

**THE GHOSTS OF 1964:
RACE, REAGAN, AND THE NEO-CONSERVATIVE BACKLASH TO THE CIVIL
RIGHTS MOVEMENT**

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I. INTRODUCTION

American slavery was “officially” buried by our nation’s ratification of the 13th, 14th, and 15th amendments to the constitution.¹ But the ghosts of slavery soon inhabited new forms—political, economic, and cultural—intent on returning Blacks to a position of abject servitude and subordination. Jim Crow segregation embodied slavery’s spirit of White supremacy, allowing it to live on in a different form.² The civil rights

1. U.S. CONST. amend. XIII, XIV, XV. The Thirteenth, Fourteenth, and Fifteenth amendments were ratified in 1865, 1868, and 1870, respectively. The amendments abolished slavery and involuntary servitude (13th), made all individuals born or naturalized in the United States citizens of the United States and the State in which they resided, with privileges and immunities, equal protection, and due process rights (14th), and prohibited restrictions on the right of citizens to vote on account of race, color, or previous condition of servitude (15th).

2. The First Reconstruction negated major protections under the 13th, 14th, and

movement of the mid-twentieth century was but another attempt to exorcise from American life the demonic spirit of slavery that had so horrifically deformed American institutions and culture. But by 1980 it was clear, yet again, that notwithstanding the “official” death and burial of old Jim Crow—a death certified by the passage of the 1964 Civil Rights, 1965 Voting Rights, and 1968 Fair Housing Acts—the past lived on. The ghosts of American slavery and its mutant offspring, Jim Crow, roamed the land of the free and haunted the home of the brave in search of new cultural, political, and economic practices to possess and infest.

With the election of Ronald Reagan in 1980, the forces that would shape a sustained backlash against the gains of the civil rights movement were already in play: party realignment and the re-emergence of the religious right in American politics; the rise of a “law and order” movement that would morph into a “war on drugs” movement fueling the mass incarceration of Black and Hispanic men, women, and children; the accelerated development of a “military industrial complex” that would morph from a war against communism to one against terrorism. Taken together, these converging forces not only undermined the dream of racial equality promised by America’s Second Reconstruction but threatened democracy itself, intensifying social inequality and stratification across racial lines, trampling civil rights and liberties, and eventually consolidating political and corporate power on a scale not seen in recent American history.

As Stuart Hall has pointed out, “discourse is about the production of knowledge through language. But it is itself produced by a practice: ‘discursive practice’—the practice of producing meaning. Since all social practices entail *meaning*, all practices have a discursive aspect. So discourse enters into and influences all social practices.”³ Drawing on Foucault, Hall describes the relationship between discourse, knowledge, and power in the following way:

Not only is discourse always implicated in power;
discourse is one of the ‘systems’ through which power

15th amendments and left Blacks vulnerable to the violence of terrorist groups (often state-supported), disfranchisement, and discrimination in public accommodations, education, employment, and criminal justice. See DERRICK A. BELL, JR., RACE, RACISM AND AMERICAN LAW 45-56 (Vicki Bean et al. eds., 6th ed. 2008); W.E.B. DUBOIS, BLACK RECONSTRUCTION IN AMERICA: 1860-1880, 670-708 (1935); ERIC FONDER, RECONSTRUCTION: AMERICA’S UNFINISHED REVOLUTION: 1863-1877, 412-60 (2014).

3. Stuart Hall, *The West and the Rest: Discourse and Power*, in FORMATIONS OF MODERNITY 201, 291 (Stuart Hall & Bram Gieben, eds. 2001).

circulates. The knowledge which a discourse produces constitutes a kind of power, exercised over those who are ‘known’. When that knowledge is exercised in practice, those who are ‘known’ in a particular way will be...subjected to it. This is always a power-relation. Those who produce the discourse also have the power to *make it true*—i.e. to enforce its validity, its scientific status.⁴

The backlash to the civil rights movement was effective precisely because it so capably used political and popular discourses to create knowledge as power, recasting the agenda of neo-conservative elites as a universal cause and, in the process, entrenching race and class stratification. In order to institutionalize the backlash, neo-conservative elites had to convince non-elites that their interests were aligned. I refer to this as the discursive practice of *Interest Alignment*.

Second, it was necessary that neo-conservative elites achieve their objective without engendering empathy for those who were the object of the backlash, inadvertently mobilizing support for the latter and contempt for themselves. I will refer to this as the discursive practice of “*Othering*.”

Finally, neo-conservative elites had to adjust the collective memory of recent events. They had to construct a revisionist narrative of the civil rights social movement and its achievements, folding it back into a dominant narrative and discourse that supported those in power and their agenda. I will refer to this as the discursive practice of *Revisionist-Narrative*.

Taken together, these discursive practices—Interest Alignment, Othering, and Revisionist-Narrative—explain why some backlashes become institutionalized and sustain themselves over long periods of time.

I explore in this essay how neo-conservative elites used these discursive practices to nurture and institutionalize the backlash to the civil rights movement. I then discuss how this backlash produced tangible victories for neo-conservative elites who benefitted from bottom-up redistribution of income, wealth, and power to the detriment of not just Blacks and other minorities, but segments of the White population as well—the poor and working/middle class.

My hope is that by understanding the discursive practices supporting backlash, progressive movements will better equip themselves to counter similar strategies and tactics in the future.

4. *Id.* at 204-05.

II. ANATOMY OF A BACKLASH: INTEREST ALIGNMENT

I use the term interest alignment rather than the more conventional terminology of interest convergence for several reasons. I do not believe that the use of this discursive practice requires or is most often characterized by an actual “convergence” of interests.⁵ Convergence implies an indistinguishable identity at some point or set of points along a particular trajectory. These points of convergence may exist, but they are not essential. For instance, groups with *different* understandings of the same goals may believe *their* understanding will best be accomplished by forming coalitions with groups that have *their* own understanding of the same goals.

This distinction is a subtle but important one, because it is crucial to appreciating the role of discourse as a discursive practice in the production of knowledge, and how the production, marketing, and distribution of that knowledge is a form of power correlating with the strength of the group’s production, marketing, and distribution capabilities. Interest convergence paints with too broad a stroke. It misses the finer details of the disparities in production, marketing, and distribution capabilities within a coalition—for instance, the subgroups that are in greater control of the narrative—and it glosses over the coalition fault lines that might be exploited to weaken existing or form new coalitions.⁶

5. BELL, *supra* note 2, at 44. (“In the resolution of racial issues in America, black interests are often sacrificed so that identifiably different groups of whites may settle a dispute and establish or reestablish their relationship.”); *see also* Derrick A. Bell, Jr., *Brown v. Board of Education and the Interest-Convergence Dilemma*, 93 HARV. L. REV. 518 (1980).

6. I also prefer interest alignment to intersectional theory. *See* Kimberle Crenshaw, *Intersectionality: The Double Bind of Race and Gender*, PERSPECTIVES MAGAZINE, Spring 2004, at 2; Kimberle Crenshaw, *Demarginalizing the Intersection of Race and Sex: A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory, and Antiracist Politics*, THE UNIVERSITY OF CHICAGO LEGAL FORUM 140, 1989, at 139–67. Intersectional theory too often assumes that at the intersection, for instance, of race and gender, the oppression of Black women is illuminated by illustrating the multiple oppression of Black women being both Black and female, a problem that is not experienced by Black men. But it is certainly not accurate to portray the history of Black men as bestowing a set of gender privileges that is on par with White male gender privileges. In fact, gender may burden Black men in ways that are comparable to the ways it burdens Black females, in both some public and private spheres. For instance, it is arguable that a patriarchal and racist society requires a discourse and practice of domination that constructs Black men as competition, objects of fear and terror, who must be

In addition, interest convergence too often implies a lack of agency among social movement participants, as though some fortuitous historical circumstances fostered the right set of conditions creating convergence.⁷ In other words, it tends to be too reductionist in its account of social change. Again, this is not to dismiss the explanatory power of the interest convergence thesis altogether. There may very well be a confluence of environmental factors that make new coalitions and political opportunities more likely.

For instance, it is difficult to imagine the rise of the post-World War II civil rights movement without the socio-political disruptions caused by the great migrations in which millions of disenfranchised Blacks in the segregated South became voting citizens outside the South; or the Cold War public relations nightmare of America having to compete against communist Russia in a postcolonial world of developing countries ruled by minorities while abiding lynching, state-sanctioned racial segregation, and Black disfranchisement at home; or the presence of television technology that displayed nightly the brutalities, inhumanities, and home-grown terrorism that had for nearly two centuries defined the “southern” way.

Even so, the opportunity created by these changes can only be fully exploited if the opportunity is framed and interests are aligned in a way that turns possibility into collective action. In sum, interest alignment better captures the discursive nature of struggles for social change, the ways in which hegemonic and counter-hegemonic movements frame their appeals to mobilize and organize new coalitions.

Appealing to a southern White constituency that had overwhelmingly supported the Democratic Party since the end of Reconstruction, the Republican Party’s Southern Strategy offered a new political home to those disenchanted with the role played by the national Democrats in dismantling Jim Crow segregation and advancing the civil rights of Black Americans.⁸

emasculated, incarcerated, and/or exterminated. Constructions of the angry Black male, with all the negativity that image implies, require a muted and deferential posture conforming to White societal standards of decorum and respectability. Conversely, interest alignment permits groups to construct their own narratives, define their own goals, and, rather than force artificial identity intersections, explore where and how stories align, perhaps, at times, even intersect, but always with an understanding that narrative is a discursive practice and must respect the sometimes linear but often meandering journeys and experiences of multiple identity groups and subgroups.

7. *Id.*

8. *See*, for further discussion, Bob Herbert, *Righting Reagan’s Wrongs*, N. Y.

Yet, Reagan's Republican Party was home not just to these southern Dixiecrats, but big-business Republicans and Midwestern, blue-collar Democrats as well.⁹ All were welcomed under the big tent of the "new" Republican Party. This did not mean, however, that the identities or ideologies of these groups became indistinguishable or that they shared a common understanding of culture and Republican Party values.¹⁰ Many blue collar evangelicals found the pretentious snobs of the Republican elite to be as insufferable as those elites found bible-thumping, southern rednecks to be embarrassing.¹¹ Party affiliation did not wipe out class and cultural antagonisms.

My point is that, when expressed at a high enough level of abstraction, groups find their own meaning for phrases like *states' rights*, *limited government*, *national security*, *anti-communism/terrorism*, *tax cuts*, and *supply-side economics*.¹² Effective discursive practices—those used by the Republican Party in its Southern Strategy, for instance—were fungible placeholders to be molded as constituent groups deemed fit.¹³ Even if these

TIMES, Nov. 13, 2007, <http://www.nytimes.com/2007/11/13/opinion/13herbert.html>.

