteration of the distributive function of the society. The latter possibility, or actual attempts, occurs with the least frequency, while the former, which may be conveniently thought of as efforts to reform aspects of the system's operations, occurs with great frequency, and is often continuous and ongoing as a part of *politics* within the society.

This is best explained by the fact that the wholesale rejection of social systems that function reasonable well, even with disparities in the allocation of values, is rare. The integration myth(s) of most functioning societies are generally enticing enough, and of sufficient strength, to ward off or isolate all but the least threatening ideologies. This enticement, combined with the effective ability of a given society to either co-op or repress anti-status quo formations, inveighs against and severely limits the potency and sustainability of ideologies that challenge the existing order. In the case of the United States, for example, the resources of the society are abundant enough to operationalize either or both strategies, either separately or simultaneously. Since ideologies, especially political ideologies, are almost always the analytical or organizational products of disaffected elites and intellectuals, these groups are usually the first and most prominent targets of the existing order's effort to abate, if not demolish, the spread of anti-status quo ideas and organizations.

For the purpose of this discussion, it is important to note the specific meaning and particular aspects of ideology that are regarded as most relevant. Most specifically, it is those aspects of ideology that, subsequent to analysis, give rise to specialized organizational and programmatic action. It is this orientation to *action* that separates ideology from simple "belief systems" and "world views," which, as often as not, call for neither scientific verification nor prescribed action of any kind (Converse 1964; Lane 1962; Bell 1960). According to David Apter:

"Ideology" is a generic term applying to general ideas that are potent in specific situations of conduct. For example, not any ideas, but political ones; not any values, but those establishing a given set of preferences; not any beliefs, but those governing particular modes of thought. Because it is the link between action and fundamental belief, ideology helps to make more explicit the moral basis of action. (Apter 1965)

For further example, and more specifically, virtually everyone of every race, age, and gender has some idea, or beliefs—many of which are extremely divergent—as to why wide disparities in the social, economic, and political condition between blacks and whites persist in America many years after slavery, and now almost two generations after the latest efforts to abolish all forms of legal discrimination. Not everyone, however, is led by their beliefs to either organize and/or act, either individually or collectively, to re-

order society in accordance with their beliefs. Only a few take this step, which separates them from mere observers and interpreters of history and makes of them actors in the process. A select few of those who do will become recognized as *leaders*. Who they are, how they perceive the conditions and circumstances in which they are leading and, ultimately, what they do, are interrelated questions, the answers to which loom large if humans beings are presumed, as they are here, to be anything other than the complaining objects of a historical process over which they have no control, existential and some post-modern philosophy notwithstanding. Leadership, with or without good bearing, is here presumed to be a critical element, either in part or wholly responsible for whatever does or does not happen that affects the general condition of society at any given time.

On the Matter of Leadership

The principal concern here is with black American leadership, but like ideology, not much sense can be made of its characteristics and functions without some understanding of the leadership role as a societal function in general. It would be far too simple to say that some people are simply better known or longer remembered than others, and therefore they must be (or were) leaders. Obviously, knowing how they functioned in society, or what they *did*, would be more helpful to developing a useful concept of leadership and the difference it does or does not make in the overall character and functions of the social order.

It is fairly easy to say that in any given system all elites are not leaders, but all leaders are elites. However, a fairly clear distinction can be made when we speak of "political leaders." And the distinction is even better made when we speak of black political leaders or leadership within the context of American society, for political leadership, of any race, has a very distinctive function: It functions with the intent of affecting relations between people and institutions. The challenge for black leadership in this regard is extraordinary, but just how extraordinary depends largely on how the role and function are perceived by those individuals who occupy it.

For our purposes, however, we shall first employ an analytical framework that conceptually cuts across the several more or less totally objective categories that may be usefully employed in the study of any kind of leadership. At the same time, it is necessary to delimit the conceptual framework from which the view of leadership taken here is derived, there being such a wide range of perceptions of leadership based on different types of analytical treatment (Parsons 1964; Selznick 1957; Davies 1963; Erikson 1958, Burns 1978). The framework that we propose to utilize here may be best described as both guide and backdrop against which we hope to explore five principal questions regarding black leadership in general and black political leadership in particular.

1. Who are the leaders?
2. How did the leaders become leaders?
3. What are the objective conditions facing the leaders, and how consistent is their behavior and functions given the conditions that they face?
4. What are the stated goals and objectives of the leaders, and what major divisions exist among them with regard to stated goals and objectives?
5. What major changes, if any (taking place either within or without), are affecting changes within the leadership group?

The first question posed encompasses primarily the analytical dimension of socioeconomic class, along with some fragmentary aspects of the role of personality. The second question crosses over the perimeter bordering structural-functional analysis with a view

toward discerning the social-structural conditions that favor the rise of certain types of leadership. Question three further occasions the employment of the structural-functional paradigm, given that the concern of this question is with trying to determine what would appear to be the most appropriate behavior and necessary functions of leadership vis-à-vis the structure and behavior of the host society. In this instance, the use of the functional approach will be centered on both instrumental and expressive modes of action. The fourth question raised calls for both aspects of the sociological approach (in the analytical tradition pioneered by C. Wright Mills), and the kind of structure related ideological analysis suggested at the beginning of this paper.

This is actually an adapted conceptualization of Talcott Parson's concept of the orientation of action in response to "...The integration of cognitive and cathetic factors..." and "goal-orientation" (Parsons 1964). The usefulness of this approach is that it combines both a theoretical framework and the use of consciously tailored analytic categories which, when used in combination, provide a fairly objective means of analyzing and assessing the political conduct, goal-orientations and consistency of the behavior of black leadership against the backdrop of objective social conditions affecting the well-being and the future of the group for whom goals are set and on whose behalf leaders are presumed to be acting. This is the theoretical prism and the analytic framework through which the discussion offered here is conceptualized and constructed. This framework is not re-introduced along the continuum of our analysis, but it may be presumed to frame and direct the content and course of our discussion.

The Emergence of the Contemporary Black Leadership Class

The black movement for social justice in the United States, most commonly characterized as the civil rights movement (CRM), although accompanied by an assortment of incipient militant rebellions and a number of black organizations that were infused with anti-status quo ideologies, was led primarily by a phalanx of groups and individuals who may best be described as American idealists (King 1964; Zinn 1964; Baldwin 1963; Forman 1997; Marable 1991). They were people testing the most fundamental values, ideals and promises of American democracy that are enshrined in the Constitution, at those interacting and interfacing points of the social system where ordinary citizens encounter formal authority. Martin Luther King, Jr., his lieutenants, and the thousands if not millions who followed him in staging non-violent, direct action protest to lay claim to the rights that they felt were guaranteed to them by the U.S. Constitution, were not Marxist ideologues or advocates of any other brand of ideology hostile to the values of American bourgeois democracy.

Notably, these early civil rights protesters included a significant number of the early leaders of the Student Nonviolent Coordinating Committee (SNCC), as well as individuals who later became leaders of militant and revolutionary organizations such as the Black Panther Party. Ultimately, the civil rights movement won major victories in its struggle to claim basic democratic rights. The Civil Rights Act of 1964 outlawed virtually all forms of governmentally sanctioned and less formal racial discrimination, and the Voting Rights Act of 1965 barred many legal impediments to exercise of the franchise. Seen at the time only as vehicles that would convey blacks to non-discriminatory participation in a more open society, these victories, and a host of others less noted, were also the instrumentality that would facilitate and speed the development of socioeconomic class stratification among blacks, a development with major implication for the future of black leadership.

As with most leaders, leaders of the black movement—with the possible exception of those who were still students at the time—were usually from the black community's middle class. Many were teachers, preachers, business people, and the leaders of civic and social groups and organizations that took the lead and spoke for the black community in matters that concerned the white community. They were the moderators who facilitated contact, controlled the dialogue, and ultimately made the decisions for blacks when the black community interfaced with the leadership of the dominant white community (Bardolph 1961; Hines and Pierce 1965; Killian and Smith 1960).

It is important to note that these leaders, collectively, were not—indeed, could not have been, given the situation in which they found themselves—critics (beyond mostly close-quartered, intra-racial expressions) of the society whose hostility and often violent racial hatred and unceasing antagonism posed a danger that was ever present and ubiquitous, and against which they sought first to survive and protect themselves and their communities (Litwack 1998). While there were others, it is not surprising that the best known and most influential early to mid-twentieth-century black leaders, who made most decisions for blacks, were not intellectuals with razor-sharp critiques and barbed demands for entry into the society on condition that its values and institutions be radically altered. Rather, they were men with peace cloths in hand and prayers and pleas for coexistence on their lips.

While the staunch and admirable position of late nineteenth- and early twentieth-century men such as Bishop Henry McNeil Turner, W.E.B. Du Bois, Monroe Trotter and others who stood for full and equal democratic rights was not without adherents and ceded no intellectual quarter to violent white supremacy, the fact of the matter is that for nearly a century following the end of the Civil War there was no real contest between them and Booker T. Washington-styled accommodationists. Twentieth-century intellectual discourse, which juxtaposes the accommodationist posture of Washington and Du Bois' stance for equality, are remiss if they do not highlight the fact that, practically speaking, there was no meaningful alternative to Washington's political and social accommodation. Amassed and isolated without governmental protection in the defeated, angry, and racially apoplectic confederacy, the majority of blacks chose what they almost certainly regarded as the leadership of survival, and that pattern persisted for most of the better part of a century.

This not only explains the early social class formation and political trajectory of the nascent black political leadership class, but also brings us to consider the first two issues of fundamental relevance to our analysis here: (1) the socio-political character of a structurally subordinated leadership class, and (2) the question of whether such a leadership class can reasonably be expected to foster change in the structure and character of a host social system without challenging its dominance?

The Matter of Validating Black Political Leadership

It is not our intent to write history here, but it provides useful guidance in our approach to the first issue raised, the socio-political character of structurally subordinated leadership classes; the black American leadership class in this case. What leaders actually do was posited here as a question central to our inquiry and a major part of our theoretical framework. Here we wish to add an observation that further informs us regarding the utility of this part of the framework. We want to tack on the claim that whatever it is that they do is done within the limits of not only what concerns them, but also within the confines of their knowledge of the host system. Writing in the *Crisis* in 1920, in an

article interestingly enough entitled, "The Crisis in Negro Leadership," Harry Jones, an NAACP official, assessing the thought and behavior of various formations among black leadership, identified a "conservative wing" which he stated, "...Make no claim to serious study of political economy, sociology, and political science. Their slogans are expediency and opportunity" (Jones 1920).

Clearly, Jones would be as current and as correct today as doubtlessly he was in 1920. But we are not advocating that black leaders should of necessity be political scientists; that might all too easily be seen as a backdoor way of advocating that the latter group lose their jobs, since there is a *formal* group of them now numbering well over 10,000. (Moreover, we can imagine whose jobs they would be given—with or without credentials.)

The real point of contention here is that a leadership class—the very existence of which is predicated on acceptance of the role of acting as an agency for change, is doomed to fail if it lacks, or is unwilling to accept, an analysis of the host system that is sufficiently critical to galvanize and support programmatic organization and actions designed to alter the functions and overall character of the system. This was true in 1920 and it is true today. To the extent that the black leadership class, then and now, eschews analyses, organization, and action that places demands for fundamental change on critical aspects of the system that would foster change for the many as opposed to the few, they may be said, to the same extent, not to be leading at all. In other words, if there is a serious disjuncture between what objective conditions call for, and what in fact is being done, the legitimacy of the claim that one is *leading* is seriously diminished.

