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Expert Report of Eric Foner

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EXPERT REPORT OF ERIC FONER

Gratz, et al. v. Bollinger, et al., No. 97-75321 (E.D. Mich.)
Grutter, et al. v. Bollinger, et al., No. 97-75928 (E.D. Mich.)

I. STATEMENT OF QUALIFICATIONS:

I am currently the DeWitt Clinton Professor of History at Columbia University. I have been a faculty member in the Columbia Department of History since 1982. Before that, I served as a Professor in the Department of History of City College and Graduate Center at City University of New York from 1973-1982. I have written extensively on issues of race in American history, with particular emphasis on the Reconstruction period. I will become the President-elect of the American Historical Association in January 1999. A complete *curriculum vitae*, including a list of publications, is attached hereto as Appendix A.[†]

II. INFORMATION CONSIDERED IN FORMING OPINIONS:

A selected bibliography of sources consulted is attached hereto as Appendix B.[†]

III. OTHER EXPERT TESTIMONY; COMPENSATION:

I have not testified as an expert at trial or by deposition within the preceding four years. I am being compensated at a rate of \$200/hr. for my work in connection with this matter.

IV. OPINIONS TO BE EXPRESSED AND THE BASIS AND REASONS THEREFOR:

EXECUTIVE SUMMARY

Race has been a crucial line of division in American society since the settlement of the American colonies in the beginning of the 17th century. It remains so today. While the American understanding of the concept of "race" has changed over time, the history of African-Americans provides a useful template for understanding the history of race relations. The black experience has affected how other racial minorities have been treated in our history, and illuminates the ways in which America's white majority has viewed racial difference.

† Appendix A and Appendix B have not been reproduced here.

Of the approximately 800,000 people to arrive in the American colonies between 1607 and the Revolution, approximately 300,000 were African slaves. Slavery was not a static institution. In the early colonial period, the experience of African slaves had much in common with that of white indentured servants. The rise of plantation agriculture in the South ushered in a far harsher era of slavery, and the concept of race took on a greater social significance. This entrenched form of slavery—ultimately enshrined in the Constitution—helped shape the identity of all Americans.

In the 19th century, the abolitionist movement argued for a purely civic understanding of American identity, insisting that genuine freedom meant civic equality. In the era of Reconstruction, American society formally embraced these principles. But this experiment in interracial democracy lasted only a little more than a decade. By the early 20th century, a new system of racial subordination had been established in the South, effectively nullifying the Fourteenth and Fifteenth Amendments, while in the North blacks were denied access to industrial employment.

In the 20th century, while both World War I and the New Deal presented opportunities to challenge the racial status quo, both experiences served only to sharpen the line of racial demarcation. During World War II, in response to Nazi tyranny, American society again embraced the language of racial equality. A period of civil rights activism followed, as black Americans once again turned to federal law and invoked the federal Constitution as source of protection against subordination. While these decades have seen substantial progress in addressing racial inequality, the salience of race in American life remains powerful. In part because of historic memory, and in part because of current reality, race continues to affect outlook, perception, and experience.

Since the earliest days of colonial settlement, race has been a crucial line of division in American society. For two and a half centuries, the large majority of African-Americans were held in slavery, and even after emancipation were subjected to discrimination in every aspect of their lives. Other minority groups have suffered severe inequalities as well. Today, while the nation has made great progress in eradicating the “color line,” the legacy of slavery and segregation remains alive in numerous aspects of American society.

It would be wrong, of course, to generalize too broadly about the lives of any group of Americans. As with whites, the experiences of black Americans have been shaped by region and class as well as race. None-

theless, because of their unique historical relationship to the key institutions of American life—including the polity, economy, and judicial and educational systems—blacks by and large have had different life experiences and have developed different social attitudes and expectations than most white Americans. This results not from any inborn “racial” characteristics, but from the historical development of American society.

Scholars today frequently describe race as “socially constructed.” By this they mean that rather than a timeless biological reality, race, defined as a society’s racial ideas and practices, has changed dramatically over time. This report will chronicle how the meaning of “race” and the status and experience of racial minorities have evolved during the course of American history. The history of race in America is not a narrative of linear progress toward a preordained goal. Rather, it is a story of continual debates and struggles, in which rights are sometimes won and at other times taken away.

Different societies define race in different ways. In the United States, the idea of race has at various times encompassed groups (like Irish, Jewish, and Italian immigrants) who are no longer considered separate “races,” but have been assimilated into the broad category of white Americans. Today, with the Hispanic and Asian-American populations growing rapidly, the familiar bipolar understanding of race in America as a matter of black and white is increasingly out of date. Nonetheless, this report of the salience of race in American history will focus primarily, although not exclusively, on the experience of African-Americans. There are compelling historical reasons for this. Not only have African-Americans suffered an exceptional degree of discrimination, beginning with two and a half centuries of racial slavery, but for historical reasons, the black condition has been and remains a unique litmus test of how fully American society lives up to its professed creed of equal rights and opportunities for all citizens. Moreover, the black experience has profoundly affected how other racial minorities have been treated in our history, and the ways in which such groups have viewed the larger society. (Thus, in the 1960s, the movement for black civil rights quickly spawned parallel movements among Asian-Americans, Hispanic-Americans, and Native Americans, all using the same political vocabulary, legal tactics, and forms of protest as the black struggle.)

When Thomas Jefferson in 1776 proclaimed mankind’s inalienable right to life, liberty, and the pursuit of happiness in the Declaration of Independence, slavery was already an old institution in America. One and a half centuries had passed since the first African-Americans set foot in Britain’s mainland colonies. Before the American Revolution, slavery had existed in all the colonies, as well as in parts of the Spanish and French empires like Florida, Louisiana, and northern Mexico, subsequently

absorbed into the United States. Slavery is as old as human civilization itself, but the slave system that arose in the western hemisphere differed in significant ways from what had preceded it. First, it was a plantation system, in which large concentrations of slave laborers produced goods—sugar, tobacco, rice, and later cotton—for the world market. Second, it was a racial system, in which all black persons, slave or free, bore the stigma of bondage. Rather than a peripheral institution or minor presence, slavery was indispensable to the settlement and development of the New World. Of the approximately 12.5 million persons who crossed the Atlantic to live in the western hemisphere between 1500 and 1820, some 10 million were African slaves. Even in the colonies that became the United States, which attracted a higher percentage of free immigrants, of approximately 800,000 arrivals between 1607 and the eve of independence, over 300,000 were slaves. By the time of the Revolution, slavery dominated the social and economic order of every colony from Maryland south to Georgia, and one American in five was a black slave.

Nonetheless, slavery, and the racial systems that arose from it, were never static institutions. Early colonial slavery was far more open and indeterminate than it would later become. Slaves and white indentured servants worked together, drank together, engaged in sexual relations, and frequently ran away in interracial groups. In many ways persons of African descent were not equal to whites—but in a society of brutal labor exploitation that affected white indentured servants as well as black slaves, slavery was one form of inequality among many and color did not have the salience it would later achieve as a line of social division.

In the southern colonies, the consolidation of plantation agriculture in the late seventeenth and early eighteenth centuries and the achievement of political dominance by the planter class inaugurated a new and far harsher era of slavery, in which avenues to freedom were effectively curtailed. Race took on far greater social significance, as planters filled the statute books with laws distinguishing between white and black and subjected free blacks to more and more onerous regulations. Indeed, even in the northern colonies, where slavery was less central to the economy, the situation of free blacks deteriorated in the eighteenth century. Throughout the colonies, “free” increasingly became a term associated only with whites.