9. See STANLEY B. GREENBERG, *Failed Renewal: the Regan Administration, in MIDDLE CLASS DREAMS: THE POLITICS AND POWER OF THE NEW AMERICAN MAJORITY* (1996) (describing the appeal of Reagan from big business to the middle class American to the conservative Democrat).

10. *Id.*

11. See Keith Love, 'Natural Suspicion': Tensions Rise in Coalition of GOP Factions, L.A. TIMES, Sept. 27, 1987, http://articles.latimes.com/1987-09-21/news/mn-5979_1_republican-party.

12. Nicholas A. Valentino & David O. Sears, *Old Times There Are Not Forgotten: Race and Partisan Realignment in the Contemporary South*, 49 AMERICAN J. OF POLITICAL SCIENCE 672, 674 ("[W]ith the Reagan revolution of the 1980s, white Southerners replaced that explicitly racial focus with nation, centered on defense, class self-interests, smaller government, lower taxes, family values, personal responsibility, and other forms of economic and social conservatism, all personified in a president who was enormously popular in the white South. Racial questions were mainly absorbed into this broader set of views.").

13. E.g., John L. Palmer & Isabel V. Sawhill, *Perspectives on the Reagan Experiment*, 3 PUB. L. FORUM 129, 150 (1983) ("As the President's 1982 *Economic Report* notes, one of the administration's basic tenets is that 'income redistribution is not a compelling justification in the 1980s for Federal taxing and spending programs.' Some people may reject this basic tenet, but others may support the administration for one of two reasons. First, they may feel that the battle against poverty and inequality has gone too far in principle. Second, they

groups had radically different understandings of the Party's core values, Party elites could align interests through the frequent abstract expression of these core values.

Dixiecrats might hear in the call for "limited government," for instance, a return to "states' rights" and dual sovereignty—in other words, permission to resist, frustrate, and reverse desegregation efforts. On the other hand, big-business Republicans might hear a commitment to roll back costly government regulations that required certain safety, environmental, and wage standards or prohibited certain mergers and acquisitions. Finally, Midwestern Reagan Democrats might hear job creation and protection of existing jobs from minorities and women threatening to displace them through new employment discrimination statutes and affirmative action.

Dixiecrats might hear in the rhetoric of "anti-communism and the calls for national security" a divine command to destroy a Godless empire with a long history of undermining the stability and security of sovereign southern states through the support of civil rights and labor causes challenging the culture of White supremacy. Big-business Republicans might hear an opportunity to defeat an enemy of capitalism that threatened colonial holdings and global expansion with the confiscation and nationalization of private property. They might hear the opportunity to grow the national defense industry by selling goods and services needed to sustain the war against communism at home and abroad. Midwestern Reagan Democrats might hear a patriotic call to duty, an opportunity to reassert American moral leadership on the world stage in the wake of humiliating defeats in Southeast Asia.

Dixiecrats might hear in the call to "cut taxes" the opportunity to defund a welfare state taking the hard-earned money of Whites and giving it to undeserving Blacks. Big-business Republicans might hear a commitment to supply-side economics, reversing the presumptions of the welfare state and redistributing income and wealth to the corporate class and wealthiest one percent. Midwestern Reagan Democrats might hear job creation, job security, and higher wages—manufacturing jobs no longer shipped abroad, because lower taxes and deregulation allowed American businesses to be profitable at home.

Politics indeed made for strange bedfellows. These divergent constituencies put their differences aside and united around three core values—limited government, national security, and tax cuts—interpreted by

may believe that government tax and income security programs reduce incentives to work and save, thereby sapping individual resourcefulness and the vitality of the economy.”).

each constituent group in different ways.¹⁴ Cultural framing was an important dimension of the counter-hegemonic civil rights movement that played on fundamental notions of fairness, constitutionalism, and the American Dream.¹⁵ Cultural framing would be no less important in the hegemonic backlash to that very same movement.¹⁶

In a 1981 interview, Republican Party strategist and Reagan advisor Lee Atwater perfectly described the new cultural framing of the race issue in America and how the abstracted and coded language employed by the Southern Strategy could align interests and forge a new political coalition:

You start out in 1954 by saying, 'Nigger, nigger, nigger.' By 1968 you can't say 'nigger'—that hurts you. Backfires. So you say stuff like forced busing, states' rights and all that stuff. You're getting so abstract now [that] you're talking about cutting taxes, and all these things you're talking about are totally economic things and a byproduct of them is [that] blacks get hurt worse than Whites. And subconsciously maybe that is part of it. I'm not saying that. But I'm saying that if it is getting that abstract, and that coded, that we are doing away with the racial problem one way or the other. You follow me—because obviously sitting around saying, 'We want to cut this,' is much more abstract than even the busing thing, and a hell of a lot more abstract than 'Nigger, nigger.'¹⁷

Reagan more than delivered on the anti-civil-rights promises.¹⁸

14. *Id.*

15. See Mayer N. Zald, *Culture, Ideology and Strategic Framework*, in *COMPARATIVE PERSPECTIVES ON SOCIAL MOVEMENTS* 261 (Doug McAdam et al. eds., 2004) (providing an in-depth discussion on culture and its relation to social movements).

16. *Id.*

17. Bob Herbert, *Impossible, Ridiculous, Repugnant*, N. Y. TIMES (Oct. 6, 2005), <http://query.nytimes.com/gst/fullpage.html?res=9C04E6DF1E30F935A35753C1A9639C8B63>.

18. See Pedro A. Noguera & Robert Cohen, *Remembering Reagan's Record On Civil Rights and the South African Freedom Struggle*, THE NATION (Feb. 11, 2011), <http://www.thenation.com/article/158506/remembering-reagans-record-civil-rights-and-south-african-freedom-struggle#> ("Early in his political career Reagan opposed every major piece of civil rights legislation adopted by Congress, including the Civil Rights Act of 1964, the Voting Rights Act of 1965 and the Fair Housing Act of 1968. And even if one tries to explain away this opposition on the grounds that it came early in the history of the civil rights movement or was

III. ANATOMY OF A BACKLASH: CONSTRUCTING THE “OTHER”

Aligning the interests of groups participating in the backlash to the civil rights movement is a discursive practice employing “abstract” and “coded” language, as Lee Atwater so aptly put it; beliefs and values expressed at a level of generality allowing constituent groups to read into the language what they want to hear.¹⁹ Yet, this is only part of the story. Republican Party elites who developed and implemented the Southern Strategy were certain that those hearing the abstract values like “states’ rights” and “limited government” would clearly understand what Republican elites were putting on the table. An agreed upon understanding of history and culture could be counted on to give the language the necessary specificity.

In 1980, Reagan launched his presidential campaign with a speech extolling the values of limited government and states’ rights. He stated, “I still believe the answer to any problem lies with the people. I believe in states’ rights... I believe we have distorted the balance of our government today by giving powers that were never intended to be given in the Constitution to that federal establishment.”²⁰

On one level, Reagan’s speech is unexceptional, part of a long tradition of antifederalist sentiment dating back to Jefferson’s Democratic-Republican Party and represented today by various libertarian ideologies and factions. But when one examines the setting of the speech, an alternative interpretation becomes more compelling. A Mississippi National Republican Committee member suggested Reagan launch his post-convention campaign at the Neshoba County Fair in Mississippi, contending that this setting would be a good way to win over George

motivated by a misplaced reluctance to empower the federal government, Reagan’s civil rights record during his presidency is tough to justify. As President, Reagan supported tax breaks for schools that discriminated on the basis of race, opposed the extension of the Voting Rights Act, vetoed the Civil Rights Restoration Act and decimated the Equal Employment Opportunity Commission (EEOC). When you combine Reagan’s political record with his symbolic stance on race issues—his deriding welfare recipients as “welfare queens,” his employing “states’ rights” rhetoric in the same county where in 1964 three of the most infamous murders of civil rights workers occurred, his initial opposition to establish a national holiday to commemorate Martin Luther King Jr.—the Reagan legacy begins to lose much of its luster.”).

19. Herbert, *supra* note 17.

20. DONALD T. CRITCHLOW, *THE CONSERVATIVE ASCENDANCY: HOW THE GOP RIGHT MADE POLITICAL HISTORY* 177 (2007).

Wallace voters.²¹ The Neshoba County Fairgrounds, near Philadelphia, Mississippi, were in the county where the three civil rights workers, Goodman, Chaney, and Schwerner, were murdered during the Freedom Summer of 1964.²² Reagan delivered the speech just a few miles from the earthen dam in which the bodies were buried after being beaten and shot to death.²³

The context of the speech narrows its textual interpretation. The setting of the speech unlocks the meaning of the coded language, “states’ rights.”²⁴ Now, the language is not merely part of some storied and respectable political ideology and discourse, the viability and limits of which reasonable minds might disagree. Instead, we now see the term as being conscripted into service as a covert operative in a war between past and future, a secret courier conveying coded messages of hope to a beleaguered southern culture fighting to dismantle the latest version of northern aggression: America’s Second Reconstruction.²⁵

When Reagan used the language of states’ rights and the ideology of limited government against this historical and cultural backdrop, he re-enforced the narrative of an American South victimized by the unconstitutional incursion of the federal government into the internal affairs of a sovereign state—arguments made throughout slavery, Reconstruction, and the Jim Crow era. In this narrative, Blacks and a federal government controlled by national Democrats are constructed as the evil and malicious perpetrators of a southern invasion, just as they were during the Civil War and the First Reconstruction. Reagan’s states’ rights rhetoric suggests the South is in need of a federal champion and protector, a national party that understands its regional sensibilities regarding race and culture, a party

21. See Joseph Crespino, *Did David Brooks Tell the Full Story About Reagan’s Neshoba County Fair Visit?*, HISTORY NEWS NETWORK (Nov. 12, 2007), <http://historynewsnetwork.org/article/44535>.

22. Herbert, *supra* note 17.

23. Crespino, *supra* note 21.

24. William Raspberry, *Reagan’s Race Legacy*, WASH. POST (June 14, 2004), <http://www.washingtonpost.com/wp-dyn/articles/A39345-2004Jun13.html> (“It was bitter symbolism for black Americans (though surely not just for black Americans). Countless observers have noted that Reagan took the Republican Party from virtual irrelevance to the ascendancy it now enjoys. The essence of that transformation, we shouldn’t forget, is the party’s successful wooing of the race-exploiting Southern Democrats formerly known as Dixiecrats.”).

25. The Second Reconstruction references the American Civil Rights Movement. The term was first coined by C. Vann Woodward in *The Strange Career of Jim Crow*.

capable of defeating the National Democratic Party that has betrayed them. With the help and support of southern Democrats, Reagan convinced White southern voters in a political landslide that he and his Republican Party were up for the task.