Interesting to note, since we have employed history to amplify this part of our analysis, by 1920 sectors of the mass black community *had* become familiar with the ideas of socialism and communism (Cruse 1967), and more than a few had some notion of the relationship between their economic super exploitation; racially based social pariah status, and a social order based entirely on the rapacious nature of capital (of which they were essentially devoid), and its ruinous use of economic and social resources, along with its super exploitation of surplus human reserves, of which they were but one small but crucial part—cheap labor without recourse to any effective means of resistance.

This recognition of their plight spawned significant, although fractionalized resistance, and while soon-to-be co-opted black middle-class aspirants drafted the truce of surrender that lasted for two generations, they were almost certainly mindful of the fact that they remained in relatively close social quarters with individuals and groups who did not agree with them. On the other hand, the breadth and relative social openness of American society today provides a kind of insulation for black decision-makers that did not exist in 1920. Racial segregation assured at least minimal contact not only with other black people, but, more importantly, with their ideas (Cruse 1967). This is no longer true.

Black decision-makers today are far more likely than not to be spatially removed from the black masses, and whatever contact that does occur is usually by their arrangement and on their terms. This is true not only of their contact with the black mass public, but also true of their tenuous connection with intellectually specialized and politically motivated groups and associations such as the relatively small number of black professionals and intellectuals who study politics and government. We are claiming here that a serious problem results from this loose connection. Namely, that the leadership class remains merrily beyond and devoid of either serious analyses and ideas that would direct them to make necessary attacks and bring demands for change in damaging policies and critical aspects of the system's operations. And the few who claim to know what the nature of their attacks and demands should be too readily absolve themselves of the responsibility to advocate for those less able to do so for themselves.

The Displacement of Protest Leaders by Black Elected Officials

At the end of the 1960s, with major civil and voting rights victories having paved the way, blacks began the rapid—literally explosive—replacement of their traditional protest leadership with a group of elected officeholders. Katherine Tate reports an increase in such officials of 234 percent between 1970 and 1984 (Tate 1993). For a shorter time interval 1971 to 1980, The Joint Center for Political and Economic Studies shows an increase of 164.09 percent, inclusive of elected judicial and law enforcement officials (see Table 1).

The Joint Center's comprehensive report, compiling the numbers and percentage changes of Black Elected Officials (BEOs), across seven categories of elective offices, from 1970 to 1999, shows a steady increase in the number of blacks elected to these offices in almost every category (see Table 2). (The relatively large increase in the number of blacks elected to Congress in 1992, following redistricting carried out by the states pursuant to the 1982 amendment of Section 2 of the 1965 Voting Rights Act, and the legal challenges that have followed, are not directly discussed here, but do bear a relationship to the trend that concerns us.)

Most importantly, and of immediate relevance to our discussion, is the fact that blacks, at a very rapid rate, have been replacing their civil-rights-era, protesting, *transformational* leadership (Jackson-Lee and Davis 1996), which they gave birth to, with a form of political leadership with structured and required obedience to another parent. And just as rapidly, these leaders are becoming more symbolic and less instrumental as leaders.

Politicians, both by the nature of the profession and, more particularly, as a result of the corrupting influences of American culture in general and political culture in particular, are often drawn to self-indulgent and self-aggrandizing behavior. Many political figures are attracted to political life from the very beginning because of the vocation's well-known tolerance for individual discretion and sometimes highly personal excesses. Others are seduced by the status and privileges attendant to holding office in a bourgeois democracy. What matters most, however, is that politicians with formal roles in institutions that have their own values quickly develop an agenda that is reflective of their own "special interest." Invariably, the number one item on this agenda, as with all politicians, is their re-election (Burns 1978). Whatever issues may have been regarded as important, if not urgent, before their election, tend to become secondary once they are in office. Office holding in American politics is career oriented, and at the highest levels, such as Congress, the in-built supports and resources of the office are such that the office holder can—and often does—engage in a "permanent campaign" (Mayhew 1974).

Most politicians, black and white, believe that they have to raise money (constantly); court corporate business, organized labor, and the leaders of other specialized interests. They must also travel widely; make statements about everything; be seen at high profile events; get invited to the White House, etc. Many do these things even when they are without opposition, and as Morris Fiorina wrote in 1989:

The latest academic research appears to show that members of Congress can close up their district offices, dismiss their staffs, spend weekends in Washington with their families, quit doing case work, abandon their quest for federal funds, discontinue their newsletters...and *nothing will happen to them*. (Loomis 1998, 66)

If this seems incredulous, it should be viewed as no more so than the fact that 94 percent of House incumbents were successful in their re-election bids in 1996 and that, for the record, over 90 percent have been successful since 1950 (Blumenthal 1982).

Table 1
Black Elected Officials (BEOs) in the U.S. by Category of Office, 1979-1999: Number and Percent Change from Preceding Year

TOTAL BEOs BY CATEGORY	1971	1980	Number Change 1971-1980	Percent Change 1971-1980	1993	Number Change 1980-1993	Percent Change 1980-1993
TOTAL BEOs	1860	4912	3052	164.09%	8015	3103	63.17%
Federal BEOs	14	17	3	21.43%	39	22	129.41%
State BEOs	202	323	121	59.90%	533	210	65.02%
Municipal BEOs	785	2356	1571	200.13%	3903	1547	65.66%
Judicial & Law Enforcement BEOs	274	526	252	91.97%	922	396	75.29%

Source: Joint Center for Political and Economic Studies

Table 2
Black Elected Officials in the U.S. by Category of Office, 1970-1999: Number and Percent Change from Preceding Year

Year	Total BEOs			Federal			State			Substate Regional			County			Municipal			Judicial and Law Enforcement			Education		
	Number	Percent Change	Number	Percent Change	Number	Percent Change	Number	Percent Change	Number	Percent Change	Number	Percent Change	Number	Percent Change	Number	Percent Change	Number	Percent Change	Number	Percent Change	Number	Percent Change		
1970	1,469	-	10	-	169	-	19.5	-	-	-	-	92	-	-	623	-	-	213	-	-	362	-		
1971	1,860	26.6	14	202	40.0	4.0	210	4.0	-	-	-	120	30.4	30.4	785	26.0	26.0	274	18.7	28.6	465	28.5		
1972	2,264	21.7	14	210	0.0	0.0	210	0.0	-	-	-	176	46.7	46.7	932	18.7	18.7	263	18.7	-4.0	669	43.9		
1973	2,621	15.8	16	240	14.3	4.3	240	4.3	-	-	-	211	19.9	19.9	1,053	13.0	13.0	334	27.0	27.0	767	14.6		
1974	2,991	14.1	17	259	6.3	2.3	259	6.3	-	-	-	242	14.7	14.7	1,360	29.2	29.2	340	1.8	1.8	793	3.4		
1975	3,503	17.1	18	281	5.9	1.6	281	17.6	-	-	-	305	26.0	26.0	1,573	15.7	15.7	387	13.8	13.8	939	18.4		
1976	3,979	13.6	18	0.0	281	0.0	30	0.0	-	-	-	355	16.4	16.4	1,889	20.1	20.1	412	6.5	6.5	994	5.9		
1977	4,311	8.3	17	5.6	299	6.4	33	10.0	-	-	-	381	7.3	7.3	2,083	10.3	10.3	447	8.5	8.5	1,051	5.7		
1978	4,503	4.5	17	0.0	299	0.0	26	-21.2	-	-	-	410	7.6	7.6	2,159	3.6	3.6	454	1.6	1.6	1,138	8.3		
1979	4,607	2.3	17	0.0	313	4.7	25	-3.8	-	-	-	398	-2.9	-2.9	2,224	3.0	3.0	486	7.0	7.0	1,144	0.5		
1980	4,912	6.6	17	0.0	323	3.2	25	0.0	-	-	-	451	13.3	13.3	2,356	5.9	5.9	526	8.2	8.2	1,214	6.1		
1981	5,038	2.6	18	5.9	341	5.6	30	20.0	-	-	-	449	-0.4	-0.4	2,384	1.2	1.2	549	4.4	4.4	1,267	4.4		
1982	5,160	2.4	18	0.0	336	-1.5	35	16.7	-	-	-	465	3.6	3.6	2,477	3.9	3.9	563	2.6	2.6	1,266	-0.1		
1983	5,606	8.6	21	16.7	379	12.8	29	-17.1	-	-	-	496	6.7	6.7	2,697	8.9	8.9	607	7.8	7.8	1,377	8.8		
1984	5,700	1.7	21	0.0	389	2.6	30	3.4	-	-	-	518	4.4	4.4	2,735	1.4	1.4	636	4.8	4.8	1,371	-0.4		
1985	6,056	6.2	20	-4.8	396	1.8	32	6.7	-	-	-	611	18.0	18.0	2,898	6.0	6.0	661	3.9	3.9	1,438	4.9		
1986	6,424	6.1	20	0.0	400	1.0	31	-3.1	-	-	-	681	11.5	11.5	3,112	7.4	7.4	676	2.3	2.3	1,504	4.6		
1987	6,681	4.0	232	15.0	417	4.3	23	-25.8	-	-	-	724	6.3	6.3	3,219	3.4	3.4	728	7.7	7.7	1,547	2.9		
1988	6,829	2.2	23	0.0	413	-1.0	22	-43	-	-	-	742	2.5	2.5	3,341	3.8	3.8	738	1.4	1.4	1,550	0.2		
1989	7,226	5.8	24	4.3	424	2.7	18	-18.2	-	-	-	793	6.9	6.9	3,595	7.6	7.6	760	3.0	3.0	1,612	4.0		
1990	7,370	2.0	24	0.0	423	-0.2	18	0.0	-	-	-	810	2.1	2.1	3,671	2.1	2.1	769	1.2	1.2	1,655	2.7		
1991	7,480	1.5	26	8.3	458	8.3	15	-16.7	-	-	-	810	0.0	0.0	3,683	0.3	0.3	847	10.1	10.1	1,638	-1.0		
1992*	7,552	1.0	26	0.0	484	5.7	15	0.0	-	-	-	857	5.8	5.8	3,697	5.6	5.6	922	8.9	8.9	1,689	4.1		
1993*	8,015	6.1	39	0.5	533	10.1	13	-13.3	-	-	-	913	6.5	6.5	3,903	1.5	1.5	979	6.2	6.2	1,707	1.1		
1994*	8,162	1.8	39	0.0	539	1.1	10	-23.1	-	-	-	925	1.3	1.3	3,960	2.1	2.1	986	0.7	0.7	1,853	8.6		
1995*	8,419	3.1	41	5.1	576	6.9	7	-30.0	-	-	-	912	-1.4	-1.4	4,042	1.4	1.4	993	0.7	0.7	1,935	4.4		
1996*	8,579	1.9	41	0.0	578	0.3	18	157.1	-	-	-	924	1.3	1.3	4,099	0.4	0.4	996	0.3	0.3	1,962	1.4		
1997*	8,565	0.9	40	-2.4	586	1.4	17	-5.6	-	-	-	937	1.4	1.4	4,115	3.9	3.9	998	0.2	0.2	2,017	2.8		
1998*	8,868	2.4	0	0	587	0.2	17	-5.6	-	-	-	930	-0.7	-0.7	4,277	3.6	3.6	997	-0.1	-0.1	1,935	-4.1		
1999*	8,936	0.8	39	-2.5	595	1.4	16	5.9	-	-	-	921	-1.0	-1.0	4,430	3.6	3.6	997	-0.1	-0.1	1,935	-4.1		

* Includes District of Columbia Statehood Offices

Source: Joint Center for Political and Economic Studies

The point here is to illuminate the fact that formal political leaders, in their role as politicians, have concerns and ambitions that may not make them the best advocates or custodians of the interests of oppressed people, unless the mere presence of someone resembling the group, and presumed to have firsthand knowledge of the group's fate, is in and of itself liberating. While Adolph Reed's contention that elected leaders are more legitimate than non-elected informal leaders may be true in the narrowest and most mundane sense of legitimacy and sanctioned authority (Tate 1993, 18), but such a conclusion does not narrow or render illegitimate the consignment of what we shall call *interest authority* or the moral authority of leadership that may be assumed by *informal* and *non-official* change agents. However, given the change that has already taken place, it would be altogether unwise to dismiss the caution delivered by one of Richard Fenno's congressmen in *Home Style*, who stated that, "Once you're in office, it's so hard to stay in touch with the people who elected you. It's the establishment that comes around and wants things from you. They ask you to their meetings. They seduce you over and over..." (Fenno 1978).

