

Chapter 1

“That They May All Be One”
America as a House Divided

The United Church of Christ takes as its motto John 17:21, “That They May All Be One.” The UCC was created in 1957 through the union of the Congregational Christian Churches with the Evangelical and Reformed Church.¹ Its theological roots are in the Calvinism of the early New England Puritans and Congregationalists who did so much to shape American political culture. As with its Congregationalist forebears, all its local churches have autonomy in matters of doctrine and ministry, so that the UCC describes itself as a pluralistic and diverse denomination that strives to achieve “unity within its diversity.”²

The quest for such unity amidst diversity runs deeply through American history. On the birthday of the nation, July 4, 1776, the Continental Congress authorized a committee comprising John Adams, Benjamin Franklin, and Thomas Jefferson to recommend a design for a Great Seal of the United States, then declaring their independence. The committee proposed as the seal’s national motto a similar phrase: “E Pluribus Unum” — “Out of many, one.”³

The leaders of America’s founding generation knew well that of all the challenges they faced, slavery and racial equality most profoundly threatened their efforts to make the aspiration expressed in the new national motto a reality. In response, many strove mightily in ensuing years to keep those issues as remote from the national agenda as possible. But four score and two years later, an Illinois lawyer with high political aspirations, Abraham Lincoln, invoked a different biblical passage, Matthew 12:25, to argue that when it came to slavery, policies of evasion and compromise could not long endure: “a house divided against itself cannot stand.”

After he did so, the American house did indeed break apart in a massive civil war. At its end, the United States purged slavery throughout the land by constitutional amendment. Still, convulsive issues of racial policy and racial equality remained. Nearly a century later, when the United Church of Christ was created, Congress was in the throes of passing the 1957 Civil Rights Act,

Chapter 1

its first major civil rights law since the Reconstruction era that followed the Civil War—thereby beginning the legislative triumphs of what some scholars call the “Second Reconstruction.” Once again, Americans hoped they were at last finding the means to create unity out of their diversity, building a nation that, at least in regard to race, would no longer be a house divided.

But over a half century later, during the historic election year of 2008, when the Democratic Party appeared to be moving toward nominating a candidate who symbolized just such change, hopes for unity on matters of race within the United Church of Christ and among all Americans were disrupted by an unlikely source. At the time of the founding of the UCC, an African American teenager known as Jerry Wright Jr. was a student at predominantly white Central High, one of the most prestigious public schools in Philadelphia, the city where the Continental Congress met in 1776. Wright had grown up in Philadelphia’s Germantown section, in the neighborhoods where the American anti-slavery movement had begun with the 1688 Germantown Quaker Petition Against Slavery; where the Continental Army had fought the British; and where twentieth-century Philadelphians had achieved one of the few examples of relatively sustained, successful racial integration in modern urban America.⁴ Wright’s father was the pastor at Grace Baptist Church in Germantown. His mother was the first African American to teach at Germantown High and the Philadelphia High School for Girls. When Jerry Wright graduated from Central High in 1959, the yearbook description read, “Always ready with a kind word, Jerry is one of the most congenial members” of the class and a “model” for younger students.⁵ Wright then studied at Virginia Union University, but left to join the U.S. Marines and after two years went on to the navy, where he became a cardiopulmonary technician assigned to care for President Lyndon Johnson during his 1966 surgery. There are reports that Wright dabbled with “liquor, Islam, and black nationalism” during these years.⁶ But he returned to college in Washington and to his Christian faith, graduating from Howard University, then obtaining a master’s degree from the University of Chicago Divinity School, and finally earning many years later a doctor of ministry degree from the United Theological Seminary in Dayton, Ohio, where he studied with Samuel DeWitt Proctor, a mentor to Martin Luther King Jr.⁷

By then, Wright was the pastor at Trinity United Church of Christ in Chicago. When he joined the church in 1972, the congregation had only 250 members, with less than half actively involved. Under Wright’s leadership, Trinity United grew to become a mega-church of over 8,000 members, the largest of the more than five thousand congregations in the United Church of Christ.⁸ And there were few that Jerry Wright, now known as Dr. Jeremiah Wright Jr., touched more than another Illinois lawyer with political ambitions,

A House Divided

one with a complex religious, national, and racial heritage and the unusual name of Barack Obama. That young man would soon make E Pluribus Unum, the nation's version of the UCC motto, the central theme of a political career that in an astonishingly short time would take him to the presidency. In his first book, Obama wrote eloquently of experiencing Reverend Wright's and Trinity Church's capacities "to hold together, if not reconcile, the conflicting strains of black experience" in support of a faith that "carried within it, nascent, incomplete, the possibility of moving beyond our narrow dreams." Those experiences led him to join the church.

Obama's subsequent political rise was, however, almost fatally punctured during the 2008 campaign by the words of Reverend Wright, a man whose life might otherwise be seen to embody all that has been good in regard to race in America. And Obama's much-praised response to that controversy, powerful though it was, nonetheless revealed the difficulties even this pathbreaking figure displays in defining a clear way forward toward racial progress in twenty-first-century America.

Although the United Church of Christ has always been largely white, Reverend Wright, in accord with the freedom the denomination provides its member churches, built its largest congregation among Chicago's black community. Wright drew on black liberation theology, modern Christian perspectives most elaborated by Union Theological Seminary professor James Hal Cone. Influenced by liberal Protestant theologian Paul Tillich's contention that theological insights always emerge from and reflect particular cultural contexts, Cone has long argued for interpreting Christianity in light of the experiences of African American oppression.⁹ In explicit agreement with Cone's ideas, Wright came over time to identify himself with what he termed the "prophetic tradition of the black church." In Wright's view, that tradition traces back to Isaiah 61:1 and to the message that "the prophet is to preach the gospel to the poor and to set at liberty those who are held captive," an action that also "liberates those who are holding them captive."¹⁰ It was precisely because Obama, who was raised by a mother and grandparents who were religious skeptics, came to be persuaded of "the power of the African American religious tradition to spur social change," instead of requiring him "to suspend critical thinking, disengage from the battle for economic and social justice," that he chose to be baptized at Trinity. He then used the text of one of Reverend Wright's sermons as the title of *The Audacity of Hope*, the book of political positions with which he launched his presidential campaign.¹¹

But on March 13, 2008, ABC News sparked off a furor by reporting on sermons Wright gave in 2001 and 2003 that said America had supported state terrorism, so the 9/11 attacks represented America's chickens "coming home

Chapter 1

to roost,” and averring that instead of singing “God Bless America,” the sentiment should be “God damn America for treating our citizens as less than human.”¹² Five days later, Obama responded to the controversy by delivering a speech at the National Constitution Center in Philadelphia. Entitled “A More Perfect Union,” the talk was his most extended discussion of race while a presidential candidate or, thus far, as president.