Ronald Reagan was a B-list actor-turned-FBI-informant on communist sympathizers in Hollywood; a childhood beneficiary of the New Deal welfare state turned advocate for limited government and welfare-state critic; a Midwestern Democrat from humble beginnings with religious and humanist influences turned wealthy Republican spokesman and advocate for corporate America who rarely attended church.²⁶ Perhaps this is why he was the perfect man for the job of fashioning a new Republican coalition out of wealthy pro-business supporters, a White working class of life-long Democrats, and conservative White evangelicals trying to make sense of their place in a secular political order, having retreated from public life following their defeat in the evolution vs. creation showdown in the 1925 Scopes Monkey Trial.

He was folksy with a populist persona, a secular evangelist who spoke from the heart about the American dream and the bright future for and promise of America, who was open about his political journey from Democrat to Republican. He often said, “I didn’t leave the Democratic Party. The Democratic Party left me.”²⁷ During this time of demographic shifts and political realignment, many White conservative and moderate Democrats undoubtedly identified with Reagan’s journey. As a master storyteller, he wove the complex and often contradictory narratives of his party together because, in many ways, they were his story.²⁸

He and his party needed the South as much as the South needed them. The Reagan revolution would not have materialized without winning the South, and the backlash against the civil rights movement would have been far less severe without this strategic alliance.²⁹ Therefore, the abstract and

26. See, e.g., GREENBURG, *supra* note 9, at 130-43 (describing Reagan’s appeal to the people as an element of nostalgia for the idealistic ‘everyman’).

27. George Bush, PUBLIC PAPERS OF THE PRESIDENTS OF THE UNITED STATES: GEORGE BUSH 801 (1989).

28. GREENBERG, *supra* note 9, at 136 (“The vision Ronald Reagan inherited from the Great Republican Era had a contradiction at its core: that the interests and welfare of ordinary people would be advanced by a policy that began by helping the most privileged. ...But Reagan expressed an innocent confidence in such virtues. General Electric. Progress. Americans living better electrically. Ronald Reagan was able to elide the contradiction and reach down to working America because he embodied and ennobled the common experience.”).

29. See, Kurt Ritter, *Ronald Reagan’s 1960’s Southern Rhetoric: Courting*

coded language informed by narratives that reinforced social constructions of Black inferiority and White superiority were essential to maintaining southern allegiance. Nowhere is this more evident than in Reagan's continued reference to the Black welfare queen, an outlier case of Chicago welfare fraud that became the sine qua non of all that was wrong with big government and Democratic Party leadership:

In Chicago, they found a woman who holds the record. She used 80 names, 30 addresses, 15 telephone numbers to collect food stamps, Social Security, veterans' benefits for four nonexistent deceased veteran husbands, as well as welfare. Her tax-free cash income alone has been running \$150,000 a year.³⁰

Journalists later put a name to the poster child representing Reagan's social cancer—Linda Taylor.³¹ But, as of 1976, Taylor had yet to be convicted of anything and only faced charges that she had cheated the government out of \$8,000, using only four aliases, not eighty—a far cry from the picture Reagan painted in nearly every stump speech he delivered around the country during his 1976 Presidential campaign.³²

He never revealed the woman's race.³³ He didn't need to. America's long history of racism had equipped the average American mind with a state-of-the-art movie theater. Projected onto those mental screens, among other things, were historical images of Blacks as lazy cheats unwilling to do their share and unfit, sexually promiscuous Black mothers with hoards of children, usually fathered by multiple men.

Conservatives for the GOP, 64 THE S. COMM. J. 333, 338, 341 (1999) ("A key difference between the populist rhetorics of Reagan and Wallace was the degree to which they appealed to racial prejudice. Wallace opposed the imposition of federal government powers on the states, but had no objection to state and local governments whose powers allowed them to abuse the rights of African Americans. Reagan (like Goldwater) argued that all government powers should be limited—not just the power of the federal government. Reagan's opposition to the intrusive powers of government was not motivated by racism. Racists, of course, could embrace Reagan's antigovernment rhetoric as a rationale for opposing federal initiatives on civil rights.").

30. Josh Levin, *The Welfare Queen*, *Slate Magazine*, SLATE MAGAZINE, Dec. 19, 2013, http://www.slate.com/articles/news_and_politics/history/2013/12/linda_taylor_welfare_queen_ronald_reagan_made_her_a_notorious_american_villain.html.

31. *Id.*

32. *Id.*

33. *See id.* for the 1976 speech in its entirety.

The movie played at regular intervals, reinforced by the marketing campaigns of education, media, inside jokes, and other elements of our nation's cultural and psychological distribution chain.³⁴ In other words, White listeners were more than equipped to fill in the details, just as they did when Reagan talked about how "upset workers must be to see an able-bodied man using food stamps at the grocery store." As one commentator observed: "In the South—but not in the North—the food-stamp user became a 'strapping young buck' buying T-bone steaks."³⁵

If Reagan and the Republican Party could link in the minds of White voters the image of big and wasteful government to lazy, degenerate, and pilfering Blacks, half the battle was won. Not only would White voters support cutting welfare, even if they were hurt by the cuts as much as or more than Blacks were, they would support other cuts and deregulation aimed at reducing the size, scope, and reach of a federal government deemed out of control.³⁶ This was the real prize.

The public preoccupation with welfare fraud served as a distraction and produced political capital for more important parts of the Reagan revolution—tax cuts for corporations and the wealthy, industry deregulation, and increased military expenditures.³⁷ Like a shell game

34. See for cultural context Nicholas Lemann, *The Unfinished War*, THE ATLANTIC, Dec. 1988, at 37-56 ("The idea that poverty increased comes from what people know about conditions in inner-city black ghettos, where unemployment, crime, illegitimacy, drug abuse, and physical decay did worsen through most of the sixties and afterward, even while the rate of black poverty overall was dropping. There is a strong temptation to see the ghettos as the embodiment of some kind of fundamental rottenness at the core of social-welfare liberalism.").

35. Paul Krugman, *Republicans and Race*, N.Y. TIMES, Nov. 19, 2007, <http://www.nytimes.com/2007/11/19/opinion/19krugman.html?pagewanted=print>.

36. See, e.g., LESSONS IN INTEGRATION: REALIZING THE PROMISE OF RACIAL DIVERSITY IN AMERICAN SCHOOLS 5 (Erica Frankenberg & Gary Orfield, eds., 2007) (describing the elimination of federal desegregation programs under the Reagan administration); see for further discussion SCOTT SPITZER, REAGAN'S SILENT MAJORITY (2013), available at: <http://wpsa.research.pdx.edu/papers/docs/Spitzer%20-%20WPSA%202013.pdf>.

37. See Rena I. Steinzor, *Unfunded Environmental Mandates and the "New (New) Federalism": Devolution, Revolution, or Reform?*, 81 MINN. L. REV. 97, 118, n. 64-65 (1996) ("In 1980, President Reagan came to Washington pledging to change government as we then knew it. The Reagan "new federalist" revolution had four major facets: (1) cutting the size of the federal bureaucracy; (2) cutting the levels of federal aid provided to state and local governments; (3) devolving responsibility for social programs to the states; and (4) deregulation, especially in

where the “mark” thinks the real thing is under one shell when it’s really under another, the obsession over minor welfare fraud by Black “welfare queens” was never the real thing. It diverted attention from union-busting, illegal covert military operations like Iran-Contra, and fraud in the financial (S&L) and defense contracting industries.³⁸ In addition, the obsession with minor instances of welfare fraud built up political capital to facilitate union busting, tax cuts for the wealthy, and deregulation of an economy that disproportionately benefitted the wealthy at the expense of the citizenry at large.³⁹

For all his talk about limited government and reduction of federal spending, by the end of his second administration, Reagan had expanded the U.S. military budget to an unprecedented 33 percent increase over the total

the areas of public health, occupational safety and health, and the environment. By claiming to have the states' interest in more authority at heart, and by promising to dismantle the federal bureaucracies that had stolen that authority, the administration created political cover for withdrawing large amounts of federal funding from subnational governments and for rolling back regulation that its major industrial supporters found offensive.”); *see also*, Ann Markusen, *The Militarized Economy*, 3 *WORLD POLICY J.* 495, 498 (1986); *Reagan's Tax Reform*, 20 *ECONOMIC AND POLITICAL WEEKLY* 939 (1985).

38. “As federal spending grew rapidly after the New Deal, so too did the opportunities for fraud against the government. By the 1980s, amidst the greatly increased defense spending of the Reagan administration, reports of defense contractor fraud became widespread and legendary: the \$435 claw hammer, the \$640 toilet seat, the \$7,600 coffee maker. Government enforcers were ineffective in reigning in this fraud because of lack of resources, inadequate legal tools, and the difficulty of convincing potential informers to risk their jobs by turning in their co-workers.” Brian Taugher, *The False Claims Act: A Brief History War Profiteering and "the Lincoln Law"*, *TOUGHER LAW* (2005), http://www.taugherlaw.com/false_claims_act.htm.

39. *See* SPITZER, *supra* note 36; *see also* Richard W. Hurd, Book Review, 66 *INDUS. & LAB. REL. REV.* 532, 534 (2013) (reviewing JOSEPH A. MCCARTIN, *COLLISION COURSE: RONALD REAGAN, THE AIR TRAFFIC CONTROLLERS, AND THE STRIKE THAT CHANGED AMERICA* (2011)) (“The PATCO strike and Reagan's response indeed highlight factors that have contributed to labor's decline, most notably the rising anti-union sentiments in management and on the Republican right and the reduced effectiveness of strikes. But the loss of union density in the private sector is a long-term phenomenon with many contributors. Reagan's economic policies and his appointees to the NLRB surely inflicted more damage on unions generally than did his handling of the PATCO strike.”). Notice that the PATCO strike is largely noted as a major turning point for American labor relations and the decline of union power. Victor G. Devinatz, *The Crisis of US Trade Unionism and What Needs to be Done*, 64 *LAB. L.J.* 5 (2013).

expenditure for the Vietnam War⁴⁰ and had tripled the national debt in doing so.⁴¹ The massive tax cuts he put in place benefitted the wealthy and the well-off, to be sure, but the much-heralded benefits of supply-side economics to the poor and near-poor turned out to be a hoax.⁴²

Ronald Reagan's discursive practices used race to align the interests of disparate groups in his party. He shamelessly constructed a subtextual narrative casting Blacks as the "other"—welfare frauds whose government-induced depravity and dependency convincingly illustrated why big government did not work. But he did not stop there. He also provided neo-conservatives with a revisionist narrative of the civil rights movement. The aim of this revisionist narrative was to reabsorb movement narratives back into the dominant narratives of colorblindness, individualism, and American Exceptionalism, all of which supported the status quo and severely limited the civil rights movement's ability to sustain the victories of the Second Reconstruction.