Slaves, of course, experienced the institutions of politics and the law quite differently from white Americans. Before the law, slaves were property who had virtually no legal rights. They could be bought, sold, leased, and seized to satisfy an owner’s debt, their family ties had no legal standing, and they could not leave the plantation or hold meetings without the permission of their owner. Masters had almost complete discretion in inflicting punishment, and rare was the slave who went

through his or her life without experiencing a whipping. The entire system of southern justice, from the state militia and courts to slave patrols in each locality, was committed to enforcing the master's control over his human property, and no aspect of their lives, no matter how intimate, was beyond the reach of his interference.

The American Revolution threw the future of slavery into doubt. With its affirmation of freedom as a universal human right and of the new nation as an asylum of liberty for the oppressed peoples of the world, the Revolution made slavery for the first time a matter of widespread public debate and inspired hopes that the institution could be eliminated from American life. With the British offering freedom to slaves who joined the royal cause, nearly 100,000 deserted their owners. Thousands more escaped bondage by enlisting in the Revolutionary Army. In "freedom petitions"—arguments for emancipation presented to New England's courts—slaves claimed the rhetoric of liberty for themselves. Motivated by devotion to revolutionary ideals, a considerable number of Southern slaveholders, especially in Virginia and Maryland, voluntarily emancipated their slaves during the 1780s. By the end of the century, all the Northern states had provided for gradual emancipation. As a result, the first large communities of free African-Americans came into existence. By 1790, some 60,000 free blacks lived in the United States; by 1860 their number would increase to nearly half a million, over half of them in the slave states. In cities like Charleston and New Orleans, the free black community included numerous persons of education, wealth, and professional accomplishment—individuals well-positioned to take the lead in black politics in the early years of Reconstruction. Most free blacks, however, were poor urban or rural laborers, who enjoyed few rights other than not being considered a form of property.

In the end, slavery not only survived the Revolution but in some ways emerged from it strengthened. Paralyzed by the conviction that the two races could not live together on a basis of equality, no Southern state took steps toward abolition. Southerners like Thomas Jefferson and James Madison, who owned slaves but hoped the institution could be abolished, coupled the idea of emancipation with the "colonization" of blacks outside the country. They could not imagine the United States as a biracial community.

Slavery, moreover, was deeply embedded in the new federal constitution (although it was not named in that document—slaves were called "other persons," as a concession to the sensibilities of delegates who feared the word "slavery" would "contaminate the glorious fabric of American liberty"). The Constitution allowed the slave trade from Africa to continue for twenty more years, required states to return to their owners fugitives from bondage, and provided that three-fifths of the slave

population be counted in allocating electoral votes and Congressmen among the states. Taken together, these measures guaranteed an increase in the slave population and gave the slave South far greater power in national life than its free population warranted.

Not only did slavery fail to wither and die as some of the founders had hoped, but the institution soon entered an era of tremendous territorial and economic expansion based on rapidly growing world demand for cotton, the raw material of the early textile industry. As the nation expanded westward, so too did slavery, giving rise to the Cotton Kingdom of the Deep South. The peopling of the Cotton Kingdom involved an immense forced migration. Hundreds of thousands of slaves were sold from the older eastern states to plantations in Mississippi, Alabama, and Louisiana, or were uprooted from their homes to accompany masters who transplanted themselves to the fertile soil of the Old Southwest. Because of its high rate of natural increase, the slave population grew apace even after the importation of enslaved Africans was barred in 1808. On the eve of the Civil War, there were nearly four million slaves in the United States, and the South had become the largest, most powerful slave society the modern world has known.

The fact that the new nation was committed to liberty yet rested, to a considerable extent, on slavery was more than an irony or contradiction. For slavery helped to shape the identity, the sense of self, of all Americans. Constituting the most impenetrable boundary of citizenship, slavery rendered blacks all but invisible to those imagining the American community itself. When Hector St. John Crèvecoeur, posed his famous question, "What then is the American, this new man?," he answered: "a mixture of English, Scotch, Irish, French, Dutch, Germans, and Swedes He is either a European, or the descendant of a European." This at a time when fully one-fifth of the population (the highest proportion in our history) consisted of Africans and their descendants. The power of slavery to shape ideas about race and its connection to American identity was revealed in the Naturalization Act of 1790, which offered the first legislative definition of American nationality. With no debate, Congress restricted the process of becoming a citizen to "free white persons." For eighty years, only white immigrants could become naturalized citizens. Blacks were added in 1870, but not until the 1940s did persons of Asian origin become eligible.

The Naturalization Act suggests that by narrowing the gradations of freedom among the white population, the Revolution widened the divide between free Americans and those who remained in slavery. Race, which had long constituted one of many kinds of legal and social inequality among colonial Americans, now emerged as a convenient justification for the existence of slavery in a land ideologically committed

to freedom as a natural right. By the nineteenth century, the idea of innate black inferiority, advanced by Jefferson in *Notes on the State of Virginia* as a "suspicion," would mature into a full-fledged ideology, central to many definitions of American nationality itself.

Even as white Americans' rhetoric grew ever more egalitarian in the age of Jacksonian democracy, the somewhat tentative thinking of the Revolutionary era flowered into a fully developed racist ideology, complete with "scientific" underpinnings. "Race" gained broad acceptance as the explanation for the boundaries of nationality. In the revolutionary era, only Virginia, South Carolina, and Georgia explicitly confined the vote to whites, although elsewhere, custom often made it difficult for free blacks to exercise the franchise. As late as 1800, no Northern state limited the suffrage on the basis of race. But every state that entered the Union after that year, with the single exception of Maine, restricted the right to vote to white males. And in states such as New York and Pennsylvania, the right of free blacks to vote was either narrowed or eliminated entirely. By 1860, blacks could vote on the same basis as whites only in five New England states. By 1837, a delegate to the Pennsylvania constitutional convention could describe the United States as "a political community of white persons." The rhetoric of racial exclusion suffused the political language, adopted, by the eve of the Civil War, even by the Supreme Court. In America, according to Chief Justice Roger A. Taney in the *Dred Scott* decision of 1857, blacks could not be citizens; they "had no rights which the white man was bound to respect." The American people, Taney argued, constituted a "political family" restricted to whites. It was a family of which blacks, free or slave, could never be a part.

If blacks, free or slave, were excluded from democracy, a defining element of American nationality, "race" also barred them from benefiting from the expanding economic opportunities unleashed by the market revolution of the nineteenth century. While the larger society celebrated social advancement, free blacks' actual experience was downward mobility. At the time of abolition, because of widespread slave ownership among eighteenth-century artisans, a considerable number of Northern blacks were skilled craft workers. By mid-century, the vast majority labored for wages in unskilled jobs and as domestic servants. Nor could free blacks take advantage of the opening of the West to improve their economic status, as so many whites were able to do. Federal law barred them from access to the public domain and four states—Indiana, Illinois, Iowa, and Oregon—prohibited them from entering their territory altogether. The goal of economic independence held as much appeal to blacks as white Americans. But it was almost unimaginably remote; the vast majority could only look forward to a lifetime of economic subservience.

In a country whose economic growth and territorial expansion required appropriating the land of one nonwhite group (Native Americans), exploiting the labor of another (slaves), and annexing much of a nation defined as non-white (Mexico), it was inevitable that nationhood would acquire a powerful racial dimension. During the 1840s, as the United States acquired vast new lands from Mexico and the ideology of manifest destiny reached its greatest influence, territorial expansion came to be seen as proof of the innate superiority of the "Anglo-Saxon race." "Race" in the mid-nineteenth century was an amorphous notion involving color, culture, national origin, and religion. But the idea that race, as the *Democratic Review* declared, was the "key" to the "history of nations" and the rise and fall of empires was widely popularized in campaign speeches, political treatises, and the writings of the era's philosophers and historians.