The public's needs and wishes, and the politician's sometimes conflicting will, is a subject of concern and debate dating far back into the history of the republic. Stephen C. Craig quotes William Greider's observation that:

Politicians are held in contempt by the public. That is well known and not exactly new in American history. *What is less well understood (and rarely talked about for the obvious reasons) is the deep contempt politicians have for the general public...* Alexander Hamilton's derisive dictum—"The People! The People is a great beast!"—has become an operating maxim. Survival in office requires a political strategy for herding "the beast" in harmless directions or deflecting it from serious matters it may not understand. (Craig 1993, 133) (author's emphasis)

The Role of the Intellectual Community

Two issues arise in relationship to the decision (seemingly already made) by black Americans to have their leadership *formalized* and functioning within the constraints of official offices. One, already alluded to, is the knowledge of, acceptance, development and commitment to *programmatic action* that is designed to address those policies and critical functions of the political system that have a debilitating effect on the masses of black people. If we take seriously the concerns and imperatives of political office holding that we have noted here, it does not automatically follow that *formal* black political leaders—given all else that occupies and commands their time and attention—are necessarily going to place the interests of the black masses at the head of their agenda, especially if the most effective action calls for being well-grounded in an intellectual analysis that is essentially *ideological*, meaning that it stands in opposition not only to critical operations of the system, but also opposes many of its value premises.

It is possible, however, that this is asking too much of individuals who, admittedly, are politicians. And whether they admit it or not, they are committed, above all else, to doing what politicians do, seeing to their continued survival in office. What may be expected (from change advocates) is that perhaps the remove of the politicians can be reduced, and that they can be brought into the ambit of the intellectuals, whose natural function and obligation is to help prepare them and insist that they do what it is their job to do, advance the interest of their dispossessed and exploited brethren. Forcing this service and accountability linkage between the leadership class and the masses is a formidable challenge because many of the leaders clearly prefer the latitude that they enjoy as free agents and brokers of their own personal interest. However, the challenge to end the

personal discrepancy and free agency status of both "official" and unofficial leaders must be successfully met. Otherwise, two of the most serious imperatives of leadership, representation and accountability, shall remain seriously compromised. Manning Marable, who took his lead from Antonio Gramsci, in his *Black Leadership*, discusses this problem in relationship to the role of the "political intellectual":

Gramsci suggested that all intellectuals, whether or not they are personally involved in political organizations and activities, perform a political function. They provide an academic rationale for the dominant set of ideological, cultural, and social relations that exist within the social formation. They explain, justify, and legitimate the intellectual status quo.

Within a society based on capitalist economic patterns of ownership and production, traditional intellectuals—writers, theologians, philosophers, social critics, novelists, artists, and so forth—are directly involved in the production and reproduction of ideological forms that reinforce domination by the classes that control political and economic power." (Craig 1993, 135)

The critical role of the intellectual community, academic and otherwise, to inform and urge members of the political establishment to challenge existing structures that are oppressive or neglectful has not gone entirely unfulfilled or unnoted by black intellectuals. Indeed, much of the black intellectual and artistic production of the 1960s and 1970s not only informed political actors of the need for radical change, but also directly attacked oppressive aspects of the social structure in general. This criticism was extremely valuable, in that it drew attention to and narrowed the quarters of purely opportunistic machinations on the part of black leadership (Marable 1999; Davis 2000). Minus this kind of virulent and ongoing critical assessment by members of the intellectual community—both academic and cultural—black leadership, now institutionalized and relatively well insulated, is free to engage in self-serving, often reactionary, and sometimes counter-productive behavior without critical observation and analysis of its behavior.

When this form of free agency occurs, free of any mooring to community needs and demands, meaningful political behavior on the part of leaders may cease to exist entirely—except as it relates to purely personal goals and purposes.

Among others, the political work of intellectuals and artists such as Harold Cruse and Amiri Baraka—whether one agreed with them or not—was at one time critical in this connection (Jones and Neal 1968; Cruse 1967, 1968). Because they wrote within the context of a point in time that was politically radicalized, their analyses, even when projecting different ends, prescribed political programs in which the leadership was instrumental in altering the existing socio-political and cultural apparatus by which they viewed blacks as being oppressed. The fact that the progressive and radicalized movement politics that they projected splintered—and ultimately failed—does not mean that the conditions that they were trying to address were any less burdensome or problematic for blacks, nor should it have meant that black leadership was freed to pursue personal ends at the expense of continued mass peril and oppression.

One may read Robert Smith's detailed and virtually unparalleled analysis of the 1972 and 1974 Black Political Conventions, held at Gary and Little Rock, (we omit several related meetings) (Smith 1996), and after viewing the dissected corpse of "Unity Without Uniformity" (a never-viable, miscreant political idea from the beginning); "Operational Unity," and the very telling double tragedy of not being able to construct an independent black political party or to convince a known political figure to head it, conclude as Smith ultimately did that:

The black community is too ideologically diverse to operate for long in a single, all-inclusive organization capable of representing the interests of the race in its relationship to whites or the larger external political order (Smith 1996).

The paradox here is that these failures serve to assure the continued domination of the prevailing ideology, one in which blacks are what these failures say they are: unable to agree on serious issues, confused about their interests, without principles upon which they can unify, self rather than group-centered, distrustful of one another, and thus hopelessly divided. These systemically ascribed negative attributes are part of the repressive ideology of an age, white supremacy. It will be destroyed not by black supremacy, but by an organized effort that destroys the illogical premises on which it stands. One of the many mistakes of the Gary and Little Rock conveners was not to recognize that *white supremacy has a number of black beneficiaries*, and these can never be made part of the effort to dismantle it.

To be sure, the draft agenda that emerged from the Gary Convention was not for everybody, but neither was it extra-planetary, although it did, as Smith observed, blend some... "elements of reform and revolution" (Smith 1996). It is not difficult to conclude that that is more or less precisely what a progressive ideology should do, as it should address both present problems and future prospects. It should be at once a tool and a vehicle. For example, one of the demands on the draft Gary agenda was for reparations, an idea that almost assuredly was not thought much of at the time, since it is a fairly safe bet that many of the liberals in attendance had not contemplated the rapid demise of policy palliatives such as welfare and affirmative action. This kind of myopia is a fixture of non-ideological thinking.

We stated that there was a second issue (actually there are many) related to the decision by blacks to place their fate in the hands of *formal* leaders, whom, we observe, as a direct result of their ascendancy, to develop interests above and beyond those of the black group. This is an issue that we hear of constantly. It is generally discussed under the topic of "accountability," and seemingly never resolved, primarily, we think, because there is virtually no collective approach or mechanism that would give it consequential power and authority. Worth mentioning, however, is that an apparatus with such intent did exist at one time.

Although it never got much beyond meetings and the drafting of agendas, the Black Leadership Roundtable (*circa 1982-1989*) was a step in the right direction. The intent was to place before black leadership a kind of laundry list to be used as a guideline for priority action. The effort was commendable, but appears to have dissolved after falling from the shoulders of personalities upon which its success relied too greatly. Ronald Walters and Robert Smith have shed helpful light on its operation and demise, and we will not attempt here to improve on that effort (Walters and Smith 1999).

On the Matter of Accountability

We would not like to leave this discussion without mentioning one final issue related to leadership and ideology, and that has to do with what leaders do, or elect not to do, not only in relationship to expectations (which may or may not be ideological), but what they do in relationship to the objective conditions that they face. Notably, there are certain disturbing problems affecting black people that appear to be variables totally independent from black leadership. Proportionately, they were equally as threatening and debilitating, when there were six members of Congress and a total of 300 or fewer

black elected officials in the country in the mid-1960s, as they are today with thirty-nine black members of Congress and a total of more than 10,000 black elected officials in the Country. These problems have remained about the same for the better part of two generations, except for one that is now worsening exponentially.* They are:

1. A black poverty rate persisting at or above 30 percent.
2. An unemployment rate that has dipped (only fractionally) below *half that of whites in two generations*.
3. A rate of incarceration now totaling nearly half that of the U.S. prison population, and predicted to increase in the next decade.*

There are other problem areas affecting the race with disturbing indices: poor health care, homicide, child poverty, homelessness, etc. (Jencks and Peterson 1991; Jennings 1994). All are disturbing, but some more so than others because they now have the appearance of being permanent. Notably, none of these problems have diminished in relationship to the doubling in size of the black middle class; dozens of big city majors; and a substantial number of Congress members (CBC). The question is "why not?"

When the black movement for social change was in full swing and people were taking all manner of risks (with some losing their lives), the question of what would be expected of those people who stepped into the space being created was never adequately answered. If the answer is *nothing*, then many blacks took some very foolish risks. If the answer is *something*, then what? One answer that was both too easy and too simple has proven to be vapid and naive: "once our own people assumed certain positions in the system, it was optimistically assumed changes in its operation would occur as a result of their presence." "Long-suffering black people would understand the need and act to transform the system; making it more compassionate and humane." Alas, that has simply not occurred.

As we noted earlier, black political and cultural radicals in the 1960s and 1970s did develop a critique of the nature and character of the American political, economic, social, and cultural system. James Baldwin spoke of not wanting to "integrate into a burning house." Malcolm X criticized the political system—not simply for keeping blacks out, but for being corrupt in general. Neither the savings and loan scandal nor Enron would have surprised him. Amiri Baraka once said that he wanted a "whole new version of man's life on earth." These critiques were part of an *ideological* perspective, which, at one time, was part of the politics and movement for progressive change in American society.

Somehow, along the way, this was not lost but abandoned by people who, evidence strongly suggests, simply did not want and rejected the discipline and the commitment required to bring about serious change. Now we have authors such as Ellis Cose suggesting to blacks that if they would only do twelve things they could become a Fortune 500 CEO. And, in the same context, U.S. Representative Harold Ford, Jr. saying that, "If you're a leader, you're a leader. The labeling of 'black leaders' is often perpetuated by people who want to narrow a person's scope. Why let anybody shrink your reach." All of this while some of the people he aspires to lead are in the garage calling him a nigger (Cose 2000).

The Summation

So how important is ideology to political leadership? It is what a container is to water; what a compass is to a navigator; what a rudder is to a ship. Without it you will find

yourself all over the place, but getting nowhere. This is precisely why Robert Smith, after he took a good look, concluded that "Politics is Not Enough" (Smith 1992). And this finding is as true today as it was the last time blacks placed their fate almost entirely in the hands of elected officials. That would be roughly from 1865 to 1877, from the beginning to the end of what historians call the Reconstruction era, a period in American history that was less than kind to the status and aspirations of black Americans (Du Bois 1969; Logan 1965; Bennett 1969).

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The first part of the report is a summary of the work done during the year. It is divided into two main sections: a general summary of the work done and a detailed account of the work done in each of the four quarters. The general summary is divided into three parts: a summary of the work done in each of the four quarters, a summary of the work done in each of the four months, and a summary of the work done in each of the four weeks. The detailed account of the work done in each of the four quarters is divided into three parts: a summary of the work done in each of the four months, a summary of the work done in each of the four weeks, and a summary of the work done in each of the four days.