40. According to the Congressional Research Services, the cost total estimated cost of the Vietnam War was \$111 billion; according to the Cato institute, the total cost of President Reagan's defense budget in 1983 was \$258 billion, which is roughly 33 percent more than the cost of the Vietnam War. See STEPHEN DAGGETT, CONG. RESEARCH SERV., RS22926. COSTS OF MAJOR U.S. WARS 2 (2008); CATO INSTITUTE, CATO INSTITUTE POLICY ANALYSIS NO. 10: REAGAN'S 1983 DEFENSE BUDGET: AN ANALYSIS AND AN ALTERNATIVE (1982).

41. Alex Park, *These Charts Show How Ronald Reagan Actually Expanded the Federal Government*, MOTHER JONES (Dec. 30, 2014), <http://www.motherjones.com/mojo/2014/12/ronald-reagan-big-government-legacy> (citing the U.S. Treasury Department).

42. "By the end of Reagan's term in office federal assistance to local governments was cut 60 percent. Reagan eliminated general revenue sharing to cities, slashed funding for public service jobs and job training, almost dismantled federally funded legal services for the poor, cut the anti-poverty Community Development Block Grant program and reduced funds for public transit. The only 'urban' program that survived the cuts was federal aid for highways—which primarily benefited suburbs, not cities." Peter Dreier, *Reagan's Legacy: Homelessness in America*, SHELTER FORCE ONLINE, Issue #135 (May/June 2004), <http://www.nhi.org/online/issues/135/reagan.html>. "When put to the test in the real world, supply-side policies did not deliver as promised. In fact, by every important measure, our nation's economic performance after the tax increases of 1993 significantly outpaced that of the periods following the tax cuts of the early 1980s and the early 2000s." Michael Ettlinger & Michael Linden, *Class Series: The Failure of Supply-Side Economics: Three Decades of Empirical Economic Data Shows That Supply-Side Economics Doesn't Work* (August 1, 2012), <http://www.americanprogress.org/issues/economy/news/2012/08/01/1998/the-failure-of-supply-side-economics/>.

IV. ANATOMY OF A BACKLASH: REVISIONIST NARRATIVE

Initially, Reagan opposed legislation establishing a national holiday commemorating Dr. King's birthday.⁴³ He eventually signed that bill into law in 1983, under mounting public pressure and following an overwhelming vote in favor of the holiday in the House of Representatives.⁴⁴ Reagan's comments at the Rose Garden ceremony set the stage for understanding the role of revisionist narrative in the backlash against the civil rights movement.⁴⁵ Three parts of the speech are particularly noteworthy:⁴⁶

Dr. King had awakened something strong and true, a sense that *true justice must be colorblind*, and that among white and black Americans, as he put it, "Their destiny is tied up with our destiny, and their freedom is inextricably bound to our freedom; we cannot walk alone."⁴⁷

In 1968 Martin Luther King was gunned down by a brutal assassin, his life cut short at the age of 39. But those 39 short years had changed America forever. The Civil Rights Act of 1964 had guaranteed all Americans

43. Steven H. Hobbs, *Review Essay: Following the Drum Major for Justice: Reflections on Luther D. Ivory's Toward A Theology of Radical Involvement: The Theological Legacy of Martin Luther King, Jr.*, 50 ALA. L. REV. 7, n. 8 (1998) ("Then, in one of the most ironic scenes of all, President Reagan, in November 1983, moving toward an election year, apparently forgetting his earlier facetious question about whether or not King might have been a communist, decided that he was really in support of the national holiday. But that could have been less than a favor, for when he signed the bill into law, Reagan continued the trivialization of the new hero's vision by offering his own homily on King's significance. He said, 'Traces of bigotry still mar America. So each year on Martin Luther King Day, let us not only recall Dr. King but rededicate ourselves to the commandments he believed in and sought to live every day: "Thou shalt love thy God with all thy heart and thou shall love thy neighbor as thyself."'"

44. Act of Aug. 27, 1984, Pub. L. No. 98-399 (98 Stat. 1473).

45. See generally Denise M. Bostdorff & Steven R. Goldzwig, *History, Collective Memory, and the Appropriation of Martin Luther King, Jr.: Reagan's Rhetorical Legacy*, 35 PRESIDENTIAL STUD. Q. 661 (2005).

46. Ronald Reagan, *Remarks on Signing the Bill Making the Birthday of Martin Luther King, Jr., a National Holiday* (Nov. 2, 1983), <http://www.presidency.ucsb.edu/ws/?p id=40708>.

47. *Id.*

equal use of public accommodations, equal access to programs financed by Federal funds, and the right to compete for employment *on the sole basis of individual merit*.⁴⁸

We've made historic strides since Rosa Parks refused to go to the back of the bus. As a democratic people, *we can take pride in the knowledge that we Americans* recognized a grave injustice and took action to correct it. And we should remember that in far too many countries, people like Dr. King never have the opportunity to speak out at all.⁴⁹

A sustainable backlash must revise the story of those who have bled, suffered, and died for change, to fit the dominant narrative of the culture. This makes the reform appear consistent with the culture's history and core values, suggesting that the reform was but a mild corrective to a fundamentally fair and just system. Paradoxically, it also lays the groundwork for limiting and/or reversing the reform as inconsistent with an interpretation of that new dominant narrative.

A. Colorblind Justice

The first pillar of the revisionist narrative is the commitment to colorblind justice. A close examination of Reagan's speech reveals the role that the new narrative of colorblindness would play. When combined with the two other pillars of the revisionist narrative, individual merit and American exceptionalism, neo-conservative elites would have a broad spectrum of discursive tools to contain the movement's transformative potential and, indeed, reverse many of its gains.

Reagan begins by establishing the official national understanding of not just King's contribution to America but the entire civil rights struggle: "Dr. King had awakened something strong and true, a sense that *true justice must be colorblind* and that among white and black Americans, as he put it, 'their destiny is tied up with our destiny, and their freedom is inextricably bound to our freedom; we cannot walk alone.'" ⁵⁰

First, King never said or suggested that "true justice" must be "colorblind." In 1964, the year after he delivered his historic "I Have a

48. *Id*

49. *Id.*

50. *Id.*

Dream” speech at the Lincoln memorial, the speech Reagan uses as the basis for his revisionist narrative, King called for Black reparations to compensate Blacks for the unearned wages denied them in slavery.⁵¹ While King dreamed of the day his four little children would live in a country that did not judge them by the color of their skin but by the content of their character, this was not intended as an organizing tenet for the law and policy reforms needed to correct centuries of slavery and de jure/de facto racism, bigotry, and discrimination toward Blacks. Rather, it was the basis for a revolution in values, and a challenge to transform the way we think, speak, and act regarding race. It was a challenge to Whites to no longer view themselves as superior to Blacks and to Blacks to no longer see themselves as inferior to Whites.

51. Martin Luther King, Jr., *I Have a Dream*, Address on the Steps of the Lincoln Memorial (Aug. 28, 1963), available at <http://www.americanrhetoric.com/speeches/mlkihaveadream.htm> (emphasis added) [hereinafter *I Have a Dream*]. Even this speech does not suggest King was a proponent of colorblind justice in the sense it was used by Reagan and the neo-conservative movement. He states, “In a sense we've come to our nation's capital to cash a check. When the architects of our republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir. This note was a promise that all men, yes, black men as well as White men, would be guaranteed the ‘unalienable Rights’ of ‘Life, Liberty and the pursuit of Happiness.’ It is obvious today that America has defaulted on this promissory note, insofar as her citizens of color are concerned. Instead of honoring this sacred obligation, America has given the Negro people a bad check, a check which has come back marked ‘insufficient funds.’ But we refuse to believe that the bank of justice is bankrupt. We refuse to believe that there are insufficient funds in the great vaults of opportunity of this nation. And so, we've come to cash this check, a check that will give us upon demand the riches of freedom and the security of justice.” Contrast the above with words published the following year, 1964, and a more complete picture of King’s conception of “justice” comes into view. It is far from the “colorblind” justice of the neoconservative movement: “It is impossible to create a formula for the future which does not take into account that our society has been doing something special against the Negro for hundreds of years... In asking for something special, the Negro is not seeking charity. He does not want to languish on welfare rolls any more than the next man... Few people consider the fact that, in addition to being enslaved for two centuries, the Negro was, during all those years, robbed of the wages of his toil. No amount of gold could provide an adequate compensation for the exploitation and humiliation of the Negro in America down through the centuries. Not all the wealth of this affluent society could meet the bill. Yet a price can be placed on unpaid wages.” MARTIN LUTHER KING, JR., *WHY WE CAN’T WAIT* (1964).

King challenged Blacks to not be bitter and succumb to violence as a response to injustice, but Reagan's interpretation cherry-picks the language to make it sound as though King was in every aspect of that speech imposing the same expectations on Blacks and Whites, on those with privilege and power and those without; that, in other words, King's approach was colorblind. This could not be further from the truth. King's actual words that day were:

The *marvelous new militancy* which has engulfed the Negro community must not lead us to a distrust of all white people, for *many of our white brothers*, as evidenced by their presence here today, *have come to realize* that their destiny is tied up with our destiny. And they have come to realize that their freedom is inextricably bound to our freedom. We cannot walk alone.⁵²

King makes it clear in this passage that many Whites—not all or most Whites—“have come to realize that their destiny is tied up with our destiny.” They’ve “come to realize,” he said. Like the moral challenge to Black America to not be ruled by bitterness and hatred, this was King's moral challenge to the White America that had not yet “come to realize” that its destiny was tied up with Black America's destiny and that its freedom was inextricably bound to the freedom of Black America. There was much work to be done to repair the economic, political, cultural, and psycho-spiritual damage inflicted by the legacy of slavery.

This is not a colorblind approach to remedying racism. King was acutely aware that the journey to overcome America's past would sometimes require different internal psychological work by Blacks and Whites, a different understanding of the obstacles each faced, and a different set of interventions and remedies to overcome those obstacles. A more truthful exegesis of his speech for purposes of extrapolating law and policy would take a similar approach, evidencing a national commitment to build the institutional structures and inculcate the cultural norms necessary to provide alternatives to bitterness, hatred, and violence. It would facilitate the realization that a history of White supremacy had created the misperception that White destiny and freedom could be secured by enslaving, segregating, and subordinating the destiny and freedom of Blacks.

52. *I Have a Dream*, *supra* note 51.