In his Philadelphia speech, Obama stressed that he had “brothers, sisters, nieces, nephews, uncles and cousins, of every race and every hue, scattered across three continents” and so had “seared into my genetic makeup the idea that this nation is more than the sum of its parts—that out of many, we are truly one.”¹³ He also “condemned, in unequivocal terms, the statements of Reverend Wright that have caused such controversy.” But Obama went on to praise Wright’s record of military and social service and religious leadership. He suggested that the fact that so many white Americans were surprised to hear Reverend Wright speaking of America like a fiery Old Testament prophet denouncing the corruption of the rich and powerful confirmed the “truism,” often identified with a 1963 statement of Martin Luther King that “the most segregated hour in American life occurs on Sunday morning.”¹⁴

Obama then sought to put Wright’s views in the context we examine in this book: the pervasiveness of racial “inequalities passed on from an earlier generation that suffered under the brutal legacy of slavery and Jim Crow,” producing segregated schools that “were, and are, inferior schools” providing “inferior education” to blacks; legalized discrimination that long prevented blacks from owning property or obtaining loans or mortgages, or jobs in “unions, or the police force, or the fire departments,” thereby creating an enduring “wealth and income gap between black and white”; a “lack of economic opportunity among black men” that “may have” been worsened by “welfare policies” and that “contributed to the erosion of black families”; and a “lack of basic services in so many urban black neighborhoods.”¹⁵ For many like Rev. Wright, Obama argued, that past and present generated an “anger and bitterness” that all too often “distracts attention from solving real problems” and “prevents the African-American community from forging the alliances it needs to bring about real change.” But Obama insisted that to condemn this anger “without understanding its roots, only serves to widen the chasm of misunderstanding that exists between the races.”¹⁶

Obama went on to express his grasp of the “similar anger” among whites who “don’t feel that they have been particularly privileged by their race,” an anger that “helped forge the Reagan Coalition,” an anger that was often “counterproductive” but that should not be simply dismissed as “misguided or even racist.” He saw the anger and distrust on both sides, and the ways that the

A House Divided

“anger is exploited by politicians,” as fostering “a racial stalemate we’ve been stuck in for years.” The way “to continue on the path of a more perfect union,” Obama then argued, was for blacks to bind “our particular grievances—for better health care, and better schools, and better jobs—to the larger aspirations of all Americans,” and for “the white community” to recognize that “the legacy of discrimination—and current incidents of discrimination, while less overt than in the past—are real and must be addressed” by investing in schools, by “enforcing our civil rights laws and ensuring fairness in our criminal justice system,” and by providing all Americans with “ladders of opportunity.”¹⁷

This thoughtful speech—and Obama’s firm distancing of himself from Reverend Wright’s views, culminating in the candidate’s resignation from the Trinity congregation—lifted Obama’s campaign past the uproar.¹⁸ His interpretation of the polarization, misunderstanding, and mistrust between white and black Americans, leaving the nation “stuck” in “racial stalemate,” resembles in many ways the portrait we paint here—one of a modern American house still divided between what we term rival “racial policy alliances.” Yet from our perspective, Obama did not do enough, then, before, or since, to explain the conflictive, gridlocked structure of modern American racial politics or to spell out the implications of this structure for prospects of racial progress.

Obama’s account stresses the understandable if often misguided popular anger and the frequently opportunistic political leadership on race among both whites and blacks in America. But by focusing on the *feelings* of blacks and whites, Obama failed to explain how modern American politics has come to be shaped by rival coalitions of political actors and institutions (each including some members of all races), whose members take opposed *policy* positions on a wide range of issues that they perceive as having racial dimensions.

One coalition contends that laws and policies should be crafted in as “color-blind” fashion as possible, treating people as individuals without reference to their racial identities. The other coalition insists that laws and policies should be made with constant, conscious concern to reduce severe racial inequalities in different arenas of American life.

Because Obama did not refer to these policy choices, much less the arguments for and against them, he left much unclear. He did not make it evident to white Americans how and why a man like Reverend Jeremiah Wright—a man who had in many ways experienced American race relations at their best, a man who had given his nation extended military service and who had gone on to extraordinary achievements and recognition in the nation’s oldest, in many respects most quintessentially American, and predominantly white denomination—could see an America espousing color-blind policies as one that continues

Chapter 1

to impose obstacles to racial progress. Obama also did not explain to African Americans why many whites, in turn, perceived an anti-American and anti-white “reverse racism” in the race-conscious rhetoric of a man that many black Christians saw as carrying forward the historical social justice ministry of their religious traditions.

Most importantly, Obama’s advice to what he termed the nation’s African American and white communities offered few clues about how the modern philosophical and policy conflicts over race should be resolved—though his call to black Americans to link their grievances to those of “all Americans,” along with his exhortation to whites to accept public investment, enforcement of civil rights laws, and fairness in the criminal justice system, leaned rhetorically toward the color-blind camp. Given the structure of contemporary American racial politics that we document in this book, probably no serious candidate for national office could be expected to do much differently, least of all one commonly identified and self-identified as black—for color-blind positions are far more popular than race-conscious ones among the nation’s still predominantly white electorate. But understandable as Obama’s stance was, it contained few insights into the policy challenges racial inequalities pose in modern America, and it offered few clues about the political guidance needed to move further toward their resolution.

We undertook this book in order to understand those challenges and to analyze how they might be better addressed. In this opening chapter, we first sketch the main lessons we have learned. Then we elaborate our core concept of rival racial policy alliances. Finally, we explain how the subsequent chapters use the idea of alliances to analyze the evolution of American racial politics historically, and the ways today’s racial alliances shape and often distort decision making across a wide range of modern policy arenas.

OVERVIEW: THE STRUCTURE OF AMERICAN RACIAL POLITICS AND WHY IT MATTERS

The first lesson we draw is an empirical one. American racial politics has historically been structured via three evolving systems of opposed “racial policy alliances”—coalitions of leading political figures, governing institutions they have occupied, and other politically active groups—competing against each other in multiple arenas for the support of the broader political community in resolving the great “battleground” issues that have defined three eras of American racial history. From the Revolutionary era through the Civil War, the “slavery era,” pro-slavery and anti-slavery alliances confronted each other, ini-

A House Divided

tially with the coalition favoring slavery greatly in the ascendant, but with anti-slavery support gathering over time—sufficient to spark the South’s secession after Lincoln’s election. The ensuing war led to the final resolution of the slavery issue by the Thirteenth Amendment in 1865. The new battleground issue then became the civic status of newly freed African Americans. After a transitional period of struggle extending through the late nineteenth century, one in which racial egalitarians at first won some major constitutional and statutory victories and white supremacists lacked a clear program, the egalitarians lost ground. A rival racial policy alliance that favored a new, thinly veiled form of institutionalized white supremacy—Jim Crow segregation and disfranchisement laws—prevailed. Battles between pro-segregation and anti-segregation racial policy alliances continued through the resulting “Jim Crow era” up to the mid-1960s, this time with anti-segregation forces gradually gaining power.

These forces gathered sufficient strength, expressed first in the 1954 *Brown v. Board of Education* decision, then the 1964 Civil Rights Act, and then the 1965 Voting Rights Act, to repudiate Jim Crow policies of segregation, discrimination, and disfranchisement definitively.¹⁹ Yet soon, new racial issues emerged once again. Over the next decade, those issues came to center on whether policymaking should be as color-blind as possible, or whether measures should be designed and implemented with specific goals of racial equality in view. The resulting clash of rival “color-blind” and “race-conscious” racial policy alliances has produced what we term the modern “race-conscious” era in American racial politics. Many scholars and citizens might describe it as the “affirmative action” era, but we will see that quarrels over how “race-conscious” policies should be extend well beyond conflicts over affirmative action programs. Indeed, some modern civil rights activists who sharply criticize color-blind approaches and urge that we “pay careful attention to the impact of our laws, policies, and practices on racial and ethnic groups” criticize reliance on formal affirmative action programs without attention to the racial consequences of other policies.²⁰

Both sides of this debate have long presented themselves as the true heirs of the preceding, triumphant civil rights movement. *Color-blind* advocates contend that they stand for judging people not on the color of their skin but on the content of their character, as the Reverend Martin Luther King Jr. called for in his 1963 “I have a dream” speech that culminated the March on Washington. *Race-conscious* proponents maintain that they stand for cashing America’s “promissory note” to give the nation’s racial minorities “the riches of freedom and the security of justice,” as King also called for in that speech.²¹ We believe that this modern rivalry between color-blind and race-conscious policy

Chapter 1

alliances emerged fully by roughly 1978, the time of the Supreme Court's *University of California Board of Regents v. Bakke* ruling on race-conscious admissions policies in higher education, which came in mutually reinforcing tandem with the anti-tax uprisings in California and other states that year, movements fueled in part by perceptions that public funds were being directed to undeserving nonwhites.²² Contests between these two opposed racial policy alliances have had sweeping effects, some obvious, but many less apparent, on American politics ever since. It is these pervasively consequential modern policy disputes that Barack Obama failed to identify, much less discuss, in his 2008 speech on race.

