

## SHALL WE OVERCOME? “POST-RACIALISM” AND INCLUSION IN THE 21<sup>ST</sup> CENTURY

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### I. INTRODUCTION.

The subject of “post-racialism” has been rather topical since Barack Obama was elected President.<sup>1</sup> I greatly appreciate this opportunity to re-

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1. See, e.g., Sumi Cho, *Post-Racialism*, 94 IOWA L. REV. 1589 (2009) (explaining the features of post-racialism and how it works in different contexts); Thomas F. Pettigrew, *Post-Racism? Putting President Obama’s Victory in Perspective*, 6:2 DU BOIS REV. 279 (2009) (arguing that claims of a “post-racialism” America are premature, *inter alia*, because of continued evidence of racism especially on the part of some white southern voters and older voters); CHRISTOPHER J. METZLER, THE CONSTRUCTION AND REARTICULATION OF RACE IN A “POST-RACIAL AMERICA” (Authorhouse, 2008).

Cho, *supra*, cataloged the following samples of racial-transcendence narrative in mainstream media: Stu Bykofsky, *My First Post-Racial Column: America Is on the Ascent*, PHILA. DAILY NEWS, Nov. 6, 2008, Local Section, at 7 (disclosing his initial plan for his first column entailed telling the ‘race merchants’ who only see America’s warts ‘to sit down and shut up because a country—this one—that has just elected its first black president cannot fairly be accused of systemic racism’); Frank Harris, *Election’s a Sign of Progress For ... Whites*, HARTFORD COURANT, Nov. 14, 2008, at A19 (extolling Obama’s election as ‘a glowing sign of white progress in living up the true meaning of this nation’s creed’); Editorial, *Obama and Affirmative Action*, BOSTON GLOBE, Nov. 15, 2008, at A10 (announcing that ‘the old common sense about race’ died with Obama’s election, prompting a move away from the ‘stale notions of affirmative action’); Editorial, *Obama’s Historic Victory Reflects Nation’s Dynamism*, USA TODAY, June 4, 2008, at A10 (suggesting that ‘Obama’s success is a testament to the remarkable progress in American society since that Jim Crow era’); Editorial, *Our Moment of Unity: Let’s All Relish This Remarkable Progress Together*, DALLAS MORNING NEWS, Nov. 6, 2008, at A18 (observing that ‘it is impossible not to be proud that America has taken a giant leap forward away from our original sin - slavery - and toward redemption’); Peter Wallsten & David G. Savage, *Obama Win Used Against Rights Laws; Conservatives Say Black Victory Erases Need for Voting Act*, CHI. TRIB., Mar. 15, 2009, at C5 (reporting legal briefs filed by conservative legal foundations that argue that ‘Obama’s election heralds the emergence of a colorblind society in which special legal safeguards for minorities are no longer required’); Rachel L. Swarns, *Vaulting the Racial Divide: Obama Persuaded Americans to Follow*, N.Y. TIMES, Nov. 5, 2008, at 7 (reporting on the ‘immensity of the nation’s progress’ reflected in Obama’s election); Joan Vennoch, Op-Ed., *Closing the Door on Victimhood*, BOSTON GLOBE, Nov. 6, 2008, at A23 (declaring ‘that Obama’s victory closes the curtain on the old civil rights movement’ and shifts the dialogue away from victimhood). *But see* Editorial, *The*

flect on the extent to which Americans have, or have not, transcended race. The topic interests me tremendously because for many years I have been an advocate for race and class integration, which I addressed at length in my book *The Failures of Integration*.<sup>2</sup> In *The Failures*, my main argument for pursuing meaningful integration is that a nation premised on race and class separation renders the “American Dream” of residential choice leading to upward mobility impossibly expensive and out of reach for many people. Everyone is harmed in a nation of separate, racialized mobility tracks. Unfortunately, several current federal policies encourage rather than discourage racial segregation.<sup>3</sup>

Integration advocates tend to argue that a degree of race consciousness is required in order to achieve meaningful inclusion, although pragmatists like myself accept that there may be strategic or other reasons for using class as a proxy for race.<sup>4</sup> Obviously, there are certain legal constraints to

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*Myth of Post-Racial America*, ST. LOUIS POST-DISPATCH, Jan. 22, 2009, at C8 (acknowledging Obama's election and inauguration as mileposts in the nation's progress, but maintaining that the declaration of a ‘post-racial’ era ‘is a bridge too far’); DeWayne Wickham, *Post-Racial Era? Go Tell Victims of Police Shootings*, USA TODAY, Jan. 13, 2009, at A12 (pointing out the obvious contradiction between a putative post-racial era and one in which a white transit cop executes with a shot to the back an unarmed, twenty-two year old African-American man, who was immobilized, lying face down on the ground).

Cho, *supra* note 1, at 1595, n.13.

2. SHERYLL CASHIN, *THE FAILURES OF INTEGRATION: HOW RACE AND CLASS ARE UNDERMINING THE AMERICAN DREAM* (Public Affairs, 2004).

3. See EXECUTIVE SUMMARY TO NATIONAL COMMISSION ON FAIR HOUSING AND EQUAL OPPORTUNITY, *THE FUTURE OF FAIR HOUSING*, at Executive Summary (December 2008) (noting that “[t]he federal government’s three largest federal housing programs (Section 8, public housing, and the Low Income Housing Tax Credit) serve more than 4.5 million families and yet do very little to further fair housing and, in some cases, work to create and/or maintain segregated housing patterns.”), available at [http://www.civilrights.org/publications/reports/fairhousing/future\\_of\\_fair\\_housing\\_report.pdf](http://www.civilrights.org/publications/reports/fairhousing/future_of_fair_housing_report.pdf). See also Lance Freeman, THE BROOKINGS INST., *SITING AFFORDABLE HOUSING: LOCATION AND NEIGHBORHOOD TRENDS OF LOW INCOME HOUSING TAX CREDIT DEVELOPMENTS IN THE 1990S* (2004) (showing that the Low-Income Housing Tax Credit program, the federal government’s largest housing opportunity program for low-income families, tends to concentrate affordable housing in poor inner-city neighborhoods), available at [http://www.brookings.edu/~media/Files/rc/reports/2004/04metropolitanpolicy\\_freeman/20040405\\_Freeman.pdf](http://www.brookings.edu/~media/Files/rc/reports/2004/04metropolitanpolicy_freeman/20040405_Freeman.pdf); Gary Orfield, The Civil Rights Project, *REVIVING THE GOAL OF AN INTEGRATED SOCIETY: A 21<sup>ST</sup> CENTURY CHALLENGE*, at 7 (2009) (arguing that “government is doing little or nothing to facilitate successful and lasting integration”), available at <http://www.fairhousingforall.org/sites/default/files/files/RevivingtheGoal.pdf>.