Book Reviews

Carol M. Swain. *The New White Nationalism in America: Its Challenge to Integration* (Cambridge, UK: Cambridge University Press, 2002), xxix + 526 pp.; ISBN 0-521-80886-3 (cloth).

Do the actions of blacks and of the government to assist blacks contribute to continuing racism against African Americans? This is an intriguing and controversial question that seems to motivate Carol Swain's engaging and presumably controversial book *The New White Nationalism in America: Its Challenge to Integration*. Swain seems to suggest that the answer is affirmative. In formulating this response, Swain suggests that the current efforts to aid blacks, especially such things as affirmative actions policies, are actually backfiring. Rather, affirmative action and other activities act to foment white disgust with blacks and the Black condition. The book makes the point that a relatively small cadre of race conscious whites is growing, and that continuing efforts to aid minorities in America only adds to the growth of this anti-minority cohort. Swain considers this potential growth of resentful whites to be highly problematic to improving the Black condition and to the stability of race relations in America.

We argue that Swain's book is quite interesting in terms of its contribution. Her argument is suggestive, and she marshals a large amount of evidence to support it. Overall, we believe the book falls short of its intended mark. This is because the evidence doesn't support her as much as she hopes. Let's examine her evidence closely.

Swain makes several arguments in her book. The main argument is that there is a new and dangerously influential group in America, a new generation of right-wing

activists and thinkers on the political scene. These activists are the foot soldiers of what some call the white nationalist movement. The idea of white nationalism (henceforth called WN) usually conjures up images of neo-Nazis, Ku Klux Klan members, skinheads, or other groups oriented toward white Supremacy. But white nationalists argue that they are not as right wing or as racist as white Supremacists. White Supremacy (hereafter called WS) presupposes that non-whites are inferior to whites and that whites want to maintain racial hierarchies. White nationalism, on the other hand, represents a body of thought emphasizing among other things that whites distance themselves (either figuratively or literally) from non-whites.

Swain makes points about the growth of WN but acknowledges that this WN movement is relatively small now. Another major argument concerns the growth of WN. She considers this movement to be dangerously influential due to its potential to spread its more aggressive anti-minority positions and attitudes to other whites, the majority of whom are more moderate than WNs (or WSs). Her perception of WN's potential to spread among moderate whites concerns the WN's skillful critiques of race-based policies to further separate whites politically from minorities. Swain believes that there are seven policies (mainly race-related) that bolster both the growth of WNs and potentially attract moderate whites to the WN cause. Those seven policy areas are (1) The threat that whites will become numerical minorities in America due to rampant immigration patterns and minority birth rates; (2) Economic situations that force white laborers to compete with non-whites for scarce employment opportunities; (3)

Mounting resentment over racially charged policies such as affirmative action, crime, and immigration; (4) The persistence and perceived increase of Black-on-white violent crime; (5) The competition between mainstream American culture and values and multiculturalism as WNs use the language of multiculturalism to advance their views; (6) Rising demands among racial and ethnic minorities for political and economic influence—where more power to non-whites means less power to whites; and (7) The growing accessibility of the Internet leads to the growth of underground movements.

The data for Swain's book come from a number of sources. In addition to drawing upon recent works in sociology dealing with the growth of white nationalism, Swain interviews several known white nationalists, and conducts a series of focus groups and embeds an experiment into a national survey to explore opinions about affirmative action. She also presents case studies of three white youths with grievances related to racial preferences in college admission, and supplements her analyses with anecdotes based on her life experiences. Her personal engagement is surprising, considering the norms of empirical social science, but it tends to help clarify her standing in relation to her interpretation of her data. For example, although her argument is large in scope, she actually concentrates most of her data in an extended critique of affirmative action policy. Swain singles out affirmative action as the factor with the most potential to alienate moderate whites, making them susceptible to recruitment into WN. This conclusion has an uneven fit with her data as presented, but the conclusion in this book seems to fit with Swain's previous body of work.

We have several critiques of Swain's argument. One critique is of her assumption of the size and political power of the WN movement. A huge part of her theoretical impetus rests on her assumption of the rap-

idly increasing strength of WNs. We should fear their growth! But her case for growth is weak, and in fact, one cornerstone of her empirical case appears to be nothing more than measurement error (see pp. 75-79). In fact, as another example of measurement error, Swain even tallies Black separatist groups as part of WN movement count. Another critique is that the potential of the WN movement to immediately spread to more moderate whites seems overblown. Swain suggests that WNs use less racially explicit (or, at least, less explicitly racist) messages than the older WS to appeal to a wider audience. The problem is that she uses explicitly racial examples to make her case. Mendelberg (2001) tells us that racially coded language works to influence moderate whites only when the language is subtle and implicit, that is, doesn't mention racial groups explicitly. If WN must use subtle messages to win over moderate whites, then Swain's argument is weakened. Why? The current WN messages, although toned down from the virulent past, are far from subtle. Thus, it appears that the WN movement will not spread far beyond its current, more racist, base unless it makes a dramatic change in tactics.

Another critique deals with the other largest chunk of her theoretical impetus, the assumption of white anger as an outgrowth of black/other minority group activity. Swain makes a major, but subtle, error in terms of the logic of her "Angry White Person" argument. That error is the rather ahistorical nature of this claim. It would seem a logical fallacy to assume that the causal arrow flows from blacks' success to white grievances. Blacks have not been in position to be successful for much of America's history, with most positive change in socioeconomic status occurring since 1970. Whites, however, have been "angry" and otherwise non-conciliatory toward improving the black condition for quite some time longer than that. For example, Walton and Smith (2003) note that President Andrew Johnson took a dim view

of efforts to aid freed slaves in the 1860s (p. 180). Therefore, it seems fallacious to assume that blacks' success is the cause of whites' anger. Whatever fueled whites' anger before blacks' success may presumably still fuel this anger.

The ahistorical errors become especially noticeable as the book deals with affirmative action policy. The rather popular mainstream notion that affirmative action causes blacks to feel inferior ignores that long, colorful history of racial discrimination in America. White America's presumption of black inferiority in the last few centuries is apparent and viciously effective in its circular reasoning. Let's take for example the history of African Americans as students in America's colleges and universities. When blacks were excluded from institutions by law, one of the major mainstream bases for explaining the dearth of black students was the assumption of black inferiority. When blacks were nominally allowed into institutions but were restricted to token status, one of the major bases to explain their relative absence was the assumption of black inferiority. In the post-civil rights movement era, we have seen blacks' presence in colleges and universities growing larger and larger due to improving SES standards and some effects of affirmative action. Yet we still see the assumption of black inferiority as a white explanation for the burgeoning black presence. Basically, mainstream critics use black inferiority to explain blacks' absence and blacks' presence in traditionally white colleges and universities. Therefore, the assumption of black inferiority seems to be a constant across all historical conditions. What a powerful and useful tautology!

As we noted earlier, Swain's book should be quite controversial because of what it says about affirmative action policies. But regardless of how you assess her arguments, you have to give credence to the notion that Swain is consistent in her outlook on affirmative action and other

race-based policies. In several other works, notably *Black Faces, Black Interests*, Swain has been a harsh taskmaster in pushing for change in late twentieth-century race policies. *The New White Nationalism in America: Its Challenge to Integration* demonstrates that Swain continues to be a proponent for change.

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R. Drew Smith (ed.). *New Day Begun: African American Churches and Civic Culture in Post Civil Rights America* (Durham: Duke University Press, 2003), ix-328 pp.; ISBN 0-8223-3131-4 (cloth).

New Day Begun is an edited volume that focuses on the contemporary political nature of African American churches. The tremendous societal changes that African American churches helped to facilitate during the civil rights movement have greatly influenced the civic engagement of black churches since then. This is one of the first volumes that explores how these institutions are operating in the new societal context. Given the rich history of socio-political involvement by black churches, the book attempts to fill a void in the literature on religion and politics in the African American community. Moreover, because religion and politics have

The first part of the paper is devoted to a discussion of the general principles of the theory of the structure of the atom. It is shown that the structure of the atom is determined by the laws of quantum mechanics, and that the laws of quantum mechanics are determined by the laws of the special theory of relativity.

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The third part of the paper is devoted to a discussion of the problem of the structure of the molecule. It is shown that the structure of the molecule is determined by the laws of quantum mechanics, and that the laws of quantum mechanics are determined by the laws of the special theory of relativity.

In the fourth part of the paper, the author discusses the problem of the structure of the crystal. It is shown that the structure of the crystal is determined by the laws of quantum mechanics, and that the laws of quantum mechanics are determined by the laws of the special theory of relativity.

The fifth part of the paper is devoted to a discussion of the problem of the structure of the solid. It is shown that the structure of the solid is determined by the laws of quantum mechanics, and that the laws of quantum mechanics are determined by the laws of the special theory of relativity.

In the sixth part of the paper, the author discusses the problem of the structure of the liquid. It is shown that the structure of the liquid is determined by the laws of quantum mechanics, and that the laws of quantum mechanics are determined by the laws of the special theory of relativity.

The seventh part of the paper is devoted to a discussion of the problem of the structure of the gas. It is shown that the structure of the gas is determined by the laws of quantum mechanics, and that the laws of quantum mechanics are determined by the laws of the special theory of relativity.

In the eighth part of the paper, the author discusses the problem of the structure of the plasma. It is shown that the structure of the plasma is determined by the laws of quantum mechanics, and that the laws of quantum mechanics are determined by the laws of the special theory of relativity.

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been so thoroughly intertwined, the book also purposes to enhance more broadly our understanding of some of the opportunities and challenges that are today inherent in African American politics.

The book is the first of two volumes to report research from the Public Influences of African American Churches Project directed by R. Drew Smith at Morehouse College. The basic mission of the project is to examine the role of African American churches in public life since the end of the civil rights movement. Utilizing a very interdisciplinary approach the book has chapters from political scientists, theologians, ethicists, historians, and others. These scholars explore how the culture of African American churches can serve to advance as well as inhibit its public role. As the editor notes on the first page of the book, "as significant as the commitment to civil rights by African American churches has been, the political culture within African American churches has many sides—some of which have enhanced the broader democratic culture, and some of which have not" (p.1).

The book is organized into three sections. The first section looks at the institutional characteristics of African American church culture and has essays from historical, theoretical, and empirical perspectives. The second section examines the influence of social and theological norms in black churches. This section is diverse and offers chapters on the interaction of black churches with civil religion, "civility," gender, Pentecostal and Holiness theology, and black nationalism. The final section explores how community and economic development concerns today impact the public influence of African American churches. This part of the book contains an essay about church-associated community development corporations in New York City, as well as chapters on the propriety of faith-based initiatives for social services from both constitutional and ethical perspectives.

The primary challenge with this book is that it takes on a lot but, thematically, does not hold together well. While interdisciplinary work is valuable, there seems to be no over-arching theoretical perspective in which this book is grounded. This is complicated by the fact the contributors are exploring culture and norms which they themselves have difficulty in delimiting. The result is that the book makes a very uneven and disjointed contribution, instead of providing the kind of comprehensive view of the role of African American churches in public life since the civil rights movement that it purposes to make. Still, individually, many of the chapters are quite good and serve to advance our understanding of the contemporary socio-political role of African American churches.