Why not? Precisely because issues of racial policy have always threatened American hopes for unity, leaders seeking broad political support have long found it difficult to raise them in election campaigns. Even so, the second major lesson of our research is that the place of today's racial policy alliances in American politics is different from that of their predecessors through most of U.S. history.

Apart from the years immediately before and after the Civil War when Lincoln Republicans opposed Democrats on slavery and racial questions, the nation's two major parties have usually been too internally divided on racial policies to take strong stands against each other on those issues. The racial policy alliances have instead usually cut across party lines. There were pro-slavery and anti-slavery Federalists and Whigs, on the one hand, and pro-slavery and anti-slavery Jeffersonian Republicans and Jacksonian Democrats, on the other, even though the Jeffersonians and Jacksonians leaned more strongly toward support of slavery. Similarly, there were pro- and anti-Jim Crow Republicans and Democrats through the first two-thirds of the twentieth century, though anti-Jim Crow Democrats did not emerge as a force in American politics until after 1930. With the parties internally divided, their leaders usually sought to compromise on racial issues, with each other and with their internal factions, rather than to push for decisive resolution of the central racial questions of their day one way or the other. The result was that both slavery and Jim Crow laws persisted for many decades, until changing circumstances compelled political leaders to concede they were sustainable no more.²³

In contrast, since the 1970s, today's racial policy alliances have become more and more fully identified with the two major parties. Every Republican Party platform since 1972 has denounced racial "quotas," and from 1980 on the party has professed commitments to color-blind policy approaches across the issue board. Every Democratic Party platform since 1972 has instead explicitly expressed support for some, often many, forms of racial "affirmative action" and other types of race-conscious policymaking, in employment, edu-

A House Divided

cation, housing, legislative districting, criminal justice practices, and much more.²⁴ We will see that today's racial alliances are nonetheless not fully identical to today's political parties. They also are not fully equivalent to today's economic alignments. There are some Republicans like Colin Powell who openly support racial affirmative action, some Democrats like Senator James Webb who openly oppose it, just as there are businesses and labor unions on both sides of the issue and other modern racial controversies.²⁵ That is one reason why it is important to recognize the existence and impacts of today's racial policy alliances: they play a role that cannot be fully understood in terms of partisan and economic interests.

Even so, today's alliances are more fully identified with the two rival parties, and with opposing economic ideologies, than at any time in U.S. history since the Republicans championed free labor and opposed the extension of slavery into the territories, and the Democrats defended slaveholders. These reinforcing alignments on racial, partisan, and economic positions matter enormously. In the late 1850s, when the racial alliances came to be identified with the two major parties, the result was a national cataclysm. Today, more than some scholars recognize, this overlay of opposing parties, opposing economic ideologies, and opposing racial alliances has contributed to the heightened polarization that wrenches apart modern American politics.²⁶

It has done so, however, with a bitter difference. When American political parties and political leaders sought to compromise and evade issues of slavery and Jim Crow racial segregation, they were seeking to avoid confronting injustices with which there should have been no compromise. Today, those past American leaders who supported concessions to proponents of racial inequality, like Senators Henry Clay and Stephen Douglas in the antebellum years, and Justices Joseph Bradley and President Woodrow Wilson in the late nineteenth and early twentieth century, are widely seen as having acted shamefully. It is the Americans who stood fast against slavery's spread like Abraham Lincoln and against segregation like Martin Luther King Jr. who are now iconic symbols of the politics of moral principle.

Yet partly as a result, today proponents of both color-blind and race-conscious policies have drawn the wrong lesson from this history. They see themselves as just such champions of principle, and they often imply that today, as in the past, compromises with their opponents would be immoral. Some on each side charge that despite the members of the rival alliance's professed allegiance to the modern civil rights movement, their positions are racist.²⁷ In consequence, as political scientist Jennifer Hochschild noted over a decade ago, "both supporters and opponents of affirmative action," a term she uses for much of what we call race-conscious policymaking, "are passionately committed to

Chapter 1

their perspectives and concede no moral legitimacy to the other side.”²⁸ This dogmatism holds despite the fact that “the evidence does not warrant immovable commitment on either side.”²⁹ And the evidence is limited: the literature on color-blind and race-conscious policies displays extensive philosophical and polemical argumentation but much less rigorous empirical research.³⁰ Hochschild believes that this limited focus on empirical evidence in debates over racial policies is no accident. She contends that “affirmative action is more important to participants in the policy debate as a weapon with which to attack enemies . . . than as an issue in and for itself.” She explains that to be “useful as a weapon, affirmative action must remain at the level of moral claims and single-dimensional outrage; the messy and complex realities that are likely to surface in careful empirical analyses do not help much.”³¹

Hochschild’s formulation may be overstated. We believe that most participants in the political debate over color-blind versus race-conscious policies are expressing deep, sincere, and understandable disagreements over genuinely difficult questions of how and how far persisting material racial inequalities can best be addressed. Nonetheless, the modern clash over racial issues is a political debate in which policy alliances have been built through each side presenting its preferred racial policies as the moral high road that can take America beyond its unhappy racial past, while portraying opposing racial policies as rooted in unyielding racial resentments. This framing of racial issues has produced a polarized politics of disputatious mutual disrespect, stilled only by periods of sullen silence on racial matters. We also agree with Hochschild that many of the champions of each of the opposed modern racial alliances show little interest in serious empirical inquiry into what policies or combinations of policies may work to lessen racial material gaps without harming, and often benefiting, most white Americans.

Yet the sad irony is that today, it is entirely possible—we think it likely—that only some combination of color-blind and race-conscious policy measures can really work to help Americans reduce racial inequalities in education, income and wealth, health, housing, crime and incarceration rates, political representation, and more, in ways that are both materially effective and politically sustainable. In practice, we will see, many American policymakers discreetly support such combined, compromised policies, and many American citizens accept them. But few political leaders are willing or able to make a case for combined approaches openly and honestly, out of fear of misrepresentation and denunciation by one side or the other or both.

Instead, they often rely on misleading descriptions of contorted, frequently counterproductive policy measures—as when color-blind advocates claim that providing automatic admission to state universities for the top 10 percent

A House Divided

of all high school graduates is “race-neutral,” when in fact they are departing from standard admissions criteria precisely to include more blacks and Latinos; and when race-conscious advocates claim their chief goal in providing a “plus” for racial minorities in university admissions is simply to pursue wide-ranging forms of educational “diversity,” when in fact they are primarily concerned with enhancing racial inclusiveness. Whatever their other merits, both these policy rhetorics employ euphemisms and evasions that make honest assessments of the policies’ efficacy in achieving educational and racial goals harder to achieve.³²

In all the modern policy arenas we examine, including employment, housing, electoral systems, educational vouchers, census categories, immigration, and criminal justice measures, policy debates have been and continue to be distorted to varying degrees by such efforts to design measures so that they cannot be pilloried as either race-targeted or racially insensitive, even when this means crafting the policies so they do not work well. Or else leaders seek to do nothing of much substance at all.

Today’s polarized politics of evasion and euphemism on racial policies matters greatly. This politics has proven unable to reduce many of the racial gaps in wealth and income, health and housing, education and political representation, and much more that continue to be massive and profoundly consequential features of modern American life. Entering 2010, blacks were more than twice as likely to be poor and nearly two times more likely to be unemployed than whites, with Latinos in the middle.³³ The median incomes of black households barely exceeded a bitterly ironic three-fifths of that of whites, and Latino households were only slightly higher.³⁴ Homeownership for blacks and Latinos was roughly two-thirds that of whites.³⁵ In terms of infant mortality, cancer, heart disease, and stroke, black health statistics were substantially worse than for whites.³⁶ For both blacks and Latinos, school segregation was on the rise, in fact even if not by law.³⁷ Perhaps most grimly, in a nation that was still roughly three-quarters white and only 12 percent black, the nation’s inmate population included only slightly fewer blacks than whites, and Latinos were also greatly overrepresented.³⁸ In the early twenty-first century, the stark reality is that the United States remains a house divided, on race and by race.