4. See Alexander Polikoff, *Racial Inequality and the Black Ghetto*, 1 NW. J.L. & SOC. POL’Y 1 (2006) (advocating a new, race-conscious national section 8 voucher program); Sheryll Cashin, *Getting the Politics Right on a National Gautreaux Program*, 14 POVERTY & RACE RESEARCH ACTION COUNCIL, Washington, D.C., Jan./Feb. 2005, at 6, available at [http://www.prac.org/full\\_text.php?text\\_id=1024&item\\_id=9350&newsletter\\_id=79&header=Search%20Results](http://www.prac.org/full_text.php?text_id=1024&item_id=9350&newsletter_id=79&header=Search%20Results) (advocating the use of class as a proxy for race in any new national housing voucher program); Bridgette Baldwin, *Colorblind Diversity: The Changing Significance of “Race” in the Post-Bakke Era*, 72 ALB. L. REV. 863 (2009) (arguing language of race neutrality does not allow for the diversity programs performed by the schools in Parents Involved); John A. Powell & Stephen Menendian, *Parents Involved: The Mantle of Brown, The Shadow of Plessy*, 46 U. LOUISVILLE L. REV. 631 (2008) (critiquing the color-blind theory used in *Parents Involved* as protecting segregation); Florence Wagman Roisman, *End Residential Racial Segregation: Build Communities that look like America*, 2 HARV. L. & POL’Y REV., Vol. 2 (2008) (arguing the necessity of focusing on race in order to achieve racial integration in housing), available at <http://www.hlpronline.com/Roisman.pdf>. See also R.L. Linn & K.G. Welner, Eds., NAT’L ACAD. OF EDUC. COMM. ON SOCIAL SCI. RESEARCH EVIDENCE ON RACIAL DIVERSITY IN SCHOOLS, *RACE-CONSCIOUS POLICIES FOR ASSIGNING STUDENTS TO SCHOOLS: SOCIAL SCI. RESEARCH AND THE SUPREME COURT*

overt usage of race in any state-sponsored program. There are at least two competing strains of thought in equal protection jurisprudence regarding the appropriateness of race consciousness. Justice O'Connor's opinion in *Grutter v. Bollinger*, for example, recognizes a compelling interest in educational diversity and upholds (for twenty-five years) a degree of race-consciousness in law school admissions.<sup>5</sup> In contrast, Chief Justice Roberts in *Parents Involved in Cmty. Sch. v. Seattle Sch. Dist. No. 1* jettisons race-conscious voluntary integration in public schools and advocates a colorblindness that is inconsistent with *Grutter*.<sup>6</sup> Justice Kennedy straddles these views somewhat and offers mild encouragement in *Parents Involved* for future integration efforts that do not focus on the race of individual students.<sup>7</sup> Despite Justice Kennedy's invitation to pursue school integration through milder race-conscious methods, the case has had an impact among school districts in discouraging race-consciousness in order to avoid costs of litigation.<sup>8</sup>

## II. POLITICAL POST-RACIALISM.

In this essay, I would like to focus on the political, rather than legal, constraints to intentional consideration of race. More specifically, I would like to reflect on the state of race relations and the degree to which race remains relevant in social and political discourse. Considerable social science literature suggests that most of us cannot escape thoughts of race or racial framing.<sup>9</sup>

A large body of evidence from experimental psychology demonstrates *unconscious* bias on the part of whites *and minorities* against racial minori-

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CASES, 3 (R.L. Linn & K.G. Welner eds., 2007) (analyzing the social science research cited in 64 amicus briefs submitted in the Parents Involved case and concluding that "none of the proposed alternatives [to race-conscious school assignment plans] is as effective as race-conscious policies for achieving racial diversity [in public schools]"), available at [http://www.naeducation.org/Meredith\\_Report.pdf](http://www.naeducation.org/Meredith_Report.pdf); Erica Frankenberg, CHARLES HAMILTON HOUSING INSTITUTE FOR RACE & JUSTICE, VOLUNTARY INTEGRATION AFTER PARENTS INVOLVED: WHAT DOES RESEARCH TELL US ABOUT AVAILABLE OPTIONS?, 24, Working Paper (2007) (concluding that "[a]vailable research on permissible options demonstrates that race-neutral [school integration] alternatives have been far less effective than race-conscious ones"), available at <http://www.charleshamiltonhouston.org/assets/documents/publications/Frankenberg%20-%20Voluntary%20Integration%20After%20PICS.pdf>.

5. *Grutter v. Bollinger*, 539 U.S. 306, 325 (2003) ("[T]oday we endorse Justice Powell's view that student body diversity is a compelling state interest that can justify the use of race in university admissions"). *But see id.* at 343 ("We expect that 25 years from now, the use of racial preferences will no longer be necessary to further the interest approved today.").

6. *Parents Involved in Cmty. Schools v. Seattle School Dist. No. 1*, 551 U.S. 701, 748 (2007) ("The way to stop discrimination on the basis of race is to stop discriminating on the basis of race.").

7. *Id.* at 783 (Kennedy, J., concurring) ("Diversity, depending on its meaning and definition, is a compelling educational goal a school district may pursue.").

8. See The Integration Report, <http://theintegrationreport.wordpress.com/> (providing a monthly update on the status of integration in our nation's schools).

9. See generally, Shankar Vedantam, *See No Bias*, WASH. POST, Jan. 23, 2005, at W12 (noting that the Harvard IAT results showed that 88% of white people had a pro-white or anti-black implicit bias and that more than two-thirds of non-Arab, non-Muslim test takers displayed implicit bias against Arab-Muslims).

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ties, especially African-Americans.<sup>10</sup> This is in contrast to a dramatic reduction in *explicit* (reported) bias.<sup>11</sup> There is much evidence to suggest that a “nondiscriminatory or colorblind identity is ... important to most white Americans.”<sup>12</sup> Most Americans reject race-based discrimination as wrong, even un-American.<sup>13</sup> Explicit *public* statements of racism made against racial minorities are usually met with swift social opprobrium, perhaps even more so when the incident involves African-Americans because of the tortured, ugly history of discrimination against this group in the United States.<sup>14</sup>

Despite our national nondiscriminatory identity, according to Project Implicit, a website sponsored by Harvard University that allows anyone to take an implicit association test (IAT) anonymously, seventy percent of the thousands of people who have taken the Black-White IAT registered an automatic preference for whites over blacks.<sup>15</sup> After taking IATs designed to measure my unconscious attitudes, I discovered that I, an African-American, harbored a “slight” automatic preference for Europeans over blacks. This result was contrary to my professed or conscious assertion of neutrality.

Not surprisingly, IAT results vary by demographic group. For example, whites tend to show higher rates of pro-white or anti-black implicit bias.<sup>16</sup> And similar cognitive research has shown that implicit bias against African-Americans predicts policy preferences on affirmative action and racial profiling.<sup>17</sup> In other words, researchers have demonstrated that an individual’s

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10. *Id.*

11. See Paul Taylor, PEW RES. CENTER PUBLICATIONS, RACE, ETHNICITY AND CAMPAIGN '08: PEOPLE . . . CAN WE ALL GET ALONG?, (2008), available at <http://pewresearch.org/pubs/694/race-ethnicity-and-campaign-08> (citing a 2007 Pew phone survey in which 28% of all adults had a very favorable view of blacks—compared with in 1990 when only 17% of whites having a very favorable view of blacks—and 54% of adults had a mostly favorable view of them).

12. Lawrence D. Bobo & Camille Z. Charles, *Race in the American Mind: From the Moynihan Report to the Obama Candidacy*, 621 ANNALS AM. ACAD. POL. & SOC. SCI. 243, 254 (2009).

13. See generally DREW WESTEN, THE POLITICAL BRAIN: THE ROLE OF EMOTION IN DECIDING THE FATE OF THE NATION 219–48 (Public Affairs 2007).