For instance R. Drew Smith and Corwin Smidt's chapter on black church civic engagement reports results from the 1999-2000 Black Churches and Politics Survey conducted by the Public Influences of African American Churches Project. Though not nationally representative, this is a survey of approximately 2,000 black metropolitan and rural congregations. Smith and Smidt's data confirm that African American churches continue to be politically involved. However, the nature of this involvement is directed toward electoral activism instead of protest politics. The data also suggest that black churches are less involved politically than they were during the civil rights movement. Interestingly, Smith and Smidt report "that the likelihood of black church activism is influenced less by affinity of dissatisfaction with the American political system than by factor's related to the congregation's resources" (p. 59). Another noteworthy fact revealed in these data is that nearly a tenth of the pastors of the surveyed churches had held elective office and that there had been an increase of such service during the 1990s.

The other two empirical chapters in the book are also useful. Allison Calhoun-

Brown utilized the 1993 National Black Politics Study to examine the interaction of religiosity on race and gender attitudes. She finds that respondents who attended politically active churches had more liberal positions on issues of both race and gender. This is interesting given the conservative and patriarchal gender positions of many African American churches. Michael Leo Owens's chapter addresses very relevant questions about the kinds of activities church-associated community development corporations are engaging in as well as whether government support of these corporations compromises the ability of churches to speak out politically. Studying community development corporations in New York City, Owens finds that these corporations direct most of their activity toward the delivery of social and health services or toward housing for the poor and not toward community economic development projects. He also finds that the church-associated corporations do not compromise their ability to critique the government even after receiving funding from it. Owens' chapter should be read with the contributions of Samuel Roberts and David Ryden, who offer theological and constitutional reflections on the perils of church government collaborations.

Other chapters that may be interesting to a broad social science audience include Allison Calhoun-Brown's essay on how the experience of black churches inform the civil society literature, as well as David Howard Pitney's essay on black churches and civil religion. The remaining contributions in the volume by David Daniels and C.R.D. Halisi are more historically oriented and the one by Walter Earl Fluker is much more theologically based.

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Glenn C. Loury. *The Anatomy of Racial Inequality* (Boston: Harvard University Press, 2002), 240 pp.; ISBN 0-674-00625-9 (cloth).

F. Scott Fitzgerald, in the notes to his unfinished novel *The Last Tycoon*, wrote, "There are no second acts in American lives." If ever there were an American academic who has challenged Fitzgerald's observation, a prime candidate would be none other than Glenn Loury. The first African American tenured professor in the Harvard University economics department, Loury received considerable national attention during the 1980s after writing a series of articles, including one provocatively titled, "The Moral Quandary of the Black Community," in which he criticized civil rights leaders and took blacks to task for problems that he charged were of their own doing. His conservative, contrarian views castigating the black community earned him rapid entrée into the nation's most powerful conservative circles, from an offer to write for the *New Republic* to an invitation to sit at President Reagan's table at a White House dinner. Eventually, Loury was offered a major government position to serve as Undersecretary of Education under Secretary William Bennett in 1987. However, his sudden ascent would be matched by an equally swift tailspin as his life unraveled with news of an extramarital affair, assault charges by the woman he was involved with, and arrest for cocaine possession. After experiencing several major life changes since that time, Loury—ironically for him, given his past political views—has recently written *The Anatomy of Racial Inequality*, a book composed from the W.E.B. Du Bois Lectures he delivered at Harvard in 2000.¹

It is clear from the book's title as well as the argument and analysis within that Loury intends this work to be his major statement on race and social justice in America, drawing upon his nearly thirty years of research and writing on the eco-

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It is clear from the book's title as well as the argument and analysis within that Loury intends this work to be his major statement on race and social justice in America, drawing upon his nearly thirty years of research and writing on the eco-

conomic and social marginality of African Americans. The book, as he acknowledges, is not an empirical work and does not offer any new evidence to make its case. What it offers, Loury maintains, is a theoretical, interpretive, and economics-based approach for understanding American racial disparity, using rational choice reasoning and thought experiments "to illustrate the workings of hypothetical but plausible causal mechanisms (p. 3)." At the outset, Loury states that his analysis is based on three axioms or assumptions: (1) Race is a social construction, with no true biological basis, that humanity has employed to categorize various subgroups; (2) The inequality that blacks endure is the result of American society's "peculiar history, culture, and political economy" and not from any inherent human deficiency they putatively possess; and (3) A racial stigma associated with African Americans has pervaded American life since slavery, severely constraining their efforts to realize their full potential (p. 5). The primary contribution he seeks to make is his development of "racial stigma" as the central concept for examining and understanding the causes of American racial inequality and the enduring disadvantage limiting the life chances of far too many African Americans. Indeed, Loury argues that it should replace racial discrimination as "the concept which best reflects the causes of African-American disadvantage" (p. 10). For him, there is a compelling distinction between the two: "Discrimination is about how people are treated; stigma is about who, at the deepest cognitive level, they are understood to be" (p. 167).

Before he develops his concept of racial stigma, Loury focuses upon racial stereotypes in order to use them as a foundation for his later discussion about stigma. First, he begins by observing that "race" is a means of cognitive activity that actors use in order to seek information about people they encounter in a society, especially those whom they are unfamiliar

with. These "information-hungry human agents" (p. 17) use obvious physical attributes (skin color, hair, facial characteristics) to classify various groups of people in order to determine useful distinctions among the groups in an effort to gain some benefit from their interactions with them. Race, he maintains, becomes salient and powerful when a particular set of human characteristics is assumed to have, in his words, "social meaning."

Loury's next step is to refine the general notion of a stereotype, introducing his concept of a "self-confirming stereotype" (p. 23). A self-confirming stereotype is much more than simply a generalized view about a group of people; it becomes significant when "[o]bservers, by acting on the generalization, set in motion a sequence of events that has the effect of reinforcing their initial judgment" (p. 23). In other words, actors, harboring a stereotype about a group, respond to it in ways that cause some of the group's members to fulfill the stereotype about them. The development of a self-confirming stereotype occurs as a result of three main steps: (1) lacking full information, an actor makes a rational conjecture about the potential behavior of a person; (2) the person in question behaves in a manner that anticipates the actor's expectations held about her or him; and (3) an "equilibrium" results as the "mutually confirming beliefs and behaviors emerge out of the interaction" (pp. 26-7). Loury then claims—somewhat grandiosely, in my view—that "this stereotype-logic provides an analytic template to illustrate how the cognizance of race comes into existence and is reproduced through time in society" (p. 27).

Although Loury is rigorous and very deliberate in developing his argument about racial stereotypes, his approach fails to consider the ways in which actors wield power in creating stereotypes about groups in order to justify their actions towards them. His reliance upon the use of racial markers for the acquisition of useful infor-

mation and the theoretical framework he creates do not point him towards a consideration of the ways in which stereotypes result from the conscious intention to limit people's life chances. The thought experiments he uses to support his argument are indicative of my point here. In one example, Loury describes the efforts of professional schools to admit a diverse group of students with a satisfactory number of African Americans. White and black students apply to the schools. The schools' admissions officials, aware of the racial disparities in the academic performance of these students, believe they must use a somewhat lower standard for the black students in order to admit a sufficient number of them. Such a situation, Loury argues, creates incentives that encourage the black students to believe that a lower standard for admission applies to them; hence, many will adjust their effort accordingly.

While it is fine for Loury to employ this type of reasoning in developing his theory about racial stereotypes, we do have to ask how useful and compelling is his approach in helping us to truly understand the connection between racial stereotypes and racial inequality. Some of the factors underlying the racial disparity in academic performance among black and white students and the accompanying stereotypes about black intelligence and effort are clearly linked to the systemic disparities that exist among the schools they would attend. Of course, Loury would readily acknowledge my point here. However, my larger point is that racial stereotypes are not as likely to develop among blacks in anticipation of whites' biased expectations as he asserts but are more likely to result from the conscious action and intent of the whites who believe in them.

In contrast to his example, I offer the following one. The historian Thomas Sugrue powerfully explains the dynamic underlying the stereotype that neighborhoods decline once African Americans move in. Whites in Detroit believed this

prior to any of the major neighborhood transitions that ultimately took place in the city but saw it take place seemingly before their eyes as blacks moved into and resided in various areas of the city. Many of the areas subsequently became run-down, fueling more belief in the stereotype. However, as Sugrue points out and demonstrates, what whites did not see was the process of redlining by area banks that prevented blacks from borrowing the money to properly maintain their homes. As a result, in light of many blacks' economic situations, they had neither the money nor the income to do so on their own; consequently, the condition of their homes often suffered (Sugrue 1996).

Borrowing from the sociologist Erving Goffman and his concept of the stigma associated with people deemed as social outsiders as those with physical or mental disabilities, Loury conceives racial stigma as the negative imagery and perceptions associated with African Americans, their abilities, and their value to American society. Racial stigma, Loury argues, denies blacks their common humanity with the other citizens of the United States; it is perniciously durable since actors have little incentive to expend the effort to get to know individual blacks and have more incentive to be guided by a person's race and the stigmatized view of their group. American slavery was the source of the racial stigma that plagues African Americans because of the many ways that it dishonored them. While the stigma that slavery produced lingers to the present day, Loury argues that the putative behavioral shortcomings of the black "underclass" are a source of contemporary racial stigma: "... where stigma arises, the negative social meanings associated with blackness are central to its operation" (p. 74).

One major problem with the way Loury develops his concept of racial stigma is that it derives virtually all of its meaning from the ways in which blacks are negatively perceived by whites. He devotes

considerably less of his focus and attention towards the reasons *why* many whites would continue to stigmatize African Americans—in other words, that many might have a rational basis to do so, especially in a world that is much more competitive with regard to economic and educational opportunity. Yet, he argues that the way out of this racial predicament is “to establish a common baseline of historical memory—a common narrative, if you like—through which the past injury and its continuing significance can enter into current policy discourse” (p. 126). In other words, White Americans must be encouraged to believe that they have a common humanity with African Americans and that they realize and acknowledge the nation’s problematic history. But can this be done without frank and critical analysis of the ways whites established and used racial difference to make blacks socially, economically, and politically inferior?

In the end, *The Anatomy of Racial Inequality* is a concise, intellectually stimulating book—one that provokes useful engagement with the current thought of a prominent social analyst who is clearly passionate about the enduring problems shaping the lives of African Americans. Although it is clearly written on the whole, it is not an easy book to read, given the many aspects and concepts of Loury’s argument. While it remains to be seen whether his concept of racial stigma will demonstrably alter the terms of debate, discussion, and analysis about racial discrimination and inequality, his work expresses hope for an alternative future for American race relations and suggests a means for taking us there.

Note

1. My discussion in this paragraph draws upon the article, “Glenn Loury’s About Face,” by Adam Shatz from the *New York Times* (January 20, 2002).

References

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Taeku Lee. *Mobilizing Public Opinion: Black Insurgency and Racial Attitudes in the Civil Rights Era* (Chicago: University of Chicago Press, 2002), viii + 293 pp.; ISBN 0-226-47025-3 (paper).

Taeku Lee’s *Mobilizing Public Opinion* challenges conventional accounts of elite-driven public opinion, reshapes our understanding of key events during the civil rights movement, and illustrates the impact of movement-initiated activities on the general public. Lee’s research is theoretically compelling, methodologically diverse and innovative, and analytically sophisticated. His book is also a downright fascinating read that will appeal to a wide audience of social scientists.

