

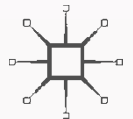
AMERICAN  
HISTORY,  
RACE AND  
THE  
STRUGGLE  
FOR  
EQUALITY



*An Unfinished Journey*



Masaki Kawashima



American History, Race and the  
Struggle for Equality

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# American History, Race and the Struggle for Equality

An Unfinished Journey

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Masaki Kawashima  
Nanzan University  
Nagoya, Japan

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# Introduction: The Invention of “Race” in the Modern World System

## 1 WHAT IS THE MAIN THEME OF AMERICAN HISTORY?

### 1.1 *Studying History for a Better Future Global Society*

Although historians attempt to be as neutral as possible, they must select and rank innumerable data and facts from the past while making every effort to discover the hidden voices of those who were unable to leave any record. What standards should historians uphold? Yuge Toru, the late Professor Emeritus of the University of Tokyo and a leading authority on the history of the Roman Empire, stated that a historian’s selection and ranking of facts from the past should relate to their image of a desirable future society.<sup>1</sup>

E.H. Carr, a British diplomat and historian, similarly argued that historians should serve society by broadening their understanding of the past in search of better choices for the future. He also warned us to “[s]tudy the historian before you begin to study the facts.... By and large, the historian will get the kind of facts he wants. History means interpretation.”<sup>2</sup> He knew very well that it would be difficult for historians to keep themselves immune from the dominant mood of the times they live in.

The key word at present when thinking about a better future society is “globalization,” and this term includes the international migration of highly motivated young workers from “developing” and/or “underdeveloped” countries to “developed” or “advanced” countries. This globalization has resulted in a diversity of cultures and skin colors in

“advanced” and deindustrialized countries and has sometimes produced political polarization.

### 1.2 *The Search for Fairness to Approach Justice via Democracy*

Since its founding, the United States has been struggling with how to make good use of its racially and ethnically diverse population. It is an exceptional country among the rapidly aging “advanced” countries in that it sustains a relatively young labor force in the twenty-first century. The main reason for this is the influx of huge numbers of younger immigrants from across the world with intellectual and monetary aspirations. Its foreign-born population currently stands at over 40 million (12.8 percent of the total population).<sup>3</sup> The overwhelming majority of the new immigrants are non-Europeans. By the early 2040s, the white population is set to become a minority for the first time in U.S. history. The Baby Boomers, consisting mostly of whites, are aging, and they will have to depend on a young, non-white America.<sup>4</sup> In recent presidential elections, a deep rift has opened up between the more multicultural constituencies that accept the inevitable trend toward more diversity, and reactionary stakeholders consisting mainly of whites who are determined to defend the status quo.<sup>5</sup>

This book presents an overview of U.S. society’s historical efforts to pursue the meaning of—and the way to fulfill—fairness. I use the concept of fairness in the U.S. context as it can provide clues for solving the enigmatic problem of how to obtain justice within the framework of democracy, and this is caused by two sometimes conflicting frameworks, democracy and justice. The former basically means a majority rule that often results in the protection of a majority’s vested self-interests, while the latter includes the restoration of minority rights which have more often than not been violated even in this democratic society. But what is fairness? The art of persuasion through emphasizing fairness requires not only an ethical but a pragmatic attitude, and two distinguished scholars can provide us with insight. The late John Rawls’ *Justice as Fairness* (2001), that includes his “revised two principles of justice,” is evocative of the strong relation between the concept of American justice and fairness. His second principle is especially remarkable because it requires “the greatest benefit of the least-advantaged members of society” in pursuing an individual’s indispensable right to liberty.<sup>6</sup>

The second is Robert H. Wiebe, who was an authority on the political and social history of American democracy. He insisted that American

democracy contains “majoritarianism” in which any principle, including those of Rawls’s, must be accepted by the majority of people in a polity. To fulfill justice within the framework of democracy depends on the ability to diversify a constituency and to reach universal consent that goes beyond differences in “race,” ethnicity, gender, generation, and so on.<sup>7</sup>

Thomas Jefferson enshrined the “pursuit of happiness” as a basic human right in the Declaration of Independence. U.S. society has historically tried to organize an individual’s right to pursue their own happiness—which has sometimes resulted in conflict—by using the term “fairness.” What, then, is the purpose of government? A key task of a government is to provide every citizen with equal, basic conditions for them to pursue their own happiness.

### 1.3 “Americanism” and “Race”

This book focuses on the African American struggle for fairness. Their history illuminates most sharply the inconsistency between the American ideal and reality. After all, how could “Americanism,” a set of American creeds emphasizing democracy and freedom, have coexisted with hereditary slavery and legalized segregation even after the abolition of slavery? Why did Martin Luther King, Jr., have to request basic rights for citizens, including voting rights in 1963, the centennial of the Emancipation Proclamation?<sup>8</sup> After all, the Emancipation Proclamation was supposed to free African American slaves and then give them full citizenship, including the right to vote, by amending the U.S. Constitution. Didn’t the Supreme Court decision of *Brown v. Board of Education* in 1954<sup>9</sup> solve the problem of legalized segregation? And why did the tragedies including the following two incidents occur during the second term of the first African American president of the United States? The first involved a young African American man who was shot to death by a white police officer in Ferguson, Missouri, in August 2014; the second was the mass shooting that took place at Emanuel African Methodist Episcopal Church when nine African Americans, including the pastor, were killed by a 21-year-old white gunman during a prayer service in Charleston, South Carolina, on June 17, 2015. Why have some white police officers who shot and killed unarmed Black<sup>10</sup> boys and adults not been indicted? Why are there such explicit discrepancies in income and poverty among the “races” after four decades of Affirmative Action? Why is Affirmative Action being abolished state by state when other countries, such as Japan,<sup>11</sup> are just beginning to

follow the American model? Why was Affirmative Action as we know it today institutionalized under the presidency of Richard Nixon, a conservative Republican, following 8 years of a Democratic administration? Why are there still inner-city ghettos suffering from high rates of crime and concentrated poverty half a century after the Civil Rights Act of 1964 and the Voting Rights Act of 1965? Are these adversities the result of a lack of personal responsibility, or government failure? What about the results of the Civil Rights Movement in general? Was this internationally well-known social movement almost meaningless?

In search of answers to the above questions, this book will first look at the very beginnings of modern *Homo sapiens*. The latest scientific research, thanks to the development of molecular-level biological analyses of the human genome, has concluded that monophyletic theory, or single-origin theory, rather than the old polyphyletic theory, or plural-origin theory, is true. In this sense, the story of Adam and Eve—that all the “races” of modern human beings are brothers and sisters—has at least some scientific basis, and recently discovered archeological evidence has reinforced this.<sup>12</sup>

## 2 THE SCIENTIFIC REJECTION OF “RACE”

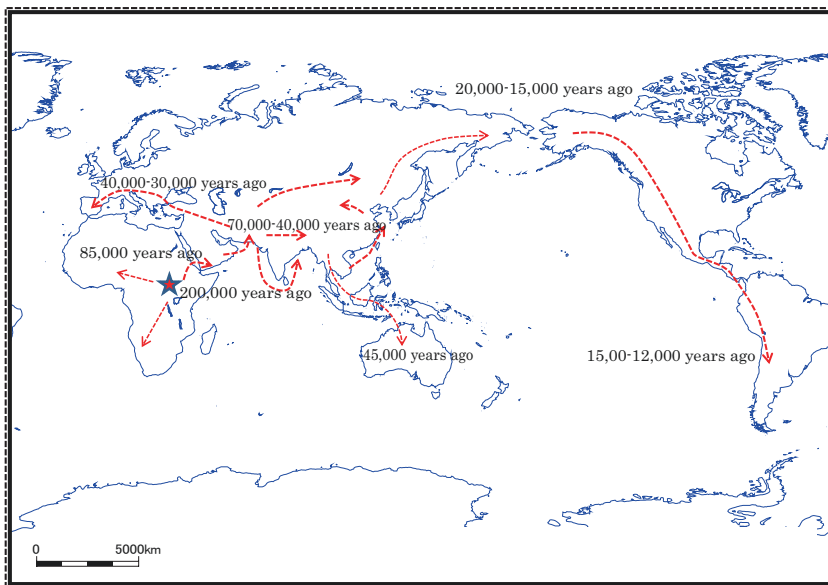
### 2.1 *The International Joint Human Genome Analytical Project*

Toward the end of the twentieth century, an international joint research project to analyze the human genome began. The results were revealed in 2003 on the fiftieth anniversary of the discovery of the double helix structure of DNA. Several important facts were made clear. Among them was the scientific fact that “there is not at all biological evidence for racial categorization because the deviation of a generic trait within one “race” is bigger than that between the “races.”<sup>13</sup>

Sixteen years before this historic public notice, the research results of the molecular-level analysis of human DNA in mitochondria were officially announced and, coupled with the discovery of a 160,000-year-old fossil of a human being’s head and body, strongly supported the monophyletic theory or single-origin theory of human beings. The researchers concluded that all 7 billion human beings share one single maternal ancestor in Africa, and named this woman “Mitochondrial Eve.”<sup>14</sup> It turned out that there was also one single original father, named “Y-chromosomal Adam” by researchers, shared by all 7 billion human beings. Therefore, all human beings are descendants of “Adam” and “Eve” who lived in Africa about 200,000 years ago.<sup>15</sup>

The old polyphyletic theory, or plural-origin theory, then began to be rejected. The white “race” is not descended from the Neanderthal, and neither are Asians the descendants of the Peking or the Java.<sup>16</sup> As mentioned above, the first human beings were born in East Africa around 200,000 years ago and then gradually dispersed throughout the world, including the Americas during the Ice Age, when it was possible to cross on foot via the “Beringia,” a kind of bridge connecting the continents of Eurasia and North America, because the swollen glaciers resulted in a declining sea level. These “new” human beings, our common ancestors, replaced ancient/paleoanthropic man everywhere except for the Americas, where so far there has been no discovery of any trace of ancient/paleoanthropic man. The African single-origin theory, or “out of Africa” theory, has been reinforced by the discovery of physical evidence such as the fossils of human cranial bones<sup>17</sup> (see Map 1.1).

Human-genome analysts like Bertrand Jordan of CNRS (Centre national de la recherche scientifique) in France have concluded that we are all of “mixed blood” and the notion of a “pure race” should be strongly



**Map 1.1** Origin and diffusion of human beings (Source: *National Geographic* [March 2006]; Stephen Oppenheimer, *Out of Eden: The Peopling of the World* [London, UK: Robinson, 2012])



criticized. Therefore, we should use the term “ancestor” based on geographical background rather than “race” based on pseudoscientific data.<sup>18</sup>

## 2.2 *The Persistence of the Concept of “Race”*

As molecular-level analyses and archeological evidence have revealed, human categorizations based on “race” have so far been rejected in the natural sciences, especially in biology. The concept of “race” also cannot be considered statistically significant. Even visible differences such as skin color within one “race” are more pronounced than those between “races.”<sup>19</sup> As human beings we are influenced by visible characteristics, especially skin color, in our everyday lives. In the context of the United States, “race” as a social construction is far from disappearing, even after the discovery of the scientific evidence outlined above. This is why I make it a rule throughout the book to use the word “race” in quotation marks.

The United States has made public its statistical data based on “race” every ten years since 1790, sometimes resulting in prejudice among ordinary citizens. The data are also used as an analytical tool by researchers. For instance, Michelle Alexander, a legal professor, estimates that based on criminal census data, three out of four young African American males in the inner cities of metropolitan areas such as Washington, D.C., and Chicago will be incarcerated at some time in their lives (see Chap. 8).<sup>20</sup> Reading these statistics could make those who are not Black wary of Black males. Perhaps it could be said that this is statistically rational, not prejudiced, behavior. As will be argued in Chap. 8, the “racial profiling” of African Americans continues with judicial approval. If governmental statistics based on “race” were reported day after day in, for example, Japan as in the United States, this would surely build or reinforce a certain “race” prejudice in Japan, too.

On the other hand, in the case of the “model minority,”<sup>21</sup> these statistics appear to produce “benevolent prejudice.” It could be assumed that the relatively high incomes of Asian Americans, for instance, are due to their high educational achievements. But this kind of positive bias may have an adverse effect on them: the “benevolent prejudice” asserting that “Asians are good at mathematics” not only produces social pressure on Asian American school children but also conceals the existence of discrimination. According to statistics from 2012, 84 percent of Asian Americans enroll in colleges or universities immediately after they graduate high school.<sup>22</sup> However, even after graduating, high expectations at work and

relentless global competition may produce extra pressure. Coupled with ingrained prejudice against Orientalism, the suicide rate is high and mental problems are rife for this demographic.<sup>23</sup>

Women have historically been victims of a discrimination that still remains. According to the latest data published by the U.S. Department of Education, in 2012, even women who obtain master’s degrees or higher academic or professional degrees, including MBAs, earn 18 percent less than men with the same level of education.<sup>24</sup> In the case of Black women, who suffer from both gender and racial discrimination, the difference is even greater. Although the data are somewhat old, according to the results of a survey published by the Federal Glass Ceiling Commission in 1995, the average income of Black women with an MBA and/or other professional degree was only 59.8 percent of that of white males with the same degree.<sup>25</sup> Even after decades of preferential quotas, it can be assumed that gender and “race” still remain as strong as ever in determining a person’s economic status. However, in the fall of 1996, the State of California decided by referendum to abolish Affirmative Action by amending the state constitution to prohibit state governmental institutions from considering “race,” sex, or ethnicity when hiring, specifically in the areas of public employment, public contracts, and public education (see Chap. 8).<sup>26</sup> The results have been disastrous, especially for African Americans and Hispanics/Latinos. The state-level abolition of Affirmative Action has spread gradually since then to Washington (1998), Michigan (2006), Nebraska (2008), Arizona (2010), New Hampshire (2012), and Oklahoma (2012) via initiatives under the banner of “restoring democracy.”<sup>27</sup>

One of the most obvious discrepancies between the “races” is the poverty rate (see the Conclusion). According to the latest data (2013), the poverty rate of African Americans (27.2 percent) is almost three times as high as that of whites (9.6 percent). This means African American children are three times as disadvantaged as white children at birth.<sup>28</sup> Thus, although “race” has been rejected in some quarters as a scientific category, it remains a rigidly constructed social category in U.S. society.

### 3 SLAVERY ESTABLISHED DURING THE MODERN AGES

#### 3.1 *Slavery Was Not Handed Down from Ancient Times*

Present-day debates over Affirmative Action in the United States require a more historical perspective. First, slavery, especially that established in the

British West Indies and then on the British North American Continent, was not an institution bequeathed from ancient or feudalistic times, but began in the early Modern Ages with the so-called “Age of Discovery” that started with Columbus’s arrival in the “New World”<sup>29</sup> in 1492. Many people assume that slavery is an ancient, inhumane forced-labor system inherited from the Ancient and Medieval Ages. However, it is the Modern Ages that produced and developed hereditary slavery based on “race,” and modern science fostered and reinforced this. This historical fact leads us to question the real and core nature of the Modern Ages. The rise and fall of hereditary slavery based on “race” and the development of the pseudoscientific notion of “race” have been closely related to the development of capitalism and industrialization.<sup>30</sup> In this sense, the persistent prejudice coiling around “race” is not so much an inevitable product of the human instinct to become alarmed at different appearances, but an artificial creation by the leaders of the Modern Ages profiting from colonialism, capitalism, and industrialization under the banner of a “nation-state.”

When hearing the word “slavery,” one may conjure up pictures of men in chain gangs forced to labor under slave drivers with whips. This “typical” image of slavery was established during the Modern Ages. The Iberian countries that colonized the “New World” and introduced slavery there already had a “template” in their own countries. But theirs was a feudalistic status system not exclusively based on “race.” In other words, slavery in the Iberian Empire was different in nature from that established in colonial Virginia, and with its old medieval status system, the Iberian Empire lagged behind in the development of capitalism and industrialism.

Slaves in the Iberian Empire and the ancient Roman Empire were able to marry and had custody of their children, at least partially. They were under an essentially different status compared with those in Virginia after the establishment of legalized slavery in the 1670s in Virginia. Slavery did not exist in Britain when the British began to colonize Virginia in 1607; it took two generations after the first group of Africans arrived in Virginia in 1619 to establish a “slave society,” where every social order had something to do with “race.” In the meantime, Virginia was just a society with slaves.<sup>31</sup> Labor in the early years was provided by white indentured servants, who had contracts as unfree laborers for 4 to 7 years and then were allotted “free land” for their economic independence after finishing their contracted term. This system was considered a solution to the domestic social problems with vagabonds in urbanized Britain and also to the development of the overseas colonies. Before long, Britain established hegemony over the Atlantic slave trade. At the same time, Britain started

earlier than other Western nations to reform their domestic system of economy and politics based on the theory of “natural rights” after they went to extremes such as the execution of King Charles I in 1649.<sup>32</sup> The democratization of the economy included the demise of the monopoly of the slave trade by the British Royal African Company in 1698, after which the slave trade developed dramatically.<sup>33</sup> In a sense, economic development in the early part of the Modern Ages kept pace not only with this political and economic democratization but also with the development of hereditary slavery based on “race.”

### 3.2 *Sugar, Slavery, and America’s War for Independence*

The West European nations fought each other for the hegemony of the Atlantic trading system, the so-called Triangular Trade,<sup>34</sup> with the slave trade as its base. Most of the wars between the Western countries in the early Modern Ages concerned sugar, the first “world commodity” in history. A series of wars occurred over the hegemony of sugar production and its marketing as well as the supply of slaves for labor. It was Spain and Portugal that sponsored Columbus’s arrival to the “New World” in 1492 and reached the first hegemonic position in Atlantic trade following the victory in the Battle of Lepanto in the eastern Mediterranean Sea in 1571 against the Ottoman Empire. It was mainly the Portuguese that introduced sugarcane to São Tomé, an island in the Gulf of Guinea, and then introduced it to the “New World,” especially Brazil. Before long, Dutch merchants came to know how much profit this was producing, and they arrived with the necessary technology for sugarcane cultivation along with a labor force consisting of slaves from Africa, and participated in sugar production in Brazil before being persecuted by the Portuguese. The Dutch merchants then sought new fields in the West Indies. The British Empire, using its overwhelming military power, then took over the slave trade, first by defeating the Dutch, and then the French. After a century-long war against France, the British Empire finally established their hegemony with the Paris Treaty (1763). This war is known as “The Second Hundred Years War.” Its end occurred just before the beginning of the anti-British movement in the 13 colonies, leading to the American Revolution for Independence (1775–1783).

Sugar produced huge wealth and was considered to be the key to the integration of modern nation-states in Europe. It was African slaves who produced the sugar.<sup>35</sup> According to Philip Curtin, an authority on the

history of the slave trade, it has been estimated that the total number of Africans who reached the “New World” alive numbered about 10 million.<sup>36</sup> As mentioned above, the British Royal African Company monopolized the slave trade in its early stages. Then after the Glorious Revolution (1688–1689),<sup>37</sup> its monopoly began to be criticized, and the final abolition of its monopoly in 1698 led to the tremendous development of the slave trade and slavery in the British colonies in the “New World.” This resulted in whites, including the lower class, being able to enjoy at least a small share of the affluence brought by the British Empire, while the lack of freedom for Blacks in the “New World” was simultaneously widened. White colonists in the “New World” were also able to profit from the Triangular Trade. In colonial Boston, the hub of the colony of Massachusetts, and the Quakers’ colony of Providence, the main city of Rhode Island, trading, shipping, and insurance companies flourished under the British policy of “Salutary Neglect”<sup>38</sup> during the long-term conflict with France, in which they would engage in smuggling, including directly with the slave trade from the West African coast, by exchanging rum for human commodities. It was ironic that the Puritans and Quakers, who were strictly prohibited from drinking alcohol, were engaged in producing rum with a very high alcohol content in order to buy and sell human beings as commodities. Merchants in other British colonies also participated in this illegal but purposefully neglected trade, which brought tremendous wealth to the colonies as a whole. Agricultural products, fish, and timbers were exported from the Middle Colonies and New England to the West Indies to provide food and other necessities to sustain slave labor (see Chap. 2). In the South, slavery had directly produced prosperity, and in the North, the colonists, regardless of class, directly and/or indirectly accumulated their wealth for future development within the Atlantic trading system.

During the Second Hundred Years’ War (c. 1689–c. 1815) between England and France, people in British North American colonies fought against the Native American nations because the latter were in alliance with the French Army. The North American theater of the worldwide Seven Years’ War (1756–1763) was therefore known as the French and Indian War (1754–1763). For the white colonists from England, the war was primarily meant to defend and widen their respective local territories. Although their economic interests sometimes conflicted and their cultural and religious backgrounds were not the same, they began to feel they shared the same destiny. The splendid military leader of the 13 colonies was George Washington, the future first president of the United States.

After the Paris Treaty of 1763, which finally ended the long war against France and the "Indians,"<sup>39</sup> England imposed stricter controls over the smuggling carried out by American merchants, along with high taxation, which would lead to the war for America's independence.

### 3.3 *Modern Slavery vs. Ancient Slavery*

As already suggested, hereditary slavery based on "race" began simultaneously with modernization in Western Europe. How did it differ from slavery during the ancient or medieval ages? The most obvious difference was that the elites of Britain and other modern nation-states in Europe had to cope with the paradox derived from the principle of "natural rights," with its basic principle being "all men are created equal." However, they had to force a certain group of people into a hereditary, unfree status while pursuing their own freedom based on the theory that all human beings are created equal. This was done using the concept of "race" that scientifically rationalized the above-mentioned contradiction.

By the end of the seventeenth century, when the slave trade had reached its zenith, linguistic approaches to "race" research had already begun, and human beings were categorized as "Indo-European," "Ural-Altaiic," "Afro-Asiatic," and so on. They were also subcategorized into "German," "Latin," "Korean," "Japanese," and so on.<sup>40</sup> The categorization of "race" was developed based on skeletal and external differences. Along with the development of hereditary slavery based on "race," research carried out by anthropologists helped the main focus for categorization to shift from language to appearance, especially differences in skin color. As a result, people originally known as "eastern whites" became "yellows" or "Mongolians." Europeans then became "whites" or "Caucasians," and finally three major "races," that is, "white," "black," and "yellow" were established. This trend overlapped the development of the European colonial powers and the subordination of African and Asian nations to them.<sup>41</sup> The "race" theory was based mainly on the easy-to-understand concept of visible differences like skin color. By that time, the "New World" had already become a meeting place for Europeans and "Indians," which reinforced the scientific categorizations of "race" in modern Western Europe. Although the "New World" was where different national groups from Europe were fighting each other for hegemony over the Atlantic trading system, they were identified as "whites" by the indigenous peoples outside of Europe. The introduction of African slavery to the "New World" stimulated this tendency.

With the rapid increase in sugar production, the swollen demand for labor was supplemented by the African slave trade, not by the enslavement of the indigenous peoples in the Americas. One of the reasons for this was due to the agricultural skills of the Africans, who could grow sugarcane, indigo, rice, cotton, and other staples. Parallel to the enlightened principle of “all men are created equal” and the great contribution of Africans to the development of the British North American colonies, a discourse on the inferiority of those with black skin that had been “scientifically” proven in European academic circles began to spread gradually among Europeans and white Americans. This became the main discourse not only in Britain and other European nations but also in the future United States and South Africa.<sup>42</sup>

### 3.4 *Africans as Accomplices?*

Some researchers, including prominent African American historians such as Henry Louis Gates, Jr., a Harvard professor, have made counterarguments against the recent movement requesting reparations for slavery, the slave trade, Jim Crow,<sup>43</sup> and the aftereffects of *de jure* and/or *de facto* segregation. Gates suggests that not only European merchants but also the local West African ruling class were engaged in slave hunting and that, for the most part, the European merchants only purchased human “commodities” in the ports of West Africa.<sup>44</sup> Can this argument be considered valid?

Karl Polanyi (1886–1964), a Hungarian economic anthropologist, also pointed out the reality that slave hunting was at least partly carried out by the ruling class of the West African nations against other Africans, focusing on the rise and fall of Dahomey, an extremely militaristic state. West African royalty sold slaves in exchange for manufactured goods, including guns from European merchants, and alcoholic beverages such as the rum sold by New England “smuggling” merchants. Africans were therefore compelled to fall into a vicious cycle<sup>45</sup> (see Map 1.2).

Could it be said that Africans were accomplices in the enslavement of fellow Africans? Walter Rodney—a Guyanese historian and politician, who was assassinated in Georgetown in 1980—conceded that “Africans displayed a weakness for and indeed an obsession with European commodities,” but raised a counterargument as follows:

The impression that African society was being overwhelmed by its involvement with the European economy was most strongly conveyed at points when Africans conceded that their slaving activities were the consequence of the fact that nothing but slaves would purchase European goods. Yet



**Map 1.2** Atlantic trading system from the late seventeenth century to the early eighteenth century (Source: Mary Beth Norton, et al., *A People and A Nation: A History of the United States, brief 10th ed.* [Boston, MA: Cengage Learning, 2015], p. 70)

those European consumer goods contributed nothing to the development of African production. Only the rulers benefitted narrowly, by receiving the best cloth, drinking the most alcohol, and preserving the widest collection of durable items for prestige purposes. It is this factor of realized self-interest which goes some way towards explaining the otherwise incomprehensible actions of Africans towards Africans.<sup>46</sup>



Meeting with Europeans, especially English merchants from Britain and North America, not only intensified but also helped to justify the African ruling class's pursuit of self-interests, including *de facto* slave hunting under the name of "Jihad" to spread Islamic beliefs.

At roughly the same time, from the late fifteenth century to the late sixteenth century, Japan was in the age of civil wars (*sengoku jidai*). The Japanese *daimyos* (feudal lords) competed for muskets introduced by Portuguese merchants and missionaries. However, since Japan was geographically distant from the "New World," the main commodities European merchants wanted in exchange for guns did not include slaves. This point, along with the national policy of closing the door to foreigners, except for the Dutch and Chinese, at the end of the Civil War period, could help to explain the stable economic growth throughout the Edo Era (1603–1868) and the self-modernization of Japan from the late nineteenth century, although it was forced to open to Western powers and the United States in 1854. The above is mentioned here to indicate that African nations might have developed independently had it not been for the great demand for an enslaved labor force from European powers and smugglers in the "New World."<sup>47</sup>

### 3.5 *Mulattoes<sup>48</sup> in Latin America and the "One-Drop Rule" in Anglo America*

It has often been said<sup>49</sup> that the differences in "race" relations between Brazil and the United States are mainly derived from the differences in culture among the old suzerain states in Europe, that is, Latin and Anglo-Saxon cultures. Latin cultures were said to be less concerned than Anglo-Saxon cultures, at least when it came to the "one-drop rule." Researchers in the past have tended to focus on whether mulattoes make up a *de facto* social stratum between whites and Blacks, and there has been no mulatto category in Virginia since 1607. Later, this category was established in the census, but "mulatto" remained meaningless throughout the history of the British North American colonies. Virginia had a terrible reputation for its "one-drop rule."<sup>50</sup> This notorious rule spread across all 13 British North American colonies and made all mixed-blood children with African ancestry "negroes" and automatically slaves. There had been strict anti-miscegenation acts, that is, state laws prohibiting interracial marriage. At one time almost all states beyond the Mason-Dixon Line northward prohibited whites from marrying other "races," including

Asians, and this remained valid in 16 states as late as 1967 when the U.S. Supreme Court declared all of them unconstitutional in *Loving v. Virginia*. This “one-drop rule” still influences present-day society: Barack Obama is called “the first Black president of the United States” although his father is Kenyan, his mother is white, and he identifies himself as an African American.<sup>51</sup> In contrast, in Latin America, the mulattoes have had a historically fixed status in society, placed in the middle between the whites and the Blacks.<sup>52</sup>

This “strict” racism as symbolized by the “one-drop rule” in British North America—compared with that of Latin America—was said to have been due to the cultural influences of the mother country. Against this kind of cultural reasoning, several counterarguments have been raised. Winthrop Jordan conducted comparative research within the British colonies, and in the British colonies such as Jamaica, mulatto status existed. The situation there resembled very much that of Brazil and other Latin American nations. Jordan focused not on the suzerain European states’ cultural backgrounds but on the differences of colonial aims and the racial and gender ratio in the respective colonies. Large plantations with absentee landowners and white, single, male overseers were common in the British West Indies, while married-couple yeoman families were common in Virginia and 12 other colonies in British North America. The main purpose for the young white males in Jamaica was to make money and return to their homeland as soon as possible. Many became intimate with local Black women; their mixed children were expected to form a middle class to compensate for the numerically insufficient population of the white ruling class.<sup>53</sup>

However, in the case of Virginia, and considered to be typical of the 13 British colonies, it started literally as a colony, that is, a place for England to colonize a large number of its own people. As already mentioned, not until the 1670s did the ruling class of Virginia finally begin to introduce African slaves on a large scale, with a set of rigidly established laws. The white indentured servants, the main labor force in the early stages, consisting of single English males, sometimes fell in love with Black female slaves, who then gave birth to mixed children. Concerned officials in Maryland, another Chesapeake British colony, banned miscegenation by making it a crime in 1661, followed by Virginia in 1691, and then the anti-miscegenation rule spread to all of the British colonies. Along with this trend, Virginia established a law in 1662 making slaves of all children born to enslaved Black mothers. As already mentioned, this led to

a notorious custom that classified as Blacks and slaves all children with at least one drop of African ancestry. The “one-drop rule” gradually became the standard in the British North American colonies. The purpose of the “one-drop rule” in Virginia was to prohibit white, lower-class men from having sexual intercourse with Black female slaves.<sup>54</sup> However, some whites, including those with high status such as Thomas Jefferson, fell in love with enslaved African women. In Jefferson’s case it was with Sally Hemings, his deceased wife’s younger half-sister by a different mother, and Sally gave birth to possibly four to seven of Jefferson’s children; some were made slaves under the law. Therefore, there are two Jefferson lineages at present. One is that of Martha, his lawful wife, and the other is that of Hemings. According to reports in 2000 and 2001 by the Thomas Jefferson Foundation in Monticello, Virginia, based on DNA analyses at least some of the descendants of Sally Hemings were possibly Thomas Jefferson’s descendants. This controversy is yet to be settled although the two families are on good terms with each other.<sup>55</sup>

### 3.6 *Modern Nation-States, Civil War, and Legalized Segregation*

As Anthony Marx (1997) asks, why did Jim Crow in the U.S. South and Apartheid in South Africa exist while there was no such legalized segregation in Brazil after the abolition of slavery?<sup>56</sup> He pays special attention to the fact that the former two countries experienced severe civil wars. The U.S. Civil War caused more than 620,000 (about 750,000 according to the latest research) deaths, including the death of about 56,000 who died in prisons on both sides, and many soldiers who died from disease, out of a total population of about 31 million.<sup>57</sup> The ruling class in the North needed nationwide reconciliation among the whites in an age of international competition among the western “Great Powers” for Asian and African colonies and/or markets. The United States participated very late, and they strongly needed unity as a “nation.” They victimized the Blacks, who were then concentrated in the South, by a rationale based on “local sovereignty” or “local control” under the principle of democracy. That is why the U.S. Supreme Court recognized local, legalized segregation by “race” with the disfranchisement of African Americans in the South based on the theory of “separate but equal” (although in reality this was “separate and unequal”) in *Plessy v. Ferguson* on April 18, 1896, and supported the Jim Crow system for a further 58 years.<sup>58</sup>

South Africa also experienced civil wars: two Boer Wars (1880–1881 and 1889–1902) between two white groups, with the majority old Boers originally from Holland and the ruling but minority British newcomers. The latter group gained narrow victories with support from Britain. They needed to cooperate with the Boers to control the real majority of native Black Africans. The Boers requested and then finally institutionalized this through Apartheid in the 1940s. On the other hand, Brazil experienced no civil war and that is why there was no legalized segregation there, according to Anthony Marx.<sup>59</sup>

## 4 ARTIFICIALLY CONSTRUCTED “RACE”

### 4.1 *The Declining “One-Drop Rule”*

Jordan’s (1962) and Marx’s (1997) theories are both very persuasive. Additionally, the discourse of “racial democracy” tends to conceal the reality of still remaining discrimination based on skin color in Brazil. On the other hand, compared with race relations in Latin America and the Caribbean islands, the racial dichotomy in the United States, with its remaining “one-drop rule,” seems very peculiar. Barack Obama is called “The First Black American President,” not “mixed.” He identified himself as “African American” in the 2010 Census probably because this term, rather than “Black,” contains more of a multiracial nuance. The number of people with mixed-race backgrounds is increasing in the United States, and although the request to add a new “mixed race” category was rejected in the census in 2000, one could choose multiple “race” categories since then. I have been told by African American friends in the United States that they dislike the “mixed race” classification. At any rate, the “one-drop rule” in U.S. society has been declining with the massive influx of non-white immigrants to the United States that began in the twenty-first century.<sup>60</sup>

### 4.2 *The Redrawing of the “Color Line”*

As shown prior, “race” as a scientific category was rejected by the results of the international human genome analytical project. However, using statistical data gathered and published by the U.S. government, especially the undeniable differences related to economic performance, incarceration rates, educational performance, and so on between the “races,” the notion of “race,” with its rigid reality in present-day U.S. society,

is reinforced. Among other things, the excessively high incarceration rate of young African Americans in the inner-city areas and the use of “racial profiling” by the police have strengthened the mistrust toward African Americans.<sup>61</sup> This is considered not so much prejudice as much as rational behavior based on statistical facts. Thus Henry Louis Gates, Jr., professor at Harvard University, was arrested in front of his own home. Although the police department in Cambridge, Massachusetts, apologized to him, “racial profiling” was acknowledged as a “necessary evil” by the court.<sup>62</sup>

As human beings, we cannot help but be influenced by different appearances. But this instinctive tendency has been exaggerated—“race” was socially constructed with the establishment of hereditary slavery, was legally constructed during the late seventeenth century, and was then reconstructed again after the end of slavery in 1865. Historically, the “color line” has been redrawn again and again, as will be shown in the following chapters. The history of the United States can be seen through the changing of the “color line” in order for the majority to preserve their vested rights and interests by evading the practice of fairness.

In the early stages of colonial Virginia, before the introduction of racially based slavery, citizenship was limited to prestigious leading figures. This privilege was then extended to WASPs, white Anglo-Saxon Protestants, regardless of their economic status. In a sense, at this early stage in American history, “race” and/or ethnicity began to surpass economic class as a political unit, unlike Europe and Japan. The “New Immigrants” from Eastern and Southern Europe between the 1890s and the second decade of the twentieth century, who were discriminated against at the beginning, and banned from immigrating in 1924, were gradually integrated into the “white” category by the second and the third generations (see Chap. 3). Historians call this process “whitening.”<sup>63</sup> In recent years, with the massive influx of non-Black/non-white Asian and Hispanic/Latino immigrants, there has been a trend to shift the “color line” from that between whites and non-whites toward a new one between Blacks and non-Blacks (see Chap. 3). There are also many immigrants coming to the United States in recent years from the Caribbean and Africa. Some have integrated, at least economically, but others are in the process of downward assimilation (see Chap. 9). There seems to be a tendency for the whites, who are predicted to be a minority by the early 2040s, to integrate at least some of the new minorities

in order to secure their dominant status, as shown when they integrated the Italians and Jews into the “white” category during the first half of the twentieth century. The prevalence of the discourse of a “model minority” may be an effort by white America to prepare for the future. The “color line” has been redrawn but has never disappeared in U.S. society.<sup>64</sup>

### 4.3 *Justification of the Freedom/Unfreedom Paradigm in the Modern World*

As a historian, I believe that the world adheres to the Modern World System, in which only some people the world over enjoy “freedom” while others remain unfree in order to sustain the former’s economic freedom. American history overlaps most of the development of the Modern Ages, in which the new system guaranteeing everyone’s “freedom” gradually spread worldwide at the same time that Asia and Africa were colonized and forced into subordination. Japan remained an exception until the end of the Edo Era (1603–1868) under its 230-year-long national isolation policy. Since the Meiji Restoration, Japan has experienced rapid “westernization,” which has included the colonization of other Asian nations, similar to the case of the “Five Civilized Indian Nations”<sup>65</sup> in the United States, who introduced “westernization,” including Black slavery, to their traditional societies. After the two world wars, the non-white colonies attained their independence, but their economic subordination continued and “developmental dictatorships” were justified in developing countries by putting the emphasis on economic development above all.<sup>66</sup>

With the demise of the Soviet Union and the end of the Cold War in December 1991, the last phase of the post-WWII decolonization process began. The global empire, as Michael Hardt and Antonio Negri (2001) demonstrate, is essentially a new type of universal exploitation without any political and territorial annexation. Unlike the former colonial empires, the current global empire has no formal responsibilities to its *de facto* subjects because of the intentional lack of political integrity.<sup>67</sup>

For major corporations worldwide, the current situation of nationally divided countries with huge wage differences is convenient. In a sense, the new global empire is more difficult for oppressed peoples to fight against than the old colonial empires because of its invisibility. While there is little prospect for a politically integrated world society based on the notion of global citizenship with equalized legal protection, the massive migration

of people the world over in search of more advantageous conditions will continue and will lead to political polarization in the United States and the EU.

#### 4.4 *An Overview of This Book*

Part I (Chaps. 2, 3, and 4) depicts the historical background of the “American Paradox,” the simultaneous development of a society structured on the ideal of freedom, and the reality of unfreedom, as symbolized in hereditary slavery based on “race.” Chapter 2 deals with the question of how the “American Paradox” began, and looks at how a republic that gained its independence based on “natural rights” could coexist with hereditary slavery. What led a nation, that was prospering due to slavery, to a disastrous civil war and then to the eventual abolishment of slavery? Chapter 3 then follows the story from the abolition of slavery to the rise of Jim Crow and attempts to answer the question of how the North could recognize this. Chapter 4 depicts first the Great Migration<sup>68</sup> of the first half of the twentieth century and then looks at the Civil Rights Movement that finally brought “equality under the law.”

Part II (Chaps. 5, 6, and 7) deals with the post-movement days to the present, focusing on the unsolvable matter of *de facto* residential segregation not only by “race” but also by class. Chapter 5 attempts to answer how controversial programs such as Affirmative Action were established under the conservative Republican administration and why the difficulties facing many African Americans persist half a century after the anti-discrimination federal laws were enacted. Chapter 6 focuses on the overwhelmingly African American “underclass” or inner-city residents who are suffering from socioeconomic isolation. Chapter 7 deals with “reverse discrimination” raised by the white male majority who began to feel discrimination from Affirmative Action policies.

In Part III (Chaps. 8 and 9), I go beyond my role as a historian to predict a desirable future global society by analyzing present-day U.S. society, a society now coping with the irreversible trend toward a post-ethnic/racial society. Chapter 8 features the African American reparations movement for slavery and Jim Crow, focusing on the reason and background as to why they shifted their movement from the street to the courthouse. Chapter 8 focuses on immigrants from the Caribbean and West African countries, taking into consideration the pressure of “downward assimilation” to the “underclass.”

To conclude, I attempt to reach an answer to the endless controversy over “personal responsibility” vs. “governmental responsibility” for the persistent problems entwined around “race” and poverty. At the core of the traditional sense of fairness among Americans lies the highly evaluated idea of self-help. Even those who argue for the indispensability of policies such as a modern welfare state cannot ignore self-responsibility. But what we must remember beyond ideological differences is the reality that there are those who are unable to help themselves in the immediate short term, such as children born and raised in poverty. So-called “hereditary poverty,” along with the polarization of jobs and income patterns, began to first spread in the United States and then to other “advanced” countries as deindustrialization and globalization became more and more unavoidable. Poverty in the United States, as elsewhere nowadays, tends to be inherited by the next generation. The end of middle-class society has signaled an increase in the possibility for anyone to fall into poverty. While the notion of a welfare state has yet to take a firm hold in U.S. society, the American sense of fairness is best exemplified by the tradition of various kinds of philanthropic institutions and individuals. This tradition has been inherited by NPOs, who are trying to advance the American ideal of equal opportunity for all by enhancing self-help. In this respect, I hope to discover clues to the insoluble question of the role of a government and individual responsibility.

## NOTES

1. Yuge Toru, *Rekishigaku Nyumon (An Introduction to History)* (Tokyo, Japan: University of Tokyo Press, 1986), p. 39.
2. Edward Hallet Carr, *What is History?* (New York: Vintage Books, 1961), p. 26.
3. See the U.S. Census Bureau’s news release, “The Foreign-Born Population in the United States,” accessed February 24, 2016, [https://www.census.gov/newsroom/pdf/cspan\\_fb\\_slides.pdf](https://www.census.gov/newsroom/pdf/cspan_fb_slides.pdf).
4. William H. Frey, *Diversity Explosion: How New Racial Demographics are Remaking America* (Washington, D.C.: Brookings Institution, 2015); Civilian labor force participation rates by age, sex, race, and ethnicity, U.S. Bureau of Labor Statistics, December 2013.
5. It is estimated that the percentage of whites who voted for Barack Obama was 39 percent, compared to 93 percent of African



- Americans, 73 percent of Asian Americans, and 71 percent of Hispanics/Latinos. See Imamura Taku, “Marubeni Washinton Hokoku (A Report by Marubeni of Washington, D.C.), 2012,” accessed February 24, 2016, [http://www.marubeni.co.jp/dbps\\_data/\\_material\\_/maruco\\_jp/data/research/w\\_pl\\_ec/pdf/121110imamura.pdf](http://www.marubeni.co.jp/dbps_data/_material_/maruco_jp/data/research/w_pl_ec/pdf/121110imamura.pdf).
6. John Rawls, *Justice as Fairness: A Restatement* (Cambridge, MA: Belknap Press, 2001), p. 42.
  7. Robert H. Wiebe, *Self Rule: A Cultural History of American Democracy* (Chicago, IL: University of Chicago Press, 1995), pp. 2, 16, 52–54, 266. See also Michael Walzer, “Philosophy and Democracy,” *Political Theory*, 9 (August 1981): 379–399.
  8. The Emancipation Proclamation was issued by President Abraham Lincoln in 1863 as an executive order to set slaves free. However, it contained exceptions, as will be shown in Chap. 2.
  9. In *Brown*, the U.S. Supreme Court declared that segregation based on “race” imposed by local laws in the South was unconstitutional. This was an epoch-making change and a judicial precedent 58 years after *Plessey v. Ferguson* (1896).
  10. In this book I intentionally capitalize “Black(s)” and lowercase “white(s)” because I would like readers to be conscious of the former’s long-term struggle that continues to this day while focusing a critical eye on the latter’s usually unconscious privileged position, including the power to determine “standards.” For a more detailed reasoning, please refer to Jean Halley, Amy Eshleman, and Ramya Mahadevan Vijaya, *Seeing White: An Introduction to White Privilege and Race* (Lanham, MD: Rowman & Littlefield, 2011), pp. 16–17.
  11. For instance, the Japanese government established a special regional improvement law in 1969 for the Burakumin, an outcast group who have suffered from severe discrimination and who were forced to live in segregated areas. The Japanese government also recently declared the start of “positive action” for the fair employment of women. See, for example the website of the International Workshop on “Women and Science/Technology” Network in Asia, accessed on May 15, 2016, <http://www.wstna.org/article/54730921.html>.
  12. See, for example, “Saiko no Homosapiensu: Echiopia de 16 Mannen Mae no Tokotsu Kaseki Hakken (A 160-thousand-year-old Fossil of

- Homo Sapiens* Skull was Discovered in Ethiopia),” *Asahi Shimbun* (June 12, 2003).
13. “The Greatest Journey: The Genes of People Today Tell of Our Ancestors’ Trek out of Africa to the Far Corners of the Globe,” *National Geographic* (March, 2006); “Hito Genomu Kaidoku Shuryo (Analysis of the Human Genome Has Finished),” *Asahi Shimbun* (April 20, 2003). This article is based on an interview with Sakai Yoshiyuki of the Medical School of the University of Tokyo, then Chair of the Human Genome Organization. See also Stephen Oppenheimer, *Out of Eden: The Peopling of the World* (London, UK: Robinson, 2012).
  14. Rebeca L. Cann et al., “Mitochondrial DNA and Human Evolution,” *Nature* 325 (January 1987), pp. 31–36.
  15. Blaine Bettinger, “Mitochondrial Eve and Y-chromosomal Adam,” *The Genetic Genealogist* (20 July 2007), accessed February 25, 2016, <http://thegeneticgenealogist.com/2007/07/20/mitochondrial-eve-and-y-chromosomal-adam/>. See also “The Greatest Journey.”
  16. Peking Man (*Homo erectus pekinensis*) is the popular name given to early human fossils, estimated to be 750,000 years old, and discovered near [Beijing](#) in 1923–1927. Java Man (*Homo erectus erectus*) refers to [early human](#) fossils estimated to be between 700,000 and 1,000,000 years old discovered on the island of [Java](#), [Indonesia](#), 1891–1892.
  17. “The Greatest Journey: The Genes of People Today Tell of Our Ancestors’ Trek out of Africa to the Far Corners of the Globe,” *National Geographic* (March 2006); Oppenheimer, op. cit.
  18. Bertrand Jordan, *L’humanité au pluriel: la génétique et la question des races* (Paris, France: Le Seuil, 2008).
  19. “Hito Genomu Kaidoku Shuryo.”
  20. Michelle Alexander, *The New Jim Crow: Mass Incarceration in the Age of Colorblindness*, rev. ed. (New York, NY: The New Press, 2012), pp. 6–7, 188–190.
  21. The sociological term “model minority” began to be used to refer to post-WWII Japanese Americans but then was extended to other East Asian immigrants and other ethnic groups who were successfully assimilated into the mainstream in spite of discrimination.
  22. Richard Fry and Paul Taylor, “Hispanic High School Graduates Pass Whites in Rate of College Enrollment,” Pew Research Center,

- May 9, 2013, accessed May 27, 2016, <http://www.pewhispanic.org/2013/05/09/hispanic-high-school-graduates-pass-whites-in-rate-of-college-enrollment/>.
23. For more on the pressure on “model minorities,” see Rosalind S. Chou and J.R. Feagin, *The Myth of the Model Minority: Asian Americans Facing Racism* (Boulder, CO: Paradigm Publishers, 2008).
  24. Grace Kena et al., “The Condition of Education 2014,” National Center for Education Statistics, U.S. Department of Education, May 2014, accessed May 27, 2016, <http://nces.ed.gov/pubs2014/2014083.pdf>.
  25. “Federal Glass Ceiling Commission’s Report in 1995,” Jo Ann Ooiman Robinson, ed., *Affirmative Action: A Documentary History* (Westport, CT: Greenwood Press, 2001), p. 322.
  26. See, for instance, Wikipedia’s “California Proposition 209,” accessed February 25, 2016, [https://en.wikipedia.org/wiki/California\\_Proposition\\_209](https://en.wikipedia.org/wiki/California_Proposition_209).
  27. Florida banned Affirmative Action by Governor’s Executive Order in 1999. See Pew Research Center, “Supreme Court says states can ban affirmative action; 8 already have,” April 22, 2014, accessed February 25, 2016, <http://www.pewresearch.org/fact-tank/2014/04/22/supreme-court-says-states-can-ban-affirmative-action-8-already-have/>.
  28. Carmen DeNavas-Walt and Bernadette D. Proctor, Income and Poverty in the United States: 2013, U.S. Bureau of Census, September 2014, accessed May 25, 2016, <https://www.census.gov/content/dam/Census/library/publications/2014/demo/p60-249.pdf>.
  29. The Americas was the meeting place of the three Old Worlds, that is, European, African, and “indigenous” old Eurasian peoples’ societies, and they are still in the process of making “The New World.” See Mary Beth Norton et al., *A People and a Nation: A History of the United States* (Boston, MA: Cengage Learning, 2015), Chap. 1.
  30. See especially the book written by the first Prime Minister of Trinidad and Tobago, Eric Eustace Williams, *Capitalism and Slavery* (Chapel Hill, NC: University of North Carolina Press, 1944).
  31. Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge, MA: Harvard University Press, 1998), Chaps. 1 and 2.

32. The execution of King Charles I occurred during the English Civil War, or the Puritan Revolution (1642–1651). After this incident, the Commonwealth of England (1649–1653) was established under the dictatorship of Oliver Cromwell.
33. See, for instance, William A. Pettigrew, *Freedom's Debt: The Royal African Company and the Politics of the Atlantic Slave Trade, 1672–1752* (Chapel Hill, NC: University of North Carolina Press, 2014).
34. The Triangular Trade is a historical term indicating trade among three ports or regions. The best known is the transatlantic triangular trading system among Europe, Africa, and the Americas, whose base was the slave trade.
35. Sidney Wilfred Mintz, *Sweetness and Power: The Place of Sugar in Modern History* (New York, NY: Penguin Books, 1985).
36. Philip D. Curtin, *The Atlantic Slave Trade: A Census* (Madison, WI: University of Wisconsin Press, 1969).
37. The Glorious Revolution was an almost bloodless revolution that overthrew King James II of England by a union of English Parliamentarians with the Dutch stadtholder William III of Orange-Nassau (William of Orange). A Dutch fleet and army led to him ascending the English throne as William III of England jointly with his wife Mary II of England, in conjunction with the documentation of the Bill of Rights (1689), which dealt with the constitution and guaranteed the basic civil rights of British subjects.
38. “Salutary Neglect” is an American historical term referring to the long-term, unofficial British Crown policy of avoiding the strict enforcement of parliamentary laws, including those clamping down on smuggling. The purpose of this policy was to keep American colonies obedient to England during the war against other European powers in the seventeenth and eighteenth centuries.
39. It has sometimes been said that the term “Indian” is not politically correct and that we should use “Native American” instead. But as in the case of radical organizations such as the American Indian Movement (AIM), there are some indigenous people who prefer to be called “Indians.” See the AIM website, last accessed February 24, 2016, <http://aimovement.org/>. I have chosen to use both

- “Indian” and Native American here, and I occasionally use “Indian” with quotation marks.
40. See, for instance, Colin Renfrew, *Archaeology and Language: The Puzzle of Indo-European Origins* (London, UK: Penguin Books, 1990).
  41. See Michael Keevak, *Becoming Yellow: A Short History of Racial Thinking* (Princeton, NJ: Princeton University Press, 2011).
  42. Anthony W. Marx, *Making Race and Nation: A Comparison of South Africa, the United States, and Brazil* (Cambridge, UK: Cambridge University Press, 1997); Philip L. White, “Globalization and the Mythology of the Nation State,” in A. G. Hopkins, ed., *Global History: Interactions Between the Universal and the Local* (Basingstoke, Hampshire, UK: Palgrave Macmillan, 2006), pp. 257–284.
  43. Jim Crow, indicating a typical African American name, refers to the system of segregation and discrimination against African Americans in the U.S. South after the Civil War and the abolition of slavery by imposing a set of strict local laws established from the 1890s through the 1910s. This resembled the system of Apartheid in South Africa. See Chap. 3.
  44. Henry Louis Gates, Jr., “Ending the Slavery Blame-Game,” *The New York Times* (April 23, 2010), p. A.27.
  45. Karl Polanyi, *Dahomey and the Slave Trade: An Analysis of an Archaic Economy* (Seattle, WA: University of Washington Press, 1966).
  46. Walter Rodney, *A History of the Upper Guinea Coast, 1545 to 1800* (New York, NY: Monthly Review Press, 1970), p. 253.
  47. Matthew Calbraith Perry (1798–1858), a Commodore in the U.S. Navy, came to Edo (Tokyo) Bay in 1854 to force Japan to open up to Western nations by threatening the government with his four battleships.
  48. “Mulatto” is a term originally used to refer to a person who is born from one white parent and one black parent. The term is now largely obsolete, and people of mixed ancestry seldom choose to identify as “mulatto.”
  49. See, for instance, Karl Degler, *Neither Black nor White: Slavery and Race Relations in Brazil and the United States* (New York, NY: Macmillan, 1971).

50. The “One-drop rule” is a social and legal principle of racial classification that was historically prominent in the United States asserting that any person with even one ancestor of sub-Saharan African ancestry is considered to be Black.
51. Although a White House spokesman confirmed that Barack Obama checked “African American” on the 2010 census questionnaire, the media reported that Obama himself declared “Black” in the Census of 2010. See “Asked to Declare His Race, Obama Checks ‘Black’,” *The New York Times* (April 3, 2010), p. A9.
52. Karl Degler, op. cit.
53. Winthrop Jordan, “American Chiaroscuro: The Status and Definition of Mulattoes in the British Colonies,” *William and Mary Quarterly*, 3rd ser., 19 (1962), pp. 183–200.  
The ruling white population in the British West Indies needed middle-level managers to control the overwhelming numbers of Black slaves because of the insufficient number of whites.
54. Jonathan P. Spiro, *Defending the Master Race: Conservation, Eugenics, and the Legacy of Madison Grant* (Burlington, VT: University of Vermont Press, 2009); see also the webpage of Wikipedia’s “Anti-miscegenation Laws in the United States,” accessed February 25, 2016, [http://en.wikipedia.org/wiki/Anti-miscegenation\\_laws\\_in\\_the\\_United\\_States](http://en.wikipedia.org/wiki/Anti-miscegenation_laws_in_the_United_States).
55. Jane Feldman and Shannon Lanier, *Jefferson’s Children: The Story of One American Family* (New York, NY: Random House, 2001).
56. Marx, op. cit. Brazil legally abolished slavery in 1888 and liberated about 2.5 million slaves, or 25 percent of the total population, and then began to proactively accept European immigrants. See Laird W. Bergad, *The Comparative Histories of Slavery in Brazil, Cuba, and the United States* (New York, NY: Cambridge University Press, 2007).
57. Norton et al., op. cit, p. 399.
58. Brook Thomas, *Plessy v. Ferguson: A Brief History with Documents* (Boston, MA: Bedford Books, 1997).
59. Marx, op. cit.
60. For an argument on the “mixed race” category in the census, see Ronald Fernandez, *America beyond Black and White: How Immigrants and Fusions are Helping Us Overcome the Racial Divide* (Ann Arbor, MI: University of Michigan Press, 2007).

61. E. Ann Carson and William J. Sabol, *Prisoners in 2011*, Office of Justice Programs, Bureau of Justice Statistics, U.S. Department of Justice, December, 2012, accessed February 25, 2016, <http://www.bjs.gov/content/pub/pdf/p11.pdf>.
62. Cambridge Police Department, "Incident Report #9005127," Cambridge, MA: July 16, 2009, accessed February 25, 2016, <http://www.samefacts.com/archives/Police%20report%20on%20Gates%20arrest.PDF>.
63. For more on the "whitening" of the "New Immigrants," see David Roediger, *Towards the Abolition of Whiteness: Essays on Race, Class and Politics* (London, UK and New York, NY: Verso Books, 1994).
64. Some scholars are concerned that a new "color line" is being redrawn between Blacks and non-Blacks instead of the old one between whites and non-whites. Recent academic debates have considered whether or not present-day new immigrants from the Caribbean islands and West African countries are being included in the category of "model minorities." See David A. Hollinger, *Postethnic America: Beyond Multiculturalism*, 10th anniversary ed. (New York, NY: Basic Books, 2005); Jennifer Lee and Frank D. Bean, *The Diversity Paradox: Immigration and the Color Line in Twenty-First Century America* (New York, NY: Russell Sage Foundation, 2010); William Haller et al., "Dreams Fulfilled, Dreams Shattered: Determinants of Segmented Assimilation in the Second Generation/The Kids Are (Mostly) Alright: Second-Generation Assimilation: Comments on Haller, Portes and Lynch/ On the Dangers of Rosy Lenses: Reply to Alba, Kasinitz and Waters," *Social Forces*, vol. 89.3 (March 2011), pp. 733–762, 763–774, 775–781.
65. "Five Civilized Indian Nations" or "Five Civilized Tribes" refers to the following five Native American nations: the Cherokee, Chickasaw, Choctaw, Creek (Muscogee), and Seminole. Settlers from England considered them to be "civilized" mainly because of their adoption of the cultures of the colonists.
66. Immanuel Wallerstein, *The Modern World-System I: Capitalist Agriculture and the Origins of the European World-Economy in the Sixteenth Century* (New York, NY: Academic Press, 1974); Paul Halsall, "Modern History Sourcebook: Summary of Wallerstein on World System Theory," August 1997, accessed February 25, 2016, <http://www.fordham.edu/halsall/mod/Wallerstein.asp>.

For information on the enslavement of African Americans by Cherokee and other "civilized nations," see Chap. 2 of this book.

67. Michael Hardt and Antonio Negri, *Empire*, paperback ed. (Cambridge, MA: Harvard University Press, 2001).
68. In total, 6.6 million African Americans moved from the rural South to the industrial North between 1910 and 1970.