King understood that our nation had perpetuated a “cultural homicide” against Black people, and that the disease of White supremacy had infected us all, but quite often in different ways. Given the relentless constructions of Blacks as intellectually and culturally inferior—dirty, lazy, and prone to irrational displays of anger and violence—Blacks needed to engage in a project of building self-esteem, and building institutions that cultivated that self-esteem and reflected it back into their communities. He never objected to this dimension of the Black Power agenda. On the other hand, Whites needed to interrogate and tear down the psychological and institutional structures of White privilege that formed the foundation of White supremacy. The major point here is that there was much race-conscious, non-colorblind work to be done by both Blacks and Whites, at every level, from individual psychology to law and public policy.⁵³

53. Martin Luther King, Jr., *Where Do We Go From Here?*, Address to the 11th Annual SCLC Convention (Aug. 16, 1967), available at [http://mlkpp01.stanford.edu/index.php/encyclopedia/documentsentry/where_do_we_go_from_here_delivered_at_the_11th_annual_sclc_convention/\[hereinafter *Where Do We Go From Here*\]](http://mlkpp01.stanford.edu/index.php/encyclopedia/documentsentry/where_do_we_go_from_here_delivered_at_the_11th_annual_sclc_convention/[hereinafter%20Where%20Do%20We%20Go%20From%20Here]) (“Even semantics have conspired to make that which is black seem ugly and degrading. (Yes) In Roget's *Thesaurus* there are some 120 synonyms for blackness and at least sixty of them are offensive, such words as blot, soot, grim, devil, and foul. And there are some 134 synonyms for whiteness and all are favorable, expressed in such words as purity, cleanliness, chastity, and innocence. A white lie is better than a black lie. (Yes) The most degenerate member of a family is the ‘black sheep.’ (Yes) Ossie Davis has suggested that maybe the English language should be reconstructed so that teachers will not be forced to teach the Negro child sixty ways to despise himself, and thereby perpetuate his false sense of inferiority, and the white child 134 ways to adore himself, and thereby perpetuate his false sense of superiority. [applause] The tendency to ignore the Negro's contribution to American life and strip him of his personhood is as old as the earliest history books and as contemporary as the morning's newspaper. To offset this cultural homicide, the Negro must rise up with an affirmation of his own Olympian manhood. Any movement for the Negro's freedom that overlooks this necessity is only waiting to be buried. (Yes) As long as the mind is enslaved, the body can never be free. (Yes) Psychological freedom, a firm sense of self-esteem, is the most powerful weapon against the long night of physical slavery. No Lincolnian Emancipation Proclamation, no Johnsonian civil rights bill can totally bring this kind of freedom. The Negro will only be free when he reaches down to the inner depths of his own being and signs with the pen and ink of assertive manhood his own emancipation proclamation. And with a spirit straining toward true self-esteem, the Negro must boldly throw off the manacles of self-abnegation and say to himself and to the world, ‘I am somebody. (Oh yeah) I am a person. I am a man with dignity and honor. (Go ahead) I have a rich and noble history, however painful and exploited that history has been. Yes, I was a slave through my foreparents (That's right), and

B. Individual Merit

The second pillar of the revisionist narrative is individual merit. While closely connected to the value of colorblindness, I distinguish it, because its particular function is to suggest that whatever social inequalities result from colorblind laws and policies are just and should not be disrupted. Reagan observes:

In 1968, Martin Luther King was gunned down by a brutal assassin, his life cut short at the age of 39. But those 39 short years had changed America forever. The Civil Rights Act of 1964 had guaranteed all Americans equal use of public accommodations, equal access to programs financed by Federal funds, and the right *to compete for employment on the sole basis of individual merit*.⁵⁴

Reagan was routinely criticized for his lackluster enforcement of civil rights laws during his two terms in office.⁵⁵ He had vehemently opposed the landmark Civil Rights Act of 1964 on the grounds that the Act constituted an infringement of states' rights and deemed affirmative action and racial quotas to be a form of reverse discrimination.⁵⁶ Title VII of the 1964 Civil Rights Act was enforced by federal agencies like the Equal Employment Opportunity Commission ("EEOC") over which Reagan had appointment power and funding discretion and, therefore, ultimate enforcement power.⁵⁷ He drastically cut funding for the EEOC and the civil rights division of the Justice Department, and his cuts rendered both agencies practically useless

now I'm not ashamed of that. I'm ashamed of the people who were so sinful to make me a slave.' (*Yes sir*) Yes [*applause*], yes, we must stand up and say, 'I'm black (*Yes sir*), but I'm black and beautiful.' (*Yes*) This [*applause*], this (*Yes*) this [*applause*], this self-affirmation is the black man's need, made compelling (*All right*) by the white man's crimes against him. (*Yes*)").

54. Reagan, *supra* note 46 (emphasis added).

55. See e.g., William R. Yeomans, *The Politics of Civil Rights Enforcement*, 53 WASHBURN L.J. 509, 522-28 (2014); Otis B. Grant, *President Ronald Reagan and the African-American Community: Harmful Stereotyping and Games of Choice in Market-Oriented Policy Reform*, 25 T.M. COOLEY L. REV. 57 (2008).

56. See Juan Williams, *Reagan, the South and Civil Rights*, NPR (June 10, 2004), <http://www.npr.org/templates/story/story.php?storyId=1953700>.

57. See NORMAN C. AMAKER, CIVIL RIGHTS AND THE REAGAN ADMINISTRATION 103-29 (1988); Yeomans, *supra* note 55.

in the face of the backlash to the civil rights movement.⁵⁸ The EEOC filed sixty percent fewer cases, practically guaranteeing that most cases of discrimination and segregation in employment, education, and housing would go uninvestigated.⁵⁹

“The right to compete for employment on the sole basis of individual merit” was coded language for a brand of individualism intended to exclude from any discussion of racial discrimination the relevance of America’s history of slavery and segregation, with its institutionalized racism and White privilege.⁶⁰ White privilege, the accumulated benefits garnered from systematically excluding and limiting the ability of Blacks to “compete for employment on the sole basis of individual merit,” would now be protected by this new twist on an old theme of the American narrative.⁶¹

To take one example, in 1971, the Supreme Court, in *Griggs v. Duke Power*, examined the practices of a North Carolina company that attempted to use colorblind individual merit policies to protect the White privilege created by a long history of systematic racial discrimination against Black workers. These workers were assigned only to the “outdoor” labor department, where the highest-paying jobs paid less than the lowest-paying “indoor” jobs in the company’s other four departments.⁶² Before the effective date of Title VII, the company discontinued its formal policy and practice of prohibiting Blacks from working in the other four departments.⁶³

Instead, the company conditioned employment in the four other departments on graduation from high school and satisfactory performance on two professionally prepared aptitude tests.⁶⁴ It then amended the policy to permit existing employees who did not have a high school diploma to transfer if they passed the aptitude tests.⁶⁵ In addition, White employees who did not have a high school diploma at the time the educational requirements were imposed could continue to work “indoor jobs” and be promoted without having to acquire a high school diploma.⁶⁶ While the new policies were ostensibly colorblind, merit-based policies, the reality was that only 12 percent of Black males in North Carolina had high school

58. *Id.*

59. Sheryll Cashin, *Place, Not Race: Affirmative Action and the Geography of Educational Opportunity*, 47 U. MICH. J.L. REFORM 935, 948 (2014).

60. Reagan, *supra* note 46.

61. *Id.*

62. 401 U.S. 424 (1971).

63. *Id.* at 426-29.

64. *Id.*

65. *Id.*

66. *Id.*

diplomas compared to 34 percent of White males, and only 6 percent passed the professional aptitude tests compared to 58 percent of Whites.⁶⁷

The Court found the company in violation of Title VII of the 1964 Civil Rights Act, notwithstanding the colorblind policy it had adopted. In light of Title VII's objective to achieve equality of opportunity by removing barriers privileging Whites, "practices, procedures, or tests neutral on their face, and even neutral in terms of intent, cannot be maintained if they operate to 'freeze' the status quo of prior discriminatory employment practices."⁶⁸ The Court concluded that Title VII was directed at the consequences of employment practices, not the motivation. The employer had to demonstrate the relationship between the high school diploma and aptitude tests and what was necessary to perform the job.⁶⁹ In other words, employers had to satisfy the burden of production and persuasion on how a colorblind, merit-based employment requirement that disproportionately and adversely impacted a protected class was "necessary" to perform the job in question.⁷⁰

To make matters even worse for the conservative forces, the EEOC had enforcement power to bring suits against companies engaged in a pattern and practice of discriminating against protected groups in the workplace.⁷¹ Proof of a pattern and practice did not require evidence showing that race was a sole or even explicit factor in the discrimination.⁷² The EEOC might establish this by a statistical analysis demonstrating that a protected group was routinely not hired or promoted, or was routinely fired or demoted, at a rate different from Whites.⁷³ One can easily see why Reagan and those wishing to contain the egalitarian implications of laws like Title VII did not initially support the Civil Rights Act of 1964 and, upon losing that battle, set their sights on dismantling the civil rights division of the Justice Department and the EEOC. Exploiting the norms of individual merit was part of that strategy.

The disparate-impact legal approach to the legacy of slavery and segregation, abstracted to a broader political and moral discourse, might have tempered the incessant debates about the continued relevance of

67. *Id.*

68. *Id.* at 431.

69. *Id.*

70. *Id.*

71. AMAKER, *supra* note 57.

72. *Id.* at 109-12.

73. See DONALD R. LIVINGSTON, EEOC PATTERN OR PRACTICE LITIGATION 8 (2010), available at http://www.americanbar.org/content/dam/aba/administrative/la_borlaw/meetings/2010/2010_eo_016.authcheckdam.pdf.

slavery and segregation to present-day discrimination and the concomitant lack of opportunity for the victims of that history. It might have not mired us so deeply in the unproductive conversation over whether individuals who were not slaveholders or racists are at fault or should be held responsible for present racial inequalities. It might have checked, in part, the tendency to exploit a set of discursive practices justifying racial disparities by reference to coded language and images like Reagan's "welfare queen,"⁷⁴ Bush's "Willie Horton,"⁷⁵ Murray and Hornstein's "bell curve,"⁷⁶ and Moynihan and D'Souza's "culture of poverty."⁷⁷

On the other hand, from the perspective of those seeking to derail the civil rights movement and halt its momentum, a discourse focused on whether Whites were personally at fault and caused present racial inequalities, a discourse focused on whether Blacks personally merited their positions, was indispensable to a dominant narrative intended to play on White fear, hostility, and resentment to achieve a broader agenda. The neo-conservative movement exploited these emotions and mobilized support for the repeal of civil rights and other parts of the neo-conservative agenda: limited government, lower taxes, deregulation, and corporate welfare.

C. American Exceptionalism

Again, the aim of a revisionist narrative is to reabsorb movement narratives back into dominant narratives such as colorblindness, individualism, and American exceptionalism, all of which are interpreted to limit the civil rights movement's ability to sustain and build upon its victories. In his "Rose Garden" speech, Reagan masterfully reasserts the preeminence of the master narrative by seizing the opportunity to acknowledge the debt both the civil rights movement and King owed to America.

We've made historic strides since Rosa Parks refused to go to the back of the bus. As a democratic people, we can take pride in the knowledge that we Americans recognized a grave injustice and took action to correct it. And we should remember that *in far*

74. Levin, *supra* note 30.

75. *George Bush and Willie Horton*, N. Y. TIMES, Nov. 4, 1988, <http://www.nytimes.com/1988/11/04/opinion/george-bush-and-willie-horton.html>.