Lee begins by presenting his theoretical argument as a corrective to Zaller’s (1992) “Receive-Accept-Sample” model of public opinion. Zaller’s (1992) model, which is representative of a dominant perspective in the study of citizen opinion, provides an elite-driven account of attitude formation and change. Lee argues that a more context-specific, group-based understanding of “activated mass opinion” is necessary to understand opinion dynamics during the civil rights movement (p. 31). In particular, Lee states that “the activation and mobilization of a black counterpublic—and the elite response—should spur the activation and mobilization” of a reactive public of Southern

considerably less of his focus and attention towards the reasons *why* many whites would continue to stigmatize African Americans—in other words, that many might have a rational basis to do so, especially in a world that is much more competitive with regard to economic and educational opportunity. Yet, he argues that the way out of this racial predicament is “to establish a common baseline of historical memory—a common narrative, if you like—through which the past injury and its continuing significance can enter into current policy discourse” (p. 126). In other words, White Americans must be encouraged to believe that they have a common humanity with African Americans and that they realize and acknowledge the nation’s problematic history. But can this be done without frank and critical analysis of the ways whites established and used racial difference to make blacks socially, economically, and politically inferior?

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whites and a more empathetic public of racially liberal (Northern) whites (p. 34). Lee leaves room for elite and social movement influences on public opinion, but delineates how each might have a different weight depending on race (African American or white), region (South or North), and the particular time period. Lee refers to his model as a "movement-initiated, movement-elite interaction" account of public opinion (p. 123).

Based on this theoretical argument, Lee hypothesizes that movement-driven attachments should have a stronger and earlier impact on racial attitudes than elite, partisan-based factors. Using survey data from 1956 to 1964, Lee conducts rather complicated and sophisticated analyses to confirm the importance of movement-specific influences on public opinion. Lee points out that his findings undermine Carmines and Stimson's (1989) classic argument that the 1964 presidential election—an elite happening—was the watershed event shaping racial attitudes.

Lee's analysis of survey data only takes us so far, however. The inadequacy and paucity of survey questions on the topic of race during the time period of interest make it impossible to thoroughly examine his theoretical argument using survey research methods. In addition to this practical limitation, Lee argues that public opinion polls are not particularly well suited for the task of distinguishing between elite and non-elite influences on mass attitudes. In Lee's words, "[W]hat the public believes (and how intensely it believes it) is not always well behaved and easily discernible through research tools such as opinion polls. Most of the time, on most issues, we can speak of public opinion by referring to poll results. But sometimes, public opinion does not wait for the pollster. Sometimes, like Langston Hughes's dream deferred, it explodes before us, with unexpected clarity and cogency. When this happens the outcome turns as much on how ordinary individu-

als interpret and respond to the issue at hand as it does on how political elites interpret and respond to it. Elites, counter-elites, and their mass audiences alike will engage in a clash over words, meanings, and motivations" (p. 188).

Given the limitations of survey research, Lee turns to an alternative source of data to measure public opinion: constituency mail. Lee examines a sample of letters written to the president between 1948 and 1965 on the topic of racial politics. This is an innovative and creative measure of public opinion. The letters provide an amazingly rich database from which to analyze the influence of elite and non-elite influences on public opinion. At the aggregate level, Lee analyzes letter-writing over time (taking into account race and region) and concludes that citizens are galvanized to express their views to the president by movement-initiated events. For example, letter-writing peaked in response to Bloody Sunday in Selma, whereas elite-initiated activities, such as the 1964 Civil Rights Act and the 1965 Voting Rights Act, did not stimulate the same outpouring of views.

In addition to the aggregate analysis of the letters, Lee provides an in-depth examination of the frames used by letter-writers, again taking into account differences across race, region, and time. Lee concludes that African Americans relied heavily on group-based frames and values-based frames that emphasized the disconnect between cherished American principles and their day-to-day reality; Northern white liberals also used values-based frames to express their dismay over the racial state of affairs; and Southern whites used frames that were highly reactive to, and meant to undermine, the arguments asserted by the civil rights movement.

Lee's research speaks to the most important debate within the subfield of public opinion: the capability of citizens to function effectively in a democratic society. Since Converse (1964) kicked off this

debate in his landmark piece on "The Nature of Belief Systems in Mass Publics," scholars have grappled with whether citizens have the ability and desire to participate in the rough and tumble of politics. Lee concludes that "ordinary citizens, under appropriately compelling circumstances, will take an active part in crafting politics rather than merely consuming the political outputs of elite actors" (p. 208).

Lee does a nice job developing his theoretical model and illustrating how it challenges existing accounts of elite-driven public opinion. By relying on multiple data sources (i.e., surveys and constituency mail), he is able to gain substantial leverage on a sticky issue. The fine points of Lee's survey analysis will be challenging for readers with a limited background in statistics, but this is inevitable given the limited survey data available. Lee's analysis of constituency letters is resourceful and imaginative; I expect that many researchers will be inspired to follow his lead and think carefully about measures of public opinion beyond polling data. He is careful to acknowledge the limitations of focusing solely on the civil rights movement. The extent to which his findings are generalizable to other cases of mass activation is an open question.

From a methodological perspective, a weakness of this research is the difficulty in determining a letter-writer's race. Lee states, "The race of the correspondent is either explicitly declared by the author or can be inferred from the text of the correspondence in about 47 percent of the cases" (p. 132). In footnote 8 on page 243, he appropriately discusses the biases involved with the coding and argues that systematic biases are minimized. Nevertheless, it is an unfortunate reality that race cannot be coded in roughly half the cases. Aesthetically, my one concern about the book is that I found some of the figures in chapter 5 more confusing than illuminating; otherwise, the data are clearly presented.

In sum, Taeku Lee's *Mobilizing Public Opinion* is a book to be reckoned with. Lee makes a valuable contribution to the study of public opinion, social movements, and race and politics; scholars in these areas will want to have this book on their shelves. Researchers focusing on campaign mobilization and political participation may also find interesting insights in this work. Survey researchers should also read it carefully as a gentle reminder not to "confuse and conflate the construct we seek to understand (public opinion) with one particular measure of it (survey data)" (Lee 2002, p. 197).

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Lewis Baldwin (ed.), Rufus Burrow, Jr., Barbara Holmes, and Susan H. Winfield (contributors). *The Legacy of Martin Luther King Jr.: Boundaries of Law, Politics and Religion* (Notre Dame: University of Notre Dame Press, 2002), xx-316 pp.; ISBN 0-268-03355-2 (paper).

Dr. Benjamin E. Mays, the sixth president of Dr. Martin L. King, Jr.'s alma mater Morehouse College and King's mentor, said, "It isn't how long one lives, but how well. It is what one accomplishes for mankind that matters." Although King died at thirty-nine years of age, if one used Mays' statement as a barometer for life, then King used his life tremendously well. It was

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King's faith in God and his love for all mankind that provided him with the internal fortitude and the external sustenance to stand up against the nearly 200 years of prejudice and discrimination in the South. As a result, over 100 doctoral dissertation and master theses and books have been written on his accomplishments for mankind. This phenomenal appreciation for and historiography of King's life and legacy has generated a certain type of redundancy in the literature. Many scholars have not been able to move beyond the various protest movements in which he made real the nonviolent philosophy that he espoused, and the many eloquent speeches that he made, until now. The contributors to *The Legacy of Martin L. King, Jr.: The Boundaries of Law, Politics, and Religion*, clearly recognized these limitations and broke new conceptual and methodological ground by critically examining King's normative thoughts about how religion and morality intersected with and impacted public policies in America. Readers of these six essays will have a deeper understanding of King's contributions to America—not only to African Americans—as well a framework for confronting contemporary issues both domestically and internationally.

The first essay, which was written by the book's primary author, Professor Baldwin, one of the country's leading scholars of African American church history and of Dr. Martin L. King, Jr., examines King's vision of the "new south." The "new south," according to King, was not only about ending the discriminatory practices by southern whites, but the full inclusion of African Americans as citizens of America. King understood the deep racial tension that had long existed in the South; thus, he used white journalists, like Ralph McGill of the *Atlanta Journal Constitution* and Lillian Smith of *South Today*, to advance his belief to a broader audience. King realized that the segregated media and cultural separation hindered his abil-

ity to get his "true" message—"love and nonviolence was the only moral and practical route to new south" (p. 18)—to a broader white audience. Baldwin noted that King realized that there was a growing number of white "new south" thinkers who, because of his moral and ethical proposition against injustice and inequality, would be moved to join the struggle to change the power structure. Baldwin ended this chapter with a very telling discussion of the "new south" post-civil rights movement, in which after looking at the electoral successes, the educational achievements, and the economic accomplishments by African Americans in the South, found himself at odds with King's argument about the "new south" becoming a reality when African Americans began to achieve levels of success. Baldwin noted that even though African Americans since the 1980s had accomplished much since the 1950s and 1960s, they were still faced with many of the vestiges and challenges of the "old south."

The second essay by Baldwin centers on King's understanding of the role of Christian churches as participants in secular issues. While King never addresses the issue directly, this chapter lends itself to a larger debate on whether churches are other-world or this-world in their perspective. Drawing on Jesus, St. Thomas Aquinas, David Thoreau, Paul Tillich, and Richard Niebuhr, King conceptualized and used as the foundation of the movement the idea that the church was the paramount organization for countering the evil nature of man and government. This philosophy was seen in King's sermons and writings, particularly the Letter from the Birmingham Jail, in which King after being criticized by white and African American pastors for his involvement in socio-political issues responded that "the contemporary church is a weak, ineffectual voice with an uncertain sound" (p. 89) and that if it was to become strong it would have to return to its "social gospel" foundation (p.

90). Baldwin argues, in the latter part of the essay, that ironically King's involvement in the public arena was the predecessor for the Moral Majority, the Christian Coalition, and the national campaigns of the Reverends Jesse Jackson and Pat Robinson. Although these groups and individuals were religious in nature and often linked their efforts to God, Baldwin argues that, unlike King, their advocated positions were exclusive and divisive.

In "American Political Traditions and the Christian Faith: King's Thought and Praxis," Baldwin examines King's use of the Declaration of Independence, the Constitution, and other key documents of America as a way of appealing to the conscience of the nation and the world. King assumed that if America, particularly white southerners, saw the hypocrisy of their actions in relation to the founding principles of the country, they would understand why African Americans protested and would be willing to address their grievances. Such understanding by southerners was not apparent. Baldwin, moreover, points out that King realized that the gains that had come to African Americans during the administrations of Eisenhower, Kennedy, and Johnson were due less to their commitment to civil rights and more to the pressure of King and others in the civil rights movement. Two very different events, according to Baldwin, caused this pressure: (1) the awarding of the Nobel Peace Prize to King; and (2) the rise of black militant groups who challenged King's philosophy. Baldwin concludes this essay with a macro discussion of King's political legacy and its contemporary relevance for those who seek to advocate for fairness, and social and economic justice.

Barbara Holmes and Susan Winfield, in "King, the Constitution, and the Courts," use the techniques of legal scholars to discuss major cases that affected African Americans and how the decisions in those cases confronted King and the movement. Holmes and Winfield argue primarily that

King had mixed feelings about the judicial system; however, because of his unwavering love (faith) in humanity and his understanding that law and religion were intertwined, he was forced to confront "man made laws," which were counter to God's law and face the consequences for such action. The authors contend that it was King's love, not the courts or the politicians that allowed him to awaken "a nation to its shortcomings and African Americans to the fullness of their humanity" (p. 201).

In the last chapter, which was most controversial, "Beyond National Borders: King, the United Nations, and Global Politics," Baldwin describes King's world vision and the actions he took to fulfill that vision. While most of King's efforts and actions were focused on African Americans, he understood that all people of color throughout the world were suffering from injustice, poverty, and violence, be it in Vietnam or South Africa. As a result, King began to address these and other international issues in the various forums extended to him. One of those forums was the United Nations. King saw the United Nations as the seminal international organization in which all nations could interact to solve various challenges. In this essay, Baldwin chronicles the evolution of the United Nations and analyzes how King's love for humanity and the United Nation's communal ethos converged and diverged. Lastly, Baldwin critiques the U.N. about its moderate to tepid views on several global issues and suggests to the U.N. that it return to "the affirmation and uplift of all human personality, the actualization of economic justice and equality of opportunity, and the triumph of peace and a spirit of tolerance" (p. 288).