PART I

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# Exploring the Past

# Slavery and the Early Development of America

## I PREJUDICE EMBEDDED BY SLAVERY

### 1.1 *Which Came First, Slavery or Prejudice?*

This chapter focuses on the historical process of the establishment of hereditary slavery based on “race” in parallel with the development of democracy among the English in colonial Virginia. Which came first—slavery based on “race,” or prejudice against Blacks? This could also be asked the following way: Was hereditary slavery based on “race” a product of the natural human instinct to be cautious toward those with an unfamiliar appearance, especially those with different skin color? Or did the system of slavery based on “race” in some way develop prejudice against people with black skin? The answer may explain the theoretical validity of Affirmative Action. If racial prejudice was a product of slavery based on hereditary “race” and intentionally introduced by the ruling class for economic and political necessities, it should in theory be an easy system to dismantle. We may take it for granted that slavery was established due to the natural human instinct that casts a negative light on people with different appearances. The early part of this chapter challenges this prevailing assumption.

Although generally the existence of sustained prejudice against Blacks in England and Europe could not be denied—for example, as seen in Shakespeare’s *Othello: The Moor of Venice*, written around 1603.<sup>1</sup> The latest historical research tells us that the persistent prejudice entwined around “race” as it still exists in U.S. society is mainly a product of slavery

based on “race.”<sup>2</sup> In a sense, this divide along racial lines was intentionally introduced to the British North American colonies at an early stage. Therefore, theoretically, prejudice could be erased to a considerable extent by governmental policies.

### 1.2 *Were the Original “20. and Odd Negroes” Slaves?*

It is said that the first Africans who landed in the future United States were a group of “20. and odd Negroes” brought to colonial Virginia on “a Dutch man of Warr” at the end of August 1619 by way of “the West Indies,”<sup>3</sup> although there may have been other Africans already living in the British North American colonies by that time. However, this group was among the earliest arrivals from Africa. While they were “commodities” purchased by planters, legally speaking they were not slaves because there was still no law governing slaves in Virginia and other British colonies in North America. The first slave law in the British colonies was established in Barbados, the West Indies, in 1636, and the first slave law established in the mainland colonies was in Massachusetts in 1641 because its colonists had begun to be earnestly engaged in the slave trade by that time. The Puritan merchants thought they could justify the enslavement of those who were captured as POWs (prisoners of war) in a “just war,” such as enslaving “strangers” willing to sell themselves, and criminals sentenced to imprisonment based on newly established European international common principles.<sup>4</sup> However, how could anyone judge how to distinguish a “just war” from slave hunting, confirm someone’s willingness to sell themselves, or the guilt (or innocence) of a so-called criminal whose language and culture were different? At any rate, the 20 or so Africans who landed in Virginia in 1619, one year before the *Mayflower* reached the land that was later named Massachusetts, held almost the same status as white indentured servants. The white servants, who made up the main workforce at that time, were contracted to slave-like work conditions for four to seven years and were given land and other assistance for life after finishing their term. In contrast, for the Africans the term was more often than not lifelong.<sup>5</sup>

As in other European countries, England experienced a rapid increase in population after the end of the bubonic plague and the introduction of new domesticated plants such as maize and potatoes from the “New World,” which contributed much to the increase in food production at low prices. Additionally, landowners in England began to shift their focus

from cultivation to breeding sheep since wool production, coupled with the manufacture of woolen cloth, was more profitable than cultivating food crops, which could be bought at a lower price from other countries. This shift reduced the demand for labor and resulted in an influx of landless rural people to urban areas. The newly invented system of indentured servitude was thought to have solved the “social problems” in British cities that were at the same time coping with another problem concerning the development of the colony of Virginia beginning in 1607. Furthermore, thousands of Puritans began to settle in New England. Thus, England became the only nation among Western colonial powers to literally colonize its own people in the “New World.”

The white indentured servants and the African slaves differed considerably: Africans by no means came to the “New World” of their own free will, and their forced labor period was usually lifelong. But they could marry and give birth to children, and have parental authority, that is, the right to own and bring up their own children, although in principle the permission of their masters was necessary. Some of them were able to save money and purchase the freedom of their children. The slave masters, after making enough money through the dedicated labor of slaves, sometimes freed their slaves and even gave some of them money and land. They could do so because there was still no slave law yet. One legendary figure who rose from being a slave to the owner of a large plantation was Anthony Johnson, a Portuguese-African creole who was born in Angola and landed in Virginia in 1621. After several years of servitude, he was freed, given land, and then finally became an owner of a plantation with his own slaves and servants. With the second and third generations, and with the number of children of slaves increasing in Virginia, the need to consolidate a legal system to regulate Africans forced the ruling class to enact the formal establishment of slavery. From the 1660s to the 1690s, Virginia shifted from a “society with slaves” to a “slave society.” The latter was a society in which slavery as a system basically regulated society as a whole.<sup>6</sup>

### 1.3 *The Beginning of the “American Paradox”*

According to detailed research by Higginbotham (1978), the process leading to legalized slavery in the Colony of Virginia, as a precedent for the rest of the British colonies in Mainland North America, was an accumulation of court decisions that were still highly fluid as late as the 1640s. Higginbotham mainly analyzes cases of the white servants’ relationships

with African slave women. From the outset, white indentured servants and Black slaves were not perfectly equal. For instance, only baptized slaves were entitled to be witnesses in court trials. Interracial sexual intercourse cases were examined not in civil but in criminal trials. The sentences handed down often consisted of corporal punishment and some form of public humiliation, such as being whipped in public. If white servants had been tried in a civil court, they would have only had to give monetary compensation to a slave master for the time lost when the female slave was unable to work due to pregnancy and childbirth. These court decisions reflected “common sense” and of course might be perceived as strong messages for ordinary people at that time. However, in the meantime, the slaves were able to save money, and there was evidence that they could purchase freedom for their children born between African men and women even if they were owned by different masters.<sup>7</sup>

The historic turning point for the full-scale introduction of hereditary slavery based on “race” in Virginia came with Bacon’s Rebellion in 1676 (see below), just a century before the Declaration of Independence was written and declared by a Virginian slave holder. Bacon’s Rebellion was a historic rebellion that demanded—and was able to advance—democracy in the colonies, a forerunner of the American Revolution that occurred just one century later. A counterargument to this traditional appraisal of Bacon’s Rebellion as the forerunner of the independence movement was made by Edmund S. Morgan, who pointed out the previously unknown fact that hereditary slavery based on “race” and the invasion of Native American land had begun on a full scale after this incident.<sup>8</sup> This process was accompanied by democratization among white males by expanding the right to vote to tenants with life leases as well as all white males who owned land, and not just outright landowners. The lower-class whites also began to enjoy economic progress after Bacon’s Rebellion by gaining more land from “Indians.” By the time of Bacon’s Rebellion, all productive land was occupied by the ruling class, and this angered the lower-class whites, whose indentured terms had just finished. They were allotted land in neighboring “Indian” territories and they therefore requested from the governor more military protection against the “Indians,” but were ignored. Nathaniel Bacon, a young newcomer appointed as a council member by the governor because he was from the aristocracy, listened to their complaints and made up his mind to give a collective petition to the governor with a group of armed local people. After they began to march to Jamestown, they clashed with the governor’s army, and this developed into a rebellion. Only after

Bacon's death from sickness and the use of reinforcements sent from Britain was the rebellion narrowly suppressed. The British formal investigation committee reported afterward that the most fearful lesson learned was from the group consisting of 60 slaves and 20 lower-class whites who, right until the end, never surrendered.<sup>9</sup> It was literally a desperate fight of people with no hope, and went beyond "race." The ruling class in Virginia therefore felt it necessary to prevent the lower class from promoting solidarity. Additionally, they had to fill the demand for labor in the colonies because of a decrease in the number of white indentured servants from Britain, where lower-class Englishmen were now able to find better jobs much easier than in the past. The ruling class of Virginia made up their mind to introduce slavery using Africans, to invade "Indian" territories, and to democratize the whites regardless of their status. This led to the full-scale development of the Colony of Virginia. This was reinforced by the rising demand for tobacco, the staple of Virginia, in Europe. This was called the "American Paradox"—the simultaneous development of freedom among whites and unfreedom among people of African ancestry. Slavery rapidly began to develop and spread to other southern colonies of British North America. Planters preferred African slaves to Native Americans at least partly because the former had agricultural knowledge and experience.<sup>10</sup>

#### *1.4 Were the Northern Whites Not Guilty?*

The ruling class of Virginia, having suffered from a long economic slump, began to reap huge profits from the tobacco that was grown mainly by African slaves, whose numbers increased rapidly after Bacon's Rebellion. There is probably a consensus among historians that the southern part of the United States owed much of its development to slavery. As mentioned above, southern colonies were not just indebted to the physical labor of slaves. The early African slaves, with their agricultural know-how, contributed considerably not only to the development of Virginia but also to other colonies such as South Carolina. As will be described below, slavery also helped to develop northern colonies. The investment capital for the inland development of all the colonies was accumulated through exports of tobacco, indigo, rice and other commodity staples to Britain and other European countries. Undoubtedly, Britain was able to accumulate capital through sugar production in the Caribbean islands and the Atlantic slave trade, helping it become the first country to achieve an Industrial Revolution. Then the cotton industry flourished first in England, then

in New England, and then across Western Europe. It was mainly African slaves in the southern part of the newly independent United States who supplied factories with raw materials.<sup>11</sup>

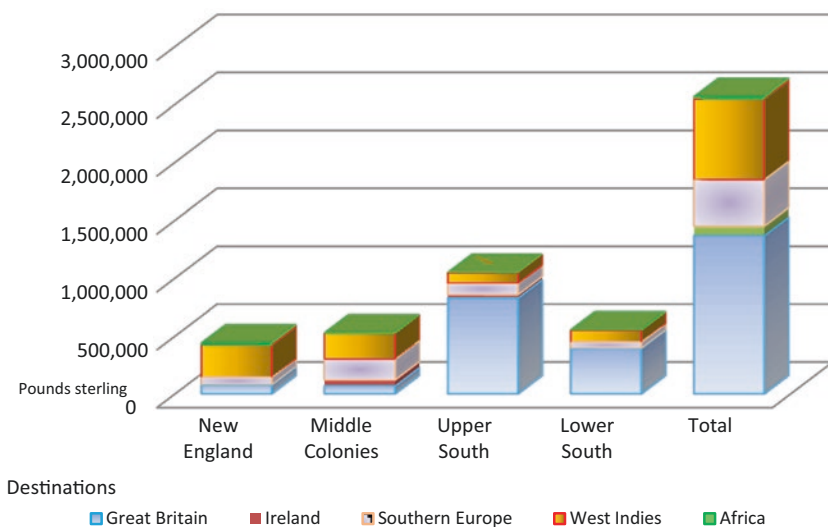
Northern whites were also partly guilty in the slavery and systematic discrimination against Blacks. Colonial merchants in the North participated in the slave trade that supported the base of the so-called Triangular Trade. The first slave law in the British colonies was established in Barbados in 1636, followed by Massachusetts in 1641. Merchants in New England, then those in the Middle Colonies such as New York (New Netherland was ceded by Britain in 1664 and New Amsterdam was renamed New York) and Philadelphia profited from trading slaves directly with West Africa. They were able to accumulate a huge amount of capital in a relatively short period of time. Only with this money could they invest in the industrialization of the North and the development of the West.

What about the white people in the North who, as independent yeomen, fishermen, or woodcutters, had nothing to do with the slave trade? They indirectly profited from the Atlantic trading system by supplying the slaves in the sugar plantations in the Caribbean islands with foodstuffs and other daily living necessities. Exports of their surpluses to the plantations that exclusively produced sugar in the West Indies made possible their precious monetary deposits. In this sense, they also received benefits from slavery within the framework of the British Empire.

The British merchants who engaged in the slave trade directly with West African nations exchanged manufactured goods, including guns, for human “commodities,” which stimulated the local ruling class’s hunt for more slaves. Colonial merchants were banned from producing firearms, so one of their main exchange goods attractive to the West African ruling class was rum made from morasses. This was produced by slaves in the Caribbean islands and did not turn sour on the long voyage because of the high alcohol content. It is ironic that Puritans and Quakers in New England and Pennsylvania, whose religious creeds prohibited them from drinking alcohol, sold alcoholic beverages in exchange for human “commodities.” From 1768 to 1772, Africa was the destination for 97.4 percent of the total exports of rum from New England.<sup>12</sup>

The average annual value of all exports from 1768 to 1772 from the two Chesapeake colonies (Virginia and Maryland) was £1,046,883. As much as £756,128 (72.2 percent) was tobacco, mostly produced by slaves, and exported to Great Britain.<sup>13</sup> The Lower South colonies, where larger plantations were developed, exported mainly rice and indigo cultivated by slaves. The average annual value of exports from this region was £551,949.

Rice and indigo accounted for 75.7 percent, most of which was exported to Great Britain.<sup>14</sup> The New Englanders' exports consisting of foodstuffs and timbers were mainly for the West Indies, and exports totaled £439,101, 63.3 percent of which was exported to the West Indies, and only 17.5 percent to Great Britain.<sup>15</sup> As for the Middle Colonies, including New York and Philadelphia, exports totaled £526,545, 42.5 percent of which was exported to the West Indies and 13.0 percent to Great Britain.<sup>16</sup> Along with selling rum to the rulers of West Africa, the data above give evidence that 13 British colonies benefitted considerably from the Atlantic slave trade, either directly or indirectly. One point that cannot be overlooked is that it was the West Indies that provided a huge market for the New Englanders. New England had long suffered from a lack of suitable staples to export to Europe. By the 1770s, just before the independence of the 13 colonies, the white people of the British mainland colonies—without any exceptions—had achieved an economic standard of living twice as high as that of Kenyans in the 1970s. It was the slave trade that had provided them with the basis for future development.<sup>17</sup> (See Fig. 2.1)



**Fig. 2.1** Average annual value and destinations of commodity exports from British North American colonies, 1768–1772 (Source: John J. McCusker & Russell R. Menard, *The Economy of British America, 1607–1789* [Chapel Hill: University of North Carolina Press, 1991], pp. 108, 130, 174, 199)



Why did the colonists become rebellious against their mother country, Britain, the greatest military power at that time? It was because of the final British victory over the hegemony of the Atlantic trading system. After the Paris Treaty (1763), the British Government had second thoughts on its long-term and untouched “Salutary Neglect” policies, which had allowed the colonial merchants *de facto* smuggling, including the slave trade, and decided to compensate for its heavy war debts through a set of taxes on the colonies. This finally led people in the British colonies to take up arms to gain independence, and created a strong anti-tax attitude among Americans. Those in the British colonies had been forced by their mother country to fight against the French and the “Indian” troops in the Seven Years’ War, and then they had been ordered to pay for it. Anger swelled and they became determined to win independence from Britain. George Washington, a former general in the French and Indian War, was chosen as Commander of the Continental Army. Thomas Jefferson declared American independence one year and three months after the Battle of Lexington and Concord against British Army regulars stationed in Boston (April 19, 1775). Both prominent leaders were owners of large plantations with hundreds of slaves in Virginia.

## 2 THE COEXISTENCE OF “THE DECLARATION OF INDEPENDENCE” AND SLAVERY

### 2.1 *Clauses and Phrases Erased from the Original Draft*

The following historical fact from the early stages of the American Revolution for Independence was recently unearthed by researchers: Thomas Jefferson’s original draft of the Declaration of Independence contained the following sentences below that were eliminated in the final published version on the fourth of July, 1776, because of the opposition of other colonial delegates. What is provocative is that in the Declaration of Independence, there was a list of complaints against George III’s abuse of power to justify the secession of the Patriots from British colonial rule. Besides, Jefferson could not put up with the reality that the British king and the royal family were totally unaware of their role in building the basis of the slave trade, the instigation of the slaves to join the Loyalists or counterrevolutionaries, and the fight against the Patriots or the revolutionaries. King George III, according to Jefferson,

had waged cruel war against human nature itself, violating [*sic*] it’s most sacred rights of life & liberty in the persons of a distant people who

never offended him, captivating & carrying them into slavery in another hemisphere, or to incur miserable death in their transportation thither, this piratical warfare, the opprobrium infidel powers, is the warfare of the CHRISTIAN king of Great Britain ... and that this assemblage of horrors might want no fact of distinguished die, he is now exciting those very people to rise in arms among us, and to purchase that liberty of which he deprived them, by murdering the people upon whom he also has obtruded them, thus paying off former crimes committed against the liberty of one people, with crimes which he urges them to commit against the lives of another.<sup>18</sup>

In the northern colonies, which economically depended less directly on slavery, slaves joined the Patriots and took up arms for independence. The Commonwealth of Massachusetts rewarded them by abolishing slavery, but only after they petitioned fervently. Other states, such as New Jersey, gave freedom to the newborn children of slaves. On the other hand, in the South there were quite a few slaves that joined the Loyalists, believing in the promises of freedom made by the British commander. The best recent estimates suggest that some 30 to 40 thousand, more than two-thirds of whom were women and children, escaped their bondage during the conflict.<sup>19</sup> Those who survived till the war's end sought refuge in Canada and the Britain with their white comrades, and some of them settled in newly colonized Sierra Leone and cooperated with British rule there as middle managers.<sup>20</sup>

## 2.2 *The Coexistence of Revolution and Slavery*

Despite the declaration that all human beings are created equal, among the high-ranking leaders in the revolutionary war for independence there were numerous prosperous Virginian planters who owned hundreds of slaves, and slavery continued for about a century thereafter. How could they explain this contradiction? Revolutionary leaders like Jefferson, as shown above, often said that slavery was the heritage left by British reign and that it would take a century to solve this problem. However, I disagree with what Jefferson and other slaveholding Founding Fathers said. Why did the Northern leaders approve of the continuation of slavery?

The primary reason, along with the principle of “natural rights,” was that there was another set of basic rights that were considered unignorable—property rights. A slave was a “property,” and one’s property rights are as sacred as his or her right to life, liberty, and the pursuit of happiness. Although Vermont banned slavery in its 1777 constitution, it was very difficult even for Northern states to emancipate slaves without any compensation for slave holders. It was not until enslaved men and women petitioned their courts and legislatures for freedom that other New England states began to

think about a reward for the contribution made by the slaves who joined the Patriots. Massachusetts courts ruled by 1783 that the state constitution prohibited slavery. Other Northern states adopted gradual emancipation laws between 1780 (Pennsylvania) and 1804 (New Jersey) and gradually abolished slavery by liberating newborn children. It was as late as 1817 that the State of New York passed a law freeing all slaves on the fourth of July, 1827.<sup>21</sup>

Second, it was the strong tradition of local sovereignty that left slavery in the South untouched in the new federal republic. Without mentioning the words “slave” or “slavery” in the U.S. Constitution, slavery was left untouched.<sup>22</sup>

There is only one phrase that contains the word “slavery” in the Constitution. The Thirteenth Amendment forbidding “slavery” and “involuntary servitude” forever in the United States was ratified in December 1865. From independence through to the 1830s, seven early presidents, aside from John Adams and John Quincy Adams from Massachusetts, were all prominent planters with hundreds of slaves. This is why some recent historians have called this early stage of U.S. history the Age of “Slave Power” or “slaveocracy” (a newly invented historical term referring to slaveholders as the dominant class).<sup>23</sup>

According to Van Cleve (2007), the most basic concept of Western Enlightenment thought derived from “natural rights” was “liberty.” Along with liberty, property rights were commonly thought of as one of the unalienable basic rights, including the ownership of slaves (“property”). In those days, and in the context of the British legal tradition, especially concerning slavery, more prominence was given to laws attaching importance to traditionally established specific rights for an individual or a group, and not to natural laws based on universal human rights. In the transition from British reign, with its remaining hereditary status system, to a pure modern-age republic based on the principle that all human beings are created equal, it is ironic that slaves were deprived of all the rights tolerated in the colonial era, however limited they might be, and degraded into property as if they were cattle. Additionally, a strong tradition of local sovereignty prevented the federal government from intervening in the “peculiar conditions” of each state.<sup>24</sup>

### 2.3 *Why Were They Able to End the Slave Trade?*

George Washington and other leading Patriots in the southern colonies were especially alarmed at Lord Dunmore’s proclamation of November 7, 1775, which offered freedom to all able-bodied male slaves of Patriot masters who

could reach his British camp. Scholars estimate that between 800 and 1,000 slaves from Virginia actually reached Dunmore's lines.<sup>25</sup> Seven years after the attainment of their nation's independence, Benjamin Franklin and his fellow revolutionaries created an antislavery petition in 1790. But the slaveholders had already secured a new rhetorical weapon to defend slavery: attack any abolitionists as enemies of the revolution. This mood undoubtedly resulted in not only leaving slavery untouched based on the theory of popular sovereignty, but also the "three-fifths" compromise in the Constitution, that is, that the population of slaves would be counted by three-fifths when determining a state's total population for Congressional representation. Additionally, the first Naturalization Act was enacted in 1790, giving only "free" and "white" immigrants eligibility for citizenship.<sup>26</sup>

Dunmore's Proclamation at least partly compelled Britain to abolish the slave trade, and they finally did so in 1807. As mentioned above, in the northern colonies, slaves joined the Patriots and they were to be liberated after independence. In the Southern states, laws to allow manumission, or the private practice to liberate slaves, were enacted. In the U.S. Constitution, the draft of which was consolidated in 1787, a compromise was incorporated, that is, the possibility of the abolition of the slave trade in 1807, when the third president of the United States, Thomas Jefferson, who drafted the Declaration of Independence and who was also the second largest slaveholder in Albemarle County, Virginia, signed a federal law approved overwhelmingly in Congress that prohibited the United States from participating in the international slave trade. The abolition of the slave trade on both sides of the Atlantic was not only due to enthusiastic petitioning and protests by the Quakers (The Religious Society of Friends) in both countries. There was a natural increase in the slave population and the development of the westward domestic slave trade that supplied increasing demands and kept huge profits. This was also coupled with the planters' preference for American-born slaves because they were thought to be less disruptive than those who came directly from the Caribbean or Africa.<sup>27</sup>

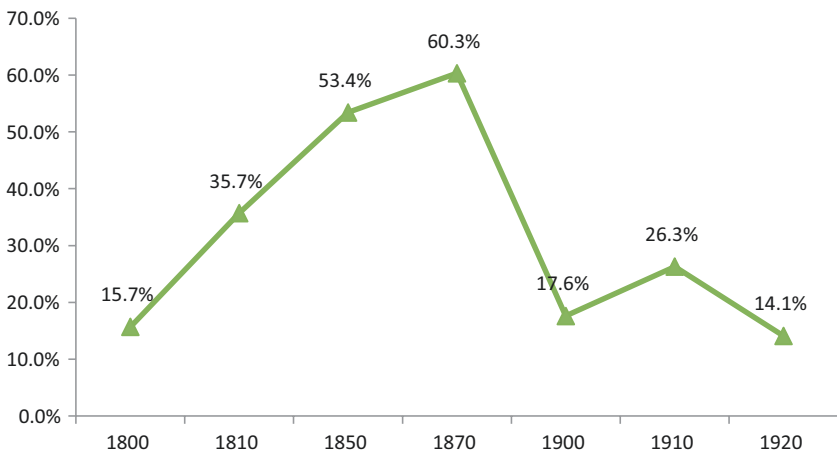
### 3 THE DEVELOPMENT OF THE EARLY REPUBLIC USING SLAVERY

#### 3.1 *"The Cotton Kingdom"*

It was cotton that sustained the new republic, and this may have been another reason for slavery in the South to remain untouched for about

one century after independence. In the Antebellum<sup>28</sup> period, cotton production in the South made up 80 percent of the total world production.<sup>29</sup> Cotton continued to be ranked highest in the export list and accounted for about 60 percent of the total exports of the United States just before the Civil War (1861–1865) (see Fig. 2.2). The cotton produced by slaves contributed much to the industrialization of England, France, and other Western “advanced” nations, and also the United States, which was still a newly developing country at that time. The forerunner of industrialization in the United States was New England, especially Massachusetts, and the city of Lowell was designated the earliest center of industrialization in 1823 because of the availability of water power. The original cotton mill at the American Textile Museum in Lowell is still working as it was in the 1820s and is managed by the U.S. National Park Service. On the second floor is an exhibition of how the raw materials were supplied, and the exhibition uses the figures of Black slaves so that school children who visit the museum can visually understand who supported the rapid economic growth in the early stages of their republic.<sup>30</sup>

The foreign currency produced by cotton exports, together with the capital already accumulated through sugar production and the slave trade, was invested in digging canals, then building railroads, which stimulated



**Fig. 2.2** Percentage of cotton to total exports, 1800–1920 (*Source:* Federal Reserve Bulletin, May 1923, p. 567)

inland development and a further economic boom in the North. As for the Southern states, westward development was also given an impetus, thus spreading slavery westward. Slavery continued to sustain the rapid economic growth of the new republic as a whole, as well as the rapidly industrializing Western European countries.

### 3.2 *Is the Past Historical Fact of Slavery Still a Stigma for African Americans?*

Should African Americans feel ashamed of their ancestors' past as slaves? As scholars of ethnic studies have pointed out, "whereas American immigration represented the optimistic side of the country's past and future, slavery and its aftermath tainted the fabric of nation."<sup>31</sup> However, the facts so far described insist that it was mainly slavery that made possible the newborn republic's relatively quick rise toward self-industrialization in the first half of the nineteenth century and built the economic foundation for present-day prosperity. Slavery also made possible the present-day prosperity of Britain, France, and other Western powers. On top of that, to turn our eyes to the everyday lives of enslaved African Americans, while there were sometimes violent slave rebellions in the United States, such as Nat Turner's Rebellion in Southampton County, Virginia, in August 1831, their autonomous cultures provided the slaves with effective weapons to nonviolently resist the pressures by their masters to lose human dignity and family ties.<sup>32</sup> Culturally speaking, slaves were compelled to give up their faith and accept the Christianity imposed on them by their masters, but they transformed it into their own, and this has been sustaining their hope for liberation to this day and influencing other oppressed people the world over.<sup>33</sup> A popular song that was sung by slaves secretly at night was "Oh, Freedom!," which is as follows: "Oh, Freedom/Oh, Freedom/Oh, Freedom over me/And before I'd be a slave/I'll be buried in my grave/And go home to my Lord/And be Free!" In this way, sadness could give way to joy.<sup>34</sup> It is this collective identity of slaves as a "race" derived from their own day-to-day experiences as the oppressed that still contributes much to the formation of the positive, culturally-based identity of "New World Africans" among inner-city youths today, not only African Americans but also the children of other Black immigrants.<sup>35</sup> The above-mentioned facts strongly suggest that the historical past of African Americans should be seen with deep respect.

### 3.3 *The Expansion of the “Free Negroes” and the Rise of the “Back to Africa” Movement*

Although 80 percent of African Americans, or about 700,000, were slaves at the time of the implementation of the U.S. Constitution, the number of “free Negroes” rose rapidly, mainly in the North, from 60,000 in 1790 to 108,000 in 1800. As mentioned above, in the Southern states, manumission laws were enacted and the population of “free Negroes” also gradually increased. However, it is important to note that some masters liberated older slaves in their declining years because of economic motives to escape caregiving duties.<sup>36</sup>

The American Colonization Society was established in 1816 partly due to the phenomenon of prejudice against Blacks in both the South and North. The deportation of “free Negroes” to Liberia in West Africa began in the early 1820s, consisting of mainly ex-slaves from the United States and Liberia, which declared independence in 1847. In 1831, Alexis de Tocqueville (1805–1859), the French political thinker, made the following comments to those who thought that prejudice in the North was less harsh than in the South:

I see that in a certain portion of the territory of the United States at the present day, the legal barrier which separated the two races tending to fall away, but not that which exists in the manners of the country; slavery recedes, but the prejudice to which it has given birth remains stationary. Whoever has inhabited the United States must have perceived that in those parts of the Union in which the negroes are no longer slaves, they have in no wise drawn nearer to the whites. On the contrary, the prejudice of the race appears to be stronger in the States which have abolished slavery, than in those where it still exists; and nowhere is it so intolerant as in those States where servitude has never known.

It is true, that in the North of the Union, marriage may be legally contracted between negroes and whites; but public opinion would stigmatize a man who should connect with a negress as infamous, and it would be difficult to meet with a single instance of such a union. The electoral franchise has been conferred upon the negroes almost all the States in which slavery was abolished; but if they come forward to vote, their lives are in danger. If oppressed, they may bring an action at law, but they may legally serve as jurors, prejudice repulses them from that office. The same schools do not receive the child of the black and of the European. In the theatres, gold cannot procure a seat for servile race beside their former masters; in the hospitals they lie apart; and although they are allowed to invoke the same Divinity

as the whites, it must be at a different altar, and in their own churches, with their own clergy. The gates of Heaven are not closed against these unhappy beings; but their inferiority is continued to the very confines to the other world; when the negro is defunct, his bones the United States are cast aside, and the distinction of condition prevails even in the equality of death. The negro is free, but he can share neither the rights, nor the pleasures, nor the labor, nor the afflictions, nor the tomb of him whose equal he has been declared to be; and he cannot meet him upon fair terms in life or in death.<sup>37</sup>

What de Tocqueville predicted in the early 1830s came true in the late 1960s, as will be shown in Chap. 5.

### 3.4 *The Development of Slavery and the Road to Civil War*

As already mentioned, when the U.S. Constitution was written in 1787, the problems surrounding slavery were left untouched as matters for each state to decide, according to the principle of local sovereignty. This reflected the remaining British tradition of respect for the positive law principle,<sup>38</sup> not the principle of “natural laws.” The Founding Fathers deliberately avoided making the issue of slavery a nationwide controversy. This fragile and tacit understanding between the South and the North began to crumble as the problems of statehood of the western territories became a national issue. Although written compromises were made twice in 1820 and 1850, they were finally discarded in 1854, when the seemingly very democratic idea of “people’s sovereignty” was chosen as the final solution to the issue of slavery, that is, the Kansas–Nebraska Act of 1854, which left all decisions regarding slavery/free statehood to local people in their respective territories, resulting in Bloody Kansas between 1854 and 1861<sup>39</sup> and other violent clashes elsewhere in the border territories. Finally, the 11 Southern states decided to secede from the United States after Abraham Lincoln won the presidential election in November 1860 with support exclusively from the North. The Union, namely the North, disagreed with the secession. Then the Civil War began (April 12, 1861–April 9, 1865). The North wanted to sustain the Union mainly because the South had so far economically sustained the United States as a whole. In this sense, the North depended on Southern slavery. But the newly established Republican Party, led by Lincoln, rapidly gained popular support in the North owing to the pledge of the Homestead Act, granting public land to anyone living on it and cultivating the land themselves. The enactment of this law would surely lead to the denial of slavery, a system



of absentee planters depending on other people's work. The Homestead Act was passed on May 20, 1862, more than seven months before the Emancipation Proclamation was formally issued on January 1, 1863, during the absence of most of the members of the South from Congress.<sup>40</sup>

### 3.5 *Why Did Northerners Oppose Slavery?*

The British "sugar colonies" in the Caribbean Sea preceded the United States in the abolition of slavery. In the British Parliament, the enactment of 1833 ordered the abolition of slavery the following year, and the abolition of the system of indentured servants was enacted in 1838. Influenced by this, the abolitionist movement in the United States began in New England and spread gradually. But it was after the promise of the Homestead Act reinforced the dream of "free land" among the majority of the Northerners that abolitionism became a nationwide movement. As mentioned above, the slaveholders would not support any Homestead Act and were determined to secede after Lincoln's victory by exclusively Northern support. The North would not agree to the independence of the Confederate States of America consisting of the 11 Southern states. This led to the Civil War. While most of the Southern Congress members were absent, the Homestead Act was passed on May 20, 1862, giving 160 acres of free public land to those living on and cultivating the land for at least five years, and then the Emancipation Proclamation, with many exceptions, was issued on January 1, 1863. Finally, the Thirteenth Amendment to the U.S. Constitution that prohibited slavery, including in future territories, was passed by the Senate on April 8, 1864, and then by the House on January 31, 1865, and adopted on December 6, 1865, by the ratification of more than three fourths of the states. Prior to that, Lincoln had been assassinated on April 15, just 6 days after the end of the Civil War.

### 3.6 *The Political Meaning of the Emancipation Proclamation and the True Liberators*

On January 1, 1863, about two years after the outbreak of war, President Lincoln, with his extra powers in wartime, finally issued an executive order to abolish slavery but limited it to the states and regions that were still rebellious. The Emancipation Proclamation was not so much a moral document as a political one, with the strategic purpose of ensuring the Union's victory by escaping the stalemate they had fallen into. Until that

time, Lincoln had continued to affirm that the war was fought for the “preservation of the Union.” The emancipation of slaves in the rebellious states, which was unconstitutional because slaves were considered “private property,” was justified as a “confiscation” by the federal government in wartime to collect a special tax through a set of confiscation acts to seize any property owned by the Confederacy, including slaves.

The Emancipation Proclamation therefore contained a lot of exceptions regarding slavery, and not only the four border states (Delaware, Maryland, Kentucky, and Missouri) and West Virginia, a newly independent state created during the early stages of war after breaking away from Virginia, but also the areas of the Confederacy such as New Orleans, Louisiana, that were already occupied by the Union army. Additionally, Lincoln intended to prevent Britain, France, and other Western European countries from recognizing the independence of the Confederate States of America. All of the Western countries were supplied with cotton by the U.S. South. Britain especially was almost persuaded by the enthusiastic Confederacy to recognize their independent nationhood. If the South had been successful, the Civil War would have become an international war for the independence of a nation. That would have meant mortal disadvantage for the North because the European powers may have intervened. This was prevented because the North somewhat established diplomatic morality.

Another strategy Lincoln had in mind was to recruit new soldiers among the “free Negroes” in the North who were prohibited from bearing arms, a constitutional right. As the war became deadlocked, both sides began to be troubled by the anti-war sentiment, as people rejected the draft imposed on them while the wealthy were exempt if they paid money or employed substitutes. A violent anti-draft riot occurred in New York in June 1863. The North also expected the Emancipation Proclamation to cause internal disturbances in Southern society by giving fugitive slaves the promise of safety that had been forbidden in the federal Fugitive Slave Law of 1850. As a result, in total 186,000 new soldiers were added to the Union, consisting of 52,000 “free Negroes” in the North and 134,000 fugitive slaves from the South, and more than 500,000 slaves were freed from bondage and fled to the territory already held by the Union Army and/or the Northern areas.<sup>41</sup>

The U.S. Supreme Court declared in *Dred Scott v. Sandford*, decided in 1857, that not only did the U.S. Constitution recognize slavery without mentioning it, but also that all people of African ancestry currently in

the United States, whether “free” or in bondage, could not be citizens of any states, that is, U.S. citizens, from the very beginning of the republic. Therefore, Lincoln had to add an amendment to the constitution to abolish slavery forever. What made Lincoln make up his mind to maintain the policy to force the South to accept “unconditional surrender” and return to the Union, and, among others, add the Thirteenth Amendment to the U.S. Constitution—leading to his assassination—was the self-sacrifice of African American soldiers as shown by the Massachusetts 54th Infantry Regiment, which was depicted in the movie *Glory* (1989). In this sense, Black Americans, including runaway slaves as well as those who fought as Union soldiers, were their own emancipators.<sup>42</sup>

As Steven Spielberg depicts in his movie *Lincoln* (2012), Abraham Lincoln, who abolished slavery without exception, including in future U.S. territories, and saved the Union as it is now, exhausted himself and lost his own life.<sup>43</sup> He was shot on April 15, 1865, and died the next day, only six days after Gen. Robert Lee accepted an unconditional surrender for the Union.<sup>44</sup>

### 3.7 *The “Civilization” of the “Indians” and Slavery*

Two hardly mentioned but important historical episodes need to be acknowledged here. The first is slavery in some of the Native American nations. The so-called Five Civilized Indian Nations accepted white “civilization,” including African slavery. The five nations were divided politically during the Civil War. The Choctaws and the Chickasaws fought predominantly on the Confederate side. The Creeks and the Seminoles supported the Union, while the Cherokees fought a civil war within their own nation between the majority Confederates and the minority pro-Union men. The minority “full blood” sect of the Cherokees was against the majority modern “mixed blood” sect owning slaves. Finally, the Cherokees lost not only slavery but also their independent nationhood. The “Cherokee Freedmen Controversy” over the “citizenship of the tribe” for the descendants of ex-slaves continues to the present day.<sup>45</sup>

The second episode deals with the Louisianan “creoles,” descendants of both French and Africans, some of whom owned slaves and fought as Confederate soldiers to defend slavery. After the war, all of them were categorized as “Negroes” on account of the American “one-drop rule” and put under the discriminating Jim Crow rule as explained in the next chapter. Some of them became enthusiastic protesters against segregation,

such as Homer Plessy, who filed a famous lawsuit, leaving his name in history.<sup>46</sup>

So why were “free men” unable to be free and deprived of their rights as citizens, even after the amendments to the U.S. Constitution had guaranteed them?

## NOTES

1. Othello, a dark-skinned Moorish general in Venice, is the hero of a tragedy written by William Shakespeare around 1603; racism is considered to be one of its themes. See, for instance, Celia Daileader, *Racism, Misogyny, and the Othello Myth: Inter-racial Couples from Shakespeare to Spike Lee* (Cambridge, UK: Cambridge University Press, 2005). See also Philip Mason, “Race and Race Prejudice,” *Caribbean Quarterly*, vol. 8–3 (September 1962), pp. 154–162. As H. Roy Kaplan points out, “Racism and discrimination against dark-skinned people is nothing new” and “a preference for light skin” could be traced back to “over 5,000 years ago in India and ancient Egypt and ancient China.” See Kaplan, *The Myth of Post-Racial America: Searching for Equality in the Age of Materialism* (Langham, MD: Rowman & Littlefield Education, 2011), p. 17.
2. The following anthology is relevant here: Edward Countryman, ed., *How Did American Slavery Begin?* (Boston, MA: Bedford/St. Martins, 1999).
3. For the original source, see “‘20. and odd Negroes’; an excerpt from a letter from John Rolfe to Sir Edwin Sandys (1619/1620),” in *Encyclopedia Virginia*, last accessed February 24, 2016, [http://www.encyclopediavirginia.org/\\_20\\_and\\_odd\\_Negroes\\_an\\_excerpt\\_from\\_a\\_letter\\_from\\_John\\_Rolfe\\_to\\_Sir\\_Edwin\\_Sandys\\_1619\\_1620](http://www.encyclopediavirginia.org/_20_and_odd_Negroes_an_excerpt_from_a_letter_from_John_Rolfe_to_Sir_Edwin_Sandys_1619_1620). See also Engel Sluiter, “New Light on the ‘20. and Odd Negroes’ Arriving in Virginia, August 1619,” *William and Mary Quarterly* (April 1997), pp. 395–398.
4. See Massachusetts, *The Laws and Liberties of Massachusetts: Reprinted from the Copy of the 1648 edition in the Henry E. Huntington Library* (Cambridge, MA: Harvard University Press, 1929). After the establishment of this law, slaves could be obtained legally if they were captives resulting from war, sold themselves into slavery, were purchased as slaves from elsewhere, or were

sentenced to slavery through the governing authority in the Colony of Massachusetts. The original provision was as follows:

There shall never be any bond slaverie, villinage or captivitie amongst us unless it be lawfull captives taken in just warres, and such strangers as willingly selle themselves or are sold to us. And these shall have all the liberties and Christian usages which the law of God established in Israell concerning such persons doeth morally require. This exempts none from servitude who shall be judged thereto by Authoritie. (Quoted in Wikipedia’s “History of Slavery in Massachusetts,” accessed on May 15, 2016, [https://en.wikipedia.org/wiki/History\\_of\\_slavery\\_in\\_Massachusetts](https://en.wikipedia.org/wiki/History_of_slavery_in_Massachusetts).)

See also Wikipedia’s “History of slavery in Massachusetts,” last accessed February 24, 2016, [https://en.wikipedia.org/wiki/History\\_of\\_slavery\\_in\\_Massachusetts#cite\\_note-Max1929-13](https://en.wikipedia.org/wiki/History_of_slavery_in_Massachusetts#cite_note-Max1929-13). As for the justification for imposing forced labor on POWs, this could be traced back to the age of the Crusaders. See, for instance, Christopher Tyerman, *God’s War, A New History of the Crusades* (Cambridge, MA: Belknap Press, 2009). The original justification for slavery in the European tradition may go back to Aristotle’s theory of “natural slaves.” See, for instance, Kelvin Knight, *Aristotelian Philosophy* (Cambridge, UK: Polity Press, 2007).

5. For more on indentured servants in colonial Virginia, see B. Wolfe & M. McCartney, “Indentured Servants in Colonial Virginia,” *Encyclopedia Virginia*, last accessed February 24, 2016, [http://www.EncyclopediaVirginia.org/Indentured\\_Servants\\_in\\_Colonial\\_Virginia](http://www.EncyclopediaVirginia.org/Indentured_Servants_in_Colonial_Virginia). For the latest scholarship on indentured servants, see John Donoghue, “Indentured Servitude in the 17th Century English Atlantic: A Brief Survey of the Literature,” *History Compass*, vol. 11–10 (October 2013), pp. 893–902. For the first slave law in British mainland colonies in Massachusetts, see “Timeline of Events Relating to the End of Slavery,” Massachusetts Historical Society, last accessed February 24, 2016, [http://www.masshist.org/education/loc-slavery/essay.php?entry\\_id=504](http://www.masshist.org/education/loc-slavery/essay.php?entry_id=504).
6. Ira Berlin, *Many Thousands Gone: The First Two Centuries of Slavery in North America* (Cambridge, MA: Harvard University Press, 1998), “Part One: Society with Slaves.” For more information on the Johnson family, see “Anthony Johnson,” Exploring Maryland

- Roots: Library, last accessed February 24, 2016, <http://mdroots.thinkport.org/library/anthonyjohnson.asp>.
7. A. Leon Higginbotham, Jr., *In the Matter of Color: Race and the American Legal Process: The Colonial Period* (New York, NY: Oxford University Press, 1978); “The Ancestry of Inferiority (1619–1662), from *Shades of Freedom: Racial Politics and Presumptions of the American Legal Process*,” Countryman, ed., op. cit., pp. 85–98. Higginbotham (1928–1998) was a prominent legal historian of Yale Law School and former Chief Justice of the United States Court of Appeals for the Third Circuit.
  8. Edmund S. Morgan, *American Slavery, American Freedom: Ordeal of Colonial Virginia* (New York, NY: W.W. Norton, 1975). Morgan (1916–2013) was Emeritus Professor of History at Yale University.
  9. William J. Cooper, *Liberty and Slavery: Southern Politics to 1860* (Columbia, SC: University of South Carolina Press, 2001), p. 9.
  10. Eric Foner, *Give Me Liberty! An American History* (New York, NY: W.W. Norton & Company, 2009), p. 100; Morgan, op. cit., p. 270.
  11. For the relationship between slavery and capitalism, see Eric Williams, *Capitalism & Slavery* (Chapel Hill, NC: University of North Carolina Press, 1944).
  12. John J. McCusker and Russell R. Menard, *The Economy of British America, 1607–1789* (Chapel Hill: University of North Carolina Press, 1991), p. 108.
  13. *Ibid.*, p. 130.
  14. *Ibid.*, p. 174.
  15. *Ibid.*, p. 130.
  16. *Ibid.*, p. 199.
  17. *Ibid.*, p. 57.
  18. Thomas Jefferson, “Notes of Proceedings in the Continental Congress,” cited in David Armitage, *The Declaration of Independence: A Global History* (Cambridge, MA: Harvard University Press, 2008), p. 57. For the original passages, see the website of the Library of Congress titled “Declaring Independence: Drafting the Documents: Jefferson’s “original Rough draught” of the Declaration of Independence,” last accessed February 23, 2016, <http://www.loc.gov/exhibits/declara/ruffdrft.html>.

19. Mary Beth Norton, et al., *A People and A Nation: A History of the United States*, brief 10th edition (Boston, MA: Cengage Learning, 2014), p. 149.
20. Cassandra Pybus, *Epic Journeys of Freedom: Runaway Slaves of the American Revolution and their Global Quest for Liberty* (Boston, MA: Beacon Press, 2006). See also Wikipedia's "Black Royalist," last accessed February 24, 2016, [http://en.wikipedia.org/wiki/Black\\_Loyalist](http://en.wikipedia.org/wiki/Black_Loyalist); "Sierra Leone Creole People," last accessed February 24, 2016, [http://en.wikipedia.org/wiki/Sierra\\_Leone\\_Creole\\_people](http://en.wikipedia.org/wiki/Sierra_Leone_Creole_people).
21. George William Van Cleve, "Founding a Slaveholders' Union, 1770–1797," in John Craig Hammond & Matthew Mason, eds., *Contesting Slavery: The Politics of Bondage and Freedom in the New American Nation* (Charlottesville, VA: University of Virginia Press, 2011), pp. 117–137; Norton, et al., *A People and A Nation*, pp. 188–189; Donald J. Patcliffe, "The Decline of Antislavery Politics, 1815–1840," *ibid.*, p. 269.
22. Van Cleve, *op. cit.*, 125.
23. For more on "Slave Power" and "slaveocracy," see, for instance, Leonard L. Richards, *The Slave Power: The Free North and Southern Domination, 1780–1860* (Baton Rouge: Louisiana State University Press, 2000).
24. Van Cleve, *op. cit.*, 125.
25. Gerald Horne, *Negro Comrades of the Crown: African Americans and the British Empire Fight the U.S. before Emancipation* (New York, NY: New York University Press, 2012), p. 17; Robert G. Parkinson, "Manifest Signs of Passion: The First Federal Congress, Antislavery, and Legacies of the Revolutionary War," in Hammond and Mason, eds., *Contesting Slavery*, p. 56. In the proclamation signed on November 7, 1775, by John Murray, 4th Earl of Dunmore and Royal Governor of the Colony of Virginia, it was declared that "all indentured servants, Negroes, or others... free that are able and willing to bear arms..." Namely, he hoped for a revolt by Black slaves and white indentured servants, which would be of great help to the British ruling class. See, for instance, Rick Halpern and Enrico Dal Lago, eds., *Slavery and Emancipation* (Oxford, UK: Blackwell, 2002), p. 90.
26. Parkinson, *op. cit.*, pp. 63, 66.
27. David Brion Davis, *The Problem of Slavery in Western Culture* (Ithaca, NY: Cornell University Press, 1966).

28. The term “Antebellum” indicates the time before the Civil War.
29. Douglas A. Irwin, “The Optimal Tax on Antebellum U.S. Cotton Exports,” *NBER Working Paper* No. 8689, issued in December 2001, last accessed February 2016, <http://www.nber.org/papers/w8689>.
30. See the webpage of the American Textile History Museum, Lowell, MA, last accessed February 24, 2016, <http://www.athm.org/>. See also Ronald Bailey, “The Other Side of Slavery: Black Labor, Cotton, and Textile Industrialization in Great Britain and the United States,” *Agricultural History*, vol. 68–2, “Eli Whitney’s Cotton Gin, 1793–1993: A Symposium” (Spring, 1994), pp. 35–50.
31. Jennifer Lee and Frank D. Bean, *The Diversity Paradox: Immigration and the Color Line in the 21st Century America* (New York, NY: Russell Sage Foundation, 2010), p. 7.
32. For more on the historical concept of “slave culture,” see the following: Herbert G. Gutman, *The Black Family in Slavery and Freedom, 1750–1925* (New York, NY: Pantheon Books, 1976); George P. Rawick, *From Sundown to Sunup: The Making of the Black Community* (Westport, CN: Greenwood Press, 1972); John W. Blassingame, *The Slave Community: Plantation Life in the Antebellum South*, rev. & enl. ed. (New York, NY: Oxford University Press, 1979); Lawrence W. Levine, *Black Culture and Black Consciousness: Afro-American Folk Thought from Slavery to Freedom*, 30th anniversary ed. (New York, NY: Oxford University Press, 2007).
33. For the slave’s distinctive religion and Black theology, see Albert J. Raboteau, *Slave Religion: The Invisible Institution in the Antebellum South* (New York, NY: Oxford University Press, 1978).
34. Norton, et al., op. cit., p. 256.
35. Michael S. Merry, *Equality, Citizenship, and Segregation: A Defense of Separation* (New York, NY: Palgrave Macmillan, 2013), p. 118. For the lyrics of “Oh, Freedom,” see the website “Oh, Freedom!” Ballad of America, last accessed February 24, 2016, <http://www.balladofamerica.com/music/indexes/songs/ohfreedom/>.
36. Norton, et al., op. cit., p. 190.
37. Alexis-Charles-Henri Clérel de Tocqueville, *Democracy in America: Vol. 1* (New York, NY: Colonial Press, 1899), p. 364.



38. Positive law is characterized as “law actually and specifically enacted or adopted by proper authority for the government of an organized jural society.” See *Black’s Law Dictionary*, 5th ed. (Eagan, MN: West Publishing, 1979).
39. “Bloody Kansas,” or “Bleeding Kansas,” was a series of violent confrontations between pro-slavery forces and anti-slavery forces when the territory of Kansas became a state. A series of major clashes occurred over the adoption of its state constitution. Although Kansas finally adopted a “Free State” view in October 1859, it had to await admission to the Union until January 1861, just before the outbreak of the Civil War.
40. Roy P. Basler, ed., *The Collected Works of Abraham Lincoln*, vols. 1 to 9 (New Brunswick, NJ: Rutgers University Press, 1953).
41. Norton et al., op. cit., p. 385.
42. Garbor S. Boritt, ed., *Why the Confederacy Lost* (New York, NY: Oxford University Press, 1992), pp. 12, 137–138. It was 1982 when 62 Black soldiers’ names were added to the monument built at the corner of Boston Common, along with the commander Col. Robert G. Shaw who was killed with them in the Battle of Fort Wagner in July 1863. See “Shaw/54th Regiment Memorial: Remember Their Names,” last accessed February 24, 2016, [https://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fstatic.ow.ly%2Fdocs%2FRemember%2520Their%2520Names\\_JZE.doc](https://view.officeapps.live.com/op/view.aspx?src=http%3A%2F%2Fstatic.ow.ly%2Fdocs%2FRemember%2520Their%2520Names_JZE.doc). For more on the Dred Scott case that declared that not only did the U.S. Constitution recognize slavery without mentioning the word, it also denied African Americans their rights as citizens, including as “free negroes”; see, for instance, Paul Finkleman, *Dred Scott vs. Sandford: A Brief History with Documents* (Basingstoke, Hampshire, UK: Palgrave Macmillan, 1997); Edward Zwick (dir.), *Glory* (1989).
43. See director Steven Spielberg’s movie *Lincoln* (2012) depicting the president’s last days after the Emancipation Proclamation.
44. You can see how Lincoln exhausted himself by comparing the two photos before and after the Civil War on the website, “Before and after the war: The dramatic aging of Abraham Lincoln,” accessed on June 7, 2016, <http://sploid.gizmodo.com/before-and-after-the-presidency-the-dramatic-aging-of-1530050410>.
45. Theda Perdue, *Slavery and the Evolution of Cherokee Society, 1540–1866* (Knoxville, TN: University of Tennessee Press, 1979); Tiya Miles, *Ties That Bind: The Story of an Afro-Cherokee Family in*

- Slavery and Freedom* (Berkeley, CA: University of California Press, 2005); Marie Price, "Harvard Law Professor Charles Ogletree: Cherokee Morality Should Decide Freedmen Issue," *The Journal Record* (Oklahoma City, OK), September 11, 2009.
46. Arnold R. Hirsch, *New Orleans Creole: Race and Americanization* (Baton Rouge, LA: Louisiana State University Press, 1992); Sybil Kein, *Creole: The History and Legacy of Louisiana's Free People of Color* (Baton Rouge, LA: Louisiana State University Press, 2009); Shirley Elizabeth Thompson, *Exiles at Home: The Struggle to Become American in Creole New Orleans* (Cambridge, MA: Harvard University Press, 2009). For the biographical data of Homer Plessy, see the following webpage of the Louisiana Historical Society, last accessed February 24, 2016, <http://www.lahistory.org/site33.php>. He was born in 1862 in New Orleans of mixed descent, seven-eighths Caucasian and one-eighth Negro blood.

## From the Abolition to Jim Crow

### 1 SLAVERY AND CONSTITUTIONAL AMENDMENTS

#### *1.1 Toward the Eternal Abolition of Slavery*

During his last days Abraham Lincoln concentrated his remaining time and energy on passing the Thirteenth Amendment of the Constitution. The Emancipation Proclamation (with exceptions) was an interim executive order that could be issued by the president in wartime. The eternal abolition of slavery, without exception, needed a constitutional amendment. Andrew Johnson, who Lincoln appointed as Vice-President in the second election in November 1864, was not a Republican but a Democratic Senator from Tennessee who had remained in Washington, D.C., since the beginning of the Civil War. This was mainly because of Lincoln's determination to pass the constitutional amendment. After passing the Senate on June 15, 1864, a committed Lincoln had to persuade congressmen on both sides, not only conservatives, but also radicals like Thaddeus Stevens, who thought the abolition of slavery was not enough. The first vote was not successful. It was in the second vote that the House of Representatives finally won over two-thirds of the vote on January 31, 1865.<sup>1</sup>

Here we should take a look at the word "slavery" in section one of the Thirteenth Amendment, the only place in which the word "slavery" appears in the U.S. Constitution:

The Thirteenth Amendment (1865):

Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.<sup>2</sup>

With this section directly using the word “slavery” it turned out that the U.S. Constitution had so far implicitly recognized slavery without mentioning it at all.

There is an additional and untold story of the states that ratified the Thirteenth Amendment after the completion of the formal ratification of this historic constitutional amendment. The State of Delaware, which was a slave state but did not join the Confederacy in the Civil War, ratified it in 1901; Kentucky, which remained in the Union, ratified it in 1976; and the State of Mississippi finally ratified it in 1995. In these three states, although they had no legal effectiveness, the slave laws continued to be on the State Book of Laws after the Reconstruction Era and well into recent times. Notwithstanding above-mentioned resistance, the Thirteenth Amendment to the Constitution became valid on December 6, 1865.<sup>3</sup>

### 1.2 *The Meaning of the Three Amendments*

On April 14, 1865, less than a week after the surrender of the Confederacy, Lincoln was fatally shot while watching a play in Ford’s Theatre in Washington, D.C., and died the next morning. With the deaths of more than 620,000 U.S. citizens and the president (the latest scholarship shows approximately 750,000),<sup>4</sup> 4 million slaves were liberated. Andrew Johnson, Lincoln’s Vice-President, a Democrat from Tennessee, became the successor of the Reconstruction of the South, namely the occupation policy of the South by the North. He followed Lincoln’s generous plan, which enraged Northerners. Then the presidential plan was replaced by a more radical one led by the House of Representatives, the majority of whom were newly elected radical Republicans in the mid-term election of 1866. Just before that, on April 9, 1866, overturning the veto by President Johnson of the previous year, the first Civil Rights Act was enacted, a federal law giving all U.S. born and naturalized people equal rights as citizens regardless of their “race,” color, or previous status in slavery or involuntary servitude. Before long, the Fourteenth Amendment to the Constitution was ratified on July 7, 1868, in order to prevent each of the states from ignoring the Civil Rights Act, and then

followed by the Fifteenth Amendment on February 2, 1870, guaranteeing the right to vote.