14. See, e.g., Judy Battista, *Limbaugh is Dropped From Bid to Buy the Rams*, N.Y. TIMES, Oct. 15, 2009, at B17 (describing Rush Limbaugh’s failed bid to become a partial owner of an N.F.L. team because of racist remarks attributed to him); Bill Carter & Louise Story, *NBC News Drops Imus Show Over Racial Remark*, N.Y. TIMES, Apr. 12, 2007, at A1 (describing Don Imus’ firing from a lucrative radio program because he called Rutgers University basketball champions nappy-headed hoes); Mark Leibovich, *Voters Hearing Countless Ways of Saying “Sorry,”* N.Y. TIMES, Sept. 1, 2006, at A1 (describing Senator George Allen’s political implosion after calling S.R. Sidarth, a 20-year-old Virginian native of Indian descent who had been following him on the campaign trail, “macaca,” a term for monkeys that is considered an ethnic slur in parts of the world).

15. See Project Implicit, <http://implicit.harvard.edu> (last visited Oct. 14, 2009) [hereinafter Project Implicit]. One must take the “Black-White IAT” in order to receive a breakdown of the scores generated by others who have taken the test. The results presented to my research assistant on October 14, 2009 showed that 27% showed a “strong” automatic preference for whites, 27% showed a “moderate” automatic preference for whites, and 16% showed a “slight” automatic preference for whites. A copy of these results is on file with the author.

16. See Vedantam, *supra* note 9 (noting that the Harvard IAT results showed that “88 percent of white people had a pro-white or anti-black implicit bias”).

17. See Jerry Kang & Mahzarin R. Banaji, *Fair Measures: A Behavioral Realist Revision of “Affirmative Action,”* 94 CAL. L. REV. 1063, 1066 (2006) (stating that “the presence of implicit bias can

policy preferences are influenced by the implicit biases he or she holds. Such implicit biases can also influence the policy choices of legislators, employers, and policeman deciding whether to pull a trigger.<sup>18</sup>

Implicit bias is not limited to race. For example, IAT results show that large majorities unconsciously favor Christians over Jews, rich people over poor people, and heterosexuals over homosexuals.<sup>19</sup> In this essay, I will focus on the African-American experience of prejudice primarily because I view the African-American population as the nation's canary when it comes to evaluating the current state of American race (or inter-group) relations. I hold this view in part because African-Americans are consistently subjected to higher numbers of reported incidences of hate crime and employment discrimination than other groups.<sup>20</sup> In addition, IAT results also suggest that blacks are subjected to higher rates of unconscious bias than any other racial or ethnic group.<sup>21</sup>

The manner in which African-Americans—a historically subordinated, enslaved group—are currently treated and perceived suggests something about the modern American capacity for inter-group tolerance. To the extent that our explicit or professed tolerances of African-Americans are not matched in our subconscious, we gain insight about how far we have to go in creating the nondiscriminatory, egalitarian America we aspire to.

In a recent Pew survey of racial attitudes, conducted in 2007, eighty-two percent of participants had a favorable view of African-Americans while only eight percent expressed an unfavorable view.<sup>22</sup> In contrast, another 2007 Pew survey found that only forty-three percent of participants had a favorable view of Muslims, while thirty-five percent of participants had an unfavorable view.<sup>23</sup> This widely held favorable view of African-

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produce discrimination by causing the very basis of evaluation, merit, to be mismeasured"); *see also* Vedantam, *supra* note 9 (explaining that bias against blacks and Arabs predicts policy preferences on affirmative action and racial profiling).

18. Linda Hamilton Krieger, *The Content of Our Categories: A Cognitive Bias Approach to Discrimination and Equal Employment Opportunity*, 47 STAN. L. REV. 1161, 1164 n.11, 1169–70, 1173, 1177, 1181–82, 1200–01, 1210 (1995).

19. *See* Vedantam, *supra*, note 9.

20. *See, e.g.*, FED. BUREAU OF INVESTIGATION, HATE CRIME STATISTICS, 2007 tbl.1 (2008), available at [http://www.fbi.gov/ucr/hc2007/table\\_01.htm](http://www.fbi.gov/ucr/hc2007/table_01.htm) (reporting 3,434 victims of Anti-Black bias crimes in 2007 compared to 142 victims of Anti-Islamic bias crimes, 234 Anti-Asian victims, 830 Anti-Hispanic victims, 890 Anti-Male Homosexual victims, 908 Anti-White victims, and 1,127 Anti-Jewish victims).

21. *See* Project Implicit, <http://implicit.harvard.edu> (last visited Oct. 13, 2010). When my research assistant took all of the IAT tests available at the Project Implicit website, he discovered that 70% of Black-White IAT test takers preferred whites over blacks. However, IAT results show that other non-racial groups face higher implicit biases than blacks. Seventy-six percent of persons who took the Able-Disabled IAT preferred able people over disabled people. Eighty percent of test takers preferred young people over old people, and 70% preferred thin people over fat people. The results are on file with the author.

22. *See* Taylor, *supra* note 11 (citing a 2007 Pew phone survey in which 28% of all adults had a “very favorable” view of blacks and 54% had a “mostly favorable” view of them). In the same survey, 89% had a favorable view of whites and 77% had a favorable view of Hispanics. *Id.*

23. THE PEW FORUM ON RELIGION AND PUBLIC LIFE, BENEDICT XVI VIEWED FAVORABLY BUT FAULTED ON RELIGIOUS OUTBREAK: PUBLIC EXPRESSES MIXED VIEWS OF ISLAM, MORMONISM 2007, [http://pewforum.org/uploadedfiles/Topics/Religious\\_Affiliation/religionviews07.pdf](http://pewforum.org/uploadedfiles/Topics/Religious_Affiliation/religionviews07.pdf) (The percentage

Americans is consistent with reported attitudes about integration.<sup>24</sup> Large majorities of Americans support integration and even affirmative action.<sup>25</sup> That said, there is dissonance; the work of Lawrence Bobo and Camille Charles shows a distinct tendency, especially among whites, to blame lack of advancement on the part of blacks on blacks themselves rather than on larger structural, race-based discriminatory forces.<sup>26</sup> And, according to Bobo and Charles, “A strong body of research indicates that a variety of anti-black attitudes substantially affect the way many white Americans respond to explicit racial policy questions.”<sup>27</sup>

What is the source of such anti-black attitudes? In *The Failures*, I argued that the black ghetto, a government-created phenomenon, is at the heart of our nation’s continued struggle with race relations between blacks and non-blacks.<sup>28</sup> The decidedly non-mainstream signatures and behaviors of the ghetto, or “thug life,” celebrated in hip-hop and sometimes raised to performance art by urban teenagers, say, riding public transportation, propagate a cultural stereotype that is intentionally opposed to middle-class American norms.<sup>29</sup>

Whatever the source of implicit bias against African-Americans, the persistence of such empirically demonstrated bias, despite favorable reported opinions of blacks by non-blacks, underscores that anti-black implicit bias is not easily overcome.<sup>30</sup> In sum, most Americans are rather complicated about race. We are at war with ourselves inside our heads. We harbor both implicit biases (underlying racial schema and negative stereotypes) *and* explicit commitments to non-discrimination and integration. Consequently,

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expressing a —favorable view of Muslims declined during the same period from 47% to 43%). For an overview of opinion survey results, go to <http://pewforum.org/surveys/religionviews07/>.