76. RICHARD J. HERRNSTEIN & CHARLES MURRAY, *BELL CURVE* (1994). The book was highly controversial for drawing connections between race and IQ.

77. Patrick Cohen, *'Culture of Poverty' Makes a Comeback*, N. Y. TIMES, Oct. 17, 2010, http://www.nytimes.com/2010/10/18/us/18poverty.html?_r=0.

too many countries, people like Dr. King never have the opportunity to speak out at all.⁷⁸

As a discursive practice, American exceptionalism is the third pillar of the revisionist narrative. It refocuses the attention on the wonder of America, its institutions, and its people. Conspicuously absent from Reagan's account is the role of the federal government in constructing, defending, and reinforcing the political institutions and practices that sustained slavery for over two hundred years and segregation for nearly a century thereafter.

There is no public confession to what many have characterized as America's original sin; no contrition concerning the countless murdered, maimed, lynched, and exterminated in this centuries-long holocaust; no repentance or public resolve to turn from wickedness and commit the institutional resources of the federal government to repairing the harm it inflicted on Black people; not even a tepid apology for any of the above. Instead, Reagan seizes the opportunity to engage in self-congratulatory reflection: "Americans recognized a grave injustice and took action to correct it."⁷⁹

Reagan's remarks gloss over the tremendous sacrifice of those who died, bled, and suffered unspeakable indignity and inhumanity at the hands of their fellow Americans before the latter could "recognize" injustice and "correct" it. And all of this from a president who would leave the official signing, step back into his oval office, and continue spearheading efforts to undermine, if not dismantle, the gains of the civil rights movement, along with the legacy of the man whose life he had been forced to commemorate.

By colonizing the narratives of struggle and assimilating them to the dominant narrative of American exceptionalism, Reagan not only conceals the dark side of American history, sweeping its ugliness under the living room rug of a house still divided, he effectively announces to the American people and the world, "mission accomplished."⁸⁰ To be sure, work remains to be done, because, as he puts it, "traces of bigotry still mar America." But these are merely "traces"—not systems and structures of "bigotry," not institutionalized racism and privilege. And they only "mar"—not distort and deform—an otherwise exceptional American image. America is not to worry, then, particularly the White America to which his Neshoba County "states' rights" and "welfare queen" remarks were directed. All is well; the narrative of American exceptionalism remains intact. So much so, we

78. Reagan, *supra* note 46 [emphasis added].

79. *Id.*

80. *Id.*

should realize, “that in far too many countries, people like Dr. King never have the opportunity to speak out at all.”⁸¹

The coup de grace—Reagan’s rhetorical death blow to a movement that, by 1983, had been severely wounded by a backlash and a new set of national priorities that did not include the unfinished work of King and the Black freedom, civil, and human rights movement for which he gave his life. Assassinated while organizing Black sanitation workers in Memphis, Tennessee, King understood there was more work to be done. Official segregation was merely the tip of the iceberg. What lay beneath the now-still waters once troubled by the agitation of freedom movements was more of the dark side of American exceptionalism that Reagan did not mention: de facto segregation in every phase of American life; occupational, employment, and wage disparities based on race; and neocolonial structures between poor and minority communities and the financial, police, and media institutions that control and socially construct them.

It was these “colorblind” structures, policies, and practices to which King turned his attention after the passage of the Voting Rights Act in 1965. He moved into a poor tenement in Chicago to bring attention to how Blacks could still be segregated, targeted for inferior services, and denied opportunity in the “land of opportunity,” even in the absence of Jim Crow laws.⁸² He increasingly spoke out on the insidious relationship between militarism, classism, and racism—understanding how Vietnam was a new paradigm that would undermine any efforts to design and implement what he called a Marshall Plan for inner cities and the poor throughout the country, an economic bill of rights, with a commitment to full employment and a guaranteed minimum income needed to obliterate poverty.⁸³ But King went even further than this, taking a position that would have boldly and directly challenged Reagan’s version of American exceptionalism:

[O]ne day we must ask the question, “Why are there forty million poor people in America?” And when you begin to ask that question, you are raising a question about the economic system, about a broader distribution of wealth. When you ask that question, you begin to question the capitalistic economy . . . And I’m simply saying that more and more, we’ve got to begin to ask questions about the whole society. We are called

81. *Id.*

82. See MICHAEL ERIC DYSON, *I MAY NOT GET THERE WITH YOU: THE TRUE MARTIN LUTHER KING, JR.* 112 (2000).

83. Dyson, *supra* note 81, at 59, 76-75.

upon to help the discouraged beggars in life's marketplace . . . But one day we must come to see that an edifice which produces beggars needs restructuring . . . It means that questions must be raised. And you see, my friends, when you deal with this, you begin to ask the question, "Who owns the oil?" . . . You begin to ask the question, "Who owns the iron ore?" . . . You begin to ask the question, "Why is it that people have to pay water bills in a world that's two-thirds water?" . . . These are words that must be said.⁸⁴

V. BACKLASH, REAGANOMICS, AND THE NEO-CONSERVATIVE MOVEMENT

Toward the end of his life, when breaking ranks with Democrats on the Vietnam War, King spoke of the triple evils of racism, extreme materialism, and militarism. He saw that the social inequality and stratification created by racism and extreme materialism were inextricably connected to and reinforced by militarism, or what President Eisenhower called in his 1961 farewell address the perils of the military industrial complex—the partnership between a capitalist, profit-maximizing defense industry and government. King said:

I am convinced that if we are to get on the right side of the world revolution, we as a nation must undergo a radical revolution of values. We must rapidly begin . . . the shift from a thing-oriented society to a person-oriented society. When machines and computers, profit motives and property rights, are considered more important than people, the giant triplets of racism, extreme materialism, and militarism are incapable of being conquered.⁸⁵

84. *Where Do We Go From Here*, *supra* note 53.

85. Martin Luther King, Jr., *Beyond Vietnam – A Time to Break Silence* (April 4, 1967), *available at* <http://contraryperspective.com/2015/01/19/martin-luther-king-jr-on-americas-spiritual-death/> ("A true revolution of values will soon cause us to question the fairness and justice of many of our past and present policies. On the one hand, we are called to play the Good Samaritan on life's roadside, but that will be only an initial act. One day we must come to see that the whole Jericho Road must be transformed so that men and women will not be constantly beaten and robbed as they make their journey on life's highway. True compassion is more than flinging a coin to a beggar. It comes to see that an edifice which produces

The backlash against the civil rights movement was violent and nonviolent, utilized both the coercive and consensus-manufacturing apparatuses of the state and civil society, and exploited both colorblind issues-based and identity-based politics to achieve objectives that were antithetical to King's radical revolution of values. Interest alignment, "othering," and revisionist-narrative strategies were all essential components of the racial backlash that laid the foundation for the extreme materialism, or redistribution of income and wealth to the upper class, and an unprecedented increase in military expenditures and expansion of the military-industrial complex.

Reagan, the Democrat-turned-Republican, was the ideal spokesperson for the target audience of the Southern Strategy and the segments of the Northeast liberal elite and Midwest working class also contemplating a change of party. A full understanding of the ghosts of 1964 and the backlash to the civil rights movement would not be complete without an understanding of this group, particularly the highly educated Northeast faction, its agenda, and how that agenda was aided by some aspects of the Southern Strategy it abhorred but tolerated in order to create the electoral majority that brought it to power. My contention here is that this political realignment not only hurt Blacks and other minorities, it hurt working class and middle class Whites as well.

beggars needs restructuring. 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." It will look at our alliance with the landed gentry of South America 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 hand 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 the veins of peoples 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. America, the richest and most powerful nation in the world, can well lead the way in this revolution of values.").

A. The Neo-Cons

In 1973, Michael Harrington, a democratic socialist, coined the term *neo-conservatism*, pejoratively describing liberal intellectuals who were moving toward a new form of conservatism, rebelling against the takeover of the Democratic Party by what they perceived to be weak, anti-war, anti-American, and identity-politics-driven constituencies. The term stuck and was embraced by Irving Kristol, later dubbed by *Esquire Magazine*, “the godfather of neo-conservatism.”⁸⁶

Kristol was the managing editor of *Commentary* magazine, whose editor-in-chief, Norman Podhoretz, was, like Kristol, a Jewish Liberal turned Conservative. Liberals who hated Joseph McCarthy were infuriated when Kristol wrote in 1952, at the height of McCarthyism, “There is one thing that the American people know about Senator McCarthy: he, like them, is unequivocally anti-Communist. About the spokesmen for American liberalism, they feel they know no such thing.”⁸⁷

Kristol went on to become co-founder and co-editor of the *Public Interest* between 1965 and 2005, a leading neo-conservative journal on political economy and culture aimed at scholars, journalists, policy makers, and other thought leaders. Once asked for a definition of a neo-conservative, Kristol responded, “A neoconservative is a liberal who has been mugged by reality.”⁸⁸ That reality for the neo-conservative was the recognition that there was evil in the world, as Nazism and Communism made irrefutably clear.

Second, this evil could not be pacified, appeased, or diplomatically contained. It had to be exterminated, and by any means necessary. Third, a nation as great as America, if it planned to remain great, had to be vigilant, refusing to indulge the hedonistic distractions of rebellious youth and the lawlessness and disorder of disruptive protests and riots. It could not afford its people the luxury of growing fat and lazy at the trough of the welfare state, greedily devouring tax revenues essential to feeding a national defense that could deliver us from evil. Thus, neo-conservatives stood for a unilateral and interventionist foreign policy to promote democracy and defend Israel.⁸⁹ They were the strongest supporters for invading Iraq.

86. JUSTIN VAÏSSE, *NEOCONSERVATISM: THE BIOGRAPHY OF A MOVEMENT* 5 (2010).

87. *Id.* at 33.

88. Douglas Murray, ‘*A Liberal Mugged by Reality*’, *THE SPECTATOR*, Sept. 23, 2009, <http://www.spectator.co.uk/features/5357421/a-liberal-mugged-by-reality/>.

89. JOHN EHRMAN, *THE RISE OF NEOCONSERVATISM: INTELLECTUAL AND FOREIGN AFFAIRS, 1945–1994* (1996); VAÏSSE, *supra* note 86, at 236-37.

Bill Kristol, a prominent neo-conservative commentator today, followed in his father's ideological footsteps. In 1997, he co-founded with Robert Kagan the Project for the New American Century ("PNAC"), an organization of neo-conservatives advocating for, among other things, an increase in the military budget and regime change in Iraq. PNAC signatories and contributors include influential public intellectuals and high-ranking Republican officials and power brokers stretching back to the late sixties: Norman Podhoretz, Dick Cheney, Donald Rumsfeld, Paul Wolfowitz, Elliott Abrams, and Richard Perle. The relationships among these men go back decades.