The Fourteenth Amendment (1868):

Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

The Fifteenth Amendment (1870):

Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Section 2. The Congress shall have power to enforce this article by appropriate legislation.<sup>5</sup>

Thus not only the “freedmen,” former slaves in the South and border states, but also most of the African Americans in the North, except for those in Massachusetts and a few other states, became eligible voters although most of the women regardless of “race” were not allowed to vote yet.<sup>6</sup>

Why were the above-mentioned two amendments to the constitution added, giving former slaves citizen’s rights, especially the right to vote? It is true that the government of the Confederate States of America collapsed at the “unconditional surrender.” But each of the 11 state governments survived under the Union Army’s control, an indirect occupation, as was the case of the U.S. occupation in Japan after the end of World War II. On the other hand, postwar Germany was divided into four (*de facto* two) sections, the eastern part occupied directly by the Soviet Union, and the western part by the United States, the United Kingdom, and France due to the total demise of the former Nazi regime. In the case of Japan, although it accepted an “unconditional surrender,” the government of Japan continued, and also the Imperial household. Occupied Japan resembled the post-Civil War 11 states of the former Confederacy in their governmental continuity, with indirect control by the victorious army. One of the first policies GHQ (General Headquarters of the Allied Powers, in reality meaning General Douglas MacArthur’s military office) implemented was the approval of women’s voting rights in October, 1945, less than two

months after the unconditional surrender of Japan to the Allied Powers. In the first general election after the war in Japan, Japanese women voters responded strongly as per GHQ expectations, that is, with the democratization and demilitarization of the Japanese political/economic structure built since the Meiji Restoration, including breaking up *zaibatsu* (industrial and financial conglomerates) and *gunbatsu* (militaristic dictatorships). My feeling is that the above-mentioned confidence of GHQ was at least partly due to their historical experience of the Fifteenth Amendment's effectiveness. The enfranchisement of the "freedmen" changed the Southern state governments so that the North would be satisfied. "Freedmen" helped courageously rewrite state constitutions and practice other reforms to reconstruct the whole region with the assistance of the Union Army, notwithstanding the violent reaction of the KKK (Ku Klux Klan).<sup>7</sup>

### 1.3 *The Unfulfilled Promise of "Forty Acres and a Mule"*

There was an unfulfilled promise of "40 acres and a mule," that is, of giving every household of people freed from slavery 40 acres (16 hectares) of land and a mule, which the present-day reparations movement for slavery and Jim Crow often refers to. This heightened the "freedmen's" expectations for economic independence. The policy was put into practice in parts of South Carolina, Florida, and Georgia by William Tecumseh Sherman, the Union Army's field commander who occupied these regions and delivered and put into practice the order (Field Orders No. 15, issued on January 16, 1865). Gen. Sherman's field order coincided with the Homestead Act of 1862 that guaranteed that the settlers could cultivate the soil themselves in a public land ownership scheme, although "a mule" was just a rumor spreading among "freedmen" rapidly. The Freedmen's Bureau was established in the Union's Department of War on March 3, 1865, and it practiced Sherman's order widely in the occupied South. Especially in South Carolina and Georgia, the land of the former plantations was distributed (at first rented and then given for free) to about 10,000 households, meaning about 40,000 "freedmen" in total, to help them become economically independent. Soon U.S. Congress responded by enacting a federal law. However, President Johnson vetoed it and all the distributed land was returned to the former planters, who made the "freedmen" landless sharecroppers. Most of the "freedmen" were subordinated to their former masters, which meant the continuation of *de facto* slavery. Thus, the idea of receiving "40 acres and a mule" has been deeply embedded in the hearts and minds of African Americans as an unfulfilled promise that still remains.<sup>8</sup>

The Southern Homestead Act of 1866 would have been helpful for the empowerment of the “freedmen.” However, the land grant policies were only effective in the South for the railroad companies. The Northern victory in the Civil War benefitted the Northern capitalists rather than contributing to solving the “American Paradox.” Before enough land was distributed to the sharecroppers and tenants, regardless of their “race,” the Southern Homestead Act was repealed in June 1876.<sup>9</sup>

#### 1.4 *A Comparison with the Occupation of Japan*

The U.S. occupation of post-WWII Japan in many respects resembled the Reconstruction practiced during the Union Army’s occupation of the South. First of all, they were both indirectly occupied by victors manipulating local governments through a newly enfranchised group, in these cases, African American males and Japanese women, respectively. But there were several differences. Among others, the fact that there was a revolutionary land reform in Japan exposes the greatest difference. In Japan, by distributing land, the liberation of peasants (consisting of about half of the total population)—at least to a certain degree—contributed much to the democratization and stabilization of postwar Japan.<sup>10</sup>

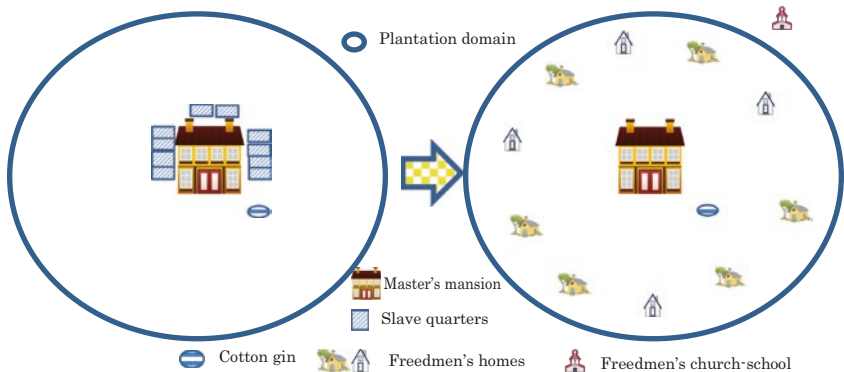
African Americans in the post-Civil War South were liberated from slavery and their scattered families were reunited with the restoration of such basic rights as marriage, custody of their children, schooling and, among other things, freedom to move away from the landlords they disliked. But they never secured their means to be economically independent from a subordinated position under the oppression and exploitation of landlords. Despite these limitations, they contributed much to reforming the South in their best interests, aided by the Union Army, until the Compromise of 1877, when the five military districts were removed from the South in exchange for having secured a Republican victory in the presidential election the previous year.<sup>11</sup>

#### 1.5 *Was the Abolition Meaningless?*

It may appear that the abolition of slavery was almost meaningless if it meant only a shift from slaves to sharecroppers. However, the end of slavery did bring to the slaves the transition of their basic status from being owned by masters like “property” (in fact, like cattle) to human beings, although not as fully equal, especially economically, as the white citizens. As mentioned above, illegally sustained, but often scattered under slavery,

African American families were reunited just after the abolition of slavery. Other hidden aspects of slave culture that accumulated “from sundown to sunup” were revealed by George Rawick’s research.<sup>12</sup> Subordinated as they might have been as sharecroppers, the “freedmen” were really given freedom of movement, a basic human right, and practiced it. They could move anywhere for better conditions under other landlords or change their jobs. On top of that, they could move their home within the parameters of plantations. “Slave quarters,” their former residential areas, had been attached to the master’s mansion so that the masters could manage their slaves easily and watch them closely. After the emancipation, new sharecroppers’ houses began to scatter by family unit and they openly built their own churches and schools (see Illustration 3.1). Since the Compromise of 1877, with the Union Army evacuating to the North, the former slaves supported the Redemption, that is, the return of the old masters, the “Bourbons” as they were called, to the leading positions in the state politics of the South. State politics of the South in the post-Reconstruction Era of the late 1870s and 1880s, led by the “Bourbons,” were conservative and stable enough that the extreme racists who rose in later decades could be oppressed effectively, at least for a while.<sup>13</sup>

The Populist Movement, the largest and most powerful third party movement in U.S. history, surged up and spread, especially in the South, in the early 1890s. The People’s Party began to persuade the lower



**Illustration 3.1** Changing scene of a typical plantation before and after the Civil War (Source: Eric Foner, *Reconstruction: America’s Unfinished Revolution, 1863–1877* [New York, NY: Harper & Row, 1988], pp. 406–407)



class constituents, regardless of their “race,” to get together against the “Bourbons’ Solid South”; the stability after the Reconstruction known as the “redemption” began to teeter, and finally led to the Jim Crow system, that is, segregation based on “race” with enforcement using local laws, along with the disfranchisement of African Americans. The old pattern of the “American Paradox,” that is, the reconciliation within the whites beyond economic class, along with discrimination against Blacks, was repeated. Northern whites needed nationwide reconciliation among themselves in the age of imperialism, including the annexation of overseas territories of non-white peoples, and the New Immigrants from Southern and Eastern Europe.<sup>14</sup>

## 2 JIM CROW

### 2.1 *Railroads as the Main Arena of Dispute*

How and why were the railroads and other means of public transport an issue? Segregation, meaning not just separation but implying discrimination, began as a custom after the Civil War following the abolition of slavery. It developed and strengthened along with urbanization in the South. Most Black people in the South were formerly employed in the rural plantations as slaves. Manumitted “free Negroes” numbered very few and were concentrated in the cities. In the Reconstruction Era, as the “freedmen” given freedom of movement gradually advanced into the cities, friction occurred. At first the streetcars, then horse-drawn tramcars, became the battlegrounds between the “races.”<sup>15</sup>

The railroad construction boom after the Civil War in the South was remarkable. It was subsidized financially and granted public land by state and federal governments. At first, when very exceptional wealthy African Americans, mainly former “free Negroes,” on rare occasions took a first-class sleeping car, the railroad companies admitted them aboard on the basis of “equal treatment for an equal fee.” But before long, clashes between the “races” frequently happened, some finding their way to the courts. Southern states made rules—state laws and municipal ordinances—stating that separation by “race” would be no problem as long as facilities remained equal. But the railroad companies did not prepare first-class cars for “colored” people because of unprofitability and companies then refused to sell first-class tickets to African Americans. Some wealthy Creoles like Homer Plessy (1862–1925) of New Orleans claimed

that it was a violation of the Fourteenth Amendment guaranteeing equal protection under the law, and this was finally heard by the U.S. Supreme Court. The result was the famous—or infamous—*Plessy v. Ferguson* ruling on May 18, 1896, which approved locally legalized discriminatory segregation based on “race.”

## 2.2 *From Segregation Through Social Pressure and Custom to Strictly Legalized Enforcement*

The Jim Crow system that enforced the segregated public spheres in the South based on “race” originally began as a custom after the Civil War under the occupation of the Union Army and then was legalized in the 1890s. With the establishment of the Jim Crow laws, a set of state laws and municipal ordinances in the South, Jim Crow became a system of segregation based on “race” and enforceable by law. There were two schools concerning this transitional process from custom to law—the “continuity” and “discontinuity” schools. Custom and etiquette have considerable enforcement power. For instance, there are noticeable differences in social customs between the genders with respect to clothes, hairstyles, behaviors, language, and so on, which will not disappear in the near future. If a young child behaves differently on the principle of gender, he/she will feel society’s pressure to behave “correctly.” In the historical context of the U.S. South at that time, as long as this kind of social pressure to behave like slaves was strong enough, there was no need for law enforcement. The enactments became gradually necessary as the number of the younger generation of African Americans who did not know about slavery increased.<sup>16</sup>

## 2.3 *Northern Approval by the “Separate but Equal” Theory*

On May 18, 1896, the U.S. Supreme Court rejected Homer Plessy’s request to be treated equally by 7 to 1 (one judge was absent because of a death in the family). This *Plessy v. Ferguson* decision was based on the theory of “separate but equal,” that is, even if facilities were to be separated by “race,” it would be constitutional if the standards were equal. If this decision had been made ten years previously, the racially divided facilities in the South could have been made equal. But in the late 1890s, almost all the public institutions in the South were segregated. Additionally, disfranchisement began to be imposed on Blacks. Therefore, this decision was

interpreted by Southern whites as entitlement by the federal government and the local enforcement of Jim Crow laws. Out of the nine justices of the U.S. Supreme Court, only John Marshall Harlan (1833–1911) dissented. Part of his long dissenting opinion is cited below, and it has not lost its historical significance:

The white race deems itself to be the dominant race in this country. And so it is, in prestige, in achievements, in education, in wealth, and in power. So, I doubt not, it will continue to be for all time, if it remains true to its great heritage, and holds fast to the principles of constitutional liberty. But in view of the constitution, in the eye of the law, there is in this country no superior, dominant, ruling class of citizens. There is no caste here. Our constitution is color-blind, and neither knows nor tolerates classes among citizens. In respect of (*sic*) civil rights, all citizens are equal before the law.<sup>17</sup>

Why did the North approve Jim Crow, this forced segregation based on “race,” through state laws and municipal ordinances in the South? The reason was that the United States began to annex overseas territories such as Hawaii, Puerto Rico, and the Philippines, especially after the war against Spain in 1898. Hawaii was the exception, and was to be given statehood in the future, while the Philippines was made a colony, and Puerto Rico was kept in limbo between a colony and a state. The federal government hesitated to treat people of different skin colors, languages, and religions as equal U.S. citizens. They had already passed the Chinese Exclusion Act in 1882 as a federal law, although the influx of Chinese workers was concentrated in the Western states. In the Northeastern states, especially the inner-city areas of the metropolises, the numbers of New Immigrants were increasing. These were mainly Italian migrants, Slavs, and East- and Central-European Jews escaping from pogroms. The New Immigrants made up 64 percent of the total number of people who came to the United States from 1891 to 1920. The federal government considered restrictions against the New Immigrants by enforcing literacy tests, as the Southern whites were doing so to disfranchise the Blacks. “Race” was not a local problem exclusive to the South at the turn of the twentieth century.<sup>18</sup>

## 2.4 Gender and “Race”

As the Supreme Court decision of *Plessy v. Ferguson* suggests, the main battleground was the railroad, especially the sleeping cars. In the

background of the Jim Crow legislation was the issue of gender, and the hidden message was to defend white women from “amorous Negro men.”

According to Barbara Welke, the message of “defend the purity of the white women” worked effectively in persuading the Southern, white, and at-that-time male-only constituency to support the exclusion of African American male passengers from sleeping cars. In this process, female African Americans were totally neglected and forced to take the “smoking cars,” as they were called, the cars for lower-class males beyond “race.” The sleeping cars and other first-class cars, once called the “ladies’ cars,” were renamed “first-class cars,” while the “smoking cars” became “cars for colored passengers.”<sup>19</sup>

### 2.5 *Jim Crow: Discontinuity vs. Continuity?*

In the past five decades, historians have debated how to interpret the period between the 1890s and the first decade of the twentieth century, when some of the Jim Crow laws were enacted at the state level in the South. There are two schools of thought: one that emphasizes “discontinuity,” in other words, the revolutionary aspect of the Reconstruction Era, and another school, “continuity,” that emphasizes continuing discrimination and segregation from just after the end of slavery through the establishment of the Jim Crow system between the late 1880s and the first decade of the twentieth century.<sup>20</sup>

The most famous “discontinuity” school historian is C. Vann Woodward (1908–1999) of Yale University, who called the Civil War “the War for the Independence of the South,” although he was regarded as a progressive historian. His *The Strange Career of Jim Crow* was translated into non-English languages, including Japanese, and has influenced the conscience of historians the world over.<sup>21</sup> It was published in 1955, just one year after *Brown v. Board of Education*, a landmark Supreme Court decision unanimously denying—58 years later—*Plessy v. Ferguson*’s “separate but equal” reasoning, by determining that segregation is essentially nothing but discrimination. At the end of the same year, a one-year-long boycott that began in Montgomery, Alabama, was led by the Rev. Martin Luther King Jr., who praised *Strange Career* as the “Bible of the Civil Rights Movement.” According to Woodward, the Reconstruction Era was revolutionary when equality beyond “race” was really pursued, leaving “forgotten alternatives” to the solid Jim Crow system established in

the 1890s. Not only the Northern radicals and the Southern liberals but also the conservative Redeemers, or the “Bourbons,” gradually lost their influence against the radical racists. At the turn of the twentieth century, the Populist Movement calling for solidarity among lower-class people beyond “race” rapidly flourished in the South, and in North Carolina they succeeded in controlling state politics. At this point, the rightwing racists came to the forefront and pushed forward a compromise among whites by enacting a set of the Jim Crow laws. Woodward’s theory calling for the “forgotten alternatives” very much encouraged conscientious people in the North and the South at the beginning of the “Second Reconstruction” in the 1950s and the 1960s.

Joel Williamson (1965) emphasizes the “continuity” of the four decades from the end of slavery, to the Reconstruction Era, through the rise of Jim Crow in the 1890s. He analyzed extensive historical material that shows continual and strong social pressure toward discriminatory segregation against Black people. At the same time, he looked at the trend of “self-separation” from the African American side. An undeniable fact was that there was a consistent “mental distance” between the “races.”<sup>22</sup>

Howard Rabinowitz (1942–1998) criticized Woodward’s premise by pointing out that the pre-history of Jim Crow was not racial integration but the exclusion of the “freedmen” from public spaces in the South. There were no hospitals or poorhouses, for instance, available to African Americans. Therefore, it seemed to African Americans that even though they were racially segregated and inferior, access to public facilities of their own was a form of progress. All they could hope for were “separate-but-equal facilities.”<sup>23</sup> Rabinowitz’s book ended the historical controversy, at least for a while.

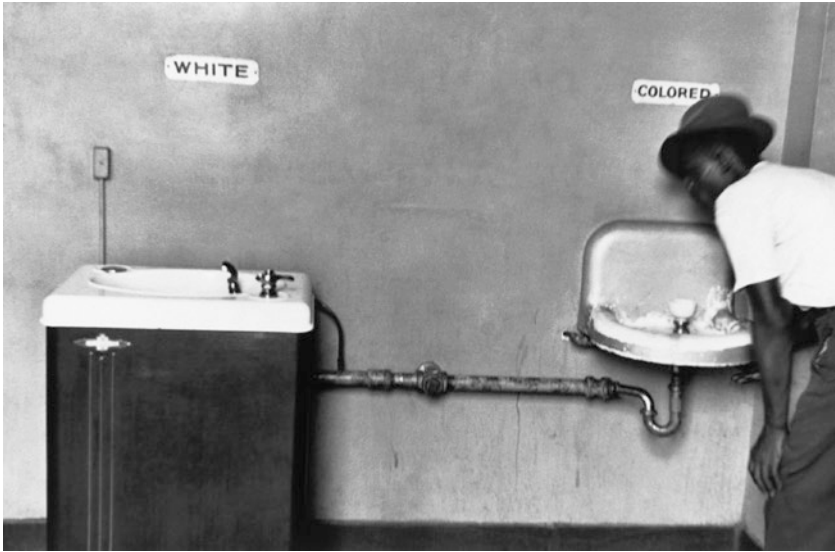
## 2.6 *Literacy Tests and the Grandfather Clause*

Notwithstanding the logic of Rabinowitz, there is still unanimous agreement among historians regarding the historical fact that the intention of Jim Crow was to deeply engrave African American inferiority by legalizing segregation. The Supreme Court’s reasoning of “separate but equal” in *Plessy v. Ferguson* of 1896 endorsed this discriminatory intention at the national level. As the *Brown* decision showed 58 years later, the *Plessy* decision that legally enforced separation on the basis of “race” meant nothing more than discriminatory segregation. The purpose of

the discrimination and exclusion of Blacks in the South could be seen most explicitly in the movement to disfranchise them. How could white supremacists ignore the Fifteenth Amendment of the U.S. Constitution prohibiting any state from depriving any citizen of their voting rights based on “race” or “skin color”? The secret was that these state laws in the South enacted in the 1890s and the first decade of the twentieth century to disfranchise African Americans never used the word “race.” They devised the “literacy test” and/or the “poll tax” to exclude even well-educated or wealthy Blacks, as well as the mass of poor Blacks from the list of eligible voters. The “grandfather clause” was an additional and effective method of disfranchising African Americans—while making whites exceptional for the above-mentioned exclusions—if their grandfathers had fought in a war, including the Civil War. This explicitly racially based discrimination had been left untouched under the principle of “local sovereignty” until the establishment of the federal Voting Rights Act of 1965. It was not until the Cold War, with rising pressure from the newly independent “Third World” countries, when the U.S. government began to have second thoughts about this peculiar aspect of American democracy.<sup>24</sup>

It was white supremacists who first introduced a “poll tax” of \$1.50 to \$2.00 per capita from African Americans that sometimes went into the pockets of white tax collectors; most Black sharecroppers could not afford to pay. On the other hand, for many poor white people who could not afford to pay the tax, prominent white landlords sometimes paid collectively on their behalf. White supremacists also used the “literacy test,” or the “understanding test,” in which the meaning of very minor sentences and clauses of state constitutions were asked in extraordinary detail; very few Blacks could answer them because what they were asked was purposely complicated. The result was the almost complete disfranchisement of African Americans in the South.<sup>25</sup>

The hidden, and real, intention of mandatory separation by “race” was discriminatory segregation to subordinate people of African ancestry as a whole regardless of their economic/educational background. “Separate but equal” never occurred; separate and unequal was symbolized in the water fountains of the South, for instance. The water flowing out of the same water pipe was of the same quality, but Blacks were only allowed to drink with explicitly inferior facilities (see Picture 3.1).



**Picture 3.1** A segregated water fountain in North Carolina, 1950 (*Source:* Photo taken by Elliott Erwitt, 1950. ©Elliott Erwitt/Magnum Photo)

### 3 THREE STRATEGIES

#### *3.1 Accommodation, Resistance, or Back to Africa?*

How did African American leaders react to the Jim Crow enactments beginning in the 1890s? There were three trends: accommodation, resistance, and the “back to Africa” movement.

First, accommodation was advocated and practiced by Booker T. Washington (1856–1915). As his autobiography *Up from Slavery* (1901) describes, he was born to a slave mother and probably a white father, and studied while working at Hampton Institute, an institute that was built by a Northern philanthropist in Virginia just after the end of the Civil War. After finishing Hampton, he was appointed as schoolmaster of a Black normal school that the State of Alabama had established to produce Black teachers for children of “freedmen.” He developed the school into an African American university, later called Tuskegee Institute, by

collecting donations from among former abolitionists in New England, and then became its president. He believed in “self-help.” At the Atlanta Cotton Exposition in 1895, he made a famous speech that W.E.B. Du Bois later called the “Atlanta Compromise.” It was an attempt to persuade the African Americans in the South to pursue accommodation to the Jim Crow system rather than engage in agitation for “social equality.”<sup>26</sup>

On the other hand, W.E.B. Du Bois (1868–1963), a Fisk University and Harvard University graduate then attending the University of Berlin, Germany, inspired African Americans to protest against discrimination. He participated in the establishment of the National Association for the Advancement of Colored People (NAACP) in 1909, the organization that led the legal struggle that resulted in the historic *Brown v. Board of Education* decision in 1954, unanimously ruling that “separate but equal” in education meant nothing but discriminatory segregation and therefore was essentially unconstitutional.<sup>27</sup>

Last, the “Back to Africa” movement was developed by Marcus Garvey (1887–1940), who was born in Jamaica and came to the United States in 1916. Garvey established the Universal Negro Improvement Association (UNIA) in Jamaica. The UNIA had over 2 million members in the post-WWI era at the height of the “New Negro” movement of “self-determination” in Harlem, New York. He bought a steamship and established the Black Star Line Company to open a direct sea-lane to West Africa. But before long, he was arrested for “fraud” for using the U.S. postal service to defraud the public and was later repatriated to Jamaica, where he eventually became a hero of Jamaican independence.<sup>28</sup>

These three currents of African American social thought complement each other. For instance, Booker T. Washington was secretly engaged in lawsuits questioning the constitutionality of the disfranchisement and other Jim Crow laws in the U.S. federal court system, the fact of which was revealed thirty years after his death; Du Bois, like Garvey, later devoted himself more to Black nationalism and recognized the importance of the self-help that Washington advocated. In the same way, a so-called nationalist like Malcolm X and a so-called integrationist like Martin Luther King, Jr., should also be considered complementary and interdependent<sup>29</sup> (see Picture 4.2).

### 3.2 *Discrimination Against Asians*

Soon after the end of the Reconstruction Era, the Chinese Exclusion Act was established as a federal law in 1882. The Chinese were mainly



moving to the West Coast states. As mentioned in Chap. 2 the original Naturalization and Immigration Act of 1790 allowed only “free white persons” to be naturalized. Then the Naturalization Act of 1870 extended the eligibility to the “aliens of African nativity and to persons of African descent.” It was the Immigration and Nationality Act of 1952, or Walter-McCarran Act, enacted during the Cold War, which finally extended the eligibility for naturalization to Asian immigrants.<sup>30</sup> After the Chinese, the next target of exclusion were the Japanese, who were first prohibited from owning land and marrying whites in California. California’s Anti-miscegenation Act, targeted at Japanese Americans, was valid until 1948. The number of states in the mainland without anti-miscegenation laws sometime in the past numbers only seven. The number of states that abandoned anti-miscegenation acts only after the U.S. Supreme Court declared their unconstitutionality in *Loving v. Virginia* in 1967 was 16. Until that time, in those states Asian Americans, including Japanese Americans, could not marry whites, although they could marry other “races.”<sup>31</sup>

The Immigration Act of 1924 excluded not only Japanese but also the so-called New Immigrants from Eastern and Southern Europe. While, as already mentioned, the second and third generations of the former New Immigrants were gradually “whitened,” the American-born Japanese second and third generations (*nisei* and *sansei*), with their birth right of citizenship, were interned with their parents and grandparents during WWII.<sup>32</sup> This was an explicit denial of the Fourteenth Amendment to the U.S. Constitution. In 1988 president Ronald Reagan publicly apologized to the survivors and paid compensation of \$20,000 per capita. This, along with the reparations for the Holocaust paid by the German government, has become the predecessor for the reparations movement for slavery and Jim Crow that has been led by African American law school professors since the beginning of the twenty-first century.<sup>33</sup>

### 3.3 *The First World War and Contact with Japanese Pan-Asianists*

I will allude here to four episodes concerning the connection between Asians—and in particular Japanese—and African Americans. The first is related to “Baron” Makino Nobuaki (1861–1949), who proposed the inclusion of a “racial equality clause” in the Covenant of the League of Nations in the Paris Peace Conference after the end of World War I, for which Makino was praised by African Americans. While sending

the notoriously imperialistic “Twenty-one Demands” to China, the Japanese government insisted on the inclusion of a “racial equality clause” in the newly established Covenant of the League of Nations after the war. This was considered a countermeasure to Great Britain, whose white dominions of Canada and Australia sponsored exclusion movements against the “yellow peril” threat of the Japanese. Therefore, mainly because of Britain’s opposition, Makino’s proposal was in vain although it garnered widespread support among African Americans. According to Mark Gallicchio, the favorable reaction from the African American leadership toward Japan was in contrast to the cool reaction by the Wilson administration. Makino’s proposal was rejected at the Paris Peace Conference with the rule of unanimity (it lost by 11 to 5 votes). The Japanese government was somewhat consoled by the approval of its inheritance of a defeated Germany’s “special interests” in the Shandong Peninsula in China.<sup>34</sup>

The second Japanese is Mitsukawa Kametaro (1888–1936), who made friends with radical nationalists and Pan-Asianists such as Kita Ikki and Okawa Shumei in Japan. On the front cover of Mitsukawa’s book, published in 1925 and titled *Kokujin Mondai (The Problems of Black Americans)*, was a flag printed with three colors: the red-black-green flag of Marcus Garvey’s UNIA/provisional African Republic. In his book, Mitsukawa strongly criticized white America for lynching, which was a common and often unpunished crime committed against mainly African American males in the South. The newly organized FBI (Federal Bureau of Investigation) became interested in Mitsukawa’s call for international solidarity among colored people in the post-WWI era. These facts can be confirmed by referring to the recently opened FBI papers published in *Marcus Garvey and the UNIA Papers*.<sup>35</sup>

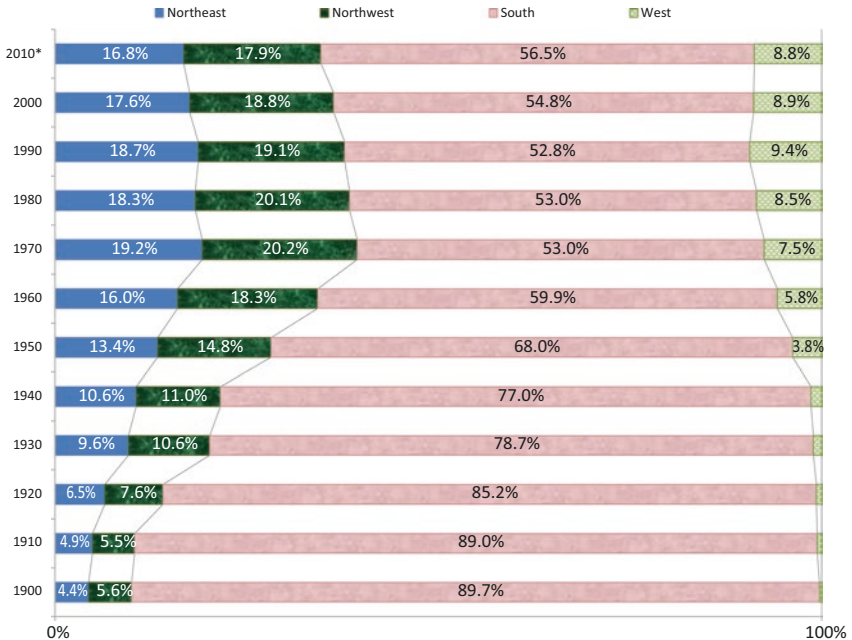
As for the third Japanese, special mention should be made of Hikita Yasukazu. Some Japanese intelligence agents were actively in search of solidarity with African Americans in U.S. society from the 1920s through the 1930s, a time when U.S.-Japan relations were worsening due to the ban on Japanese immigrants (the Immigration Act of 1924, which stopped mainly New Immigrants from eastern and southern Europe, was called the “anti-Japanese immigration act” in Japan). As a secret agent, Hikita was active in the United States from 1920 to 1942, when he was finally deported to Japan after the attack on Pearl Harbor. In the meantime, while working as a domestic cook in the Philadelphia area, he

paid for life-long membership in the NAACP, and the FBI directed their attention to Hikita's monetary sources, especially after Japan established Manchukuo, their puppet state in Northeast China in 1932. Hikita probably acted in accordance with the Japanese government and tried to cultivate support among African Americans toward Japan's adventure for the establishment of an imperialistic hegemony in Eastern Asia by the rationalization of an "Asian Monroe Doctrine."<sup>36</sup> Some of the African American leaders supported Japan because of their compassion for "colored people," but most African Americans chose loyalty to the United States from the outset of the U.S.-Japan war on December 7, 1941, with high expectations for equality in the postwar era.<sup>37</sup>

The last Japanese I would like to refer to is Nakane Naka (1870–1945?). Nakane made mainly private efforts to help organize African Americans, first in Kansas City and then in Detroit in the late 1930s, which alerted the Military Intelligence Division's Counter Intelligence Group, and he was finally arrested in 1939 and imprisoned during the war. His organizing efforts had at least some effect on the African American riot against residential segregation and discrimination in Detroit in 1943.<sup>38</sup>

### 3.4 *The Beginning of the Great Migration*

In the meantime, one of the greatest migrations in the history of humanity occurred. This was simply called the Great Migration. For six decades between 1910 and 1970, as many as 6.6 million African Americans moved out of the rural South to other regions, especially the urban and industrializing North. This huge shift in the Black population resulted in the nationwide diffusion of the problems entwined around "race," especially that of residence. Inner cities in the North, slums where the poor and new immigrants were concentrated, became critical problems for progressive reformers to tackle. At the same time, the Great Migration meant the rapid growth of eligible Black voters, which gradually made presidential candidates of both the two major parties conscious of African American claims (see Fig. 3.1). The pull factor of migration became stronger, especially after the beginning of World War I, with the increased demand for labor in Northern industries because of the sudden halt in the influx of European immigrants. Although Black migrants from the rural South met severe discrimination with violence, they expected more opportunities and better lives than that as sharecroppers.



**Fig. 3.1** Black or African American distribution by region, 1900–2010  
 (Source: Demographic Trends in the 20th Century: Special Issue of Census 2000, U.S. Bureau of Census, 2002, p. 83)

### 3.5 *American Lynchings*

The second element is the “push” element, and here that was Jim Crow. Among other things, the greatest pressure felt by African Americans determined to leave the South was the threat of lynching. As Ashraf H.A. Rushdy points out in his excellent book (2012), by the second decade of the twentieth century, lynching became something like “a demonstrably ritual act” not only for Southern whites but also for the majority of Americans in general. D.W. Griffith’s much-praised movie *Birth of a Nation* (1915), in which the reborn Ku Klux Klan’s “heroic” members carry out lynchings, featured very modern technical aspects. It was viewed by millions, including President Woodrow Wilson, and people were, without exception, greatly excited by both the technical component and the content.<sup>39</sup>

A group of college students in the United States compiled statistics of lynchings committed in the United States from 1882 to 1968. In total, 4,743 lynchings occurred in the United States, mostly (79 percent) in the South. Of the victims, 3,446 were Blacks. Only 1,297 (27.3 percent) were whites. "Many of the whites lynched were lynched for helping the black or being anti-lynching and even for domestic crimes."<sup>40</sup>

One of the most brutal, and typical, incidents was the lynching of Jesse Washington in Waco, Texas, in May 15, 1916. After his trial of an allegedly committed "rape" he was hung and burnt in public while still alive and his bones were collected by spectators as a "souvenir" or "charm against evil."<sup>41</sup>

Another symbolic case was a cruel "race riot." One of the most brutal examples was a quasi-massacre in Tulsa, Oklahoma, that occurred on May 31 and June 1, 1921. The cause was an alleged "assault" (they never used the word "rape" in the media and/or official papers) on a white woman by a Black man. During a 16-hour assault by a local white mob, more than 800 people were admitted to local (white) hospitals with injuries (the two Black hospitals were burned down), and police arrested and detained more than 6,000 Black residents at three local facilities. An estimated 10,000 Blacks were left homeless, and 35 city blocks composed of 1,256 residences were destroyed by fire. The Greenwood district, one of the wealthiest Black business districts in the United States at that time, was totally destroyed by white armed mobs joined by temporarily appointed deputy sheriffs. The official count of the dead by the Oklahoma Department of Vital Statistics was 39, all Blacks, but other estimates of Black fatalities vary from 55 to about 300. With the number of survivors declining, in 1996 the state legislature commissioned a report to establish a historical record of the events, and to acknowledge the victims and damages to the black community. Released in 2001, the report included the commission's recommendations for compensation, but most of the recommendations were not implemented by the state and city governments.<sup>42</sup> A series of reconciliatory efforts were made, such as establishing a monument commemorating the incident, but compensation has never been awarded. As will be mentioned more in the last pages of this book, the survivors are aging rapidly and have yet to receive any compensation.<sup>43</sup>

As Rushdy points out, a hidden purpose of these lynchings was the subordination of women in general on the pretext of "defending white women from Black men":

Obviously, the lynching itself effectively dramatized the dangers faced by black men who dared transgress the sanction against interracial sex. Less obviously, but just as important, the threat of rape that these stories made their essential premise served to keep white women as “subordinate group in state of anxiety and fear.” These stories were meant to intimidate and make beholden to their saviors white women as much as they were to make black communities fearful.<sup>44</sup>

Emmett Louis Till from Chicago, the 14-year-old son of one of the Great Migrants, was murdered on August 28, 1955, while he was visiting his relatives in Money, Mississippi, because of allegedly flirting with a white woman, a deed African American men were prohibited from doing by state law. The murderers were tried but declared innocent by an all-white jury. The photo of his mangled corpse was made public by his mother and shocked the American public. This was in the midst of rising criticism against Jim Crow in the South, and the bus boycott in Montgomery, Alabama, that began on December 4, 1955, and led to the rise of the Civil Rights Movement, a movement that led U.S. society to make one of its most essential changes in history.<sup>45</sup>

## NOTES

1. The U.S. Constitution is one of the most difficult to change. According to Article Five, amending the U.S. Constitution requires two stages, proposal and ratification. There are two ways for proposal: two-thirds (super majority) of both the Senate and the House of Representatives of the U.S. Congress or by a national convention assembled at the request of the legislatures of at least two-thirds (at present) of the states. All proposals for a constitutional amendment so far have been done by the former provision. Then ratification by at least three-fourths of the states (at present 34) is necessary for completing the amending process. There are two ways for each of the current 50 states to ratify a constitutional amendment proposal by Congress: by the state legislatures, or by state ratifying conventions.
2. U.S. Constitution Online, Amendments, “Amendment 13,” accessed February 24, 2016, [http://www.usconstitution.net/xconst\\_Am13.html](http://www.usconstitution.net/xconst_Am13.html).
3. See *The Constitution of the United States of America*, Senate Document No. 112–9, Washington, D.C.: U.S. Government Printing Office,

- 2013, accessed February 24, 2016, <https://www.gpo.gov/fdsys/pkg/GPO-CONAN-2013/pdf/GPO-CONAN-2013.pdf>. See also Wikipedia, “Thirteenth Amendment to the United States Constitution,” accessed February 24, 2016, [http://en.wikipedia.org/wiki/Thirteenth\\_Amendment\\_to\\_the\\_United\\_States\\_Constitution](http://en.wikipedia.org/wiki/Thirteenth_Amendment_to_the_United_States_Constitution).
4. Mary Beth Norton, et al., *A People and A Nation: A History of the United States*, brief 10th edition (Boston, MA: Cengage Learning, 2014), p. 399.
  5. U.S. Constitution Online, Amendments, “Amendment 14,” accessed February 24, 2016, [http://www.usconstitution.net/xconst\\_Am14.html](http://www.usconstitution.net/xconst_Am14.html); “Amendment 15,” accessed February 24, 2016, [http://www.usconstitution.net/xconst\\_Am15.html](http://www.usconstitution.net/xconst_Am15.html).
  6. Leon F. Litwack, *North of Slavery: The Negro in the Free States, 1790–1860* (Chicago, IL: University of Chicago Press, 1961), p. 75.
  7. Mark E. Caprio and Yoneyuki Sugita, *Democracy in Occupied Japan: The U.S. Occupation and Japanese Politics and Society* (Abingdon, Oxon, UK: Routledge, 2007); W.E.B. Du Bois, *Black Reconstruction* (Millwood, NY: Kraus-Thomson Organization Ltd., 1963).
  8. For a detailed overview of the Reconstruction and the self-liberation efforts by the “freedmen,” see Eric Foner, *Reconstruction: America’s Unfinished Revolution, 1863–1877* (New York, NY: Harper & Row, 1988).
  9. Paul W. Gates, “Federal Land Policy in the South, 1866–1888,” *Journal of Southern History*, 6 (August 1940), pp. 310–315.
  10. Caprio and Sugita, op. cit.
  11. Foner, op. cit.
  12. George Rawick, *From Sundown to Sunup: The Making of Black Community* (Westport, CT: Praeger, 1973).
  13. Foner, op. cit.
  14. C. Vann Woodward, *The Strange Career of Jim Crow* (New York, NY: Oxford University Press, 1955).
  15. For the actual conditions under Jim Crow, see, for instance, William H. Chafe, Raymond Gavins, and Robert Korstad, eds., *Remembering Jim Crow: African Americans Tell about Life in the Segregated South* (New York, NY: New Press, 2001).
  16. Leon Litwack, “How Did Segregation Enforce Racial Subordination? From Trouble in Mind: Black Southerners in the

- Age of Jim Crow,” in ed. John David Smith, *When Did Southern Segregation Begin?* (Boston, MA: Bedford/St. Martin’s, 2003), pp. 153–164.
17. U.S. Supreme Court, Mr. Justice Harlan Dissenting, in *Plessy v. Ferguson*, May 18, 1896, accessed February 24, 2016, <http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=CASE&court=US&vol=163&page=537>.
  18. For examples of the literacy test, see those of Louisiana State conducted as late as the 1960s at the following webpage, accessed February 24, 2016, [http://www.slate.com/blogs/the\\_vault/2013/06/28/voting\\_rights\\_and\\_the\\_supreme\\_court\\_the\\_impossible\\_literacy\\_test\\_louisiana.html](http://www.slate.com/blogs/the_vault/2013/06/28/voting_rights_and_the_supreme_court_the_impossible_literacy_test_louisiana.html).
  19. Barbara Welke, “When All the Women Were White, and All the Blacks Were Men: Gender, Class, Race, and the Road to *Plessy*, 1855–1914,” *Law and History Review*, vol. 13 (1995), pp. 261–316; Welke, *Recasting American Liberty: Gender, Race, Law, and the Railroad Revolution, 1865–1920* (Cambridge, UK: Cambridge University Press, 2001).
  20. For an overview of the controversy over the origin and the nature of Jim Crow, see Smith, ed., op. cit.
  21. Woodward, op. cit.
  22. Joel Williamson, *After Slavery: The Negro in South Carolina During Reconstruction, 1861–1877* (Chapel Hill, NC: University of North Carolina Press, 1965).
  23. Howard Rabinowitz, *Race Relations in the Urban South, 1865–1890* (New York, NY: Oxford University Press, 1978); Rabinowitz, *Race, Ethnicity, and Urbanization: Selected Essays* (Columbia, MO: University of Missouri Press, 1993).
  24. Mary L. Dudziak, “Brown as a Cold War Case,” *Journal of American History*, vol. 91–1 (June 2004), pp. 32–42; Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton, NJ: Princeton University Press, 2011).
  25. See J. Morgan Kousser, *The Shaping of Southern Politics: Suffrage Restriction and the Establishment of the One-Party South, 1880–1910* (New Haven, CT: Yale University Press, 1974). For the impact of the Voting Rights Act of 1965 over past disfranchisement of African Americans, see Chandler Davidson and Bernard Grofman, *Quiet Revolution in the South: The Impact of the Voting Rights Act* (Princeton, NJ: Princeton University Press, 1994).



26. Booker T. Washington, *Up from Slavery* (New York, NY: Doubleday, 1901); Louis R. Harlan, *Booker T. Washington: The Making of a Black Leader, 1856–1901* (New York, NY: Oxford University Press, 1975); Harlan, *Booker T. Washington: The Wizard of Tuskegee, 1901–1915* (New York, NY: Oxford University Press, 1983).
27. W.E.B. Du Bois, *The Souls of Black Folk* (Chicago, IL: A.C. McClurg, 1903); David Levering Lewis, *W. E. B. Du Bois: Biography of a Race, 1868–1919* (New York, NY: H. Holt, 1993).
28. E. David Cronon, *Black Moses: The Story of Marcus Garvey and the Universal Negro Improvement Association* (Madison, WI: University of Wisconsin Press, 1969); Tony Martin, *Race First: The Ideological and Organizational Struggles of Marcus Garvey and the Universal Negro Improvement Association* (Westport, CT: Greenwood Press, 1976).
29. James H. Cone, *Martin & Malcolm & America: A Dream or a Nightmare* (Maryknoll, NY: Orbis Books, 1991).
30. Among Asian immigrants, the Chinese were allowed to naturalize in 1943 in advance because they were fighting against Japan for the United States in WWII, and in 1946, upon the independence of their country from the United States, Filipino immigrants, along with Indians who were independent from the United Kingdom, were also allowed to naturalize. Upon enactment of the act in 1952, all Asian immigrants became eligible for naturalization. This was done in the midst of the Korean War.
31. For a general view of the anti-miscegenation laws, see Randall L. Kennedy, *Interracial Intimacies: Sex, Marriage, Identity, and Adoption* (New York, NY: Pantheon Books, 2003). Kennedy is a prominent African American professor at Harvard Law School. See also U.S. Supreme Court, *Loving v. Virginia*, June 12, 1967, accessed February 24, 2016, [http://www.law.cornell.edu/supct/html/historics/USSC\\_CR\\_0388\\_0001\\_ZO.html](http://www.law.cornell.edu/supct/html/historics/USSC_CR_0388_0001_ZO.html); and Jonathan P. Spiro, *Defending the Master Race: Conservation, Eugenics, and the Legacy of Madison Grant* (Burlington, VT: University of Vermont Press, 2009).
32. For the “whitening” of the “New Immigrants,” who had been considered a “different race” from WASPs (White Anglo-Saxon Protestants), as well as the historical process of gaining privileges, see, for instance, David R. Roediger, *The Wages of Whiteness: Race*

- and the Making of the American Working Class* (New York, NY: Verso, 1999); George Lipsitz, *The Possessive Investment in Whiteness: How White People Profit from Identity Politics*, rev. ed. (Philadelphia, PA: Temple University Press, 2006); Paula S. Rothenberg, *White Privilege: Essential Readings of the Other Side of Racism*, 4th ed. (New York, NY: Worth Publisher, 2012).
33. For the history of the Japanese Americans and their reparations movement, see Peter Irons, *Justice at War* (New York, NY: Oxford University Press, 1983); Brian Masaru Hayashi, *Democratizing the Enemy: The Japanese American Internment* (Princeton, NJ: Princeton University Press, 2004).
  34. Marc Gallicchio, *The African American Encounter with Japan & China* (Chapel Hill, NC: University of North Carolina Press, 2000), pp. 21–23. Gallicchio is a professor of history at Villanova University who has long been researching the enthusiasm of African Americans toward Japan as a newly emerging “colored nation.”
  35. Mitsukawa Kametaro, *Kokujin Mondai (The Problems of Black Americans)* (Tokyo, Japan: Nitorimeichokankokai, 1925); Robert A. Hill, ed., *Africa for Africans: Marcus Garvey and the Universal Negro Improvement Association Papers, vols. 9 & 10* (Berkeley, CA: University of California Press, 1995, 2006).
  36. The Asian Monroe Doctrine or Japanese Monroe Doctrine for Asia is a rationale by the Japanese government for its expansion in and exclusion of European powers from China and East Asia as a whole between the second decade of the twentieth century and the 1930s. The Japanese government cited Roosevelt’s “Roosevelt Corollary” to the Monroe Doctrine to keep out Europeans in the Western hemisphere and for Japan to keep out European colonizers from China and East Asia as a whole. See Wikipedia’s “Japanese Monroe Doctrine for Asia,” accessed March 5, 2016, [https://en.wikipedia.org/wiki/Japanese\\_Monroe\\_Doctrine\\_for\\_Asia](https://en.wikipedia.org/wiki/Japanese_Monroe_Doctrine_for_Asia).
  37. Gallicchio, op. cit., pp. 103–105, 108, 123.
  38. Reginald Kearney, *African American Views of the Japanese: Solidarity or Sedition?* (Albany, NY: State University of New York Press, 1998), pp. 79–84. See also Gallicchio, op. cit., pp. 128–132. For a biography of Nakane, see Idei Yasuhiro, *Kokujin ni Mottomo Aisare, FBI ni Mottomo Osorerareta Nihonnjin (A Japanese Who was Loved Most by Black People and Feared Most by the FBI)* (Tokyo,

- Japan: Kodansha, 2008). More detail on the Detroit race riot in 1943 will be given in Chap. 4.
39. Ashraf A.H. Rushdy, *American Lynching* (New Haven, CT: Yale University Press, 2012); D.W. Griffith, *Birth of a Nation* (1915).
  40. “Lynching Statistics” (this page was developed by a Berea College student as part of a course on Chesnutt); the Charles Chesnutt Digital Archives, accessed February 24, 2016, <http://www.chesnuttarchive.org/classroom/lynchingstat.html>.
  41. James M. SoRelle, “The ‘Waco Horror’: The Lynching of Jesse Washington,” in Bruce A. Glasrud and James Smallwood, *The African American Experience in Texas: An Anthology* (Lubbock, TX: Texas Tech University Press, 2007), pp. 189–191.
  42. For the whole story of the “riot” in Tulsa, see, for instance, James S. Hirsch, *Riot and Remembrance: The Tulsa Race War and Its Legacy* (Boston, MA: Houghton Mifflin, 2002). The Wikipedia information on the “Tulsa race riot,” accessed February 24, 2016, [http://en.wikipedia.org/wiki/Tulsa\\_race\\_riot](http://en.wikipedia.org/wiki/Tulsa_race_riot), is also informative.
  43. A.G. Sulzberger, “As Survivors Dwindle, Tulsa Confronts Past,” *The New York Times*, June 20, 2011, p. A.16.
  44. Rushdy, op. cit., p. 126.
  45. See, for instance, Stephen J. Whitfield, *A Death in the Delta: The Story of Emmett Till* (Baltimore, MD: Johns Hopkins University Press, 1991); Chris Crowe, *Getting Away with Murder: The True Story of the Emmett Till Case* (New York, NY: Dial Books for Young Readers, 2003).

# The Attainment of Equality Under the Law

## I THE GREAT MIGRATION AND THE RISE OF GHETTOS

### 1.1 *The Great Depression and the “Good War”*

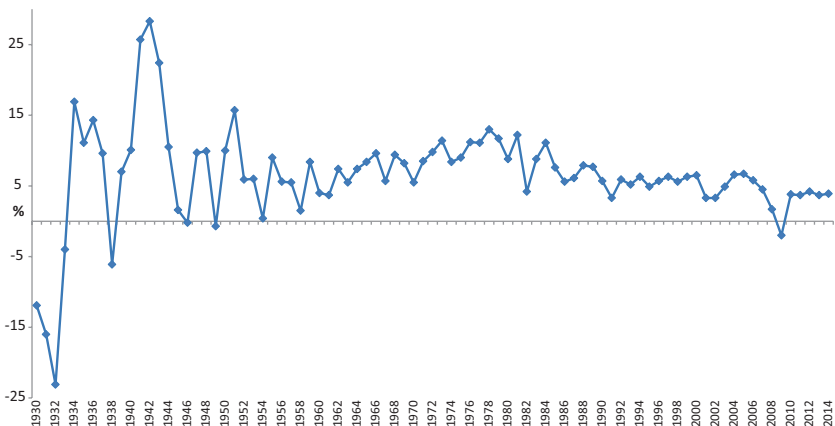
The World War (1914–1918), which killed more than 16.6 million people (including 6.6 million civilians), began to be called World War I just after the second world war began. World War II caused more than 55 million deaths (with the number of civilian deaths far surpassing that of soldiers).<sup>1</sup> Why did mankind fail to prevent such huge man-made and unnatural disasters within such a short space of time? At least one reason was the fragility of democracy at that time without any shared standard of basic values beyond power politics in the international sphere. The popular mood—which the German philosopher Georg Wilhelm Friedrich Hegel (1771–1831) called the *Zeitgeist* (spirit of the age)—for better or worse tended to have a decisive influence on most of the constituents in the so-called great powers, and the *Zeitgeist* of the interwar period was twofold: the utopian worldwide pacifism in the 1920s symbolized by the Kellogg-Briand Pact that banned war as a solution to international disputes, and the rising tensions of international relations in the 1930s under a prolonged economic crisis.<sup>2</sup>

After WWI, the U.S. Senate finally rejected “Wilsonianism,”<sup>3</sup> emphasizing the global responsibility of the United States. This left the world economy without any kind of international cooperative control, resulting in the Great Depression of 1929 and consequentially the rise of Japanese militarism and German Nazism in the early 1930s. The League of Nations, which

the United States did not join despite the U.S. president being the founder, did not have any practical power to impose effective sanctions on Japan and Germany. This is why Franklin Delano Roosevelt (1882–1945) was determined, just before the end of WWII, not only to join the United Nations but also to locate its headquarters in the center of Manhattan, New York City. World War II (1939–1945) was considered the “Good War” at least in the sense that it showcased the potential of the United States. Without WWII the United States could not have revived its economy. The second recession of 1937, more severe than that of 1929, was saved by WWII and the rapidly increasing demand for military equipment in Europe and the military expenditure of the U.S. government. WWII reformed the United States and its people’s sentiment as the global hegemonic power. It was the grand expectations that emerged out of the prolonged postwar economic growth that created the reformism of the 1960s.<sup>4</sup> (See Fig. 4.1)

### 1.2 *The Impact of the Beginning of WWII*

WWII began suddenly in Europe on September 1, 1939, when Hitler’s Germany invaded Poland, and Britain and France declared war against Germany two days later. It was not until Japan’s attack on Pearl Harbor on December 7 (local time), 1941, that the United States decided to join



**Fig. 4.1** GDP percent change from the previous year based on current dollars, 1930–2014 (*Source:* National Economic Accounts, U.S. Department of Commerce, Bureau of Economic Analysis)

the war. In Europe, the war against Nazism was also a chance for African Americans to fight for the “Double-V Campaign”<sup>5</sup> against both racists abroad and domestic discrimination based on “race.” On June 25, 1941, half a year before America joined the war, President Roosevelt issued Executive Order No. 8802 to promote “Fair Employment Practice in Defense Industries” after he had been persuaded by A. Phillip Randolph, the most influential African American labor union organizer, who was then making plans for the Washington March protesting against employment discrimination in public contracts. This order was the first example of Affirmative Action. The President’s Committee on Fair Employment Practice was then established, and Randolph postponed marching in the capitol soon after the presidential order.<sup>6</sup>

White Americans, especially those who became conscious of the shifting trends of post-WWII global society, were gradually changing their attitudes toward Jim Crow. I once interviewed one of the cabinet members of the Lyndon B. Johnson administration (1963–1969), who was influential in determining Johnson’s civil rights policies. Robert Coldwell Wood (1923–2005), appointed as Secretary of Housing and Urban Development by Johnson, fought in the Battle of the Bulge, the fields located in the border areas of Belgium, France, and Luxembourg, in late 1944 and early 1945. He had a narrow escape from the last trench surrounded by one of the strongest contingents of German soldiers. He was rescued by a number of Japanese American soldiers. Just prior to that, the Texas Battalion, the so-called the “Lost Battalion,” was also surrounded by one of the strongest battalions of the German army, and was also extricated by the same Japanese Americans of 442nd Battalion, which lost more soldiers than the rescued Texans. This experience made Wood determined not to discriminate against Japanese Americans and other minorities anymore. He guessed that there were a lot of Texans who shared the same feelings and were supportive of President Johnson’s civil rights reforms as an inevitable trend in the post-WWII period.<sup>7</sup>

### 1.3 *Upsurge of Post-WWII Labor Unionism*

Whether on the front lines or on the home front, the contribution of African Americans was much praised. Through the Congress of Industrial Organizations (CIO), a new labor union that had separated from the American Federation of Labor (AFL) in 1938, the voices of African Americans were being heard as the defense industries were developing,

especially since the CIO was in principle open to African Americans. At first, however, the CIO was not racially tolerant. For instance, the United Automobile Workers (UAW), the CIO's leading union, experienced a lot of difficulty in its transition to anti-discrimination. During the war, Detroit was the center for tank and plane production and as many as 50,000 Black workers were concentrated in the inner city. Despite the CIO's official slogan of "racial equality," white workers in the local UAW chapters protested against the introduction of African American workers in their factories. The promotion of just eight African American union workers triggered a "wildcat strike," an unauthorized strike without any consent by the union headquarters, among the majority of local white auto workers. On February 2, 1942, when three African American families moved to the Sojourner Truth housing project that had been built with federal government subsidies, local white residents, including many union workers, rioted in protest. The following year, from June 20 to 22, a violent incident in a park triggered the city-wide collision between African American residents and their white counterparts. More than 6,000 federal troops were mobilized and finally quelled the disturbance.<sup>8</sup>

However, the real difficulty came just after the end of the war with the return of ex-soldiers, including 900,000 African Americans. In addition to the difficulty of finding employment, the introduction of automation and the declining number of unskilled jobs during wartime reduced the demand for labor. Even if they found jobs, wage cuts and layoffs were frequently imposed. The number of workers who participated in protest strikes against the employment of African American workers was five million in 1946 alone. In the South, extreme racist groups such as the KKK were gaining momentum, while African Americans, including a lot of ex-soldiers who had experience using firearms, sometimes resorted to collective resistance against them.<sup>9</sup>

#### 1.4 *Two Waves of the Great Migration*

As already mentioned briefly in the last pages of Chap. 3, while U.S. society experienced two world wars, its demographics were fundamentally changed by the Great Migration of African Americans from the rural South to the urban and industrial North and the West Coast. It is estimated that as many as 6.6 million African Americans moved between 1910 and 1970. There were two waves: the first wave occurred between 1910 and 1930 when roughly 1.6 million moved from the South to the North; the second

wave began in the midst of WWII and continued for three decades, with the number of migrants reaching as many as 5 million. This was one of the greatest migrations in human history.<sup>10</sup>

In contrast to the migrants in the first wave, the African Americans of the second wave were poorer people. The former were those people lured by “pull” factors, attracted by the demand for labor in the urban North during and after WWI when the influx of the New Immigrants from Eastern and Southern Europe was stopped because of the war and the anti-immigration law enacted in 1924. As poor as they were, the first wave of migrants had aspirations for upward mobility—jobs were relatively easy to find because of the tight labor market. On the other hand, the migrants in the second wave were “pushed” out of the rural South mainly due to the rapid and increased use of mechanical cotton pickers and the mass production of chemical fibers since the early 1940s. They were confronted with tough competition against the repatriated soldiers in the postwar job market, when the war industry was unnecessary and automation had reduced the demand for labor.<sup>11</sup>

With these two waves of migration, the number of eligible African American voters increased dramatically since there were no local laws for their disfranchisement in the North and on the West Coast. By 1970, the percentage of African Americans living outside of the South had reached 47 percent, a number that would have a huge impact, especially in the presidential elections.<sup>12</sup>

### 1.5 *White Suburbia and the Black Inner-City Ghettos*

As a result of the second wave of African American domestic migration, the ratio of African Americans living in urban areas rose to 80 percent. Black ghettos were formed in all urban areas, both in the North and on the West Coast, as well as in the South. In contrast to the ghettos formed in the 1920s, these newly formed ghettos were more notorious for concentrated poverty and crime, with more serious problems than those that the first ghettoization had brought.<sup>13</sup>

By the time the U.S. economy began to enjoy its postwar boom, the New Deal and postwar public policies began to bear fruit for the white working class. With federally subsidized homeownership and the rush to build highways, along with suburbanization and the rising automobile industry, the white working-class urban dwellers began to build independent houses in newly developing suburbs. Among other things,



the Federal Housing Administration (FHA) played the main role in this “white only” suburbanization because of its racially biased subsidies. From its outset in 1934, the FHA subsidies had contained implicit discrimination. For instance, the federally subsidized mortgage insurance on housing approved so-called “redlining” practiced by local bankers and financial agencies in which home values in inner-city minority neighborhoods were intentionally downgraded. As a result, those who were able to fulfill the American dream of home ownership were exclusively white only. Additionally, the federal government strongly supported the building of “Housing Projects” in inner-city areas, designating some of these projects exclusively for minorities. Thus, segregation based on “race” became all the more remarkable in the metropolitan areas in the Northern and the West Coast states; in other words, two separate societies emerged: one consisted of wealthy, white suburbia, and the other of the very poor and crime-infested inner cities of minorities, especially of African Americans, between the 1940s and the 1960s.<sup>14</sup>

### *1.6 The Shift of African American Support from Republicans to Democrats*

As already pointed out in the Introduction, African American voters overwhelmingly voted for Barack Obama in the 2008 and 2012 elections. When did the majority of African American voters leave the GOP, the party of Abraham Lincoln? An explicit shift occurred in the 1936 election when Roosevelt’s New Deal received a majority of African American support. Seventy-one percent of African Americans voted for Roosevelt. It was part of a nationwide shift to create the New Deal Coalition, a political alliance that lasted for three decades among working-class whites and consisting mainly of white ethnics (Irish Americans and the descendants of the former “New Immigrants” from Southern and Eastern Europe), liberals, and minorities including Blacks and women. Since then, African Americans have become the most loyal Democrats at an overwhelmingly high rate.<sup>15</sup>

## 2 DID OUTSIDE PRESSURES CHANGE AMERICA?

### *2.1 The Cold War Questioned American Justice*

As already mentioned, WWII engraved in worldwide memory the extremity of racism as shown by the Nazis and the Holocaust. The newly organized United Nations established a principle of human equality, as

in the 55th Article of its original Charter, that the United Nations shall promote “universal respect for, and observance of, human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion.”<sup>16</sup> Former Asian and African colonies began to send their diplomats to Washington, D.C., and New York in the 1950s and the 1960s. The embassy staff of these non-white nations in Washington, D.C., then faced the Jim Crow laws. They had to live in segregated districts and their children were sent to segregated schools for African Americans. Some young, liberal, elite staff of the U.S. federal government, conscious of the competition during the Cold War with the Soviet Union for support of “Third World” countries, became more and more concerned about Jim Crow in the U.S. South. It seemed to them almost impossible to rationalize Jim Crow by the principles of “local sovereignty” or “non-interventionism in domestic affairs.” Additionally, as already mentioned, as domestic pressure caused by an increase in the African American constituency became stronger, these young federal officials felt it was necessary to have a federal-level response. Just before the end of the war, Swedish Nobel-laureate economist Karl Gunnar Myrdal, funded by the Carnegie Foundation for the Advancement of Teaching, publicly criticized the absurdity of “American Democracy” that allowed legalized segregation in the Southern part of the United States in his book *An American Dilemma* in 1944.<sup>17</sup>

## 2.2 *Desegregation in Professional Sports and the Military*

Jackie Robinson (1919–1972) had been widely known as a star player of various sports as a student at UCLA (University of California, Los Angeles). Robinson was arrested and subjected to trial by court martial in wartime because he ignored the segregated bus seats while he was stationed as a second lieutenant in a military base near Camp Hood, Texas. He was unhappy with the local rules of the South that Black soldiers were forced to the segregated rear seats but German POWs were preferentially allotted the front seats because of “race.” Dissatisfaction with Jim Crow had reached a critical point among African American soldiers in the Southwestern states. After being discharged from military service, Robinson was determined to throw himself into the professional baseball world. In 1945 he signed a contract with the Kansas City Monarchs of the Negro League because of segregation in professional baseball. The following year he joined the Montreal Royals, a team in the Class AAA International League, owned by the then New York-based Brooklyn Dodgers, and contributed to its league championship. Then in 1948

he contracted with the Dodgers as “the first African American Major Leaguer”<sup>18</sup> and the following year he became the Leading Hitter and the Stolen Base Leader at the same time and was awarded the MVP of 1949. Robinson’s performance influenced children nationwide and contributed much to the reduction of racial prejudice.<sup>19</sup>

During WWII, *de facto* integration in the U.S. military forces proceeded on the European frontlines. General Dwight David Eisenhower, Supreme Allied Commander, took a bold course in integration for combatants as huge numbers of casualties had to be constantly replaced with new soldiers. Soon after the end of the war, in 1948, President Harry S. Truman ordered the universal integration of the U.S. military forces. The Korean War (1950–1953) was the first war that the U.S. military fought beyond “race” barriers.<sup>20</sup> Before that, sometimes contradictory cases had occurred, especially in field hospitals, for instance when seriously wounded white soldiers would not get blood transfusions because the only blood available was from African Americans.