24. See Bobo, *supra* note 12, at 245-46 (2009).

25. *Id.* at 245-46.

26. *Id.* at 248.

27. *Id.* at 253. See also Susan Fiske, et al., *Images of Black Americans: Then, “Them,” and Now, “Obama!”* 6 DU BOIS REV. 1, 83 (2009)(discussing the negative stereotypes associated with African-Americans and how these stereotypes increase the levels of implicit bias one may hold).

28. See SHERYLL CASHIN, *THE FAILURES OF INTEGRATION: HOW RACE AND CLASS ARE UNDERMINING THE AMERICAN DREAM* 103 (Public Affairs 2004) (“[T]he federal government, through a number of urban development programs, created the black ghetto”). See generally *id.* at 237–60.

29. For an example of what I mean by urban teenage “performance art” on the Metro in Washington, D.C. see *id.* at 257–58 (recounting an episode in which three girls debated loudly about whether to murder another girl).

30. See FED. BUREAU OF INVESTIGATION, *HATE CRIME STATISTICS, 2007* tbl.1 (2008), available at [http://www.fbi.gov/ucr/hc2007/table\\_01.htm](http://www.fbi.gov/ucr/hc2007/table_01.htm) (reporting 3,434 victims of Anti-Black bias crimes in 2007 compared to 142 victims of Anti-Islamic bias crimes, 234 Anti-Asian victims, 830 Anti-Hispanic victims, 890 Anti-Male Homosexual victims, 908 Anti-White victims, and 1,127 Anti-Jewish victims); PAUL TAYLOR, *RACE, ETHNICITY AND CAMPAIGN ’08: PEOPLE . . . CAN WE ALL GET ALONG?*, PEW RESEARCH CTR., Jan. 17, 2008, available at <http://pewresearch.org/pubs/694/race-ethnicity-and-campaign-08> (citing a 2007 Pew phone survey in which 28% of all adults had a “very favorable” view of blacks and 54% had a “mostly favorable” view of them). In the same survey, 84% of Latinos had a favorable view of whites and 77% of whites had a favorable view of Hispanics. *Id.* See also Michael B. Mushlin & Naomi Roslyn Galtz, *Getting Real About Race and Prisoner Rights*, 36 FORDHAM URB. L.J. 27, 44 (2009) (citing a follow up IAT study in which “participants were unable to suppress the tendency to appear pro-white on the black/white IAT.”).

framing is everything in politics and public policy discourse because *either* impulse can be primed.<sup>31</sup>

Candidate Barack Obama seemed to understand this better than most if not all of his Democratic predecessors. He received roughly forty-three percent of the “white” vote in 2008 – higher than Kerry in 2004 and Gore in 2000 and equal to that of Clinton in 1996.<sup>32</sup> Similarly, he did substantially better with whites than did other Democratic presidential contenders from 1980 to 1992.<sup>33</sup> And, he won fifty percent of the “suburban” vote – higher than all other Democratic contenders since 1980.<sup>34</sup> He also won large majorities of voters in “big cities” and “small cities,” which is consistent, at least for me, with a vision of an emerging, racially diverse and racially tolerant “metropolitan America.”<sup>35</sup> He also made serious inroads in “small towns” and “rural areas,” garnering forty-five percent of voters in these communities.<sup>36</sup>

Interestingly, Obama largely avoids discussing race, but the Rev. Wright affair forced a direct confrontation of race that seemed to move people to him.<sup>37</sup> The so-called Bradley effect disappeared between the primaries and the general election, and in my view the process of the campaign, of massive interracial coalition building and outreach and of intense media focus on questions of race and racial transcendence brought on by the Rev. Wright affair did move people. In sum, direct discussion of race helped, rather than hurt, Obama’s candidacy.

Broad social acceptance of Obama is consistent with the high level of conscious or reported acceptance of African-Americans in opinion.<sup>38</sup> There are several possible explanations for this high level of expressed tolerance. One possibility is that positive encounters with African-Americans, actual and virtual, are readily available to most Americans. Familiarity breeds tolerance. Research suggests that if you know someone from another ethnic or racial group personally you are less likely to see that group in a negative light.<sup>39</sup> Even if a non-black person does not have much daily contact with

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31. See WESTEN, *supra* note 13, at 223 (noting that people generally have “conflicting conscious and unconscious values and emotions,” advising that political messages need to be framed to appeal to our “better angels,” and that on issues of race, political messages must “foster[] identification with the [racial minority] who has been wronged” by defining who “we” are in a way that communicates that one of “us” has been wronged).

32. See *Election Results 2008*, N.Y. TIMES, Nov. 5, 2008 available at <http://elections.nytimes.com/2008/results/president/exit-polls.html> (showing that exit polls indicated that Obama received 43% of the white vote, Kerry 41% in 2004, and Clinton 43% in 1996 but only 39% in 1992).

33. See generally *Id.*

34. *Id.*

35. *Id.*

36. *Id.*

37. See Jeff Zeleny & Adam Nagourney, *An Angry Obama Renounces Ties to His Ex-Pastor*, N.Y. TIMES, Apr. 30, 2008, at A1.

38. See generally Paul Taylor, *Race, Ethnicity and Campaign '08: People . . . Can We All Get Along?*, PEW RES. CENTER SOC. AND DEMOGRAPHIC TRENDS, Jan. 17, 2008, <http://pewresearch.org/pubs/694/race-ethnicity-and-campaign-08> (citing a 2007 Pew phone survey in which 82% of all adults had a either a “very favorable” or “mostly favorable” view of blacks).

39. See *Muslims Widely Seen as Facing Discrimination: Views of Religious Similarities and Differ-*

black people, the non-black person can have positive virtual experiences.<sup>40</sup> While there are far too many negative portrayals of African-Americans in American media, some of the most celebrated and admired people in the nation are African-American. From Oprah to Obama, Will Smith to Colin Powell, there are numerous examples of well-known and well-liked African-Americans, many of whom exemplify our most cherished shibboleths about America as the land of opportunity.

More importantly, the African-American experience in this country has been defined by a nearly four hundred year struggle to be accorded the same legal and social rights accorded to white Americans. This process of “becoming American” is mirrored in the struggles of most other historically subordinated racial and ethnic groups, although each group has had unique challenges and aspirations, and most such groups might claim that, for them, the process of Americanization is unfinished.<sup>41</sup> While this process began centuries ago for African-Americans, when the first African slave landed in Jamestown in 1619, it feels as if it is just beginning for some groups, especially Muslim-Americans.

Despite such progress in improving our explicit commitments to racial tolerance, ironically, the election of Barack Obama may make it even harder for integration advocates to pursue race-conscious strategies. A 2008 psychology study conducted at the University of Washington, for example, showed that students who voted for Obama were *less* likely to support racial or social justice efforts than before the election.<sup>42</sup> This study suggests the constraints of political post-racialism. After the election, study participants who had voted for Obama “concluded that racism was less of a problem and that anyone can achieve success through effort and perseverance.”<sup>43</sup> They also “perceived that there was less to be done in the service of achieving racial equality and ... expressed less support for policies that address injus-

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ences, PEW F. ON RELIGION AND PUB. LIFE 2 (2009), <http://pewforum.org/newassets/images/reports/summer09/survey0909.pdf> (“[P]eople who know a Muslim are less likely to see Islam as encouraging of violence” and “those who are most familiar with Islam and Muslims are most likely to express favorable views of Muslims and to see similarities between Islam and their own religion.”).