The Legacy of Martin Luther King, Jr.: The Boundaries of Law, Politics, and Religion is a most insightful exploration of King's understanding of religion and ethics and how they normatively connect to law, politics, domestic and foreign affairs.

Baldwin and his colleagues on this project provide a deeper understanding of the essence of King. This work forces students of King and his philosophy to recommit themselves to the ethos of love and service that is all too often missing in today's leadership.

Said Sewell

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Yvette Marie Alex-Assensoh and Lawrence Hanks. *Black and Multiracial Politics in America* (New York: New York University Press, 2000), 352 pp.; ISBN 0-8147-0663-0 (paper).

This text fills a tremendous gap in the literature on contemporary race relations. Well-organized and expansive, this collection of works covers most of the contested issues in the field of race politics. In Part I, the section on political incorporation, racial polarization, and interethnic discord, Reuel Rogers's work on group identity and Afro-Caribbean immigrants is a breath of fresh air. Unpacking the historical, contextual, and structural barriers facing Afro-Caribbean incorporation, Rogers is thorough in addressing the issues facing both groups. In confronting the myths and misunderstandings present among both African Americans and Afro-Caribbeans in New York, he informs us about these relationships everywhere. Rogers acknowledges and contests a sentiment that some in both groups embrace—that the other is inferior. His work indicates that this common perception of African American and Afro-Caribbean perceptions is not legitimate. He points out that certain perspectives, and coalitional possibilities, may change with the coming generations. Rogers's work reminds us that, interethnic relations, at least as they concern people of African descent, are always in flux.

Articles by Cruz and A. B. Assensoh are perfect complements to the introductory

piece by Rogers. Cruz dissects for us the barriers to coalitional politics among minority groups. The classic representational dilemmas are exacerbated when dealing with powerful minority groups who need to negotiate with less powerful groups for political advancement. As we all wonder what will become of minority politics as the two largest minority groups, African Americans and Latinos, struggle for incorporation, this article lights the way to substantive research questions. A. B. Assensoh's work on possibilities for political cooperation between Africans and African Americans is a historically grounded piece that examines the push-and-pull between the sons and daughters who reside in both the United States and Africa. Assensoh emphasizes that context matters for African-African American relations—and suggests that issues should not always override the racial solidarity imperative.

Part II of the book on political and media institutions includes two strong articles by Michael Jones-Correa and Nacos and Hritzuk. Jones-Correa tackles the question of the ability of cities to incorporate new immigrant actors in the context of dominant African American politics. His analysis of cities as institutions is original and instructive, and this work will become more important as cities become more multi-ethnic. Nacos and Hritzuk explore the substance and form of black representation in media. Using a wealth of data, these scholars demonstrate that while blacks show up more frequently in media, they are most often entertainers or athletes. While there is nothing inherently negative about either of those categories, they are correct in asserting that this is not a benign development. Pigeonholing is sometime indistinguishable from stereotyping.

The next two sections of the book are not as strong—most of the articles are in the middle of a well-worn political science road. Still, they are well-worth reading and provide an excellent foundation for under-

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graduate, and some graduate students. Pei-te Lien's work on racial and ethnic voting trends is informative and interesting. Joseph McCormick II and Sekou Franklin's work on racial consciousness using data from the Million Man March is one of the few solid social science pieces emerging from that significant event. In an article on congressional activity around crime and race, Marion Orr seeks to explain the role of minority representatives in enacting such legislation. As expected, conservative southern Democrats and Republicans are the major players in these activities. While this is perhaps not the most compelling question around issues of crime and race, legislative political analysis that provides a solid historical background is always welcome. Endersby and Menifield's work on substantive representation reinforces Swain's findings in *Black Faces, Black Representation* (Harvard University Press, 1993), which is that it is party identification that matters, not race. Lawrence Hank's provocatively titled article, "Pride and Pragmatism," is an argument for African American party diversification. Pei-te Lien and M. Margaret Conway follow with a creative piece comparing support for affirmative action among African Americans, Whites, Latinos, and Asians. This article confirms that ethnic minorities are more likely to support affirmative action programs, however, not all groups support such policies for the same reasons. The next article in the collection, Errol A. Henderson's "War, Political Cycles, and the Pendulum Thesis," is a dire prediction that black nationalism is bound to increase because of the combination of a tight economic market, war, political cycles, and a repressive political climate. He also predicts that ethnic/cultural conflict, both in the United States and around the world, will increase in the coming years. The last article is one by Mamie Locke on African American women, political incorporation, and the Million Woman March. Locke argues for a multicultural

feminism that evolves from the deconstruction of negative stereotypes and political solidarity among African American women. The epilogue by Alex-Assensoh neatly ties together these essays with references to contemporary personalities and events that illustrate the intellectual mission of the text. It is on that note that *Black and Multiracial Politics in America* ends. The text is an exceptionally useful teaching tool for all of us. It represents a collection of notable scholars arranged with finesse by Professors Alex-Assensoh and Hanks.

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Michael Eric Dyson. *Holler If You Hear Me* (New York: Basic Civitas Press, 2001), 292 pp.; ISBN 0-465-01755-X (cloth).

Years after the tragic death of Tupac Shakur, fans and scholars continue to be fascinated, not only by his music, but his seemingly diabolical life. Numerous scholars have struggled to understand this complex individual, whose "thug" lifestyle did not always conform to the thought-provoking lyrics that he displayed in his music.

This amazing architect of intellectual rap music grew up in extreme poverty with a desolate formal education and a single drug-abusing parent. Due to this fact, he suffered from an inner anger and energy that only few people truly understood. Tupac's lack of education, guidance, and financial security lead this young civil rights pioneer to believe that, as a black male in America, life would never be fair. Thus, he reasoned that he must use power, threats, and even force to bring about social and political change. Moreover, he truly understood the need to encourage black children to strive for excellence, regardless of the cards life dealt. Though other great civil rights leaders spoke of these same issues, Tupac delivered his

graduate, and some graduate students. Pei-te Lien's work on racial and ethnic voting trends is informative and interesting. Joseph McCormick II and Sekou Franklin's work on racial consciousness using data from the Million Man March is one of the few solid social science pieces emerging from that significant event. In an article on congressional activity around crime and race, Marion Orr seeks to explain the role of minority representatives in enacting such legislation. As expected, conservative southern Democrats and Republicans are the major players in these activities. While this is perhaps not the most compelling question around issues of crime and race, legislative political analysis that provides a solid historical background is always welcome. Endersby and Menifield's work on substantive representation reinforces Swain's findings in *Black Faces, Black Representation* (Harvard University Press, 1993), which is that it is party identification that matters, not race. Lawrence Hank's provocatively titled article, "Pride and Pragmatism," is an argument for African American party diversification. Pei-te Lien and M. Margaret Conway follow with a creative piece comparing support for affirmative action among African Americans, Whites, Latinos, and Asians. This article confirms that ethnic minorities are more likely to support affirmative action programs, however, not all groups support such policies for the same reasons. The next article in the collection, Errol A. Henderson's "War, Political Cycles, and the Pendulum Thesis," is a dire prediction that black nationalism is bound to increase because of the combination of a tight economic market, war, political cycles, and a repressive political climate. He also predicts that ethnic/cultural conflict, both in the United States and around the world, will increase in the coming years. The last article is one by Mamie Locke on African American women, political incorporation, and the Million Woman March. Locke argues for a multicultural

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message in an unconventional way. His civil rights leadership came in the form of rhymes, otherwise known as RAP.

This book review is of one of Michael Dyson's latest works, *Holler If You Hear Me*. It is a collection of essays that covers the life of rapper Tupac Shakar and highlights the cultural problems and progress of black America. This book is delineated in three major themes. First, the beginning of Tupac's life and his background are examined. Second, Dyson discusses the rise of Tupac's career as a rapper and as an actor. Third, Dyson's research explores other issues, such as death, life, music, and their impact on the black community.

Dyson's writing about Tupac's life is very interesting. Not only does he utilize other influential books and articles to account for his background of Tupac's life, but he also gathers firsthand accounts of Tupac's life from individuals who knew him well. These personal accounts include interviews with Tupac's family, friends, and co-workers. As illustrated by Tupac's godfather, Geronimo Pratt, speaking on Tupac's life, "[H]e was surrounded by figures that lived and died the struggle for black freedom. From the very beginning, Tupac was fascinated with the history of that which he was born into" (50).

Dyson's discussion on Tupac's childhood overlaps into his second theme, Tupac's achievements in both the music and film industry. Dyson points out that Tupac always loved rapping. In fact, he had an incredible work ethic. Tupac's abilities expanded with his efforts. The more he rapped, the better he became. Further, Tupac had a passion for acting. As a former acting student, Tupac starred in films such as *Juice* and *Above the Rim*. His interest in both music and film propelled him to the ranks of a phenomenal rapper. Dyson intertwines his discussion of Tupac's thug life with his ability to provide an intellectual perspective of the struggle in the black community. According to Dyson, "given its universal popularity and its troubling

effects, hip-hop is a vital cultural language that we had all better learn. To ignore its genius, to romanticize its deficits, or to bash it with undiscerning generalities is to risk the opportunity to engage our children about perhaps the most important cultural force in their lives" (8).

Though there have been other scholars to discuss the background and life of Tupac, few have discussed the symbolism of his spiritual lyrics. Dyson's work is unique because the third theme of the book elaborates on Tupac's spiritual lyrics. Dyson, who is a trained minister, explores the spiritual words Tupac used in his music. Moreover, Dyson discusses the influence of Tupac's religious view on the black community. Dyson also explores other cultural themes such as art and music in the black community. This review of Dyson's book sheds light on Tupac's understanding of what these themes mean in the development of the hip-hop culture.

After piercing the surface, the reader learns that the main purpose of this book is to explore deeply the intellectual and sometimes complicated lyrics of Tupac's rap. Unfortunately, the book falls short of this goal. In order to clearly satisfy this premise, the author could have spent more time analyzing the mass of lyrics that Tupac left for this world to embrace. Tupac's work covers a broad spectrum of issues including race, politics, and class. Indeed, an analysis is warranted on such divisive issues in America. Further, the author could have spent more space in the book discussing the implications of Tupac's rampant drug and alcohol use. Using drugs easily impairs the decision-making process. Also, in using drugs one gets tied to the criminal justice system usually for life. Moreover, drug use helps to deteriorate one's health significantly. Last, using drugs sends a bad message to America's youth. It is essential for others to learn from the positive and negative aspects of Tupac's life so the negative won't be duplicated and the positive perhaps can be emulated.

Although the book does not satisfy all the expectations of the reader, it is a thought-provoking, stimulating work. Dyson has explored a much-needed topic. Because our new generation is infected with the hip-hop culture, it is critical that more scholars research and write about this new "Hip-Hop" world.

Brian Christopher White
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Valerie C. Johnson. *Black Power in the Suburbs: The Myth or Reality of African American Suburban Political Incorporation* (Albany: State University of New York Press, 2002), x + 227 pp.; ISBN 0-7914-5528-9 (paper).