### 2.3 *Brown and Brown II*

The outside pressure derived from the Cold War against the Soviet Union helped Earl Warren (1891–1974), the then newly appointed Chief Justice of the U.S. Supreme Court, and a former rival in the presidential election, make one of the most historic court rulings in U.S. legal history. As State Attorney General of California, Warren demanded the internment of Japanese Americans in wartime, was then elected to governor, and then was appointed Republican Vice-Presidential candidate in the 1948 election. Although he was thought to be a potential candidate for Republican nominee in the 1952 presidential election, he became a supporter of Dwight Eisenhower and contributed much to his victory. It is rumored that there may have been a political deal between the two candidates. At any rate, Earl Warren was appointed to be Chief Justice of the U.S. Supreme Court right after his predecessor’s sudden death in 1953 and this originally conservative politician was to leave his name through the “Warren Court,” known as the most liberal court in U.S. legal history.<sup>21</sup>

Among other cases left by his predecessor, what the newly appointed chief justice was enthusiastically engaged in was a set of school segregation cases in the South, including *Brown v. Board of Education*. The main legal counselor for the plaintiffs was Thurgood Marshall, the future first African American Justice of the U.S. Supreme Court, then a lawyer for

the NAACP Legal Defense Fund. Marshall was determined to fight for a change of the precedent after 58 years. Warren succeeded in persuading some dissenting voices among the justices and obtained a unanimous decision from all nine judges that was delivered on May 17, 1954, declaring that segregation based on “race” and enforced by local laws was essentially unequal and therefore unconstitutional, as follows:

In approaching this problem, we cannot turn the clock back to 1868, when the Amendment was adopted, or even to 1896, when *Plessy v. Ferguson* was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.... We conclude that, in the field of public education, the doctrine of “separate but equal” has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. This disposition makes unnecessary any discussion whether such segregation also violates the Due Process Clause of the Fourteenth Amendment.<sup>22</sup>

It seemed that American democracy had finally caught up with the principles embodied in the United Nations Charter. However, the Southern states ignored the Supreme Court’s order to abolish legalized segregation at least partly because of the follow-up decision that revealed the hesitation of the highest-ranked justices. The Supreme Court advised the end of segregation in schools “with all deliberate speed” in *Brown II*, delivered on May 31, 1955.<sup>23</sup>

#### 2.4 *The Central High School Case and the Limits of Top-Down Desegregation*

What disappointed African Americans and others concerned was the Little Rock School Crisis in September 1957. A violent riot occurred when local citizens protested against the admission of nine African American students to Central High School. President Eisenhower sent the 101st Airborne Division, an elite corps of the U.S. Army, into Little Rock to make it possible for the nine students to go to school for one year only because Governor Orval Faubus closed the school and reestablished it as a private school for whites only; it was subsidized by the state government

the following year. A broad social movement was a necessity for the two federal laws that promoted the Supreme Court decision in the middle of the 1960s, as will be seen.<sup>24</sup>

Why did the white parents and residents in general so ardently oppose the Little Rock Nine entering Central High School, which had 2,000 white students? There were two reasons: one was the so-called high venereal disease rate among negroes [sic]<sup>25</sup>; the other was a rarely told story of one of the earliest “blockbustings.”<sup>26</sup> Ron Hughes, then a white middle school student, remembered that his parents had never used discriminatory language but that they feared African Americans moving into their neighborhood. Their home was located one mile south of Central High School and faced the High Street, which was subsequently renamed Martin Luther King, Jr., Drive, a tangible borderline between white and Black neighborhoods at that time. The white residents of their neighborhood were afraid that the next target of the blockbusters might be their homes. At the time of the Little Rock Crisis, realtors, including African Americans, paid frequent visits to their neighborhood. What Hughes’s father, born to a poor farming family in the southern part of Arkansas, feared most was a fall in the value of their newly bought home. They prepared to move to the newly developing western part of the city but they hesitated to be the first to sell their house to the blockbusters. It was in 1963 when Hughes’s father took the initiative to collectively sell all the residences to the realtors for \$5,000 and buy new homes in a newly developed suburban neighborhood for \$12,000 respectively.<sup>27</sup>

The fearful scene of having been surrounded alone by a white mob was still vivid to Elizabeth Eckford, one of the Little Rock Nine, when I interviewed her 45 years later. Since her house did not have a telephone, she had no idea that the others had stopped attending the school on the first day of the new school year. When she began to talk about September 4, 1957, Eckford, working as a probation officer at the court, burst into tears, and a surprised security officer rushed into the room when I was interviewing her.<sup>28</sup>

Although school integration/desegregation had a positive impact, we also need to pay attention to the Janus-faced results that the desegregation in Little Rock schools produced. We must remember the true cost that the African American community paid other than the hardships of the courageous nine students. Paul Laurence Dunbar High School, with its attached junior college, was established in 1929 and had established a reputation of producing a number of leading African American figures. In 1955, the

year following the *Brown* decision, the board of trustees abruptly informed of their decision to abolish the junior college and reform it into a middle school. Therefore, the school's proud history ended as the desegregation of schools in the South began. In a sense, the disintegration of Southern schools imposed unbearable sacrifices on the local Black community.<sup>29</sup>

### 3 NONVIOLENT SOCIAL CHANGE

#### 3.1 *The Long Walk Home for Black Women*

At 6 p.m. on Thursday, December 1, 1955, Rosa Parks (1913–2005), at the time aged 41, was aboard a bus on her way home after finishing her work at a department store in downtown Montgomery, Alabama. She was arrested because she disobeyed the order of the bus driver—who was given the same authority as a policeman by a city ordinance—to stand up and give her seat to a white man. The driver went to the police station, and she was arrested. She was soon released and was to be tried on the coming Monday, December 5, 1955. The result was the beginning of the over-a-year-long Montgomery Bus Boycott and the Civil Rights Movement. It was the Women's Political Council (WPC) that played the main role in organizing the early stages of the movement. Then the Montgomery Improvement Association (MIA) was organized, and Martin Luther King, Jr. (1929–1968), who had recently come to the city after obtaining his PhD from Boston University and was the pastor of the Dexter Avenue Baptist Church, was chosen as the leader of the MIA on the first night of the boycott. The one-day boycott lasted for one year and 16 days. A Supreme Court decision on November 13, 1956, brought an end to segregated bus seats, but the boycott continued until the court order was delivered to the bus company and the seats were desegregated on December 21, 1956. The main participants of the boycott were local African American women who were working as maids in white, middle-class homes. Their motivation and sentiment was depicted in the movie *The Long Walk Home* (1990).<sup>30</sup>

#### 3.2 *Direct Action by Students*

Although the Montgomery Bus Boycott has often been regarded until today as the starting point of the shift of the movement from the courts to the streets, the Southern local white resistance to the desegregation of

public schools as shown in the Little Rock School Crisis increased after the victory in Montgomery and the African American movements were forced to retreat for a while. At the beginning of the 1960s the NAACP, in collaboration with Martin Luther King, Jr.'s Southern Christian Leadership Conference (SCLC) that had been established in January 1957, began to bring about the above-mentioned shift in the Civil Rights Movement. The breakthrough was the "sit-ins" at the racially segregated lunch counters started by four students in Greensboro, North Carolina, on February 1, 1960, that spread rapidly all over the South. In the midst of this, the Student Nonviolent Coordinating Committee (SNCC, pronounced "snik") was established and led the Civil Rights Movement, and the rising tide of a great social movement began to spread the world over.<sup>31</sup>

The following year, 1961, the "Freedom Ride" movement was organized by the Congress of Racial Equality (CORE), established in 1942. These racially integrated groups named "Freedom Riders" chartered long-distance buses from the North to the South to challenge the local segregation laws in the Jim Crow region. Their intention was to reveal the violent nature of Jim Crow by exposing the reality in the South through their own demonstrations. Their courageous behavior, under the banner of nonviolence, was not only covered by domestic TV news programs but also broadcast worldwide, increasing the pressure on the federal government for an effective response.<sup>32</sup>

### 3.3 *Was the Albany Movement a Failure?*

After their victory in the one-year-long boycott, Martin Luther King, Jr., and his SCLC had difficulty finding their future course. Following the victory in Montgomery, for personal reasons Rosa Parks moved to Detroit, Michigan, where her brother lived, in 1957. In the spring of 1960, Mary Fair Burks, one of the founders of the WPC, resigned from Alabama State College after her colleagues were fired for their involvement in the "sit-ins." But there was no protest movement against that.<sup>33</sup> King and his supporters needed another successful model. They looked to Albany, Georgia, where the first social movement and mass demonstration on the streets led by the SCLC occurred. As shown in the marches in Albany as well as the boycott in Montgomery, the main participants were local Black women, although their historic contribution, paid at great cost, has yet to be fairly evaluated.

The Albany Movement was appealing but failed, and the lessons learned were utilized in the successful Birmingham Movement as will soon be mentioned. In August 2001 in Albany I carried out research to see if the local movement had continued since the retreat of Martin Luther King, Jr., and the SCLC in the summer of 1962. Charles Sherrod (b. 1937) of the SNCC at that time remained in Albany after King's so-called defeat. After meeting him and listening to his story, I was convinced that my assumption was correct. After engaging in Civil Rights struggles such as the Selma-Montgomery March in 1965, Sherrod left the SNCC and returned home to direct the Southwest Georgia Project for Community Education and New Communities, a collective farm NPO in Southwest Georgia modeled on kibbutzim in Israel, with other young local activists. While doing so, he served as an elected member of the Albany City Council from 1976 to 1990.

We have to keep in mind the fact that being arrested with imprisonment for at least two weeks was very damaging for local people, as Geneva Collier (b. 1927), a mother of six children, told me. For local people like her, repeated mass demonstrations took tremendous energy and risked their family's lives. It is local people, especially women like Collier, and "ex-activists" like Sherrod, who have supported the movement at the local level and brought about essential changes to local society. Additionally, the Albany Movement was also successful in that they gave the Civil Rights Movement its tradition of "Freedom Songs" sung by the participants.<sup>34</sup>

### 3.4 *"I Have a Dream"*

From the spring through the summer of 1963, the year of the centennial anniversary of the Emancipation Proclamation, the main battlefield was Birmingham, Alabama, where Fred Shuttlesworth (1922–2011), a close friend of Martin Luther King, Jr., had long been conducting a bus boycott since just after the Montgomery Bus Boycott. By mobilizing school children, Shuttlesworth developed the boycott into a series of direct confrontations with Eugene "Bull" Connor, the notorious local Police Commissioner. School children had begun demonstrating against Jim Crow day after day in Kelly Ingram Park from April 1963, and Shuttlesworth and King declared they would fill the local jails using mass-arrest tactics. King himself was arrested on April 12 and wrote "a letter from a Birmingham jail" addressed to religious leaders who criticized his "unlawful" behavior. He urged them not to conform to "unjust laws"



but to obey “the law of God.” In May, the local police used German shepherd dogs against young school children, and this violent scene was shown on TV every day. Finally, local business leaders, coupled with the federal Justice Department’s intervention, began to pressure the city government to settle the situation. On June 11, President John F. Kennedy (1917–1963) announced that the White House was to introduce a comprehensive civil rights act in Congress.<sup>35</sup>

I once met and listened to the Rev. Shuttlesworth in Cincinnati, Ohio. He had moved there just after the Birmingham struggle had ceased with the bombing of the church (see below) because of a contract with people in Cincinnati he had made before the movement began. According to him, during the Birmingham struggle, the number of participants in the mass meetings was about 1,500, most of whom did not care if they were arrested. But at the same time, we have to remember that only about 20 Black local ministers showed a willingness to be arrested out of more than 200 who gathered for King’s original call. This indicates just how dependent on the white local power structure the seemingly independent local African American institutions were at that time<sup>36</sup> (see Picture 4.1).

On August 28, 1963, at the gathering for the centennial anniversary of the Emancipation Proclamation, King gave his now very famous speech, “I Have a Dream,” before an audience of 250,000 from the stage of the Lincoln Memorial, Washington, D.C. The speech was translated into many languages, and cited in high-school English textbooks.<sup>37</sup> King talked about the fulfillment of very basic democratic rights, such as voting, and revealed that in the so-called most democratic country in the world, a century after the end of the Civil War, the democratic amendments to the Constitution had never been observed and the Supreme Court’s decision had been ignored for almost a decade.

The violent resistance by the Southern white supremacists now reached its peak. In Mississippi, Medgar Evers, secretary of the state chapter of the NAACP, was shot to death in front of his home on June 12. It was not until 1994 that the assassin, Byron De La Beckwith (1920–2001), was finally found guilty.<sup>38</sup> On Sunday, September 15, 1963, the Sixteenth St. Baptist Church in downtown Birmingham, Alabama, the headquarters of the demonstrations by the school children, was bombed and four African American girls were killed while changing into their choir robes. It was not until 1971, when William Baxley was elected to State Attorney General of Alabama, that Robert Chambliss and three other suspects, all of whom were KKK members, were charged with murder. Chambliss was



**Picture 4.1** Rev. Fred L. Shuttlesworth with the author (*Source:* Photo taken by Michael Washington in Cincinnati, OH on August 18, 2002: in possession of the author)

imprisoned for life in November 1977 and died in prison. In 2001 and 2002, the other two suspects were given life sentences.<sup>39</sup>

### 3.5 *The Assassination of JFK*

In October 1960, just before the presidential election, when Martin Luther King, Jr., was arrested during a sit-in in Atlanta, John F. Kennedy made a phone call to Coretta Scott King to express his sympathy, and Robert F. Kennedy, the president's younger brother, pushed the court judge to release King. This contributed to John F. Kennedy's very narrow victory a month later in the presidential election. Alongside this, in June 1963 President Kennedy had introduced in Congress the strongest civil rights act since the first Reconstruction. He invited King to the White House just after his "I Have a Dream" address. The president informed King

that he also dreamed of making an ideal American society. This angered the Southern white supremacists. On November 22, 1963, President Kennedy was assassinated in an open convertible while visiting Dallas, Texas. Lee Harvey Oswald was arrested but was killed by Jack Leon Ruby two days later. Although the assassination is still shrouded in mystery, it has been said that Kennedy's compassion for African Americans had something to do with his death. Southern white supremacists celebrated when they found out Kennedy had been shot and killed. The footage of him being shot was repeatedly shown worldwide.<sup>40</sup>

Many people in the United States were deeply shocked but soon got back to their commitment to advance the Second Reconstruction. Lyndon B. Johnson (1908–1973), Kennedy's successor from Texas, immediately made it clear that he would strive for the enactment of the Civil Rights Act. Thus, as in the assassination of Lincoln a century before, the assassination of the president in public gave a nationwide impetus to the Second Reconstruction.

## 4 A CENTURY DELAYED: "EQUALITY UNDER THE LAW"

### 4.1 *Freedom Summer*

The most comprehensive civil rights legislation in the history of the United States was enacted by the signature of Lyndon B. Johnson on July 2, 1964, after the historic "longest debate" in the U.S. Congress. Even for President Johnson, with his long experience as the Senate Majority Leader, an extraordinarily long debate was inevitable.<sup>41</sup> The law, especially Title VII, explicitly prohibits discrimination against any individual on the basis of race, color, religion, sex, or national origin. On August 6, 1965, the Voting Rights Act became effective, prohibiting any discrimination in voting rights.

The Voting Rights Act was a result of Freedom Summer (known also as the Mississippi Summer Project), the voter registration movement in the summer of 1964 conducted by the SNCC and the CORE activists. They established the Council of Federated Organizations (COFO), a coordinating umbrella organization of field secretaries consisting of both students from outside and local people. The local KKK's violent obstruction to voting resulted in at least three deaths: one African American, James Chaney, and two Jews, Michael Schwerner and Andrew Goodman, an incident made famous by the movie *Mississippi Burning* (1988). It was not until

June 21, 2005, that the suspect received a guilty verdict that was eventually upheld by the state supreme court on January 21, 2007.<sup>42</sup>

#### 4.2 *The MFDP's Challenge and King's Selma-Montgomery Marches*

The climax of the Mississippi Summer Project was the formation of the Mississippi Freedom Democratic Party (MFDP) and their so-called “unsuccessful” challenge to the legitimacy of the then white-only “regular” Mississippi Democratic Party at the Democratic National Convention in Atlantic City, New Jersey, August 24–27, 1964. The MFDP was able to get just two formal delegates, and they rejected this as too disappointing a compromise, although their publicized appeal was very influential. However, most of the white students were exhausted and began to shift their focus toward anti-Vietnam War activities in the North and on the West Coast. Some local African American activists—such as Lawrence Guyot (1939–2013), the last chair of the MFDP who went to Washington, D.C., and became a lawyer—left Mississippi and began to get involved in national politics, while others remained in their respective communities and started their own local movements, like MacArthur Cotton (b. 1942). As Guyot pointed out to me, both of the two courses the “ex-activists” took, one national and the other local, have contributed to the enhancement of civil rights, not only in Mississippi but also nationwide.<sup>43</sup>

The Rev. Martin Luther King, Jr., also took the lead in a courageous confrontation with violent racists in Selma, Alabama, in March 1965. There were three marches by activists and local people. The first was not successful. Later known as the “Bloody Sunday” march, it took place on March 7, 1965, and 600 demonstrators were violently attacked by the state and local police with billy clubs and tear gas. King did not participate, but he led the second march and instructed the marchers to return at the Edmund Pettus Bridge just in front of the armed police on March 9. In the meantime, James Reeb, a white clergyman from Boston, was beaten to death while taking part in the voting rights movement in Selma, which stimulated white America’s sympathy for the movement. The final march was completed with many participants coming from across the nation to Montgomery, Alabama, on March 25. The Voting Rights Act of 1965 passed Congress with huge costs. Thus following the Fourteenth Amendment (ratified in 1868) by the enactment of the Civil Rights Act of 1964, the Fifteenth Amendment (ratified in 1870) had finally become

effective about a century later by the passage of the Voting Rights Act of 1965. The inconsistency between the federal Constitution and local laws, rationalized by the theory of “local sovereignty,” moved toward dissolution. In other words, the United States was finally equipped with the basic conditions for a modern “nation state.”<sup>44</sup> As a result, the number of African American constituents in the South increased rapidly. The most remarkable example was Mississippi, where the voter registration rate among African Americans jumped from just 6.6 percent in March of 1965 to 74.2 percent in November 1988.<sup>45</sup>

As will be mentioned in Chap. 5, by declaring war on poverty, President Johnson took a courageous step toward “equality as a result” beyond “equality under the law” because the latter was not enough to erase the aftereffects of three centuries of slavery and also Jim Crow. The words “Affirmative Action,” originally used by John F. Kennedy, meant the fulfillment of “equality under the law.” Now the federal government began to assert that their aim was “equality as a result.”

### 4.3 *The Complementarity of Martin Luther King, Jr., and Malcolm X*

The Civil Rights Act of 1964 and the Voting Rights Act of 1965 mainly benefitted African Americans in the South. The African Americans in the urban ghettos of the North and on the West Coast had already had voting rights for a century. They knew, however, that this was basically meaningless. It was Malcolm X, rather than Martin Luther King, Jr., who was gradually winning the support of disadvantaged people living in the inner cities. During his incarceration Malcolm X became fully literate and knowledgeable as a leading Black ideologist. He became a believer in the Nation of Islam (NOI). Then he abandoned his former family name of “Little” because this was given by an old slave master, and took “X” as a temporary family name. Malcolm X met King by chance at Capitol Hill and both of them shook hands, smiling, on March 26, 1964. Soon after their encounter Malcolm X broke away from the NOI, took a pilgrimage to Mecca, and became an orthodox Sunni Muslim. During his journey he saw Muslims of “all colors, from blue-eyed blonds to black-skinned Africans” interacting as equals.<sup>46</sup> Malcolm X gradually detached himself from Black separatism and thus angered the NOI. He was assassinated in Harlem, New York City, on February 24, 1965. For King, after the attainment of “equality under the law,” his last crusade was fought in the poorest West Side ghetto of Chicago,

Illinois, and he was determined to maximize “nonviolent social change” and conduct the Poor People’s Campaign just before his sudden death.

James H. Cone, an African American theologian, gives a new view of the relationship between Martin Luther King, Jr., and Malcolm X; theirs was a complementary relationship, and was not mutually antagonistic, as had been thought before.<sup>47</sup> This view of complementarity has been widely accepted by people regardless of their racial and ethnic background<sup>48</sup> (see Picture 4.2).

#### 4.4 *The Elementary and Secondary Education Act*

As a result of widely developed social movements in the first half of the 1960s, some important federal laws, other than the Civil Rights Act and the Voting Rights Act, were enacted. The Elementary and Secondary Education Act of 1965 was among them. The free public school system was first established in the United States. Horace Mann (1796–1856), secretary of the then newly created Massachusetts Board of Education, established a tax-supported free elementary school system in his state in the



**Picture 4.2** Martin Luther King, Jr. (1929–1968), and Malcolm X (1925–1965) waiting for a press conference, March 26, 1964  
(*Source:* Alamy.com)

early 1840s, the main aim of which was to assimilate the rapidly increasing number of Irish immigrants into Massachusetts. This free public school system spread nationwide, including in the South, especially after the Civil War. But it was not compulsory, as was the case in “advanced” countries. The State of Massachusetts established a “compulsory” elementary education system as early as in 1852 by copying the Prussian model, and this concept had spread nationwide by WWI in the midst of “progressivism.”<sup>49</sup> As in the case of Massachusetts, the law required the establishment of boards of education in municipalities with free elementary schools, and fines were imposed upon parents who did not send their children to school. But the word “compulsory” meant rather the right for the residents of the local municipalities to send their children to public schools. In reality parents were not compelled to send their children to school if they had to depend on their children’s work and could not afford to. On top of that, in the United States the public school system was sustained mainly by local taxation and, to a certain degree, state subsidies. Thus, the differences in educational content among the school systems were inevitable depending on the municipal financial situation. Even if educational desegregation had been practiced, it would have been very difficult to lessen the fundamental differences. Moreover, as mentioned above, compulsory education was not enforced, and so quite a few people were left almost illiterate. As mentioned above, Malcolm X, who dropped out of high school, became profoundly intellectual and gained a broad knowledge by educating himself in prison. The Elementary and Secondary Education Act was part of the War on Poverty legislation, and was established on April 9, 1965. The purpose was to provide everyone with equal access to quality education. The main measure was financial assistance by the federal government to the metropolitan areas where poorer minority groups were concentrated. Additionally, federal subsidies were to be given to state boards of education who were responsible for each of the school districts within their jurisdictions.<sup>50</sup>

Looking at the history of the United States, persistent support of the popular perception among Americans has been given to the notion of “equalization of opportunities for all.” This could be thought of as an established American tradition. The Elementary and Secondary Education Act of 1965 has survived so far as a symbol of this traditional value, with many amendments, despite the financial deficits of the federal government and the conservative trend of U.S. society in general since the 1980s.

#### 4.5 *Accomplishments and Costs of Nonviolent Social Change Revisited*

As shown in the Introduction, democracy, a system in which the majority rule is the principle, does not always guarantee “justice” or ethical results, such as fair consideration to minority groups. How could social justice be achieved via democracy? The notion of “nonviolent social change,” whose main means is persuasion by mass demonstrations, as represented by the Civil Rights Movement, could be one hope.<sup>51</sup> But building a nationwide social movement demands a huge cost. If we take this historical fact into consideration, even the most committed people may feel hesitant to repeat the experience of the 1960s. This is one reason why the current minority leadership, especially that of African Americans, may choose to use political procedures or litigation rather than try to build a wide social movement. It is true that the above-mentioned shift itself could be considered a great legacy of the movement. But at the same time we lose the opportunity to discuss historically disputable matters related to “race,” gender, and class in exchange for the effectiveness of the representative political system, as in the case of the “quota system.” Affirmative Action is being abolished state by state without serious nationwide debate.

#### NOTES

1. For reliable numbers regarding deaths in the two world wars, see Mary Beth Norton, et al., *A People and a Nation: A History of the United States*, brief 10th ed. (Boston, MA: Cengage Learning, 2014), pp. 582, 695.
2. Georg Wilhelm Friedrich Hegel, *Vorlesungen über die Philosophie der Geschichte*, Kindle Edition (Amazon Digital Service, 2011); E. H. Carr, *The Twenty Years' Crisis, 1919–1939: An Introduction to the Study of International Relations* (Basingstoke, UK: Palgrave, 1981, orig., 1939).
3. The term “Wilsonianism” comes from the ideology of President Woodrow Wilson and his famous Fourteen Points that he believed would help create world peace after WWI if implemented. Common principles include the spread of democracy, the advocacy of the spread of capitalism, opposition to isolationism and non-interventionism, and pro-imperialism in favor of



- intervention to further national self-interest. See Lloyd E. Ambrosius, *Wilsonianism: Woodrow Wilson and His Legacy in American Foreign Relations* (New York, NY: Palgrave-Macmillan, 2002).
4. James T. Patterson, *Grand Expectations: The United States, 1945–1974* (New York, NY: Oxford University Press, 1996).
  5. The “Double V at Home and Abroad” campaign, demanding citizens’ cooperation for the victory over enemies both abroad and within, was displayed all over the warring nations, including the United States. African Americans interpreted this slogan as a fight against both overseas and domestic racists.
  6. Executive Order 8802, Prohibition of Discrimination in the Defense Industry, June 25, 1941, accessed February 28, 2016, <http://docs.fdrlibrary.marist.edu/od8802t.html>; Phillip McGuire, ed., *Taps for a Jim Crow Army: Letters from Black Soldiers in World War II* (Lexington, KY: University Press of Kentucky, 1993).
  7. Robert Coldwell Wood (former Secretary of Housing and Urban Development, former president of the University of Massachusetts), interview with the author, April 21, 1996, at his home and office in Boston, Massachusetts.
  8. Dominic J. Capeci, Jr., and Martha Wilkerson, *Layered Violence: The Detroit Rioters of 1943* (Jackson, MS: University Press of Mississippi, 1991). For a general view of postwar Detroit, see Thomas J. Sugrue, *The Origins of the Urban Crisis: Race and Inequality in Postwar Detroit* (Princeton, NJ: Princeton University Press, 1996). See also the following AFL-CIO webpage, accessed February 28, 2016, <http://www.aflcio.org/About/Our-History/Labor-and-Civil-Rights>.
  9. Michael Cullen Green, *Black Yanks in the Pacific: Race in the Making of American Military Empire after World War II* (Ithaca, CT: Cornell University Press, 2010); Kenneth L. Kusmer and Joe W. Trotter, eds., *African American Urban History since World War II* (Chicago, IL: University of Chicago Press, 2009).
  10. Nicholas Lemann, *The Promised Land: The Great Black Migration and How It Changed America* (New York: Vintage, 1992).
  11. Eric Arnesen, *Black Protest and the Great Migration: A Brief History with Documents* (Boston, MA: Bedford/St. Martin’s, 2003); James Gregory, *The Southern Diaspora: How the Great Migrations of Black*

- and White Southerners Transformed America* (Chapel Hill, NC: University of North Carolina Press, 2005); Arnold R. Hirsch, *Making the Second Ghetto: Race and Housing in Chicago, 1940–1960* (Chicago, IL: University of Chicago Press, 1998).
12. Gregory, *op. cit.*, p. 18.
  13. Raymond A. Mohl, “The Second Ghetto Thesis and the Power of History,” *Journal of Urban History*, vol. 29-3 (March 2003), pp. 243–256.
  14. Kenneth T. Jackson, *Crabgrass Frontier: The Suburbanization of the United States* (New York, NY: Oxford University Press, 1985); Stephen Meyer, *As Long As They Don’t Move Next Door: Segregation and Racial Conflict in American Neighborhoods* (Lanham, MD: Rowman & Littlefield Publishers, 1999); Sudhir Alladi Venkatesh, *American Project: The Rise and Fall of a Modern Ghetto* (Cambridge, MA: Harvard University Press, 2003). The word “redlining” by the FHA was coined by the sociologist and community activist John McKnight of Northwestern University in the late 1960s. See Wikipedia: Redlining, accessed February 28, 2016, <http://en.wikipedia.org/wiki/Redlining>. For “redlining” practices, see Walter Thabit, *How East New York Became a Ghetto* (New York, NY: New York University Press, 2003). The “Racial Provisions of FHA Underwriting Manual, 1938” can be obtained at the following webpage, accessed February 28, 2016, <http://wbhsi.net/~wendyplotkin/DeedsWeb/fha38.html>.
  15. James Ciment, *Encyclopedia of the Great Depression and the New Deal*, vol. 1 (Armonk, NY: Sharpe Reference, 2001), p. 6.
  16. The Charter of the United Nations, 1945, accessed February 28, 2016, <http://treaties.un.org/doc/Publication/CTC/uncharter.pdf>.
  17. See Karl Gunnar Myrdal, *An American Dilemma: The Negro Problem and Modern Democracy*, vols. 1 & 2 (New York, NY: Harper & Brothers, 1944).
  18. In actual fact Robinson was second to Moses Fleet Walker in 1884.
  19. Mary Kay Linge, *Jackie Robinson: A Biography* (Westport, CT: Greenwood Press, 2007).
  20. Original Executive Order 9981 can be found at the following website, accessed February 28, 2016, <http://www.trumanlibrary.org/9981.htm>.

21. Michael Belknap, *The Supreme Court Under Earl Warren, 1953–1969* (Columbia, SC: University of South Carolina Press, 2005); Harry N. Scheiber, ed., *Earl Warren and the Warren Court: The Legacy in American and Foreign Law* (Lanham, MD: Lexington Books, 2006).
22. The full text of *Brown v. Board of Education* can be read at the following website, accessed February 28, 2016, <http://caselaw.findlaw.com/us-supreme-court/347/483.html>. For the full story of *Brown*, see, for instance, Richard Kluger, *Simple Justice: The History of Brown v. Board of Education and Black America's Struggle for Equality* (New York, NY: Vintage Books, 1975). See also the TV drama *Separate But Equal* (1991) that received an Emmy Award.
23. The full text of *Brown II* can be found at the following website, accessed February 29, 2016, [http://en.wikisource.org/wiki/Brown\\_v.\\_Board\\_of\\_Education\\_of\\_Topeka\\_\(349\\_U.S.\\_294\)](http://en.wikisource.org/wiki/Brown_v._Board_of_Education_of_Topeka_(349_U.S._294)).
24. Melba Pattillo Beals, *Warriors Don't Cry: A Searing Memoir of the Battle to Integrate Little Rock's Central High* (New York, NY: Washington Square Press, 1995); Frances Lisa Baer, *Resistance to Public School Desegregation: Little Rock, Arkansas, and Beyond* (El Paso, TX: LFB Scholarly Publishing LLC, 2008); Orval Eugene Faubus, *Down from the Hills* (Little Rock, AR: Pioneer Press, 1980); Faubus, *Down from the Hills, Two* (Little Rock, AR: Pioneer Press, 1985).
25. Elizabeth Jacoway, *Turn Away Thy Son: Little Rock, the Crisis That Shocked the Nation* (New York, NY: Free Press, 2007), p. 75.
26. For an explanation of “blockbusting,” see Chap. 5 and Wikipedia’s “Blockbusting,” accessed February 28, 2016, <http://en.wikipedia.org/wiki/Blockbusting>. “Blockbusting” was a business practice carried out by real estate agents that originated in the big cities in the North during the Great Migration era. To get white home owners to sell their real estate at cheaper prices, they threatened them by saying, for instance, “This block will be soon have a Black majority and you had better sell your home to us before its value drops.” After beating down the price, they would buy it, then sell it quickly to a wealthy Black person at a very high price while recommending the white owner buy a new house in their newly developing suburb. By doing so, blockbusters accumulated huge profits.

27. Ron Hughes (a white student at Central High School, 1959–1962). Interview with the author at his home in Little Rock, Arkansas, on August 23, 2002.
28. Elizabeth Eckford (one of the “Little Rock Nine”), interview with the author at her office, 401 W. Markham, Room 420, Little Rock, Arkansas, on August 23, 2002.
29. Recently, Dunbar High School has been reopened as Dunbar Gifted & Talented Education International Studies Magnet Middle School. See “Dunbar Home” website, accessed February 28, 2016, <http://schools.lrsd3.org/?q=content/dunbar-home>.
30. Martin Luther King, Jr., *Stride Toward Freedom: The Montgomery Story* (New York, NY: Harper & Row, 1958); Rosa Parks, *Rosa Parks: My Story* (New York, NY: Dial Books, 1992); Aldon D. Morris, *The Origins Of The Civil Rights Movement: Black Communities Organizing For Change* (New York, NY: The Free Press, 1984); David J. Garrow, *Bearing the Cross: Martin Luther King, Jr., and the Southern Christian Leadership Conference* (New York, NY: Morrow, 1986); Garrow, ed., *The Montgomery Bus Boycott and the Women Who Started It: The Memoir of Jo Ann Gibson Robinson* (Knoxville, TN: The University of Tennessee Press, 1987).
31. For the real voices of the movements’ activists/participants, see Henry Hampton and Steve Fayer, eds., *Voices of Freedom: An Oral History of the Civil Rights Movement from the 1950s Through the 1980s* (New York, NY: Bantam Books, 1991).
32. The overall history of the SNCC can be grasped in the following book written by an (ex-)activist, Clayborne Carson, *In Struggle: SNCC and the Black Awakening of the 1960s* (Cambridge, MA: Harvard University Press, 1981).
33. Mary Fair Burks, “Trailblazers: Women in the Montgomery Bus Boycott,” in *Women in the Civil Rights Movement: Trailblazers and Torchbearers, 1941–1965*, ed. Vicki L. Crawford, et al. (New York, NY: Carlson Publishing, 1990), 71–83; David J. Garrow, ed., *The Montgomery Bus Boycott and the Women Who Started It: The Memoir of Jo Ann Gibson Robinson* (Knoxville, Tenn.: University of Tennessee Press, 1987).
34. Interview with Charles Sherrod by the author, Albany, GA, August 8, 2001; interview with Geneva Collier by the author, Albany, GA, August 7, 2001. See the website of the Albany Civil Rights

- Museum, accessed February 29, 2016, <http://www.albanycivil-rightsinstitute.org/>.
35. For the whole story of the battle in Birmingham, see Glenn Eskew, *But for Birmingham: The Local and National Movements in the Civil Rights Struggle* (Chapel Hill, NC: University of North Carolina Press, 1997).
  36. Interview with Rev. Fred L. Shuttlesworth by the author, Cincinnati, Ohio, August 18, 2002; see also Edward Gardner's interview in Andrew Manis, *A Fire You Can't Put Out: The Civil Rights Life of Birmingham's Reverend Shuttlesworth* (Tuscaloosa: University of Alabama Press, 1999), 92–93.
  37. For instance, the Japanese version of “I Have a Dream” can be seen on the webpage of the U.S. Embassy in Tokyo; accessed February 29, 2016, <http://aboutusa.japan.usembassy.gov/j/jusaj-majordocs-king.html>.
  38. See the movie *Ghosts of Mississippi* (1996). An overview of the Civil Rights Movement in Mississippi is given by John Dittmer in *Local People: The Struggle for Civil Rights in Mississippi* (Urbana, IL: University of Illinois Press, 1995).
  39. Frank Sikora, *Until Justice Rolls Down: The Birmingham Church Bombing Case* (Tuscaloosa, AL: University of Alabama Press, 1991); Kevin Sack, “As Church Bombing Trial Begins in Birmingham, the City’s Past Is Very Much Present,” *The New York Times* (April 25, 2001), accessed February 29, 2016, <http://www.nytimes.com/2001/04/25/us/church-bombing-trial-begins-birmingham-city-s-past-very-much-present.html>; S. Willoughby Anderson, “The Past on Trial: Birmingham, the Bombing, and Restorative Justice,” *California Law Review*, vol. 96–2 (April 2008), pp. 471–504.
  40. Charles Morgan, a native of Birmingham and an enthusiastic JFK supporter, tells of how disappointed he was in the fall of 1963 by his fellow white Southerners who gave storms of applause to events such as the bombing of the 16th Street Baptist Church and the assassination of their president in public. See his *A Time to Speak: The Story of a Young American Lawyer’s Struggle for His City—and for Himself* (New York, NY: Harper and Row, 1964).
  41. Charles Whalen and Barbara Whalen, *The Longest Debate: A Legislative History of the 1964 Civil Rights Act* (New York, NY: New American Library, 1985).

42. “Mississippi: Convictions Upheld,” *The New York Times*, April 13, 2007, accessed February 29, 2016, [http://www.nytimes.com/2007/04/13/us/13brfs-killen.html?\\_r=0](http://www.nytimes.com/2007/04/13/us/13brfs-killen.html?_r=0).
43. Interview with Lawrence Guyot by the author, Washington, D. C., August 26, 2000; interview with MacArthur Cotton by the author, Kosciusko, Attala Co., MS, August 16, 2000.
44. David J. Garrow, *Protest at Selma: Martin Luther King, Jr., and the Voting Rights Act of 1965* (New Haven, CT: Yale University Press, 1978). See also the movie *Selma* (2015).
45. Bernard Grofman, Lisa Handley, and Richard G. Niemi, *Minority Representation and the Quest for Voting Equality* (New York, NY: Cambridge University Press, 1992), pp. 23–24.
46. Malcolm X, *The Autobiography of Malcolm X* (New York, NY: Ballantine Books, 1999), p. 346. For Malcolm X’s last speeches, see Bruce Perry, ed., *Malcolm X: The Last Speeches* (New York, NY: Pathfinder, 1989).
47. James H. Cone, *Martin & Malcolm & America: A Dream or a Nightmare* (Maryknoll, NY: Orbis Books, 1991).
48. James R. Ralph, Jr., *Northern Protest: Martin Luther King, Jr., Chicago, and the Civil Rights Movement* (Cambridge, MA: Harvard University Press, 1993).
49. Historians call the period from the 1890s through the second decade of the twentieth century the Progressive Era, in which progressive movements spread from the local to the national level. “Progressivism” focused on the need for efficiency in all areas of society, similar to today’s liberalism or “big government” tendency to strengthen governmental responsibility over individual lives.
50. Eugene Eidenberg and Roy D. Morey, *An Act of Congress: The Legislative Process and the Making of Education Policy* (New York, NY: Norton, 1969).
51. The King Center for Nonviolent Social Change was established by Coretta Scott King. See the following website, accessed February 29, 2016, <http://www.thekingcenter.org/>.

PART II

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Post-Movement Days to the Present

## From the War on Poverty to the Quota System

### 1 THE WAR ON POVERTY AND THE WAR IN VIETNAM

#### 1.1 *Black Power*

On June 16, 1966, Stokely Carmichael, a veteran field secretary of the SNCC, had had enough after being arrested 27 times, and it was at this time that he coined the slogan “Black Power.” In a sense, this slogan was an expression of the dissatisfaction with the SCLC’s “Freedom Now!” slogan. In the previous year, as already mentioned, young field secretaries of the SNCC and the CORE in the Delta region of Mississippi risked their lives trying to organize local African Americans and register voters. As was shown in Chap. 4, the newly established MFDP failed to be fully recognized in the Democratic National Convention in Atlantic City, New Jersey, in the summer of 1964. In the following year, most of the white student activists began to feel that the time had come to return to the Northern and West Coast campuses to partake in the anti-Vietnam War movement during the Congressional debate over the Voting Rights Act of 1965. Carmichael and other SNCC members remained in Lowndes County, Alabama, where Blacks were the numerical majority, to devote themselves to local voter registration activities. Their icon was a black panther.<sup>1</sup>

The Meredith March, or the “March against Fear,” was started on June 6, 1966, by James Meredith, who in 1962 had been the first



African American student to enter the University of Mississippi. Meredith intended to express his courage against the racists by marching 200 miles from Memphis, Tennessee, to Jackson, Mississippi. As soon as he began the walk, he was shot and injured. Martin Luther King, Jr., Carmichael, and other civil rights figures then took over the march. When they reached Greenwood, Mississippi, while trying to set up camp on June 16, Carmichael was arrested “for trespassing on public property.” In Canton they were raided and tear-gassed by the Mississippi State Police. King, who had at first participated but soon left Meredith’s march, meanwhile was in Chicago assisting a local march in their struggle against residential segregation. After reaching Jackson, over 15,000 participants held a mass protest meeting at Tugaloo College on June 26. The dominant mood was that of “Black Power” and a palpable anger against white America. Coupled with the chain-reaction of urban rebellions mentioned below, this marked the beginning of a new era for the Civil Rights Movement.<sup>2</sup>

The slogan “Black Power,” with its still somewhat vague definition, spread rapidly across U.S. society through activists and the media. Its meaning of “African American solidarity” had been influenced by Malcolm X and Frantz Fanon, a Martinique-born revolutionary.<sup>3</sup>

As in the case with their violent response against the Garvey Movement in the post-WWI era, the FBI and other federal agencies had paid great attention to Black nationalism and especially the explicit denial of King’s “nonviolent integration.” The FBI enforced “COINTELPRO” (counterintelligence programs) and put under surveillance not only the young Black Power activists but also moderate leaders like King by censoring their post and tapping their phones. In 1962 James Baldwin, a popular African American writer whose books were translated into many languages, published a book titled *The Fire Next Time* predicting this violent shift toward explosive urban riots in the latter half of the 1960s. The FBI got ready for this shift. Baldwin’s warning and the FBI’s concern came true soon enough.<sup>4</sup>

## 1.2 *The War on Poverty*

The Gulf of Tonkin Incident in August 1964 during the Lyndon B. Johnson administration deepened the U.S. government’s commitment to the war in Vietnam. Johnson also declared anti-discrimination domestic measures that went beyond just “equality under the law.” On January 8, 1964, Johnson first mentioned the War on Poverty as part of a set of plans named the Great Society.

On June 4, 1965, just one year before Carmichael coined the slogan “Black Power” and one year after the enactment of the Civil Rights Act, and in the midst of the Congressional debate over the Voting Rights Act, Johnson gave an epoch-making speech at Howard University, Washington, D.C., a historically Black university established in 1867. What astonished the audience most was his mention of radical phrases, including “equality as a result.” According to Johnson, the main trend of the age was a world-wide “revolution” that he related to the African American situation. The following is a citation that expresses the mood of the time:

Our earth is the home of revolution. In every corner of every continent men charged with hope contend with ancient ways in the pursuit of justice....

Our enemies may occasionally seize the day of change, but it is the banner of our revolution they take. And our own future is linked to this process of swift and turbulent change in many lands in the world. But nothing in any country touches us more profoundly, and nothing is more freighted with meaning for our own destiny than the revolution of the Negro American....

In our time change has come to this Nation, too. The American Negro, acting with impressive restraint, has peacefully protested and marched, entered the courtrooms and the seats of government, demanding a justice that has long been denied. The voice of the Negro was the call to action....

Thus we have seen the high court of the country declare that discrimination based on race was repugnant to the Constitution, and therefore void. We have seen in 1957, and 1960, and again in 1964, the first civil rights legislation in this Nation in almost an entire century.

As majority leader of the United States Senate, I helped to guide two of these bills through the Senate. And, as your President, I was proud to sign the third. And now very soon we will have the fourth, a new law guaranteeing every American the right to vote....

The voting rights bill will be the latest, and among the most important, in a long series of victories. But this victory, as Winston Churchill said of another triumph for freedom “is not the end. It is not even the beginning of the end. But it is, perhaps, the end of the beginning....”

But freedom is not enough....

You do not take a person who, for years, has been hobbled by chains and liberate him, bring him up to the starting line of a race and then say, “you are free to compete with all the others,” and still justly believe that you have been completely fair....

This is the next and the more profound stage of the battle for civil rights. We seek not just freedom but opportunity. We seek not just legal equity but human ability, not just equality as a right and a theory but equality as a fact and equality as a result.

For the task is to give 20 million Negroes the same chance as every other American to learn and grow, to work and share in society, to develop their abilities, physical, mental and spiritual, and to pursue their individual happiness.<sup>5</sup>

Johnson was dressed in academic robes, draped in the hood of the honorary degree of Doctor of Law he had just received. His speech was followed by the Howard University Choir's rendition of "We Shall Overcome."<sup>6</sup>

A prominent Harvard economist observed that by the early 1960s the United States had become an affluent society. But it was also pointed out that there was "the other America," that is, America's "invisible poor," who suffered from not only *de jure* discrimination in the South but *de facto* segregation in the Northern ghettos.<sup>7</sup>

The phrase "equality as a result" in Johnson's speech was beyond the American basic framework of individualistic liberalism. But this should be interpreted in the context of the pursuit of a fairer society by equalizing opportunities for all. President Johnson's bold speech expressing the determination for structural change in U.S. society encouraged African Americans, especially those living in urban ghettos. Before long, however, on August 11, 1965, a devastating "riot" broke out in the Watts area of Los Angeles, and, as we will see later, this was just the beginning.<sup>8</sup>

### 1.3 *Affirmative Action for Whites*

Why could President Johnson, a white Southerner, make such a bold proposal for a set of redistributive policies mainly benefitting minorities? As already mentioned, he had to solidify national support just before the Americanization of the war in Vietnam.<sup>9</sup> But, at the same time, it should be emphasized that from a historical point of view, previous social policies, such as the New Deal, the Fair Deal, and the GI Bill, which had made the United States a welfare state like other "advanced" countries, were mainly for whites. All of them were enacted with the strong support of the Southern members of the U.S. Congress, many of whom had seniority privileges. The federal subsidies were to be used according to state laws. As a result, in the Southern states, most of the benefits went to whites because of Jim Crow. As Ira Katznelson, a prominent political scientist at Columbia University, puts it;

Affirmative action then was white. New national policies enacted in the pre-civil rights, last-gasp era of Jim Crow constituted a massive transfer of quite specific privileges to white Americans. New programs produced economic

and social opportunity for favored constituencies and thus widened the gap between white and black Americans in the aftermath of the Second World War. And the effects, as we will see, did not stop even after discriminatory codes were swept aside by the civil rights movement and the legislation it inspired.<sup>10</sup>

As for the persistent disparities by “race” after four decades of Affirmative Action, Katznelson concludes as follows:

Public policy, including affirmative action, has insufficiently taken this troubling legacy into account.<sup>11</sup>

Johnson, a Democrat from Texas who served in the U.S. Navy as Lieutenant Commander in the Pacific War and was awarded the Army Silver Star Medal while serving as a U.S. congressman between 1937 and 1949, and then served as a Senator from 1949 to 1961, undoubtedly knew what it was when “affirmative action was white.” His long-time experience in Congress led him to consider not only African Americans, who had become newly eligible voters in the South, but also white constituents who were becoming more and more dissatisfied with his pro-civil rights stance. This is why social security policies targeted at the white middle class such as Medicare, healthcare for the aged, and public loans for university students, preceded “welfare reforms” for minorities. Whites had to be taken into consideration so that the civil rights legislation of 1964 and 1965 and policies for “equality as a result” could be balanced.<sup>12</sup>

Since the start of the War on Poverty, the usage of the terms “social welfare” and “social security” has been obvious. The former implicitly means policies for African Americans, while the latter means for whites. Gradually, since the middle of the 1970s, the phrase “undeserving poor” has become widely used. Thus in the 1980s, Aid to Families with Dependent Children (AFDC) and Medicaid, welfare programs considered to be mainly for African American, single-mother households, became the target of attacks by conservative Republicans, while “social security” such as Medicare, with the majority of recipients being white, were left untouched even when the federal deficit rapidly increased.<sup>13</sup>

#### *1.4 The Difficulty of Empowering the Poor*

At the heart of the assistance to the poor was the Community Action Programs (CAP) under the Economic Opportunity Act legislated on August 20, 1964. The purpose of the law was the empowerment of the

poor through the “maximum feasible participation” of the poor themselves. Local executive organizations were executive committees of the Community Action Agencies (CAA), at least one-third of each of which were to consist of local lower-income residents, financed by the federal government’s Community Services Block Grant (CSBG).<sup>14</sup>

Notwithstanding its sublime ideas, most of the CAP were unsuccessful. This was mainly due to the difficulties of empowering the poor as Hollis Watkins (b. 1941), an ex-SNCC activist who later organized an NPO named Southern Echo, admitted to me. According to him, the CAP meant, more often than not, pork barrel spending, that is, giving money to the poor firsthand without any effective results in enhancing self-help among them. In addition to his desire to secure independence from predictable federal policy changes, Watkins was determined to establish his own organization to empower local people.<sup>15</sup>

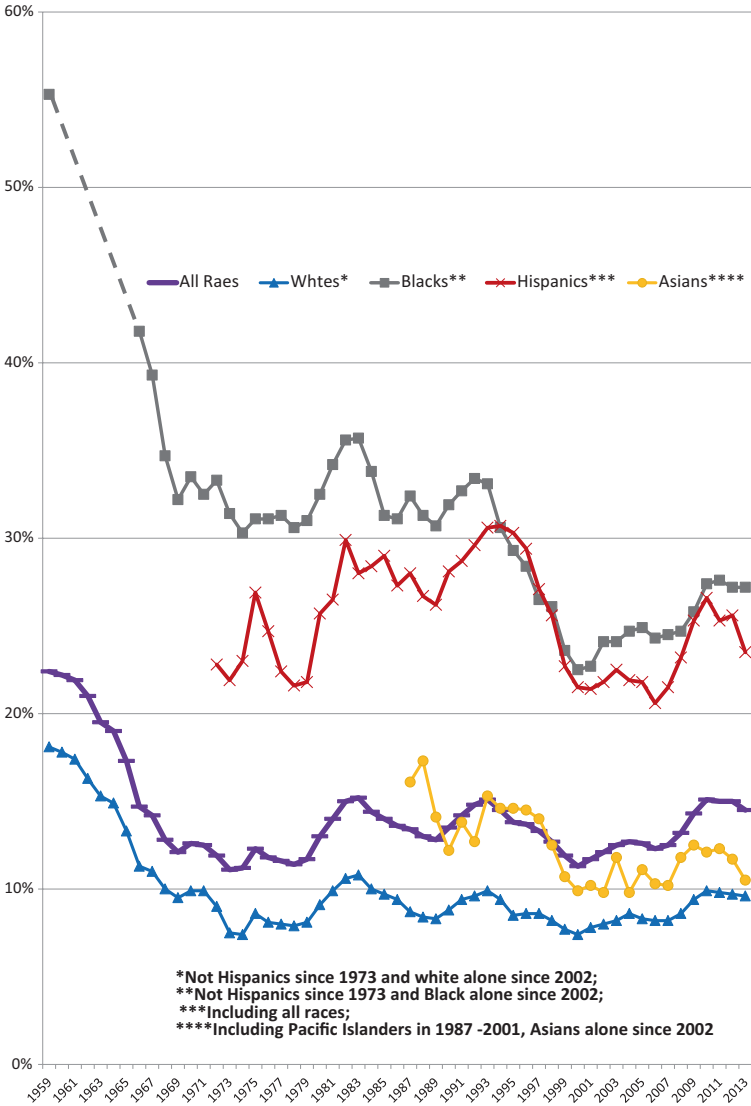
Although it is true there were several problems, to a considerable degree the CAP really succeeded. For instance, Head Start, an assistance program for preschool children in poverty, has survived to this day. This could answer the basic premise of this book, which is how to arrange the two principles of democracy and justice by pursuing fairness with peoples’ consent, as this program is both effective and feasible.<sup>16</sup>

As mentioned above, the CAP were not always successful in enhancing economic independence and the mental well-being of the poor. However, children’s empowerment programs such as Head Start have produced steady and excellent results so far and survived the attacks by the conservatives against the welfare programs in the 1980s. Moreover, the core philosophy of the CAA has strongly influenced present-day NPOs/NGOs. In this sense, a historical reevaluation of the War on Poverty from a long-term perspective is necessary.

Among other things, the War on Poverty really succeeded in lowering the poverty rate; the poverty rate of African Americans was dramatically reduced from 55.3 percent in 1959 to 32.2 percent in 1969. We also have to keep in mind that the poverty rate for whites also went down, but that the gap now is still as wide, with the rate of poverty for Blacks about 2.5 times that of whites (see Fig. 5.1).

### 1.5 *Beyond Vietnam*

One of Martin Luther King, Jr.’s last speeches, “Beyond Vietnam: A Time to Break Silence,” was delivered at the Riverside Church in New York on



**Fig. 5.1** Poverty status of people by family relationship, race, and Hispanic origin: 1959–2013 (*Source:* Income, Poverty, and Health Insurance Coverage in the U.S.: 2004–2012/Income and Poverty in the U.S.: 2013, U.S. Census Bureau, 2005–2014)

April 4, 1967, just one year before his assassination. As the Nobel Peace Laureate of 1964, he strongly criticized President Johnson's deepening commitment to the Vietnam War and his lack of attention to the war on poverty. King insisted on the necessity of a "true revolution of values," not only in U.S. society but also in other Western nations:

True compassion is more than flinging a coin to a beggar; it is not haphazard and superficial.... A true revolution of values will soon look uneasily on the glaring contrast of poverty and wealth. With righteous indignation, it will look across the seas and see individual capitalists of the West investing huge sums of money in Asia, Africa and South America, only to take the profits out with no concern for the social betterment of the countries, and say: "This is not just." The Western arrogance of feeling that it has everything to teach others and nothing to learn from them is not just. A true revolution of values will lay hands on the world order and say of war: "This way of settling differences is not just." This business of burning human beings with napalm, of filling our nation's homes with orphans and widows, of injecting poisonous drugs of hate into veins of people normally humane, of sending men home from dark and bloody battlefields physically handicapped and psychologically deranged, cannot be reconciled with wisdom, justice and love. A nation that continues year after year to spend more money on military defense than on programs of social uplift is approaching spiritual death.<sup>17</sup>

### 1.6 *A Succession of Urban Uprisings*

The Watts "Riot" (August 11–17, 1965) was shocking because it happened just after the passage of two federal laws, the Civil Rights Act (1964) and the Voting Rights Act (1965). It was proved that the establishment of "equality under the law" was not enough for the problems in the urban ghettos of the Northern and West Coast states, as President Johnson had predicted in his speech at Howard University.