40. See Pettigrew, *supra* note 1, at 289 (citing research demonstrating that “vicarious contact with high-status figures [such as President Obama], even from television viewing, can erode prejudice and ease anxiety that often accompanies interracial contact”).

41. Cf. Robert S. Chang & Keith Aoki, *Centering the Immigrant in the Inter/National Imagination*, 85 CAL. L. REV. 1395, 1402, 1408 (1997) (arguing that “foreignness is used as a proxy for exclusion from the national community” because “the identification of American [is] with White”) (quoting Walter Benn Michaels, *The Souls of White Folk*, in LITERATURE AND THE BODY: ESSAYS ON POPULATIONS AND PERSONS 185, 188 (Elaine Scarry ed., 1988); Rene Galindo & Jami Vigil, *Language Restrictionism Revisited: The Case Against Colorado’s 2000 Anti-Bilingual Education Initiative*, 7 HARV. LATINO L. REV. 27, 36–37 (2004) (explaining the general assimilation and Americanization difficulties experienced by all racial minorities because race “impedes the process of assimilation into the American mainstream, largely due to the refusal of the dominant society to accept racial minorities in general.”); ROBERT BLAUNER, RACIAL OPPRESSION IN AMERICA 51–74 (Harper & Row 1972) (discussing how racism in the United States was constructed for the different races).

42. See Cheryl R. Kaiser et al., *The Ironic Consequences of Obama’s Election: Decreased Support for Social Justice*, 45 J. OF EXPERIMENTAL SOC. PSYCHOL. 556, 558 (May 2009).

43. *Id.*

tice such as affirmative action, school desegregation, and diversity policies.”<sup>44</sup>

The results of the University of Washington study are consistent with opinion polls that demonstrate considerable post-election gaps in perceptions among blacks and whites about the existence of racial discrimination. For example, a CNN survey conducted in 2009 found that fifty-five percent of blacks thought discrimination was a very serious problem, while only seventeen percent of whites felt that way.<sup>45</sup> Similarly, according to a 2009 Pew Research Center survey on race, eighty percent of blacks felt that equality has not been achieved, and forty-three percent of blacks thought there was still “a lot of anti-black discrimination,” while only thirteen percent of whites believed that there was much anti-black bias.<sup>46</sup> The same survey also found that fifty-four percent of whites believed that the country had made the necessary changes to give African-Americans rights equal to whites, while only thirteen percent of blacks believed this. Hispanic survey participants were divided on this question, with forty-two percent saying that the country had made the necessary changes to give blacks equal rights, and forty-seven percent concluding that more changes were necessary.<sup>47</sup> One psychology study suggests that whites and minorities have different perceptions about the extent of racial equality because they have different frames of reference. Arguably, whites have higher assessments of racial progress because they tend to compare the present to the past. Minorities, however, tend to compare the present to a future ideal of full equality.<sup>48</sup>

This research and polling data suggest considerable political constraints for advocates of civil rights and racial inclusion. According to other social science research, people tend to reject facts that do not fit with their cognitive frames of reference.<sup>49</sup> The research and polling data presented in the

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44. *Id.* See also Daniel A. Effron, Jessica S. Cameron & Benoit Monin, *Endorsing Obama Licenses Favoring Whites*, 45 J. OF EXPERIMENTAL SOC. PSYCHOL. 590 (May 2009), (describing three psychology studies in which participants favored whites after endorsing Obama and concluding that the studies suggested that expressing support for Obama grants persons “moral credentials” that reduces their concern with appearing prejudiced).

45. *Blacks in Survey Say Race Relations no Better with Obama*, CNN, July 20, 2009, <http://www.cnn.com/2009/POLITICS/06/25/obama.poll/index.html>.

46. *A Year After Obama’s Election: Blacks Upbeat about Black Progress, Prospects*, PEW RES. CENTER SOC. AND DEMOGRAPHIC TRENDS 4 (2010), <http://pewsocialtrends.org/pubs/749/blacks-upbeat-about-black-progress-obama-election>.

47. *Id.* at 42.

48. See Richard P. Eibach & Joyce Ehrlinger, *Keep Your Eyes on the Prize: Reference Points and Racial Differences in Assessing Progress Toward Equality*, 32 PERSONALITY AND SOCIAL PSYCHOLOGY BULLETIN 66 (2006). Other researches replicated this study and its findings but added more variables. Amanda Brodich, et al., found that the whites that were least prejudiced anchored their perceptions to the future and perceived less racial progress. The whites that felt that less progress had been made were also more likely to support affirmative action policies. See Amanda Brodich, Paige Brazy, & Patricia G. Devine, *More Eyes on the Prize: Variability in White American’s Perceptions of Progress Toward Racial Equality*, 34 PERS. AND SOC. PSYCHOL. BULL. 513 (2008).

49. Professor Dan Kahan offers a cultural cognition thesis, suggesting that people form perceptions that reflect and reinforce their worldview. People with hierarchical and individual values resist claims that would lead to restrictions or regulations of individual activities they value. In contrast, those with egalitarian and communitarian values welcome the regulation as a way to overcome unjust disparities.

immediately preceding paragraph suggest that on matters of race many, if not most, whites have a cognitive frame of reference that suggests to them that no interventions on behalf of racial minorities are necessary. This is consistent with the work of Eduardo Bonilla-Silva. In his seminal book, *Racism Without Racists*, Bonilla-Silva presents four “colorblind” frames of reference that many whites harbor: that racial disparities do not exist, that such disparities are due to culture, that disparities are natural, that race consciousness is unfair.<sup>50</sup> In sum, especially since Obama’s election, many whites now believe that we have achieved our racially egalitarian ideals. In addition, most of us, especially whites, harbor negative racial frames about African-Americans, and these implicit biases often color our conscious policy commitments.<sup>51</sup> Failing to discuss or directly counter these frames, then, will likely result in failure to garner a majority political consensus for policies designed to reduce racial inequality or increase racial integration and inclusion.<sup>52</sup> Political post-racialism—the orthodoxy that we need not discuss

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Kahan also explains that people will be more open-minded about policy issues if they are presented to align with their values and presented by a diverse group of experts. See Dan Kahan, *Fixing the Communications Failure*, 463 NATURE 296, Jan. 21, 2010. See also Dan Kahan, Hank Jenkins-Smith, & Donald Braman, *Cultural Cognition of Scientific Consensus*, J. RISK RES. (forthcoming 2010). Kahan et al. tested the cultural cognition thesis against issues where there is scientific consensus – global warming, gun control, and nuclear power. Their data confirmed that people’s perceptions are based on their values. Those with hierarchical and individual values thought that the scientists did not agree on the issues. People with egalitarian and communitarian values were more likely to say there was scientific consensus. *Id.*

A related area of study is self-affirmation theory, which argues that the goal of the self-system is to protect its self-identity. This can be accomplished by dismissing or denying threats. The idea of prejudice is threatening to the majority’s self-identity. Thus, they protect their self-identity by minimizing perceived racism. See David K. Sherman & Geoffrey L. Cohen, *The Psychology of Self-defense: Self-affirmation Theory*, in 38 *Advances in Experimental Social Psychology* 183, [part III.D, 212] (Mark P. Zanna ed. 2006).