This focus on "race" helped to solidify a sense of national identity among the diverse groups of European origin that made up the free white population. Between 1830 and 1860 nearly five million people (more than the entire population of 1790) entered the United States, the vast majority from England and Ireland. While immigrants from England were easily absorbed, those from Ireland faced considerable hostility. Nativists contended that the Irish, ostensibly unfamiliar with American conceptions of liberty and subservient to the Roman Catholic Church, posed a threat to democratic institutions. Stereotypes similar to those directed at blacks flourished regarding the Irish as well—childlike, indolent, and slaves of the passions, they were supposedly unsuited for republican freedom. Yet despite the reality of severe anti-Irish discrimination in jobs, housing, and education, it is remarkable how little came of demands that immigrants be barred from the political nation. Under the Nationalization Act of 1790, they were eligible to become citizens, and the vast majority had the good fortune to arrive after white manhood suffrage had become the norm and thus were automatically accorded the right to vote. In a country where political democracy had become intrinsic to the definition of the nation itself, it is difficult to overstate the importance of the fact that white male immigrants could vote almost from the moment they disembarked in America, while blacks, whose ancestors had lived in the country for centuries (and Indians, who had been here even longer) could not.

Even as slavery spawned a racialized definition of American nationality, however, the struggle for abolition gave rise to its opposite, a purely civic understanding of American identity. The origins of the idea of an American people unbounded by race lies not with the founders, who by and large made their peace with slavery, but with the abolitionists. The antislavery crusade insisted on the "Americanness" of slaves and free

blacks, and maintained that birthplace, not race, should determine who was an American. This idea of birthright citizenship, later enshrined in the Fourteenth Amendment, was a truly radical departure from the traditions of American life. "We do not admit," declared the *New England Magazine* in 1832, "that America is as much the country of the blacks, bound and free, as it is ours." Abolitionists insisted that it was.

Though hardly free from the racial preconceptions so prevalent in their society, white abolitionists insisted that genuine freedom meant civic equality. "While the word 'white' is on the statute-book of Massachusetts," declared abolitionist Edmund Quincy, "Massachusetts is a slave state." Against overwhelming odds, abolitionists launched legal and political battles against racial discrimination in the North, occasionally achieving victories like the end of school segregation in Massachusetts in 1855. Even more persistently than their white counterparts, black abolitionists articulated the ideals of egalitarian constitutionalism. "The real battleground between liberty and slavery," wrote black editor Samuel Cornish, "is prejudice against color."

But in the years before the Civil War, the abolitionists achieved few successes. Indeed, with the passage of the Fugitive Slave Law of 1850, several thousand Northern blacks fled to Canada. The law for the first time empowered the federal government to apprehend fugitives, and offered little protection against enslavement to Northern blacks who had been born free. The spectacle of men and women native to the United States seeking asylum in another country in order to preserve their liberty struck a discordant note in the familiar narrative of American history as a saga of freedom.

It was the Union's triumph in the Civil War that, at least in constitutional law, established equal citizenship as the birthright of all Americans, regardless of race. Racism was hardly eradicated from national life. But by 1865, declared George William Curtis, editor of *Harper's Weekly*, the war and emancipation had transformed a government "for white men" into one "for mankind." But more than redrawing the boundaries of citizenship, the Civil War linked the progress of emancipation and racial equality directly to the power of the federal government. Begun to preserve the old Union, the Civil War brought into being a new American nation-state, with greatly expanded powers and responsibilities. Having received their freedom through an unprecedented exercise of national power, blacks identified fully with the national state. To this day, few African-Americans share the instinctive sense among so many whites that the enjoyment of liberty requires reining in federal authority.

As during the Revolution, African-Americans appropriated the wartime rhetoric of emancipation and equality while giving these

common American values their own distinctive definition. Freedom meant something quite different to men and women who had long enjoyed its blessings than to those to whom it had always been denied. For whites, freedom, no matter how defined, was a given, a birthright to be defended. For African-Americans, the experience of slavery would long shape their conception of themselves and their place in American society. Freedom, their history suggested, was something to be fought for, not an entitlement to be taken for granted.

At Gettysburg, Abraham Lincoln had spoken of a nation “conceived in liberty, and dedicated to the proposition that all men are created equal”—an invocation of the Declaration of Independence and a recognition of the inner logic of emancipation. During the Reconstruction era that followed the Civil War, in a remarkable, if temporary reversal of political traditions, the federal government sought to identify and protect the equal rights of all Americans, regardless of race. The first statutory definition of American citizenship, the Civil Rights Act of 1866, declared all persons born in the United States (except Indians) national citizens and spelled out rights they were to enjoy equally. The Fourteenth Amendment, approved by Congress in 1866 and ratified two years later, for the first time enshrined in the Constitution the ideas of birthright citizenship and equal rights for all Americans. Soon afterward, the Fifteenth Amendment, ratified in 1870, barred the states from making race a qualification for voting. By the time Reconstruction legislation had run its course, the federal government had redefined American nationality to embody civil and political equality for African-Americans as well as whites.

It is tempting to view the expansion of citizens’ rights during Reconstruction as the logical fulfillment of a vision articulated by the founding fathers but for pragmatic reasons not actually implemented when the Constitution was drafted. Yet, boundaries of exclusion had long been intrinsic to American citizenship. Reconstruction represented less a fulfillment of the Revolution’s principles than a radical repudiation of the nation’s actual practice for the previous seven decades. Indeed it was precisely for this reason that the era’s laws and constitutional amendments aroused such bitter opposition. The underlying principles—that the federal government possessed the power to define and protect citizens’ rights, and that blacks were equal members of the body politic—were striking departures in American law. President Andrew Johnson, who vetoed bill after bill only to see them reenacted by Congress, claimed with some justification that federal protection of blacks’ civil rights, together with the broad conception of national power that lay behind it, violated “all our experience as a people.” The radicalness of

Reconstruction helps to explain why its vision of racial equality turned out to be unfulfilled.

The nation's first experiment in interracial democracy, Reconstruction lasted only a little more than a decade. By 1877, white supremacy had returned to the South and the federal government soon abandoned the responsibility for protecting the rights of black citizens. By the early twentieth century, a new system of racial subordination had come into being in the South. In the words of the historian Rayford Logan, blacks occupied a "separate wing" of the "edifice of national unity," and "on the pediments . . . were carved Exploitation, Disfranchisement, Segregation, Discrimination, Lynching, Contempt."

Economically, blacks continued to be excluded from the promise of the American dream. Trapped at the bottom of a stagnant regional economy, excluded from jobs in the textile factories that burgeoned in the southern piedmont, and denied access to industrial employment in the North, most blacks had few chances to improve their situation in life. Most urban black males worked as manual laborers or as personal servants in white homes. The large majority of employed black women labored as laundresses, washerwomen, and domestic workers. A rigidly segmented job market kept blacks excluded from nearly all skilled employment. Most labor unions, North and South, barred blacks from membership. The few exceptions, such as the Knights of Labor, which flourished in the 1880s, attracted a large membership of blacks eager to find allies in the struggle for economic empowerment and respect in the workplace. The Knights' demise in the 1890s left some local unions of longshoremen and mine workers with significant numbers of black and white members. But in most occupations, the few unions that existed in the South formed yet another barrier to blacks' economic advancement. In the Upper South, economic development offered some opportunities—mines, iron furnaces, and tobacco factories employed black laborers and a good number of black farmers managed to acquire land, although usually small plots of marginal fertility. In the Deep South, however, African-Americans owned a smaller percentage of the land in 1900 than they had at the end of Reconstruction.