A series of "riots" occurred just after the attainment of the two above-mentioned federal laws. During the summer of 1964, an urban uprising occurred in Harlem, New York City, and then in the summer of 1966, in Cleveland, Ohio. The summer of 1967 experienced a series of "riots" in urban areas nationwide. Among others, the most shocking scene unfolded in Detroit, Michigan, beginning on Saturday, July 23, 1967, and lasted for five days. To suppress the "riot" President Johnson sent in U.S. troops. He appointed Otto Kerner, Governor of Illinois, as chair of the investigating committee. The National Advisory Commission on Civil Disorders, known as the Kerner Commission, finished writing the report on February

29, 1968. After seven months of investigation, the report shocked the nation by showing that U.S. society was two divided societies, that is, “one black, one white—separate and unequal.” The citation below gives us an indication of the atmosphere of the time:

The summer of 1967 again brought racial disorders to American cities, and with them shock, fear and bewilderment to the nation.

The worst came during a two-week period in July, first in Newark and then in Detroit. Each set off a chain reaction in neighboring communities.

On July 28, 1967, the President of the United States established this Commission and directed us to answer three basic questions:

What happened?

Why did it happen?

What can be done to prevent it from happening again?

To respond to these questions, we have undertaken a broad range of studies and investigations. We have visited the riot cities; we have heard many witnesses; we have sought the counsel of experts across the country.

This is our basic conclusion: Our nation is moving toward two societies, one black, one white—separate and unequal.

Reaction to last summer’s disorders has quickened the movement and deepened the division. Discrimination and segregation have long permeated much of American life; they now threaten the future of every American.

This deepening racial division is not inevitable. The movement apart can be reversed. Choice is still possible. Our principal task is to define that choice and to press for a national resolution....

The vital needs of the nation must be met; hard choices must be made, and, if necessary, new taxes enacted....

Segregation and poverty have created in the racial ghetto a destructive environment totally unknown to most white Americans.

What white Americans have never fully understood but what the Negro can never forget—is that white society is deeply implicated in the ghetto. White institutions created it, white institutions maintain it, and white society condones it.

It is time now to turn with all the purpose at our command to the major unfinished business of this nation. It is time to adopt strategies for action that will produce quick and visible progress. It is time to make good the promises of American democracy to all citizens—urban and rural, white and black, Spanish-surname, American Indian, and every minority group.<sup>18</sup>

On January 30, 1968, one month before the release of the Kerner Commission Report, the Tet Offensive in Vietnam began, and on March 31, President Johnson declared that he would not run again in the presidential election in November of that year. Then Martin Luther King, Jr.,



was assassinated on April 4, and Robert F. Kennedy, the Democratic presidential candidate collaborating with King in preparation for his last crusade, that is, the Poor People's Campaign,<sup>19</sup> was shot on June 5 and died the next day. The Democratic National Convention in Chicago (August 26–29, 1968) revealed the divide over the Vietnam War and ended in disorder. Thus the Democratic Party lost its centripetal force. It is ironic that a conservative Republican president, Nixon, would pursue “equality as a result” in his own way.

### 1.7 *The Vietnam War Swamp*

Despite the sustained massive air-raids against northern Vietnam, and over 548,000 U.S. troops stationed there, the Vietnam War was turning into a swamp. The Tet Offensive conducted by the “Liberation Forces” started on January 30, 1968, in Saigon (present-day Ho Chi Minh City), but the “Vietcong” occupied the U.S. Embassy, and President Johnson was forced to withdraw his name as a presidential contender. The bold plan for a Great Society and the War on Poverty was on the verge of termination because of the budgetary deficit of the federal government.

While Blacks made up 11 percent of the U.S. population they represented 16 percent of the soldiers sent to Vietnam. The disproportionate number of African American troops sent to the front lines in Vietnam contrasted starkly with the number of draft exemptions among whites. This drew considerable criticism, including from Major Colin Powell, who was then active in Vietnam. African American soldiers, including the future General Colin Powell, felt a deep disappointment toward American ideals.<sup>20</sup>

## 2 THE BUSING CONTROVERSY AND WHITE FLIGHT

### 2.1 *A Return to Law and Order*

Republican Richard Nixon won a narrow victory in the presidential election with a margin of just 1.6 percent in November 1968. Nixon insisted on returning to “law and order.” One of the foundations of Nixon's victory was his Southern Strategy, and he was successful in persuading Southern white voters to vote Republican. The slogan “law and order” hinted at the restoration of society before the further radicalization of social movements. In the November election, George Wallace,

the Governor of Alabama, ran as an independent candidate whose slogan was “segregation now, segregation tomorrow, segregation forever,” with Curtis Emerson LeMay, a general who directed strategic bombings on Japan in WWII, as candidate for Vice-President. They won in five Southern states (Alabama, Arkansas, Georgia, Mississippi, and Louisiana). Nixon received wide support, including all the other Southern states except for Texas, and defeated Hubert Humphrey, who had been Vice-President under Johnson. Since then the Southern states have proven to be a solid base of conservatism.<sup>21</sup>

Nixon had been Vice-President in the Eisenhower administration for two terms in the 1950s and was narrowly defeated by Kennedy in 1960. Why was the seemingly bold system of Affirmative Action, referred to as a “quota system,” adopted under a conservative president who won with his slogan “law and order”? The rest of this section will deal with this question. First, there had been a shift in public opinion toward the integration and desegregation of public schools since *Brown*, especially in the late 1960s and the early 1970s.

## 2.2 *Dispute over Busing*

By the early 1970s, the problem of “race” manifested itself in the urban ghettos in the form of the political controversy around the issue of “busing.” Racially divided neighborhoods have been historically conspicuous in the North, where slavery and the aftermath of legalized segregation never existed, and it was in the Southern states rather than in the North where the desegregation process following *Brown* took effect. In the Northern metropolitan areas, public schools were left racially segregated. Throughout the first half of the twentieth century, many large cities, especially those in the North, experienced “ghettoization” twice. The “second ghettos” emerged following WWII in addition to those formed in WWI and the 1920s. The schools in the “second ghettos” were all Black, without exception. The problems of racially imbalanced schools, deteriorating facilities, and problems with teaching staff were the main parental concerns. On October 29, 1969, in the *Alexander v. Holmes County Board of Education* ruling, the U.S. Supreme Court unanimously declared that public school desegregation “with all deliberate speed” as allowed by *Brown II* in 1955 was no longer constitutionally permissible. Over a period of 15 years, the meaning of *Brown* had shifted from “desegregation” to “integration.” The Supreme Court began to demand the equalization of the racial ratio

of the students of each school within a school district. Busing was considered to be the most effective and feasible, as well as cheap, method to fulfill this requirement.<sup>22</sup>

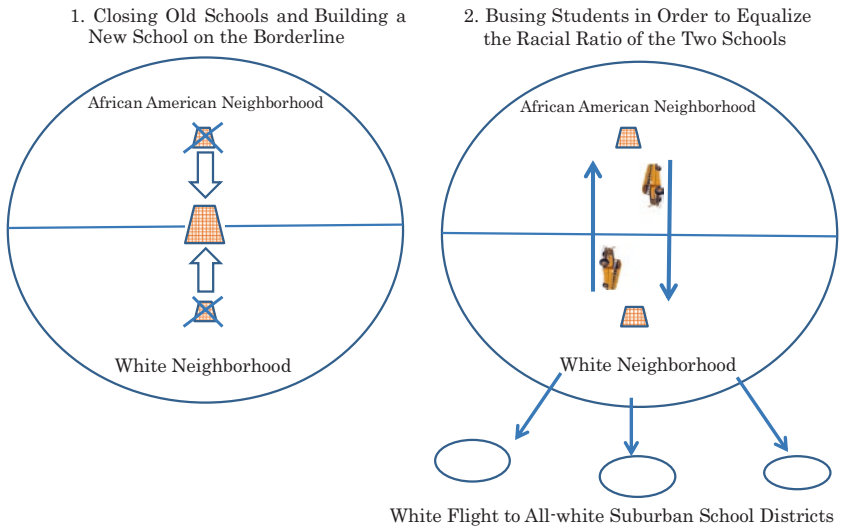
The U.S. federal government felt pressure from the Supreme Court to achieve integrated public education. In order to equalize the student racial ratio of each school within a school district, and especially in the urban North, there were two ways of doing this: one was scrapping the old schools and building new schools on the borders of racially divided neighborhoods, and the other was the cheaper way of busing students between the racially segregated schools to equalize the racial ratio. Almost all of the nation's urban school systems chose the latter due to budgetary considerations (see Illustration 5.1).

Busing gave African American parents an additional weapon for getting a "quality education" because by bringing white school children to their schools they could make white parents share the problems they had long suffered from. This was known as "hostage theory."<sup>23</sup> African American parents expected busing to bring about a chance for improved education in ghetto neighborhoods.

Some white parents suspected that "forced busing" was unconstitutional, but the U.S. Supreme Court ruled in *Swann v. Charlotte-Mecklenburg Board of Education* on April 20, 1971, that busing was constitutional. With this decision, busing got the green light as the reasonable and feasible way to equalize the racial ratio in the divided schools of metropolitan America.<sup>24</sup>

### 2.3 *Opposition from the White Ethnic Working Class in the Urban North*

Before long severe resistance against busing by some white parents began to be reported in the news media. One of the most violent protests exploded in Boston, Massachusetts. This was shocking as Boston, known as the "Cradle of Liberty" because the American Revolution for Independence began there, was the symbolic place of American ideals. Federal District Judge Wendell Arthur Garrity, Jr. (1920–1999), appointed by Lyndon B. Johnson in 1966, ordered busing on June 21, 1974. This included the area between the predominantly African American Roxbury neighborhood and the Irish working-class neighborhood of South Boston. In early September 1974, on the first day of the school year, when a bus full of African American students arrived in front of South Boston High School,



**Illustration 5.1** Two options for remedying the inner-city segregated schools

there were violent protests by local residents. The whole scene was broadcast on national TV. Senator Edward Kennedy, who had become the most distinguished liberal Irish American politician in Boston since the deaths of his two elder brothers, was targeted by the mob.<sup>25</sup>

In January 1996, ex-Judge Garrity consented to my request to interview him. He cautiously avoided evaluating his past decisions because federal regulations prohibit all federal judges from commenting on their decisions, even after retirement. He kindly answered my somewhat rude question regarding the Boston busing incident, “What was the main cause of the turmoil?” After listening to what he said, I agreed with his criticisms of his superiors. According to his own experience, the *Brown II* decision (1955) by the U.S. Supreme Court contained the additional problem of “with all deliberate speed” in implementing school integration by laying all responsibility on federal district judges to implement the solutions. Garrity had to do everything, from making to practicing all plans, including the plan to balance the “races” in all the schools in Boston. It was too heavy a burden and far beyond the ability of one judge to shoulder.<sup>26</sup>

The violent opposition by the Irish in South Boston not only demonstrated how strong the bias of “race” among the white ethnic working

class was, but it was also indicative of their strong dissatisfaction with the middle-class WASPs. The WASPs had benefitted from the slave trade since colonial days and now lived in suburbs immune from busing. Having been the victims of discrimination by WASPs, Irish Americans were unwilling to pay for the injustices produced by the WASPs. One of the most shocking scenes during the busing protest in Boston took place on April 6, 1976, during the rally for supporting busing and was captured in an iconic photo. The photo, which was awarded a Pulitzer Prize, shows a young white man trying to thrust a flag pole with the Stars and Stripes into a Black man<sup>27</sup> (see Picture 5.1).

#### 2.4 *White Flight and the Experiment of Magnet Schools*

As per the hopes and wishes of African American parents, public attention toward the poor conditions of the schools in their neighborhoods was increasing as busing orders were carried out. The majority of the public felt the strong need for a quality education for every American child, regardless of “race.” The white parents saw the poor condition of the schools in Black ghettos and the necessity for improvement. However, the better-off white families chose to escape from the central cities to suburban communities. Thus began “white flight,” which accelerated the already conspicuous trend of suburbanization. On July 25, 1974, about one month after Judge Garrity’s ruling in Boston, in *Milliken v. Bradley* the U.S. Supreme Court decided by a narrow margin of 5 to 4 that compulsory busing beyond the city borders of Detroit could not be ordered by the court. The Supreme Court hesitated to enforce an equitable resolution when faced with the high wall of “local control,” a traditional American value emphasizing autonomous municipalities and school districts. As “white flight” accelerated, President Gerald Ford added fuel to the fire by saying, “I respectfully disagree with the Judge’s order” as soon as he succeeded Nixon.<sup>28</sup>

It turned out that affluent suburbia was protected as a sanctuary by the above-mentioned court ruling. The “resegregation” of public schools has emerged as a new trend throughout the metropolises of the United States since *Milliken v. Bradley*. One policy used to cope with “white flight” is that of “magnet schools,” newly built schools in inner-city areas equipped with high-tech facilities and staffed with excellent instructors in order to call back the white middle-class suburbanites to central areas. One historical model was the Latin School in the city center of Boston, a famous



**Picture 5.1** A white man thrashing a pole with the American Flag into a Black man in Boston on April 6, 1976 (*Source*: “The Soiling of Old Glory,” Pulitzer Prize, 1977, taken by Stanley Forman. Courtesy of Mr. Forman. [Stanleyformanphotos.com](http://Stanleyformanphotos.com))

public prep school established during the colonial era. This idea was in accordance with the traditional American value system of pursuing fairness to fulfill justice by encouraging voluntary choices among young suburbanites who had jobs in central cities and who were willing to return if the advantages were added to inner-city schools.<sup>29</sup>

Reurbanization, at least partly stimulated by magnet schools and other incentives in the age of globalization, was effective in reducing the segregation- or isolation-index in racially divided metropolitan residential areas in the United States. At the same time, however, magnet schools also produced the following two problems. First, the return of affluent whites to the inner cities led to a rise in real estate prices and rents. As a result of this so-called “gentrification,” the disadvantaged people in inner cities

were compelled to move to even poorer districts. The residences some of the young “urban gentry” chose were gated communities surrounded by walls with locked gates. The other problem was the problem of economic and educational differences between the parents of the newcomers and the old dwellers. Even though some of the luckier people from the inner cities could send their children to magnet schools, there was some degree of discomfort when being given, for example, marginal roles at PTA activities by young upper-class white parents. These situations compel us to doubt the real reasons for the recent reduction in the percentage of the segregation- or isolation-indexes in inner cities.<sup>30</sup>

At the same time, moving-out assistance programs for those in the ghettos targeted the highly motivated but very poor. In the Boston metropolitan area, the Metropolitan Council for Educational Opportunities (METCO), established in 1966, has been helping inner-city school children go to suburban schools. METCO still supports 3,000 students from inner-city Boston in collaboration with 30 suburban boards of education. METCO has helped some ghetto children and suburban children learn in multicultural environments and its educational effectiveness is highly evaluated. But these kinds of moving-out assistance programs cannot do much for the rest of the children left behind in the ghetto. Restructuring solutions for inner-city areas like those of the War on Poverty are necessary.<sup>31</sup>

### 2.5 *The “Northernization” of the South*

In contrast to the Northern urban areas, the school districts in the Southern metropolis tended to be organized at the county level, covering not only the inner cities but also suburban municipalities. It is ironic that busing was relatively effective without the conspicuous “white flight” in the South. However, along with the economic boom in the Sunbelt since the 1970s, suburban municipalities have also tended to establish independent school districts in the South. On top of that, private or recently built publicly assisted “charter schools” have begun to stimulate the “resegregation” of schools in the South.<sup>32</sup> I call this trend the “Northernization” of the South.

One researcher, who has long been an on-the-spot observer of the school desegregation experiment in the Triangle region of North Carolina that is known as one of the most successful models, says: “Painful as it may be to admit, perhaps the school desegregation experiment has failed”:

The utopian dream of racial harmony has proved the exception rather than the rule, even in North Carolina. The varied experiences of students in the Triangle region of North Carolina (encompassing the cities of Durham and Raleigh, the college town of Chapel Hill, and the rural areas surrounding them) demonstrate that desegregation was achieved in many places, but widespread integration happened almost nowhere.<sup>33</sup>

However, a 1994 survey revealed that only 3 percent of African Americans and 9 percent of whites in North Carolina supported separate schools as in the past. Huge as the cost and sacrifice might have seemed, the accounting on school desegregation is extremely complex.<sup>34</sup>

### 3 *DE FACTO* RESIDENTIAL SEGREGATION IN THE NORTH

#### 3.1 *From Restrictive Covenants to Blockbusting*

As we have already seen, behind the controversy over the school desegregation/integration was—and still is now—the dispute over the problem of residence. *De facto* segregation in the North, especially in housing policy and practices, is more intractable than the South's *de jure* segregation because a democratic society cannot mandate people's behavior, even though they may be influenced by historically constructed biases. Semi-legalized segregation in the Northern housing markets was known as "restrictive covenants," and they were as binding as the Jim Crow laws in the South. In 1948, the U.S. Supreme Court declared in *Sherry v. Kraemer* that the "restrictive covenants" containing the word "race" were unconstitutional.<sup>35</sup>

But the *de facto* segregation continued, as already mentioned, with two methods strengthening this trend. One was "blockbusting," which among others was utilized by malicious real estate brokers (see Chap. 4).<sup>36</sup>

Discrimination by realtors was accompanied by discrimination in public services, such as road sweeping by the municipal government, which, coupled with the African American community's limited means to maintain the landscapes of their neighborhoods mainly due to a lack of better jobs, contributed to the visible differences in their community from the rest of the city, that is, the deterioration of the ghetto. According to a prominent historian who was raised in the inner city of Detroit before moving out to a white suburb, white children were accustomed to seeing the ghetto and their bias was reinforced by the TV news coverage of "racial profiling."



A historically accumulated mentality induced malicious real estate brokers to further “blockbusting.”<sup>37</sup>

### 3.2 *Ghettoization and the Government’s Responsibilities*

Another group responsible for this (*de facto*) residential segregation was the federal government itself. The Home Owner’s Loan Corporation (HOLC) that had been established in 1933 as a New Deal program prohibited African Americans from being its beneficiaries. Moreover, the Federal Housing Administration (FHA) established in 1934 mandated racial discrimination by allowing the use of “redlining” maps from 1944, suggesting that African American neighborhoods were “danger zones.” This meant the residents within the redlined area would not qualify for federally assisted housing loans. African Americans, who wanted to buy land and build their own houses but lacked the money had to make “land contracts” or “land installment contracts” at above-market interest rates. In many cases, they could not pay back the monthly installments and this would eventually lead to foreclosure.<sup>38</sup> Furthermore, the residents of federally subsidized “public projects,” collective high-rise housing facilities built in the inner cities during wartime, were exclusively for African Americans. The U.S. Government was clearly responsible for the formation of the Second Ghettoization in the early 1940s.<sup>39</sup>

### 3.3 *King’s Last Crusade and Its Aftermath*

Martin Luther King, Jr., devoted his last two years to the movement against residential segregation in the North Lawndale neighborhood of the West Side, the second poorest ghetto in Chicago. He was determined to introduce further civil rights legislation to bring about a strict ban against residential discrimination. Immediately after his assassination on April 4, 1968, and in the midst of the desperate urban uprisings in Chicago, Washington, D.C., Baltimore, and other major cities throughout the United States, the Fair Housing Act was passed in Congress, banning discrimination in the real estate market.<sup>40</sup>

Although King’s wishes have been inherited by some activists to this day, including Richard Barnett (b. 1931) of North Lawndale on the West Side of Chicago, they still face overwhelming difficulties. The old site in

which Martin Luther King, Jr., once used as his base on the West Side in his campaign for residential integration was inherited by the Chicago Black Panthers, led by Fred Hampton (1948–1969), who was victimized by the FBI’s COINTELPRO program. Their base was totally destroyed, even though their main activities consisted of distributing free food and medical services. When Barnett took me to where the headquarters of King’s last crusade and the Black Panther’s community activities had been in the late 1960s, there was nothing there but an empty lot. Barnett himself has made a beautiful home garden that has provided a good example for local youths. However, despite his empowerment efforts, the North Lawndale community is still known as a notorious neighborhood for crime and concentrated poverty<sup>41</sup> (see Picture 5.2).

### 3.4 *The Achievements and Limits of the Gautreaux Project*

Along with the introduction of the “quota system” by President Nixon in the early 1970s under the name of Affirmative Action, the number of African American college graduates has increased dramatically, followed by the rise of the African American middle class, as small as it may be. At the same time as the African American middle class was escaping the ghettos, those who lacked the resources to leave were left in worsening circumstances. In this situation, one African American single mother in Chicago, Dorothy Gautreaux, filed a lawsuit against the Chicago Housing Authority (CHA) in 1966, which finally led to the “Gautreaux Project,” a “moving-out assistance” program that allowed inner-city residents to move outside the ghetto.

In 1976, the U.S. Department of Housing and Urban Development (HUD) intervened in the case of *Gautreaux v. Chicago Housing Authority* because the CHA was alleged to have violated the HUD’s guidelines and the Civil Rights Act of 1964 that prohibits racial discrimination in public housing. This case, renamed *Hills v. Gautreaux*, went to the U.S. Supreme Court. In a consent decree ordered by the court, the CHA began to assist African Americans to move outside the ghettos. The total number of the beneficiaries of the Gautreaux Project was over 25,000 by 1998 when the program ended, most of whom were African American welfare recipients. The effect was remarkable. More than half of them became economically independent, with no dependency on welfare, and with their children graduating high school and many going on to college. This success



**Picture 5.2** Richard Barnett standing in the Martin Luther King, Jr.'s old headquarters in Chicago (*Source:* Photo taken by the author in North Lawndale, Chicago, September 2, 2001)

inspired the nationwide Moving to Opportunity (MTO) programs that spread to other cities, including Baltimore and New York, where the programs still continue.<sup>42</sup>

Notwithstanding the achievements of the “moving-out assistance” programs symbolized by METCO, the Gautreaux Project, and MTO programs, a number of African American leaders did not support this solution as it conflicted with the interests of “Black Power” politicians in their respective inner-city constituencies. Moreover, it is impossible to move everyone out of the inner cities, and so the improvement of ghetto conditions is necessary. Not only government support but also “empowerment” programs to enhance self-help efforts within the ghettos are vital. This concept of self-help and of empowering the disadvantaged in the inner cities corresponds with the traditional notion of fairness in America.

## 4 THE INTRODUCTION OF A QUOTA SYSTEM UNDER THE NIXON ADMINISTRATION

### 4.1 *Shifting Affirmative Action from a Structural Change to a Less Expensive Remedy*

Affirmative Action as we know it today began under the Nixon Administration in the early 1970s. Why was the “quota system” adopted by Richard Nixon, a conservative Republican president who won the presidential election with the slogan “law and order”? The declining enthusiasm for structural change and income/wealth redistribution indicated the end of an age. As historian James Patterson points out, the age of “grand expectations” was finishing as the economic hegemony of the United States began to be threatened.<sup>43</sup>

Richard M. Nixon (1913–1994) was Vice-President from 1953 to 1961 in the midst of the Cold War under the Eisenhower administration and experienced *Brown* (1954), *Brown II* (1955), the Montgomery Bus Boycott (1955–1956), the Little Rock School Crisis (1957), and then the Sit-ins and the Freedom Rides (1960–1961), feeling the outside pressure of “Third World” countries. He was a conservative but at the same time a realist who wished to avoid the school and housing issues that were sometimes accompanied by violent confrontations. His first priority was the economy, and especially the employment of contractors with federal public works projects. Nixon intended to concentrate public attention on more realistic economic integration, especially public employment issues. This evaded some controversy but at the same time was a cheaper policy compared to the War on Poverty in the latter half of the 1960s. Moreover, Nixon’s hidden purpose was to bring about a sharp divide in organized labor, a long time solid block of supporters for the Democratic Party, which was linked to his “Southern Strategy.” The introduction of a seemingly radical “quota system” in the name of Affirmative Action must be considered in the context of his strategy.<sup>44</sup>

### 4.2 *The Philadelphia Plan*

Nixon’s first program for the practical “integration” of the federal public works program was the Philadelphia Plan, the first “quota system” based on “race” concerning the rebuilding of the federal Mint in Philadelphia.

He introduced this so that public attention concerning “integration” issues might shift from controversial private ones such as busing and housing to more realistic ones like public employment and higher education. He deliberately intended to take public attention away from other controversial issues and concentrate it on one issue only, that is, the “quota system” in the field of public employment and higher education, a cheap method of “integration,” as radical as it might seem.<sup>45</sup>

Nixon also tried to include women in the “quota system” because a wave of feminism had risen to the point where the Equal Rights Amendment (ERA) passed the Senate and the House of Representatives by over two-thirds in 1972.<sup>46</sup> Thus under Nixon’s skillful political maneuvers, the historic issue of racial equality was made to revolve around the yes-or-no of the “quota system.”<sup>47</sup>

As has been seen so far, the accumulated effort toward racial equality by the federal government in the 1960s experienced a decisive turning point in the early 1970s. Gender, as an additional element to the “quota system,” the rapid increase of non-white New Immigrants since the Immigration Act of 1965 with the rise of multiculturalism, and the huge deficit of the federal budget caused mainly by the Vietnam War, had helped to reduce the weight of racial issues to the “quota system.” In this historical process, regardless of the administrations since Nixon, the issue of “race” was being made to be concentrated on the “quota system.” Thus, the importance of structural reform discussed earnestly in the middle of the 1960s was being forgotten. The Philadelphia Plan itself was finally approved by the Supreme Court with a modification to the original plan made by the Johnson administration. As a result, the “quota system” was adopted not only in public works projects but also university and graduate school admission policies, and gender and other elements were also being added, as will be mentioned in Chap. 7.<sup>48</sup>

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19. The Poor People's Campaign or Poor People's March on Washington was to gain economic justice for poor people in the United States. It was organized by Martin Luther King, Jr., and the SCLC (Southern Christian Leadership Conference) but had initially been suggested by Robert F. Kennedy to King the previous year. The campaign was forced to end without any remarkable results after King and Kennedy were assassinated. See Gerald D. McKnight, *The Last Crusade: Martin Luther King, Jr., the FBI, and the Poor People's Campaign* (Boulder, CT: Westview Press, 1998).
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22. For *Alexander v. Board of Education* and the efforts to desegregate Mississippi's public schools, see Charles Bolton, "The Last Holdout: Mississippi and the *Brown* Decision," in Brian Daugherty and Charles Bolton, eds., *With All Deliberate Speed: Implementing *Brown v. Board of Education** (Fayetteville, AR: University of Arkansas Press, 2008), pp. 123–138.
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  26. Interview with W. Arthur Garrity, Jr., by the author, Boston, Massachusetts, January 9, 1996.
  27. John F. Stack, Jr., “Ethnicity, Racism, and Busing in Boston: The Boston Irish and School Desegregation,” *Ethnicity*, vol. 6 (1979), pp. 21–28.
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34. *Ibid.*, pp. 39–40.
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44. For Nixon’s civil rights policies, especially those of Affirmative Action and its “quota system,” see Kotlowski, op. cit.; Yuill, op. cit.

45. Kotlowksi, op. cit., “Prologue”; Yuill, op. cit., “Introduction,” Chap. 5.
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## New Immigrants and the “Underclass”

### 1 THE IMPACT AND BACKGROUND OF THE LOS ANGELES RIOT IN 1992

#### *1.1 The Second Riot in Watts*

On April 29, 1992, in South Central Los Angeles, California, the largest single riot in U.S. history began and continued for six days till May 4. The Watts neighborhood, where the urban rebellion occurred in 1965, was at the center. The direct cause was the beating of an African American man named Rodney King by mostly white police officers after he was arrested for speeding, the scene of which was videotaped and repeatedly shown on TV worldwide. What shocked many during the uprising was the fact that the grocery stores that African Americans and Latinos were looting were owned by recent Korean newcomers who had immigrated on special visas issued for Vietnam War veterans because of their contribution to the Vietnam War. Their influx was also accelerated by the new Immigration Act passed in 1965. Frequent, alleged shopliftings by African Americans in Korean shops had sometimes led to violent confrontations, and a 15-year-old Black girl, Latasha Harlins, was shot to death by a female Korean shop owner on March 16. Korean absentee shop owners were alert and armed with assault firearms, including machineguns. There was also friction between the two groups in New York City, mainly because the Korean shops were owned and managed by families who rarely employed

local African Americans, who in turn sometimes showed their anger and protested by boycotting them. In South Central Los Angeles, the rapidly increasing number of Latinos was causing additional friction.<sup>1</sup>

There were over 60 deaths and more than 10,000 arrests during the riot. According to the report made by the special investigating committee appointed by the state legislature, this was not so much a “race riot” as a “class riot” because the ratio of whites among those arrested was 9 percent, a remarkable difference compared with the situation in the 1960s. In addition to those arrested, a number of whites participated in the looting; their lives were as desperate as their African American and Latino counterparts.<sup>2</sup>

### 1.2 *History Repeats Itself but with Different Players*

Korean immigrants to the United States, who were first allowed to naturalize during the Korean War (1950–1953), increased in number during the Vietnam War. The number of immigrants who had been born in Korea increased rapidly in the 1990s and the first decade of the twenty-first century as their numbers almost doubled in two decades, from 568,397 in 1990, to 864,125 in 2000, and then 1,100,422 in 2010.<sup>3</sup>

The Korean community formed Korea towns in Los Angeles and New York, like other ethnic groups. Their primary jobs were small businesses in minority residential areas as was/is often the case with newcomers to the United States, who more often than not come to the United States with monetary resources. Their predecessors as shop owners in the ghettos were Jewish merchants, the second and third generations of the original New Immigrants from Eastern Europe whose parents or grandparents came to the United States from the late nineteenth century till 1924, when they were barred from entering the country. They were white, and their descendants gradually became accustomed to, and entered, mainstream U.S. society. Their old shops in the inner-city residential areas were targeted during the urban rebellions of the mid and late 1960s, including the earlier Watts uprising in Los Angeles. Almost all of them were determined to move out of the ghetto, and it was Koreans who began to replace them. On May 14, 1992, just two weeks after the second uprising in Watts, the leaders of the Korean community in Los Angeles asked the old Jewish merchants for advice. The Jewish merchants strongly suggested that they move out of the ghetto and/or try to accommodate themselves to white America. As a distinguished Korean American sociologist put it,

it was very difficult for them—at least in the short term—to accept this advice:

The vast majority of contemporary Jewish Americans are descendants of eastern European immigrants who came to this country from 1880 to 1924. Most Jewish merchants in African American neighborhoods in the 1960s were second- and third-generation Americans. Jewish merchants in the 1960s, who had no serious language problems and who were familiar with American customs, thus had options other than operating small businesses in African American neighborhoods and may have been able to move quickly out of African American neighborhoods. However, current Korean immigrants have fewer alternatives: the vast majority of Koreans have come to this country over the last twenty years and thus experience serious language barriers.<sup>4</sup>

History repeats itself; only the players change. Historically speaking, exploiting the ghetto is the typical way for disadvantaged newcomers to accumulate wealth for upward mobility for the next generation.

### 1.3 *A Suggestive Lesson from Koreans in Japan*

The Los Angeles uprising was also an opportunity for local and federal governments to investigate the deep racial bias within the LAPD (Los Angeles Police Department). At the same time, the Asian newcomers, highly praised for their rapid economic success, could be faulted. They rarely considered the long history of the struggle for racial equality in U.S. society conducted mainly by African Americans, which produced a deep gulf between African Americans and the Korean newcomers. This problem has so far not been solved. Furthermore, the abolition of California's Affirmative Action by state referendum in 1996 revealed the discrepancy between the interests of Asian Americans and those of African Americans and Hispanics/Latinos, mainly because the former benefitted from its abolition (see Chap. 7). Over half of the Korean shops that were looted are yet to be repaired. As the movie *Freedom Writers* (2007) depicts, there is still friction between African Americans and Latinos.<sup>5</sup> There is a lack of trust in new minorities by African Americans who see these new minorities as taking advantage of the Civil Rights Act of 1964 that was only achieved through a long, hard struggle by African Americans.

At this point, I will cite from a superb comparative research project on the Black Power activists of Watts in the 1970s and *zainichi* (resident

Koreans) in Kawasaki, Kanagawa Prefecture, Japan, from about the same time. *Zainichi* activists in Kawasaki requested “welfare rights,” including the right to have decent jobs, as an important part of basic rights regardless of nationality. The central figures among the local activists in Kawasaki were members of the Korean Christian Church. They were strongly influenced by African American theologians, and, among others, James H. Cone, whose books were translated into Japanese. Cone at first hesitated to accept an invitation by the Korean Christian Church in Kawasaki but finally came to Japan in May 1975. The Korean Christian Church in Japan realized “that what black people had gone through in the United States was actually quite similar to what *zainichi* Koreans had endured.”<sup>6</sup> This interaction between Korean Japanese and African Americans over the Pacific Ocean in the 1970s should be known to Korean Americans.

Why have other large cities, such as New York and Chicago, escaped large-scale physical confrontations among minorities? One reason is the extent to which the local African American leadership has maintained organizational assets accumulated within the local African American community since the Great Migration beginning around 1910, as well as communication that goes beyond ethnic/racial politics, including cooperation with local elites. Latino and Asian newcomers to communities that have a long history of struggle against racial discrimination have tended to respect the local African American leadership, which has led to a relatively stable relationship among the minority groups.

The situation in Los Angeles was a little different. The local activists in Watts were successful in organizing the poor and working class people in the ghetto because they armed them with the “maximum feasible participation” clause of the 1964 Economic Opportunity Act embodied in the various CAPs (Community Action Programs). Their efforts culminated in Tom Bradley’s long mayorship from 1973 to 1993.<sup>7</sup> However, their cooperation with the liberal federal government in the 1960s deteriorated under the neo-conservative Reagan administration in the 1980s. Additionally, the number of African Americans who left Los Angeles from 1975 to 1980 numbered 73,316, while 96,833 African Americans, most of whom were poorer, moved in. Furthermore, in the 1990s, tens of thousands of African Americans moved away from their traditional communities in inner-city Los Angeles and Hispanics/Latinos and Asians moved in. A concern from African Americans who moved to the suburbs was the “safety issue.” As a result, a new “white flight” from the suburbs to the “exurbs” began as Blacks moved in. This demographic shift reduced

African American leadership in the city politics of Los Angeles and control over ghetto dwellers by the time of the second uprising in the spring of 1992.<sup>8</sup>

## 2 THE EFFECTS OF THE IMMIGRATION ACT OF 1965

### 2.1 *Whites Will Lose Their Majority Status*

In August 2008, the U.S. Census Bureau released the population projection that by the year 2042, "Americans who identify themselves as Hispanic, black, Asian, American Indian, Native Hawaiian and Pacific Islander will together outnumber non-Hispanic whites." Four years previously, the predicted year of change had been 2050, and this news featured prominently in the media.<sup>9</sup> This new phenomenon was brought about by the abolition of a quota for immigrants. The Immigration Act of 1965, another victory for the Civil Rights Movement, ended discrimination based on the quotas allotted for immigrants according to country of origin. The new law maintained the per-country limits, but it also created preferential visa categories that focused on immigrants' skills and family relationships with citizens or U.S. residents. The bill set numerical restrictions on visas at 170,000 per year, with a per-country-of-origin quota. However, the immediate relatives of U.S. citizens and "special immigrants" had no restrictions.<sup>10</sup> As a result, the number of non-white immigrants has increased dramatically, consisting mainly of Hispanics/Latinos and Asians. In recent years, the number of undocumented immigrants coming across the border from Mexico has also increased rapidly. According to the latest statistics, as many as 40 million foreign-born residents are living in the United States, including 11.7 million who are undocumented. Since the beginning of the new century, Hispanics/Latinos have replaced African Americans as the largest minority group. The number of Asians, especially Chinese, are also rapidly increasing. Before 2005, the percentage of foreign-born residents from Latin America and the Caribbean was 54.2 percent. The number dropped to 40.7 percent in 2008, in contrast to Asians, whose numbers increased from 26.9 percent to 40.3 percent in the same period.<sup>11</sup> As already mentioned, whites will lose their majority status in the early 2040s at least as far as numbers are concerned.

The places where newcomers, including "illegals," choose for their first residence have changed from traditional states like California, New York, Texas, Florida, New Jersey, and Illinois, to other states. The newcomers



who arrived before 2005 who chose the above-mentioned six states made up 26.7 percent (California), 10.9 percent (New York), 10.3 percent (Texas), 9.2 percent (Florida), 4.6 percent (New Jersey), and 4.5 percent (Illinois), respectively. But the percentage for California has dropped to 19.4 percent while the percentage for states other than those above has increased from 33.8 percent to 42.5 percent, thus making the matter of newcomers a nationwide issue.<sup>12</sup>

Another new trend since the beginning of the twenty-first century is the rapid increase in the multiracial population. Strictly speaking, there has been no official “multiracial” category, although historically there have been a tremendous number of people who traced their ancestry back to multiple “races.” Starting with the 2000 census, the Census Bureau allowed people to identify with more than one “race.” The number of people who choose two or more “races” is still limited, but their numbers have risen steadily from 6,826,228 (2.4 percent) to 9,009,073 (2.9 percent), an increase of 32.0 percent, between 2000 and 2010. The “one-drop rule,” embedded deep in American history, has been losing its influence, especially among the younger generation, of which non-white/non-Black newcomers and the second and third generations—the children and grandchildren—are increasing, and those with a multiracial background are gradually increasing. Tiger Woods and Barack Obama are prominent figures who represent this change.<sup>13</sup>

## 2.2 *Differences Between the Old and the New “New Immigrants”*

What differences, if any, are there between the old New Immigrants of a century ago and the current New Immigrants of the twenty-first century? First of all, the racial makeup is different. The old New Immigrants, mostly consisting of Italians and East European Jews, were at first discriminated against and excluded by the Immigration Act of 1924, along with the Japanese.<sup>14</sup> However, the second and third generations were gradually accepted within the category of “whites.”<sup>15</sup>

More and more Americans tend to care less and less about other people’s cultural background, including their religious faith, than ever before. Historically, this cultural tendency overlaps the political process. The ruling class has tended to maintain their power by rearranging and redefining the color line in U.S. society. As seen in previous chapters, in a sense American history is that of widening the category of the “majority.” In the colonial

days in Virginia, the upper-class extended citizenship to WASPs and then to "Nordics" or North-Western Europeans, and finally whites in general by the year 1790, when the first Naturalization Act was established, limiting the eligibility for naturalization to "a free white person." In the 1840s and 1850s, the huge influx of Irish to the Northern states stimulated discriminatory patterns based on "race" against them. But they were never legally excluded as was the case with Chinese immigrants. Then the old New Immigrants from Eastern and Southern Europe immigrated to the United States. After the Johnson-Reed Act of 1924 banned their immigration, they were gradually accepted as Caucasians or whites although at first they were regarded as "dark whites." They steadily began to make inroads in society, and usually competed with African American migrants from the South. For instance, restrictive covenants, which prohibited the residents of a community from selling and renting their real estate to people other than Caucasians, especially African Americans, reinforced their assimilation to the mainstream. In this sense, "race" was reinvented and redefined and the color line was occasionally redrawn in accordance with the needs of the ruling class.<sup>16</sup> The latest strategy is that of the "model minority," and this resembles the "honorary whites" of South Africa when it was under apartheid.

The second difference is that the immigrants of the twenty-first century can take advantage of the legacy of the Civil Rights Movement, including not only equality under the law but also Affirmative Action programs. On top of that, in this age of a globalized economy, the culture of their ancestors is now considered to be less of a hindrance than in the past.

### 3 WHO IS RESPONSIBLE FOR THE ADVERSE CIRCUMSTANCES OF THE "UNDERCLASS"?

#### 3.1 *Praise for Black Immigrants*

As the new Immigration Act of 1965 took effect, the number of immigrants from the Caribbean and West Africa increased. According to the latest statistics, the total number of immigrants of African ancestry between 2000 and 2010 amounted to about 2.8 million, doubling in a decade, with 1.7 million from the West Indies and the rest from African nations. They tend to live together in the inner cities in the northeastern coastal states. Their family patterns differ from that of African Americans. Seventy-one percent of the West Indian and West African immigrants'

children live in a two-parent household, while for African Americans, 39 percent of children live with both parents.<sup>17</sup>

There is a remarkable trend for shop owners in the larger cities like New York to respond to hiring pressures by consciously employing black-skinned immigrants. Jennifer Lee, a sociologist at the University of California, Irvine, conducted fieldwork in West Harlem, New York, in the late 1990s. She found that 67 percent of the black employees in the Jewish-owned shops, 76 percent in the Korean-owned shops, and 55 percent in the African American-owned shops were foreign born. If the demands of Affirmative Action were to employ Blacks, the shop owners, regardless of their “race,” preferred West Indians or West Africans as they supposedly had a better work ethic. In Boston, business owners prefer Cape Verdeans—even though their mother tongue is not English but Portuguese—to native-born African Americans due to the former’s so-called better work ethic, which sometimes means their willingness to work hard under bad labor conditions. At any rate, African Americans are compelled to compete in the local labor market with these newcomers who are eligible for Affirmative Action’s “quota” and willing to work for very low wages.<sup>18</sup>

Due to the “quota system” used in admissions to higher education institutions, the highly motivated younger generation of the above-mentioned Black immigrants can access universities and professional graduate schools much easier than before the enactment of the two federal civil rights laws of 1964 and 1965. On the other hand, a large number of the second and third generation Black immigrants are influenced by the inner-city “underclass culture” of poverty and crime. With the daily temptations and pressures from these negative environmental influences it is difficult for them to have the same motivation their parents had. As Jacqueline Jones observes (1993), the forerunners of this downward assimilation were the migrants from the rural South to the urban North, who had been relatively highly motivated workers, but gradually lost their initial enthusiasm. Institutional racism was so strong in the North that the second and third generations were being “assimilated” downward to what they were “supposed” to behave like as people with black skin. The origins of the “underclass” in the urban North were *de facto* segregation and institutional racism. Mainstream America, especially whites in the North, tended to take it for granted that the domestic Black migrants from the South were unassimilable. But in reality they assimilated themselves downward, the pattern of which had already been established in the urban North. Some

scholars are concerned that the same institutional racism is now influencing the second- and third-generation immigrants from the Caribbean and West Africa, including those with middle-class backgrounds. Others observe that their ethnic identity and their motivations are to a considerable degree inherited and sustained beyond generations, especially for those with middle-class backgrounds.<sup>19</sup>

A team of sociologists have recently been attempting to gauge whether U.S. society has really become a fairer society than in the past, that is, free from skin-color biases and providing opportunities to all children regardless of "race," gender, disability, and/or economic background. They mainly conduct fieldwork with the second and third generations of black immigrants. According to joint research conducted by four sociologists in New York, in 2005, immigrants and their children made up 52 percent of the total population of New York City. These immigrants were mainly Hispanics/Latinos and West Indians who are outside the traditional ethnic and racial categories based on the dichotomy of "black and white." The researchers tackled an important question: is it "culture" or "race" that brings or hinders upward social mobility for the children of non-white immigrants? Part of the answer to this question could be found by checking the educational achievements of the second generation. The high-school dropout rate was 19 percent for native-born African Americans, 24 percent for Puerto Ricans, and 16 percent for Dominicans. Among others, the rate for other West Indians, whose mother tongue was English, was as low as 6 percent, whereas their rate of university graduates was 28 percent, and although this is about half of the local native-born whites' 54 percent, it was still almost twice as high as the local native-born African American rate of 15 percent. As Colin Powell, a second generation Jamaican immigrant and former Secretary of State said, the West Indians have a reputation of having a stronger work ethic. The West Indians have a relatively high education as they were the "best and the brightest" in their mother countries.<sup>20</sup> In contrast to the past in which many African Americans were pushed out of the plantations in the South to the Northern ghettos and gradually lost their motivation, the Black or Hispanic/Latino new immigrants of the twenty-first century are sometimes at an advantage, including eligibility for Affirmative Action programs. Additionally, the present-day, more multicultural and globalized society gives them pride in their respective ancestral culture.

However, as seen before, even for West Indians with their high academic achievements, the number of university graduates or of those with higher degrees is still under 30 percent, meaning that over 70 percent of them are

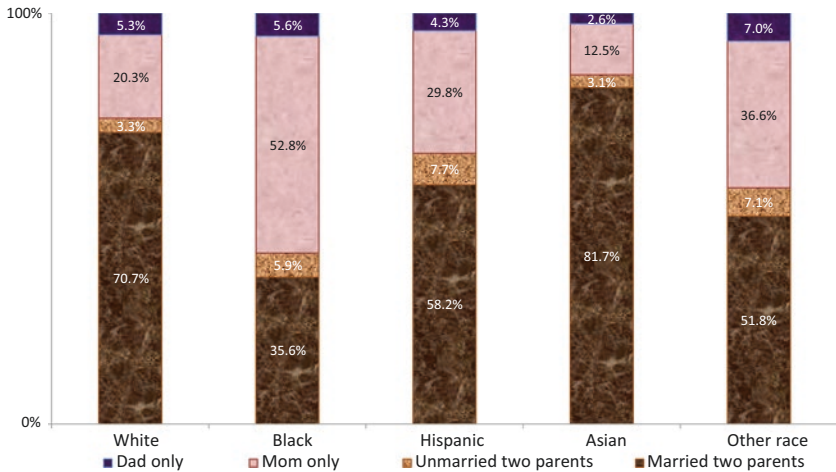
in the same situation as the migrants from the rural South in the second wave between the 1940s and the 1960s, exposed to the traditional pressure of “downward assimilation” for people with black skin. On the other hand, Latinos, especially the new light-skinned immigrants with higher education, and sometimes with the assistance of Affirmative Action, tend to mix with the native whites. The traditional color line between whites and non-whites has been changing more and more as will be seen later.<sup>21</sup>

### 3.2 *The “Underclass” Debate*

Since the latter half of the 1970s, one issue that has caught the attention of U.S. academics is the debate over the origins and nature of the “underclass.” The “underclass” is a kind of a euphemism implicitly meaning people of black skin from the poverty-and-crime-ridden inner cities, dependent on welfare and with little motivation to work, with many single-mother households. As the latest (2012) statistical data shows, the rate of married, two-parent households with children under 18 years old is only 35.6 percent for African Americans, compared to 70.7 percent for whites, 58.2 percent for Hispanics, and 81.7 percent for Asians (see Fig. 6.1). Are African American’s adverse circumstances their own fault, or are these conditions the product of structural and social changes beyond individual control?

Those who advance the former theory with the individual and/or cultural explanation frequently cite Oscar Lewis’ “culture of poverty.”<sup>22</sup> According to these theorists, the “underclass” took certain paths that resulted in their difficult situation. Lewis wanted to emphasize that there is no other way but to receive outside help to save people from a desperate situation.

On the other hand, William Julius Wilson, a distinguished professor of sociology at Kennedy School of Government, Harvard University, advocates the “structural” theory. He does not deny all of the influences of the “culture of poverty”; rather, he points out its hereditary influence on inner-city children. A globalized economy and deindustrialization, along with the polarization of jobs and incomes brought about by American capitalism, have driven the “underclass” into a tight corner. Their “culture,” by no means derived from their own choices, is not so much the cause of their adverse circumstances as the resulting situation from isolation and exclusion inherited through generations in the ghetto. It is therefore necessary to introduce outside programs such as effective public



**Fig. 6.1** Family groups with children under 18 by selected characteristics (%): CPS 2012 (*Source: Income, poverty, and health insurance coverage in the U.S.: 2004–2012/Income and poverty in the U.S.: 2013, U.S. Census Bureau, 2005–2014*)

policies for the “underclass” to overcome their difficulties. Thus, Wilson enthusiastically tried to push “class” methods, that is, assistance for lower-class people regardless of “race,” in his *Declining Significance of Race*.<sup>23</sup>

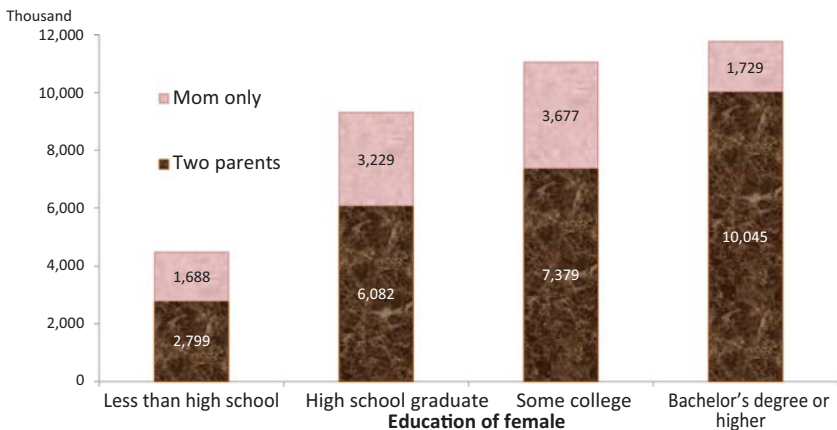
What Wilson emphasizes is not so much the “quota system” itself as the negative aspect of its “creaming system”<sup>24</sup> that benefits almost exclusively upper-class African Americans. He attaches more importance to the need for the resurgence of comprehensive social policies like the War on Poverty in the latter half of the 1960s. He believes that the majority of Americans have suffered from the globalized economy and deindustrialization brought about by the declining hegemony of the United States since the end of the 1960s, and expects his suggestions to receive support beyond racial differences. Ironically, the old Civil Rights organizations were alarmed at the “policies not limited to a particular race,” misunderstanding Wilson’s intentions, while the conservatives tried to utilize it to promote the abolition of the “race”-based “quota system.”<sup>25</sup>

There are additional statistical data reinforcing Wilson’s thesis. According to the latest census, the most decisive element of a family with school-age children is female education, not ethnic “race” or culture. Contrary to our “common sense,” not only the number of children who

live with two parents but also the total number of children of each demographic group itself increases in accordance with women’s educational levels, which coincides with their income levels. These data mean that the socioeconomic status and educational backgrounds of minorities, including women, are key factors for the labor force of the future in the United States (see Figs. 6.1 and 6.2).

### 3.3 *The Rise of Multiculturalism*

The rising cry for “Black Power” influenced other minorities and produced the Native Americans’ “Red Power,” Asian Americans’ “Yellow Power,” and Hispanics’ “Brown Power.” There was a tide of criticism on university campuses against previous “Eurocentric” classes and academic fields, and new fields were created—for example, Black/African American studies, Asian American studies, Hispanic studies, Native American studies, women/gender studies, and so on. It has been young intellectuals from these minorities who have taught these newly established classes. The trend toward a general respect for the cultures of minorities, especially “lost ancestral cultures,” gained traction worldwide in the 1980s, for example in Canada, where in 1982 the new constitution recognized



**Fig. 6.2** Education of females in families with children under 18 by selected characteristics: CPS 2012 (*Source:* Jonathan Vespa, Jamie M. Lewis, and Rose M. Kreider, *America’s Families and Living Arrangements: 2012*, U.S. Census Bureau, August 2013)

English and French as the two official languages. In parallel with these trends, the PC movement made inroads on university campuses, with an increase in the use of politically correct language, such as the naming of minorities and other historically oppressed groups, resulting in the banning of discriminatory and offensive terms. Ironically, this political correctness frequently became too radical, with pressure resulting in widening discrepancies between the liberal academic world and larger society. Political correctness enhanced the bad aspects of ethnic politics: each of the minorities insisted on their conflicting “rights” while losing the positive aspect of the sense of an integrated “nation” that had been produced during the Civil Rights revolution in the 1960s.<sup>26</sup>

In the school districts of the nation’s metropolitan inner cities, where the number of non-English speaking children increased rapidly, bilingual classes were added to ESL (English as a second language) classes following the establishment of the Bilingual Education Act of 1968. This means that while taxpayers are moving to the suburbs, these school districts need more money and the municipal budget deficit increases.

### 3.4 *Should We Respect the “Culture of Poverty”?*

The rising tide of multiculturalism has certainly given African Americans pride in their own cultural roots. However, at the same time it has blurred the achievements of the long Civil Rights struggles carried out mainly by African Americans. Moreover, the difficulties of the “underclass” have begun to be considered as a problem of culture, and therefore a matter of individual choice and responsibility.

Let me return to Oscar Lewis’ original intention when he highlighted the “culture of poverty.” His book *Five Families: Mexican Case Studies in the Culture of Poverty* (1959) was born from long-term fieldwork conducted in the 1940s and 1950s in Mexico. Four of the five families he wrote about were from the “underclass.” He aimed at understanding their “culture of poverty” through detailed fieldwork by living with them and learning their language and customs. Lewis never talked about solutions to save the “underclass.” But his book is full of compassion for these people, demanding respect for their rights as human beings. He would most likely be furious had he known that his book was used to justify leaving the “underclass” untouched. The “culture of poverty” should therefore be interpreted not as a cause but as the result of the distressed situation of



the “underclass.” Therefore, in order to save the “underclass” from this adversity, outside intervention is necessary.<sup>27</sup>

#### 4 WHY IS THE CONCEPT OF “RACE” STILL SO DEEP-ROOTED IN U.S. SOCIETY?

##### 4.1 *A Hispanic Writer’s Criticisms of Affirmative Action*

Richard Rodriguez, a writer, critic, and a second generation Mexican immigrant born in 1944, worked his way through college, graduated from Stanford University, and went on to graduate school at Columbia University. In *Brown: The Last Discovery of America* (2002), Rodriguez wanted to use the word “brown” to illuminate the fact that almost every American comes from more or less a mixed ethnic background. He insists that U.S. society should be liberated from the fixed fantasy of pure “race.” He uses the word “brown,” “the color most people in the United States associate with Latin America,” to symbolize most Americans, who are more or less of mixed blood.<sup>28</sup> He made every effort to transform himself from “Ricardo” to “Richard” by learning English, while losing his Spanish, and was suspicious of the effectiveness and the benefits of a bilingual education, which is often demanding for non-English speaking immigrant children. Rodriguez expressed his opposition to Affirmative Action in his biography published in 1982 because the “quota system” was

never able to distinguish someone like me (a graduate student of English, ambitious for college teaching career) from a slightly educated Mexican American who lived in a barrio and worked as a menial laborer, never expecting a future improvement.<sup>29</sup>

He goes on to make his position against the creaming system clearer as follows:

Those least disadvantaged were helped first, advanced because many others of their race were more disadvantaged.

According to Rodriguez, instead of a creaming system like the “quota system” for the higher education institutions, to which public opposition in the form of “reverse discrimination” came about, federal and state “academic officials could have challenged their critics to seek the more important reform of primary and secondary education.”<sup>30</sup>

#### 4.2 *Revisiting Two Aspects of "Racialization" as an Assimilation Process in America*

As mentioned above, the "whitening" of the old New Immigrants was part of the "racialization" related to the historical process of widening the limits of mainstream America since colonialism, from aristocratic Englishmen to WASPs in general, then northwestern Europeans, and finally "whites" in general regardless of their economic, ethnic, and religious backgrounds. The "whitening" of the old New Immigrants emerged in the context of the American immigration process with the "racialization" of people with different ethnic backgrounds. This process occurred not only in the United States but also in other former British colonies such as Australia.<sup>31</sup>

In addition to the above, another kind of "racialization" has taken place in America, with aspects that include clues to deconstruct "race." The first historical pattern of "racialization" can be seen in the process of constructing African American identity beyond their original ethnicity. This process has provided a basic pattern for other minorities to positively assimilate into U.S. society.

Before they were made slaves, kidnapped Africans spoke in different languages and believed in different religions. Under bondage in the southern part of British North America and then the United States, they gradually integrated themselves beyond ethnicity and religion into Africans, or "Negroes"/Blacks, including the mulattoes born between African women and their white masters based on the "one-drop rule." Today's emerging Hispanics/Latinos, Asians, Middle Easterners/Arabs, for example, all have trans-ethnic identities, although they are not always considered to be racial categories but indicators of ancestry. This process of "racialization" has overlapped the historical process of Americanization and has also led to the metamorphosis of mainstream culture.<sup>32</sup>

Therefore, minorities' "racialization" as a means to integrate themselves into and at the same time change the mainstream culture has the potential to deconstruct "race" if identity politics based on "ethnicity/race" can be overcome. The concept of "Middle-Easterners," "West Indians," "Asians," or "Hispanics/Latinos" could solve the serious ethnic and/or regional problems that their mother countries have confronted. For instance, Japanese people in Japan, especially older generations, still have difficulty overcoming their prejudice against other East Asian peoples. But Japanese American politicians could promote solidarity as Asian Americans to extend support. Likewise, the concepts of "Middle-Easterners" and "West Indians" have the potential to overcome longtime hatred against

peoples in other regional countries embedded in their mother countries. These trans-ethnic viewpoints also give the second and third generations of each ethnic group the possibility of transcending their parents' prejudices that were brought from their mother countries. In the process of assimilating minority immigrants, society itself is also compelled to experience a metamorphoses, as has been shown in American history.<sup>33</sup> However, there was also a downward assimilation as already shown in the case of the Great Migration of African Americans in the twentieth century. The same pressure of downward assimilation remains especially strong for the children of black-skinned Black immigrants, as will be analyzed in Chap. 9.