50. See generally EDUARDO BONILLA-SILVA, *RACISM WITHOUT RACISTS: COLOR-BLIND RACISM AND THE PERSISTENCE OF RACIAL INEQUALITY IN THE UNITED STATES* (3d ed. 2003). Bonilla-Silva labels these four respective frames as follows: minimization of racism, cultural racism, naturalization, and abstract liberalism. See *id.* at 26.

51. BONILLA-SILVA, *supra* note 50, at n14-17, 26-27.

52. See, e.g., PHILLIP MAZZOCCO, *The Dangers of not Speaking about Race*, Kirwan Institute for the Study of Race and Ethnicity 6 (2006), available at <http://4909e99d35cada63e7f757471b7243be73e53e14.gripelements.com/publications/TheDangersofNotTalkingAboutRaceMay2006.pdf> (explaining research that showed improved support for affirmative action when a color-conscious approach was used). Mazzocco reasoned that a color-conscious approach had to be used to counter Bonilla-Silva’s four colorblind frames. See *id.* According to Mazzocco, people who harbor such colorblind frames are not likely to support color-conscious policies, but countering all of the frames increases support. See *id.* The Center for Social Inclusion (CSI) and the Kirwan Institute have jointly sponsored research about the most effective communications strategies for improving conversations about race, policy and opportunity and eliminating race as a wedge issue. This research, conducted by Westen Strategies, LLC, revealed that on issues like healthcare and the economic crisis, a race-conscious communication, properly designed to disrupt the common race-blind frames, outperformed race-avoidant communications. See MAYA WILEY, JACOB FABER, & LYDA TURET, CTR. FOR SOC. INCLUSION, *WHY WE MUST TALK ABOUT RACE TO WIN BETTER POLICY* (2010), <http://www.centerforsocialinclusion.org/files/2010/03/CSI-Talking-Effectively-About-Race-and-Policy-in-an-Obama-Era.pdf>.

Similarly, in a study to test white college students’ reactions to affirmative action for their school, those who received a justification based upon the advantages of diversity were less supportive than those who received a compensation or utilitarian justification, which emphasized benefits for minorities and the need to redress past racial discrimination. See Jennifer L. Knight & Michelle R. Hebl, *Affirmative Reac-*

or engage on issues of race—is harmful to the cause of integration. Those who care about these issues will need to do the labor-intensive organizing necessary to change the political economy on these issues, and they can only do so by engaging matters of race directly. In the next Section of this Essay, I will offer some suggestions for how that might be done in a positive, effective manner that benefits most Americans.

### III. PURSUING 21<sup>ST</sup> CENTURY INTEGRATION.

As I noted at the outset of this Essay, my concern about the constraints of post-racialism stem from my desire to see meaningful race and class integration take root in our nation. Most Americans revere the values that animate the *Brown v. Board of Education* decision,<sup>53</sup> even if they do not personally live an integrated life.<sup>54</sup> Obviously, this was not always the case. From the nation’s founding, a legalized system of racial caste and racial subordination was contemplated by the Framers of our Constitution, even if they did not wish to “stain” the document with express mention of slavery.<sup>55</sup> The current American commitment to anti-discrimination is an ethos that was earned through decades, if not centuries, of civil rights advocacy.<sup>56</sup> The modern civil rights movement, in particular, moved us, within one generation, from a nation where many if not most whites openly supported racial

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*tion: The Influence of Type of Justification on Nonbeneficiary Attitudes Toward Affirmative Action Plans in Higher Education*, 61 J. SOC. ISSUES 547 (2005).

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

54. See SHERYLL CASHIN, *THE FAILURES OF INTEGRATION: HOW RACE AND CLASS ARE UNDERMINING THE AMERICAN DREAM AT X–XXII* (PublicAffairs 1st ed. 2004) (arguing the same).

55. See NATHANIEL WEYL & WILLIAM MARINA, *AMERICAN STATESMEN ON SLAVERY AND THE NEGRO* 69, 70, 100, 124 (Arlington House 1971) (giving a comprehensive treatment of the views of the framers on slavery). See, e.g., BENJAMIN FRANKLIN, *OBSERVATIONS CONCERNING THE INCREASE OF MANKIND, PEOPLING OF COUNTRIES, ETC.* (S. Kneeland 1755) (expressing the view that America should be a country for white Anglo-Saxons only and that blacks should be excluded altogether from the country); Letter from Thomas Jefferson to Edward Coles (Aug. 25, 1814), *available at* <http://teachingamericanhistory.org/library/index.asp?document=307> (remarking that the presence of blacks in the United States “produces a degradation to which no lover of his country, no lover of excellence in the human character can innocently consent.”). The Constitution, while not explicitly using the word “slave” in its text, accommodated and protected slavery. See U.S. CONST. art. I, § 2, cl. 3 (including three-fifths of slaves as a basis for representation); U.S. CONST. art. I, § 9, cl. 1 (limiting power of Congress to restrict the slave trade); U.S. CONST. art. IV, § 2, cl. 3 (preserving a slave’s status as recoverable property even if a slave could escape to “free” states where slavery was prohibited or not extensive).

56. The modern civil rights movement, which can be demarcated as beginning in 1955 when Rosa Parks refused to give up her seat to a white passenger, was preceded, *inter alia*, by decades of civil rights litigation pursued by the NAACP Legal Defense Fund, by the pioneering work of A. Phillip Randolph and the Brotherhood of Sleeping Car Porters, and by 19th and early 20th century examples of civil rights protest. See generally JOHN HOPE FRANKLIN & ALFRED A. MOSS, JR., *FROM SLAVERY TO FREEDOM: A HISTORY OF AFRICAN AMERICANS* 505–601 (Random House 8th ed. 2000) (1947); see also SHERYLL CASHIN, *THE AGITATOR’S DAUGHTER: A MEMOIR OF FOUR GENERATIONS OF ONE EXTRAORDINARY AFRICAN AMERICAN FAMILY* 34–35 (PublicAffairs 2008) (describing the success of the black-led Equal Rights League in desegregating Philadelphia streetcars in 1867). And, of course, these examples of civil rights advocacy and mobilization were preceded by slave revolts, the work of black and white abolitionists, and the American Civil War. See generally JOHN HOPE FRANKLIN & ALFRED A. MOSS, JR., *FROM SLAVERY TO FREEDOM: A HISTORY OF AFRICAN AMERICANS* 138–244 (Random House 8th ed. 2000) (1947).

subordination to one where a majority of whites did not.<sup>57</sup> The images of fire hoses and police dogs being turned on the children of Birmingham, seared in the minds of many, radically changed the political context and made it possible to enact meaningful civil rights legislation designed to dismantle Jim Crow segregation.<sup>58</sup>

It is easy to forget how labor intensive this social revolution was. The non-violent demonstrations in Birmingham in the spring of 1963 inspired almost one thousand similar non-violent protests in over one hundred southern cities, which resulted in over twenty thousand arrests.<sup>59</sup> And this seemingly spontaneous chorus of a thousand protests resulted from years of quite intentional grass roots organizing by the Southern Christian Leadership Conference.<sup>60</sup> In short, oppressed peoples organized, formed grass-roots coalitions, and demanded a new social order from political elites and the nation eventually followed.<sup>61</sup>