Our analysis of American racial politics in terms of rival racial alliances has a powerful implication for the nation’s political discourse. Because current racial policy stances are failing to produce progress, it is time for policymakers, party leaders, and voters to accept that some combination of color-blind and race-conscious measures is necessary to move forward. They should focus debate on what combination of policies is shown by evidence to work best to

Chapter 1

reduce the nation's persistent racial gaps, instead of wrangling over abstract racial principles. If they do so, many answers will remain unclear, and so important policy differences between racial conservatives and liberals will persist. But if Americans engage racial policy issues in this spirit, the nation's long-standing but now stalemated quest to achieve greater unity while accommodating diversity might yet be not only resumed but truly advanced.

“Manifestly a discrimination”: Racial Politics as Racial Policy Alliances

Although our emphasis on the importance of racial policy alliances is far from wholly original, it is far from conventional in the scholarship on American politics, especially analyses of race in modern America. To dramatize what it means to understand American politics as shaped by the clashes of evolving racial policy alliances, we begin with a story that captures many of the dynamics we will see at work throughout U.S. history. These events took place at a kind of midpoint in America's racial history, when the nation's second racial period, the Jim Crow era, was just approaching its critical juncture, with the balance of power between the nation's pro-segregation and anti-segregation alliances starting at last to shift in favor of the anti-segregation forces. The bitter complexities of race in the United States were never more visible than on April 20, 1937.

That day, U.S. Representative Arthur W. Mitchell, the first African American Democrat ever elected to Congress, took an overnight train from his home in Chicago to Hot Springs, Arkansas, for a two-week rest. Congressman Mitchell—born to slave parents in Alabama, mentored by Booker T. Washington at the Tuskegee Institute and further educated at Columbia and Harvard, and a former Republican converted to New Deal Democrat—was smarting from the recent failure of his anti-lynching bill in the House.³⁹ The National Association for the Advancement of Colored People (NAACP) attacked the bill as too weak, while the Democratic administration dependent on southern senators saw it as too strong and gave it no support.⁴⁰ The defeated, weary legislator requested a bedchamber on the Chicago–Hot Springs Pullman sleeping car. None was available, so he rode in the comparable Chicago–New Orleans sleeper.

The following morning, with a space available, Mitchell had a porter transfer him to the Chicago–Hot Springs sleeper before the train stopped and split at Memphis. A short time later as the train was entering Arkansas, conductor Albert Jones came through the Pullman car to check tickets. He immediately lit upon the car's only nonwhite passenger, Representative Mitchell. Refusing to accept Mitchell's payment for his Pullman seat from Memphis, conductor

A House Divided

Jones instead unceremoniously forced the congressman into the “Jim Crow” carriage for black people, in compliance with Arkansas law. Bereft of wash-basins, soap, towels, running water, or air conditioning, and with a working toilet only for women passengers, the “colored” car was decidedly not of first-class quality. Congressman Mitchell reported that Jones verbally abused him while threatening him with arrest for violating the whites-only rule of the segregated train system, saying: “as long as you are a nigger you can’t ride in this car.”⁴¹

Mitchell complained about his experience to the Interstate Commerce Commission, America’s first regulatory agency established in 1887. As it had so often, instead of upholding constitutional principles of equal protection against invidious discrimination, the ICC concurred in the enforcement of the segregation policies adopted by the Illinois Central and Chicago, Rock Island, and Pacific railroads to obey the Arkansas statute.⁴² The racist treatment of this prominent political figure garnered wide coverage in the black press throughout the country. But Congressman Mitchell’s trip to Hot Springs had already failed to provide the respite from the frustrating struggles against abuses of African Americans he had sought—or the treatment that he believed himself entitled to as a matter of right.

Yet the same complex, internally divided political system that enabled Arthur Mitchell to hold national office, but not to ride a first-class coach in Arkansas or to receive relief from a federal regulatory agency, provided him with a further institutional recourse. Mitchell sued the ICC for dismissing his complaint and took his dispute all the way to the U.S. Supreme Court. There he argued the case himself before the justices; and with the consent of FDR’s attorney general, Robert Jackson, Mitchell was joined in his case *against* the United States by new U.S. Solicitor General Francis Biddle.⁴³ On April 28, 1941, the Court ruled unanimously that the congressman had experienced “unreasonable” discrimination and that in deferring to Arkansas law, the ICC had failed to enforce the terms of the Interstate Commerce Act guaranteeing equal treatment—a “fundamental individual right which is guaranteed against state action by the Fourteenth Amendment.”⁴⁴

Chief Justice Charles Evans Hughes, a former Republican presidential candidate, wrote of Mitchell: “He is an American citizen free to travel, and he is entitled to go by this particular route whenever he chooses to take it and in that event to have facilities for his journey without any discrimination against which the Interstate Commerce Act forbids.”⁴⁵ Hughes elaborated: “Having paid a first-class fare for the entire journey from Chicago to Hot Springs, and having offered to pay the proper charge for a seat which was available in the Pullman car for the trip from Memphis to Hot Springs, he was compelled, in

Chapter 1

accordance with custom, to leave that car and ride in a second-class car and was thus denied the standard conveniences and privileges afforded to first-class passengers. This was manifestly a discrimination against him in the course of his interstate journey and admittedly that discrimination was based solely upon the fact that he was a Negro.”⁴⁶

So Mitchell won. But his case is considered only a minor legal landmark, because the Court refused Mitchell’s call to rule that local segregation laws *never* applied to interstate commerce. Its judgment therefore did not alter the legal status quo holding that, if Mitchell had been provided first-class accommodations that were “separate but equal,” they would have been constitutional.⁴⁷

The Racial Alliances Framework

The distinctive elements of the framework for analyzing American racial politics we employ in the pages to come are all visible in the struggles of Congressman Arthur Mitchell. Our framework builds on but in some respects breaks with the best scholarship on race in the United States.

Our first departure is that, because we see American racial politics as recurrently structured in terms of two rival racial alliances, each in control of some governing institutions, we think for many purposes it is not useful to speak of the United States as having a “racial state” or a single “racial order,” as other scholars do.⁴⁸ These authors are right to contend that despite the American state’s internal divisions, in any given period it does play an aggregate role in generating a particular overall national pattern of racial identities, statuses, and policies. That is why we can speak in shorthand of the “slavery” and “Jim Crow” eras. But these periods should be understood as the eras of *struggles* over slavery and over Jim Crow laws and practices, even if these struggles usually did not take place between the leaders of the two major parties. To our ears, language suggesting a unitary character to the American state or “racial order” fails to convey that contestation with a recognizable structure has always been integral to American racial politics.

Equally important, the terminology of a “race state” fails to call attention to the reality that institutions of “the state” have always been found on *both* sides of these contests, even if in highly unequal proportions at different times. For example, in their justly influential book, *Racial Formation in the United States*, Michael Omi and Howard Winant contend that the “central elements” in American struggles over race are “the state and social movements”—a formulation that can suggest “the state” is captured and recaptured as a whole by one racially motivated social movement or another, with political parties play-

A House Divided

ing relatively little role.⁴⁹ But as their ensuing discussions reveal, in fact the story of American racial contests cannot be told without recognizing that in the United States' complex governing system of federalism and separation of powers, different governing institutions have often been controlled by proponents of different racial policies, in ways bound up with, though rarely identical to, partisan politics.