Neither black voting nor officeholding came to an abrupt end in 1877. But beginning with Mississippi in 1890, every southern state amended its laws or constitution to disenfranchise the black population. In the process, they not only halted and reversed the long trend toward expanding political rights in the United States, but transformed Deep South states into political rotten boroughs whose representatives in Congress would long wield far greater power on the national scene than their tiny electorates warranted. Southern whites, however, did not create their new system of white supremacy alone. The effective nullification of

the Fourteenth and Fifteenth Amendments occurred with the full acquiescence of the North. By 1900, the ideals of egalitarian citizenship and freedom as a universal entitlement had been repudiated. In 1898, the Supreme Court gave the green light to the disenfranchisement movement by ruling, in *Williams v. Mississippi*, that the suffrage provisions of the state's 1890 constitution did not violate the Fifteenth Amendment, since the new system of poll taxes and literacy tests did not "on their face discriminate between the races," even though its result was to bar virtually every black resident of the state from voting.

Along with disenfranchisement, the 1890s saw the widespread imposition of racial segregation in the South. De facto racial separation had existed in Reconstruction schools and many other institutions. But it was not until the 1890s that the United States Supreme Court, in the landmark decision in *Plessy v. Ferguson*, gave its approval to state laws requiring separate facilities for blacks and whites. The *Plessy* decision was quickly followed by laws mandating segregation in every aspect of life, from schools to hospitals, waiting rooms to toilets, drinking fountains to cemeteries. In some states, taxi drivers were forbidden by law to carry members of different races at the same time. But more than simply a form of racial separation, segregation was part of a complex system of white domination, in which each component—disenfranchisement, unequal economic status, inferior education—reinforced the others. The point was not so much to keep the races apart as to ensure that when they came into contact with each other, whether in politics, labor relations, or social life, whites held the upper hand.

Those blacks who sought to challenge the system, or who refused to accept docilely the insults and demands for demeaning behavior that were a daily feature of life, faced not only overwhelming political and legal power but also the very real threat of violent reprisal. Between 1880 and 1968, nearly 3,500 persons were lynched in the United States, the vast majority black men in the South. Some lynchings occurred secretly at night; others were advertised in advance and attracted huge audiences of onlookers.

The resurgence of racism was both cause and effect of the nation's abandonment of the Reconstruction ideal of egalitarian citizenship. Relegating blacks to the position of an economically dispossessed and politically disempowered caste fit neatly with the general pattern of racial thinking in the late nineteenth century. The retreat from egalitarian ideals went hand in hand with the resurgence of an Anglo-Saxonism that united patriotism, xenophobia, and an ethnocultural definition of nationhood in a renewed rhetoric of racial exclusiveness. Derogatory iconography depicting blacks and other "lesser" groups as little more than savages and criminals filled the pages of popular periodicals, legitimizing and

“naturalizing,” the new system of political and economic inequality. Scholars like Columbia University’s John W. Burgess, a founder of American political science, taught that “a black skin means membership in a race of men which has never of itself succeeded in subjecting passion to reason, and has never, therefore, created any civilization of any kind.” A century later, Americans would look back on segregation as a relic of an era of crude prejudice. When installed, however, the system was justified by political, religious, and scientific leaders as a forward-looking solution to a seemingly intractable problem—the presence of a race that posed a danger to white America and its democratic institutions.

Slowly, the boundaries of nationhood, expanded so dramatically in the aftermath of the Civil War, contracted. For example, while ruling that the Fourteenth Amendment awarded citizenship to children of Chinese immigrants born on American soil, the Supreme Court also affirmed the right of Congress to set racial restrictions on immigration, and to expel without due process foreigners who had not been naturalized (as Chinese could not be). Beginning in 1882, Congress excluded immigrants from China from entering the country altogether. Exclusion profoundly shaped the experience of Chinese-Americans, long stigmatizing them as unwanted and unassimilable, and justifying their isolation from mainstream society.

On the eve of the twentieth century, America’s triumphant entry onto the world stage as an imperial power in the Spanish-American War tied nationalism ever more closely to notions of Anglo-Saxon superiority, displacing, in part, the earlier identification of the nation with democratic political institutions (or defining those institutions in a more explicitly racial manner). Having demonstrated their special aptitude for liberty and self-government on the North American continent, Anglo-Saxons would now spread these institutions and values to less fortunate peoples throughout the world. As in the South, the domination of non-white peoples by whites was part of the progress of civilization, a fulfillment, not a violation, of American freedom.

By the turn of the century, the language of “race”—race conflict, race feeling, race problems—had assumed a central place in American public discourse. The putative inborn capacity of one or another “races” was commonly invoked to explain everything from the standard of living of various groups of workers to the ability or inability of various peoples to participate in American democracy. Immigration, it was claimed, weakened the fiber of American society by allowing “inferior” races to outnumber the Anglo-Saxons best fitted for national and worldwide hegemony. The new immigrants, wrote economist Francis Amasa Walker in 1890, were “beaten men from beaten races, representing the worst failures in the struggle for existence.”

As the economist Simon Patten noted in 1896, American society seemed to be fracturing along interpenetrating lines of class and race, as universalistic definitions of citizenship were replaced by an obsession with strictly demarcating the borders of nationality:

Each class or section of the nation is becoming conscious of an opposition between its standards and the activities and tendencies of some less developed class. The South has its negro, the city has its slums. . . . The friends of American institutions fear the ignorant immigrant, and the workingman dislikes the Chinese. Every one is beginning to differentiate those with proper qualifications for citizenship from some other class or classes which he wishes to restrain or exclude from society.

With black disenfranchisement, Chinese exclusion, the rigid segmentation of the job market along racial and ethnic lines, and the emergence of an imperial policy toward non-white peoples overseas, the polity and economy were more thoroughly racialized at the dawn of the twentieth century than at any other point in American history.

“Race” also did much to circumscribe the reach of Progressivism, the reform movement of the early twentieth century that sought to improve democracy and bring the power of government to bear to regulate concentrations of economic power and uplift the conditions of working Americans. In some ways, the disenfranchisement of Southern blacks was a typical Progressive reform, a step, its advocates claimed, toward “upgrading” the electorate and allowing for a broader democracy among remaining voters. Women’s suffrage, another reform of the Progressive era, was achieved by a constitutional amendment that left the states free to limit voting on other grounds, and thus did nothing for the vast majority of the country’s black women. Progressive intellectuals, social scientists, labor reformers, and suffragists displayed a remarkable indifference to the black condition. Walter Weyl waited until the last fifteen pages of *The New Democracy* to introduce the “race problem.” While he acknowledged that “white democracy” was a contradiction in terms, he offered no concrete proposal for moving toward a more egalitarian standard. Some settlement house reformers tried to address the problems of the urban black poor, but few understood the innumerable disabilities under which blacks labored. Most accepted segregation as natural and equitable, assuming there should be white settlements for white neighborhoods and black settlements for black.

Theodore Roosevelt's ingrained belief in Anglo-Saxon racial destiny (he called Indians "savages" and blacks "wholly unfit for the suffrage") did nothing to lessen the Progressive intellectuals' enthusiasm for his New Nationalism. His Progressive Party convention of 1912 rejected a civil rights plank in its platform and barred contested black delegates from the South. Woodrow Wilson, a native of Virginia, could speak without irony of the South's "genuine representative government" and its exalted "standards of liberty." His administration imposed full racial segregation in Washington and hounded from office considerable numbers of black federal employees.