I will address below the type of twenty-first century grassroots mobilization I believe is necessary in order to achieve meaningful racial integration, if not equality. However, I should begin by defining what I mean by “integration.” My vision for “integration” in the twenty-first century differs from the original connotations of the word. I do not intend to connote the meaning I lived, in the late 1960s, when my brothers and I were integration pioneers, willingly among the first black children to enter Blossomwood Elementary, in Huntsville, Alabama. We were also integration pioneers in our neighborhood, the only black family in a subdivision of well-appointed, mostly two-story brick homes. No one in the Blossomwood District would sell to a black man, and after two years of trying my father had resorted to trickery in order to give his children the educational opportunity he desired for us. He arranged for white friends to purchase a house with his money and then transfer it to him. When “integration” was in its infancy, it meant

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57. Compare JOHN HOPE FRANKLIN & ALFRED A. MOSS, JR., FROM SLAVERY TO FREEDOM 539 (Random House 8th ed. 2000) (1947) (noting that the “white backlash” following the passage of the Civil Rights Act of 1964 was “marked by strong resistance to its enforcement and . . . considerable violence” by whites who said “blacks . . . pushed ‘too hard’ for equality.”), with D. Bobo & Camille Z. Charles, *Race in the American Mind: From the Moynihan Report to the Obama Candidacy*, 621 ANNALS AM. ACAD. POL. & SOC. SCI. 243, 253 (2009), and Battista *supra* note 14 (Rush Limbaugh’s recent failed attempt to become a partial owner of a NFL team because of racist remarks attributed to him); and Cater and Story *supra* note 14 (Don Imus’ firing from a lucrative radio program because he called Rutgers University basketball champions “nappy-headed hoes”); and Leibovich, *supra* note 14 (Senator George Allen’s political implosion after calling S.R. Sidarth, a 20-year-old Virginian native of Indian descent who had been following him on the campaign trail, “macaca,” a term for monkeys that is considered an ethnic slur in parts of the world). See also Paul Taylor, *Race, Ethnicity and Campaign '08: People . . . Can We All Get Along?*, PEW RESEARCH CENTER PUBLICATIONS, Jan. 17, 2008, available at <http://pewresearch.org/pubs/694/race-ethnicity-and-campaign-08> (noting that about eight out of ten whites had a favorable opinion of blacks between the poll period of 1990 to 2008).

58. See Sheryll D. Cashin, *Shall We Overcome? Transcending Race, Class, and Ideology Through Interest Convergence*, 79 ST. JOHN’S L. REV. 253, 262–65 (2005) (describing the political impediments to passage of civil rights laws and the role of grass roots protest in dramatically changing the political context to enable passage of the Civil Rights Act of 1964).

59. *Id.* at 264.

60. *Id.* at 264 n.38.

61. See *id.* at 260–66.

black people entering white spaces and institutions, and that was our experience. My current meaning differs. And I don't have to imagine the ethos I wish the word to connote because the multi-racial, multi-class milieus I desire for myself and my children do currently exist in exceptional pockets of America.

When I speak of "integration," I mean what I see when my family goes to "Downtown Silver Spring" on any given summer evening. At this outdoor mall, a beautiful fountain inlaid with a primary-colored mosaic resembles the many-hued screaming children who splash delightedly in its waters. Every race, ethnicity, and class seems to be represented here, perhaps with the exception of the extremely affluent. This privately owned fountain is the ultimate public good. Everyone is welcome to enjoy it; entrance is free. There is no exclusion or exclusivity in this space, and everyone seems to revel in the sheer diversity of humanity drawn to it.

For me, now, "integration" means true inclusion—a milieu in which no particular race or ethnicity is dominant, and if there is a dominant socio-economic group, it is decidedly middle class. Like the momentary community surrounding Downtown Silver Spring's fountain, the people in such integrated spaces are clearly comfortable with, maybe even excited by, difference. They are culturally dexterous. By "cultural dexterity," I mean the ability to enter a space where you are outnumbered by people of a different race or ethnicity and feel comfortable with, rather than threatened by, that experience. And in such milieus, all groups, including formally dominant ones, assume some responsibility for creating a society in which our public and private institutions, our neighborhoods, and our schools, mirror the robust and accelerating diversity of our nation.

It remains to be seen whether my vision is mere fantasy or something that could be reasonably approximated in the coming decades. Demographers predict that by 2050, the United States will have become a majority-minority nation in which non-Hispanic whites are outnumbered by persons of color.<sup>62</sup> This is already the case in California, Texas, New Mexico, Hawaii and nearly half of America's largest cities.<sup>63</sup> There are at least two possible responses to rapidly accelerating demographic diversity. One potential response, which I will call "Optimistic, Inclusive Multiculturalism," is consistent with our explicit reported commitment to anti-discrimination and broad acceptance of African-Americans. In an optimistic, inclusive America, there would be no ghettos. No individual school or neighborhood would

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62. N.C. Aizenman, *U.S. to Grow Grayer, More Diverse: Minorities Will be Majority by 2042, Census Bureau Says*, WASH. POST, August 14, 2008, at A06; William H. Frey, *Immigration and the Coming "Majority-Minority,"* BROOKINGS INSTITUTE, December 18, 2009, available at [http://www.brookings.edu/opinions/2009/1218\\_immigration\\_frey.aspx](http://www.brookings.edu/opinions/2009/1218_immigration_frey.aspx).

63. U.S. Census Bureau, *Census Bureau Releases State and County Data Depicting Nation's Population Ahead of 2010 Census: Orange, Fla. Joins the Growing List of "Majority-Minority" Counties*, May 14, 2009, available at <http://www.census.gov/newsroom/releases/archives/population/cb09-76.html>; William H. Frey, *Immigration and the Coming "Majority-Minority,"* BROOKINGS INSTITUTE, December 18, 2009, available at [http://www.brookings.edu/opinions/2009/1218\\_immigration\\_frey.aspx](http://www.brookings.edu/opinions/2009/1218_immigration_frey.aspx).

be overwhelmed by poverty and all local jurisdictions would have their fair share of affordable housing. Black and brown children would be valued and included as much as any other children because the fear associated with high-poverty minority contexts has begun to ebb as they have been replaced by multi-racial, multi-class contexts—places where middle class norms predominate. Admittedly, this vision is radical in that it differs so much from the racially segregated architecture of opportunity that we currently have in the United States.<sup>64</sup> In radically inclusive contexts, schools and other institutions offer levers to upward mobility for disadvantaged persons while also offering the privileged, willing integrationist the opportunity to live and thrive in a very diverse society without fear and without the often extreme costs associated with separatism.<sup>65</sup>

Another possible response to accelerating demographic diversity could be labeled “Guarded Separatism” based upon negative stereotypes. This response is consistent with our implicit biases, described above, and would be a continuation, even a hardening, of current race and class segregation in the United States. Obviously, I prefer the optimistic, inclusive vision. As discussed in Part II above, however, recent social science research and polling suggest that such radical inclusion would require us to frontally attack issues of race. I also believe that a labor-intensive process similar to that of the grassroots mobilization that occurred in the Obama presidential campaign is necessary to create strong political majorities for meaningful integration.