### 4.3 *In Search of a Common Ground*

As already seen in Chap. 5, the “quota system” in the guise of Affirmative Action launched under the conservative (and realistic) Nixon administration had a very strategic purpose. As bold as it might have looked, first of all, Affirmative Action was a much cheaper solution than the War on Poverty. Moreover, as also already mentioned, Nixon had the hidden intention to shift public attention away from the controversial issue of his “Southern Strategy” to weaken the traditionally solid support base for the Democratic Party. Additionally, he sought to widen the “quota” to women who were enthusiastic supporters of the ERA (Equal Rights Amendment to the U.S. Constitution). His strategy was considerably successful in the end, though he was compelled to resign in the spring of 1974 because of the Watergate scandal. The goal of Nixon and the Republican Party to split the New Deal Coalition, four-decades-long supporters of the Democratic Party, was finally completed in the 1980s by Ronald Reagan.

I suspect that another hidden intention of Nixon was to change the justification for the “quota system” from redress for past injustices to preparing for a more diverse society. Politics at both the national and local levels was becoming an arena of conflict for minority rights as the Immigration Act of 1965 was having more effect, resulting in the rapid influx of a non-white population and, along with the addition of the new political category of gender, breaking down the traditional Black-white dichotomy in U.S. society. Nixon was a realistic, conservative politician who anticipated this inevitable future with more diversity, and tried to prepare for a society in which whites would sooner or later be a minority.

The progress of the above-mentioned diversity has totally changed the previous situation in which minorities were able to easily find common

ground. After Nixon’s introduction of the “quota system,” the controversy over the issue of “race” has converged upon the “quota system.” We can conclude then that Nixon’s goal has been accomplished. The main beneficiaries of the “quota system” have been the elite of African American society. But as the ghettos started to lose their leadership as a result of Affirmative Action—with former leaders escaping the ghettos—the adversities of the “underclass” have deepened and have been ignored.

Michael Walzer of Princeton University raises a fundamental question in his book, *What it Means to be an American* (1992). After looking at history from the Revolution for Independence to the Civil Rights Revolution, he concludes that what Americans should take into consideration most is the need to revitalize politicians’ sense of mission. It is politics that

must still create the (national) unity it was once thought merely to mirror. And it must create unity without denying or repressing multiplicity.<sup>34</sup>

Overcoming a situation where everyone is seeking their own self-interests by justifying it as a basic right should be the main business for politicians. Additionally, Walzer emphasizes the U.S. voluntarist principles:

What the state cannot do is to reproduce politically the pluralist pattern that immigrants and their children have spontaneously generated, for that pattern is inherently fluid and indeterminate. Its existence depends upon keeping apart what nation-state and corporatist theory bring together: a state organized coercively to protect rights, a society organized on voluntarist principles to advance interests (including cultural and religious interests).<sup>35</sup>

## NOTES

1. See the following movies: Spike Lee’s *Do the Right Thing* (1989); John Singleton’s *Boyz n’ the Hood* (1991).
2. Nancy Abelmann and John Lie, *Blue Dreams: Korean Americans and the Los Angeles Riots* (Cambridge, MA: Harvard University Press, 1995).
3. “Migration Information Source,” Migration Policy Institute, accessed March 2, 2016, <http://www.migrationpolicy.org/article/korean-immigrants-united-states>.
4. Pyong Gap Min, *Caught in the Middle: Korean Communities in New York and Los Angeles* (Berkeley, CA: University of California Press, 1996), pp. 70–71.

5. *Freedom Writers* (2007); Erin Gruwell and the Freedom Writers, *The Freedom Writers Diary: How a Teacher and 150 Teens Used Writing to Change Themselves and the World Around Them* (New York, NY: Broadway Books, 1999).
6. Kazuyo Tsuchiya, *Reinventing Citizenship: Black Los Angeles, Korean Kawasaki, and Community Participation* (Minneapolis, MN: University of Minnesota Press, 2014), pp. 127–128.
7. *Ibid.*, pp. 1, 166.
8. Penelope McMillan, “‘Black Flight’ From L.A. Reverses Trend, Study Discovers,” *The Los Angeles Times*, September 22, 1987, accessed March 3, 2016, [http://articles.latimes.com/1987-09-22/local/me-9607\\_1\\_los-angeles-blacks](http://articles.latimes.com/1987-09-22/local/me-9607_1_los-angeles-blacks); Erin Texeria, “Migrants From L.A. Flow to Affordable Suburbs Such as Inland Empire,” *The Los Angeles Times*, March 30, 2001, accessed March 3, 2016, <http://articles.latimes.com/2001/mar/30/news/ss-44754>.
9. Sam Roberts, “An Older and More Diverse Nation by Midcentury,” *The New York Times*, August 14, 2008, accessed March 3, 2016, [http://www.nytimes.com/2008/08/14/world/americas/14iht-census.1.15284537.html?\\_r=0](http://www.nytimes.com/2008/08/14/world/americas/14iht-census.1.15284537.html?_r=0).
10. Sarah Starkweather, “US immigration legislation online,” University of Washington, Bothell Library, accessed March 23, 2016, [http://library.uwb.edu/static/USimmigration/1965\\_immigration\\_and\\_nationality\\_act.html](http://library.uwb.edu/static/USimmigration/1965_immigration_and_nationality_act.html).
11. Nathan P. Walters and Edward N. Trevelyan, *The Newly Arrived Foreign-Born Population of the United States: 2010 American Community Survey Briefs I* (issued November, 2011, by the U.S. Census Bureau), Figure 1, p. 2, accessed March 2, 2016, <https://www.census.gov/prod/2011pubs/acsbr10-16.pdf>.
12. *Ibid.*, Fig. 3, p.5.
13. U.S. Census Bureau, *Overview of Race and Hispanic Origin: 2010* (Washington, DC: U.S. Census Bureau, U.S. Department of Commerce, 2011), pp. 4, 16, accessed March 2, 2016, <http://www.census.gov/prod/cen2010/briefs/c2010br-02.pdf>. See Wikipedia’s “Tiger Woods,” accessed March 2, 2016, [https://en.wikipedia.org/wiki/Tiger\\_Woods#Background\\_and\\_family](https://en.wikipedia.org/wiki/Tiger_Woods#Background_and_family); Obama’s mother is a white woman from Kansas and his father was a student from Kenya, as Obama himself said to me at his law firm in Chicago, August 30, 2002.
14. The Immigration Act of 1924 was then called in Japan “Hainichi Imin Ho” (anti-Japanese immigration act) and anti-American

- sentiment gradually increased. See, for instance, Minowa Kimitada, *Nichi-Bei Kiki no Kigen to Hainichi Imin Ho* (The origins of the Japan-U.S. crisis and the anti-Japanese Immigration Act) (Tokyo: Ronsosha, 1997).
15. See, for example, David Roediger, *Towards the Abolition of Whiteness: Essays on Race, Class and Politics* (London, UK and New York, NY: Verso Books, 1994).
  16. David R. Roediger, *How Race Survived U.S. History: From Settlement and Slavery to the Obama Phenomenon* (London, UK: Verso, 2008), Chap. 5. See also Mark M. Smith, *How Race Is Made: Slavery, Segregation, and Senses* (Chapel Hill, University of North Carolina Press, 2006).
  17. Randy Capps et al., *New Streams: Black African Migration to the United States* (Washington, DC: Migration Policy Institute, 2011), accessed March 2, 2016, <http://www.migrationpolicy.org/pubs/africanmigrationus.pdf>; Press Release of Migration Policy Institute, April 4, 2012, “Three New MPI Reports Chart Black Immigrants’ Flows from Africa and the Caribbean, Demographics and Well-Being in the United States,” accessed March 2, 2016, <http://www.migrationpolicy.org/news/three-new-mpi-reports-chart-black-immigrants-percent82percent80percent99-flows-africa-and-caribbean-demographics-and-well>; Donald J. Hernandez and The Graduate Center, City University of New York, *Changing Demography and Circumstances for Young Black Children in African and Caribbean Immigrant Families* (Washington, D.C.: Migration Policy Institute, 2012), accessed March 2, 2016, [https://www.researchgate.net/publication/265218401\\_chAnging\\_DeMogrAphy\\_AnD\\_circUMstAnces\\_for\\_young\\_BlAck\\_chilDren\\_in\\_AfricAn\\_AnD\\_cAriBBeAn\\_iMMigrAnt\\_fAMilies](https://www.researchgate.net/publication/265218401_chAnging_DeMogrAphy_AnD_circUMstAnces_for_young_BlAck_chilDren_in_AfricAn_AnD_cAriBBeAn_iMMigrAnt_fAMilies).
  18. Jennifer Lee, “Racial and Ethnic Meaning behind *Black*: Retailers’ Hiring Practices in Inner-city Neighborhoods,” in John David Skrenty, ed., *Color Lines: Affirmative Action, Immigration, and the Civil Rights Options for America* (Chicago, IL: University of Illinois Press, 2001), pp. 177–78. The naming of people with racially mixed backgrounds, such as “multiracial,” “mixed blood,” “fusion,” is still being debated. See Ronald Fernandez, *America beyond Black and White: How Immigrants and Fusions are Helping Us Overcome the Racial Divide* (Ann Arbor, MI: University of Michigan Press, 2007).

19. Jacqueline Jones, "Southern Diaspora: Origins of the Northern Underclass," in Michel B. Katz, ed., *The "Underclass" Debate: Voices from History* (Princeton, NJ: Princeton University Press, 1993), pp. 28–54; Orly Clerge, "Balancing Stigma and Status: Racial and Class Identities among Middle-class Haitian Youth," *Ethnic and Racial Studies*, vol. 37–6 (June 2014), pp. 958–977; Bedelia Nicola Richards, "Ethnic Identity on Display: West Indian Youth and the Creation of Ethnic Boundaries in High School," *ibid.*, pp. 978–997; Roger Waldinger and Cynthia Feliciano, "Will the New Second Generation Experience 'Downward Assimilation'? Segmented Assimilation Re-assessed," *Ethnic and Racial Studies*, vol. 27–3 (May 2004), pp. 376–402; Karyn R. Lacy, "Black Spaces, Black Places: Strategic Assimilation and Identity Construction in Middle-Class Suburbia," *Ethnic and Racial Studies*, vol. 27–6, August 2004, pp. 908–930.
20. Colin L. Powell, *My American Journey* (New York, NY: Ballantine Books, 1996); Suzanne Model, *West Indian Immigrants: A Black Success Story?* (New York, NY: Russell Sage Foundation, 2008).
21. Philip Kasinitz, John H. Mollenkopf, Mary C. Waters, and Jennifer Holdaway, *Inheriting the City: The Children of Immigrants Come of Age* (New York, NY: Russell Sage Foundation, 2008).
22. Oscar Lewis, *Five Families: Mexican Case Studies in the Culture of Poverty* (New York, NY: New American Library, 1959).
23. William Julius Wilson, *Declining Significance of Race: Blacks and Changing American Institutions* (Chicago, IL: University of Chicago Press, 1978).
24. "Creaming" means to choose the best people from a certain group so that you can use them for your own advantage while the rest of the people are left behind.
25. See *ibid.* and also Wilson, *When Work Disappears: The World of the New Urban Poor* (New York, NY: Vintage Knopf, 1997). This phenomenon is spreading into the white working class as will be mentioned in Chap. 9. See, for instance, Robert D. Putnam, *Our Kids: The American Dream in Crisis* (New York, NY: Simon & Schuster, 2015).
26. For an ardent criticism against PC, see Allan Bloom, *The Closing of the American Mind: How Higher Education Has Failed Democracy and Impoverished the Souls of Today's Students* (New York, NY: Simon & Schuster, 1987).

27. Lewis, *Five Families*.
28. Richard Rodriguez, *Brown: The Last Discovery of America* (New York, NY: Penguin Books/Pelican version, 2002), p. xii.
29. Richard Rodriguez, *Hunger for Memory: The Education of Richard Rodriguez, an Autobiography* (New York, NY: Bantam Books, 1982), pp. 161–162.
30. *Ibid.*, pp. 164–165.
31. Theodore W. Allen, *The Invention of the White Race, Volume I: Racial Oppression and Social Control* (New York, NY: Verso, 2012).
32. Paul Spickard, “Introduction,” in *Race and Immigration in the United States: New Histories* (New York, NY: Routledge, 2012).
33. For a positive aspect of the minorities’ “racialization,” see, for instance, *ibid.*; Richard Alba and Victor Nee, *Remaking the American Mainstream: Assimilation and Contemporary Immigration* (Cambridge, MA: Harvard University Press, 2005); José A. Cobas, et al., eds., *How the United States Racializes Latinos: White Hegemony and its Consequences* (Boulder, CO: Paradigm Publishers, 2009).
34. Michel Walzer, *What it Means to be an American* (New York, NY: Marsilio, 1992), p. 63.
35. *Ibid.*, p. 74.



## “Reverse Discrimination” and “Color-Blind” Racism

### 1 FROM REDRESS FOR THE PAST TO PREPARATIONS FOR THE FUTURE

#### 1.1 *The Impact of the Bakke Case*

Let us return to the post-movement days to follow the course of Affirmative Action, namely, the “quota system.” Under this system, admissions to professional graduate schools became especially controversial. On April 23, 1978, the U.S. Supreme Court, by a narrow margin of 5 to 4, ruled in *Regents of the University of California v. Bakke* to approve Alan Bakke’s claim of “reverse discrimination” and ordered he be admitted to the University of California Davis School of Medicine. Bakke, a white male in his thirties, had failed in the admission process twice in 1973 and 1974. On the other hand, the “quota system” itself remained, but its scope had broadened considerably by changing its justification.<sup>1</sup>

The opinions of the nine justices differed (see Table 7.1), but Bakke was admitted to the medical school he had long wanted to enter. The “special admission program” of the medical school was also forced to be reconsidered by this judgment. At the same time, under certain conditions, the validity of a special admissions policy with quotas, including one based on “race,” was allowed. The key person during this trial was Justice Powell who had been appointed by President Nixon in 1972. While approving Bakke’s admission to the medical school, Powell also endorsed the constitutionality of the special admissions program with a

**Table 7.1** Opinions of the U.S. Supreme Court Justices on *Bakke* (1978)

<i>Justices</i>	<i>1</i>	<i>2</i>	<i>3</i>
Blackman	No	Yes	Yes
Brennan	No	Yes	Yes
Burger	Yes	No	No
Marshall	No	Yes	Yes
Powell	Yes	No	Yes
Rehnquist	Yes	No	No
Stevens	Yes	No	No
Stewart	Yes	No	No
White	No	Yes	Yes

1. Admission of Bakke

2. Validity of Davis Medical School's Special Program

3. Validity of "race" as an element for admission

Source: Jo Ann Oomi Robinson, ed., *Affirmative Action: A Documentary History* (Westport, CT: Greenwood Press, 2001), p. 206

quota system as long as it was not exclusively based on "race" and promoted diversity, therefore benefitting U.S. society as a whole. As Powell stated, in higher educational institutions such as medical schools, "our tradition and experience lend support to the view that the contribution of diversity is substantial."<sup>2</sup> But "ethnic diversity," including "race," should be one element. UC Davis Medical School's special admissions program was based exclusively on "race" and therefore it was not permissible:

Ethnic diversity, however, is only one element in a range of factors a university properly may consider in attaining the goal of a heterogeneous student body. Although a university must have wide discretion in making the sensitive judgments as to who should be admitted, constitutional limitations protecting individual rights may not be disregarded. Respondent urges—and the courts below have held—that petitioner's dual admissions program is a racial classification that impermissibly infringes his rights under the Fourteenth Amendment. As the interest of diversity is compelling in the context of a university's admissions program, the question remains whether the program's racial classification is necessary to promote this interest.<sup>3</sup>

Powell's summation of the unconstitutionality of Davis' "special admissions program" was that it violated the Fourteenth Amendment. He stated:

In summary, it is evident that the Davis special admissions program involves the use of an explicit racial classification never before countenanced by this

Court. It tells applicants who are not Negro, Asian, or Chicano that they are totally excluded from a specific percentage of the seats in an entering class....

The fatal flaw in petitioner’s preferential program is its disregard of individual rights as guaranteed by the Fourteenth Amendment.<sup>4</sup>

However, Justice Powell approved a special admission program, including quotas based on race as “a factor”—according to the precedent of Harvard College—in order to promote “diversity.” But the definition of “diversity” would change through the course of time:

The belief that diversity adds an essential ingredient to the educational process has long been a tenet of Harvard College admissions. Fifteen or twenty years ago, however, diversity meant students from California, New York, and Massachusetts; city dwellers and farm boys; violinists, painters and football players; biologists, historians and classicists; potential stockbrokers, academics and politicians.... Contemporary conditions in the United States mean that if Harvard College is to continue to offer a first-rate education to its students, minority representation in the undergraduate body cannot be ignored by the Committee on Admissions.... In practice, this new definition of diversity has meant that race has been a factor in some admission decisions.<sup>5</sup>

“Diversity,” considered beneficial to society as a whole, became the new keyword.

### 1.2 *The Shift from Redressing Past Injustices to the Enhancement of Future Diversity*

With the *Bakke* decision in 1978, the argument of “reverse discrimination” against white males was given legitimacy. It was indeed a fatal setback for African Americans since *Brown* of 1954. But at the same time, the quota system, including that based on “race,” has survived, and there has been a shift in reasoning, from redress for past injustices, to preparations for a future, more diverse, U.S. society. It could also be said that the basis of the quota system shifted from the collective of “race” to the more individualistic “culture” and “gender,” while redressing past injustices based on “race” has gone untouched since then. *Bakke*’s epoch-making importance, therefore, should not be solely interpreted as the approval of “reverse discrimination.”<sup>6</sup>

What was the prevailing public opinion toward the “preferential quota” at the time of *Bakke*? Taking a look at the results of a survey carried out at that time, most respondents agreed that it would be reasonable for the government to help those who are economically disadvantaged to become socioeconomically independent (see Table 7.2). My guess is that this public sentiment, coinciding with the traditional American sense of fairness, is still the same today.

Thanks to Justice Powell, Affirmative Action in the form of the quota system has survived with a new meaning for the future. But as will be seen in the following sections, other than a few elites, African Americans, and especially the “underclass” in the urban ghettos, continue to be ignored, while the influx of non-white newcomers into inner-city areas has accelerated, as shown in Chap. 6.

### 1.3 Quotas for Women

Historically speaking, women have been the largest group discriminated against, both publicly and informally. There is a “hidden history” regarding the relationship between the Southern women suffragists and the Southern white supremacists. The rise of feminism in the early twentieth century gave the suffragists a chance to seek solidarity with anti-Jim Crow African American activists. Unfortunately, however, the suffragists chose to compromise with the white supremacists in order to secure their voting rights, the result of which was almost meaningless. This remained as a shameful historical episode because constitutional amendment was ratified, overcoming opposition from most of the Southern states—Delaware,

**Table 7.2** Public opinion for help for minorities in employment and education

Items	Whites		Blacks	
	Approve (%)	Disapprove (%)	Approve (%)	Disapprove (%)
1	63	32	88	9
2	35	60	64	26
3	59	36	83	16
4	32	60	46	42

1. Large companies' special training programs for members of minority groups
  2. Requiring business to hire a certain number of minority workers
  3. College/graduate schools' special consideration to the best minority applicants
  4. Setting quotas in schools in preference for qualified minority applicants to qualified white applicants
- Source: Jo Ann Oomi Robinson, ed., *Affirmative Action: A Documentary History* (Westport, CT: Greenwood Press, 2001), p. 199

Maryland, Virginia, Alabama, South Carolina, Georgia, Louisiana, and Mississippi. Not only were most Southern white women activists allied with white supremacists but also a considerable number of their Northern counterparts left a disgraceful record of discrimination against foreign-born males of Irish descent and the New Immigrants—who were eligible voters if naturalized—while the native white women, including WASPs with college degrees, were left disfranchised. This kind of historical exclusionism among white feminists has left an enduring shadow on the relationship between present-day feminism and the Civil Rights Movement.<sup>7</sup>

Executive Order 11375 issued by Lyndon B. Johnson on October 13, 1967, added women to the preferential programs. As already mentioned, President Nixon tried to include women in the “quota system” to get their support, especially considering the rising prominence of the ERA. The movement demanding constitutional amendment for full equal rights for women continued till 1982. At that point the ERA failed, lacking ratification from only three states, although equality regardless of sex/gender has been essentially fulfilled so far in the United States.<sup>8</sup>

On March 25, 1987, the U.S. Supreme Court ruled by a margin of 6 to 3 in *Johnson v. Transportation Agency* that the preferential treatment for women practiced by Santa Clara County, California, in the promotion of dispatchers, was constitutional. The case was raised by Paul Johnson with the help of the federal Equal Employment Opportunity Commission (EEOC), arguing that he should have been promoted because his test scores were better than Diane Joyce’s. The majority opinion acknowledged the “underrepresentation of women” and the relevance of the remedies adopted by the county agency as follows:

Specifically, while women constituted 36.4 percent of the area labor market, they composed only 22.4 percent of Agency employees. Furthermore, women working at the Agency were concentrated largely in EEOC (Equal Employment Opportunity Commission) job categories traditionally held by women: women made up 76 percent of Office and Clerical Workers, but only 7.1 percent of Agency Officials and Administrators, 8.6 percent of Professionals, 9.7 percent of Technicians, and 22 percent of Service and Maintenance Workers. As for the job classification relevant to this case, none of the 238 Skilled Craft Worker positions was held by a woman. The Plan noted that this underrepresentation of women in part reflected the fact that women had not traditionally been employed in these positions, and that they had not been strongly motivated to seek training or employment in them “because of the limited opportunities that have existed in the past for them to work in such classifications.”<sup>9</sup>

One of the three dissenters, Justice Antonin Scalia, severely criticized the majority opinion as follows:

The irony is that these individuals—predominantly unknown, unaffluent, unorganized—suffer this injustice at the hands of a Court fond of thinking itself the champion of the politically impotent. I dissent.<sup>10</sup>

The three dissenters argued that the majority violated Title VII of the Civil Rights Act of 1964. As will be mentioned in Chap. 8, Justice Scalia's words were predictive of a wave of state-level abolition of Affirmative Action, beginning with the California Initiative of 209 in 1996, which then gradually spread throughout the nation.

#### 1.4 *Bill Clinton's Praise for Diversity*

William (Bill) Jefferson Clinton (1946), Governor of Arkansas, was elected president in November 1992. He rode on the coattails of the prevailing attitudes that praised the diversity of the United States at that time. Since *Bakke* in 1978, Affirmative Action's "quotas" had expanded from African Americans, to women, and then to people with disabilities under the Clinton administration. Many female voters voted for Clinton because of the popularity of his wife Hillary. Since the Johnson administration, aside from the one-term Carter administration (1977–1981), for liberals this was a long-awaited Democratic administration. Bill Clinton tried to glorify American "diversity" as much as possible in his inaugural address:

Today we do more than celebrate America. We rededicate ourselves to the very idea of America, an idea born in revolution and renewed through two centuries of challenge; an idea tempered by the knowledge that, but for fate, we, the fortunate, and the unfortunate might have been each other; an idea ennobled by the faith that our Nation can summon from its myriad diversity the deepest measure of unity; an idea infused with the conviction that America's long, heroic journey must go forever upward.<sup>11</sup>

Four years later, he repeated his praise for America's "diversity" in his second inaugural address, and again in an address at Portland State University on June 13, 1998, as follows:

Our rich texture of racial, religious and political diversity will be a Godsend in the twenty-first century. Great rewards will come to those

who can live together, learn together, work together, forge new ties that bind together.<sup>12</sup>

According to President Clinton, diversity in the United States was not a defect but an advantage and a source of energy. Soon after his second inauguration, on June 14, 1997, he launched the One America Initiative on Race, “asking Americans to address the persistent problems and the limitless possibilities of our diversity.”<sup>13</sup>

On the day of his second election victory in November of 1996, however, California Initiative 209 to end Affirmative Action was supported by 54 percent of voters and approved by the U.S. Supreme Court the following year. This state-level abolition of Affirmative Action began spreading gradually to other states, as will be seen in Chap. 8.

However, there has also been another aspect to this. Stephen Steinberg, a notable sociologist, warned the supporters of “diversity” and assessed its historical potential in his bestselling book, *The Ethnic Myth* (1981):

Ethnic pluralism in America has its origins in conquest, slavery, and exploitation of foreign labor. Conquest, first, in the case of native Americans who were systematically uprooted, decimated and finally banished to reservation wasteland; and second, in the case of Mexicans in the Southwest who were conquered and annexed by an expansionist nation. Slavery, in the case of millions of Africans who were abducted from their homelands and forced into perpetual servitude on another continent. Exploitation of foreign labor, in the case of tens of millions of immigrants who were initially imported to populate the nation’s land mass, and later to provide cheap labor for industrial development.

To say that ethnic pluralism in America had its origins in conquest, slavery, and exploitation is not to deny that in the course of American history ethnic diversity has come to assume positive value. Nor is it to deny that minorities have often reaped the benefits of an affluent society, notwithstanding the circumstances of their origins.<sup>14</sup>

### *1.5 An Overview of Supreme Court Decisions on Affirmative Action*

Let me now summarize the Supreme Court decisions since *Bakke* in 1978 and *Johnson* in 1987. First, the wavering position of higher education was symbolized by two separate decisions on the “quota system” at the University of Michigan and delivered on the same day, June 23, 2003. One dealt with the undergraduate admission policy, in which the

U.S. Supreme Court denied the quotas in *Gratz v. Bollinger* by a margin of 6 to 3. On the other hand, in *Grutter v. Bollinger*, and by a narrow margin of 5 to 4, the quota for the law school of the same university was approved by the same court on the same day. The U.S. Supreme Court hesitated to give the undergraduate admission policy approval but supported the “quota system” at least for a quarter of a century, until 2028, for the socially influential law school. However, the latter decision led the majority of Michigan’s constituents to abolish Affirmative Action in a state initiative held in 2006.<sup>15</sup>

Second, regarding the awarding of public works contracts, on January 23, 1989, the U.S. Supreme Court ruled in *City of Richmond v. J.A. Croson Co.* that the “minority set-aside program” of Richmond, Virginia, that gave preference to MBEs (minority business enterprises) when awarding municipal contracts was unconstitutional under the [Equal Protection Clause](#) of the Fourteenth Amendment of the Constitution that had originally been established for ex-slaves in 1868. At that time, Richmond’s African American population was over 50 percent, and according to the quota that had been established by the city government, at least 30 percent of the contracts with the city’s public works were to be given to “African American companies.” The majority, in this case six judges of the U.S. Supreme Court, decided that the above-mentioned 30 percent violated the equality principle of the Fourteenth Amendment of the U.S. Constitution. Three judges, including Justice Thurgood Marshall, attached a minority opinion that dissented from the majority ruling. Justice Marshall opined:

It is a welcome symbol of racial progress when the former capitol of the Confederacy acts forthrightly to confront the effects of racial discrimination in its midst. In my view, nothing in the Constitution can be construed to prevent Richmond, Virginia, from allocating a portion of its contracting dollars for businesses owned or controlled by members of minority groups. Indeed, Richmond’s set-aside program is indistinguishable in all meaningful respects from—and in fact was patterned upon—the federal set-aside plan which this Court upheld in *Fullilove v. Klutznick*, 448 U.S. 448 (1980).<sup>16</sup>

However, according to W. Avon Drake, the impression of local African American citizens was different from the elite “Black Power” politicians of the city. It turned out that quite a few MBEs who had been awarded



municipal projects had subcontracted work to white-owned out-of-town companies, meaning that not all the set-aside quotas benefitted local Black workers. In a sense, Affirmative Action within public works projects tended to favor upper-class African Americans, as in the case of higher education. Richmond’s “Black Power” politicians responded to ordinary African American citizens’ grievances mainly through cultural events that enhanced individuals’ identity rather than dealing with the discrepancies in opportunities among city dwellers.<sup>17</sup>

*Croson* actually strengthened “Black Power” solidarity among the local African American elites, leading to Douglass Wilder’s victory in the Virginia gubernatorial race in November of 1989, making him the first African American to be voted in as governor in the history of the United States. In the meantime, the lives of local inner-city residents, who were for the most part very poor African Americans, were left untouched. Widening differences of not only “race” but also economic class have been ignored by both the white establishment and by “Black Power” politicians whose special stake has something to do with the status quo. Both elites share a common interest in maintaining the present situation.<sup>18</sup>

The third group given an additional quota were those with disabilities. A federal law was established through cooperation between the federal government and bipartisan Congressional members. President Clinton was the trailblazer in this area in the late 1990s and beyond when he promoted the employment of people with disabilities,<sup>19</sup> George W. Bush inherited this policy.<sup>20</sup> So what does this say about the principle of fairness in U.S. society and the way it is fulfilled? An interim hypothesis after investigating U.S. history so far is that a principle universally acceptable in U.S. society has to do with compassion for people with disadvantages that are beyond their own responsibility. This is why the preferential treatment for the aged, people with disabilities, and children born into poverty regardless of “race” is widely supported. However, Medicare for the aged has benefitted mainly older white people because of the difference in longevity between whites and African Americans. In the latest (2011) statistical data concerning the Medicare beneficiaries by “race,” whites comprise 77 percent, Blacks 10 percent, and Hispanics 7 percent.<sup>21</sup>

On the other hand, as already mentioned in Chap. 5, Medicaid is regarded as “welfare” mainly for poor minorities, especially “jobless” inner-city residents.<sup>22</sup> Notwithstanding the common prevailing assumption, however, whites make up the largest number of Medicaid recipients.

The latest available data (2008) shows that whites consist of 38 percent of Medicaid recipients, then Hispanics/Latinos (21.8 percent), and Blacks/African Americans (21.3 percent).<sup>23</sup> The welfare system as a whole is for the poor, regardless of “race.” However, as will be seen in the following section, welfare programs, especially the AFDC (Aid to Families with Dependent Children) has become a designated target of budget cuts since the 1980s by advocates for “small government” by politicizing “race.”

## 2 THE CALL FOR “PERSONAL RESPONSIBILITY”

### 2.1 *The Clinton Administration’s “Workfare”*

The AFDC was established as part of the War on Poverty by Lyndon B. Johnson in the latter half of the 1960s and became the main target of welfare cuts as the federal budget deficit ballooned in the Reagan and Bush (George H.W.) administrations. The reasoning was that the AFDC did not help to reduce dependency among the poor but actually stimulated it. This public mood against the poor became so strong that the liberal Clinton administration (January 1993–January 2001) was not able to keep its promised campaign pledge for the establishment of universal health care. President Clinton had already acknowledged that he would promote “welfare reform” and introduce “workfare” (a coined word combining “work” and “welfare” first used by the Nixon administration), meaning to permit a welfare grant in exchange for seeking employment so as to foster self-help values among the poor. The notion of “workfare” spread to other countries, such as the United Kingdom and Japan. In reality, however, it essentially meant nothing but a deliberately devised method of cutting welfare, although Clinton did much to reduce the poverty rate during his presidency, especially among African Americans, from 33.1 percent in 1993 to 22.7 percent in 2001.<sup>24</sup> The so-called “dependency” of the poor became a theme of nationwide political debates, while the validity of social security has never been seriously questioned.<sup>25</sup>

### 2.2 *The Strengths and Weaknesses of the No Child Left Behind Act (NCLB)*

Soon after the start of the George W. Bush administration (January 2000–January 2008), the No Child Left Behind Act (NCLB) was passed in the House of Representatives on May 23, the Senate on June 14, 2001, and

then President Bush signed it on January 8, 2002. The NCLB was an educational reform act established with almost unprecedented bipartisan support. With its enactment, the principle of “competition” was introduced into public schooling. The act required each state to develop an assessment of basic skills in its schools. In order to receive federal school funding, states assess all students at selected grade levels. All schools then submit an Adequate Yearly Progress (AYP) report, a report on the scores of the standardized tests every year, in order to receive Title I funding from the [Elementary and Secondary Education Act of 1965](#). To maintain eligibility for federal subsidies, schools with lower grades must improve their grades every year. If a school receives a lower grade in test scores than the previous year, it loses its federal funding the following year. If a school makes no progress for five years, its existence is seriously questioned. With the enactment of the NCLB, the Bilingual Education Act of 1968 was replaced with the English Language Acquisition, Language Enhancement, and Academic Achievement Act, which places more emphasis on the proficiency of English than the acquisition of two or more languages, although these skills will be necessary in U.S. society.<sup>26</sup>

The NCLB enhanced accountability in the field of education, endorsed adequate education for children with disabilities, and increased parents’ alternatives for schooling their children by allowing “charter schools” to easily obtain federal support which became available with the establishment of the Federal Charter School Program created in 1994. The down side of the NCLB is that it has widened the already existing discrepancies among schools. Standardized tests have revealed differences among schools, and the more this occurs, parents naturally select “better” schools. Additionally, the NCLB has paid almost no attention to language education other than English, thereby reducing the incentives for a bilingual education in inner-city schools that have many non-English speaking children. The enactment of the NCLB has made the burden heavier on the nation’s metropolitan school districts which have long been confronted with racial discrimination. Since the inauguration of the Obama administration in 2009, amending part of the NCLB has already begun.<sup>27</sup>

### 2.3 *Discrimination Revealed by Hurricane Katrina*

In August 2005, Hurricane Katrina hit the Southern region of the United States and caused heavy damage, and the State of Louisiana was especially

hard hit. New Orleans suffered tremendous damage from the flooding of the Mississippi River, and 80 percent of homes were submerged. Media images of the disaster-stricken areas were rapidly distributed worldwide. There was a palpable shock in the world's media as most of the victims were African Americans. President Bush was criticized because of his delayed response to the crisis, particularly in comparison to his very quick decisions taken over the Iraq War. The Black Caucus in Congress protested to the White House. Condoleezza Rice, the first African American woman appointed to the position of Secretary of State, strongly denied racial discrimination in the rescue operation carried out by the federal government, but few were persuaded by her arguments. According to an investigation conducted by a think tank, 35 percent of African American households in New Orleans did not own a car, delaying their evacuation. The rate of non-car ownership among poor African American households within the city borders was 60 percent, compared to only 15 percent among non-Hispanic whites. The government's incredibly slow response to this natural disaster deprived the poor of their lives and what little property they had.<sup>28</sup>

After a while, harsh criticism against Bush's delayed response was featured in *Newsweek*.<sup>29</sup> On top of that, Spike Lee, the African American movie director and producer, made a documentary titled *When the Levees Broke* (2006), depicting the way many African Americans were victimized by the delayed response of the federal government.<sup>30</sup> Lee's movie was awarded the Orizzonti Documentary Prize and one of two **FIPRESCI** Awards in the 63rd Venice Film Festival of that year, bringing further criticism against President Bush. Bush had been enjoying time off in Texas at the time of the disaster and did not return to Washington, D.C., resulting in his delayed response. In his State of the Union Address delivered on January 31, 2006, Bush partly acknowledged his faults and appealed for the necessity of reforms in schooling:

In New Orleans and in other places, many of our fellow citizens have felt excluded from the promise of our country.

The answer is not only temporary relief, but schools that teach every child, and job skills that bring upward mobility, and more opportunities to own a home and start a business.

As we recover from a disaster, let us also work for the day when all Americans are protected by justice; equal in hope and rich in opportunity.<sup>31</sup>

### 3 THE “MODEL MINORITY” DISCOURSE AND “COLOR-BLIND” RACISM

#### 3.1 *Who Framed the “Model Minority”?*

“Model minorities” can be seen elsewhere all over the world—Indonesians in the Netherlands, Koreans and Vietnamese in Germany, and so on.<sup>32</sup> Similar examples include the historical fact that Japanese were once called “honorary whites” in South Africa under apartheid. In the post-WWII American context, Japanese and other Asian Americans along with light-skinned Hispanics/Latinos have been categorized as “model minorities” by mainstream whites in contradistinction to the African American “underclass.” The latest incarnation of the “model minority” even includes immigrants from the West Indies and West African countries because of their “strong work ethic” as already mentioned in Chap. 6.<sup>33</sup>

The “model minority” are expected to hold in check the other minorities’ demands for too many “rights” and promote the theory of “personal responsibility” along with sustaining the traditional racial/gender hierarchy that mainly benefits white males. It could be said that the discourse of the “model minority” somewhat resembles the “divide and conquer” method of the old British colonial control over India. The symbolic model of the “model minority” is Asians, especially those of “yellow” skin. In the 1980s the nation’s Ivy League universities put an upper limit on the number of Asian applicants, as they had done some decades ago for the Jewish, otherwise they would have become the majority. For Asian Americans, Affirmative Action was rather disadvantageous, and this was probably why some of them supported the Republicans, whose agenda included the abolition of “preferential quotas.” White conservatives, who hoisted the banner of restoring traditional values such as a strong work ethic, stable families, respect for elders, and so on, tried to utilize the popular stereotype that these values were strong among Asian Americans. This fostered disharmony among minorities and partially came to the surface in the Los Angeles riot in 1992.<sup>34</sup>

#### 3.2 *Misconceptions About the “Model Minority”*

As the “model minority” discourse became mythicized, at least two problems occurred that contributed to friction among minorities. The

first was the tendency to make exceptions of some minorities within the Asian American diaspora, for instance those coming from rural Indochina during the Vietnam War without any assets. Other Asian immigrants were successful at integrating into mainstream America in schooling and employment/income because quite a few of them immigrated with a good level of education and/or some money for opening small shops. This was also the case with successful West Indian immigrants, as shown in Chap. 6.<sup>35</sup>

The second problem has something to do with the insufficiency of Asian Americans' "success." While quite a few of them, for example, have overcome unbelievable obstacles and graduated from prestigious law schools and are employed in big law firms in major cities, very few of them make partner in such firms.<sup>36</sup> Moreover, the price they have to pay is huge. The rate of mental illness and suicide among Asian Americans is relatively high. Expectations for their legendary "strong work ethic" produce heavy pressure in the workplace.<sup>37</sup> This is a remarkable difference from the old New Immigrants who were "whites." Until Asian Americans become "white" in appearance through intermarriage with whites, they will not be allowed to enter the mainstream under the same conditions. According to sociologists Rosalind S. Chou and Joe R. Feagin, there is no other way than to deconstruct "race."<sup>38</sup>

Frank Wu, the first Asian American professor at Howard University Law School, a traditionally African American university, criticized former Japanese Prime Minister Nakasone Yasuhiro for his publicly expressed contempt for African Americans and Hispanics/Latinos and argued that Asian Americans should quit being portrayed as the "model minority." Wu insists that Asian Americans should begin to understand their history, and that they have become Asian Americans after a long struggle to overcome ethnic differences to cope with discrimination, as African Americans did.<sup>39</sup>

### 3.3 *What Does "Color-Blindness" Mean in the Current Context?*

The above-mentioned "model minority" discourse coincided with the emergence of a new form of rationalization for existing discrepancies between "races." Advocates for the repeal of Affirmative Action tended to put more emphasis on "color-blindness," and their efforts culminated in the California Proposition 209 campaign for the abolition of Affirmative Action. Leslie Carr studied this new trend to rationalize discrimination in

*“Colorblind” Racism* (1997).<sup>40</sup> In 2013, Eduardo Bonilla-Silva, a Puerto Rican sociologist at Duke University, published *Racism Without Racists*. According to Bonilla-Silva, “color-blind racism” refers to “laissez-faire racism” or “competitive racism.” This ideology arranges what proponents think of as “American creeds” and their “Negrophobia” by ignoring past discrimination and rationalizing existing differences between “races” under the principle of “equal opportunities.” This coincided with the rise of New Liberalism and the ideas of “personal responsibility” in the Reagan era of the 1980s, considering all existing differences to be the result of a “lack of individual effort.” This is often accompanied by “cultural racism,” saying, for instance, “Mexicans make light of education” or “African Americans have many children,” justifying leaving them untouched.<sup>41</sup>

Another aspect of this “color-blind” racism is to praise Asian Americans as the “model minority” in order to use them as an excuse to abolish Affirmative Action quotas for African Americans and Hispanics/Latinos. However, as mentioned above, a number of the second and third generations of Asian newcomers are suffering from “model minority” illusions and pressures. On top of that, there is pressure to assimilate Asian Americans to the “mainstream,” meaning to abstain from expressing one’s cultural background. For instance, while the rate of bilingual speakers from the Hispanic/Latino communities in a survey carried out from 2006 to 2008 was 58.9 percent, the same rate for Asian Americans was only 32.2 percent. For religion, according to a survey conducted from 1972 to 2008, while the rate of first generation Koreans who identify as Protestants was 58.3 percent, the rate for the second and third generations was almost 100 percent. Even after a good education, the pressure of the “work ethic” on Asian Americans along with pressure related to their ancestral cultural background is still so high as to make their identity unsettled. In this sense, the “model minority” paradigm should be deconstructed, even if only for the well-being of Asian Americans.<sup>42</sup>

Another new phenomenon concerning this new racism has something to do with the fact that a promoter of California Proposition 209 was Ward Connerly (1935), a person with the appearance of an African American, but who is actually Irish, French, and Native-American Choctaw, and was appointed as a Regent of the University of California by Governor Pete Wilson, a strong supporter of the initiative. They frequently cited the words of Martin Luther King, Jr., to justify their abolition of Affirmative Action based on “color-blindness,” although what King was opposed to was racism based on skin color.<sup>43</sup>

Lydia Chávez, a UCB professor, used the phrase “race bind” to depict a society where “race” still decides so much. Since U.S. society is stubbornly a “race binding” society, she has appealed for “race conscious” policies to deconstruct the social structures that are bound by “race.” This observation coincided with the conservative U.S. Supreme Court Judge’s reasoning for *Grutter* in 2003 that supported quotas based on “race” at the University of Michigan’s Law School.<sup>44</sup>

California abolished Affirmative Action by 54 percent to 46 percent in a state referendum in 1996. The following year, the number of Latino applicants admitted to Boalt Hall School of Law at the University of California at Berkeley decreased from 80 to 39, while only one African American entered. As Chávez had thought, the passage of California Proposition 209 ended the promotion of diversity. Since then, a new tendency has occurred, in which it is not the proponents of the abolition of Affirmative Action but its supporters that have been labeled “racists.”<sup>45</sup>

### 3.4 *The Impervious Persistence of Poverty and Educational Disparity*

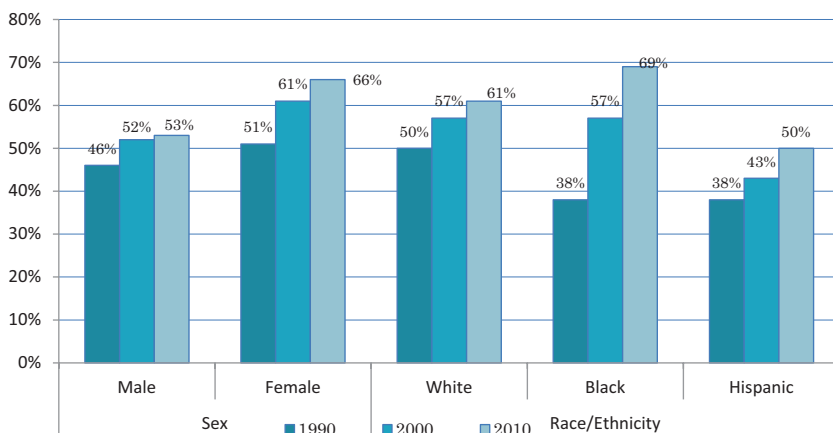
According to the latest statistical data issued by the U.S. Census Bureau, as indicated in all indexes, the numerical data concerning economics and the education of “Blacks or African Americans” are considerably worse compared to other statistical groups, including “Hispanics or Latinos.” For instance, the extremely large difference in per capita annual income (2010) between the non-Hispanic whites (\$32,673) and Blacks (\$18,357) is a reflection of education. According to a comparison of educational background among those aged between 25 and 29 (October 2011), the rate of African American university graduates (22.7 percent) is about half that of whites (39.5 percent). Taking into consideration the high percentage (88.6 percent) of African Americans who graduate high school, the reason for the low number of African Americans who continue on to college is not so much academic performance but economic distress. Along with the huge expenses for higher education in the United States, well-paid jobs remain elusive for many African Americans. On the other hand, the rate of undergraduate and higher academic degrees among Asian American youths is as high as 60.7 percent. However, their average per capita annual income (\$29,235) is \$3,438 lower than that of whites, whereas the rate of higher education for white youths is just under 40 percent. This wage disparity cannot be explained without assuming persistent prejudice and



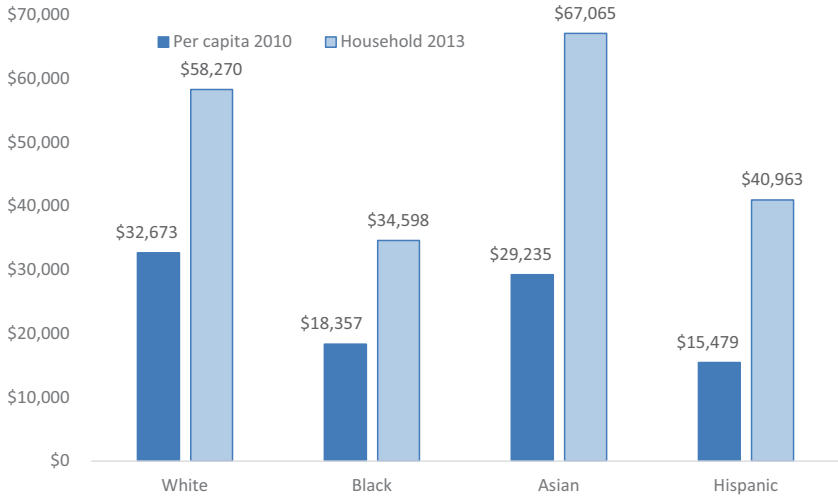
discrimination based on “race.” On the other hand, more and more high school graduates, regardless of their “race,” are expressing their explicit intention to obtain higher education (see Figs. 7.1 and 7.2).

We also cannot ignore the differences in the poverty rate, especially between African Americans and whites. The 2013 data show that the poverty rate of African American households (27.2 percent) is about three times higher than that of white households (9.6 percent). The poverty rate for youths (under 18 years old) is 38.8 percent for Blacks and 12.5 percent for whites. However, the issue of poverty among the young goes beyond “racial” issues. According to data from 2010, as many as 21.9 percent of all children under 18 years old in the United States are below the poverty line (see Fig. 7.3). This critical situation of poverty and socioeconomic differences in U.S. society, especially for children, has rarely become a national political issue. Many children are enrolled in college immediately after finishing high school, regardless of “race,” and much depends considerably on their parents’ income and education level, not “race” and/or “culture.”

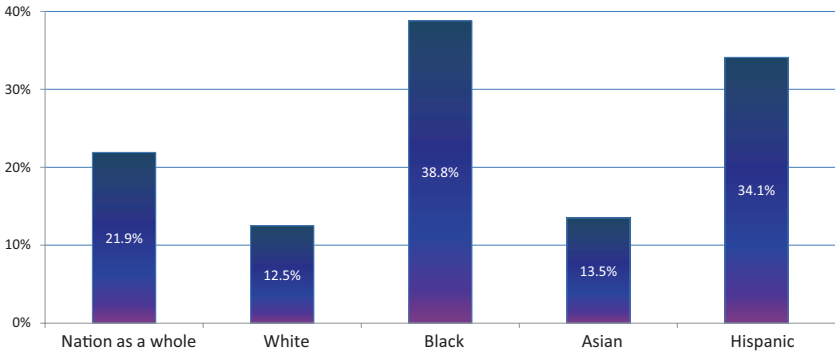
At the same time, as already emphasized in Chap. 6, there are more single-parent families in the African American community compared to immigrants from the Caribbean and West African countries, who tend to



**Fig. 7.1** Percentage of 12th-grade students with definite plans to graduate from a 4-year college, by sex and race/ethnicity: 1990, 2000, and 2010 (*Source:* Susan Aud, et al., “The Condition of Education 2012,” National Center for Educational Statistics, U.S. Department of Education, May 2012)



**Fig. 7.2** Per capita income of 2010 and household income of 2013 by race and ethnicity (*Source:* Carmen DeNavas-Walt, et al., *Income, Poverty, and Health Insurance Coverage in the United States: 2011 and 2013*, U.S. Bureau of Census, 2012 and 2014)



**Fig. 7.3** Poverty rate of under 18-year-olds by race and ethnicity in 2010 (*Source:* Carmen DeNavas-Walt, et al., *Income, Poverty, and Health Insurance Coverage in the United States: 2011*, U.S. Bureau of Census, 2012)

have relatively advantageous family backgrounds in their mother countries, and their high upward mobility shows that these cultural aspects are indispensable. What is needed most now is a set of public policies to effectively foster self-help programs among those left behind in the ghettos.

### 3.5 *The Million Man March and Its Legacy*

It is difficult even for liberals to completely deny the notion of “personal responsibility” of the disadvantaged in the inner cities as the conservatives have charged. To repeat: the number of African American single-mother households with children under 18 is higher than any other group. It is estimated that the rate for non-immigrant Blacks, regardless of class, may be much higher than the above-mentioned rate. It is difficult to explain this solely as a lack of adequate employment for the male workers in the ghetto areas as per William J. Wilson’s reasoning.<sup>46</sup> As will be mentioned in Chap. 9, Wilson himself recently changed his opinion after hearing Barack Obama talk about the responsibilities of African American men as fathers.<sup>47</sup>

On October 16, 1995, the Million Man March, led by Louis Farrakhan, the leader of the NOI (Nation of Islam), was held at the National Mall in Washington, D.C., in which as many as 800,000 African American men participated. Their main goal was to appeal publicly for more self-help for African Americans. Jesse Jackson, the most distinguished African American leader at the time, criticized the injustices that have created a high unemployment rate for African American men. He demanded the expansion of improved public education, including preschool programs such as the Head Start program for inner-city schools.

There were also demands among Black women activists influenced by the rising wave of feminism at that time for men to take more responsibility. In protest at the Million Man March, the Million Woman March was held in Philadelphia, Pennsylvania, on October 25, 1997.<sup>48</sup>

There was, however, a problem that went unmentioned in the Million Man March. The homicide rate of African American males is more than seven times as high as that of white males, as will be shown in Chap. 8. Young African American gangs were killing each other for control of the drug trade, as shown in John Singleton’s movie *Boyz n the Hood* (1991), which itself was an appeal for coping with the critical situation that one out of every 20 African American men is murdered before the age of 20. Bill Clinton responded sincerely but accelerated rates of incarceration.<sup>49</sup>

The age of mass incarceration began with the War on Drugs that escalated under the Reagan administration from the middle of the 1980s. The dramatic shift in the U.S. economy resulting from deindustrialization, globalization, and technological advancement had begun in the 1970s and reached its peak in the 1990s. After the end of the Cold War, a new age began, in which lower-class African Americans, especially males, were no longer needed to pick cotton in the fields or labor in factories as unskilled, lower-paid workers. They were hauled off to prison in droves.<sup>50</sup> The so-called prison industry has become one of the most lucrative in the United States, as will be shown in Chap. 8.

## NOTES

1. For historical research on the change from *Brown* to *Bakke*, see J. Harvie Wilkinson III, *From Brown to Bakke: The Supreme Court and School Integration, 1954–1978* (Oxford, UK: Oxford University Press, 1981).
2. The U.S. Supreme Court, *Regents of the University of California v. Bakke*, April 23, 1978, accessed March 4, 2016, <http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=CASE&court=US&vol=438&page=265>.
3. *Ibid.*
4. *Ibid.*
5. *Ibid.*
6. Wilkinson, *op. cit.*
7. Mary Frances Berry, *Why ERA Failed: Politics, Women's Rights, and the Amending Process of the Constitution* (Bloomington: Indiana University Press, 1986), Chap. 3.
8. For the reasons why the ERA failed, see *ibid.*
9. The U.S. Supreme Court, *Johnson v. Transportation Agency*, March 25, 1987, accessed March 4, 2016, <http://caselaw.lp.findlaw.com/scripts/getcase.pl?navby=case&court=US&vol=480&page=616>.
10. *Ibid.*
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PART III

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An Unceasing Struggle Toward a  
Fairer Future

# A Retreat from the Street to the Courthouse and Prison?

## 1 THE ABOLITION OF AFFIRMATIVE ACTION STATE BY STATE

### *1.1 The Impact of Proposition 209*

In November 1996, on the same day of the presidential election in which Bill Clinton was reelected, Proposition 209, a state-level referendum also known as the “California Civil Rights Initiative,” was approved so that “preferential treatment” of minorities was abolished by a margin of 54 to 46. The support of Asian Americans was crucial, and so consequently the following clause was added to the Constitution of the State of California:

Section 31 of Article I: Declaration of Rights

(a) The state shall not discriminate against, or grant preferential treatment to, any individual or group on the basis of race, sex, color, ethnicity, or national origin in the operation of public employment, public education, or public contracting.<sup>1</sup>

As already mentioned in Chap. 7, Governor Pete Wilson used reasoning by referencing the Civil Rights Movement as follows:

Every generation of Americans has wrestled with that challenge. But today in California, it has special urgency. We live in the most diverse society the world has ever known. In Los Angeles alone, our schools teach children

who speak more than eighty different languages. Early in the next century, no single ethnic group will constitute a majority of California's population. We'll be the nation's first minority-majority state. So we don't need sermons about tolerance and diversity. We're practicing it every day. California job creators have proven that diversity gives us a sharp competitive edge in the global market.

But we can't ignore that diversity also poses serious challenges. For our state and nation to succeed and prosper, we must treat every citizen as an individual—acknowledging our differences, but cherishing above all else what unites us as Americans. Thomas Jefferson first described the American ideal more than two hundred years ago when he declared “equal rights for all, special privileges for none.” The pursuit of that ideal has been the key to American success since 1776. We fought a bloody civil war to defend it. And a hundred years later that ideal was the guiding force for the historic achievements of the civil rights movement.

But today, that fundamental American principle of equality is being ended, eroded by a system of preferential treatment that awards public jobs, public contracts, and seats in our universities, not based on merit and achievement but on membership in a group defined by race, ethnicity, or gender. That's not right. It's not fair. It is, by definition, discrimination. It's exactly what the civil rights movement sought to end.<sup>2</sup>

Governor Wilson's rationalization cited not only Thomas Jefferson's Declaration of Independence but also Martin Luther King, Jr.'s “American Dream,” which would come to be called “color-blind” racism. Before long a lawsuit was made questioning the constitutionality of this state initiative, and on April 8, 1997, the U.S. Supreme Court ruled that the abolition of Affirmative Action in California was constitutional.

In December 1997, the State of Washington abolished Affirmative Action in a state initiative. In February 2000, Florida banned “preferences” based on “race” in state contracts and in the admission policies of state universities. This trend has gradually spread to other states such as Michigan (2006), Nebraska (2008), Arizona (2010), New Hampshire (2012), and Oklahoma (2012).<sup>3</sup>

As Lydia Chávez predicted (1997), what California Proposition 209 did bring about in higher educational institutions in “the most diverse society” was to “end programs that have helped to diversify one of the most socially stratified states in the union.” In 1997, the year after the abolition of Affirmative Action, only 39 Latinos, down from 80, were admitted to Boalt Hall Law School at the University of California, Berkeley, in the state where the Latino population comprised more than 30 percent of

the population. On top of that, only one African American student was admitted that year.<sup>4</sup>

Andrea Guerrero, an alumni of Boalt Hall Law School, who practices law in San Diego, and who himself is a beneficiary of Affirmative Action, stated:

Before it was eliminated, affirmative action countered the prejudicial effects of traditional criteria by allowing school administrators to look beyond sheer numbers to admit talented minority students. Race-conscious policies were constructed to be temporary measures that would end when racial bias was eradicated and racial diversity occurred naturally in the admission process. But affirmative action programs were cut short in California, and university administrators have since been unwilling or unable to address the bias in traditional admissions criteria, resulting in the decimation of the minority population at Boalt and other competitive campuses of the University of California.<sup>5</sup>

### 1.2 *Should/Could We Go “Color-Blind” Right Away?*

While conservatives used Martin Luther King, Jr.’s words to deny Affirmative Action, liberals asserted the validity of “race conscious” principles to overcome the racism that remains in the mainstream—in other words, white—America. Tim Wise (b. 1968), who is Jewish and a native Southerner, was a student at Tulane University when he became the leader of an anti-apartheid movement. He effectively blocked David Duke, a Holocaust-denying Neo-Nazi leader who ran for the Louisiana governorship and federal office, including the presidency, in the late 1980s and 1990s. According to Wise, “color-blind” advocates demand nothing but “the retreat from racial equality.” He believes in the American creeds of individualism and full equalization of opportunities. But as far as “race” is concerned, he concedes that “we must be color-conscious, not colorblind”:

In short, we can’t all “just be Americans,” because we never have been just that. For whites, Americanism was something that could be taken for granted (indeed it was synonymous with their racial group), while for others it has never been something to which they could lay claim as readily. And we can’t all “just be individuals,” because *no one* is just that, nor has anyone ever lived as such, anywhere, at any time, on the face of the Earth.<sup>6</sup>

Some may feel that Wise’s argument is a little bit too extreme and that he is in self-denial. In contrast to his opinion, Sandra Day O’Connor, a

so-called “conservative” former U.S. Supreme Court Justice (1981–2006), ruled in favor in a landmark decision allowing “preferential treatment” based on “race” with a 25-year time limit in *Grutter v. Bollinger* in 2003. Notwithstanding the “Equal Protection Clause” of the Fourteenth Amendment to the U.S. Constitution that mandates that legal treatment must be “color-blind,” she chose to keep Affirmative Action for 25 years:

It has been 25 years since Justice Powell first approved the use of race to further an interest in student body diversity in the context of public higher education. Since that time, the number of minority applicants with high grades and test scores has indeed increased.... We expect that 25 years from now, the use of racial preferences will no longer be necessary to further the interest approved today.<sup>7</sup>

With O’Connor’s opinion, the U.S. Supreme Court decided by a 5 to 4 margin in favor of Affirmative Action in the University of Michigan Law School, while Affirmative Action itself has gradually been abolished in 7 states, including Michigan in 2006, as already mentioned.