Arthur Mitchell's experiences make this point clear. He was compelled to leave his first-class car by the laws of one state, Arkansas, which was supported by a national regulatory institution, the ICC. But Mitchell found an ally in another national governing institution, the Department of Justice, and he was himself a member of the U.S. Congress who took his case to the U.S. Supreme Court. His efforts also found supporters and opponents in both parties: Mitchell was a former Republican turned New Deal Democrat who was defended by the Democrats' Department of Justice, and he won in a decision written by a Republican chief justice, against the wishes of many in both parties who supported segregation, the interests of railroads, or both. Mitchell's victory is therefore not best seen as a challenge to the "racial state," so much as one success in the long struggle of a cross-party alliance of political actors that utilized some governing institutions against others held by their rivals.

In place of relying on notions of a unitary American "racial state" or "racial order," we employ our novel concept of rival "racial policy alliances." We define these alliances as coalitions of participants in social movements, civic organizations, political parties, and also officials in control of some governing institutions. Though their members often have different motives and different ultimate agendas, these alliances are united by their agreement on how the central racial policy issues of their eras—slavery, segregation, race-conscious policymaking—should be resolved. In advancing this concept, we build on recent scholarship on two topics: the role of institutions in American political development, and the role of politics in the formation of racial doctrines, identities, and statuses.

In regard to institutions, over the past generation many social scientists have concluded that political developments can rarely be explained strictly in terms of clashes of social or economic groups, classes, or political parties, as some older forms of political science sought to do.⁵⁰ Politics involves the creation of governing institutions (primarily, but not only, formal state institutions) with accepted authority to order human activities in particular spheres of life. These institutions are structured to further the aims of those who create them, and once established, they often resist change—though pressures for change do come both from external sources and from internal institutional tensions and needs. Like many southern legislatures, the Arkansas legislature that required

Chapter 1

railroads operating in the state to segregate their customers by race long resisted external political pressures, including litigation, pushing for change. Torn between precedents supporting segregation and ones protecting free-flowing interstate commerce against state regulations, the Supreme Court long struggled to define authoritatively whether states could or could not adopt racial policies affecting interstate transportation.⁵¹ The conduct of both governing institutions was typical: among other concerns, officeholders generally have interests in preserving their institutional power that can lead them to combat external pressures, as the Arkansas legislature did, or to respond to those pressures and their internal tensions by adjusting their institution's policies in ways that protect their institutional interests, as the Supreme Court sought to do.

But despite the relative autonomy they display, governing institutions must necessarily be part of what we are terming broader "policy alliances." If governing institutions are to be established and then to sustain their authority over time, they must be of some use to social and economic groups and partisan organizations that possess sufficiently extensive resources, including wealth and popular backing, to provide the institutions with supportive constituencies. In turn, no groups, movements, or parties can succeed in seeing their policies implemented on an enduring basis without control of some governing institutions. Neither the anti-segregation nor the pro-segregation alliances involved in Arthur Mitchell's case could have remained viable contenders to shape national policies for long if they did not have at least some legislatures, executives, and courts acting in their favor. That is why we stress that by "racial policy alliances" we mean not simply any coalition or social movement active on racial issues. We mean those coalitions that are in control of some governing institutions and able to order activities on those issues authoritatively to some meaningful degree.⁵²

Governing institutions allied with one coalition have often been able to resist the rise of newly dominant groups, coalitions, or parties for significant amounts of time, either because they remained under the control of the original policy alliance, or because their institutional interests so dictated, or for both reasons. Southern state legislatures, courts, and the southern states' national representatives maintained support for segregation long after other governing officials throughout the country had turned against it. The Supreme Court was wary of risking its prestige by challenging segregation *tout court* in its ruling in Arthur Mitchell's case; and although it soon decided to take what many justices perceived as an institutional gamble in the first *Brown v. Board of Education* decision, it refused the entreaties of civil rights lawyers to push for aggressive enforcement in *Brown v. Board of Education II* in 1955.⁵³ As that

A House Divided

example indicates, a focus on institutions helps us to grasp many of the obstacles as well as opportunities for advancing race equality.

How do we determine if a governing institution or a political group or actor belongs to one racial policy alliance or another? Admittedly, there are ambiguities. An individual institution, such as the Supreme Court, may be part of a number of policy alliances at the same time, advancing for example the interests of corporations against union strikers, of immigration exclusionists against champions of open borders, and of Jim Crow segregation against integrationists, as was true of the Court in the late nineteenth century. Since political controversies often involve more than one policy issue—Mitchell's case concerned not only segregation but also state and national regulatory authority over railroads—an institution responsive to several policy alliances may be pulled in different directions and may waver in its decisions to some degree.

Even so, generally the officials of a governing institution, along with other politically active figures or groups, push repeatedly to resolve the dominant racial issue of an era in ways that favor the position of one racial policy alliance against the other, whenever their missions lead them to engage that issue. When we have found an institution, group, or actor repeatedly active on the racial policy issues of an era and consistently on the same side, we have counted that institution, group, or actor as a member of the racial alliance whose positions they have supported.⁵⁴ These designations sometimes shift over time as the contestation between the rival policy alliances results in advances for one side over the other. At the time Arthur Mitchell brought his case, for example, the Supreme Court had long been part of the pro-Jim Crow alliance. It had routinely upheld most segregation practices since 1896. But repopulated after 1938 by a New Deal administration seeking to limit the influence of conservative southern Democrats who increasingly opposed New Deal policies, the Court had recently begun the shift to more anti-segregation positions that would culminate with the decisive repudiation of pro-segregation precedents in the *Brown v. Board of Education* decision of 1954.⁵⁵ Mitchell's suit was part of the contestation which, with that decision, finally brought the Court fully within the anti-segregation alliance.

These criteria for what constitutes membership in a racial policy alliance reveal another way in which our framework is distinctive. Unlike many analysts of race in America, our focus is not on mass beliefs or perceptions of race and different races.⁵⁶ Even though public opinion may at any given time favor one racial policy more than its main rival, in the way that Americans predominantly support color-blind policies today, we do not regard the general public as belonging to one racial policy alliance or another. We conceive of alliances as comprising those individuals, groups, and institutions that are active in

Chapter 1

advancing policies through campaigns, legislative activity, and litigation, often though not always in concert with each other. The general public is too rarely mobilized to act directly on racial policy issues to count as an alliance member. Rather, the racial alliances compete for popular support on a recurrent basis. That competition means the alliances are constrained and influenced by public opinion; but apart from occasional referenda, voters generally do not engage in direct popular decision making or governance on racial issues. Racial policy alliances therefore can be seen as elite networks, though only if the category of “elites” is seen to include “public intellectuals” like the antebellum “race” scientist Josiah Nott and social movement leaders like Martin Luther King Jr., who were active in racial policy debates and decisions.

In addition to developing the recent scholarly focus on institutions in these ways, our concept of “racial policy alliances” also seeks to make more concrete important themes in recent scholarship on race. Debates over the roles of racial categories and identities in human experience have long focused on two basic alternatives: conceptions that see those categories as efforts to discover real biological differences among subsets of humanity and to discern the consequences of any such differences, on the one hand, and views that portray racial classifications as human constructions that do not reflect biological realities, on the other. On these latter views, racial categories are thought to serve any of a wide range of economic, psychological, cultural, and political purposes. Because American racial classifications have varied and shifted so greatly in U.S. history, we are skeptical of claims that they have represented imperfect efforts to capture biological realities, so we place ourselves on the side that sees those categories as human constructions. But we also hold that racial classifications have been not just social but more specifically *political* and *legal* constructions.⁵⁷

Changing notions of race have, to be sure, originated and continue to originate in many social settings, including scholarly treatises, popular arts, and everyday discourses, as well as political arenas. Most often racial ideas are first formulated outside of politics, though always, inescapably, within politically structured social contexts. Nonetheless, it is only because political coalitions have succeeded in writing certain racial ideas into laws and policies, in ways that have distributed status, rights, resources, and power along the racial lines thus defined, that these racial categorizations have become significant and authoritative in American life. In *Plessy v. Ferguson*, the infamous 1896 precedent for Mitchell’s case in which the Supreme Court upheld the right of states to require segregation on railroads against the challenge that this violated the Fourteenth Amendment’s equal protection clause, anti-segregation forces chose as their litigant Homer Plessy because he was of seven-eighths European ancestry

A House Divided

and appeared “white,” and they wished to dramatize how arbitrary racial classifications could be.⁵⁸ The Court nonetheless let Louisiana and every other state decide who was “white,” “black,” and who had some other racial identity, and to restrict the rights of businesses and customers on the basis of those racial categories. The categories adopted generally expressed the wishes of the locally dominant political coalition, and so they varied from state to state.