The status of blacks, however, was only one strand in what Progressives called the era's "race problem." The *Dictionary of Races of Peoples*, published in 1911 by the U. S. Immigration Commission, listed the immigrant "races" within a hierarchy ranging from Anglo-Saxons at the top down to Hebrews, Northern Italians and, lowest of all, Southern Italians—allegedly violent, undisciplined, and incapable of genuine assimilation. Popular best-sellers like *The Passing of the Great Race*, published in 1916 by Madison Grant, president of the New York Zoological Society, warned that the influx of new immigrants and the low birthrate of native white women threatened to obliterate the foundations of American civilization. If democracy could not flourish in the face of vast inequalities of economic power, neither, most Progressives believed, could it survive in a nation permanently divided along racial and ethnic lines. Somehow, the very nationalization of politics and economic life served to heighten awareness of ethnic and racial difference, and spurred demands for "Americanization"—the conscious creation of a more homogenous national culture.

The task of Americanizing the new immigrants was taken up by public and private bodies of all kinds. No matter how coercive, Americanization programs assumed that the new immigrants (and especially their children) could adjust to the conditions of American life, embrace "American ideals," and become productive citizens, enjoying the full blessings of American freedom (as blacks, most Progressives believed, could not). Nonetheless, the linkage of Americanism and "race" helped to inspire a fundamental change in immigration policy, the implementation of a new answer to the venerable question, "who is an American?" In 1924, in a repudiation of the tradition of open entry for whites except for specifically designated classes of undesirables, Congress imposed the first sharp limits on European immigration, establishing a nationality quota system that sought to ensure that descendants of the old immigrants would forever outnumber children of the new. Although enacted by a highly conservative Congress, the 1924 immigration law reflected, among other things, the Progressive desire to improve the

“quality” of democratic citizenship and employ scientific methods to rationalize public policy. In calculating the new immigration quotas, based, supposedly, on the origins of the American population in 1890, non-whites were excluded altogether – otherwise African nations would have received a far higher quota than the tiny numbers they were eventually allotted. The law also mandated the complete exclusion of Asians from the United States.

Confronted with the wholesale repudiation of the universalist definition of American nationhood, prominent black leaders took to emphasizing economic self-help and individual advancement into the middle class as an alternative to popular political agitation. Symbolizing this shift was the juxtaposition, in 1895, of the death of black abolitionist Frederick Douglass with Booker T. Washington’s widely-praised speech at the Atlanta Cotton Exposition urging blacks to adjust to segregation and forego agitation for civil rights and the suffrage. The path to racial advancement, Washington asserted, lay in acquiring skills and property. In the early twentieth century, led by W. E. B. DuBois, a more militant group of black leaders joined with white reformers to found the National Association for the Advancement of Colored People, dedicated to regaining the rights supposedly guaranteed in the Reconstruction constitutional amendments. Most black leaders saw American participation in World War I as an opportunity to make real the promise of equality. The black press rallied to the war, insisting that the service of black soldiers would result in the dismantling of racial inequality. But the result produced an alienation that drove many blacks even further from the American mainstream.

The war unleashed social changes that altered the contours of American race relations. The combination of increased wartime production and the cutoff of immigration from Europe opened thousands of industrial jobs to black laborers, inspiring a massive migration from South to North. By 1920, nearly half a million blacks had left the South. Yet a series of violent confrontations that shattered cities throughout the country also exposed the vast disappointments that migrants encountered—severely restricted employment opportunities, exclusion from unions, rigid housing segregation, and machine control of urban politics that limited the impact of the right to vote. Meanwhile, the Paris Peace Conference of 1919 sacrificed the principle of self-determination—ostensibly the Allies’ major war aim—on the altar of imperialism, so far as the world’s nonwhite peoples were concerned. Nation-states were created for Eastern Europe, but not for what Wilson’s advisor Colonel Edward House called the “backward countries” of Asia and Africa.

The result was a feeling of deep betrayal that affected everyone from W. E. B. Du Bois, who had traveled to Paris to plead the cause of colo-

nial independence, to ordinary black Americans. Du Bois was forced to conclude that Wilson had “never at any single moment meant to include in his Democracy” black Americans or the nonwhite peoples of the world. In the new black ghettos of the North, the disappointed hopes of World War I kindled widespread support for the separatist movement launched by Marcus Garvey, a recent immigrant from Jamaica, who demanded for blacks the same internationally-recognized identity now enjoyed by Poles, Czechs, and the Irish. The massive following his movement achieved in the early 1920s offered the best testimony to the sense of betrayal the war and its aftermath kindled in black communities.

A decade later, the New Deal fundamentally changed the relationship of American citizens to the national government, and seemed to open new possibilities for challenging the racial status quo. Suffering more severely from the Depression than any other group of Americans, blacks benefited enormously from new government programs of economic relief, even though these were often administered in blatantly discriminatory fashion. By 1936, northern blacks, who retained the right to vote, had abandoned their historic allegiance to the party of Lincoln and shifted in the ranks of the Democratic party, where they have remained ever since. Nonetheless, race profoundly shaped the New Deal, and blacks experienced its programs in ways far different from white Americans.

Roosevelt conceived of the New Deal as expanding the meaning of economic liberty by extending assistance to broad groups of needy Americans—the unemployed, elderly, and dependent—as a universal right of citizenship, not charity or special privilege. His goal, according to Frances Perkins, was a broadly inclusive cradle-to-grave system of social provision that guaranteed every American a measure of economic security. But as enacted, New Deal measures were far from universal. Political realities—especially the enduring power of urban political machines in the North and black disenfranchisement in the South—powerfully affected the drafting of legislation. The result was a two-tiered system that offered generous, nationally-established benefits to some Americans, primarily white and male, while leaving others with lesser entitlements or none at all.

The Social Security Act, the centerpiece of the New Deal “welfare state,” encompassed a series of programs with divergent structures and target populations. The most generous—old-age pensions and unemployment insurance—provided aid automatically and without the stigma of dependency. By linking benefits to taxes paid by eligible wage workers, these programs identified assistance as a right rather than charity. But the exclusion of agricultural, domestic, and casual laborers left uncovered the large majority of the employed black population.

Social Security also included public assistance programs, notably aid to dependent children and to the impoverished elderly. These were open to all Americans, regardless of race, who met a means test. But they set benefits at extremely low levels and authorized the states to determine eligibility standards. Because recipients did not pay Social Security taxes, they soon came to bear the humiliating stigma of dependency on government handouts. The gap between the two programs widened in 1939, when wives, elderly widows, and dependent survivors of covered male workers were moved from general public relief into the Social Security system, leaving single mothers and the non-white poor to dominate what would come to be called "welfare." Social Security established the key elements of federal social policy for the next half century. And the power of the Solid South helped to mold the New Deal welfare state into an entitlement of white Americans. Black organizations strongly supported an alternative plan, introduced by Congressman Ernest Lundeen of Minnesota, for a federally-controlled system of old age, unemployment, and health benefits for all wage workers, and lobbied strenuously for a Social Security system that enabled agricultural and domestic workers to receive unemployment and old-age benefits and that established national relief standards. In the end, however, because of the "Southern veto," non-white workers were confined to the weakest, least generous, and most vulnerable wing of the new welfare state. The National Resources Planning Board presciently noted in 1942 that because of their exclusion from programs "which give aid under relatively favorable conditions," blacks were becoming disproportionately dependent on "general relief," a program widely viewed with popular "disfavor." The situation, the report concluded, seemed certain to stigmatize blacks as recipients of "welfare," and welfare as a program for minorities, thus dooming it forever to inadequate "standards of aid," and further reinforcing a powerful line of division in how black and white Americans experienced the New Deal welfare state.