### *1.3 Pessimism When Rebuilding a Nationwide Social Movement*

Affirmative Action in California was abolished by a state-level initiative calling for the “rebirth of direct democracy.” This contributed to a trend that gradually spread to other states, in an age when the opposition to the number of undocumented newcomers, mainly from Mexico, was rapidly increasing. The number of undocumented migrants in the United States amounted to as many as 11.7 million in 2012. In California in 1994 another initiative, Proposition 187, had already been passed so that public services for “illegal aliens” were abolished, followed by Proposition 227 in 1998 to stop bilingual education for LEP (low English proficiency) students. On April 23, 2010, the State of Arizona passed a very controversial state law giving police officers the power to arrest anyone suspected of being an illegal alien. With this enactment, a person who is, for example, of Hispanic/Latino appearance, can be arrested if they do not have ID to verify that they are not illegal. President Obama ordered the Department of Justice to examine its constitutionality. On June 25, 2012, by a 5 to 3 margin the U.S. Supreme Court judged that the Arizona Immigration Law (SB1070) was mostly unconstitutional, namely

that Sections 3, 5(C), and 6 of the law are preempted by federal law. But all justices agreed to uphold the law that allows the Arizona state police to investigate the immigration status of an individual who is stopped, detained, or arrested if there is reasonable suspicion that an individual is in the country illegally.<sup>8</sup>

Since the time of the 2008 presidential election that saw Barack Obama become the first African American president, the Tea Party movement, the grass-roots conservative movement whose name was taken from the Boston anti-British tax increase movement of 1773, has begun to spread rapidly, mainly in the old, affluent white suburban areas across the nation. Its drastic growth has been due to the development of SNS (social networking services) and the Internet. The Tea Party has strongly opposed ObamaCare, the comprehensive healthcare system introduced under President Obama.<sup>9</sup>

Counteracting this grass-roots conservatism, the Occupy Wall Street movement suddenly appeared on September 17, 2011. Representing “99 percent of the people,” and referring to the inequality of income and wealth distribution between the wealthiest 1 percent and the rest of the population in the United States and the world over, the Occupy Movement spread rapidly worldwide.<sup>10</sup> However, after Obama’s second victory in November 2012, and with pressing international issues to be dealt with such as the North Korea problem and prolonged wars in the Middle East, counterattacks by liberals/radicals have, for the moment, dispersed like the mist. The worldwide impact of the Occupy Movement within a short period of time suggested that rebuilding a widely supported social movement as in the 1960s, as hard as it may seem, is essential to correct social injustices because “the trade-off between efficiency and equality may not exist.”<sup>11</sup>

## 2 A RETURN TO THE BATTLES IN THE COURTS

### 2.1 *The Legal Action for Reparations*

The roots of reparations for slavery go back to the Reconstruction Era. As mentioned in Chap. 3, their origins lie in Gen. Sherman’s promise of “forty acres and a mule” although “a mule” was just a rumor spread among “freedmen.” The first activist in the national arena was Callie House (1861–1928), who (unsuccessfully) demanded pensions for ex-slaves in Congress by organizing the National Ex-Slaves Pension and

Bounty Association and recruiting as many as 250,000 members from 1897 onward. The modern reparations movement gradually began to emerge in the 1960s as the Civil Rights Movement successfully raised the nation's sense of responsibility for Jim Crow and *de facto* segregation, and as historians began to uncover the fact that much of the wealth that was necessary for the development of the American economy in its earliest stages was accumulated through the slave trade. The reparations movement received further impetus with the publication of a book in 2001 by Randall Robinson (b. 1941), a Harvard Law School graduate and African American lawyer.<sup>12</sup>

At the beginning of the twenty-first century, while the abolition of Affirmative Action at the state level was spreading, an op-ed by Charles J. Ogletree, Jr. (b. 1952), an African American professor at Harvard Law School, appeared in the March 31, 2002 issue of *The New York Times* (*Sunday International Weekly Review*). Ogletree, a co-chairperson of the Reparations Coordinating Committee (RCC), announced a number of lawsuits against corporations demanding reparations for the slave trade. I felt uneasy at this because slavery and the slave trade are matters centuries old and are too big for litigation. But any uncomfortable feelings I had soon disappeared after understanding that the plaintiffs' purpose was to use any compensatory money for the poorest of those among the victims' descendants. As for why they took legal action, the situation now is so very different from the days when Martin Luther King, Jr.'s social movement successfully created global-level pressure on U.S. society and its government. The remaining hope may lie not so much in rebuilding a nationwide social movement as in the courts.<sup>13</sup>

Although he himself never mentions this, Ogletree must have had difficulty in consolidating the lawsuit into one major goal of requesting a large-scale socioeconomic structural change through the redistribution of resources, in other words, an extended version of the old War on Poverty. As mentioned in Ogletree's newspaper article cited above, its target was, and still is, to assist those in poverty who have been left behind, while the elites such as himself were able to take advantage of Affirmative Action. It took three years after the publication of his article to persuade all RCC members and supporters to agree that their final goal was not to be cash payments to the descendants of slaves but redistributive policies to save the left-behind "underclass" and native-born Blacks on (or below) the poverty line, who comprise the majority of the African American population.<sup>14</sup>

## 2.2 *Reasoning and Strategies*

According to Ogletree, the reparations movement has a long history, although a modern example is Martin Luther King, Jr.'s "March on Washington for Jobs and Freedom" that took place on August 28, 1963, the culmination of this long historical movement. The Civil Rights Movement ushered in changes to the strategy and tactics employed, from legal means to direct action on the street, as shown in Chap. 4. But the struggle for freedom endured by African Americans in pursuit of their final goal of the full equalization of opportunities, including those in the socioeconomic sphere, has never ceased. As Ogletree has stated:

There should be no mistaking the fervor of the reparations movement. The claim that America owes a debt for the enslavement and segregation of African Americans had historical currency for over 150 years. Occasionally, the clamor for repayment of that debt has intensified, particularly in the period following the Civil War. Although the civil rights strategy of Dr. King did not focus on reparations, the rhetoric he used at the March on Washington, about America's giving blacks a check marked "insufficient funds," certainly has the sound of a claim for reparations. I have to believe that if King were alive now, he would come to the same conclusion I have reached.... The voices of reason and passion have subsided and been replaced by a consensus demanding justice, and demanding it now. The movement has moved from the courts, and from the churches, to urban America. The call for reparations has moved to those blacks who did not relocate to the suburbs as a result of integration and who were not lifted up as a result of affirmative action. The masses who were left behind feel comfortable in shouting slogans like "No justice, no peace!" These voices demand their reparations. The collective failure to embrace *Brown* may now cost us all a lot more.<sup>15</sup>

## 2.3 *The Japanese American Precedent*

Since the beginning of the twenty-first century, Ogletree and other professors/activists have filed lawsuits nationwide at the same time that an international movement has arisen that condemns historical injustices like slavery and colonialism carried out by Western powers. What is remarkable is that these movements for redress are linked to requests for the redistribution of wealth. The scholar Richard America insists on a new version of Affirmative Action with the comprehensive structural reform of U.S. society beyond the quota system, saying that the purpose is not so much



reparations for past injustices as remedies for present-day differences, and he emphasizes that “[r]estitution should be approached as a matter of broad income and wealth redistribution from Haves to Have Nots.”<sup>16</sup> Contrary to popular perception, many victims are still very much alive because Jim Crow continued as late as the 1960s, as state laws banning miscegenation between whites and other races, including Asians, were made unconstitutional by *Loving v. Virginia* in 1967. Ogletree and other professors/activists are planning comprehensive reforms, particularly of public education in the ghettos. In this sense, their litigation strategy is firmly linked to the future.

Still, it may not seem suitable to a majority of U.S. citizens to push for such litigation. However, if they only take into consideration the fact that racial discrimination with legalized segregation, including the above-mentioned anti-miscegenation acts, still remained as recently as the late 1960s, the plaintiffs’ intentions may be understandable. Furthermore, the existing Affirmative Action has mainly benefitted the most advantageous stratum of the victims, and moreover, after the *Bakke* case of 1978, the purpose of Affirmative Action changed from compensation for the past to preparations for a more diverse future. Moreover, the reparations of \$20,000 per survivor awarded to Japanese Americans interned in WWII that began in 1988 encouraged the plaintiffs of this “restitution movement” for slavery and Jim Crow.<sup>17</sup>

#### 2.4 *Controversy over the Reparations*

There have been quite a few criticisms of reparations for the slave trade, slavery, and Jim Crow.<sup>18</sup> There are two examples prevailing in U.S. society. The first has something to do with the fact that most Americans and their ancestors came to the United States after the abolition of slavery. They include the old “New Immigrants” of the early twentieth century, who, even though finally allowed to join the “Caucasian” category, were initially severely discriminated against; and the current newcomers, who entered the United States after the end of Jim Crow in the mid-1960s. The following citation from an article authored anonymously and published in the *Harvard Law Review* can act as a persuasive counterargument against this kind of criticism:

Ultimately, the choice to live in America is a choice to accept the history, responsibilities, and debts from which our country’s prosperity and freedoms

flow. Reparations are not intended to hold individual Americans living today morally responsible for the acts of their forefathers, but rather to insist that the country apologize for its wrongful acts and take the necessary steps to bridge the racial divide and to alleviate the economic and social disparities that resulted from those acts.<sup>19</sup>

The second criticism of reparations is involved with skepticism toward the litigation strategy itself—namely, social movements aimed at effective legislation are necessary for minorities to correct social wrongs. Recognizing that Ogletree’s hidden intention is to build a new social movement by making use of litigation, here I raise a counterargument by Japanese American professor of law, Natsu Taylor Saito. According to Saito, politics is not the only means for post-Cold War African American activists to pursue fairness for African Americans, especially the “underclass”:

My point is simply that, in such cases, we need to resist the temptation to leapfrog over sound legal analysis to the presumption that only political solutions are viable as a result of an unexamined belief that overwhelming disruptions to the status quo would be entailed by legal remedies of the sort routinely prescribed in smaller cases. I make this argument not because such remedies necessarily need to be implemented in every case, but because I believe that it is only first making such legal findings that we honestly frame the debate and subsequently arrive at resolutions that—from the perspectives of the victims, not just the perpetrators—adequately address the violations at issue and, therefore, preserve the integrity of our legal and political institutions.<sup>20</sup>

## 2.5 *First Good, Then Dismal Results*

One year after Ogletree began his litigation, Brown University and other prestigious universities began to investigate their own historical involvement in slavery and the slave trade. Among others, Ruth Simmons, President of Brown University and a great-granddaughter of slaves, appointed a committee that recommended they admit the historical fact that Brown University was established by the Brown family who profited hugely from the slave trade. Simmons was praised by a journalist as follows:

By seeking to determine what, if any, debt Brown University owes for the benefits it derived from slavery, Ruth Simmons is building upon the school’s record of innovation and excellence.<sup>21</sup>

However, Ogletree and his friends have yet to find success in their litigation for reparations for slavery and Jim Crow. Randall Kennedy of Harvard Law School advised them to concentrate their energy not on litigation for slavery but on those for Jim Crow, because the former was recognized by the U.S. Constitution, while the latter was obviously unconstitutional following the establishment of the 14th Amendment of the Constitution in 1868.<sup>22</sup>

Even the case of the Tulsa “Riot,” where Ogletree expected a victory most, was turned down by the federal court. According to an article in *The New York Times*:

The Tulsa race riot of 1921 was rarely mentioned in history books, classrooms or even in private. Blacks and whites alike grew into middle age unaware of what had taken place.<sup>23</sup>

It is estimated that up to 300 people were killed and more than 8,000 were left homeless. As for recent remedies, the article continues as follows:

The riot will be taught for the first time in Tulsa public schools next year but remains absent in many history textbooks across the United States. Civic leaders built monuments to acknowledge the riot, including a new Reconciliation Park, but in the wake of failed legislative and legal attempts, no payments were ever delivered for what was lost. Before becoming president, Barack Obama once met with some who lived through the riot “to thank the survivors for surviving.” But fewer are surviving each year; today the number is about 40. And before they die, some of their most dedicated advocates continue to fight for greater awareness and compensation, even as they lament that they no longer believe the effort has sufficient momentum.<sup>24</sup>

However, the Oklahoma Legislature refused to pay any reparations, saying “it was constitutionally prohibited.” The federal court dismissed the arguments by the plaintiffs, stating that “the statute of limitations had expired.” Moreover, efforts in Congress to remove legal obstacles have repeatedly failed, “partly because of concerns that it might open the door to reparations for slavery, though there are plans to reintroduce the bill.” Ogletree did not hide his feelings and called the case the “most disappointing and heartbreaking.”<sup>25</sup>

In the final analysis, however, as civil rights scholar Kaimipono David Wenger points out, we have to admit the limits of relying exclusively on a legal approach and reconsider the necessity of rebuilding a nationwide social movement:

Slavery and Jim Crow, then, illustrate some of the difficult questions that arise in mass restitution cases. Some reparative action is needed in the case of slavery and Jim Crow; the community has sustained severe moral harm, and the longstanding lack of response only reinscribes injury. However, traditional tort approaches are inadequate. Of course, individual compensation for mass injustices is always difficult to calculate and administer. Slavery, as a “super-wrong,” puts the normal concerns of mass compensation into sharp relief and adds a whole new set of unique concerns for courts, legislators, and theorists. Ultimately, the breakdown of the judicial approach in reparations cases helps to illustrate some of the limits of courts.<sup>26</sup>

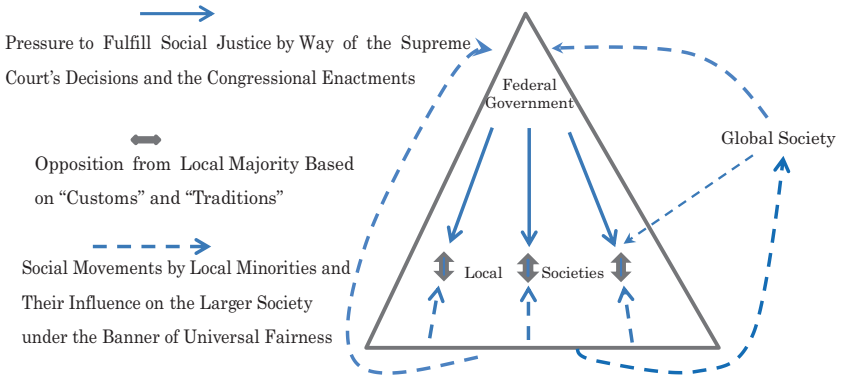
In summary, if the framework of democracy based on the consent of the majority is a prerequisite for a post-Cold War global society, we should reevaluate the effectiveness of social movements to fulfill justice, including fairness for minorities, even if this reevaluation seems too heavy a burden (see Illustration 8.1).

### 3 BEYOND THE POLITICS OF REGRET

#### 3.1 *George W. Bush's “Apology” at Gorée Island*

In the year after Ogletree began litigation for reparations, President George W. Bush made a speech at Gorée Island, Senegal, an infamous place as the center of the slave trade, in which he admitted that the “evils of slavery were accepted and unchanged for centuries.”<sup>27</sup> According to Bradford Vivian, a professor of communication and rhetorical studies, Bush’s speech symbolizes the “politics of regret.”<sup>28</sup> Although President Bush did not directly use words of apology and/or regret, his speech was taken as an apology or an expression of regret for slavery, but his intention was merely to express regret:

We live in a time of regret. Political and humanitarian leaders perform acts of atonement for historical atrocities, seek reconciliation between victims and perpetrators of violence and pursue some measure of justice, whether



**Illustration 8.1.** Historical function of social movements within the framework of democracy (*Note:* In a democratic state based on majority rule as the final decision, social justice like full integration, especially economic justice, for minorities cannot be guaranteed. Only judicial power may make it possible, which quite often causes severe resistance from the local majority as in the case with the *Brown* decision. Social movements may give a democratic state the possibility for fairness to be fulfilled. As shown in the Civil Rights Movement in the late 1950s and early 1960s, under the Cold War, when the non-white Asian and African newly independent nations had keys to the general assemblies and other meetings of the United Nations in New York, “outside pressure” had once had some influence, even in U.S. Congressional debates. Instead of that, the local minorities now use the Internet and various SNSs as their new weapons.)

moral or legal, for the crimes of history in order to cultivate stronger, more inclusive communal bonds among various sociopolitical groups.<sup>29</sup>

Bush’s attitude was followed by the legislature of states such as Florida, New Jersey, North Carolina, Alabama, Virginia, and Maryland, which expressed “regret” or “apology” for slavery and Jim Crow.<sup>30</sup> However, as will be detailed soon, John Conyers, an African American Congressman from Detroit, Michigan, has proposed the establishment of a Congressional committee for investigation into the remaining influences of slavery and Jim Crow, which has never been discussed seriously in Congress or anywhere else. In a sense, Bush’s remark at Gorée Island was made with the intention to end the controversy over the government’s responsibility for past injustices by giving the American public the impression that slavery was an evil that only a divine force could remove.

### 3.2 *John Conyers' Proposal for House Resolution 40*

Let me repeat my observation: rebuilding a social movement is extremely difficult. In 1989, the year following the federal enactment of the redress for Japanese American internment in WWII, Conyers proposed reparations for slavery and Jim Crow and the establishment of a public commission to investigate not only the damages that resulted from the historical injustices to African Americans but also their historical contribution to the development of the United States. This proposal, called House Resolution 40, has yet to be discussed.<sup>31</sup>

The U.S. Congress, the House of Representatives (on July 29, 2008), and the Senate (on June 18, 2008), passed resolutions to apologize for slavery and Jim Crow.<sup>32</sup> But they have never discussed seriously the possibility of reparations for slavery and Jim Crow nor the proposal by Conyers to establish a formal committee to investigate how much damage from past injustices to African Americans still remains.

### 3.3 *Reparations for the Future*

According to Richard America, an estimated USD\$500 million to \$1 billion for reparations, which “can be paid through adjustments in tax and budget policies over the next forty years,” should be used “primarily through investments in human capital, housing, and business formation.”<sup>33</sup> In this sense, the reparations movement is demanding a new concept of Affirmative Action for the redistribution of income and wealth. Richard America explains the litigation for the restitution for America’s past injustices as follows:

Solving the primary American social problem—the race problem—is, therefore, a matter of making racism less attractive economically. Part of the solution is to retrieve some or all of the wrongful benefits that racism has produced for the white majority, and to intervene in markets and educational processes so they do not generate further benefits.<sup>34</sup>

Eric K. Yamamoto, a Japanese American professor of law supporting the reparations movement for African Americans, emphasizes the original meaning of the word “reparation” as stemming from “repair” and insists that the purpose of the movement should be not so much “legal compensation” as “social repair”:

It encompasses acts of repairing damage to the material conditions of racial group life—disbursing money to those in need and transferring land ownership to those dispossessed, building schools, churches, community centers, and medical clinics, creating tax incentives and loan programs for businesses and scholarships for students. It also encompasses acts of restoring injured human psyches—enabling those harmed to live with, but not in, history. Finally, reparations as repair fosters the restoration of broken relationships, the mending of tears in the social fabric, the repairing of breaches in the polity.<sup>35</sup>

As already mentioned in Chap. 7, the NCLB was signed into effect by President George W. Bush in 2002 but did not make much headway in schools, especially those in the inner cities. Barack Obama’s inauguration address placed special emphasis on educational reform along with economic recovery and healthcare.<sup>36</sup> Seven months before his inauguration, in a speech made in Raleigh, North Carolina, Obama reevaluated the basic concept of the NCLB. As the scholar Jesse Rhodes has pointed out, although Obama’s intention has not yet been fully realized, the expansion of centralized/federalized standards-based reforms in elementary and secondary schools—a system that has proven effective in Japan and Korea in terms of equal access to quality education, at least to a certain degree—is being introduced into the United States. In retrospect, the origins and evolution of the NCLB and its improvement by Obama in 2010 through bipartisan support was mainly a product of the cooperation that business leaders and civil rights activists have maintained and developed since the 1960s. This shows that the possibility of fairness could feasibly mediate the historical conflicts between equality for minorities and democracy based on majority consent.<sup>37</sup>

## 4 THE NEW JIM CROW

### 4.1 *Increased Public Attention to Mass Incarceration*

Although the lawsuits filed by Ogletree and his friends have attained very little legally, they have been considerably successful in raising public attention to their cause, especially governmental responsibility for the desperate situation of the “underclass,” at least to a certain extent. Moreover, as the authors of a best-selling college text point out, “Americans have learned how slave labor created American wealth” as well as the past injustices done to African Americans.<sup>38</sup> However, U.S. society is becoming less

and less dependent on the labor of the “underclass” and/or the lower-class of the urban ghetto in this age of deindustrialization and globalization. There is only one “industry,” if any, that needs the “underclass,” and that is the so-called prison-industrial complex, the trend to privatize prison-related businesses. Private prison companies and businesses that supply goods and services to government prison agencies have developed into the most profitable public works in the United States since the middle of the 1980s.<sup>39</sup>

The trend of “mass incarceration” culminated in 2009, when the rate of incarceration in the United States was 743 per 100,000 of the population, followed by Russia’s 577; Japan was ranked 184th with only 59.<sup>40</sup> According to the rate of male incarceration by race/ethnicity in 2010 issued by the Bureau of Justice Statistics, Department of Justice, the rate of African American male incarceration was 4,347 per 100,000, while that of Latinos was 1,775, and whites 678.<sup>41</sup>

According to James Campbell, a professor of American history in the United Kingdom, the discrepancies in these figures are “a result of both high rates of black crime and the discriminatory enforcement of criminal laws.”<sup>42</sup> For example, the Drug-Free American Act of 1987 established a discriminatory system of punishments between crack cocaine and powder cocaine offenses by making the sentences to the former, mostly committed by African Americans, 100 times severer than those of the latter, mostly committed by whites. This obvious discrimination was reduced to 18 times in 2010 under the initiative of the Obama administration.<sup>43</sup> Moreover, racial profiling, in which (for instance) police can stop and search cars driven by African Americans and/or Hispanics/Latinos, was recognized as constitutional by the U.S. Supreme Court. As Michelle Alexander puts it, “[t]he legal rules adopted by the Supreme Court guarantee that those who find themselves locked up and permanently locked out due to the drug war are overwhelmingly black and brown.”<sup>44</sup> It is true that Ogletree and his friends succeeded in regaining public attention for the long-time ignored “underclass” by their lawsuits for reparations. But they are confronted with the very intractable legal wall of a superficially “color-blind” criminal justice system.

#### 4.2 “Prison Profiteers”

As mentioned above, private prisons are now among the most profitable in the public works sector. Concerning the dismal prospect of ending the



War on Drugs started by the Reagan administration in the 1980s, Michelle Alexander states:

Ending the drug war is no simple task, however. It cannot be accomplished through a landmark court decision, an executive order, or single stroke of the presidential pen. Since 1982, the war has raged like a forest fire set with a few matches and a gallon of gasoline. What began as an audacious federal program, has spread to every state in the nation and nearly every city. It has infected law enforcement activities on roads, sidewalks, highways, train stations, airports, and the nation's border. The war has effectively shredded portions of the U.S. Constitution—eliminating Fourth Amendment protections once deemed inviolate—and it militarized policing practices in inner cities across America. Racially targeted drug-law enforcement practices taken together with laws that specifically discriminate against drug offenders in employment, housing, and public benefits have relegated the majority of black men in urban areas across the United States to a permanent second-class status.<sup>45</sup>

According to Tara Herivel, Paul Wright, and their fellow activists against “prison profiteers,” the period between the 1980s and the mid-2000s was the time for “America’s Prison Boom.” Mass incarceration resulted in the pressure of huge expenditures on national and local governments. The federal budget for imprisonment went up to \$80 billion, five times as much as the average for OECD nations in 2012. It would have been more effective to spend this budget on educational and/or job-creation schemes to reduce the causes of crime.<sup>46</sup>

### 4.3 *The Emergence of the New Jim Crow*

Prison cellmates are denied the right to vote, and not only during their imprisonment. They are also persistently compelled into a “suspension of civil rights” for a long time, maybe as long as they are alive; after their release they are kept under surveillance, and their place of residence as well as employment is restricted long after their release. All of the parolees from the ghetto return to the ghetto. On the other hand, most of the poor whites are living scattered across many areas so they are rarely targeted by the War on Drugs. As Michelle Alexander puts it, if you want to resolve this situation, partial improvements do not do any good. She suggests that the mass incarceration of Black males is the “New Jim Crow.”<sup>47</sup> In retrospect, together with other, similar books, and since the publication of her book in 2010, terms such as the “New Jim Crow” and “mass

incarceration” have become more well-known among a certain section of the American public.

#### 4.4 *Racial Profiling in Ferguson, MO, and Elsewhere*

Racial profiling, conducted by the police and supported by the judicial authorities, reinforces a prejudice based on people’s appearance. This tendency aided the tragedy in Florida in February of 2013. A 17-year-old boy, Trayvon Martin, was shot to death after a quarrel with George Zimmerman, a 28-year-old self-appointed neighborhood watch captain in a gated community, a “mixed-race Hispanic” male whose father is German and mother Peruvian Hispanic. On July 13, 2013, a jury of six citizens, five white women and one Hispanic woman, handed down a not guilty verdict, leading to nationwide protests by African American organizations. Just after this, President Obama made this comment:

You know, when Trayvon Martin was first shot I said that this could have been my son. Another way of saying that is Trayvon Martin could have been me 35 years ago.<sup>48</sup>

On August 9, 2014, in Ferguson, Missouri, a city whose population is 67.4 percent African American, an 18-year-old Black boy named Michael Brown was fatally shot by Darren Wilson, a Ferguson Police Department officer. He thought that Brown had a weapon and was about to use it, but it turned out only after the shooting that Brown had no real weapon at all. The following day, violent protests, mainly by African Americans, began in Ferguson, and the Missouri National Guard suppressed it a week later. Then on November 24, a grand jury decided that it would not indict Wilson in the shooting death of Brown. Protests, both peaceful and violent, spread at once nationwide. There were protests in more than 170 cities, including New York, Chicago, Atlanta, St. Louis, and Boston.<sup>49</sup> On March 4, 2015, the U.S. Department of Justice issued a formal report declaring that the city of Ferguson had engaged in many constitutional violations.<sup>50</sup>

#### 4.5 *Declining Residential Segregation?*

According to the latest research, residential segregation has been reduced. The main reasons are both the African American elites moving out to the

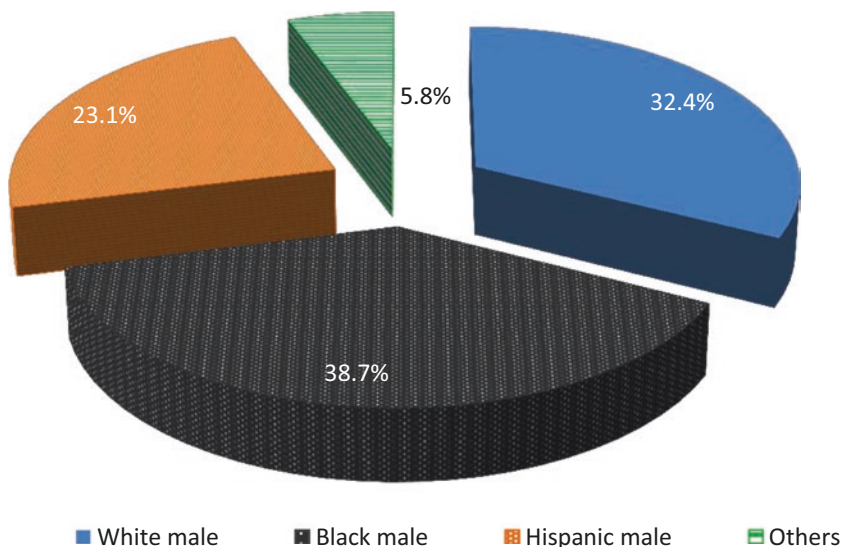
white residential areas and the return of wealthy whites to the inner cities. As a result of declining leadership and increasing rents, the situation for inner-city African Americans has deteriorated, with little public attention. Ironically, “moving-out assistance” programs such as the Gautreaux Project as mentioned in Chap. 5 stimulated this trend. The peak of residential segregation was in the 1970s and since then it has gradually declined. Moreover, the population of the “underclass” is at most 9 million, most of whom (more than 70 percent) are minorities, but it is estimated to be less than one sixth of the total African American population, and therefore it can no longer be considered a major problem.<sup>51</sup> In a sense, the incident in Ferguson, Missouri, has made this forgotten problem visible again.

However, prejudice against Blacks has become stronger than ever, and tragic hate crimes such as the mass shooting in Charleston, South Carolina, still occur.<sup>52</sup> As already mentioned, the increasing incarceration rate of African American males, especially in the metropolitan areas, has added fuel to the flames of prejudice. According to figures released on December 31, 2011, at present the number of incarcerated persons totals 1,537,415, and males comprise 1,433,741, a huge number. African American males comprise 38.7 percent of incarcerated males, but they make up only 12.2 percent of the total male population; whites comprise 32.4 percent and Hispanics 23.1 percent of incarcerated males (see Fig. 8.1). The disproportionately high percentage of incarcerated African American males inevitably leads to the racial profiling frequently reported in the media. As a result, a very negative public image of young Black males has become deeply embedded in the minds of Americans, with concrete statistical data that has contributed much to consolidating a vicious cycle. With the escalation of the War on Drugs, police officers, white as well as African American, lead the ruthless interrogation of young black men on the roads without any evidence. This kind of profiling based on appearance was publicly approved by the courts. As already mentioned, the result is that three out of four African American males will be incarcerated as “criminals” sometime in their lives in Washington, D.C. The situation is roughly the same in other metropolitan areas throughout the United States. The adversities of the “underclass” strongly affect African Americans in general. Since the “privatization” of prisons, along with the Anti-Drug Abuse Act of 1986, in which crack cocaine abuse is punished more severely, the incarceration rate of African American males has risen dramatically. For five years from 2006 to 2011, at least in five states, the rate of incarceration has increased more than 5 percent.<sup>53</sup>

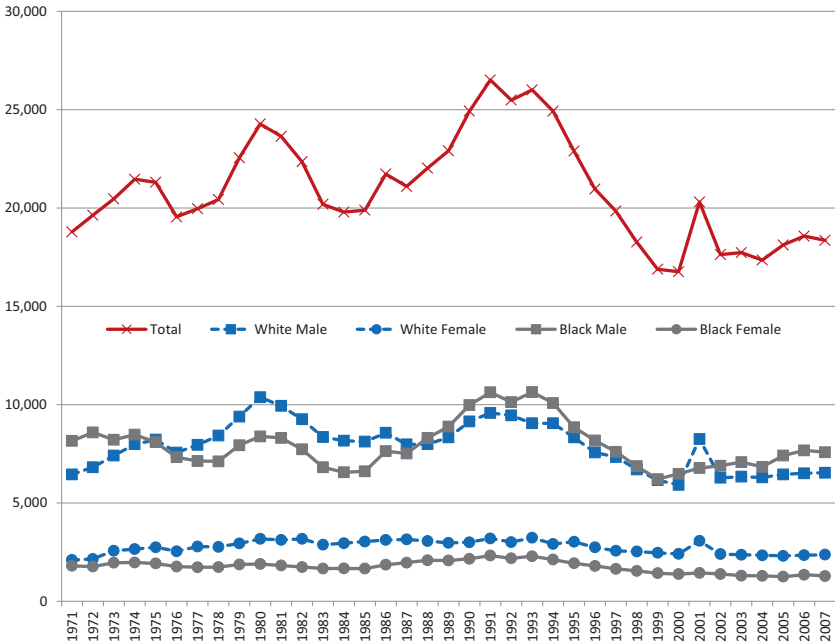
#### 4.6 *Bill Clinton's Regret and Black Lives Matter (BLM)*

The latest statistical data shows that the prison population has finally begun to decrease.<sup>54</sup> At the same time, however, we have to remember the historical fact that the homicide rate is still much higher for African American males but that the number of African American and white victims is about the same. In this sense, violent crimes are not a “racial” but an American problem (see Figs. 8.1 and 8.2).

As mentioned above, the most depressing aspect of the inner cities is mass incarceration. As Michelle Alexander points out, present-day America does not need to depend on African Americans for its labor force like in the past, when they were needed as slaves, sharecroppers, and then cheap factory workers. It is unnecessary for the U.S. economy to exploit its ghetto residents any more in this age of deindustrialization, automation/robotization, and a globalized labor market in which cheap and highly motivated workers from elsewhere can be used. Only the “prison



**Fig. 8.1.** Estimated percent of sentenced prisoners under state and federal jurisdiction by race and Hispanic origin, December 31, 2011 (*Source:* E. Ann Carson, *Prisoners in 2011*, Bureau of Justice Statistics, Justice Department, 2014)



**Fig. 8.2** Homicide victims by race and sex, 1970–2007 (*Source:* Law Enforcement, Courts, and Prisons, Statistical Abstract of the United States: 2012, U.S. Census Bureau, 2013)

industry” requires the “underclass” in the inner cities. In this sense, a fundamental change has been occurring in U.S. society:

The collapse of inner-city economies coincided with the conservative backlash against the Civil Rights Movement, resulting in the perfect storm. Almost overnight, black men found themselves unnecessary to the American economy and demonized by mainstream society. No longer needed to pick cotton in the fields or labor in factories, lower-class black men were hauled off to prison in droves.... The new system does not seek primarily to benefit unfairly from black labor, as earlier caste systems have, but instead views African Americans as largely irrelevant and unnecessary to the newly structured economy—an economy that is no longer driven by unskilled labor.<sup>55</sup>

As an outsider who must attempt to be as neutral as possible, I have to point out the effectiveness of the local police departments in reducing

violent crimes in ghettos since the 1990s under the Clinton administration. The homicide rate of Black males, for instance, was reduced by nearly half (69.2 per 100,000 in 1990 to 37.5 per 100,000 in 1999) in less than a decade.<sup>56</sup> The prayer that John Singleton passionately expressed in his highly regarded movie *Boyz n the Hood* (1991), depicting the tragic killing among inner-city gangs, reached the White House. Bill Clinton pushed to enact the Violent Crime Control and Law Enforcement Act of 1994, the largest crime bill (at 356 pages long) in the history of the United States, providing 100,000 new police officers, \$9.7 billion in funding for prisons, and \$6.1 billion in funding for prevention programs that had been designed with significant input from experienced police officers.<sup>57</sup> This enactment, and especially the federal subsidies for the reinforcement of local police forces, not only contributed to reduce the number of crimes in the inner cities but also accelerated the trend of the massive incarceration of African American men by compelling each local police department to measure their “effectiveness,” such as the number of arrested “criminals,” so that they could keep federal monetary support for the increased employment of police officers in the 1990s and the first decade of the twenty-first century, as Clinton himself later regretted.<sup>58</sup>

In the meantime, a new movement organized by a new generation of African American activists has been on the rise. In the summer of 2013, Alicia Garza (b. 1981), an international activist and writer in Los Angeles, and her friends, Patrisse Cullors and Opal Tometi, established Black Lives Matter (BLM), an international organization protesting against the deaths of Black people in killings by law enforcement officers, racial profiling, police brutality, and racial inequality in the United States criminal justice system. Hillary Clinton, former U.S. Secretary of State and a Democratic candidate for the U.S. presidential election of 2016, was reported to have said in July 2015 “All lives matter,” not particularly African Americans’ lives. Garza countered this by discussing how “changing Black Lives Matter to All Lives Matter is a demonstration of how we don’t actually understand structural racism in this country.”<sup>59</sup> She went on to say how other lives are valued more than black lives, which she strongly feels is wrong, and that to take blackness out of this equation is inappropriate. President Obama participated in the debate and endorsed BLM’s argument by saying, “I think that the reason that the organizers used the phrase Black Lives Matter was not because they were suggesting that no one else’s lives matter .... rather what they were suggesting was there is a specific problem that is happening in the African American community that’s not happening in other

communities.” He went on to say, “that is a legitimate issue that we’ve got to address.”<sup>60</sup> BLM’s argument proved true at the above-mentioned shooting of Michael Brown in Ferguson, Missouri, and the mass shooting in Charleston on June 17, 2015. Although Hillary Clinton did not change her position regarding “all lives matter,” she pushed for criminal justice reform with Obama and said, “We need a new New Deal for communities of color.”<sup>61</sup>

## NOTES

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  60. Ibid.
  61. Ibid.

## Toward a New Affirmative Action in a More Diversified Society

### 1 OBAMA CALLING FOR SELF-HELP OF BLACK MALES

#### 1.1 *The New Multiracial Generation and Obama's Victory*

Barack Hussein Obama II was born in 1961 in multicultural Hawaii. His father was a student from Kenya and his mother a white woman from Kansas. After they divorced, he lived in Indonesia until he was ten years old and then returned to Hawaii and was raised by his maternal grandparents. After finishing high school, he entered Occidental College in Los Angeles, California, and then transferred to Columbia University, majoring in international relations. After graduation, he moved to Chicago and engaged in church-based social activities. He was successful in helping local people, including inner-city residents, become registered voters, and organized around 150,000 people. Then he made a sentimental journey to Kenya. Although his father had died six years before, Obama met with his father's relatives. He saw with his own eyes the economic discrepancies that had worsened following Kenya's independence.

Returning to the United States, he entered Harvard Law School and before long was elected the first African American editor of *The Harvard Law Review*. He finished Harvard Law School and then went back to Chicago and began to practice law while teaching at the University of Chicago Law School. He became a local politician and was elected a state senator for three terms. At the time I interviewed him in the summer of 2002, his constituency was 90 percent African American and 10 percent

white. But state law requires electoral districts to be changed every ten years and so his next district, beginning in January 2003, was 65 percent Black and 35 percent white, a lake front district with a lot of white liberals. Two years after I interviewed him, he made his national debut, giving the final address at the Democratic National Convention in Boston in the summer of 2004. In November of the same year, he was elected to be a federal senator. In November 2008, he ascended to the presidency.<sup>1</sup> Although he identified himself as “African American alone,” he should be looked upon as a forerunner of the young multiracial millennial generation in an increasingly diversified U.S. society as it is they who gave him victory twice.<sup>2</sup>

In an hour-long talk at Obama’s law firm on State Street, downtown Chicago, I was impressed by his intellect and pragmatic enthusiasm. According to Obama, it was when he landed in California that he first understood that he was an African American, and not “mixed.” In answer to my question “Who are the most intractable people you have dealt with so far?”, he replied “Black Power politicians,” because they tend to be too defensive of their vested interests. By this time, he already had broad support beyond “race.” I felt he had an aura, indispensable for a successful politician, and he was essentially different from any other African American activist I had ever spoken to, with a natural gift but one also nurtured by his multicultural background and social activities in Chicago’s inner cities. His supporters in the 2008 presidential election included a lot of rising young multiracial Americans like him, free from the black-and-white dichotomy<sup>3</sup> (see Picture 9.1).

### 1.2 *Wilson Has Second Thoughts*

William Julius Wilson was at the center of the “underclass” debate of the 1970s. His position was that the adversities of the “underclass” symbolized the social problems that the nation as a whole was suffering from, and that not only “race” but also “class” were related to them (see Chap. 6). However, after seeing the state-level abolition of Affirmative Action at the turn of the century, and his theory emphasizing “class” being utilized by conservatives to justify their arguments to end Affirmative Action, he modified his theory more toward that of “race.”

Shocked by California Proposition 209, Richard Kahlenberg of the National Policy Center in Washington, D.C., began to promote “need-based compromise”<sup>4</sup> in accordance with President Clinton’s



**Picture 9.1** Barack Obama and the author, Chicago, IL, August 30, 2002

Executive Order 13005 issued in May of 1995 to instruct companies contracted with the Department of Commerce to preferentially employ applicants from “distressed areas” regardless of “race.” Ironically, it was conservative Republicans who became interested in Kahlenberg. In the presidential election of 1996, Bob Dole, the Republican candidate, urged “need-based preferences” in his speech in San Diego, California, saying, “The real focus should be on helping citizens who are economically disadvantaged, to provide assistance based on need, not on skin color—in other words, need-based preferences, not race-based preferences.” Although defeated by Clinton, Dole contributed much to the passage of California Initiative 209.<sup>5</sup>

The second incident leading Wilson to reconsider his previous theory was the incident involving Henry Louis Gates, Jr., a colleague of his at Harvard University, who was arrested in front of his own home on July 16, 2009. This incident made Wilson have second thoughts about his previous emphasis on class regardless of “race.”<sup>6</sup>

### 1.3 *Toward “Affirmative Opportunity”*

The third and final reason for Wilson to change his mind was an address given by his old friend from his Chicago days. Obama, the prospective Democratic candidate for the presidential election, gave an impressive address at the National Constitution Center in Philadelphia on March 18, 2008, during the last part of his campaign. He urged Black males to administer “self-help” at the very place where the Declaration of Independence and the U.S. Constitution was promulgated. After referring to a tacit recognition of slavery by the founding fathers under the constitutional system and their continuation of the slave trade for two decades, the latter part of the address charged African American males to take responsibility as fathers:

For the African-American community, that path means embracing the burdens of our past without becoming victims of our past. It means continuing to insist on a full measure of justice in every aspect of American life. But it also means binding our particular grievances—for better health care, and better schools, and better jobs—to the larger aspirations of all Americans—the white woman struggling to break the glass ceiling, the white man whose (*sic*) been laid off, the immigrant trying to feed his family. And it means taking full responsibility for own lives—by demanding more from our fathers, and spending more time with our children, and reading to them, and teaching them that while they may face challenges and discrimination in their own lives, they must never succumb to despair or cynicism; they must always believe that they can write their own destiny.<sup>7</sup>

Although he referred to white America’s responsibility in the following part of his speech, he repeated his emphasis on the responsibilities faced by African American men at an African American church in Chicago on Father’s Day:

Of all the rocks upon which we build our lives, we are reminded today that family is the most important. And we are called to recognize and honor how critical every father is to that foundation. They are teachers and coaches. They are mentors and role models. They are examples of success and the men who constantly push us toward it. But if we are honest with ourselves, we’ll admit that what too many fathers also are missing—missing from too many lives and too many homes. They have abandoned their responsibilities, acting like boys instead of men. And the foundations of our families are weaker because of it. You and I know how true this is in the African-American community. We know that more than half of all black children live



in single-parent households, a number that has doubled—doubled—since we were children. We know the statistics—that children who grow up without a father are five times more likely to live in poverty and commit crime; nine times more likely to drop out of schools and twenty times more likely to end up in prison. They are more likely to have behavioral problems, or run away from home, or become teenage parents themselves. And the foundations of our community are weaker because of it... Yes, we need more cops on the street. Yes, we need fewer guns in the hands of people who shouldn't have them. Yes, we need more money for our schools, and more outstanding teachers in the classroom, and more afterschool programs for our children. Yes, we need more jobs and more job training and more opportunity in our communities. But we also need families to raise our children. We need fathers to realize that responsibility does not end at conception. We need them to realize that what makes you a man is not the ability to have a child—it's the courage to raise one.<sup>8</sup>

Jesse Jackson, one of the most influential African American civil rights activists, accused Obama of “talking down to black people,” although he later apologized and said that his words were “critical and crude.”<sup>9</sup>

Wilson acknowledged that Oscar Lewis' “culture of poverty” had influenced the long-term residents of the ghettos and urged the need for strong outside incentives for disadvantaged people to break the vicious cycle and change their lives. Although his basic standpoint never changed, Wilson was strongly moved by Obama's charge against African American men's lack of responsibility as fathers. Wilson reconsidered the indispensability of self-help among African Americans in tandem with structural aid by the government. After praising Obama's criticism against the persisting prejudice against African Americans, Wilson states:

However, Obama did not restrict his speech to addressing structural inequalities; he also focused on problematic cultural and behavioral responses to these inequalities, including a cycle of violence among black men and a “legacy of defeat” that has been passed on to future generations.<sup>10</sup>

Wilson has also criticized conservatives for making intentional use of his argument for “class-based” remedies for the “underclass.” He then reveals that he favors “Affirmative Opportunity,” meaning equal opportunities in life for minorities based on more flexible “merit-based criteria.” At the same time, he takes into consideration that white America still has an allergy to “racial preference.” With the slogan of “Affirmative Opportunity,” Wilson intends to cultivate more support in mainstream America.<sup>11</sup>

## 2 CURRENT DEMOGRAPHICS IN U.S. CITIES

### 2.1 *The Return of the White Middle- and Upper-Class to the Downtown Areas*

One conspicuous new trend can be seen in the U.S. metropolitan areas. There is now “reurbanization” instead of the suburbanization of a century ago, along with the gentrification of inner-city areas whereby wealthy young and/or older generations return to the inner cities. The “urban gentry,” consisting mainly of the white upper-middle class as well as temporary residents from the world over, are reevaluating the convenience of the metropolitan downtown areas in this age of globalization. Foreign capital is being invested in the old “shutter streets” (the main streets in downtown areas with many closed-down shops or offices) and high-class shops are being opened together with new residential units. With the revitalization of the inner cities the central governments can expect more tax revenue. But at the same time, the old ghetto residents are being pushed out because of rising rents. Additionally, these newly developed residential areas sometimes contain isolated gated communities, creating new problems in the inner cities.<sup>12</sup>

### 2.2 *Old and New Minorities Moving into the Suburbs*

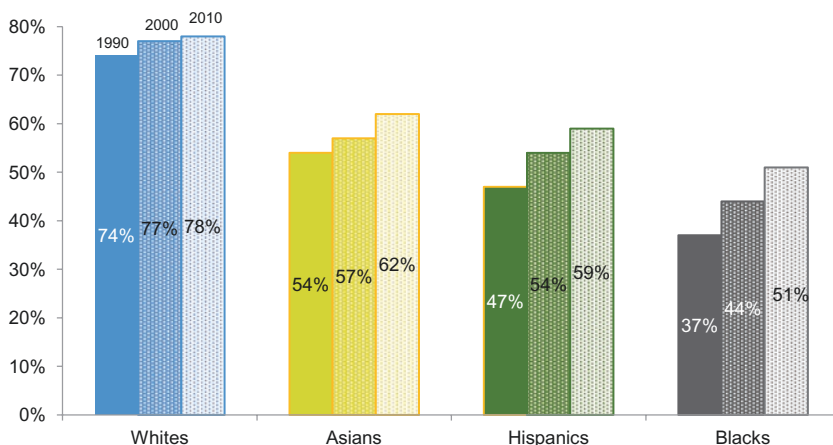
U.S. society is now experiencing an essentially different kind of demographic change, in which it has been predicted the white population will become a minority by the early 2040s (see Chap. 7). William H. Frey calls this “Diversity Explosion.”<sup>13</sup> “Racial change” has occurred several times in U.S. history, and each time the white majority has coped with this by extending its “whiteness,” as already shown. The recent “model minority” narratives are connected to last-ditch efforts by the white population to retain their “majority” status and privileges. Their “forts” have been the suburbs since the days of the Affluent Society of the 1950s and the 1960s. However, not only the growing African American middle class but also a rapidly increasing number of non-European immigrants are moving into the traditionally white-only areas.

According to Frey, the “melting pots,” with the most rapid economic growth and consisting of the increasingly multiracial states of California, New York, Texas, Florida, New Jersey, Illinois, New Mexico, and Hawaii, now account for 40 percent of the nation’s total population. More and

more minorities, both old and new, are moving across the metropolitan areas (from the inner cities to the suburbs) and by 2010 more than half of them had become suburbanites. The number of whites living in suburbs in the top 100 metropolitan areas fell from 81 percent in 1990 to 72 percent in 2000, and then 65 percent in 2010.<sup>14</sup> (See Fig. 9.1) Whites had begun to be divided into two groups: one retreating to the “exurbs,” that is, more inland areas, mainly consisting of the older Baby Boomers; and the other returning to the center of the metropolitan areas and made up of the above-mentioned “urban gentry.” Due to the above, the old, once white-only suburbia has begun to experience essential changes.<sup>15</sup>

### 2.3 *The Rising Black Middle Class*

As for the socioeconomic status quo of Black America, for instance, the latest (2009) income distribution figures show an obvious polarization: annual income for the largest group (11.3 percent) is under \$10,000, followed by the \$60,000–\$74,999 income bracket (8.6 percent) and the \$100,000–\$149,000 bracket (8.1 percent).<sup>16</sup>



**Fig. 9.1** Percent of residents residing in suburbs, 100 largest metropolitan areas, 1990–2010 (Source: William H. Frey, *Diversity Explosion: How New Racial Demographics are Remaking America* [Washington, DC: Brookings Institution, 2015], chap. 8, Figure 8–4)

As Eugene Robinson (b. 1954) deplores, the “disintegration” of a once monolithic Black America occurred in the post-Civil Rights era. For instance, in Washington, D.C., the number of younger middle-class Blacks is increasing in the adjacent suburban communities for the rich. Robinson, a Pulitzer prize-winning African American journalist, categorized present-day African Americans into the following four groups:

Mainstream middle-class majority with a full ownership stake in American society

a large Abandoned minority with less hope of escaping poverty and dysfunction than at any time since Reconstruction’s crushing end

a small Transcendent elite with such enormous wealth, power, and influence that even white folks have to genuflect

two newly Emergent groups—individuals of mixed-race heritage and communities of recent black immigrants that make African Americans like him wonder what ‘black’ is even supposed to mean.<sup>17</sup>

The rapid increase in the African American middle class is one attainment of the Civil Rights Movement. But according to in-depth research on this demographic in the Washington, D.C., metropolitan area, African Americans never completely lose their sense of uncertainty, whether they choose to live in Black-majority communities or more affluent, white-majority ones. Although the young African American middle class has assimilated into mainstream society as far as economics are concerned, they suffer from a common fear and anxiety: how to prepare their children for the anticipated prejudice they may encounter in mainstream society. Those who think that their children should confront this reality while they are young tend to choose the affluent white-majority suburbs, and those who think it is better to avoid this until their children are old enough to endure the predictable challenges from white America tend to live in middle-class suburbs with a Black majority. They maintain ties with Black culture by being members of African American churches in downtown Washington, D.C., and so on.<sup>18</sup>

#### *2.4 Persisting de facto Residential Segregation and Informal Discrimination*

Metropolitan Chicago, the old “Promised Land” of the Midwest for the Great Migration, has several traditionally all-Black, middle-class suburban neighborhoods. Mary Pattillo conducted further research on the Black

middle class of the Groveland neighborhood of Chicago after an interval of two decades. She discovered in the early 1990s the paradox of the Black middle class, leading better lives socioeconomically than those of the poor, regardless of “race,” but living in *de facto* segregated neighborhoods like those of poor African Americans. They owned their own houses, but they suffered frequently from violent crime and the difficulty of keeping their children in their relatively advantageous position, matters that most of their white counterparts never worry about. Their situation had become worse in the two decades since Pattillo’s previous research. What she found was not only the continuity of the previous paradox. The number of those living beneath the poverty line had increased, and in a sense, America is still “separate and unequal”:

Even though America is obsessed with race, some policy makers and even more average citizens act as if race no longer matters. The sweeping assaults on affirmative action programs are prime examples.... Even though the facts say differently, such perceptions partially rest on the visible progress that African Americans have made over the last half-century. The upward strides of many African Americans into the middle class have given the illusion that race cannot be the barrier that some make it out to be. The reality, however, is that even the black and white middle classes remain separate and unequal.<sup>19</sup>

In fact, the Black middle class occupies the lower-middle class. Pattillo showed the conspicuous trend of “downward mobility” among the young African American middle-class residents in Groveland compared with their white counterparts. The young pastor’s answer to Pattillo’s question, “What are the needs in the community right now?” symbolized this new critical phenomenon. “Jobs! .... People want to work but can’t find any jobs.” The unemployment rate in Groveland skyrocketed from 8 percent in 2000 to 17 percent in 2010. Moreover, the subprime mortgage crisis beginning in 2007 that triggered a rapid decline in home prices hit the Black middle and lower classes hard. Both middle-class and lower-class Black neighborhoods were disproportionately targeted for subprime loans by lenders and bankers regardless of their socioeconomic status. Even Blacks with high incomes were not spared. According to data published by the U.S. Department of Housing and Urban Development, the number of Blacks who refinanced because they were rejected for ordinary home loans with relatively low interest was nine times as high as that of their white counterparts. These ingenious tricks at least partly caused the Great Recession that began in the fall of 2008.<sup>20</sup>

## 2.5 *The Black Elites Return to the South*

A remarkable phenomenon in the post-movement days has been the return of the Black population to the South. This demographic trend of the Great Migration in Reverse is emerging especially among highly educated, high-income African Americans. This phenomenon first occurred in the 1970s and continues to this day. In the four decades from 1970 to 2010, the South gained as many as 10.1 million Blacks whereas other regions gained 6.2 million.

The result is a polarization among the once monolithic Black America. As Robinson points out, large numbers of the “Abandoned” with little hope of escaping from the poverty of the ghettos never receive public attention until a huge disaster such as Hurricane Katrina highlights their plight. Their poverty was, and is, inherited by their children. Robinson asks, “How did this breakup happen?”<sup>21</sup> It would be worthwhile to try to find out the causes for this miserable outcome of the movements from the 1960s. At the same time, it is necessary to search for ways to sing together “We Shall Overcome!” beyond “race” again.