The result is that American racial identities and statuses have often been politically constructed in complex ways that not only varied in different jurisdictions but also changed over time in the same jurisdictions. Those categories have included statuses assigned to various indigenous American tribes, Chinese, Japanese, and other East Asian immigrants, South Asians, Middle Easterners, different Latino groups, and many more. But during the slavery and Jim Crow eras and, we believe, still in the modern “race-conscious” era, the politics of the nation’s racial policy alliances has generally focused on the claims of those categorized as “white” and those categorized as “black,” with those persons and groups not placed in either category still treated according to how closely they appeared to policymakers to resemble one or the other side of the white/black dichotomy. That is why throughout American history, many from all backgrounds have felt compelled either to win recognition as “white” or similar to “whites” or to accept considerable solidarity with “nonwhites,” especially African Americans.⁵⁹ Those pressures have not ended. Because American governments so long officially structured laws and policies in unequal racial terms, privileging those deemed white over those deemed non-white in virtually every arena of collective life, from employment to wealth to housing to health care to education to cultural institutions to political organizations and more, today official measures affecting these arenas still have consequences for the whole range of American racial and ethnic groups, whether or not those consequences are recognized or intended.

Our approach to “race” highlights another distinctive feature of the racial alliances framework. It accords a key role to ideas. It is ideas about appropriate racial policies, inevitably including ideas about race itself, which provide the bond for racial alliances (again, even though members may embrace those policies from different motives). And all the ideas, including the racial ideas, which define the aims of governing institutions and which provide the content of the policy measures they enact, have to be understood if the political roles of those institutions are to be understood. In the chapters that follow, we will repeatedly map the groups that have formed racial alliances, the governing institutions they have controlled, and the racial ideas and policies they have advanced in order to depict the racial politics of different eras, to show how changing definitions and conceptions of race are modified and deployed

Chapter 1

by the rival racial alliances to advance their goals, and to explain the nature and consequences of the alliances' conflicts.⁶⁰

In order to delineate those consequences fully, we examine how competing racial alliances have shaped American politics at three levels: *foundational structures*; *public policies*; and the *processes of political coalition building* that ultimately govern both. First, for every era of American life, the clash of racial alliances has contributed to the formation of a distinctive set of *foundational governmental, economic, and social structures*, most shaped by the predominant alliance in that era. These foundational structures, including systems of political and juridical representation, property rights, and rights of familial relations and civil association, influence the political, economic, and social statuses available to those officially designated as having various racial identities in particular periods of U.S. history. Slavery and its wide-ranging disabilities in terms of political, economic, and familial and personal rights and liberties; Jim Crow segregation and disfranchisement laws; and the apparatus of modern civil rights laws and judicial rulings, all have shaped such foundational structures in the main epochs of American racial history.

Even so, as Arthur Mitchell's story dramatizes, like the American state as a whole, these foundational structures are rarely unitary. Just as Mitchell found both allies and opponents in the varying institutions structuring the nation's transportation systems, there were always some governing institutions that forbade slavery within their jurisdictions; some that upheld African American political, economic, and social rights against Jim Crow proponents; and today the disputes of the rival racial alliances are fundamentally contests between different political institutions and actors over how the modern structure of civil rights laws affecting foundational political, economic, and social institutions and policies should be construed and enforced. And again, racial designations themselves have long been contested elements of foundational structures that have generated contrasting, disputed, and shifting racial definitions in different states and at the national level.

The second level at which racial alliances help constitute American politics, and the means through which contestation occurs, is the level of *policy disputes* that implicate the foundational structures' stability and future. Whether slavery should be extended to the territories; who should return fugitive slaves; whether segregation in transportation is consistent with interstate commerce; whether modern civil rights laws permit prosecution of agencies whose policies have racially disparate impacts; whether some Americans should be registered as having "multiracial" identities, rather than being placed in more traditional categories—these are all examples of policy disputes with significance for the

A House Divided

foundational structures of American society in different eras that have clearly been bound up with the clash of rival racial alliances.

But we will also see that many other policy disputes that may not first appear to be concerned with race, such as judicial interpretations of federal jurisdiction and writs of habeas corpus in the antebellum period; the structuring of power within the U.S. Senate in the Jim Crow era; and debates over the desirability of school vouchers today, all have been framed by the positions advanced by the racial alliances of their day. Indeed, the unseen impacts of racial alliance priorities toward the main alternatives considered in numerous apparently nonracial policy debates are among the most important of their historical and current consequences. It is also true that in every era, the issues featured by the racial alliances have often simply crowded out, when they have not reframed, political attention to other topics that the nation might otherwise have addressed more constructively—such as definitions of the rights of citizens in the antebellum era; the needs of agricultural and domestic workers in the Jim Crow era; and the requirements of public spending to create appropriate urban infrastructures in modern America.

But this is only so because the prevailing *political coalitions* on policy disputes in different eras, including the compositions of political parties, social movements, and interest groups, have always been affected, though far from determined, by the fact that many political actors have operated in part as members of rival racial alliances. Both individuals and groups have determined their other allegiances and chosen their political partners and issue positions partly out of concern for the goals and loyalties that their racial alliances support. We will also see that the modern conservative coalition built around Ronald Reagan drew one of its great unifying themes, the importance of public policies that reinforce and reward individual good character and penalize individual bad character, from the ideology of the color-blind racial policy alliance and its call to judge people not on the color of their skin but the content of the character. In the case of the “Reagan Revolution” and many others, the political coalitions that have driven American political development would have been different than they have been—and are—if racial alliances had not so often contributed so forcefully to their memberships and purposes.

Readers may worry, however, that to speak of “racial policy alliances” in this way is to imply more self-conscious, collaborative agency than exists among the actors involved. Although we believe the members of these alliances are broadly aware that there are many others who share their aims and with whom they may well work in concert at some point, we see racial alliances as loose

Chapter 1

political networks, not nearly so fully ordered and interconnected as a formal governmental institution.⁶¹ But when Congressman Mitchell decided to make his Arkansas experience the basis for a legal fight against segregation, his lawsuit received massive coverage in the black press; black business associations called for boycotting the railroads involved; though Mitchell had often quarreled with the NAACP, and some of its leaders still questioned his litigation strategy, others offered assistance; and the NAACP and other civil rights organizations were also then pressing FDR's Justice Department to intervene on behalf of black civil rights, as it did in *Mitchell v. United States*. The anti-segregation policy alliance, in other words, was visibly active. Mitchell himself was led to rethink his racial policy views by this alliance, as he was persuaded to mount a somewhat broader challenge to segregation in interstate transportation in his brief to the Supreme Court than he had first stated.⁶²

Arrayed against these anti-segregation forces was an equally discernible pro-segregation alliance that included attorneys for the ICC, the railroads, and Arkansas, and also a bevy of southern state executives led by Alabama governor Frank Dixon, who called a conference of southern governors to form a common strategy of response. Lawyers for ten southern states then provided amicus briefs that defended segregation.⁶³ In the chapters that follow, we provide similar evidence that throughout U.S. history, members of the racial alliances were conscious of and often in communication with, though not tightly coordinated with, other members whom their efforts reinforced.