Overall, the Depression and New Deal had a contradictory impact on black Americans. Although Roosevelt seems to have had little personal interest in race relations or civil rights, key members of his administration, including his wife Eleanor and Secretary of the Interior Harold Ickes, directed national attention to the injustices of segregation, disenfranchisement, and lynching. But hopes for broad changes in the nation's race system were quickly disappointed. Despite a massive lobbying campaign, a Southern filibuster prevented passage of a federal anti-lynching law. The New Deal began the process of modernizing Southern agriculture, but tenants, black and white, footed much of the bill. Tens of thousands of sharecroppers were driven off the land as a direct result of the Agricultural Adjustment Administration's policy of supporting crop

prices by paying landowners to reduce cotton acreage. Landlords were supposed to share federal payments with their tenants, but many failed to do so.

Nowhere were the limits of the New Deal more evident than in the evolution of federal housing policy, which powerfully reinforced residential segregation. The Home Owners Loan Corporation and Federal Housing Administration insured millions of long-term mortgages issued by private banks. At the same time, the federal government itself constructed thousands of units of low-rent housing. Thanks to the FHA and, later, the Veterans' Administration, home ownership was brought within the economic reach of tens of millions of families.

Like Social Security, however, housing policy was put into practice by local officials, who established a two-tiered system that reinforced existing racial boundaries. (In Texas, some communities financed three sets of housing projects—for whites, blacks, and Mexicans.) The FHA, moreover, had no hesitation about insuring, and sometimes insisted upon, mortgages with racially restrictive covenants, and resolutely refused to channel money into any but segregated neighborhoods. It declared entire areas, mostly in central cities, ineligible for loans. In some cases, the presence of a single black family on a block led the agency to declare the entire block off-limits for federal mortgage insurance. Along with discriminatory practices by private banks and real estate companies, federal policy was a major factor in institutionalizing housing segregation in America. Today, white Americans recall the New Deal as a time when the government took energetic steps to combat the economic ills of unemployment and homelessness. To blacks, it is also a time that reveals the persistent hold of racial inequality on public policy.

It was not so much the New Deal as World War II that, for the first time since Reconstruction challenged the hold of racial thinking and policy on national life. The struggle against Nazi tyranny and its theory of a master race gave new emphasis to the civic definition of American nationality and discredited ethnic and racial inequality. In public and private pronouncements, a pluralist vision of American society now became part of official rhetoric. Racism was the enemy's philosophy; Americanism rested on toleration of diversity and equality for all. By the end of the war, the new immigrant groups had been fully accepted as ethnic Americans, rather than members of distinct and inferior "races." And the contradiction between the putative American Creed and the actual status of blacks had come to the forefront of national life.

During World War II, government and private agencies avidly promoted group equality as the definition of Americanism. Officials rewrote history to establish racial and ethnic tolerance as the American way. To be an American, declared the president, had always been a "matter of

mind and heart,” and “never . . . a matter of race or ancestry”—a statement more effective in mobilizing support for the war than in accurately describing the nation’s past. Horrified by the uses to which the Nazis put the idea of inborn racial difference, physical and social scientists retreated wholesale from the idea of race, only recently central to their disciplines. The writings of Franz Boas, Ruth Benedict, and other anthropologists critical of the link between race, culture, and intelligence, now for the first time reached a mass audience. Benedict’s *Races and Racism*, published in 1942, described racism as “a travesty of scientific knowledge.”

Of course, the internment of tens of thousands of citizens of Japanese descent during the war belied the new spirit of racial accommodation. So too did the persistence of segregation (even in Washington D. C. and in the army), disenfranchisement, and lynching. The wide disparities between wartime ideology and the actual condition of black Americans helped to spawn a renewed movement for equality. Angered by the almost complete exclusion of African-Americans from employment in the rapidly-expanding war production industries (of 100,000 aircraft workers in 1940, fewer than 300 were black), labor leader A. Philip Randolph in July 1941 called for a March on Washington to demand not only defense jobs but an end to segregation in government departments and the armed forces. Hurling Roosevelt’s rhetoric back at the president, Randolph declared racial discrimination “undemocratic, un-American, and pro-Hitler.” To persuade Randolph to call off the march, Roosevelt issued an executive order banning discrimination in defense employment and establishing a Fair Employment Practices Commission to monitor compliance. Essentially an investigative agency, the FEPC had few enforcement powers. But its very existence marked a significant shift in public policy, and its hearings exposed patterns of racial exclusion so ingrained that firms at first freely admitted that their want-ads asked for “colored” applicants for porters and janitors, and “white” ones for skilled manufacturing jobs, or that they allowed black women to work only as laundresses and cooks. The FEPC played an important role in obtaining jobs for black workers in industrial plants and shipyards, an enormous step forward for migrants from the rural South. By 1944, over one million blacks held manufacturing jobs, 300,000 of them women.

During the war, a broad political coalition centered on the left but reaching well beyond it called for an end to racial inequality in America. The NAACP and American Jewish Congress cooperated closely in denouncing racial and religious intolerance and advocating laws to outlaw discrimination in employment and housing. Despite considerable resistance from rank and file white workers, CIO unions made significant efforts to organize black workers and win them access to skilled positions.

A racial job ceiling persisted in most industrial plants, and AFL craft unions by and large continued their long tradition of excluding black workers. But during the war, the CIO was probably more racially integrated than any labor organization since the Knights of Labor.

Nonetheless, the black migrants who poured out of the South into the industrial heartland encountered hostility, sometimes violent, from white residents in the North and West. Detroit in June 1943 experienced a race riot that left 34 persons dead and a "hate strike" of 20,000 auto workers protesting the upgrading of black workers in a plant manufacturing aircraft engines. In the same year, the Zoot Suit riots, in which club-wielding soldiers, sailors, and policemen attacked Mexican-American youths on the streets of Los Angeles, also illustrated the limits of the wartime commitment to pluralism and tolerance. In February 1942, the *Pittsburgh Courier* coined the phrase that came to epitomize black attitudes during the war—the "double-V." Victory over Germany and Japan, it insisted, must be accompanied by victory over segregation at home. While most of the white press supported the war as an expression of American ideals, black newspapers persistently pointed to the gap between those ideals and reality. Surveying wartime public opinion, political scientist Horace Gosnell concluded that "symbols of national solidarity" had very different meanings to white and black Americans. To blacks, freedom from fear meant, among other things, an end to lynching; freedom from want included an end to "discrimination in getting jobs." "Our fight for freedom," said a black veteran returning from Pacific combat, "begins when we get to San Francisco."