When one first reads the title of the book, *Black Power in the Suburbs*, it appears to be an oxymoron. The term "suburbs" are usually synonymous with whites who have exited large cities in what is pejoratively called "white flight." Johnson offers a unique study of African Americans in Prince George County, an area outside of Washington, D.C., located in eastern Maryland. While existing studies of rural and urban African Americans are numerous, especially the latter, the focus on black suburbanites in politics is rare indeed. In this regard, coupled with the emphasis on *Black Power*, the study appears to be quite novel. It is most interesting that the phrase *Black Power*, however, first coined in a scholarly book title with the same name by Stokely Carmichael and Charles V. Hamilton (Carmichael and Hamilton, 1967), is rarely used in the book and does not even appear in the index. Alternatively, in order to get at the notion of power, and blacks in particular with power, the author utilizes the term political incorporation. An important distinction is made between this phrase and the concept of political representation as it relates to African Ameri-

cans in Prince George County, which has one of the highest per capita socioeconomic statuses of any county in the United States for African Americans. She states that political representation is simply related to the presence of a particular group whereas political incorporation suggests becoming an integral part of a policymaking body and "coalitions that promote the interests of a particular constituency" (p. 5). And while representation is a precursor in order to be effective in the policymaking process, Johnson maintains, by and of itself it does not guarantee influence in the policymaking structure or policy outcomes. Johnson argues that the model that directs this study of African American political incorporation, which essentially means influencing policymaking and policy outcomes, is based upon internal and external factors on which she elaborates (p. 8).

The author acknowledges that the book has a number of limitations. This includes examining disparities in public policies rather than measuring the effects of public policies, an emphasis upon educational policies and other policies that affect education attainment and disparities in education, and the single case study method, in which the latter precludes comparisons with other suburban entities around the nation. However, the focus on black suburban political incorporation and its contribution to a paucity of literature in the field is a redeeming quality of the book that overshadows its shortcomings. The outline and content of the book provide a logical progression in understanding the growth and development of Prince George County. This begins with African American migration to the area, the various socioeconomic classes that constitute the black population, the struggle for political representation, the fight for key black political appointments, educational policies of the county, the myth and reality of political incorporation, and what the author refers to as the tale of two cities (pp.

Although the book does not satisfy all the expectations of the reader, it is a thought-provoking, stimulating work. Dyson has explored a much-needed topic. Because our new generation is infected with the hip-hop culture, it is critical that more scholars research and write about this new "Hip-Hop" world.

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20-21). The period of study for the research for the book is from 1971 to 1994.

Johnson chronicles the rise of the black population in Prince George County. This chronology speaks of important increases in racial representation in areas including the county police, the county governing board, the school board, and other organizational and policymaking entities. Nevertheless, she also notes that the numbers and percentages of African Americans in these positions are far from representative. She also reveals the fact that a position in a governmental structure does not necessarily mean political power or decision-making authority. The author notes that in her interviews with black elected county officials one cited the fact that a black female appointee who held the position of director in her agency had to defer to her white "subordinate" in decision-making (p. 85). Utilizing a qualitative method, the author also found that there was a consensus among black officials that white constituents "want people who are like them, who will carry their interests, who will do what they are told to do, and not think for themselves" (p. 84).

The author states that the potential for full African American political incorporation and empowerment has not been achieved yet in Prince George County because "policies and programs that promote the policy interests" of this political and racial entity have not been realized (p. 131). While African Americans in this area of Maryland have obviously made a great deal of political and economic progress, four impediments stand in the way of full political incorporation. These include diverse class interests, the maladroitness in mobilizing voters and resources representative of their numbers in the electoral arena, the inability to form a consensus related to policy in the educational arena, and the strong resistance by whites to be accepted as twin partners in the dominant governing coalition (p. 131). Political co-optation and only partial political incor-

poration have served as impediments in achieving policy outcomes beneficial to a larger African American constituency.

One of the important lessons of Johnson's work, among many, is that even in a county that has a high per capita income, it does not mean that policy outcomes will favor this group. Or, put more simply, money does not always buy influence for an affluent class of people. Consensus building is even more difficult when a large segment of the population is still poor, because divergent policy interests are more likely to fracture group cohesion that may be fragile to begin with. This is particularly true with regard to policies in the educational arena (p. 142). Nevertheless, policy issues related to civil rights and racism, issues that affect all African Americans, still have the possibility of wider consensus building. The key, as Johnson notes, is to maintain intragroup unity on such issues while continuing to build a political consensus and political incorporation in governing bodies. A challenge for future county administrations dominated by African Americans is to address the concerns of poor and lower income African Americans inside the beltway of Washington, D.C. Complete political incorporation must unequivocally address their needs and concerns as constituents. But this must be balanced with the concerns of the African American middle class which, ironically, has begun to flee the area because of the influx of the less fortunate blacks who are moving out from the nation's Capitol (p. 162). This appears ironic to say the least, but obviously represents class differences more than race variation.

Only by duplicating Johnson's study in other suburban entities of large cities will it allow scholars to understand the extent of political incorporation for the black middle and lower classes. It seems that the challenge that Johnson lays out may be a delicate balancing act of political incorporation for the black middle class that

also addresses the needs of the poor while at the same time engaging and coalescing with whites in the political process. In short, the black middle class must participate in a political fight rather than engage in flight. This is a compact book of 162 pages (along with end matter including appendices, bibliography, notes, and index), which is an easy read yet provides insight with regard to black politics in the suburbs. Besides breaking new ground, this book is ideal for courses in African American politics and making comparisons between city and suburban constituencies and political processes.

References

Stokely Carmichael and Charles V. Hamilton.
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Leonard Moore. *Carl B. Stokes and the Rise of Black Political Power* (Chicago: University of Illinois Press, 2003), 264 pp.; ISBN 0-252-02760-4 (cloth).

Carl B. Stokes, the first African American mayor of Cleveland, Ohio, was one of the first black mayors of a major city. His election, along with that of Richard Hatcher of Gary, Indiana, which occurred in the same month, marked a watershed victory in the struggle for African American power and freedom. But surprisingly, there has yet to be a book-length treatment of Stokes' election and his tenure in office. By filling this gap Leonard Moore's work *Carl Stokes and the Rise of Black Political Power* marks a signal contribution to the literature, and a valuable addition to the growing number of works devoted to analyzing black politics through the biographical lens of black mayors.

Moore first traces Stokes' early life in Cleveland. Moore's life to a certain extent bespeaks some of the pitfalls associated with readily identifying African American problems with single mothers on the one hand, and poverty on the other. Stokes' father died when Carl was only three years old, and he was raised by his mother in a ramshackle on Cleveland's East Side. While Stokes was not a bad student, he quickly fell in with a bad crowd, recognizing that black life chances were largely dictated by racism rather than by academic success. At the same time, it also emphasizes the impact that the GI Bill had on the life chances of African American servicemen. It is clear from a number of accounts that the GI Bill was not designed to aid black servicemen (or for that matter women of all races). Racist institutional practices had an adverse impact on black educational outcomes, and they also made it difficult for those African Americans with the education to get into colleges using the benefit. But Carl Stokes, who enrolled at the historically black West Virginia State College, was one of the few able to take advantage of this critical resource. And it was here that he became politically aware, and politically active.

Moore traces, effectively, Stokes' ascendance from liquor agent to mayor; outlining some of the larger social forces that impacted Cleveland in general and black Cleveland in particular. Those familiar with urban politics in general are familiar with this narrative's white flight, black migration, the development of racially exclusive suburbs, and the federal creation of interstate highways, all of which play a role here, just as they did in Detroit, Pittsburgh, and other rustbelt cities. Moore does a particularly effective job of tracing Stokes' strategic thinking, applying a literally scientific approach to politics, calculating black voter percentages and raw numbers, and creating a viable winning strategy from that data. As Moore notes, Stokes lost in his first attempt,

also addresses the needs of the poor while at the same time engaging and coalescing with whites in the political process. In short, the black middle class must participate in a political fight rather than engage in flight. This is a compact book of 162 pages (along with end matter including appendices, bibliography, notes, and index), which is an easy read yet provides insight with regard to black politics in the suburbs. Besides breaking new ground, this book is ideal for courses in African American politics and making comparisons between city and suburban constituencies and political processes.

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but was successful in his second attempt by less than 5,000 votes. What is notable here is that Stokes literally ran on a pacification campaign, stating explicitly that he was the only candidate who could keep black Clevelanders from rioting. I will return to this below.

Once elected, Stokes' successes were attached to two different forces: federal aid to urban areas on the one hand, and white corporate interests on the other. His Cleveland Now! program was widely lauded, and as Moore notes, Stokes was very effective in mobilizing disparate interests (corporate interests, black working-class citizens, black middle-class citizens, white middle-class citizens) in favor of a plan that would result not only in a significant infusion of capital to deal with social ills, but would give Stokes a large source of capital to disburse as he saw fit (without City Council intervention). But Stokes' difficulties in dealing with a recalcitrant police force, a hostile cell within the City Council and, to a lesser extent, black nationalists on the one hand, and black middle-class citizens (who fought against Stokes' plan for lower income housing developments) were in the long run difficult to handle. Again, Moore does a more than adequate job of outlining the various problems that Stokes had to face not only being an African American mayor of Cleveland, but also being a national black leader. His conclusion examines Stokes' forays into telejournalism briefly, his appointment to a municipal judgeship, and a brief foray into some of the implications of Stokes' run for Cleveland, and for the black freedom struggle in the North.

As I note above, in as much as there had yet to be a full examination of the Stokes' legacy, Moore is to be applauded. The book is well written, and contains a variety of insights. However, at the same time, there are problems that mar the work's effectiveness. While Moore does address the larger social dynamics impacting black Cleveland, implicitly tying Cleveland's

story into a larger story about the rustbelt in general, he is less effective in examining the political structure of Cleveland. For example, through the process of reading the work I found that the mayoral terms in Cleveland are only two years. This is different from every urban system with which I am familiar. The standard is four years, with a variety of term variations (some cities like Atlanta have term limits while others do not). How did the two-year window (which is in some crucial ways a one-year window given the need to devote at least a year to the campaign) impact Stokes' ability to get legislation passed? Moore details the various battles between Stokes and members of the City Council but does not explicitly outline the powers of the City Council as opposed to the powers of the Mayor. Such an account is needed in order to fully detail some of the struggles that Stokes had to overcome.

Furthermore, Moore shows persuasively that the black community in Cleveland was really more like a series of interrelated black communities. The various black nationalist organizations had one constituency, the conservative black city councilmen had another constituency, and the middle-class black leadership had yet a third constituency. What does it mean to fight for black political freedom in the aggregate given these different communities and their differing interests? On page 197, Moore notes that since Stokes left office in 1971 there was no serious effort to institutionalize the power of black mayors. Is this possibly because the concept of black political freedom is itself an abstraction, and that creating a set of institutions devoted to the interests of black activists of various class backgrounds, black working-class citizens, and black middle-class citizens is exceedingly difficult given their different interests? Or is it possibly because modern black mayors are so hamstrung by fiscal realities of modern cities? Finally, there are a few minor critiques. Carl Stokes' brother was a noted congressman

while Stokes was mayor, but oddly enough there are only two or three mentions of him in the entire work. And there appears to be a marked attempt by Moore to place Stokes' mayoral election in the middle of a larger narrative about ethnic succession that is troubling given the significant differences between Cleveland in the late 1960s and Cleveland in the 1930s. Finally, Moore refers to Stokes as the first African American mayor of a major city. Richard Hatcher was elected mayor of Gary the same year and was installed on January 1 of 1968.

Given Moore's stated goal of using Stokes' life as a way to understand the black northern struggle for freedom, the larger questions I address above are not simply rhetorical. Rather they are significant questions that Moore should be able to answer in this work if he desires to speak to larger issues of Northern black activism. But yet and still, for those interested in examining the growth of the new black politics from its beginnings, this work is one to read.

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