That does not mean that all members of racial alliances have always agreed and acted together on every issue and strategy. It is probably wise to underline that racial alliances, like all coalitions, display significant internal diversity in regard to motivations, tactics, and ultimate goals. Many members act primarily to further their economic aims. Others do so out of ideological conviction or social anxieties, some simply as a road to power, among other motives. Some are more active on particular topics than others; all sometimes dissent; and the groups and institutions making up an alliance are themselves not monolithic. Local churches, party politicians, businesses, unions, or NAACP chapters sometimes act in ways that vary from the positions of their national organizations. Many with similar motives and aims still disagree on particular methods of pursuing them.

Nonetheless, most of the time, the members of racial alliances are united by their agreements on the basic way to resolve the fundamental racial questions of their eras: to maintain slavery or put it on the path to extinction; to maintain legal racial segregation or to abolish it; to erase racial categories from public policies or to rely on them. Frederick Douglass and William Lloyd Garrison quarreled famously over whether to invoke or condemn the Constitution. Yet

A House Divided

on the whole, they acted more in concert than in opposition on behalf of their shared central goal, ending slavery. Justice John Marshall Harlan was long the sole voice on the Supreme Court of those Reconstruction Republicans committed to equal rights for African Americans; but he did not join those, like Massachusetts senator George F. Hoar, who extended their racial egalitarianism to Chinese immigrants. Even so, they were both sturdy opponents of the rise of the new Jim Crow system of veiled white supremacy.

Some important political actors have even felt impelled to operate in two rival racial alliances at once, such as when Booker T. Washington publicly spoke in terms favorable to segregation while he secretly funded lawsuits against it, and when President Franklin Roosevelt accepted restrictions on New Deal programs to accommodate southern Democratic segregationists but also staffed his Justice Department with officials supportive of black civil rights. Some key figures have been leaders of more “liberal” alliances in one era only to join the more “conservative” side as the nation transitioned to the next: Andrew Johnson was ardently anti-slavery but proved even more ardently white supremacist. And others have altered their allegiances during the course of their careers, sometimes with major consequences. As senators, both Missourian Harry Truman and Texan Lyndon Johnson often acted with segregationists before they led the shift of the Democratic Party to stronger anti-segregationist positions during their presidencies.⁶⁴

Identifying these sorts of contrasts and developments within the ranks of racial alliances helps to explain why outcomes have varied on different racially tinged issues within any given era, and it clarifies how and why the balance of power between rival alliances has shifted over time, generating a succession of eras. These variations do not alter the fact, however, that in each particular period, most members of each era’s racial alliances have taken the same positions, often in conscious concert, on most issues. The resulting clashes have, to be sure, represented only one of the major cleavages shaping American politics. But understanding the groups, institutions, and policies that have constituted the evolving system of racial alliances throughout U.S. history is a prerequisite for understanding the foundational structures, policy disputes, and political coalitions in American politics.

It may still seem that analyzing American racial politics in terms of evolving sets of racial alliances aligned on either side of an era’s battleground issue is too crude, because there have always been many racial issues and more than two positions on each of them. Our framework may appear particularly unnuanced when extended to the kaleidoscopic racial and ethnic identities visible in twenty-first-century America. It is true that there has always been more going on in regard to race in America than the clashes of the two major racial

Chapter 1

policy alliances. We nonetheless maintain that their conflicts have been decisive. The historical evidence indicates that political actors, groups, and institutions have felt compelled over time to align themselves with one of the major alliances or the other in order to have a significant impact on American racial statuses.

Again the story of Arthur Mitchell is exemplary. Many issues with racial dimensions were evident in Mitchell's time, including efforts to combat lynching and New Deal economic programs that Mitchell vociferously championed such as the Federal Housing Administration and the Civilian Conservation Corps. Still, the inescapable, central issue of the era was legalized "Jim Crow" segregation and discrimination. The Jim Crow system was the prime obstacle to structuring New Deal programs inclusively and effectively. It was what lynching helped sustain. As a proponent of Booker T. Washington's conciliatory, gradualist, paternalistic policies who long opposed stirring up "race prejudice," who often criticized more radical civil rights activists and organizations, and who was a loyal servant of the Chicago Democratic machine that enabled him to defeat African American Republican Oscar DePriest in 1934, Mitchell personally preferred to focus on education and economic uplift programs, not desegregation. He was in many ways an improbable candidate to litigate for more rapid and radical change in segregation policies.⁶⁵ Yet he was reluctantly forced to conclude that he had to engage the battleground racial issue of his era, legal segregation, if even educated, prominent African Americans like himself were not to be in many regards second-class citizens.

The ensuing battle, ending in Mitchell's partial judicial triumph, also shows how recognizing that American racial politics has *always* involved fundamentally two-sided struggles in which both sides could deploy at least some governing institutions, along with other resources, in efforts to capture more support, is vital for understanding how racial change has occurred historically. This recognition helps us see why racial progress has been real but limited, and what the prospects are for change in the future. The circumstances that both gave Mitchell the belief he had an opportunity to push for change and that he had to do so arose as millions of blacks moved north to escape the Jim Crow South and take advantage of economic opportunities opened up by World War I, and as the Depression then gave Democrats the chance to build a massive partisan coalition. Unprecedented opportunities arose for African American groups and political aspirants to ally with northern white Democrats in support of a shared economic agenda that included at least promises of racial reform. The growing importance of northern blacks to the Democratic coalition, the growing control of the Democrats over national institutions, and the growing importance to national leaders of making the United States

A House Divided

appear racially progressive internationally, all made it possible for Mitchell both to win a seat in Congress and, later, to gain the support of FDR's Justice Department in litigating for change. In the process, Mitchell came to see better both the necessity for larger racial transformations and the opportunities for them, bringing him more fully into the anti-segregation alliance over time and enabling him to contribute a significant success on its behalf.

But still only a partial success: as noted, the Supreme Court was not yet willing to overturn *de jure* segregation root and branch, for the anti-Jim Crow racial alliance was not yet so strong, even in the northern Democratic Party, to make such a decision seem feasible to the justices. Indeed, Mitchell's heightened racial activism eventually cost him his congressional seat. The white-dominated Chicago Democrat machine wanted black votes but did not think that desegregating Illinois-based railroads was a priority. Its leaders dropped Mitchell for a more reliable African American candidate, William Dawson, in 1942. Living until the age of eighty-five in 1968, Mitchell did see many of the civil rights he came to embrace realized.⁶⁶

His elevation, then abandonment, by the Chicago machine also highlights why, though Mitchell probably would not have been elected to office or successful in his lawsuit without the support of northern Democrats, it would be wrong to identify the racial alliances during the Jim Crow era with the two major parties or with partisan allegiances. As the ruling by Republican chief justice Hughes in *Mitchell v. United States* confirms, both parties in these years still had anti-segregation and pro-segregation members, and many who were indifferent to racial issues, though in different proportions. The anti-segregation racial alliance that gained ground in the 1950s did so, moreover, in both parties, so that both adopted strong civil rights planks in their 1960 platforms. As a result, right up to the end of the Jim Crow system in the mid-1960s, struggles between supporters and opponents of segregation largely took place *within* both parties, and often *outside* the parties, rather than *between* the parties. That it is why it is one of the greatest changes from the previous U.S. history exemplified by Arthur Mitchell's story that today, this crosscutting relationship between America's parties and its racial policy alliances is no longer the case.

And though racial conflicts have almost always been intertwined with economic ones in U.S. history, as Mitchell's desire to be able to purchase a ticket for a first-class Pullman car indicates, his story is also an illustration of why the American structure of racial politics cannot be identified with or explained strictly in terms of economic alliances, interests, and ideologies. The specifics of Mitchell's case reflected the aspirations of wealthier black Americans more than those of poorer ones who could not afford such a ticket, and the congressman

Chapter 1

found his strongest support among black businesses and more elite black political activists. Still, many poorer African Americans celebrated a victory that did promise to limit the extent and improve the conditions of the segregation imposed on them in public transportation systems, so Mitchell's support cut across class lines. So did his opposition: many poor whites joined the railroads and most other white-owned businesses in either actively defending existing segregation policies or resting content to see them maintained. Though America's racial alliances cannot be understood without grasping the economic motivations of many of their leaders and members, neither the coalitions nor their goals can be accounted for by focusing only on economic classes or interests, without reference to specifically racial concerns.