The civil rights impulse inspired by the war flowed over into the postwar world. It was especially evident in President Truman's decision to make civil rights a major plank in the Democratic platform of 1948, prompting delegates from several southern states to walk out of the gathering. But as the Cold War deepened, criticism of American society became increasingly suspect. Aside from the integration of the armed forces, ordered by the President in 1948, little came of the Truman administration's civil rights flurry. Time would reveal that the waning of the civil rights impulse was only temporary. But it came at a crucial historical juncture, just as the greatest housing and employment boom in American history was reconfiguring the society, opening vast new opportunities for whites while leaving blacks locked in the rural South or the decaying urban ghettos of the North. Indeed, during the postwar suburban boom, federal agencies continued to insure mortgages with racially-restrictive provisions, thereby financing housing segregation. Even after the Supreme Court in 1948 declared such covenants unenforceable, banks and private developers continued to bar nonwhites from the suburbs and federal lending agencies refused to subsidize mortgages for blacks

except in segregated enclaves. The vast new communities built by developer William Levitt, which epitomized the suburban revolution, refused to allow blacks to rent or purchase homes. In 1957, not a single black family resided among the 60,000 inhabitants of Levittown, Pennsylvania. Meanwhile, under the slogan of “urban renewal,” cities used their power of eminent domain to remove the poor from urban areas slated for redevelopment, frequently replacing them with all-white middle-income complexes like New York’s Stuyvesant Town, which opened in 1947 and only agreed to admit a handful of black families as tenants after years of protests and lawsuits.

With black migration from the rural South to the urban North reaching unprecedented levels (three million blacks moved from South to North between 1940 to 1960, followed by another 1.4 million in the following decade), the process of racial exclusion became self-reinforcing and self-justifying. As industrial jobs fled the central cities of the industrial heartland for suburbs and the South—a process soon to be known as deindustrialization—more and more poor blacks remained trapped in urban ghettos, associated in the white mind with crime and welfare. Suburbanites, for whom the home served not only as an emblem of freedom but also as the family’s major accumulation of capital, became increasingly fearful that any nonwhite influx would lower the quality of life and destroy property values. Suburban home ownership long remained a white entitlement, with the ability of nonwhites to rent or purchase a home where they desired overridden by the potent mixture of private property, the right to privacy, and “freedom of association.” Thus, even as the old divisions between white ethnic Americans faded in the suburban melting pot and a black movement arose in the South to challenge institutionalized segregation, racial barriers in housing and therefore in public education and jobs were being reinforced. Despite pervasive Cold War rhetoric, to many black Americans the boundary between the “free” and “unfree” worlds seemed to run along the color line, not the Iron Curtain. Speaking of the street that marked the entrance to an all-white Los Angeles neighborhood, a black resident of the city later recalled, “we used to say that Alameda was the Berlin Wall.”

On December 1, 1955, Rosa Parks, a veteran of civil rights activities in Montgomery, Alabama, was arrested for refusing to surrender her seat on a city bus to a white rider, as required by municipal law. The incident sparked a year-long bus boycott, the beginning of the greatest mass movement in modern American history. The movement found in the black church the organizing power for a militant, nonviolent, assault on the edifice of segregation. Then, beginning with the sit-ins of 1960, college students, black and white, propelled the struggle to a new level of mass activism and civil disobedience. Within a decade, the civil rights

revolution had overturned the edifice of de jure segregation and won the ballot for black citizens in the South.

Although they had been “treated in a way that makes mockery of our belief in liberty,” commented a white faculty member at a black college in Tennessee, African-Americans believed “wholeheartedly” in the ideal of constitutional equality. The movement invoked the unfulfilled promises of the Declaration of Independence, Emancipation Proclamation, and Fourteenth Amendment to demand that the nation live up to the letter of the law and to its professed values.

It was in the soaring oratory of Martin Luther King, Jr., who more than any single individual came to lead and symbolize the movement, that the protestors’ many goals and aspirations were forged into a coherent whole. A master at appealing to the conscience of white America without appearing to be dangerous or threatening, King presented the case for black rights in a vocabulary that bridged the gap between the races and fused the black experience with that of the nation. Suffused with Christian themes derived from his family background and training in the black church, King’s speeches resonated deeply in the broader culture. Central to his theology was the story of Exodus, a mainstay of black preaching that interpreted the African-American experience as a divinely-guided progress toward Canaan, the promised land of freedom. Among other things, Exodus suggested that individual rights and group empowerment were interdependent and reinforcing, a point King drove home when he proclaimed, “we as a people will get to the promised land.”

At a time when Cold War ideology had highlighted the danger to liberty from excessive government and made respect for the distinction between “civil society” and the realm of politics a cornerstone of liberal thinking, civil rights activists resurrected the vision of federal authority as the custodian of citizens’ rights. Despite the long history of federal complicity in segregation, blacks’ historical experience suggested that they had more hope for justice from national power than from local governments or the voluntary acquiescence of well-meaning whites. This conviction was reinforced not only by Southern resistance to integration, but by the failure of Northern states to enforce the fair employment laws that had been enacted in the aftermath of World War II. Liberal opinion of the time strongly emphasized the importance of insulating “civil society” from governmental interference. Blacks understood that the institutions of civil society—businesses, unions, homeowners’ associations, private clubs, and the like—were often riddled with racism, which only federal power could eradicate. The movement reinforced the longstanding tradition that saw black Americans rely much more strongly on an activist national state than most white citizens.

In the 1960s, the movement's growing militancy and the violent resistance it encountered created a national crisis that propelled a reluctant federal government to champion the cause of black freedom. By June 1963, with demonstrations sweeping the country (in one week, over 15,000 Americans were arrested in 186 cities) and the violence unleashed against black protesters in Birmingham attracting worldwide attention, president John F. Kennedy went on television to announce that the nation confronted a "moral crisis." Two years later, the crisis in Selma—where voting rights marchers were assaulted by the Alabama state police—led Kennedy's successor, Lyndon B. Johnson, to demand legislation securing the right to vote. Appealing to "the outraged conscience of the nation," Johnson closed his speech by quoting the demonstrators' favorite song, "We Shall Overcome." Never before had the movement received so sweeping or powerful an endorsement from the federal government.

By 1965, with court orders having dismantled legal segregation and new federal laws prohibiting discrimination in public accommodations, employment, and voting, the movement had succeeded in eradicating the legal bases of second-class citizenship. In the same year, inspired in part by the conviction that racism should no longer serve as a basis of national policy, the Hart-Cellar Act abandoned the national origins quota system, substituting "family reunification" and job skills as new, non-racial, criteria for immigration. Taken together, the civil rights revolution and immigration reform marked the triumph of a pluralist, civic definition of Americanism. By 1976, a public opinion survey reported that eighty-five percent of respondents agreed with the statement: "the United States was meant to be . . . a country made up of many races, religions, and nationalities."

Yet even at its moment of triumph, the civil rights movement confronted a crisis as it sought to move from access to schools, public accommodations, and the voting booth to the intractable economic divide separating blacks from other Americans. In its first decade, civil rights activity had not entirely ignored the economic dimensions of the black condition: expanded employment opportunity was one part of the "treaty" that ended the Birmingham crisis of 1963, and "Jobs and Freedom" the slogan of that year's March on Washington. But the issue had been muted, partly because of the pressing need to challenge the legal and political dimensions of black inequality, and partly because the Cold War had severed the civil rights movement from left-wing groups that linked the black condition to a broad critique of economic inequality. Even as the struggle achieved its greatest successes, however, violent outbreaks in black ghettos outside the South—Harlem in 1964, Watts in 1965 (just a few days after Johnson signed the Voting Rights Act), other cities in ensuing years—drew attention to the fact that racial justice was a national,

not Southern problem, and to the inequalities in employment, education, and housing that the dismantling of legal segregation left intact.

In the mid-1960s, with black unemployment two and a half times that of whites and average black family income little more than half the white norm, economic issues rose to the forefront of the civil rights agenda. In 1964, King called for a "Bill of Rights for the Disadvantaged" to mobilize the nation's resources to abolish the scourge of economic deprivation. His proposal was directed against poverty in general, but King also insisted that after "doing something special *against* the Negro for hundreds of years," the United States had an obligation to "do something special *for* him now."