## 3 EMPOWERMENT EFFORTS IN LOCAL COMMUNITIES

### 3.1 *Moving-Out Assistance or Ghetto Development?*

Patrick Sharkey, a Harvard graduate sociologist, pays special attention to the generational inheritance of disadvantages among poor African Americans in the ghettos. The main question tackled in his recent book titled *Stuck in Place* (2013) is: Why are so many poor people left behind in ghettos after four decades of the Civil Rights Movement and achievements such as Affirmative Action? His answer lies in the persistent *de facto* residential segregation. In a sense, he seems to support Douglas Massey and Nancy Denton’s conclusion in their classic work *American Apartheid* (1993).<sup>22</sup>

According to Sharkey, one of the major reasons for the increase in the Black middle class is the influx of immigrants from the Caribbean and West African nations, while most of the African American inner-city residents have been left behind and middle-class African American children sometimes go backward, away from their parents’ advantageous status:

By contrast, there has been an extraordinary amount of downward economic mobility among African American families that were doing fairly well a generation ago. A majority of African Americans whose parents were in the

middle class have fallen downward into a lower segment of today's income distribution.<sup>23</sup>

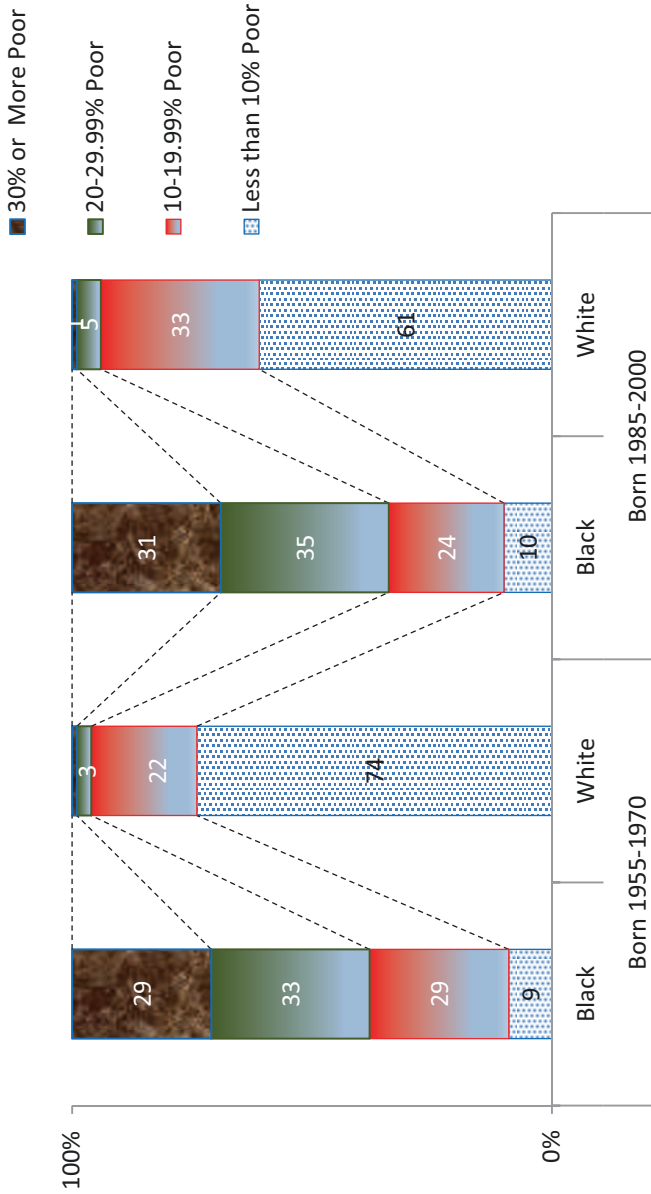
“How is it that the first generation of children able to take advantage of expanded civil rights has made so little progress toward economic equality?”<sup>24</sup> He adopts a multigenerational perspective and focuses especially on inherited disadvantages in the ghettos. He emphasizes how decisive a child's environment is for their future:

If growing up in a poor or violent neighborhood alters the schooling opportunities of a child, affects who serves as his role models, exposes him to pollutants in the air and soil, leads to consistently high levels of stress, and limits his economic opportunities, then it is logical to assume that the impact of the environment would be more pronounced for a child who spends the duration of his childhood years in the disadvantaged setting, relative to a child who spends only a few years in this setting before moving out. If a child is raised by a parent who grew up in a similarly disadvantaged neighborhood—a parent who was taught in similarly deficient learning environments, who witnessed the same violence, who also had few employment opportunities—it is reasonable to think that the effects of the environment would be amplified, reinforced by the consistency of disadvantage as experienced over generations of a family.<sup>25</sup> (See Fig. 9.2)

There are two kinds of assistance available for ghetto residents to break out of their desperate situation: moving out and ghetto development. As seen in Chap. 5, the former is not so much an essential solution as one that produces another problem, especially for those left behind. Therefore, it is worth looking at Sharkey's observations of the effects of “neighborhood change” programs on ghetto children. Although very difficult to measure, Sharkey concludes from long-term personal observations of two young Latino men—one who experienced positive change and the other negative—that environmental change will have a favorable impact on children, and that we must seek ways in which to assist ghetto residents to change their own environments such as the CAP, once tried and then left halfway, as seen in Chap. 5.<sup>26</sup>

### 3.2 *Results from Developmental/Cognitive Psychology*

Sharkey's argument is in accordance with recent findings in the field of developmental and/or cognitive psychology, which puts more emphasis on the effectiveness of “interference efforts” from outside in developing a



**Fig. 9.2** Neighborhood poverty levels among blacks and whites born in two periods: 1955–1970 and 1985–2000 (Source: Patrick Sharkey, *Stuck in Place: Urban Neighborhoods and the End of Progress toward Racial Equality* [Chicago, IL: University of Chicago Press, 2013])



child's academic achievements and IQ. Richard E. Nisbett (b. 1941), an authority in social psychology, demonstrates that academic achievement and intelligence depend on environment rather than DNA. As for the popular discourse on the high academic results of Asian Americans, he reveals that, in general, their IQ is less than that of Caucasians, and so these high academic results are the result of everyday effort. In a sense, "culture" is more decisive than "race" for children's future lives. Nisbett strongly advises against praising children's intelligence but instead to praise their hard work.<sup>27</sup>

Although highly evaluated as an exception to the CAP, the Head Start programs for preschool children in poverty are difficult to maintain at elementary, secondary, and college levels. There have been several successful statewide and nationwide challenges tried by NPOs. One of the most remarkable programs of this kind is the Knowledge is Power Program (KIPP), a nationwide network of public charter schools mainly for disadvantaged minority children from pre-kindergarten to college education, founded in 1994 by two Houston-area elementary school teachers, Michael Feinberg and David Levin. Nisbett evaluates the KIPP highly because of its intensive discipline and education that begins from a very young age and goes through to college graduation. The KIPP, in a sense, has successfully improved the defects of the original Head Start programs which were mainly for pre-school children and lacked continuity. According to Nisbett, the KIPP has produced considerable achievements:

KIPP's students are economically disadvantaged as a group. More than 80 percent are eligible for federal free or subsidized lunches. Most are African American or Hispanic. KIPP maintains that "while the average fifth-grader enters KIPP in the bottom third of test-takers nationwide (28th percentile), the average KIPP eighth-grader outperforms nearly three out of four test-takers nationwide (74th percentile) on norm-referenced reading and math assessments."<sup>28</sup>

### *3.3 A Miracle in Boston*

Returning to the 1990s, in the Dudley Street district, located between the old and new ghettos of Roxbury and North Dorchester in Boston, Massachusetts, a "miracle" was produced by a (then) newly established NPO. The Dudley Street Neighborhood Initiative (DSNI), since its establishment in 1996, has been engaged in the empowerment of the poorest

of the ghetto residents, with monetary support not only from traditionally benevolent individuals but also by local corporations, conscious of their social responsibility, along with subsidies given by the state and federal governments as well as the city government. The population of the Dudley Street Neighborhood is made up of Blacks/African Americans (72 percent), Latinos (24 percent), and whites (4 percent). Most of the Blacks/African Americans are not native but are Cape Verdeans, whose mother tongue is Portuguese, and with a per capita annual income of only \$12,332, considerably lower than that of the national African American average of \$18,357. One third of the local population is under 19 years old. The attainments of the DSNI can be seen on their webpage.<sup>29</sup>

### 3.4 *Moses's Unceasing Struggle in Mississippi*

Another successful example of local empowerment for disadvantaged people in inner cities is the Algebra Project, launched in Cambridge, Massachusetts, by Robert (Bob) Moses (b. 1935), an ex-leader of the SNCC (Student Nonviolent Coordinating Committee). The SNCC was an active organization that brought about the Voting Rights Act of 1965 through the dedicated efforts of Voter Registration Activities conducted in the Delta region of Mississippi in the 1960s, as seen in Chap. 4. Bob Moses was then exiled to Tanzania due to persecution by the FBI's COINTELPRO (counterintelligence program against the radicals). He returned to the United States in the late 1970s and began to teach algebra to children in Cambridge, Massachusetts, in 1982, the origin of his Algebra Project. After a while, he revisited Jackson, Mississippi, and then established a branch there and on the West Side of Chicago, Illinois. The Algebra Project has now spread across the whole country.<sup>30</sup>

I went to Mississippi twice in the early part of the new century to interview the "ex-activists." I paid two visits to Lanier Senior High School, an all-Black inner-city high school located in Jackson, where I was fortunate enough to meet and talk with Bob Moses and his young students. He was teaching algebra at a high school in the ghetto, the front door of which was equipped with a large metal detector, and two armed police officers, a man and a woman, were stationed to search students and visitors at the entrance. When I first visited the school in the summer of 2001, Bob Moses was in a classroom teaching mathematics calmly but enthusiastically to local students. Before coming to the Mississippi Delta region as a field secretary for the SNCC, he had been a graduate

student of mathematics at Harvard University, obtaining an M.A. He then became a mathematics teacher at Horace Mann High School in Harlem, New York. When he became the leader of the SNCC, the group rapidly turned to “Black Power.” He then sought refuge in Tanzania so that he could escape COINTELPRO. After his exile in Africa, he returned to the United States in 1976, and then launched the Algebra Project, which has been subsidized by the MacArthur Foundation since 1982. According to Moses, who taught math in Tanzania in exile, “The present-day computer literacy symbolized by algebra is something like one-time voting rights.” In present-day U.S. society, in order to confront the severe reality of the ghettos, simply using one’s right to vote is ineffective, he says. Without individual “self-help” it is impossible for youngsters to get out of ghettos. Moses, once named “an extremist revolutionary” by the FBI, has accepted this very severe reality and finally reached the conclusion that all he can do is to devote his remaining energy to empower and motivate the ghetto youngsters to finish high school and enter university. He established the Algebra Project by reorganizing a network of ex-activists and ex-supporters along with building a scholarship fund for college education for ghetto children. Moses was appointed to Cornell University in 2006 and began to teach about the SNCC and Martin Luther King, Jr.’s historical legacy. His thought can be summarized as follows: quality education is a constitutional right. This is what could be acceptable—that is, to lessen differences through the assistance of self-help. From the early stages of the Civil Rights Movement through to Black Power and to the welfare rights movement in the 1970s, ex-activists like Moses seem to have found their answer.<sup>31</sup>

### 3.5 *Mike Duggan of Detroit*

The last example of someone empowering inner-city residents is the example set by Michael Edward (“Mike”) Duggan (b. 1958), the white mayor of Detroit who was elected in November 2013 under the slogan “Every neighborhood has a future.” The appearance of “Motown” has totally changed in the last 50 years. The city’s population of more than 1.8 million in 1950 has decreased to 680,250 (2014), with a reduction in the white population from 83.6 percent in 1950 to 7.8 percent (non-Hispanic only) in 2010. This dramatic demographic change has been accompanied by a tragic economic shift. On July 18, 2013, Detroit filed the largest municipal bankruptcy case in U.S. history. Beginning in 2004,

Duggan was president and CEO of the Detroit Medical Center (DMC). He was in this position when the formerly nonprofit DMC was sold to publicly traded Vanguard Health Systems in 2010. He resigned his position at DMC in 2012 and moved from the suburb of Livonia to the city of Detroit to run for the office of mayor.<sup>32</sup> A majority of African Americans supported Duggan in the mayoral election because they had high expectations, especially considering his managerial competency and personal connections with the state government and the city's sister city of Toyota, the Japanese "Motown," as well as his enthusiasm and high moral standards. He launched a set of policies for revitalizing the inner city. A number of entrepreneurs, including newcomers from Asian nations, have applied for Duggan's project to induce new business and job training for inner-city youths. Duggan's ambitious efforts have proven effective, and have attracted nationwide and international attention.<sup>33</sup>

### 3.6 *Persistent De Facto Segregation of Neighborhoods*

Notwithstanding exceptional "miracles," Patrick Sharkey wonders why the African American children of the Civil Rights Movement have gained so little in the last 50 years. He concludes:

Most of the evidence presented throughout the book leads to a sobering conclusion: despite the optimism of the period, the generation of African American children raised during the civil rights era has made virtually no advancement out of the nation's poorest neighborhoods. While previous research has documented the persistent poverty and segregation that continue to characterize urban ghettos, this study has uncovered an additional empirical observation that adds a layer of complexity to the study of concentrated urban poverty and racial inequality. The families that occupied the ghettos of the 1970s are, in large part, the same families that occupy today's ghettos. Neighborhood advantages and disadvantages have been passed down to the current generation, and the consequences for racial inequality have been severe.<sup>34</sup>

He recommends that assistance be given by local and federal governments and public foundations, based not only on economic indexes but also the places where most Black children have been left behind for generations. He proposes two sets of urban policies. One is continued assistance to give local empowerment to bring about neighborhood change by local people, as well as more immediately effective moving-out assistance programs

using vouchers and other means such as the Choice Neighborhood initiative promoted by the Obama administration. The second is a set of policies to bring about an essential change in metropolitan areas, including policies to enhance regional-level cooperation by coordinating public transportation and expanding economic opportunities. Historically speaking, fortunes generated and accumulated by urban neighborhoods have largely been exploited by people in the suburbs in the latter half of the twentieth century.<sup>35</sup> A metropolitan-level solution is indispensable for policies to generate a more integrated U.S. society, as per former Princeton philosopher Michael Walzer's argument that was cited in Chap. 6.

## 4 CHILDREN OF BLACK IMMIGRANTS

### 4.1 *Appraisal of Black Immigrants*

Let us return to the theme of the second and third generations of Black immigrants. As Robinson points out, “[h]alf or more of the black students entering elite universities such as Harvard, Princeton, and Duke these days are the sons and daughters of African immigrants.”<sup>36</sup>

According to research carried out by Phillip Kasinitz, John Mollenkopf, Mary Waters, and Jennifer Holdaway, there are three reasons for the success of the children of West Indian immigrants compared with African American children. First, generally speaking, “immigrants,” regardless of “race,” are from the higher strata in their mother countries and have good educational backgrounds; second, they have more advantages than their parents and grandparents because they could enjoy the achievements of the Civil Rights Movement, including Affirmative Action; and third, their multicultural backgrounds, considered to be disadvantageous in the past, are seen as favorable in this age of globalization.<sup>37</sup>

As already mentioned, however, even though the children of West Indian and African immigrants perform better academically, the number of university graduates among them numbers only 30 percent. The remaining 70 percent have to compete for better lives with high school diplomas. Their situation is almost equal to that of the old domestic migrants from the South between the 1940s and the 1960s, who were gradually assimilated downward to the “culture” of the ghetto. On the other hand, Asians and light-skinned Latinos are able to get into the mainstream with their higher levels of education. A new color line is being drawn between “blacks” and “non-blacks” instead of the old one between whites and non-whites.

#### 4.2 *The Debate over Black Exceptionalism and a New Color Line*

The four sociologists cited above point out that the new color line, or a new “main cleavage,” is emerging between “non-blacks” and “blacks,” instead of the old one between “whites” and “non-whites.” They conclude that

The central cleavage in American life was once clearly between whites and non-whites. Today there is mounting evidence that it is between blacks and non-blacks.<sup>38</sup>

The same phenomenon has also been pointed out by David Hollinger, an authority on U.S. ethnic history.<sup>39</sup> Moreover, sociologists Jennifer Lee and Frank Bean have conducted many interviews and reached a similar conclusion regarding the new color line. According to Lee and Bean, with the mass influx of non-white/non-black immigrants since the passage of the Immigration Act of 1965, marriages beyond “race” have dramatically increased and the old dichotomy of black and white has changed enormously.<sup>40</sup> Since the census of 2000, when Americans could choose plural “racial” identities, the number of people who choose plural identities (“multi-races”) and/or “other races” rather than the traditional single categories has been gradually increasing. From the 2000 census to the 2010 census, Americans who chose “other races” (both as single and multiple) increased from 18,521,486 (6.6 percent of the total population) to 21,748,084 (7.0 percent), with most of them (97 percent) being Hispanics/Latinos, whereas those who chose “multiple races” (a category available since 2000 census) have increased slightly from 6,826,228 (2.4 percent) to 9,009,073 (2.9 percent), with most of them being Hawaiians and other Pacific Islanders, American Indians, and Alaskan Natives. The traditional “one-drop rule” has slowly but steadily been broken.<sup>41</sup>

There is an exception, however, and that is African Americans. David Hollinger has also repeatedly pointed out that there is a kind of “black exceptionalism,” a term also frequently used by Lee and her colleague:

No industrialized nation has so large a percentage of its population in prison as does the United States. And no such nation is producing so many mixed-race people....

Mixed-race people are a powerful symbol for an opportunity long said to distinguish American society from that of most societies in Europe and Asia: the making of new affiliations....

In the meantime, the number of prisons and prisoners grows. To the extent that the young people going off to prison are African Americans—which in our cities today, they often are—these time-servers perpetuate the very low-class position associated with their group and thus keep alive the debate over whether it is class or race that steers them toward prison.<sup>42</sup>

So there appears to be polarization between the highly educated, including newcomers, and the mainly black or dark-skinned “underclass” who are increasingly isolated from mainstream society and concentrated in the inner-city ghettos with limited opportunities available to them.

As such, African Americans and the second and third generations of Black immigrants, regardless of their economic status, feel that their appearance still connotes a certain meaning even today. For instance, a young female political scientist points out that her appearance, and especially her skin color, is still a decisive factor in her daily life. This outward element is suggestive of disadvantageous prospects for her and other people of similar appearance, including West Indian and West African immigrants and their descendants.<sup>43</sup>

### 4.3 *Downward or Upward Assimilation?*

Related to the above-mentioned debate over “black exceptionalism,” sociologists of immigration are now engaged in another critical dispute over the following questions. Can the model of multiculturalism work both for non-European immigrants who have come recently and voluntarily, and also for those who were brought much earlier, through forced labor? Which is more common for the second- and third-generations of Black immigrants, downward or upward assimilation? As far as West Indian immigrants are concerned, including those from the Dominican Republic whose mother tongue is Spanish, Richard Alba, Mary Waters, and Philip Kasinitz conclude that the main trend is upward, although there are a considerable number of exceptions, and they have been compelled to assimilate downward, as was the case with the African American Great Migrants from the South in the first half of the twentieth century.<sup>44</sup>

On the other hand, William Haller, Alejandro Portes, and Scott Lynch place more emphasis on downward assimilation. Portes coined the term “segmented assimilation,” meaning that there have been two assimilations in U.S. history, one for whites and the other for Blacks and/or Hispanics/Latinos, especially Mexicans. There are three obstacles to the latter’s upward mobility: persistent prejudice based on skin color,

deindustrialization, and young criminal gangs rampant in the urban ghettos. They argue that Alba, Kasinitz, and Waters ignore the mass incarceration of the (mostly male) second and third generation of immigrants and undocumented newcomers who are unable to find better employment, although they, too, agree that there are a number of exceptional elites among Latinos and West Indians.<sup>45</sup>

Both of the above-cited schools, Portes and Alva/Kasinitz/Waters are correct. Among others in this academic controversy, special attention must be paid to the fact that even the elites of the second- and third-generations of Black immigrants who are lucky enough to enter the mainstream often experience discrimination, especially from employees in expensive shops and restaurants, as well as police officers, because of their skin color:

Ironically, the black poor, who are more likely to experience what from the outside we might see as manifestations of “structural discrimination,” such as segregation in housing, schools, and jobs, are also less likely to have face-to-face encounters with whites (except, and this is the key exception, for the police).<sup>46</sup>

The discrimination that the Black elite experience in expensive restaurants and shops in gentrified areas in the inner cities is especially shocking to them because it signals that the hard work and sacrifices they have made are being denied, even in this so-called meritocratic country:

They (African Americans), along with West Indians, report the highest levels of discrimination while shopping and from the police. And the discrimination they experience while shopping is very different than what is reported by other groups—it is not due to social class. Better educated African Americans are *more* likely than the less well educated to report discrimination, the opposite of what occurs among native whites. Indeed, upward mobility in terms of class status may actually expose African Americans to more rather than less discrimination in their everyday life. Such situations are often understood as one in which “race,” an ascribed and immutable characteristic, is trumping class, which most Americans see as an achieved characteristic. Needless to say, this is the sort of discrimination that is the most frustrating for its victims, since there is so little that the victim can do about it.<sup>47</sup>

The second and third generations of the Great Migrants became “assimilated” to their environment and finally constituted a core of the “underclass.”<sup>48</sup> However, children of Black immigrants, especially those of the



elite, are uncompromising and utilize all achievements. Their uncompromising attitude toward discrimination, as informal and subtle as it may be, is part of their assimilation into America (as they think it is) or their efforts to mold America (as they think it should be).<sup>49</sup>

#### 4.4 *The Ironic Acculturation of Mexican Americans in the Age of Globalization*

We must not forget the very long term, and sometimes painful, assimilation experiences of generations of Mexican Americans living in the Southwestern states. Their ancestors suddenly became “Americans” after the end of the Mexican-American War (1846–1848). It took them more time, probably five generations, to assimilate themselves to the American way, in language and also in religion and values. But most of them have been left behind by mainstream America socioeconomically, like the majority of African Americans. Their ethnicity today remains almost just a symbol. What made them so different from European and Asian immigrants is structural “exclusion” by mainstream America. As Edward E. Telles and Vilma Ortis put it,<sup>50</sup> Mexican Americans have recently done well to acculturate themselves because legal barriers for meritocracy were removed and rising multiculturalism in this age of globalization has been a great help. But for the most part, their acculturation, like that of African Americans, has been accompanied by downward mobility. It is not because of a lack of effort but is due to structural exclusion. Telles and Ortis state:

Civil rights gains and a generally more open society may have worn down rigid racialized boundaries, but at the same time it also seems to have eroded cultural retention among later generations-since-immigration, despite legislative and activists’ efforts to maintain cultural diversity. Notwithstanding a growing acceptance of multiculturalism among at least some sectors of American society, acculturation for Mexican Americans is faster today than ever before.<sup>51</sup>

## 5 IN SEARCH OF A NEW AFFIRMATIVE ACTION

### 5.1 *The Persistent Disparity of “Race” in Occupations*

If we analyze the latest (2014) distribution of occupations by “race,” management and professional occupations are overwhelmingly comprised of

whites, while the number of whites in manual labor jobs is relatively low. Taking a detailed look at the statistical data, 87.6 percent of chief executive officers of corporations, 84.3 percent of lawyers, and 75.5 percent of education administrators are whites, while 55.8 percent of nursing and home caregivers, 52.4 percent of janitors and building cleaners, 53.6 percent of ground maintenance workers, and 66.1 percent of maids and cleaners are minorities. One profession with a relatively high percentage of minorities is the medical profession. Minorities make up 32.8 percent of physicians and surgeons. In manual labor jobs, waiters and waitresses are exceptional. The rate of whites in this category is 65.4 percent; this may have something to do with the above-mentioned discriminatory gaze and treatment that Black elites experience in expensive restaurants.<sup>52</sup>

In academic occupations, a recent and favorable change can be seen in gender. White women currently account for 35 percent of college teachers, while white males account for 44 percent. However, in the categories of “assistant professors,” “instructors,” and “lecturers,” that is, the younger strata, the number of white women (38 percent, 43 percent, and 44 percent, respectively) has surpassed those of white males (37 percent, 35 percent, and 37 percent, respectively). In this sense, we could conclude that white women have benefitted much from Affirmative Action.

## 5.2 *Not Abolition but Renewal Is Desirable*

Jennifer Lee and Frank Dean conclude that the original purpose of Affirmative Action should be reevaluated to redress historical injustices carried out based on skin color. As John Singleton’s movie *Boyz n the Hood* (1991) depicted, what separated a Black boy named Tre Styles, who eventually went on to university, and his friend “Doughboy,” a gang member and drug dealer who was shot to death, was a chance and the motivation to move outside the ghetto.<sup>53</sup> As explicit discrimination in employment and workplaces has disappeared to a remarkable degree, educational background all the more determines one’s future chances. Skin color alone is not such a decisive factor as in the past. A solution that is now feasible is to make available more opportunities for higher education to Black Americans, especially those living in the inner cities. At present I cannot help but conclude that these opportunities are “racially” imbalanced. Although the rate of high school graduates among African Americans between 25 and 29 years old was as high as 88.6 percent in 2011, the rate of those with a bachelor’s degree and further schooling remains only 22.7 percent.<sup>54</sup>

Moreover, the cost of higher education in the United States is much higher than in Europe and Japan. Maybe some African Americans perhaps have to give up on the idea of university for economic reasons. The result is thus a great discrepancy between African Americans and other groups. The hereditary poverty of African Americans combined with low motivation for upward social mobility surely reinforces this vicious cycle. The difference between poor whites living dispersedly among middle-class whites and Blacks living in the inner cities in isolation is the degree of concentration. The former can access more chances in life because of their dispersion and outward appearance. What is needed is not abolition but improved Affirmative Action, as, for example, in William Julius Wilson's suggestion of "Affirmative Opportunity."<sup>55</sup>

### 5.3 *Alternative Proposals for Affirmative Action Not Based Exclusively on "Race"*

As Michelle Alexander points out, a fundamental fear has been deepening among African American intellectuals as the state-level abolition of Affirmative Action gradually spreads:

Civil rights organizations are populated with beneficiaries of affirmative action (like myself) and their friends and allies. Ending affirmative action arouses fears of annihilation. The reality that so many of us would disappear overnight from colleges and universities nationwide if affirmative action were banned, and that our children and grandchildren might not follow in our footsteps, creates a kind of panic that is difficult to describe.<sup>56</sup>

Randall Kennedy suggests the following as a realistic strategy:

Many observers asserted over the years that it would be better to offer to all children excellent schooling, from prekindergarten through high school, than to offer preferences to graduating racial minorities who often have been shortchanged throughout their primary and secondary schooling. I concur. I would be willing to trade university-level affirmative action for an ironclad guarantee, no matter what the expense, of excellent primary and secondary schooling throughout the country. That deal, however, is unavailable. By contrast, racial affirmative action, with all of its deficiencies, is available. I will take what I can get for the purposes of making amends for past injustice, tapping into "diversity," countering ongoing prejudice, and accessing the benefits of integration.... My sense is that, under present circumstances, maintaining affirmative action is the best of the plausible options.<sup>57</sup>

What Kennedy expects under present circumstances is something akin to the state of Texas's plan, the "Top Ten Percent Act." This kind of system would benefit the best students of every high school regardless of location.<sup>58</sup> This plan could be accepted by people within the context of "fairness." However, a white woman who failed to get good test scores and was supported by a Washington, D.C.-based legal defense fund trying to overturn "race"-based affirmative action filed a lawsuit questioning the constitutionality of the "Top Ten Percent Act." In 2009, U.S. District Court judge Sam Sparks upheld the university's policy, and the Fifth Circuit Court affirmed this decision. But in June 2013 the U.S. Supreme Court ruled to send the case back to the lower court. The Fifth Circuit Court supported the University of Texas again the following year. The U.S. Supreme Court is currently making their final decision.<sup>59</sup>

#### 5.4 *"Place" and Economic Disadvantages Rather Than "Race" and Cultural Diversity*

Sheryll Cashin's mother, an African American student, was arrested with her 2-year-old daughter in her arms while participating in the sit-in in Huntsville, Alabama, in 1962. Cashin says, "I prefer place to race." By "place," she means that special consideration should be given to those university applicants from poverty-stricken neighborhoods:

Those who suffer the deprivations of high-poverty neighborhoods and schools are deserving of special consideration. Those blessed to come of age in poverty-free havens are not. Race still matters in American society, particularly in the criminal justice system. But race is under-inclusive.... Race is also over-inclusive in that it can capture people with dark skin who are exceedingly advantaged. African immigrants, on average, are better educated than every American subgroup, including Asians and whites.... Today, place is a more appropriate indicator of who gets excluded from consideration by admissions officers at selective institutions. Every high school in America has a cadre of strivers. Diversity by skin color enables universities to bypass achievers from inner-city, rural, and struggling suburban environs—kids who weren't handed perfection but did their very best with what they had.<sup>60</sup>

Walter Benn Michaels (b. 1948), a white literary theorist, whose latest book is cited by Cashin, argues that the appraisal of "diversity" since the

1980s has resulted in *de facto* approval of economic inequalities mostly in accordance with people's skin color. Therefore, Affirmative Action is ironically reinforcing "race" as a social reality by encouraging identity politics. Americans should concentrate more on economic justice than on enhancing superficial "diversity." He began to notice the deadly effect of the "diversity" of skin color among the upper class after he saw the disaster brought by Hurricane Katrina in 2005. "Diversity" is not a solution but a managerial means of huge economic inequality in U.S. society.<sup>61</sup>

The French economic historian Tomas Piketty agrees that a parent's income level is becoming more and more the deciding factor of whether children can finish university or not in the United States. The following argument of his supports Michaels's above-cited proposal for more assistance from public and/or private foundations for tuition and other expenses for university students from economically disadvantaged families:

By comparing various source of data, moreover, it is possible to estimate that the average income of the parents of Harvard students is currently about \$450,000, which corresponds to the average income of the top 2 percent of the U.S. income hierarchy. Such a finding does not seem entirely compatible with the idea of selection based solely on merit. The contrast between the official meritocratic discourse and the reality seems particularly extreme in this case. Total absence of transparency regarding selection procedures should also be noted.<sup>62</sup>

As we have already seen in the Introduction and Chap. 7 of this book, there is a huge gap between the university enrollment rate (85 percent of ages 18–24) and the rate of those who obtain bachelors or higher degrees (32 percent of ages 25–64). This means it is necessary to increase public aid for university students—especially for those from lower income families.

What is needed therefore is not a conversation on whether Affirmative Action is still necessary or not but a nationwide discussion on what kind of improvements should be made to Affirmative Action. As per the above-cited observations of Kennedy and Cashin, the "Top 10 Percent Rule" in Texas guaranteeing the top 10 percent of graduates of each high school get special consideration to be admitted to public universities, if coupled with public assistance for applicants from lower-income families as proposed by Michaels, could be the starting point toward a new Affirmative Action more suitable for a diversified and fairer U.S. society.

## NOTES

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2. Obama himself declared "Black" in the Census of 2010; see "Asked to Declare His Race, Obama Checks 'Black'," *The New York Times*, April 3, 2010, p. A9, accessed March 8, 2016, <http://www.nytimes.com/2010/04/03/us/politics/03census.html>. For an analysis of Obama's supporters and the related generation gap in present-day U.S. society, see Paul Taylor and the Pew Research Center, *The Next America: Boomers, Millennials, and the Looming Generational Showdown* (New York, NY: Public Affairs, 2014).
3. Barack Obama, *Dreams from My Father: A Story of Race and Inheritance* (New York, NY: Three Rivers Press, 2004).
4. Richard D. Kahlenberg, *The Remedy: Class, Race, and Affirmative Action* (New York, NY: Basic Books, 1996), p. xx.
5. Quoted in *ibid.*, pp. xx–xxi.
6. For more on this incident, see, for instance, Aby Goodnough, "Harvard Professor Jailed, Officer Is Accused of Bias," *The New York Times*, July 21, 2009, p. A13, accessed May 19, 2016, <http://www.nytimes.com/2009/07/21/us/21gates.html>.
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10. William Julius Wilson, *More than Just Race: Being Black and Poor in the Inner City* (New York, NY: W.W. Norton, 2009), pp. 141–143.
11. William Julius Wilson, "Race and Affirming Opportunity in the Barack Obama Era," in *Du Bois Review*, vol. 9-1 (W.E.B. Du Bois Institute for African and African American Research, Harvard University, 2012), pp. 5–16.
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14. Frey, op. cit., Chap. 3.
15. Elizabeth Kneebone and Alan Berube, *Confronting Suburban Poverty in America* (Washington, D.C.: Brookings Institution, 2013), Chap. 1.
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59. See Wikipedia’s “Fisher v. University of Texas,” accessed March 8, 2016, [https://en.wikipedia.org/wiki/Fisher\\_v.\\_University\\_of\\_Texas](https://en.wikipedia.org/wiki/Fisher_v._University_of_Texas).
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## Conclusion: In Search of a New Coalition for the Future

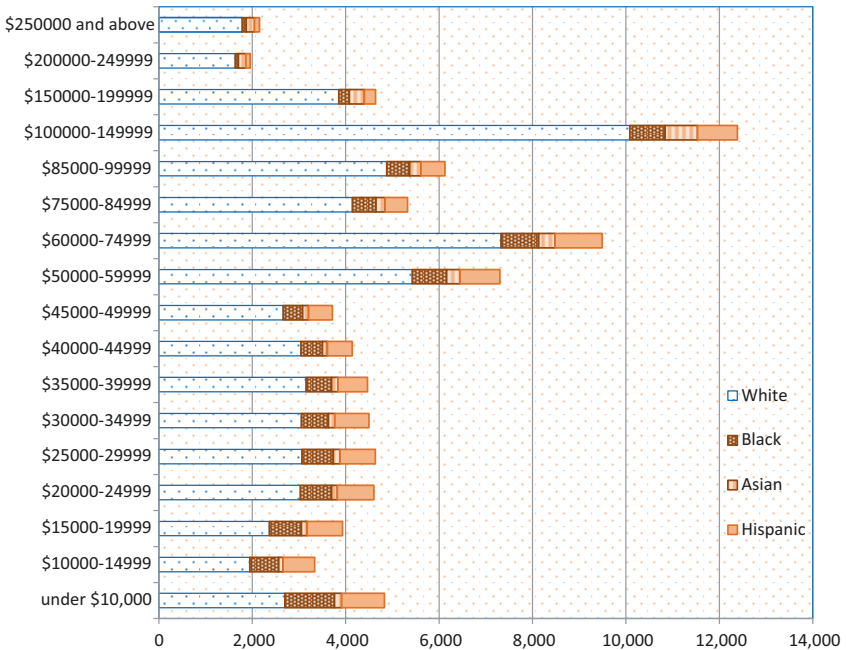
### 1 TOWARD A SHARED VISION OF THE FUTURE

#### 1.1 *Persisting Discrepancies and the End of Middle-Class Society*

The latest income statistics show continuing acute disparities among “races.” Taking annual income as an example, for non-Hispanic white households, the percentage of those whose income was under \$10,000 was 4.2 percent in 2009, whereas that of Blacks was 11.3 percent. However, to take the real number, our perception must be totally different. In the same year, out of more than 4 million American households that earned under \$10,000, the non-Hispanic white households made up 2.7 million households, or 66.3 percent. On the other hand, the number of American households in 2009 whose income was \$100,000 and over numbered about 20.2 million. An overview of the current income distribution shows that middle-class society has been replaced with a more polarized society. Regardless of “race,” the trend is toward the universal polarization of income. The end of middle-class society is also obvious in other “advanced” countries (see Figs. 10.1 and 10.2).

#### 1.2 *Turnout Rates by “Race” and Age*

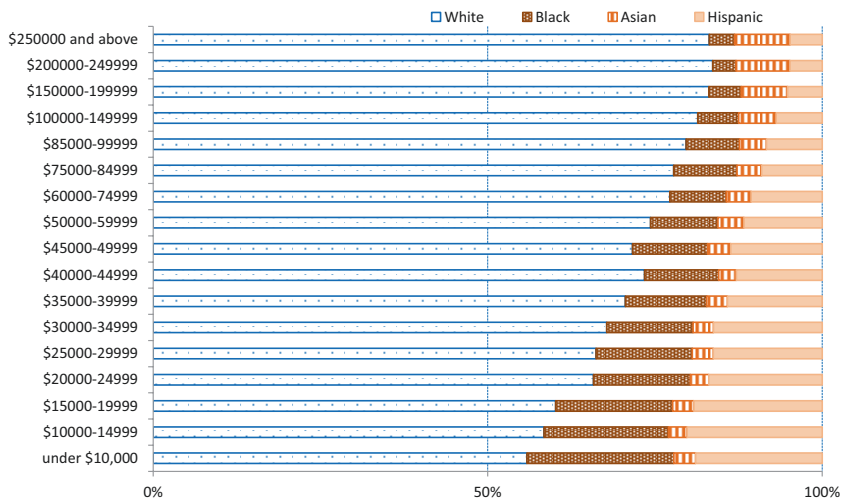
Within the framework of democracy, final decisions are in the hands of voters. In recent national-level elections, although interest in midterm



**Fig. 10.1** Family income distribution in numbers by race and Hispanic origin, 2009 (*Source:* U.S. Census Bureau, Statistical Abstract of the United States: 2012, Table 695. Money Income of Families—Number and Distribution by Race and Hispanic Origin: 2009)

elections is considerably lower compared to presidential elections, more people, especially Blacks, vote in presidential elections. Interest from younger people remains very low regardless of “race.” The highest voter turnout in 2012 was by Blacks who are 65 years old and over. Their rate (73 percent) surpassed their white counterparts (72.6 percent) for the first time. William Frey, an authority in the field of demographics who researched the presidential election of 2012, in which most of the political pundits had predicted a landslide victory by Mitt Romney, concludes:

In 2012, the economy continued to fade, and there were increasing expectations that Obama might not be reelected, particularly with the potential for stronger white support for the Republican candidate, Romney. Yet this time the story was mixed. White voters who actually cast ballots rang up



**Fig. 10.2** Family income distribution (percent) by race and Hispanic origin, 2009 (*Source:* U.S. Census Bureau, Statistical Abstract of the United States: 2012, Table 695. Money Income of Families—Number and Distribution by Race and Hispanic Origin: 2009)

the largest Republican voting margin since 1984, when Ronald Reagan beat Walter Mondale. The increased margin, in 2012, was evident among almost all demographic segments of the white population, from blue-collar whites to white college-graduate women. However, the voters who did cast ballots were part of an extremely low white turnout—a decline from the previous two elections.... Although it is true that Obama’s reelection was the result of several factors operating together—more minorities in the electorate, high voter turnout, and strong Democratic voting margins—the results demonstrate the strength of the minority vote in American politics. It is a strength that will need to be reckoned with by both parties in future elections.<sup>1</sup>

An additional aspect to the above-mentioned strengthened minority vote, and what Frey points out as a critical phenomenon in the presidential election of 2012, is the generation gap. Regardless of “race,” the younger generation, who face stiffer global competition, cannot afford to care for the aging Baby Boomers, while the Baby Boomers are more concerned with politics, especially welfare for the elderly, as shown in their higher turnout.<sup>2</sup>

### 1.3 *Not “Racial” But Generational Conflict*

When he turned 65, Paul Taylor published a monograph<sup>3</sup> in collaboration with the Pew Research Center detailing simultaneous trends—the inevitable aging of the white population and the influx of non-European immigrants who are giving birth to more and more children. According to Taylor, U.S. society has become both polarized and “more tolerant,” at least on the surface. The aging of the core population is a common problem among “advanced” countries. It is becoming more and more difficult for the aging children of the Baby Boomers, regardless of nationality, to expect the same welfare benefits as their parents, while their children, the so-called Millennials, are unable to plan for their future. The results of questionnaires that Taylor used in his research are more often than not contradictory. For instance, most people (65 percent) agree with assistance for the poor while only a few (25 percent) of them consent to an increase in the welfare budget. Most likely both reflect what people are really feeling.<sup>4</sup>

Taylor agrees with Frey that the high turnout rate among minorities contributed to the unexpected second victory of Barack Obama in November 2012. The Republicans received only 17 percent of the minority vote. Although the minority vote accounts for 28 percent of votes, they account for 38 percent of the present U.S. population. As stated previously, whites will certainly lose their majority status by the early 2040s. But the real conflict is not so much related to “race” as generation. A majority of white suburbanites, symbolic figures of the Affluent Society until the mid-1990s, are now suffering from “demography-is-destiny despair.”<sup>5</sup> Their children are more often than not finding it difficult to land jobs that are better paid and as stable as their parents’ jobs because of global competition. But they should know that the newcomers are also ardent believers in the American creed, as Taylor states:

As a people, we’re growing older, more unequal, more diverse, more mixed race, more digitally linked, more tolerant, less married, less fertile, less religious, less mobile, and less confident.... The fastest-growing household type in America contains just one person. Not far behind are multigenerational households, in which two or more adult generations live under the same roof, often because that’s the only way to make ends meet. More than 4 in 10 newborns have an unwed mother. Half are nonwhite. A teenager has less chance of being raised by both biological parents in America than

anywhere else in the world. Young adults are taking longer to grow up; the middle-aged longer to grow old; and the elderly longer to depart this vale of tears. Biases against minorities and gays are diminishing. Today's immigrants—nearly 9 in 10 of whom are not Europeans—look very different from the previous waves of settlers and immigrants who created America. But when it comes to embracing what we think of as traditional American values, it's hard to find more fervent devotees.<sup>6</sup>

#### 1.4 *The Gradual Increase in the “Black and White” Population*

The number of people who declare themselves to have multiple identities is increasing. Since the Census in 2000, people are able to choose single or multiple categories of self-identification. According to the latest published data from the U.S. Census Bureau, the number of people reporting more than one race rose from 6.8 million in 2000 to 9 million in 2010. One of the most remarkable aspects of this is the considerable increase in the number of people who chose “White as well as Black or African American.”<sup>7</sup> According to William Frey's analysis, this is mainly a reflection of the rapid increase in multiracial marriages. The percentage of multiracial marriages among all married couples increased dramatically from 0.4 percent in 1960 to 8.4 percent in 2010, and multiracial marriages made up 15.2 percent among newly married couples from 2008 to 2010.<sup>8</sup>

Although Black-white couples made up only 5 percent of all intermarriages in 2010, the ratio of the number of Black-white multiracial marriages to that of Black-and-Black marriages increased rapidly from 1.7 percent in 1960 to 12.3 percent in 2010. Accordingly, the section of the population that identifies themselves as “White and Black” (as on the Census) is growing. In the 2010 Census, there were 1,834,212 people in the United States who identified themselves as “White and Black,” an increase of 2.34 times since the 2000 Census. Although they make up only 0.6 percent of the total U.S. population, this is a remarkable change if we take into consideration that in many states miscegenation was legally prohibited until *Loving v. Virginia* in 1967 (see Chap. 3). The surprising fact is that 41 percent of the “White and Black” population are residents of the South; this may be because the younger generation also make up a larger proportion of the population in the South. The greatest increase in the “White and Black” population between 2000 and 2010 occurred in South Carolina (248 percent), followed by North Carolina (232 percent),

Georgia (223 percent), Mississippi (220 percent), and Alabama (209 percent). We could say that the old Black-white dichotomy based on the “one-drop rule” has lost its meaning.<sup>9</sup>

What has caused this? We can attribute this not only to globalization and a more diversified population but also to the host society’s struggle to cope with these changes. The non-European newcomers are ready and willing to assimilate themselves to the American way of life; they want equal opportunities to integrate themselves economically into mainstream American life. It is inevitable that mainstream society changes while accepting these newcomers, as shown in the long history of immigration in the United States, including the forced immigration of slaves. The key issue now is how the older, historically white-majority society will cope with the inevitable fall from their status as the single-majority.

### 1.5 *Is Brazil Really a Model for U.S. Society in the Future?*

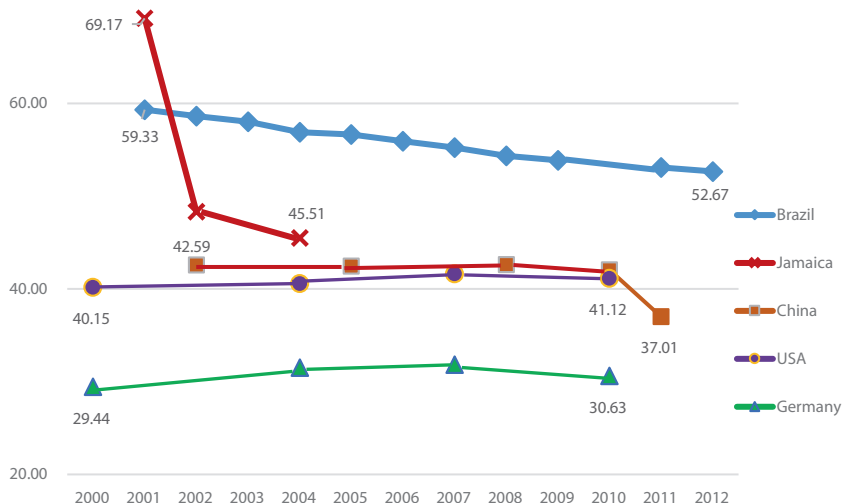
There is a tendency in the academic world to see the above-mentioned increase in multiracial marriages and a more multiracial population as a positive phenomenon. It is true that Latin-American style multiracialism may bring changes to the nature of the historical problems entwined around “race” in U.S. society. However, I would hesitate to recommend it as a model for a future U.S. society because a multiracial society like present-day Brazil has many essentially different problems. For instance, Brazil’s latest Gini coefficient, currently 52.6, is much higher than that of the United States (41.2) (see Fig. 10.3).

Additionally, in Brazil there is a skin-color hierarchy accompanied by socioeconomic strata as suggested in the Gini coefficient. Edward E. Telles and Christina A. Sue, whose research is sometimes mistakenly cited as evidence for the tendency of U.S. society becoming ever-closer to a Brazil-like multiracial society, warn as follows:

The idea that low levels of racism on the horizontal dimension (sociability, including intermarriage) can coexist with high levels on the vertical dimension (inequality and discrimination) seems counterintuitive, but in fact, it is this situation that exists in countries such as Brazil and has been deemed the “enigma of Brazilian race relations.”<sup>10</sup>

The huge inequality as shown by the Brazilian Gini coefficient will have to be accepted if we idealize Brazilian society without any reservations.





**Fig. 10.3** Comparison of Gini index among selected countries, 2000–2012 (Source: GINI index by World Bank estimation, 2014)

## 2 IN SEARCH OF A NEW COALITION FOR THE FUTURE

### 2.1 *Polarization Spreading Rapidly in White-Only Suburbia*

As already suggested here in this conclusion, white-only suburbia has also begun to suffer from the combined impact of deindustrialization and global competition in the form of the polarization of jobs and incomes that minorities, especially inner-city Blacks, have been burdened with since the 1970s. The War on Poverty, defective as it may have been, did much to reduce the poverty rate on a national scale, from 19 percent in 1964 to 12 percent in 1969. But as Luis A. Ubiñas, former president of the Ford Foundation, states:

But in recent years those numbers have risen, and for poor suburban families, their challenges are compounded by lengthy and costly commutes to work, a lack of reliable public transportation, and an absence of basic health

and social services that are more fully available and established in urban neighborhoods.<sup>11</sup>

American cities are now confronted with essential changes:

In 2010 the Ford Foundation committed \$200 million to a new Metropolitan Opportunity initiative, which supports integrated efforts that reach beyond individual neighborhoods to connect individuals to the full potential offered in their wider metropolitan region.<sup>12</sup>

According to an observation by Kneebone and Berube, one of the most critical changes since the beginning of the twenty-first century has been the spread of poverty to the suburbs:

Despite the fact that “poverty in America” still conjures images of inner-city slums, the suburbanization of poverty has redrawn the contemporary American landscape. After decades of growth and change in suburbs, coupled with long-term economic restructuring and punctuated by the deepest U.S. economic downturn in seventy years, today more Americans live below the poverty line in suburbs than in the nation’s big cities.<sup>13</sup>

These poverty-stricken suburbs were left behind even in the prosperous ICT (internet and communication technology) boom at the beginning of the twenty-first century. As the white residents begin to retreat further away, African Americans and new minorities, or non-European newcomers, are replacing them. The poverty rate is rising and only lower-paid service jobs are increasing in number, instead of once stable manufacturing jobs. For instance, the poverty rate doubled from 2000 to 2005 in the San Francisco Bay Area of California. However, this is not exceptional, but typical. Kneebone and Berube’s conclusion suggests that broader anti-poverty policies be created, a new version of the War on Poverty aimed not only at inner-city ghettos but also at cities as a whole:

By 2010, every one in three Americans was poor or near poor, meaning that 104 million people lived below twice the federal poverty line—23 million more than in 2000 (an increase almost the size of the population of Texas). With the U.S. population projected to grow to 400 million by 2050, even a return to prerecession trends would mean another 19 million people in or near poverty. Without a change in course, poverty is likely to reach deeper into the nation’s metropolitan regions, even as it continues to concentrate in distressed inner-city and suburban locales. Current systems for addressing

poverty cannot simply be refined; they must be reformed and remade to respond to the realities of contemporary metropolitan America.<sup>14</sup>

## 2.2 *Successful Class Solidarity Models Beyond “Race” Emerge in the South*

There are two options for the once all-white suburbanites to choose: one is to retreat further out of the suburbs to defend their privileges; the other is to search for a new agenda and a coalition, based on class, with old and new minorities, which seems more reasonable to a majority of whites because economic polarization has begun to force many middle-class whites into the lower class. To an outside observer like myself, the former seems doomed to fail. As for the latter choice, Sheryll Cashin (cited in Chap. 9) expresses the possibility of building a new political coalition beyond “race.”

As already mentioned in Chap. 9, Arizona established a law allowing police officers *de facto* discriminatory profiling based on skin color. Despite the Obama administration’s positive interjection here, this trend is spreading state by state, for example to Alabama, Georgia, and South Carolina, although it was defeated in Mississippi. Cashin explains as follows:

Like others crafted by the American Legislative Exchange Council, this bill was designed to make undocumented immigrants so miserable that they would voluntarily leave the state. Supporters of the bill thought they would succeed because Republicans had taken control of both houses of the legislature in the November 2011 elections, for the first time since Reconstruction. In the same elections, Tea Party-backed Republican Phil Bryant was swept into the governor’s mansion on a staunch anti-immigrant platform. The state Legislative Black Caucus kicked into action. In the previous decade it had defeated over two hundred anti-immigrant bills. But these black Democrats were no longer part of the controlling majority and therefore didn’t command the committee chairs that had enabled them to defeat many measures. Instead, they used their voices to illustrate the ugliness of HB 488. “We forced a great debate in the house, until 1:30 in the morning,” said Caucus leader Jim Evans to the *Nation*.<sup>15</sup>

Among others, HB 488 mandates that law enforcement verify the immigration status of people they arrest, inviting racial profiling. And schools would be required to report the immigration status of their students. Some Black caucus members who had never weighed in on immigration spoke out against this attempted “ethnic cleansing.” Many white legislators also rose to speak against the bill. The lock-step ideologies that propelled

anti-immigrant measures in Georgia, Alabama, and South Carolina did not prevail in Mississippi because opponents in this particular Deep South state had organized themselves very much against this discriminatory measure. Behind the scenes was Bill Chandler, a white, new-generation political activist married to a Black woman. He established the Mississippi Immigrant Rights Alliance (MIRA) in 2000 because he was disturbed by police raids on immigrant homes and roadblocks used to capture undocumented people in and around Jackson. As Cashin noted:

Chandler and other leaders of MIRA calculated that blacks, who were 37 percent of the state population, joining forces with the citizen-children of undocumented Latinos, who were beginning to register to vote, and with union members would create a powerful political coalition. “We wouldn’t have had a chance against [HB 488] without 12 years of organizing work,” explained Representative Evans to the *Nation*. Evans, who serves on MIRA’s board, continued: “We worked on the conscience of people night and day, and built coalition after coalition. Over time, people have come around. The way people think about immigration in Mississippi today is nothing like the way they thought when we started.”<sup>16</sup>

As an outsider, I think the above-mentioned trend looks more reasonable and has better prospects for the mutual interests of the majority of people in near-future, post-middle-class U.S. society.

### 3 IN SEARCH OF JUSTICE WITHIN DEMOCRACY

#### 3.1 *Toward the Full Equalization of Opportunities for All*

As a long-time outside observer, it seems to me that if you want to build a widely supported base for political demands in U.S. society, the base must be built on a “fairness” that is acceptable to as many people as possible. In this sense the notion and content of “fairness” must look not only reasonable, but also feasible, to be acceptable. The meaning of “fairness” here that most of the members of a society could consent to has something to do with its value system. Values in U.S. society are closely related to individualism and “self-help.”

It is true that some elements, such as the extraordinarily high percentage of households headed by women in the African American community, regardless of economic class, probably indicates that there are cultural reasons behind the figures. “Self-help” incentives from outside will help in

improving things but only to a certain extent. However, there are other indexes in the government statistics, such as the high percentage of children in poverty in ghettos, highlighting that the situation is clearly beyond “self-help” and “individual responsibility.” In other words, there are still huge differences according to one’s birthplace and circumstances.

William Julius Wilson conceded the necessity for the outside world to give effective incentives to people in ghettos. Only the government can—and must—save children who are born into generational poverty. They should be assisted so that they will have opportunities in the future. The most acceptable and effective way can be found in educational reform. Examples of the empowerment of local people are Dudley Street in Boston and Bob Moses’ Algebra Projects in Jackson, Mississippi, and Chicago, Illinois. In collaboration with local governments, dedicated individuals as well as corporations that are conscious of social responsibility have attained encouraging results. The KIPP—a nationwide network of public charter schools for pre-kindergarten through college education for mainly non-white, disadvantaged children from the inner cities—is a new attempt to combine traditionally voluntary assistance with governmental aid to enhance self-help. However, it seems that mainstream American society has not sufficiently assisted the above-mentioned achievements by dedicated local people, such as Mike Duggan’s recent efforts that are proving effective in Detroit (see Chap. 9).

### 3.2 *Expectations for a Nation Historically Pursuing Fairness*

The civil rights activists did not aim to equalize the poverty rate among “races.” The incarceration rate for the nation as a whole has risen dramatically since the beginning of the War on Drugs; the number of violent crimes is decreasing among African Americans, while minor offenses are increasing rapidly because of the War on Drugs and strengthened traffic regulations. What U.S. society should aim at is not so much to equalize the rates of poverty and incarceration among “races” but to reduce them as a whole. At the same time, the irrationally high rate of incarceration for African American males has been caused at least partly by so-called preventive police operations based on difference of appearances including the notorious “racial profiling” consented by judicial authorities. To an outside observer, this is nothing but prejudice.<sup>17</sup>

To attempt to summarize the American concept of “fairness” is not an easy task, but it could be as follows: the elimination, wherever possible, of

all differences and/or acquired conditions imposed on a person beyond his/her responsibility.

U.S. society has been tackling the unsolvable issues of personal responsibility and public obligation fairly well and it is edging closer to a basic common image of a “fair society” that most of its members can accept—a society where every member is guaranteed certain conditions, including economic conditions, to fulfill his or her personal potential and responsibilities as a citizen. In other words, the national government has the responsibilities to make sure that every member of society can fulfill his or her personal responsibility and be socioeconomically and culturally independent.

Through my own observations as an outsider, U.S. society has always been readier than any other society the world over to respond to the call for “fairness” at different times in its history. This impression may be common among people from foreign countries, like my family and I, who lived in the United States for a certain period of time. Moreover, there is a tradition in U.S. society to listen to an outsider’s observations that often contain severe criticisms as well as positive comments. Thomas Paine, whose *Common Sense* (1776) ignited the American Revolution for Independence, was a newcomer to Philadelphia from England; in this sense he was the pioneer in this tradition. In the early 1830s, de Tocqueville from France encouraged the development of American democracy; the Swedish Nobel laureate Karl Gunnar Myrdal, who was invited by the Carnegie Corporation during WWII, helped the United States overcome what he termed the American Dilemma, and so on. The latest example is Thomas Piketty, who had a strong influence on the Occupy Wall Street Movement, when protestors representing “the 99 percent” demonstrated against the wealthiest 1 percent in late 2011 and early 2012.<sup>18</sup>

The main argument of Ian Bremmer’s *Superpower* (2015) coincides with what I wish to emphasize in this book. Bremmer recommends the United States be “a city upon a hill,” that is, a model for the rest of the world. Instead of trying to persuade other countries to be more democratic and fairer, the United States should concentrate its resources on making its domestic society the same as the ideals that it has been advocating since its independence. A nation with high ideals but putting its self-interest first will not be able to secure true followers and the United States can no longer afford to fulfill its ideals in the world by postponing coping with its domestic challenges. Bremmer states, “Let’s invest more money more wisely in American education, rebuild our infrastructure, care for

our veterans and all who need help at home, and allow Americans to keep more of what they earn to help build the strong, resilient economy crucial for the country's future." He does not mean a retreat to isolationism. "Let's build an America that others believe is too important to fail."<sup>19</sup>

To realize a society of equal opportunities for all, Michael Walzer's words are important—that every American must think again "what it means to be an American."<sup>20</sup> In a sense, what Walzer means by the word "American" seems to go beyond nationality, toward a more universal global citizenship.

## NOTES

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2. Ibid.
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4. Ibid., "Preface."
5. Ibid.
6. Ibid., "Introduction."
7. "The Two or More Races Population: 2010," U.S. Bureau of Census, 2012, accessed March 8, 2016, <https://www.census.gov/prod/cen2010/briefs/c2010br-13.pdf>.
8. Frey, op. cit., Chap. 10.
9. Ibid.
10. Edward E. Telles and Christina A. Sue, "Race Mixture: Boundary Crossing in Comparative Perspective," *Annual Review of Sociology* vol. 35 (August 2009): 129–146. See also Edward Eric Telles, *Race in Another America: The Significance of Skin Color in Brazil* (Princeton, NJ: Princeton University Press, 2004).
11. Luis A. Ubiñas (former President of the Ford Foundation), "Forward," in Elizabeth Kneebone and Alan Berube, *Confronting Suburban Poverty in America* (Washington, D.C.: Brookings Institution, 2013).
12. Ibid.
13. Kneebone and Berube, *Confronting Suburban Poverty in America*, Chap. 1.

14. Ibid.
15. Sheryll Cashin, *Place, Not Race: A New Vision of Opportunity in America* (Boston, MA: Beacon Press, 2015), Chap. 5.
16. Ibid.
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18. Thomas Piketty, *Capital in the Twenty-First Century* (Cambridge, MA: Harvard University Press, 2014). The English translation of Piketty’s book criticizing the weak tax system for the wealthiest in the United States and other “advanced” societies became a *New York Times* best seller in May 2014. This rare phenomenon probably has something to do with the following fact. In the United States, based on pre-tax and pre-transfer income per family reported on tax returns, the share of total annual income received by the top 1 percent has more than doubled, from 9 percent in 1976 to 20 percent in 2011. See also Facundo Alvaredo, Anthony B. Atkinson, Thomas Piketty, and Emmanuel Saez, “The Top 1 Percent in International and Historical Perspective,” *Journal of Economic Perspectives*, vol. 27–3 (Summer 2013), pp. 3–20, accessed March 8, 2016, <http://eml.berkeley.edu/~saez/alvaredo-atkinson-piketty-saezJEP13top1percent.pdf>.
19. Ian Bremmer, *Superpower: Three Choices for America’s Role in the World* (New York, NY: Portfolio/Penguin, 2015), pp. 201–202.
20. Michel Walzer, *What it Means to be an American* (New York, NY: Marsilio, 1992). See also the last part of Chap. 6 again.



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