In the early seventies, Elliot Abrams, Richard Perle, and Paul Wolfowitz, along with other young neo-conservatives, joined the staff of Washington State Democratic Senator Henry "Scoop" Jackson, a pro-Israel, pro-defense industry, anti-communist hardliner who ran two unsuccessful presidential campaigns in 1972 and 1976. Jackson tag-teamed with Irving Kristol to mentor these young neo-conservatives, who eventually found homes in the Republican administrations of Ronald Reagan, George Herbert Walker Bush, and George Walker Bush.

In the late sixties and early seventies, the neo-conservative agenda was threefold: 1) an aggressive and, if need be, unilateral and preemptive approach to the use of U.S. military power against communism (later terrorism) and whatever evils threatened American strategic interests and its place in the world as the preeminent global superpower,(2) opposition to the Great Society welfare state (with a *general* acceptance of the New Deal welfare state), and (3) rejection of the identity-based politics apparent in the Black Power, SDS, Anti-War, and Feminist movements.

This agenda greatly contributed to the backlash against the civil rights movement. It prioritized colorblind over identity-based approaches to inequality. It advocated supply-side, free trade, and deregulatory policies over demand-side, fair trade, and regulatory approaches to the economy. It implemented statist over individual-liberty approaches to national security and demanded the prioritization of military over social welfare spending, even if unprecedented federal deficits resulted.⁹⁰

90. By the mid-seventies, neo-conservatives like Abrams, Perle, and Wolfowitz had seen the bleak future of a Democratic Party perceived as too liberal, too weak on communism, and too influenced by left wing fanatics it could not control. McGovern had lost the 1972 election to Nixon in a landslide of near-epic proportions. They had witnessed the humiliating defeat of their political mentor, Senator Scoop Jackson, in the democratic presidential primaries of 1972 and 1976. Jackson was ridiculed by the left wing of his own party for being too hawkish and being in the back pocket of Boeing Aircrafts, headquartered in his home state and a

For these frustrated neo-conservatives, Democrats who felt unwelcomed in a Democratic Party that had grown too fringe and too liberal, a savior arrived in 1980. Ronald Reagan delivered the worst electoral defeat to an incumbent president in the history of the republic. Elliot Abrams became Reagan's Assistant Secretary of State for International Organizations, Richard Perle his First Assistant Secretary of Defense for Global Strategic Affairs, and Paul Wolfowitz his Director of Policy Planning. The neo-cons had found a political and ideological home with the cultural and policy sensibilities they desired. Their power would peak in the administration of George W. Bush, where they would plan and execute the Iraq War.⁹¹

B. Reagan's Wars

As I have contended, the neo-conservative policies associated with the Reagan era and the discursive practices used to justify them have disadvantaged not only Blacks and other racial minorities, but also segments of the White community as well.⁹² The Reagan Administration came into office with an economic agenda generally referred to as Reaganomics.⁹³ An outline of its major features will demonstrate how race is too often used in American politics and culture as a cover for policies that hurt other poor and marginalized groups as well.

1. Reaganomics and the War on the Working Class

Shortly after taking office in 1981, Reagan declared war on the very working class that had helped elect him. He fired 13,000 striking air traffic controllers and destroyed their union. Washington Post columnist Harold

major player in the military industrial complex.

91. Prominent neo-conservatives in the Bush administration included Dick Cheney, Donald Rumsfeld, Paul Wolfowitz, John Bolton, Elliott Abrams, Richard Perle, and Paul Bremer. See JEFFREY RECORD, *WANTING WAR: WHY THE BUSH ADMINISTRATION INVADED IRAQ* 47-50 (2010).

92. See David S. Lee, *Wage Inequality in the United States During the 1980s: Rising Dispersion or Falling Minimum Wage?*, 114(3) Q.J. ECONOMICS 977, 977-1023 (1999); Robert D. Plotnick, *Changes in Poverty, Income Inequality, and the Standard of Living in the United States During the Reagan Years*, 23(2) INT. J. HEALTH SERV. 347, 347-58 (1993).

93. William A. Niskanen, *Reagonomics*, in THE CONCISE ENCYCLOPEDIA OF ECONOMICS, <http://www.econlib.org/library/Enc1/Reagonomics.html> (last visited Feb. 13, 2011).

Meyerson observed that this was "an unambiguous signal that employers need feel little or no obligation to their workers, and employers got that message loud and clear—illegally firing workers who sought to unionize, replacing permanent employees who could collect benefits with temps who could not, shipping factories and jobs abroad."⁹⁴

Reagan appointed three management representatives to the five-member National Labor Relations Board, the entity responsible for overseeing union representation elections and labor-management bargaining designed to give workers voice and representation in their relationship with corporate owners and managers. One of the three, Donald Dotson, became NLRB Chairman and made his position on unions quite clear. "Unionized labor relations have been the major contributors to the decline and failure of once-healthy industries" and have caused "destruction of individual freedom."

The NLRB settled about half the total number of complaints against employers as the board under the Carter administration, and those that were settled upheld employers in three-fourths of the cases. Most of the complaints were against employers who responded to organizing drives by illegally firing union supporters, the very actions the NLRB and other protections were designed to prevent. Companies understood that the NLRB was now taking an average of three years to rule on complaints under the Reagan Administration, and that even if found to be in violation, the NLRB would merely order the discharged unionists reinstated with back pay.

It turned into a cost-benefit analysis. Discharging unionizing troublemakers was much cheaper than operating under a union contract. The Board stalled on petitions from workers seeking union elections and stalled for another year or two before certifying winning unions. The stall tactics saved businesses millions and permitted many to order their affairs, move off shore, and exploit nonunionized cheap labor in developing countries.

Reagan also slashed the budget of the Labor Department and closed one-third of the Occupational Safety and Health Administration's field offices. He cut OSHA staff by more than one-fourth and decreased the number of penalties assessed against employers by almost three-fourths, implementing a policy of voluntary employer compliance on crucial employee health and safety concerns.⁹⁵

94. See Dick Meister, *Ronald Reagan's War on Labor*, Labor—and a Whole Lot More, <http://www.dickmeister.com/id89.html> (last visited May 21, 2015).

95. *Id.*

To be fair, the general increase in the precariousness of the American middle and working class was in part due to trends that began before Reagan took office,⁹⁶ the result of increased deindustrialization in the American manufacturing sector starting in the 1960s and competition with foreign economies like Japan and Germany.⁹⁷ Yet, rather than curb these trends, Reagan exacerbated them through tax cuts to big business and high-income individuals, prioritizing global trade policy, and deregulating the financial sector of the economy.⁹⁸

The decline in the American manufacturing sector had two important consequences for the American economy and the stability of the American middle class. First, it led to decreased union membership and a decline in the power of labor in American politics.⁹⁹ “In 2014, the union membership rate—the percent of wage and salary workers who were members of unions—was 11.1 percent . . . 14.6 million [workers]. In 1983, the first year for which comparable union data are available, the union membership rate was 20.1 percent, and there were 17.7 million union workers.”¹⁰⁰

Second, it led to a drop in real wages for American workers.¹⁰¹ The Reagan presidency helped to push these trends further by making it easier for American businesses to relocate abroad, reducing subsidies to manufacturers, and shifting the economy towards the service sector, in particular financial services.¹⁰² The result was a greater number of Americans employed in lower wage and nonunionized jobs characterized by lack of security and benefits, and low skills requirements.¹⁰³ “The median

96. Peter Gottschalk and Sheldon Danziger, *Inequality of Wage Rates, Earnings, and Family Income in the United States, 1975–2002*, 51 REV. INCOME & WEALTH 231(2005); Andrew Herod, *Further Reflections on Organized Labor and Deindustrialization in the United States*, 26 ANTIPODE 77-95 (1994).

97. *Id.*; See also Don Sherman Grant & Michael Wallace, *The Political Economy of Manufacturing Growth and Decline Across the American States, 1970–1985*, 73 SOC. FORCES 33-63 (1994).

98. BENJAMIN M. FRIEDMAN, *DAY OF RECKONING: THE CONSEQUENCES OF AMERICAN ECONOMIC POLICY UNDER REAGAN AND AFTER* (1988).

99. Kim Voss and Rachel Sherman, *Breaking the Iron Law of Oligarchy: Union Revitalization in the American Labor Movement*, 106 AM. J. SOC. 303-49 (2000).

100. Economic News Release, BUREAU OF LABOR STATISTICS (Jan.23, 2015), <http://www.bls.gov/news.release/union2.nr0.htm>.

101. David Card et al., *Changes in the Relative Structure of Wages and Employment: A Comparison of the United States, Canada, and France* (Nat'l Bureau of Econ. Research, Working Paper No. 5487, 1996), available at <http://www.nber.org/papers/w5487.pdf>.

102. FREIDMAN, *supra* note 98.

103. *Id.*

weekly earnings of nonunion workers (\$763) were 79 percent of earnings for workers who were union members (\$970).”¹⁰⁴

The impact of this shift in the American labor force was an increased demand on social benefits, precisely when the Reagan administration was decreasing social benefits and generally shrinking the size of the social welfare state.¹⁰⁵ With thousands of Americans once employed in the manufacturing sector now competing for low-wage employment, wages declined further as employers took advantage of the surplus labor supply in the economy.¹⁰⁶ The overall impact was a drastic increase in poverty and inflation in the ranks of the working poor—individuals with full time employment who were still unable to meet their basic economic needs.¹⁰⁷

King was assassinated in 1968 in Memphis, Tennessee, where he was organizing and advocating on behalf of striking sanitation workers. He certainly understood the relationship between civil rights and workers’ rights: “In our glorious fight for civil rights, we must guard against being fooled by false slogans, as ‘right to work’. It provides no ‘rights’ and no ‘works’. Its purpose is to destroy labor unions and the freedom of collective bargaining . . . We demand this fraud be stopped.”¹⁰⁸

2. *Reaganomics and the War on the Poor*

Compared to Carter's proposed budget, Reagan’s fiscal 1982 budget represented a reduction of \$44 billion, or 5.7 percent in all categories except national defense. True to his word, Reagan cut funding from many social welfare programs, including food stamp and other programs to assist struggling mothers and children. His earlier demonization of Black welfare queens facilitated the policy. During his first few years in office, the government cut welfare program spending by over \$20 billion a year. He also succeeded in drastically slashing taxes. Americans loved the tax cuts,

104. See BUREAU OF LABOR STATISTICS, *supra* note 100.

105. See Barry Bluestone & Bennett Harrison, *The Growth of Low-Wage Employment: 1963-86*, 78 AM. ECON. REV. 124-28 (1988); LAWRENCE M. MEAD, *THE NEW POLITICS OF POVERTY: THE NONWORKING POOR IN AMERICA* (1993).