In 1966, King launched the Chicago Freedom Movement, with demands quite different from its predecessors in the South—upgrading black employment, ending discrimination by employers and unions, equal treatment in granting mortgages, and the construction of low-income housing scattered throughout the region. His aim was nothing less than to make Chicago an "open city." Encountering the entrenched power of Major Richard J. Daley's Democratic machine and the ferocious opposition of white homeowners, the movement failed. Southern tactics—marches, sit-ins, mass arrests—proved ineffective in the face of the less overt but no less pervasive structures of racial inequality in the North. And the violent reactions of white residents of Chicago's ethnic enclaves stunned King. By 1967, when he composed his last book, *Where Do We Go From Here?*, the optimism that had sustained him during the southern phase of the movement had faded. Open housing and equal employment opportunity remained "a distant dream," he wrote, and radical economic reforms—full employment, a guaranteed annual income, "structural changes" in capitalism itself—were necessary to bring blacks fully into the social mainstream.

Even before these disappointments, the fiery orator Malcolm X had drawn on the nationalist tradition of Marcus Garvey to repudiate the integrationist ideal and insist that blacks must control the political and economic resources of their own communities and rely on their own efforts, not alliances with whites or federal assistance, to achieve full emancipation. After his death in 1965, his powerful language struck a chord among younger civil rights activists. More than any other individual, Malcolm X was the intellectual father of Black Power, a slogan that first came to national attention in 1966 when SNCC leader Stokely Carmichael and other young blacks employed it during a civil rights march in Mississippi. To King, Black Power was a "cry of disappointment, certain to alienate whites." In terms of specific content, the term was hopelessly imprecise. Black Power suggested everything from the election of more black officials (hardly a radical idea, given the long history of ethnic

politics in the United States) to the belief that black Americans were a colonized people, analogous to inhabitants of the Third World, whose freedom could only be won through a revolutionary struggle for self-determination. But however employed, the slogan's prominence marked a subtle shift in the goals of the movement, identifying it less with integration into the American mainstream than with group self-determination. Black Power helped to inspire similar movements among other racial minorities, including Native Americans and Chicanos, and a renewed emphasis on ethnic identity among third-generation whites.

Although the remarkable victories of the early 1960s were soon followed by a period of frustration, the black movement succeeded in placing the question of economic equality back on the nation's political agenda. Having swept to a landslide election victory in 1964 that shattered the conservative stranglehold on Congress, Lyndon Johnson not only presided over the legislative triumphs of the civil rights era—the Civil Rights Act of 1964, Voting Rights Act of 1965 and the Fair Housing Act of 1968 — but launched the most far-reaching domestic agenda since the New Deal. Johnson's Great Society programs provided health services to the poor and elderly (in the new Medicaid and Medicare programs) and poured federal funds into education and housing. The government's reach was felt through new agencies such as the Environmental Protection Agency and Equal Employment Opportunities Commission (the latter a fulfillment, under a new name, of the postwar campaign for a permanent FEPC). Taken together, these measures went far toward creating for the first time an "equal-opportunity welfare state" that brought under its wing those excluded from New Deal entitlements, especially blacks and working women.

Johnson's Great Society represented a remarkable reaffirmation of the ideas of social citizenship and racial equality, the most expansive effort in the nation's history to mobilize the powers of the national government to address the needs of the least advantaged Americans. His War on Poverty succeeded in greatly reducing the incidence of poverty, all but wiping it out among the elderly. But the sums expended (a total of a few billion dollars) were far too low to achieve the utopian goal of ending poverty altogether or the more immediate task of transforming the conditions of life in impoverished urban neighborhoods. Together with the civil rights movement itself, government action opened doors of opportunity for black Americans, spurring an enormous expansion of the black middle class. But millions of African-Americans remained trapped in poverty. By the 1990s, the historic gaps between white and black in education, income, and access to skilled employment had narrowed considerably. But the median wealth of white households remained

quadruple that of blacks, unemployment was far lower, and nearly a quarter of all black children lived in poverty.

The election of 1968, moreover, marked the inauguration of a long period of more conservative policies in Washington, during which civil rights issues faded slowly from the national agenda. Well before the rise of black power, indeed, a backlash against black civil rights offered conservatives new opportunities and threatened the stability of the Democratic coalition. Increasingly, explicitly racist language disappeared from political discourse. But there could be no denying that the conservative litany of law and order, local autonomy, "freedom of association," the evils of welfare, and the sanctity of property often had strong racial overtones. The surprisingly strong showing in the 1964 Democratic primaries of George Wallace, who as governor of Alabama had won national notoriety with his cry, "segregation now, segregation tomorrow, segregation forever" indicated that politicians could gain votes by appealing to white uneasiness with civil rights gains, an uneasiness by no means confined to the South. The same year witnessed the passage by popular referendum of California's Proposition 14, which repealed a 1963 law banning racial discrimination in the sale of real estate. Although Lyndon Johnson swept to victory in California, Proposition 14 received a considerable majority, winning three of four votes among whites.

The California housing battle presaged subsequent conflicts—over court-ordered busing to achieve school integration in Boston, for example—in which racism, concern for neighborhood stability, and fear of crime fused to create a fertile ground for attacks on the activist liberal state among previously Democratic ethnic working-class voters. The often crude epithets hurled against blacks by opponents of busing and open housing in South Boston, New York's Canarsie, and other such neighborhoods helped to consolidate the image of the blue-collar ethnic as a retrograde racist. But affluent suburbanites who had learned to discard such language were no less determined to keep their neighborhoods lily-white, as the California referendum showed.

As the nation approaches the end of the twentieth century, what is remarkable is how much its racial situation has changed, and how much remains the same. Thanks in large measure to a generation of affirmative action policies by public and private institutions, not only has the traditional color line been dismantled, but in every realm of American life, from sports and entertainment to universities, corporate boardrooms, and the military, an unprecedented racial diversity has been achieved and nonwhites play roles inconceivable only a few decades ago. The right to vote has been guaranteed and blacks cast ballots throughout the country in about the same proportion as whites. Nonetheless, progress in many areas remains decidedly mixed. Far more blacks live in suburbs than ever

before, but predominantly in largely black suburban communities—most suburbs remain almost exclusively white, and as a result, schools in communities throughout the nation remain effectively segregated by race. The black middle class has grown enormously, but so too has an “underclass” trapped in urban poverty. The gap in income, job categories, and education between white and black families has narrowed significantly since 1940 or 1960, but the median wealth of black families remains far below that of white counterparts, black unemployment remains, as it has historically been, double that of whites, and poverty is far more widespread among nonwhites than whites. In life expectancy and health, the gap between the races remains enormous.

The nation’s long history of unequal treatment of racial minorities, embedded in our present in these statistical indices of difference in status, have also produced profound differences in outlook. On issues ranging from the proper role of the federal government to economic policy, the equity of the criminal justice system, and even the current problems of President Clinton, public opinion polls consistently reveal an enormous difference between black and white attitudes. Most striking of all are different perceptions of race itself as a salient feature of modern American society. Most whites tend to think that race has only a minor impact on the daily experiences and future expectations of Americans whatever their background, and that blacks receive the same treatment as themselves from individuals and institutions of authority. Most nonwhites feel that race still matters a great deal, and considerable numbers report having experienced discriminatory treatment in shops and restaurants, or in encounters with the police. These differences in outlook and perception are not the result of inborn “racial” traits, but stem from the distinct historical experiences of white and nonwhite Americans. As long as the historic memory and current reality of racial inequality remain alive, so too will profound differences in how black and white Americans understand the nation’s past, present, and future.