One final lesson highlighted by the story of Congressman Mitchell is central to this book's overarching message concerning the consequences of clashes between racial policy alliances. The controversy over Mitchell's train trip to Arkansas not only impeded his own travel. It distracted the congressman from his work for the educational and economic programs dearest to his heart. It embroiled the railroads in unwanted litigation. And from 1937 to 1941, it busied ICC officials, state and national attorneys, and the courts with work that did not directly address the enormous economic and national security challenges that the nation then confronted. Segregation was economically inefficient but not the cause of the Depression, and an international embarrassment but not the cause of World War II. The time and effort spent by all concerned on Mitchell's case could have been spent far more productively if they had not been burdened by these struggles over Jim Crow laws and practices.

Similarly, and in a mind-bending variety of ways, all through U.S. history, the structure, policies, practices, and performance of American governing institutions and officials have been different and often worse than they might have been if they had not been so pervasively shaped by struggles between the nation's racial alliances.⁶⁷ But if this pattern can be found all through U.S. history, the change we have noted in the relationship of racial alliances to partisan allegiances since Arthur Mitchell's time remains distinctive as well as momentous. By reinforcing ideological and partisan cleavages, the polarized structure of American racial politics today, derived from the nation's violent racial past, hinders policymakers' efforts to discuss far too extensive an array of issues clearly and honestly, even more than in previous eras.

One recent example of this constrained public dialogue came early in President Obama's first year, when he nominated Judge Sonia Sotomayor to become the first person of Hispanic descent to sit on the U.S. Supreme Court. Everyone understood that Sotomayor was in fact chosen because, in addition

A House Divided

to sterling professional credentials, she was part of an American Hispanic community not previously represented on the high bench. Even so, she drew severe criticism for having previously suggested that at least in some cases, a “wise Latina” might be able to reach better decisions than a white man.⁶⁸ The criticism of this apparent endorsement of “race-conscious” judicial decision making was not fatal. Sotomayor was confirmed. But White House press secretary Robert Gibbs sought to avoid discussing the issue, then simply said Sotomayor’s “word choice” was “poor”; and President Obama himself said he thought her view needed to be “restated.”⁶⁹ Probably at the advice of the White House, instead of “restating,” during her confirmation hearings Sotomayor backed away from her earlier endorsement of race-conscious judging. She now contended, “I don’t base my judgments on my personal experiences—or my feelings or my biases.”⁷⁰ She did not attempt the steep uphill task of explaining or defending the legitimacy of decision making informed in some ways by senses of racial or ethnic identity.

Still, it is likely that most Americans in fact expect that Sotomayor’s judging *will* be shaped by her perspective as a Latina. Many see some value in that quality. But most either do not think decision makers should openly acknowledge that reality, or else they are uncertain about the issue. That reluctance, uncertainty, and the often consequent disingenuousness about race and much more in American public discourse occur, we believe, because to most, neither pure color blindness nor pure race consciousness really seems right to guide America’s public principles and policies. Yet the ways that racial issues are framed by today’s rival racial policy alliances makes no other option seem logically or politically possible. If that is our current condition, then understanding how and why American racial politics has been and is structured in the polarized fashion that we document here is useful for considering how Americans might seek to structure their politics more productively in the future.

THE STRUCTURE OF THE BOOK

In the ensuing chapters, we begin with evidence that our racial alliances framework can indeed shed light on America’s first two racial eras. We then turn to our main aim, illuminating American racial politics, problems, and possibilities today. We document how the modern racial alliances developed and the roles they play in contemporary issues, some obviously racial, some not so. Throughout, we indicate how the Obama administration appears to be responding to modern controversies, and we draw on these examples in the

Chapter 1

conclusion to characterize and assess Obama's overall approach to race. Using a variety of methods, chapters 2 and 3 examine the slavery and Jim Crow eras, respectively. We then turn to seven modern policy issues: employment in chapter 4; housing in chapter 5; voting rights in chapter 6; school vouchers and census categories in chapter 7; and criminal justice and immigration in chapter 8, before turning to our analysis of the prospects for today's racial alliances in chapter 9.

Our examination of modern policy issues begins with employment because we believe it is primarily in this labor market arena that the modern color-blind and race-conscious policy alliances first emerged. We then show in the ensuing chapters that those alliances appear, cohesively and consistently, throughout every issue we examine. We note that the coalitions nonetheless display some variations, and we analyze why those differences have arisen and what their consequences have been. In our final chapter, we show that our arguments are consistent with the data employed in major quantitative analyses of American politics—but that those analyses are in some ways misleading because they do not focus sufficiently on conflicts over racial policies.

From the plethora of policy issues we might have discussed, our selection of the seven we consider is based on two criteria. First, they are all issues involving what we term “foundational” systems of obvious importance. The controversies we consider affect the structure of the nation's economy and residences; its electoral and educational systems; its official racial categories; and its enforcement of both criminal and immigration laws. If the racial alliances are consequential for these foundational systems, they are consequential for American politics more generally.

But we could have examined any of many issues concerning these systems, or considered other systems, such as transportation, communications, environmental protection, health care, national defense, or many others. As our second criterion, after our seminal area of employment, we chose issues that appear to challenge our framework in one important way or another. Some are often seen as areas where “strange bedfellow” coalitions can be found (such as majority-minority districting and immigration policy)—alignments that can seem to contradict our contention that the major racial policy alliances are consistent across major issue arenas. Some involve groups with multi-racial identities and goals that do not appear to fit into our racial alliances and that may seem to imply the inadequacy of giving special primacy to the racial categories of “white” and “black” (census classifications and immigration again). Others are issues on which many see a limited and declining role for racial concerns (housing, school vouchers, criminal justice policies).

A House Divided

These two criteria account for what may seem our most surprising decision, not to provide a detailed study of issues of school desegregation or affirmative action in educational admissions. Those controversies have great importance both for education and for race in America, as we note at appropriate junctures. It is also arguable that historically, the racial alliances we describe emerged roughly simultaneously in the arenas of employment and education. But school desegregation and educational affirmative action are extensively discussed topics. The scholarly literature already vividly captures the emergence of clashing color-blind and race-conscious positions.⁷¹ We therefore discuss the role of the modern racial alliances in education by focusing on school vouchers, an issue that on its face does not appear to be about racial policy and that is indeed about much more. Even so, we show that the modern racial alliances have been major players in determining the fate of voucher proposals.

Yet though we wish to show that American politics has long displayed continuing clashes of racial alliances, our foremost goal is to indicate how and why those conflicts matter now, and what they mean for possibilities for racial progress, today and tomorrow. For many millions of Americans, hopes for that progress are now invested in President Barack Obama. We therefore note the positions Obama has taken on each issue we examine, and in our final chapter we consider his general approach to race in more detail. As suggested, we are compelled to conclude that Obama, too, has so far failed to bring out clearly the character and the harmful consequences of the ways policies have been framed by today's racial policy alliances. If his approach is to succeed, the president and his allies must make a case for combining more "universal" and more "race-conscious" measures more openly and persuasively than they have done so far. Their policies must also be seen as having some real success in reducing the material racial inequalities that remain so constitutive of American life. At the same time, we recognize that the tasks of reshaping American political and policy debates in ways conducive to racial progress cannot be met by any president or partisan alone. Only if both sides to current policy debates acknowledge the need to move beyond polarizing castigation of each other's abstract principles, and only if both sides accept the imperative to seek combinations of policies that can close inequitable racial gaps, while distributing the costs of change fairly, can the United States hope to make *E Pluribus Unum* not just its venerable national motto, but also its twenty-first-century achievement.