106. MEAD, *supra* note 105.

107. Michael Harrington, *The New American Poverty*, 9 BLACK L.J. 199, 201-06 (1985); John O’Connor, *US Social Welfare Policy: The Reagan Record and Legacy*, 27 J. SOC. POL’Y 37, 61 (1998).

108. David Morris, *When Unions Are Strong, Americans Enjoy the Fruits of Their Labor*, Institute for Local Self-Reliance (Mar. 31, 2011), <http://ilsr.org/when-unions-are-strong-americans-enjoy-the-fruits-of-their-labor/>.

but they were not necessarily good for them. Without tax revenues, the government was unable to pay for the services it did provide.

While Reagan dramatically reduced tax rates, he dramatically increased total government spending at the same time, particularly in the areas of defense and, ironically, social welfare programs. Although Congress cut billions of dollars a year from the social welfare budget, the *rate* of spending was still increasing. The American President Biography series noted that social welfare spending increased between 1980 and 1988 from \$313 billion a year to \$533 billion a year.

Because government revenue did not keep pace with government spending, the government was forced to borrow money each year. The national debt skyrocketed to unprecedented levels, almost \$1 trillion. As a result, people in all sectors lost their jobs and inflation soared. The economic hardships of the time became evident in the stock market crash of 1987, one of the worst since the crash of 1929.

The impact was profound, with household debt rising from 60 percent to 120 percent of household income and American savings rates dropping from 10 percent of income to zero.¹⁰⁹ The combined impact of stagnating wages, increased consumer debt, and fewer opportunities for home ownership caused by deregulation, defunding, redlining, and lackluster enforcement of the Community Reinvestment Act resulted in a drastic increase in inequality and serious obstacles to upward mobility for middle- and lower-income Americans.¹¹⁰

Even the basic necessity of housing was not a priority for Reagan, as evidenced by the well-known story that, at a White House reception, Reagan once greeted the *only* black member of his Cabinet, Housing and Urban Development (HUD) Secretary Samuel Pierce, by saying: “How are you, Mr. Mayor? I’m glad to meet you. How are things in your city?”

The insult to Secretary Pierce in many ways mirrored Reagan’s approach to housing policy for the poor. His most dramatic cuts in domestic spending focused on low-income housing subsidies. In his first year in office, he slashed the budget for public housing and Section 8 rent subsidies by 50 percent. By the late 1980s the ranks of the homeless had “swollen to 600,000 on any given night—and 1.2 million over the course of a year.

109. See Harrington, *supra* note 107.

110. FREDERICK R. STROBEL, *UPWARD DREAMS, DOWNWARD MOBILITY: THE ECONOMIC DECLINE OF THE AMERICAN MIDDLE CLASS* (1993); FRANCES FOX PIVEN & RICHARD A. CLOWARD, *THE NEW CLASS WAR: REAGAN’S ATTACK ON THE WELFARE STATE AND ITS CONSEQUENCES* (1982); John W. Sloan, *The Reagan Presidency, Growing Inequality, and the American Dream*, 25 *POL’Y STUD J.* 371, 381-86 (1997).

Many were Vietnam veterans, children and laid-off workers.” Reagan defended himself against charges of callousness toward the poor in a 1984 *Good Morning America* interview where he said: “people who are sleeping on the grates...the homeless...are homeless, you might say, by choice.”¹¹¹

When Reagan’s first term began, federal dollars accounted for 22 percent of big-city budgets. They accounted for only 6 percent by the end of his second term. Federal assistance to local governments had been cut by 60 percent. “Reagan eliminated general revenue sharing to cities, cut funding for public service jobs and job training, almost dismantled federally funded legal services for the poor, cut the antipoverty Community Development Block Grant program and reduced funds for public transit,” all of which not only hurt Blacks and other minorities but poor and working class Whites as well.

In 1980, federal dollars accounted for 22 percent of big city budgets. By the end of Reagan’s second term, federal aid was only 6 percent.¹¹² The percentage of Americans living below the poverty line increased from 11.7 percent in 1979, the year before Reagan took office, to 13 percent in 1988, when he left. By 2012, some 15 percent of Americans (around 46.2 million people) lived below the poverty line. You have to go back to the early 1960s—before Lyndon Johnson’s Great Society programs—to find a significantly higher rate.¹¹³ As of 2010, 27.4 percent of Blacks, 26.6 percent of Hispanics, 12.1 percent of Asians, and 9.9 percent of Whites live in poverty.¹¹⁴

111. Peter Dreier, *Reagan’s Real Legacy*, THE NATION (Feb. 4, 2011), <http://www.the.nation.com/article/158321/reagans-real-legacy#>.

112. *See id.* (“The consequences were devastating to urban schools and libraries, municipal hospitals and clinics, and sanitation, police and fire departments—many of which had to shut their doors. The 1980s also saw pervasive racial discrimination by banks, real estate agents and landlords, unmonitored by the Reagan administration. Community groups uncovered blatant redlining by banks. But Reagan’s HUD and Department of Justice failed to prosecute or sanction banks that violated the Community Reinvestment Act, which prohibits racial discrimination in lending. During that time, of the 40,000 applications from banks requesting permission to expand their operations, Reagan’s bank regulators denied only eight of them on grounds of violating CRA regulations. The declining fiscal fortunes of America’s cities began during the Reagan years. These cutbacks had a disastrous effect on cities with high levels of poverty and limited property tax bases, many of which depended on federal aid to provide basic services.”).

113. *The Poor in America: In Need of Help*, THE ECONOMIST (Nov. 10, 2012), <http://www.economist.com/news/briefing/21565956-americas-poor-were-little-mentioned-barack-obamas-re-election-campaign-they-deserve>.

114. *Poverty in the United States: Frequently Asked Questions*, NATIONAL

3. *Reaganomics and the Spoils of War*

Some Americans, of course, benefited from Reaganomics as income and wealth inequality increased.¹¹⁵ Part of the Reagan economic platform entailed tax cuts for the wealthiest Americans, as well as cuts in corporate taxes and deregulation of the business environment.¹¹⁶ The tax cuts passed in 1981 saw reductions in tax revenue from the highest-earning Americans and even more significant reductions in corporate tax revenue.¹¹⁷

By the end of the Reagan decade, the richest 1 percent of Americans held 39 percent of the nation's wealth.¹¹⁸ While these tax reductions increased the income of the wealthiest Americans, they did little to stimulate consumption in the economy and spur needed economic growth.¹¹⁹ Another aspect of what George H.W. Bush called in his 1980 campaign against Reagan, "voodoo economics" was needed for that. The passage of the Garn-St. Germain Depository Institutions Act in 1982 helped to dismantle Depression-era legislation designed to protect consumers and place higher standards on lending.

The legislation made it more difficult for working class families to purchase homes, while lowering the standards for other kinds of consumer credit, such as credit cards. This newfound consumer purchasing power

POVERTY CENTER, <http://www.npc.umich.edu/poverty/> (last visited Apr. 7, 2015).

115. *The Reagan Era Statistics*, SHMOOP, <http://www.shmoop.com/reagan-era/statistics.html> (last visited Apr. 7, 2015) ("Change from 1980-1990 in the total effective federal taxation rate (including both income and payroll taxes) for families in the lowest 20% of national income distribution: +16.1% . . . for families in the second lowest 20% of national income distribution: +6.0% . . . for families in the middle 20% of national income distribution: +1.2% . . . for families in the second highest 20% of national income distribution: -2.2% . . . for families in the highest 20% of national income distribution: -5.5% . . . for families in the highest 1% of national income distribution: -14.4%. Population of the United States in 1980: 226.5 million. Population of the United States in 1990: 248.7 million.").

116. See, e.g., KEVIN P. PHILLIPS, *THE POLITICS OF RICH AND POOR: WEALTH AND THE AMERICAN ELECTORATE IN THE REAGAN AFTERMATH* (1991); Paul Krugman, *The Tax-Cut Con*, *THE N. Y. TIMES*, Sept. 14, 2003, <http://www.nytimes.com/2003/09/14/magazine/the-tax-cut-con.html>.

117. Michael A. Meerpol, *A Tale of Two Tax Cuts: What Recent History Teaches Us About Recessions and Economic Policy*, *ECON. POL'Y INST.* (May 1, 2001), http://www.epi.org/publication/issuebriefs_ib157/.

118. See Peter Drier, *Reagan's Real Legacy*, *THE NATION* (Feb. 4, 2011), <http://www.thenation.com/article/158321/reagans-real-legacy#>.

119. *Id.*

created demand for consumer goods and services. Businesses flourished, but at the expense of consumers who were shackled by unprecedented debt in the process.¹²⁰

Further, the Reagan tax cuts prolonged unemployment for the 1982-83 period, a problem felt more deeply by lower- and middle-income Americans because of parallel reductions in unemployment benefits and other transfer payments to lower- and middle-income Americans.¹²¹

Reagan's tax cuts were just one part of a larger policy agenda intended to help the wealthy and the business community. His administration's focus on reducing government regulation, particularly in the financial sector, led to tremendous economic gains for a small sector of the American economy.¹²²

As American consumers went on a spending spree, living *lifestyles of the rich and famous*, federal defense contractors did the same. Defense spending rose from \$267.1 billion in 1980 to \$393.1 billion in 1988. Reagan placed defense spending on an overall upward trajectory and social spending for the poorest segments of the population on a downward one. His average annual defense budget in real dollars increased from \$342 billion in the seventies to \$504 billion between 1981 and 1989. In the nineties it went down a tick to \$489 billion, but it exploded to \$628 billion spent since the 2001 wars in Afghanistan and Iraq.¹²³

VI. SUMMARY AND CONCLUSION

Racism hurts America, not just Black America. The discursive use of racial symbols and narratives are most often, as was the case with the Southern Strategy and Reagan's neo-conservative movement, smokescreens for a war on the middle-class, working-class, and underclass poor of America. And to the victor, the wealthy beneficiaries of supply-side economics, go the spoils of war: redistribution from the bottom and middle classes via deunionization of workers, deregulation of financial markets, defunding of equal opportunity and social welfare programs, increased militarization, and privatization of the common good.

120. *Id.*

121. *Id.*

122. Paul Krugman, "Reagan Did It," N.Y. TIMES, May 31, 2009, http://www.nytimes.com/2009/06/01/opinion/01krugman.html?_r=0.

123. See Winslow Wheeler, *Correcting the Pentagon's Distorted Budget History*, TIME, <http://nation.time.com/2013/07/16/correcting-the-pentagons-distorted-budget-history/>.

The ghosts of 1964 continue to haunt American politics and will not be exorcised until King's call for a true revolution in American values is answered and *We the People* rise to confront and subdue the triple evils of racism, excessive materialism, and militarism with the egalitarian spirit that manifests itself most unwaiveringly at critical junctures in American history—the Declaration of Independence, the 19th Century Reconstruction, the 20th Century Second Reconstruction, and the many movements for substantive justice and equality.