I recommend that integration advocates consider the examples of certain organizations currently engaged in grass roots organizing to transcend race and inter-group differences. Often I have written about the work of the Gamaliel Foundation and the Industrial Areas Foundation (IAF), and I continue to be inspired and encouraged by their successes.<sup>66</sup> Gamaliel, in particular, sponsors more than fifty, mostly church-based, interfaith coalitions of suburban and inner city church groups that are seriously attacking issues of racial and regional inequity.<sup>67</sup> Motivated by Alexis de Tocqueville’s keen observation that the lifeblood of American democracy was the ability of citizens to form associations to address issues dear to them,<sup>68</sup> Gamaliel is committed to redressing the race and class divides in our nation’s metropolitan regions. It teaches “mass based organizing” to its local affiliates who, in turn, have formed powerful regional coalitions across artificial lines of race and political jurisdiction—coalitions that can marshal thousands of individ-

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64. For a general description of this segregated architecture and the historic and current public policy and institutional choices that brought it about, see CASHIN, *supra* note 2, at 83-124.

65. For a detailed elaboration of the benefits of integration and the costs of separation, see CASHIN, *supra* note 2, at 52-57, 79-82, 185-201, and 229-36.

66. See Sheryll D. Cashin, *Shall We Overcome? Transcending Race, Class, and Ideology Through Interest Convergence*, 79 ST. JOHN'S L. REV. 253, 286-88 (2005)

67. See Gamaliel Foundation, Gamaliel Foundation History, available at <http://www.gamaliel.org/foundation/history.htm>.

68. Gamaliel Foundation, Gamaliel Foundation Mission Statement, available at <http://www.gamaliel.org/Foundation/default.htm>.

uals to agitate at public hearings and other forums for public policy reforms like “fair share” affordable housing.<sup>69</sup> Gamaliel and IAF succeed in forming and maintaining effective multiracial, multi-class coalitions by (1) engaging leaders of existing identity/advocacy groups to be coalition partners; (2) demonstrating and appealing to common interests of these seemingly disparate groups; and (3) undertaking extensive grassroots mobilization of the constituencies of each coalition partner.<sup>70</sup>

A recent example gives me hope. In 2008, in New Jersey, a multi-racial coalition succeeded in building a political majority that repealed a legislative loophole that had allowed suburban communities to contract out of half of their fair-share (*Mt. Laurel*) affordable housing obligations. These buy-outs, known as Regional Contribution Agreements (RCAs), had contributed to racial and economic segregation because affluent suburbs had grown used to paying to build affordable units in poorer, urban cities.<sup>71</sup> The New Jersey Regional Coalition (NJRC)—a Gamaliel affiliate—was able to break-up the (unholy) alliance of urban and suburban mayors and powerful legislators from both political parties that strongly supported RCAs.<sup>72</sup> It did so by deliberately addressing issues of sprawl, segregation and concentrated poverty, and by recruiting and educating leaders from faith, housing, regional planning, and social justice organizations.<sup>73</sup> NJRC also frontally addressed issues of race and used objective geographically mapped data to make the case to urban interests about the harmful impact RCAs had on cities.<sup>74</sup> Similarly, NJRC marshaled data to appeal to the self-interest of declining older suburbs that already had their fair share of affordable housing and were being targeted for more as a result of RCAs.<sup>75</sup> And coalition leaders presented their case in unassailably moral terms.<sup>76</sup> Especially with the help of clergy in both urban and suburban communities who did not buy

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69. See Gamaliel Foundation, Gamaliel Foundation Strategic Plan: 2000 through 2010, available at <http://www.gamaliel.org/foundation/goals.htm>.

70. See Cashin, *supra* note 58, at 285-88.

71. See John D. Atlas, “New Jersey Regional Coalition Wins Historic Housing Victory,” NJ.COM (July 16, 2008) (Noting that the group that deserves most of the credit is the New Jersey Regional Coalition, a faith-based community organizing group, founded by Marty Johnson, the founder of Isles and other statewide friends in 2003. The NJRC is affiliated with the Gamaliel Foundation, a national organizing network that also happened to hire and train Barack Obama in Chicago.), available at [http://blog.nj.com/njv\\_john\\_atlas/2008/07/new\\_jersey\\_regional\\_coalition.html](http://blog.nj.com/njv_john_atlas/2008/07/new_jersey_regional_coalition.html). For more information about the history behind the New Jersey law, see generally “Separate is Never Equal”, [http://fairsharehousing.org/pdf/A-500\\_Brochure.pdf](http://fairsharehousing.org/pdf/A-500_Brochure.pdf), FAIR SHARE HOUSING CENTER (describing the 30-plus year history that lead to this legislation). Fair Share Housing Center also describes the impact of the law as closing a loophole to that policy was enacted as part of the 1985 Fair Housing Act. See Fair Share Housing Center, <http://fairsharehousing.org/advocacy/bill-a-500/>; Fair Share Housing Center, <http://fairsharehousing.org/mount-laurel-doctrine/>.

72. The following information about NJRC that appears in the following paragraph of the text comes from a power point presentation Professor Cashin received from Paul Scully of the NJRC on file with the author and the Alabama Civil Rights & Civil Liberties Law Review [hereinafter Scully Presentation].

73. *Id.*

74. *Id.*

75. *Id.*

76. *Id.*

the arguments for the status quo that were being propagated by urban and suburban political leaders, NJRC was able to build a new majority and isolate defenders and promoters of the status quo.<sup>77</sup> Wealthy, sprawling suburbs became the political minority, and a political realignment was created that is a force for regional reform in the state.<sup>78</sup> Wisely, NJRC never backed away from discussing race.<sup>79</sup> Instead, it used race as a weapon, branding “the system” and never individuals as promoting and perpetuating racial and economic segregation while offering an alternative vision of diverse, stable communities that could be model cities and suburbs.<sup>80</sup> In this way, NJRC engaged people in conversations about race that were sophisticated, powerful, and relevant to their lives.<sup>81</sup> Similar efforts are being pursued nationally under the leadership of Building One America—a national non-profit committed to helping stimulate a national movement for regional equity.<sup>82</sup>

The best of such efforts draw on academic and social science research about what works in breaking down barriers of race.<sup>83</sup> Gamaliel, Building One America, NJRC, and similar organizations are helping accelerate America’s transition to a truly inclusive, tolerant, multi-racial, and multi-religious society. They understand that all individuals and identity groups need to be stretched on occasion in order to gain empathy for peoples perceived as “other.” The people, movements, or political parties that prevail in the twenty-first century will have spoken to a broad range of people. Institutions or individuals that attempt to speak only to their own identity or single-issue groups ultimately are not likely to be very successful. With rapid demographic change, all people and institutions will increasingly have to learn to speak across boundaries of difference. I hope that you, dear reader, will join in this work to bring about the truly egalitarian world we profess to believe in.

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77. *Id.*

78. Scully Presentation.

79. *Id.*

80. *Id.*

81. *Id.*

82. *See generally* Building One America: A National Movement for Regional Equity, <http://www.buildingoneamerica.org/>.

83. John Powell argues, for example, that focusing on “institutional racism,” the systemic forces that create race and class segregation, appropriately shifts attention away “from the motives of individual people to practices and procedures within an institution.” John A. Powell, *Structural Racism: Building Upon the Insights of John Calmore*, 86 N.C. L. REV. 791, 796 (2008). Powell and the Kirwan Institute for the Study of Race and Ethnicity, which he heads, along with the Center for Social Inclusion are at the forefront in this country in researching and testing the best communications strategies for building new coalitions committed to combating structural racism and disseminating that information to organizations engaged in this work. *See supra* note 52. Mr. Powell styles his name without capitalization.